

# CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, January 25, 2017; 5:30 PM

City Hall, 226 West 4th Street

**\*\* REVISED January 23, 2017 \*\***

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the Special City Council Meeting Minutes for January 10, 2017 and the City Council Meeting Minutes for January 11, 2017

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of the Committee of the Whole for January 18, 20017

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Design Review Board

Jon White (reappointment)  
Jeff Young (reappointment)

2. Plan & Zone Commission

Susan Lammers (reappointment)  
Robert Inghram (reappointment)  
Scott Kelling (reappointment)

3. Zoning Board of Adjustment

Judith Lee (new appointment; fills a vacancy)

IX. Presentations

A. Small Business "The Foundation of Our Community" presented to Arnold's Body Shop

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderman Rawson, Chair

## XI. Individual Approval of Items on the Discussion Agenda

1. Second Consideration: Ordinance to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04) [All Wards]
2. First Consideration: Ordinance amending Chapter 13.16.108 entitled "Property lien for unpaid fees" to include new methods of collecting outstanding utility fees. [All Wards]

### **COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON FIRST CONSIDERATION**

1. Motion for suspension of the rules.
2. Motion for passage of 2nd and 3rd considerations.
3. First Consideration: Ordinance providing for the division of taxes levied on taxable property in 2017 in the North Urban Renewal Area, pursuant to Section 403.19 of the Iowa Code. [Ward 8]

### **COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE ON FIRST CONSIDERATION**

1. Motion for suspension of the rules.
2. Motion for passage of 2nd and 3rd considerations.
4. Motion authorizing the Mayor to sign the attached water shut-off agreement for non-payment of sewer charges with Iowa American Water. [All Wards]

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

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

### Community Development

1. Third Consideration: Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]
2. Third Consideration: Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]
3. Second Consideration: Ordinance for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate

Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development. [Ward 8]

4. Resolution amending the North Urban Renewal Area Plan. [Ward 8]
5. Resolution approving Case No. F16-18 being the final plat of Utica Ridge Commercial Park 5th Addition, located at the southeast corner of I-74 and East 53rd Streets containing one (1) commercial lot. [Ward 6]
6. Resolution giving conditional approval to acquire a residential property through the Floodprone Property Acquisition Program (FAP) [All Wards]
7. Resolution adopting the Letter of Map Revision (LOMR) dated December 30, 2016, modifying Flood Insurance Rate Map (FIRM) 19163C355F by revising base flood elevations (BFEs) and the floodway for a segment of Goose Creek from approximately 400 feet upstream of Brady Street to approximately 250 feet downstream of Interstate 80. [Ward 8]
8. Motion approving purchase of two vacant lots, both in the 600 block of E. 6th (Parcel #F0051-41 & Parcel #F0051-46) for use as new single-family construction in the Riverview on 6th Neighborhood. [Ward 3]

#### Public Safety

1. Second Consideration: Ordinance amending Schedule XIII of Chapter 10.96 entitled "7-Ton Truck Restrictions" by adding Emerald Drive from Locust Street to Central Park Avenue. [Ward 1]
2. Motion approving beer and liquor license applications.

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

#### Ward 2

California Pho (Binh Van Nguyen) - 3559 W Kimberly Rd. - License Type: B Wine / B Native Wine

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

#### Ward 1

Kwik Shop #579 (Kwik Shop, Inc.) - 2805 Telegraph Rd. - License Type: E Liquor

#### Ward 2

Big 10 Mart (Molo Oil Company) - 2308 W 53rd St. - License Type: C Beer / B Native Wine

#### Ward 3

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

KC Brothers (KC 2 Brothers, Inc.) - 214 Myrtle St. - License Type: E Liquor / C Beer / B Wine

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

Third Street Bar & Grill (Michael D Hauser) - 831 W 3rd St. - Outdoor Area - License Type: C Liquor

Volkan Night Club (Volkan Night Club, Inc.) - 813 W 2nd St., Unit 2 - License Type: C Liquor

#### Ward 5

EZ Stop (Shivco Inc.) - 2923 Brady St. - License Type: E Liquor / C Beer / B Wine

#### Ward 7

Los Agaves Mexican Grill (Los Agaves, Inc.) - 3852 Brady St. - License Type: C Liquor

#### Ward 8

Big 10 Mart (Molo Oil Company) - 5310 Corporate Park Dr. - License Type: C Beer / B Native Wine

Love's Travel Stop #476 (Love's Travel Stops & Country Stores, Inc.) - 8255 Northwest Blvd. - License Type: C Beer / B Wine

### Public Works

1. First Consideration: Ordinance adding a new Chapter 2.18 to the Davenport Municipal Code that creates a Neighborhood Services Department.
2. Resolution approving the plans, specifications, form of contract and estimated cost for the Itsy Bitsy Spider Play Area at Fejervary Park project. This anticipated cost is \$120,000 and will be funded by a grant awarded to the Davenport Parks and Recreation Department, CIP #64038. [Ward 4]
3. Resolution granting permission to Central Scott Communications, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Northridge Drive from Northwest Boulevard to 8615 Northridge Drive, a total distance of approximately 1,030 feet. Agreement Reference No. 2017-F1. [Ward 8]
4. Resolution granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along West Lake Boulevard from 160th Street to 2370 West Lake Boulevard, a total distance of approximately 1,320 feet. Agreement Reference No. 2017-F2. [Ward 1]
5. Resolution granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Elmore Circle east to 5354 Elmore Circle, a total distance of approximately 170 feet. Agreement Reference No. 2017-F3. [Ward 6]

6. Resolution accepting the Transportation Alternatives Program grant in the amount of \$70,000 for the proposed Goose Creek Trail, Phase II project, CIP #02229. [Wards 7 & 8]
7. Resolution approving change order #2 in the amount of \$111,700 to the Sanitary Sewer Equalization Basin - V & K contract, CIP #02166. This change order will add six months of construction engineering services to the Water Pollution Control Plant Optimization project. [All Wards]
8. Motion to award the contract for the 53rd Street full-depth patching to Valley Construction of Rock Island, IL in the amount of \$89,000, CIP #35015. [Ward 2]

#### Finance

1. Second Consideration: Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units", thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa. [All Wards]
2. Resolution adopting the Internal Revenue Service mileage rate when reimbursing employees for use of a personal vehicle. [All Wards]
3. Motion setting a Public Hearing for the FY 2018 Operating Budget, FY 2018 Capital Improvement Plan, and the FY 2018-2023 Capital Improvement Program for February 15, 2017. [All Wards]
4. Motion awarding a contract for the Duck Creek Golf Course Clubhouse Remodeling Project to Big Dog Construction of Davenport in a not-to-exceed amount of \$94,370. CIP #64024 . [Ward 6]
5. Motion approving a contingent award for a backup and recovery solution for the City's computer servers to Alliance Technology Group LLC of Hanover, MD in the amount of \$121,845. [All Wards]

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

1. Motion for the suspension of the rules to add and vote on the following items.
2. Resolution approving an economic development agreement with Sterilite Corporation. [Ward 8]
3. Motion approving three-year collective bargaining agreements between the City of Davenport and the American Federation of State, County, and Municipal Employees (AFSCME), Local 887 for AFSCME-City and AFSCME-Library to settle three-year contract extensions. [All Wards]

#### XIV. Public with Business

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

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

Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Agenda Group: Council  
Department: City Clerk  
Contact Info: Jackie E Holecek  
Wards: All

**Action / Date**  
**1/25/2017**

Subject:  
Approval of the Special City Council Meeting Minutes for January 10, 2017 and the City Council Meeting Minutes for January 11, 2017

ATTACHMENTS:

| Type         | Description  |
|--------------|--------------|
| ▣ Cover Memo | SPCC Minutes |
| ▣ Cover Memo | CC Minutes   |

REVIEWERS:

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 1/12/2017 - 10:44 AM |

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, January 10, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Special session at 4:00 PM with Mayor Klipsch presiding and all aldermen present except Ald. Dickmann.

On motion by Ald. Justin, second by Ald. Boom, with all alderman present voting aye, Council recessed to Executive Session at 4:02 p.m. for the purpose of discussing strategy for upcoming labor negotiations with the City's organized employees pursuant to Iowa Code Section 20.17(3). Council reconvened in Executive Session at 4:04 p.m. with Mayor Klipsch and all alderman present. On motion by Ald. Justin, second by Ald. Gordon the Council reconvened in Open Session at 4:58 p.m.

On motion Council adjourned at 4:58 P.M.

A handwritten signature in black ink that reads "Jackie E. Holecek". The signature is written in a cursive, flowing style.

Jackie E. Holecek, MMC  
Deputy City Clerk

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, January 11, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Klipsch presiding and all aldermen present.

The minutes of the December 14, 2016 City Council meeting were approved as printed.

The report of the Committee of the Whole was as follows: COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, January 4, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present. The following Public Hearings were held: Community Development: for an Ordinance to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04); for the Ordinance for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development; Public Works: hearing approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy; hearing on the plans, specifications, form of contract and estimated cost for the Rockingham Road Improvement project, estimated cost \$3,300,000 funded in CIP #35018 from GO Bonds; Finance: on the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B; on the issuance of not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. The following Proclamation was Issued: Human Trafficking Awareness Month, 01. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Boom reviewed all items listed. On motion by Ald. Gripp, second by Ald. Matson items 5 and 7 moved to the Discussion Agenda; all other items moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Justin all items moved to the Consent Agenda. Public Works:

Ald. Ambrose reviewed all items listed. On motion by Ald. Dunn, second by Ald. Matson all items moved to the Consent Agenda. Finance: Ald. Gordon reviewed all items listed. On motion by Ald. Tompkins, second by Ald. Boom all items moved to the Consent Agenda. Council adjourned at 7:06 p.m.

The following Proclamations were issued: National Mentoring Month, Village Heights Recognized Neighborhood, 02.

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

The following ordinance moved to second consideration: to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted".

The following resolution was adopted: providing preliminary approval for economic development assistance to Sterilite Corporation. 03.

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

Community Development: The following ordinance moved to second consideration: for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development. The following ordinances moved to third consideration: for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue; for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. The following ordinance was

adopted: for Case No. ORD16-02 being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements, 04.

The following resolution was adopted: approving Case No. FDP16-07: Request of Lange, Inc. for a PDD Final Development Plan on three acres, more or less, located west of Utica Ridge Road and north of Market Square Circle, 05.

The following motions were passed: to set a public hearing for January 18, 2017 at 5:30pm in the Council Chambers for the purpose of amending and expanding the North Urban Renewal Area, 06; to set a public hearing for the purpose of considering the approval of an economic development agreement with Sterilite Corporation, 07; approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from CDBG Year 41 ending June 30, 2016, 08.

Public Safety: The following ordinance was moved to second consideration: amending Schedule XIII of Chapter 10.96 entitled "7-Ton Truck Restrictions" by adding Emerald Drive from Locust Street to Central Park Avenue.

The following resolution was adopted: closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s), 09.

The following motion was passed: approving all submitted beer and liquor license applications, 10.

Public Works: The following resolutions were adopted: for the plans, specifications, form of contract and estimated cost for the Rockingham Road Improvement project, estimated cost \$3,300,000, funded in CIP #35018 from GO Bonds, 11; approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy, 12; acceptance for the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvements constructed by McCarthy Improvement Company of Davenport, Iowa. The City funded \$204,000 and a DOT grant funded \$816,000 for a total project cost of \$1,020,000 budgeted in CIP #01792, 13.

The following motions were passed: the purchase agreement for the acquisition of a permanent sewer easement and temporary construction and access easement from Bowling

Center, Inc in the amount of \$72,250 for the replacement of the 8" sanitary sewer main at Kimberly Road and Harrison Street, CIP #30028, 14; accepting the Birchwood Area Parallel Sewer Project completed by Valley Construction of Rock Island, IL. This project was satisfactorily completed with a final contract amount of \$1,215,000 budgeted in CIP #01905, 15; to award the contract for the West River Drive sanitary sewer relief project to Langman Construction, Inc. of Rock Island, IL in the amount of \$83,215, 16.

Finance: The following ordinance was moved to second consideration: amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units", thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa.

The following resolutions were adopted: making provisions for the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B, 17; making provisions for the issuance of not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C, 18.

The following motions were passed: awarding a contract for a Quad Cities transit coordination and consolidation analysis to HNTB Corporation of Kansas City, MO in the amount of \$129,233, 19; awarding a contract to replace the carpet in the Adler Theatre Grand Lobby, Grand Staircase, and Mezzanine levels to Paragon Interiors of Davenport in the amount of \$55,044, 20.

The following is a summary of revenue received for the month of November 2016:

|                          |           |
|--------------------------|-----------|
| Property taxes           | 4,771,719 |
| Other City taxes         | 2,910,550 |
| Special assessments      | -0-       |
| License & Permits        | 155,202   |
| Intergovernmental        | 1,743,063 |
| Charges for services     | 3,522,299 |
| Use of monies & property | 189,343   |
| Fines & Forfeits         | 108,591   |
| Bonds/Loan Proceeds      | 1,664,104 |
| Miscellaneous            | 474,700   |

January 11, 2017

On motion Council adjourned at 6:47 P.M.

A handwritten signature in black ink that reads "Jackie E. Holecek". The signature is written in a cursive, flowing style.

Jackie E. Holecek, MMC  
Deputy City Clerk

City of Davenport

Agenda Group: Council  
Department: City Clerk  
Contact Info: Jackie E Holecek  
Wards: All

**Action / Date**  
**1/25/2017**

Subject:  
Approval of the Report of the Committee of the Whole for January 18, 20017

ATTACHMENTS:

| Type         | Description       |
|--------------|-------------------|
| ▯ Cover Memo | COW Report 011817 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 1/19/2017 - 10:27 AM |

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, January 18, 2017---

The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present except Ald. Justin. The following Public Hearings were held: Community Development: for the purpose of amending and expanding the North Urban Renewal Area; for the purpose of considering the approval of an economic development agreement with Sterilite Corporation, originally referred to as Project Prairie; Public Works: on the plans, specifications, form of contract and estimated cost for the Itsy Bitsy Spider Play Area at Fejervary Park project. This anticipated cost is \$120,000 and will be funded by a grant awarded to the Davenport Parks and Recreation Department, CIP #64038. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Boom reviewed all items listed. On motion by Ald. Gripp, second by Ald. Matson items 3 & 5 (#5 with a recommendation to suspend the rules and and pass on first consideration); items 1, 2, 4, 6-10 moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Matson all items moved to the Consent Agenda. Public Works: Ald. Ambrose reviewed all items listed. On motion by Ald. Dunn, second by Ald. Matson all items moved to the Consent Agenda. Finance: Ald. Gordon reviewed all items listed. On motion by Ald. Tompkins, second by Ald. Boom item 2 (with a recommendation to suspend the rules and and pass on first consideration) and 4 moved to the Discussion Agenda; item 1, 3, 5-7 moved to the Consent Agenda. On motion by Ald. Matson, second by Ald. Ambrose, with all alderman present voting aye, Council recessed to Executive Session at 6:30 p.m. for the purpose of discussing strategy for upcoming labor negotiations with the City's organized employees pursuant to Iowa Code Section 20.17(3). Council reconvened in Executive Session at 6:34 p.m. with Mayor Klipsch and all alderman present. On motion by Ald. Raawson, second by Ald. Matson the Council reconvened in Open Session at 6:42 p.m. Council adjourned at 6:42 p.m.

## City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 326-7743  
Wards: All

**Action / Date**  
**1/4/2017**

### Subject:

Second Consideration: Ordinance to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04) [All Wards]

### Recommendation:

Pass the Ordinance

### Relationship to Goals:

Strengthen Neighborhood and Community Connections

### Background:

There is heightened interest in raising urban chickens as a way to provide fresh eggs for households as well as personal enjoyment and satisfaction. Many communities in Iowa as well as cities across the U.S. have enacted regulations over the past few years. Communities surveyed indicate no major problems associated with urban chickens outside of occasional nuisance issues.

Council has directed staff to prepare an ordinance for consideration. The proposed ordinance is similar to recently enacted language in Rock Island and Cedar Rapids which includes the following standards:

- Limited to single family dwellings only
- Limited to no more than six (6) hens.
- Coops restricted to the rear yard no closer than 10 feet from a property line or 25 feet from a dwelling.
- A license from the City (issued by the Revenue Division) is required.
- Training of licensees is required.
- Performance standards to ensure cleanliness of operations are included.

If enacted, enforcement of this ordinance will be the responsibility of the Community Services Division of Public Works.

See attached for additional information.

### ATTACHMENTS:

| Type              | Description           |
|-------------------|-----------------------|
| □ Backup Material | Ordinance Comparison  |
| □ Backup Material | Presentation 11-15-16 |
| □ Ordinance       | Proposed Ordinance    |

### REVIEWERS:

| Department            | Reviewer | Action | Date |
|-----------------------|----------|--------|------|
| Community Development |          |        |      |

Committee  
City Clerk

Berger, Bruce  
Admin, Default

Approved  
Approved

12/27/2016 - 10:28 AM  
12/27/2016 - 10:29 AM

| Municipality    | Chickens Allowed? | Summary of Performance Standards                                                                                   | Other                                                  |
|-----------------|-------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Ames            |                   |                                                                                                                    |                                                        |
| Ankeny          | No                |                                                                                                                    |                                                        |
| Bettendorf      | No                |                                                                                                                    |                                                        |
| Cedar Falls     |                   |                                                                                                                    |                                                        |
| Cedar Rapids    |                   |                                                                                                                    |                                                        |
| Clive           |                   |                                                                                                                    |                                                        |
| Council Bluffs  | Yes               | Neighbors within 150' must consent.                                                                                |                                                        |
| Des Moines      | Yes               | Confinements 25' from neighboring residential properties; liberal limits on types of species and number of animals |                                                        |
| Dubuque         | Yes               | Enforcement on nuisance basis only                                                                                 |                                                        |
| Iowa City       | Yes               | 4 chickens per lot; neighbors must sign consent form                                                               | According to staff, less headache than dog complaints. |
| Johnston        |                   |                                                                                                                    |                                                        |
| Marion          | Yes               | By permit                                                                                                          | Successful according to City staff.                    |
| Norwalk         | Yes               | 4 chickens per lot, annual license fee                                                                             | Recently adopted                                       |
| Pleasant Hill   | No                |                                                                                                                    |                                                        |
| Sioux City      |                   |                                                                                                                    |                                                        |
| Urbandale       | No                |                                                                                                                    |                                                        |
| Waterloo        |                   |                                                                                                                    |                                                        |
| Waukee          | No                |                                                                                                                    |                                                        |
| West Des Moines |                   |                                                                                                                    |                                                        |

# **URBAN CHICKENS - BACKGROUND**

**Nationally and regionally, interest in raising backyard chickens is growing.**

**Trend is to have as pets and for egg production.**

**In Iowa, cities like Des Moines, Cedar Rapids, Waterloo, Iowa City, Dubuque, and Ames allow urban chickens.**

**In September, Council asked staff to prepare an ordinance for consideration.**

# **HIGHLIGHTS OF THE DRAFT ORDINANCE**

-  **Up to six hens**
-  **Only in residentially zoned areas**
-  **Permit and fee will be required**
-  **Applicant must successfully complete approved class & show documentation**
-  **Must be a single-family dwelling, occupied by the applicant (owner permission required if rental/non-owner)**
-  **Land for permit shall be free of liens/judgments**

# HIGHLIGHTS OF THE DRAFT ORDINANCE

- 🥚 Chickens not allowed in the front yard
- 🥚 Shall be kept in an enclosure or fenced
- 🥚 During non-daylight hours, chickens must be secured within henhouse or chicken tractor
- 🥚 Henhouse must be minimum of 4 sq. ft. per bird
- 🥚 Henhouse/tractors shall be 10+ feet from property line and 25+ feet from any principal structure



# THE CREATIVE WORLD OF BACKYARD CHICKEN COOPS



(Chicken Tractor)



# **HIGHLIGHTS OF THE DRAFT ORDINANCE**

-  Enforcement would be “by complaint” and follow nuisance abatement protocol.
-  Permitting Officer (designated by City Administrator).
-  If permit is denied/revoked/suspended, applicant may submit appeal to Council w/in 10 days.

| URBAN CHICKEN ORDINANCE COMPARISON                   |                                                                                                                  |                                                                                                      |                                                                                                  |                                                                                                  |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                                                      | Dubuque                                                                                                          | Cedar Rapids                                                                                         | Rock Island                                                                                      | Davenport (Proposed)                                                                             |
| Permit Required?                                     | No                                                                                                               | Yes                                                                                                  | Yes                                                                                              | Yes                                                                                              |
| Fee                                                  | None                                                                                                             | \$25.00                                                                                              | \$25.00                                                                                          | \$25.00                                                                                          |
| Maximum Hens Allowed                                 | No limit                                                                                                         | 6                                                                                                    | 6                                                                                                | 6                                                                                                |
| Setbacks                                             | Accessory building setbacks apply, typically 5'; must be in rear yard.                                           | Must be in rear yard; 10' setback from property lines, at least 25' from any principal structure     | Must be in rear yard; 10' setback from property lines, at least 25' from any principal structure | Must be in rear yard; 10' setback from property lines, at least 25' from any principal structure |
| Misc.                                                | Performance standards apply                                                                                      | Performance standards apply; applicant must take class                                               | Performance standards apply                                                                      | Performance standards apply                                                                      |
| Approx. number of households with chickens currently | Unknown                                                                                                          | 80-100                                                                                               | No response                                                                                      |                                                                                                  |
| Comments                                             | Relies on public education and enforcement of nuisance regulations. Complaints are infrequent but they do occur. | Biggest challenge is the administration/ and tracking annual permits. Few complaints from neighbors. | No response                                                                                      |                                                                                                  |

# **ORDINANCE APPROVAL PROCESS**

-  **Adoption requires three readings**
-  **If start in December, could be adopted in January**
-  **Staff would prepare guidelines/steps for applicants**
-  **Coordinate with volunteer advocates**
-  **Applicants could have spring chickens**



## ORDINANCE NO. 2017

An ORDINANCE to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04)

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

Section 1. That Chapter 6.06 of the Davenport Municipal Code be added to read as follows:

### CHAPTER 6.06: URBAN CHICKENS

#### Section 6.06.010. Definitions:

Chicken: A member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

Chicken Tractor: A lightweight portable chicken coop without a solid floor that allows the chickens to forage for weeds and insects.

Henhouse: A hen house or chicken coop is a structure where female chickens are kept.

Permitting Officer: The City Administrator or designee.

Permittee: An applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this Chapter. If the applicant does not own the property where the chickens are to be kept, the owner of the property must be the joint permittee.

Urban Chicken: A chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

#### Section 6.06.020. Administration:

#### Section 6.06.021 Permit Required.

No person shall raise, harbor or keep chickens within the City of Davenport without a valid permit obtained from the Permitting Officer under the provisions of this Division.

#### Section 6.06.022 Application.

In order to obtain a permit, an applicant shall submit a completed application on forms provided by the Permitting Officer, either on-line or in paper form, and pay all fees required by this Chapter.

#### Section 6.06.023 Requirements.

The requirements to receive of a permit include:

- (A) All requirements of this Division are met.
- (B) All fees, as may be provided for from time to time by city council resolution, for the permit are paid in full.
- (C) All amounts owed to the City, including but not limited to liens, fines and judgments must be paid in full.
- (D) The tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the permittee. Owner permission shall be required if the single family dwelling is occupied by someone other than the owner.
- (E) The applicant has successfully completed an approved class in raising chickens in an urban setting. A certificate, or other documentation, of completion shall be provided to the Permitting Officer. The Permitting Officer shall maintain a current list of such approved classes.

#### Section 6.06.024. Issuance of Permit.

If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Officer shall issue the permit.

#### Section 6.06.025. Denial, suspension, revocation, non-renewal.

The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- (A) False statements on any application or other information or report required by this section to be given by the applicant;
- (B) Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or city council resolution;
- (C) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- (D) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee.
- (E) Failure to comply with any provision of this Division.
- (F) Notification. A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

(G) Effect of Denial or Revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one (1) year from the date of the denial or revocation.

(H) Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. Said hearings shall be conducted in accordance with Chapter 2.86 of the Davenport Municipal Code. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chicken may appeal the decision to the city council within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the Permitting Officer which is not appealed in accordance to this Division shall be deemed final action.

#### Section 6.06.030. Number and Type of Chickens Allowed:

Only a maximum of six (6) female chickens (hens) are allowed for each tract of land.

#### Section 6.06.040. Zoning Districts Allowed:

Permits may be granted for tracts of land with single family residential being the principal use located in the following residential districts: R-1, R-2, R-3, R-4, R-5, R-5M, R-6M, TND, or any residential zoning district which has a PUD overlay. In addition, permits may be granted for tracts of land with single family residential being the principal use located in the following commercial or industrial districts: O-T, C-O, C-1, C-2, M-1, M-2.

#### Section 6.06.050. Non-Commercial Use Only:

Chicken breeding or fertilizer production for commercial purposes is prohibited.

#### Section 6.06.060. Enclosures:

(A) Chickens shall be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours. Chickens shall not be allowed in the front yard at any time.

(B) Enclosures shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

(C) Henhouses shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds and predators, including dogs and cats.

(D) Henhouses and chicken tractors.

(1) Henhouses shall be designed to provide safe and healthy living conditions for the chickens with a minimum area of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

(2) A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of one (1) inch or smaller openings.

(3) The materials used in making a henhouse shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. Construction of henhouses and chicken tractors shall be done in a good workmanlike manner. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

(4) Henhouses shall only be located in the rear yard unless the setback requirements cannot be met in which case they may be kept in a side yard but within the required setbacks.

(5) Henhouses and chicken tractors shall be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any principal structure, and shall meet all other accessory structure provisions of the Zoning Ordinance.

#### Section 6.06.070. Odor and Noise Impacts:

Odors and/or noise from chickens, chicken manure or other chicken related substances shall not be perceptible to persons of reasonable sensitivity beyond the boundaries of the permitted tract of land.

#### Section 6.06.080. Predators, Rodents, Insects, and Parasites:

The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an authorized authority.

#### Section 6.06.090. Feed and Water:

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

#### Section 6.06.100. Waste Storage and Removal:

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, and surrounding area shall be kept free from trash and accumulated droppings.

Uneaten feed shall be removed in a timely manner.

#### Section 6.06.110. Chickens at Large:

The Permittee shall not allow his or her chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.

#### Section 6.06.120. Unlawful Acts:

(A) It shall be unlawful for any person to keep chickens in violation of any provision of this Division or any other provision of the City Code.

(B) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this Division.

(C) No person shall keep chickens inside a dwelling unit or any other structure than an approved henhouse or chicken tractor.

(D) No person shall slaughter any chickens within the City of Davenport outside of legally operating poultry production facilities.

(E) No person shall keep a rooster.

(F) No person shall keep chickens on a vacant or uninhabited tract of land.

(G) It shall be lawful to dispose of any chicken carcass other than in accordance of Chapter 8.08.09 of the Davenport Municipal Code.

#### Section 6.06.130. Use of Outside Resources.

The City may utilize outside resources and volunteers in efforts to educate and train potential permit holders on the proper keeping of urban chickens in the City of Davenport.

#### Section 6.06.140. Nuisances:

Any violation of the terms of this Division that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Title 8.12 of the Davenport Municipal Code (Nuisances).

Section 2. That Chapter 6.04.055 of the Davenport Municipal Code be amended to read as follows:

6.04.055      Livestock and poultry prohibited.

A. Notwithstanding the provisions of Chapter 5.24 of the Davenport Municipal Code, it shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian pot-bellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

Section 3. That Chapter 8.12.150 of the Davenport Municipal Code be amended to read as follows:

8.12.150      Keeping of Animals and Fowl Restricted.

A. Notwithstanding the provisions of Chapter 5.24 of the Davenport Municipal Code, no person shall collect or keep any horses, mules, cattle, swine, sheep, goats, rabbits or any other animals in any pen, yard or enclosure or place within the built-up portion of the city, or elsewhere so as to create a nuisance.

B. Notwithstanding the provisions of Chapter 5.24 of the Davenport Municipal Code, no person shall collect or keep any chickens, ducks, geese or any other fowls within the built-up portion of the city; nor shall the same be kept by any person elsewhere in the city unless the same are kept in a proper pen or enclosure. Such pen or enclosure shall at all times be kept clean and free from noisome or offensive odors and such fowls shall be kept in such a manner so as not to create a nuisance of any kind.

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 upon final passage and publication as by law provided.

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch, Mayor

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

Jackie Holecek, MMC  
Deputy City Clerk

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

City of Davenport

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

**Action / Date**  
**1/18/2017**

Subject:

First Consideration: Ordinance amending Chapter 13.16.108 entitled "Property lien for unpaid fees" to include new methods of collecting outstanding utility fees. [All Wards]

**COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND  
PASSAGE ON FIRST CONSIDERATION**

1. Motion for suspension of the rules.
2. Motion for passage of 2nd and 3rd considerations.

Recommendation:  
Approve the ordinance

Relationship to Goals:  
Financially Responsible City Government

Background:

The City of Davenport has always actively collected delinquent utility invoices, sixty days after a utility bill is issued. Historically, approximately 15% of utility balances remain unpaid after this time period. These balances are then either levied to the County or sent to a collection agency to be actively collected and turned over to the State of Iowa to participate in the Iowa Income Offset program.

The State of Iowa has passed a new statute allowing a water utility to enter into an agreement with a city utility, city enterprise, combined city utility, or combined city enterprise to disconnect water service for outstanding balances for sewer and clean water fees. Iowa Code establishes the minimum requirements needed to have Iowa American Water (IAW) disconnect water service for delinquent sewer and clean water fees owed to the City.

Some highlights of the program are:

1. The City of Davenport is required have an agreement with Iowa American Water (IAW) defining the disconnect process.
2. A customer must have a delinquent sewer and clean water balance in excess of \$500, which can be changed from time to time after notice is provided to the City Council.
3. The customer will receive a written notices at least 12 days prior to disconnection.
4. The customer has the ability to contest the invoice.
5. Disconnection will not occur after 3:00pm, on weekends, holidays, or the day after a holiday.
6. Customer will be allowed to sign up to two agreements to pay delinquent balances.
7. Staff will allow qualifying customers subject to disconnection to sign up for the Utility Exemption Program.

The City wants to utilize all resources available to collect delinquent utility bills. Disconnection will be used after other collection options prove unsuccessful. An effective collection program is an integral component of lower utility rates and financial solvency.

**ATTACHMENTS:**

| Type        | Description                  |
|-------------|------------------------------|
| ▣ Ordinance | Ordinance Amending 13.16.108 |

**REVIEWERS:**

| Department        | Reviewer              | Action   | Date                |
|-------------------|-----------------------|----------|---------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/12/2017 - 3:52 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/12/2017 - 3:52 PM |
| City Clerk        | Admin, Default        | Approved | 1/12/2017 - 4:03 PM |

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 13.16.108 ENTITLED "PROPERTY LIEN FOR UNPAID FEES"  
TO "UNPAID FEES."

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

SECTION 1: That Chapter 13.16.108 shall be amended in its entirety to read as follows:

**13.16.108 Unpaid fees.**

- A. Unpaid sewer fees will be handled by one or a combination of the following collection methods:
  - 1. The city treasurer shall certify to the county treasurer any comprehensive sewer user charge which is owed sixty days after the invoice is issued. All certified charges constitute a lien upon the premises served by the sanitary sewer system for which the charges were made and shall be collected in the same manner as taxes. Failure to send or receive a bill for comprehensive sewer user charges is not a defense to the collection of the charges.
  - 2. Add a collection fee to customer balances and turn accounts over to a collection agency;
  - 3. Turn accounts over to the State of Iowa to participate in the Iowa Income Offset program which is covered under Chapter 8A.504 of the Iowa Code.
  - 4. City staff may order suspension of utility services to those premises for which the comprehensive sewer and/or clean water user charge is delinquent including but not limited to notifying Iowa American Water (IAW) to suspend water service as allowed by State of Iowa Code §476.20(1)(b) and 199 IAC 21.4(7). Disconnection of service shall be permitted according to the conditions:
    - a. The City must enter into an agreement with Iowa American Water
    - b. The City shall notify the person promptly of the reason for refusal to serve and the person's right to file a complaint with the Iowa Utilities Board.
    - c. The customer must have a combined delinquent balance of sewer and clean water fees in excess of an amount to be established by the Finance Director after notice is provided to the Mayor and City Council.
    - d. The City must send a letter to the customer notifying the customer of the delinquent balance, allow the customer 12 days to respond excluding Sundays and holidays.
    - e. Allow the customer to enter up to two written agreements for the duration of 12 months to pay off the delinquent balance.
    - f. Reconnect fees must be consistent with the water utilities approved tariff.

5. Collection fees shall be established by and additional collection methods may be initiated by the Finance Director.

SEVERABILITY CLAUSE: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of the ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained not illegal or void provisions.

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch

Mayor

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

Jackie Holecek, MMC

Deputy City Clerk

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

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Bruce Berger, 326-7769  
Wards: 8

**Action / Date**  
**1/18/2017**

Subject:

First Consideration: Ordinance providing for the division of taxes levied on taxable property in 2017 in the North Urban Renewal Area, pursuant to Section 403.19 of the Iowa Code. [Ward 8]

**COMMITTEE OF THE WHOLE RECOMMENDS SUSPENSION OF THE RULES AND  
PASSAGE ON FIRST CONSIDERATION**

1. Motion for suspension of the rules.
2. Motion for passage of 2nd and 3rd considerations.

Recommendation:  
Approve the ordinance.

Relationship to Goals:  
Added emphasis on economic development.

Background:

The City of Davenport is seeking to amend the North Urban Renewal Area Plan. The amended plan is attached.

This ordinance adds this land to the North Urban Renewal Area to allow the City to support the expansion of Sterilite Corporation to Davenport through the use of tax increment financing.

ATTACHMENTS:

| Type        | Description             |
|-------------|-------------------------|
| ▣ Ordinance | Ordinance for North URA |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 10:55 AM |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 10:55 AM |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 11:57 AM |

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2017 ADDITION TO THE NORTH URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2017 Addition to the North Urban Renwal Area of the City of Davenport, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Davenport to finance projects in the such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Davenport, Iowa.

“County” shall mean Scott County, Iowa.

“Urban Renewal Area Amendment” shall mean the 2017 Amendment of the North Urban Renewal Area of the City of Davenport, Iowa, the boundaries of which are set out below, approved by the City Council by resolution adopted on the \_\_\_\_ day of \_\_\_\_\_, 2017.

Parcels 932733001 & 932749002

Commencing at the southeast corner of the southwest quarter of Section 27; thence, along the south line of the southwest quarter of said Section, South 88 degrees 08 minutes 56 seconds West, a distance of 1330.82 feet, to the east line of the west half of the southwest quarter of said section and the Point of Beginning; thence, continuing along said south line, South 88 degrees 08 minutes 56 seconds West, a distance of 1320.82 feet, to the east line of a rail spur right of way line as conveyed to the City of Davenport, as described within Document Number 1922-2011; thence along said right of way line for the next three (3) courses: North 02 degrees 09 minutes 49 seconds West, a distance of 598.24 feet; thence, South 87 degrees 50 minutes 11 seconds West, a distance of 10.00 feet; thence, North 02 degrees 09 minutes 49 seconds West, a distance of 2058.32 feet, to the south right of way line of Slopertown Road; thence along said south right of way line and the arc of the 1943.00 foot radius curve, concave northerly, a distance of 0.06 feet, said curve has a chord bearing of North 81 degrees 59 minutes 42 seconds West and a distance of 0.06 feet to the west line of said southwest quarter; thence, along the west line of the northwest quarter of said Section, North 02 degrees 06 minutes 50 seconds West, a distance of 33.53 feet, to the centerline of Slopertown Road; thence along said centerline and the arc of a 1911.00 foot radius curve, concave northerly, a distance of 342.80 feet, said curve has a bearing of South 86 degrees 57 minutes 02 seconds East and a distance of 342.34 feet; thence, continuing along said centerline and the north line of said southwest quarter, North 87 degrees 54 minutes 28 seconds East, a distance of 992.96 feet, to the east line of said west half of said southwest quarter; thence South 02 degrees 05 minutes 52 seconds East, a distance of 2664.96 feet, to the Point of Beginning. EXCEPTING therefrom the northern 250 feet.

The above described real estate contains 81 acres, more or less; and is subject to the right of the public for roadway purposes for Slopertown Road. The roadway easement for Slopertown contains approximately 1.012 acres.

For the purposes of this description the south line of the southwest quarter of said Section is assumed to have a bearing of South 88 degrees 08 minutes 56 seconds West.

Parcels 932735003, 932751003 & 932735004

The East Half of the Southwest Quarter of Section 27, Township 79 North, range 3 East of the 5<sup>th</sup> P.M., containing 80 acres, excepting the northern 250 feet. EXCEPT, those parts conveyed in Warranty Deed filed June 26, 1985, and recorded as Document No. 9663-85; in Quit Claim Deed filed June 26, 1985, and recorded as Document No. 9664-85; and in Easement filed July 26, 1985 and recorded as Document No. 11444-85; all in the Recorder's Office of Scott County, Iowa. EXCEPTING therefrom the northern 250 feet.

Part of the Northeast Quarter of the Southwest Quarter of Section 27, township 79 North, Range 3 east of the 5<sup>th</sup> Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the center of said Section 27; thence South 0 degrees 00 minutes 00 seconds East along the East line of said Southwest Quarter, a distance of 450.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to the point of beginning on the West right of way line of Division Street; thence South 0 degrees 00 minutes 00 seconds East along said West right of way line, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 565.00 feet; thence North 0 degrees 00 minutes 00 seconds West, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 565.00 feet to the point of beginning; said described tract containing 265,550 square feet (6.10 acres), more or less.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys

advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

Jackie Holecek, CMC  
Deputy City Clerk

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

City of Davenport

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

**Action / Date**  
**1/18/2017**

Subject:  
Motion authorizing the Mayor to sign the attached water shut-off agreement for non-payment of sewer charges with Iowa American Water. [All Wards]

Recommendation:  
Approve the motion

Relationship to Goals:  
Financially Responsible City Government

Background:  
The State of Iowa passed a new statute allowing privately owned water utilities to partner with a municipality to disconnect water for delinquent sewer and clean water fees. The main requirement of the partnership is the water utility and municipal utility must enter into an agreement to disconnect water service for outstanding balances for sewer and clean water services.

City staff and members from Iowa American Water have agreed to the terms in the attached agreement, which fulfills the requirements of Iowa Code and both organizations. The agreement outlines the procedure for which all disconnections occur, including reconnect times and associated fees, number of disconnects per week (5), required notices to the customer, acceptable times/days to disconnect, and the presence of a City of Davenport employee at the disconnection to answer questions the customer may have.

The City wants to utilize all resources available to collect delinquent utility bills. Disconnection will be used after other collection options prove unsuccessful. An effective collection program is an integral component of lower utility rates and financial solvency.

Staff recommends approval of the motion authorizing the Mayor to sign the attached water shut-off agreement with Iowa American Water.

ATTACHMENTS:

| Type              | Description   |
|-------------------|---------------|
| ▢ Backup Material | IAW Agreement |

REVIEWERS:

| Department        | Reviewer              | Action   | Date                |
|-------------------|-----------------------|----------|---------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/12/2017 - 4:40 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/12/2017 - 4:40 PM |
| City Clerk        | Admin, Default        | Approved | 1/12/2017 - 4:40 PM |

## WATER SHUT-OFF AGREEMENT FOR NON-PAYMENT OF SEWER CHARGES

THIS WATER SHUT-OFF AGREEMENT FOR NON-PAYMENT OF SEWER CHARGES (the "Agreement") is made effective as of the \_\_\_\_ day of \_\_\_\_\_, 2017 (the "Effective Date"), by and between Iowa-American Water Company, an Iowa corporation (the "Company"), and the City of Davenport, an Iowa municipal corporation (the "City"). Hereinafter the Company and the City may be referred to individually as a "Party", and collectively as the "Parties".

WHEREAS, the Company is a public utility regulated by the Iowa Utilities Board and provides potable water services to customers in and around the boundaries of the City; and

WHEREAS, the City provides sewer collection and treatment services to customers in and around the municipal boundaries of the City, and bills said customers for the sewer collection and treatment services it provides; and

WHEREAS, the Company is authorized, pursuant to the provisions of the Iowa Code §476.20(1)(b) and 199 IAC 21.4(7), to enter into an agreement to disconnect the supply of water from its potable water distribution system to any premises at which the user's charges for sewer collection and treatment service supplied by the City are delinquent and the City has completed the disconnection notification procedures established in its ordinances.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Definitions. Capitalized terms used herein shall have the following meanings:

"Charges" means the charges billed by the City to a User for the use of the City's sewer collection and treatment system and/or clean water fees.

"Term" means the period of time the Agreement is in force (including any renewal) with the initial period beginning on the Effective Date and ending on the first (1st) anniversary thereof, unless terminated earlier pursuant to Section 5.

"User" means any person(s) or premise that discharges wastewater into the City's sewer collection and treatment system and is a customer of the Company.

2. Shut-off Services

a. When the City determines, in accordance with applicable Iowa law and City ordinances, that a User's Charges remain unpaid and delinquent after the City has completed the disconnection notification procedures established in its ordinances, the City may make a specific request to the Company to terminate water service to the City's User until such time as the Charges and all related costs are paid in full.

Such request shall be made pursuant to the "City of Davenport Shut-off / Release Procedure" attached hereto as Exhibit A (the "Procedure"), and shall include the name of the User whose Charges remain unpaid and delinquent and the address of the premises where such sewer service was received. By submitting the name of a User for disconnection, City certifies:

- (1) that said User's Charges remain unpaid and delinquent after the City has completed the disconnection notification procedures established in its ordinances;
- (2) that said User has been afforded written notice, by first class mail, of (i) the arrearage amount, and (ii) the City's intent to terminate sewer treatment service by means of a specific request to the Company to discontinue said User's water service;
- (3) that the User has been afforded a right to be heard on the correctness of the City's record of arrearage;
- (4) that all Federal and State Constitutional as well as all Federal and State statutory prerequisites applicable to the collection of debt have been properly satisfied by the City or the Company; and
- (5) that the City has complied with its policies and procedures regarding the billing and shut-off notification process.

b. Pursuant to the Procedure, the Company shall send the User a notice of disconnection of water service for failure to pay the Charges owed to the City, which notice shall allow the User twelve (12) days, excluding Sundays and legal holidays, after the mailing of the notice to take necessary action to satisfy the Charges. Upon expiration of the 12-day period, the Company shall, within twenty (20) days, send an employee of the Company to the premises as identified by the City and terminate the water service to such premises after having first advised any responsible person present at such premises of the termination of water service at the request of the City due to non-payment of User's Charges.

c. Upon satisfaction of the Charges by the User, the City shall provide prompt notice to the Company that the Charges have been satisfied, and the Company shall reconnect water service as provided for in the Company's tariff and pursuant to the Procedure.

d. The Company will not disconnect a User's water service after 3 p.m. or on a Friday, Saturday, Sunday, legal holiday, or the day before a legal holiday. Notwithstanding anything to the contrary herein stated the Company reserves the exclusive right, at its sole discretion, to process the City's requests for termination of water service on such schedules and at such times as is convenient to the Company and are consistent with the Company's normal business practice and procedure.

e. The Company's actions required under this Agreement shall be excused upon the occurrence of matters beyond its control, including but not limited to employee work stoppages, strikes, inclement weather, or emergencies. Termination will not be completed if the Iowa Utilities Board, a local board of health, municipality, fire district, court of competent jurisdiction or other governmental entity having jurisdiction issues an instruction to the Company so stating. At such time, the Company will relay such instruction to the City, and the Company will not knowingly take further actions toward termination until the appropriate governmental entity or the City notifies the Company in writing that the conflict with the termination(s) has been resolved and provides written evidence thereof. Thereafter, the City shall indemnify, defend, and hold the Company harmless for actions taken by the Company based on the City's notification.

f. In no event shall the Company be required to disconnect a fire line service without authorization from the governmental authority responsible for fire protection to the affected property, even in cases of combined fire and domestic service lines.

3. Shut-off Services Fee.

The City shall pay to the Company, within thirty (30) days of receipt of an invoice from the Company, the sum of Forty-Six Dollars (\$46.00), in addition to an administrative fee of Ten Dollars (\$10.00) (the "Administrative Fee"), to cover the Company's cost of terminating and restoring water supply to each premise that requires a shut-off; provided, however, that the cost for any service turned on at the request of a User after regular hours or on a Saturday, Sunday, or holiday, will be the actual cost incurred by the Company, which is One Hundred Twenty-Five Dollars (\$125.00). Such invoice shall be sent and payable following termination of service, even if restoration is not requested; the Administrative Fee shall be payable after the Company sends a notice of disconnection, even if termination of service does not occur. When it is necessary for the Company to repair damaged customer-owned curb stops or curb boxes to effect discontinuation of water service on account of non-payment of the Charges, the City will be responsible for up to Six Hundred Dollars (\$600) of the full cost of repairing or replacing the damaged curb stop or curb box. The City may recover all amounts set forth in this Section 3 from the User except for the Administrative Fee.

4. Covenants of the City. The City hereby covenants and agrees:

a. The City hereby agrees not to enact or pass any ordinance or law inconsistent with the terms of this Agreement.

b. The Company shall not be liable for any loss, damage, or other claim asserted by the City's Users, the owner and/or tenant of the premises, the water customer, the City or any other person, corporation or entity based upon or arising out of the termination of water service at the request of the City. The City agrees to indemnify, defend and hold harmless the Company, and its employees and agents, harmless from and against any and all claims (including attorney's fees), complaints or causes of action (whether judicial, administrative, or otherwise) arising out of

actions taken by the Company pursuant to a request of the City in accordance with Section 2.

c. Notwithstanding anything to the contrary, should a new customer who was not a User at the time the arrearage owed to the City was incurred at a terminated premises apply for water service to that premises, the Company may provide such service and the City will not look to such new water customer for payment of the prior sewer arrearage.

d. The City shall handle all User communications regarding service terminations implemented pursuant to this Agreement. Communications from Users to the Company shall be referred and directed to the City at a phone number provided by the City.

e. Prior to commencing shut-offs pursuant to this Agreement, and every six months thereafter, the City shall hold a public meeting at which City representatives shall explain the sewer shut-off program, including the fact that any shut-offs would be the result of the non-payment of City sewer Charges, and not the non-payment of Company water bills. The City shall mail a written notice of the meeting to all Users whose Charges are unpaid and delinquent at the time of the mailing of said notice. The City shall also invite the Company to the meeting.

5. Termination. Either Party shall have the right to terminate this Agreement upon ninety (90) days written notice to the other Party. The Company may terminate at any time if, in its sole opinion, it cannot continue to provide said shut-off services due to governmental, regulatory or staffing concerns or if the Company ceases to provide water service to the Users.
6. Notices. Any notice, demand or communication required herein or permitted hereunder shall be deemed to have been sufficiently given or served for all purposes if (a) delivered personally to the party or to an authorized representative of the party to whom the same is directed, (b) if sent by a nationally recognized overnight delivery service, charges prepaid, or (c) if sent by certified mail (return receipt requested), postage and charges prepaid, in each case addressed as follows:

If to the City: James Odean  
Revenue Manager  
City Hall  
226 W 4th Street  
Davenport, IA 52801

If to the Company: Richard Oswald  
Operations Superintendent, Quad Cities District  
Iowa-American Water Company  
5201 Grand Ave.  
Davenport, IA 52807

With a copy to: Legal Department  
Iowa-American Water Company  
5201 Grand Ave.  
Davenport, IA 52807

or to such other address with respect to a party as such party shall notify the other in writing as above provided. Except as otherwise provided in this Agreement, any such notice shall be deemed to be given on the day personally delivered, one (1) day after the date on which the same was deposited with a nationally recognized overnight delivery service, or three (3) business days after the date on which the same was deposited in a regularly maintained receptacle for the deposit of United States mail, in each case addressed and sent as aforesaid.

7. Applicable Law. This Agreement shall be construed and its performance shall be determined in accordance with the laws of the State of Iowa.
8. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, but shall not be assignable by any third party hereto without the prior written consent of the other Party. Any attempted assignment shall be void. Notwithstanding the foregoing, the Company may assign its rights and obligations hereunder, without the consent of the City, to an affiliate of the Company provided that, in the case of such an assignment, the Company shall remain fully and primarily liable to the City for the Company's obligations hereunder.

9. Severability. The invalidity of any provision or part of this Agreement shall not be deemed to affect the validity of any other provision. In the event that any provision or part hereof is held illegal, unenforceable or invalid, both Parties agree that the remaining provisions shall be and remain valid and enforceable to the fullest extent permitted by law.
10. Complete Agreement. This Agreement contains the entire agreement between the Parties hereto with respect to the shut-off services and supersedes all prior agreements and understandings between the Parties with respect to the subject matter thereof.
11. Amendment. This Agreement may be amended at any time by mutual agreement of the parties that is reduced to writing and signed by all Parties.
12. Captions. The captions in this Agreement are included for purposes of convenience only and shall not be considered a part of this Agreement in construing or interpreting any provision hereof or herein contained.
13. Waiver and Other Action. The failure of any Party to exercise any right, power or option given it hereunder, or to insist upon strict compliance with the provisions hereof, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time to require exact and strict compliance with all the terms hereof. The rights and remedies under this Agreement are cumulative to any other rights or remedies which may be warranted by law.
14. Warranties as to Authority; No Conflict. The individuals executing this Agreement hereby warrant that they have the proper authority to enter into this Agreement on behalf of the Party for whom they are signing and that any and all necessary corporate actions or resolutions, if any, necessary to that Party's entry into this Agreement have been duly adopted. Neither the execution of this Agreement, nor the consummation or performance of any of the transactions contemplated hereby will, directly or indirectly (a) contravene, conflict with, or result in a violation of any resolution, ordinance or other law adopted by the City, or (b) give any person the right to challenge any of the transactions contemplated hereby or to exercise any remedy or obtain any relief under any such resolution,

ordinance or law. The Parties agree that the Company is acting as an independent contractor and is not an employee or affiliate of the City.

15. Counterpart Execution. This Agreement may be executed in one or more counterparts, all of which taken together will constitute one and the same instrument, and this Agreement shall not be binding on the signatories hereto until all such parties have executed this Agreement.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement effective as of the day and year first above written.

*[Remainder of page blank; signature page to follow]*

## Exhibit A

### City of Davenport, Iowa Shut-Off/Release Procedure

1. City of Davenport, Iowa (the "City") shall send a notification letter to any customer that is eligible for shut-off due to non-payment of the City's sewer treatment charges and/or clean water fee.
  - a. Customers will have 12-days from the date of the letter to respond.
  - b. Customers will be provided information on and an application to sign up for the Utility Exemption Program. If a customer qualifies for this program, their delinquent fees will be waived.
  - c. Customers will be provided the option to sign a written agreement to pay delinquent sewer and clean water fees over a 12-month period. Customers who default on their first written agreement will be provided a second agreement for a 24-month period.
  - d. When the City's customer of record is different from Iowa-American Water Company's (IAWC) customer of record (i.e., owners and tenants of a multi-family dwelling), the City shall also provide appropriate notification to IAWC's customer of record.
2. The City having completed their disconnection notification procedures established in its ordinances will perform an upload of their delinquent customer list to the American Water Managed File Transfer ("MFT") Site at <https://mft.amwater.com>. Upon completion of the Cities MFT upload, an auto generating Disconnect Letter will be printed through the IAWC system. The City will be provided a Response File within the MFT Site that will advise them of either the successful processing of the request or necessary steps to take for re-processing of the request.
3. IAWC will automatically print and mail the water disconnection notice to delinquent customers by the next business day.
  - Any customer who receives a disconnect notice from IAWC shall be afforded a twelve (12) day grace period to submit payment before the actual disconnection. It is the City's responsibility to keep track of the 12-day grace period and when a residence is eligible for disconnection.
4. After the 12-day grace period, the City may upload a list of unpaid premise numbers to the MFT Site utilizing a Disconnect Request template provided by IAWC. A Response File will be generated within the MFT Site to provide a status of the request. Each

account must have received a disconnection notice from IAWC in order for the request to process successfully.

- All FISERV, online credit card and drop box payments must be entered prior to performing all disconnects.
  - The weekly maximum of 5 account disconnects through IAWC will be allowed and performed on Tuesdays.
- A City employee must arrive at the IAWC local field office no later than 10:30 am on the morning of the shut-offs prepared to follow the IAWC driver to each designated work order shut-off location. All questions regarding the water disconnect will be handled by the City employee. A door hanger or a card with the City's contact information will be distributed to the shut-off customer.

#### To Restore Service:

- The customer will need to contact the City for the outstanding charges needing paid and to arrange for restoration of services.
  - Customers must pay a minimum of the reconnection fee along ten (10) percent of the balance owed. The remaining balance will be divided over a 12 month period.
  - If the customer has defaulted on their first agreement, to be reconnected, the customer must pay a minimum of the reconnection fee along ten (10) percent of the balance owed. The remaining balance will be divided over a 12 month period.
  - If a customer has defaulted their second written agreement, they are eligible for another written agreement if all payments that the customer has paid is greater than or equal to the total of the dollar amount of the second written agreement or the entire balance on the account.
- IAWC will not disconnect a User's water service after 3 p.m. or on a Friday, Saturday, Sunday, legal holiday, or the day before a legal holiday.
- Once the customer pays the outstanding charges to the City, the City must upload its reconnect request to the MFT Site utilizing the Reconnect Request template provided by IAWC. A Response File will be generated within the MFT Site.
- Customer turn-on is scheduled under the standard provisions for all IAWC customers. Order will be scheduled for the same day if placed prior to 3:00 pm. If placed after 3:00 pm, the order will be scheduled for the next

business day. An individual 18 years of age or older must be present for turn-on.

5. The IAWC field office will create a miscellaneous invoice to the City for the accounts processed based upon the list of actual service orders worked.

#### CONTACT INFORMATION

City of Davenport  
Revenue Division  
City Hall  
226 W 4th Street  
Davenport, IA 52801  
Phone: 563-326-7707  
E-Mail: [revenue@ci.davenport.ia.us](mailto:revenue@ci.davenport.ia.us)

City of Davenport  
James Odean  
Revenue Manager  
City Hall  
226 W 4th Street  
Davenport, IA 52801  
Phone: 563-326-7707  
E-Mail: [jodean@ci.davenport.ia.us](mailto:jodean@ci.davenport.ia.us)

IAWC Local Field Office:

Richard Oswald,  
Operations Superintendent, Quad Cities District  
Iowa-American Water Company  
5201 Grand Ave.  
Davenport, IA 52807  
Phone: 563-468-9215  
E-Mail: [Richard.oswald@amwater.com](mailto:Richard.oswald@amwater.com)

*The Company*

*IOWA-AMERICAN WATER  
COMPANY*

*By: \_\_\_\_\_  
Richard Oswald  
Operations Superintendent  
Quad Cities District*

*The City*

*CITY OF DAVENPORT, IOWA*

*By: \_\_\_\_\_  
Frank Klipsch  
Mayor*

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 326-7743  
Wards: 5

**Action / Date**  
**12/7/2016**

Subject:

Third Consideration: Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]

Recommendation:

The City Plan and Zoning Commission forwards Case No. ROW16-02 to the City Council for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

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

Relationship to Goals:

Neighborhood Improvement

Background:

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10th Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of Oneida the right-of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement.

For further background information please refer to the background materials.

ATTACHMENTS:

| Type              | Description          |
|-------------------|----------------------|
| ▣ Ordinance       | ROW 16--05 Ordinance |
| ▣ Backup Material | ROW 16-05 Background |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 12/7/2016 - 3:17 PM |

## ORDINANCE NO.

ORDINANCE for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10<sup>th</sup> Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [5<sup>th</sup> Ward]

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

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

Part of the Northwest Quarter of the Southeast Quarter Section 25 Township 78 North Range 3 East of the 5<sup>th</sup> P.M. more particularly described as follows:

Beginning at the southeast corner of Lot 1 of Block 7 of Part of G.C. Churchill's Re-Survey of Churchill's Addition to the City of Davenport, Scott County, Iowa, said corner also being the northwest corner of the intersection of Bridge Avenue and East 10<sup>th</sup> Street; thence South along the west line of Bridge Avenue as extended a distance of 15.00 feet; thence West parallel to and 15.00 feet distant from the south line of said Lot 1 of Block 7 a distance of 150.00 feet; thence North 15.00 feet to the southwest corner of said Lot 1 of Block 7; thence East along the south line of said Lot 1 of Block 7 also being the north line of East 10<sup>th</sup> Street a distance of 150 feet to the point of beginning. Said tract contains 2,250 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW16-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

Jackie Holecek, CMC  
Deputy City Clerk

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



November 21, 2016

Honorable Mayor and City Council  
226 W 4<sup>th</sup> Street  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ROW16-05 being the request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10<sup>th</sup> Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



|          |           | APPROVED                   | APPROVED                    | APPROVED                       |  |  |  |  |  |
|----------|-----------|----------------------------|-----------------------------|--------------------------------|--|--|--|--|--|
| Name:    | Roll Call | ORD16-03<br>SUPs 17.48     | ROW16-05<br>1002 Bridge Ave | F16-15<br>Seiffert's NW<br>2nd |  |  |  |  |  |
| Connell  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Hepner   | P         | Y                          | N                           | Y                              |  |  |  |  |  |
| Inghram  | P         |                            |                             |                                |  |  |  |  |  |
| Kelling  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Lammers  | EX        |                            |                             |                                |  |  |  |  |  |
| Maness   | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Martinez | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Medd     | Ex        | Y                          | Y                           | Y                              |  |  |  |  |  |
| Quinn    | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Reinartz | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Tallman  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
|          |           | 9-YES<br>0-NO<br>0-ABSTAIN | 8-YES<br>1-NO<br>0-ABSTAIN  | 9-YES<br>0-NO<br>0-ABSTAIN     |  |  |  |  |  |



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

**Meeting Date:** November 15, 2015  
**Request:** Vacate 2,250 sqft excess right-of-way 10<sup>th</sup> Street  
**Address:** 1002 East 10<sup>th</sup> Street  
**Case No.:** ROW16-05  
**Applicant:** Juan Goitia

**Recommendation:**

**Alternatives:**

- The Plan and Zoning Commission accept the findings and forward Case No. ROW 16-05 to the City Council for approval subject to the listed condition(s).
- Table the request and have staff contact the owners in the entire block face of 10<sup>th</sup> Street as to vacating both sides of 10<sup>th</sup> between Oneida and Bridge Avenues.

**Introduction:**

Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet (15 ft x 150 ft), more or less, of East 10<sup>th</sup> Street that lies north of the sidewalk and abutting the property at 1002 Bridge Avenue.

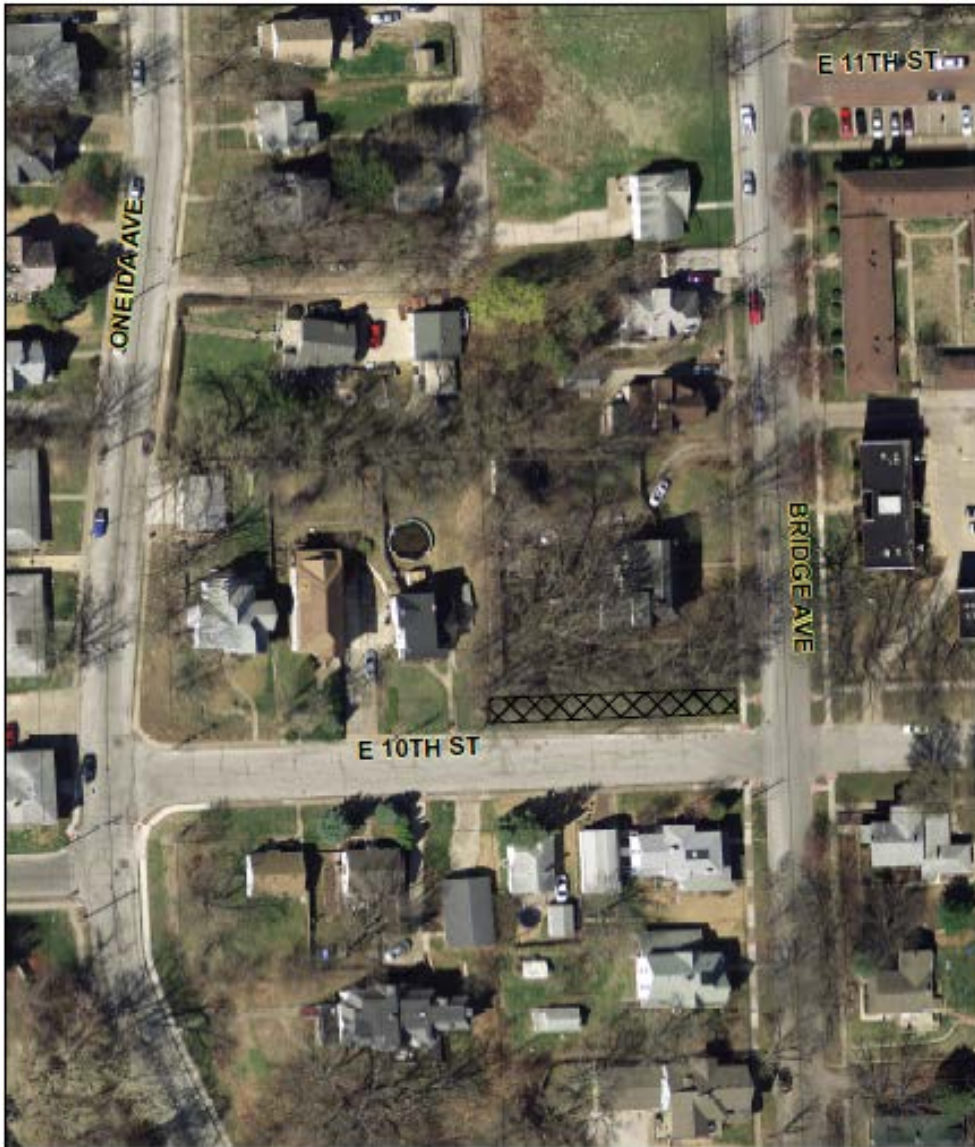
**AREA CHARACTERISTICS:**

*Zoning Map*



*Land Use Map*





Aerial Photo 2014

0 37.5 75 150  
Feet



### **Background:**

#### **Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

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

Relevant Goals to be considered in this Case:

Strengthen the existing built environment – *Reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.*

### **Zoning:**

The property is currently zoned “R-4” Moderate Density Dwelling District.

### **Technical Review:**

Streets. The property is located at the intersection of Bridge Avenue and East 10<sup>th</sup> Street. There is no alley access to the property.

Storm Water. There does not appear to be stormwater infrastructure at this intersection. Stormwater drainage is by surface run-off.

Sanitary Sewer. Sanitary sewer service is located in East 10<sup>th</sup> Street and in the intersection of Bridge Avenue and 10<sup>th</sup> Street.

Other Utilities. This is an urban area and normal utility services are available. There does appear to be a gas line along this area. An easement would be required.

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

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

### **Public Input:**

The public hearing was held November 1<sup>st</sup>. Since then one protest has been received from an owner along the south side of 10<sup>th</sup> Street.

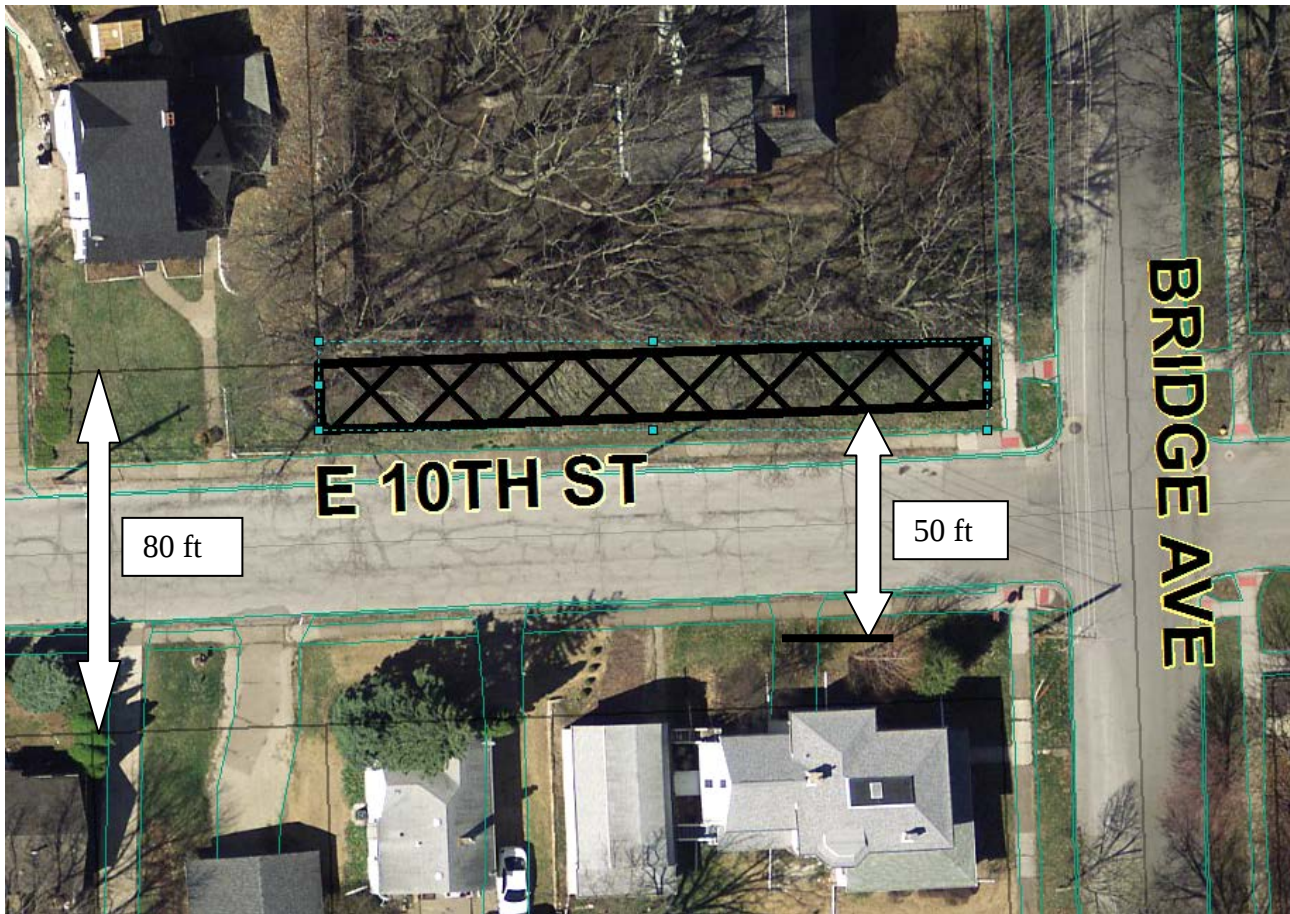
### **Discussion:**

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10<sup>th</sup> Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of the Oneida the right-



of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement. An alternative to vacating may be a use agreement through the City Council. There is approximately 20 feet between the existing property line and the back edge of the sidewalk; vacating 15 feet would leave five feet.

Another alternative is to take a more comprehensive approach and at minimum review the entire block face, both north and south sides of the street segment. This way there is not a piecemeal approach to right-of-way abandonments as has occurred in the past.



**Staff Recommendation:**

**Findings:**

There is excessive right-of-way in this area.

Abandonment would impact properties more on the south side of 10<sup>th</sup> Street more than on the north.

**Recommendation:**

**Alternate 1:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No.

ROW 16-05 to the City Council for approval subject to the following condition(s):

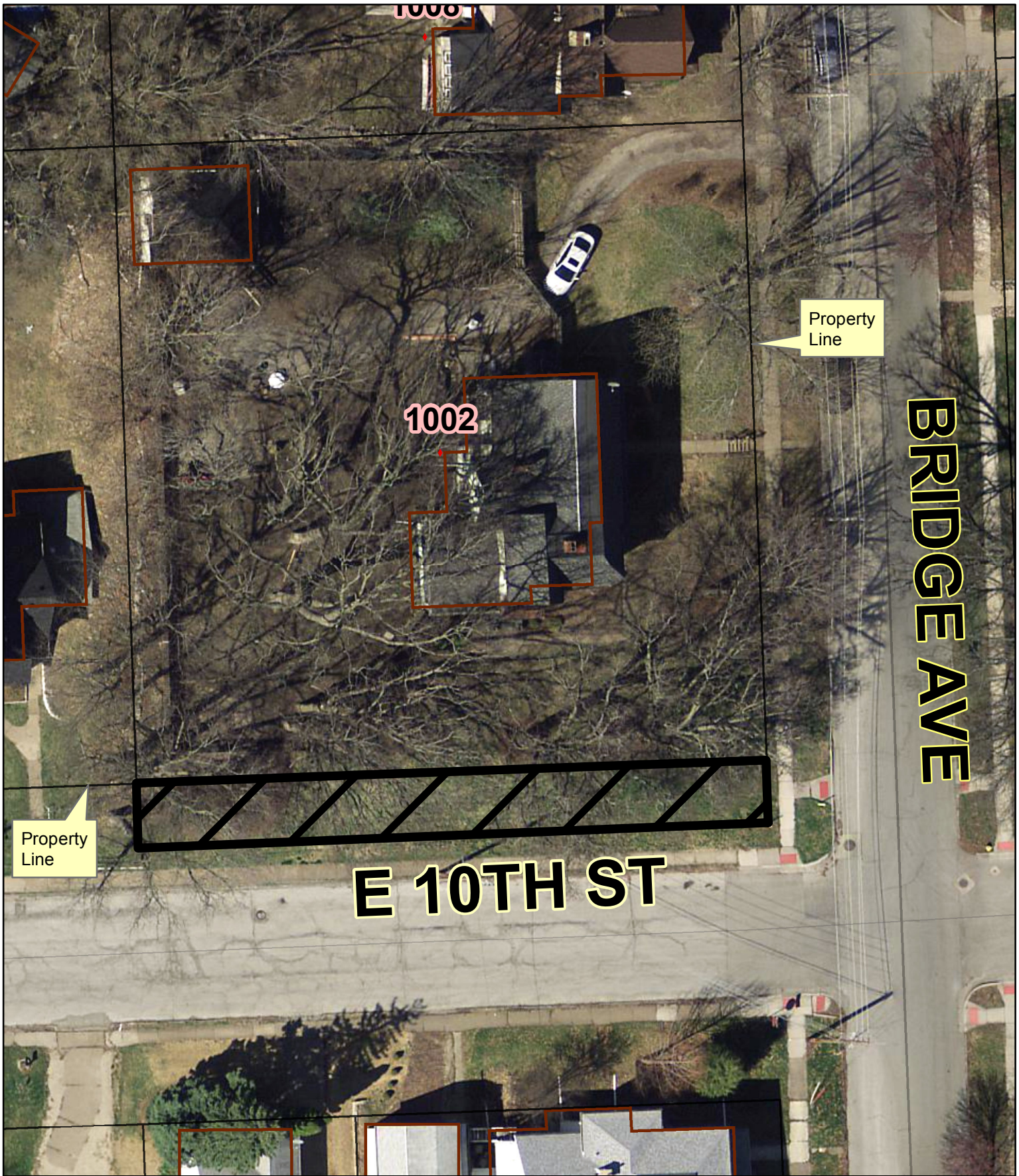
1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

**Alternate 2:**

Table the request and have staff contact the owners in the entire block face of 10<sup>th</sup> Street as to vacating both sides of 10<sup>th</sup> between Oneida and Bridge Avenues.

Prepared by:

Wayne Wille, CFM - Planner II  
Community Planning Division



0 15 30 60 Feet

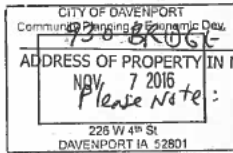


The undersigned opposes does not oppose (circle one) Petition of Juan Goltia (ROW16-05)

Comments: RIGHT OF WAY SHOULD NOT BE ABANDONED. IT IS THERE FOR FUTURE PLANNING  
HARDSHIP EXISTS FOR ALL PROPERTY ON SOUTH SIDE OF 10<sup>TH</sup> ST  
DUE BEING ON TOP OF PROPERTY LINE. HARDSHIP DOES NOT EXIST  
ON NORTH SIDE OF STREET OR FOR THE 1802 BRIDGE.

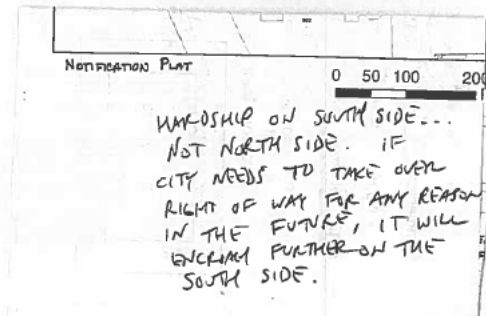
Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801

NAME J. S. DERDERIAN  
ADDRESS 930 BRIDGE AVENUE  
DATE 02 NOV 16  
(please print legibly)



730 BRIDGE AVENUE.  
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

I did not receive a mailing of this  
case and I want to be included as I am  
owner of 930 Bridge and 200 ft. of 155th.  
Please ensure I am included in city council mailing.



#### Davenport City Assessor Parcel Records

[Search Page](#) [Print](#) [Comparables Search](#) [Feedback](#) [Help](#)

[ [Assessment Report](#) | [Auditor/Treasurer Report](#) | [Map](#) ]

## Assessment Summary

### Davenport City Assessor

Parcel Number: F0038-20A  
Route Number: F27-021-000  
Deed Holder: DERDERIAN JEREMY S  
18 SUNSET CIR  
BETTENDORF IA 52722

Deed Date: 12/27/2002  
Transfer Document No.: 2002-53889  
Property Location: 930 BRIDGE AV  
DAVENPORT, IA

Sec-Twn-Rng/Lot-Block: 014-008

Legal Description: CHURCHILL'S RESURVEY OF CHURCHILL'S ADD -- E 100' LOT 14 (EXC S 10')

Classification: R Residential



| Owner                           |                   | Address               | C-S-Z                |
|---------------------------------|-------------------|-----------------------|----------------------|
| TY HARVEY                       | SEAN HARVEY       | 1021 ONEIDA AVE       | DAVENPORT IA 52803   |
| JOHN P MINITER                  | URSULA A MINITER  | 1114 ONEIDA AVE       | DAVENPORT IA 52803   |
| CARRIE REWERTS                  |                   | 1116 E 10TH ST        | DAVENPORT IA 52803   |
| 908 BRIDGE COOPERATIVE          |                   | 1212 E 10TH ST APT 3  | DAVENPORT IA 52803   |
| CAMELOT COOPERATIVE             |                   | PO BOX 131            | BETTENDORF IA 52722  |
| 1011 BRIDGE COOPERATIVE         |                   | 1001 OAK ST           | BURLINGTON IA 52601  |
| ROBERT F HEIMER                 | VICTORIA Q NAVANO | 1223 E 10TH ST        | DAVENPORT IA 52803   |
| JEREMY J RICHARD                |                   | 919 BRIDGE AVE        | DAVENPORT IA 52803   |
| NANCY M DERDERIAN               |                   | 3332 - 7TH ST         | MOLINE IL 61265-6108 |
| JEREMY DERDERIAN                |                   | 18 SUNSET CIR         | BETTENDORF IA 52722  |
| MYRTLE L GRAVES                 |                   | 1111 E 10TH ST        | DAVENPORT IA 52803   |
|                                 |                   | 2 GALLERIA TOWER      |                      |
| FEDERAL NATIONAL MORTGAGE ASSOC |                   | 13455 NOEL RD STE 600 | DALLAS TX 75240      |
| JUAN F GOITIA                   | ASHLEY J GOTIA    | 1002 BRIDGE AVE       | DAVENPORT IA 52803   |
| ALD RITA RAWSON                 |                   | 226 W 4TH ST          | DAVENPORT IA 52801   |
| ALD WILLIAM BOOM                |                   | 226 W 4TH ST          | DAVENPORT IA 52801   |

| Owner                           |                   | Address               | C-S-Z                |
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| ALD WILLIAM BOOM                |                   | 226 W 4TH ST          | DAVENPORT IA 52801   |



City of Davenport  
Community Planning & Economic Development Department

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November 21, 2016

Dear Property Owner:

This letter is to inform you that the City Council will be holding a public hearing regarding the request of Juan Goitia (Case No. ROW16-05) for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10<sup>th</sup> Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

**A public hearing on this ordinance and proposal will be held before the City Council in the City Council Chambers, 226 West 4<sup>th</sup> Street, Davenport Iowa, on Wednesday, December 07, 2016 at 5:30 p.m.** At the hearing, interested persons may appear and be heard for or against the proposed petition. All protests from within the 200 foot notice area must be made in writing to be valid.

**If you have already responded to the public hearing notice from the City Plan and Zoning Commission, no additional response is necessary. That response will remain in force unless it is withdrawn or changed in writing.** The Council will consider written protests which are filed or withdrawn prior to the start of the Committee-of-the-Whole Meeting immediately prior to the scheduled final consideration of the ordinance. Protests filed or withdrawn after that time will not be accepted.

*Contact the Community Planning and Economic Development Department:*

Phone: (563) 326-7765 • Fax: (563) 328-6714 • E-mail: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Mail: City of Davenport (CPED), 226 West 4<sup>th</sup> Street, Davenport, IA 52801

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn, 563-326-7743

Wards: All

**Action / Date**

**12/7/2016**

Subject:

Third Consideration: Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

The Plan and Zoning Commission considered case No. ORD16-03 at its November 15, 2016 meeting and voted to forward Case No. ORD16-03 to the City Council with a recommendation for approval (without any special conditions).

The Commission vote was 9-yes and 0-no with 0-abstention.

Relationship to Goals:

High performing government

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

For further background information please refer to the background materials.

ATTACHMENTS:

| Type              | Description         |
|-------------------|---------------------|
| ▣ Ordinance       | ORD16-03 -Ordinance |
| ▣ Backup Material | ORD16-03 Background |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 12/7/2016 - 3:17 PM |

ORDINANCE NO.

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

ORDINANCE for Case No. ORD16-03: Ordinance amending various sections of Title 17, entitled "Zoning," of the Davenport Municipal Code to eliminate the need for a special use permit to obtain an alcoholic beverage license or permit for businesses that are zoned for commercial activity.

Section 1. That Subsection 17.48.020(B) is hereby amended to read as follows:

B. In the C-1 Neighborhood Shopping District through the M-2 Heavy Industrial District the following uses shall require a special use permit:

1. Class "A" service station(s), for the sale of motor vehicle fuel to the general public subject to the following:
  - a. In addition to the site plan, detailed plans showing the building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations. In making their determination the zoning board of adjustment shall also consider internal circulation for all traffic movement, such as vehicle stacking at the entrance(s) and exit(s) and pump islands, the backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles;
  - b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;
  - c. All signage shall comply with the regulations of Chapter 17.45;
  - d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
  - e. Gas island canopy(ies) may project into the required front yard setback so that the leading edge of the canopy(ies) is not less than ten feet from the front property line.
2. Public garage(s) when located within one hundred twenty-five feet of an "R" district provided that:
  - a. All work on vehicles be done within a fully enclosed building(s);

b. All area(s) for vehicle storage be screened from adjacent property and rights-of-way by a solid fence or wall to a height of not less than six feet;

Section 2. That subsection 17.27.030(A) is amended to read as follows:

34. Taverns, brew pubs, beer and wine gardens;

Section 3. That Section 17.28.030 is amended to read as follows:

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-O office shop district;
  - B. Bakery whose products are sold at retail on the premises;
  - C. Bank;
  - D. Catering establishment;
  - E. Repair shops for household items including clothing;
  - F. Filling stations (See Chapter 5.24 of this code);
  - G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;
  - H. Interior decorating shop;
  - I. Messenger or telegraph service station;
  - J. Restaurant;
  - K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;
  - L. Garage, storage, and parking lots;
  - M. Salesroom and showroom;
  - N. Store or shop for the conduct of a retail business;
  - O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;
  - P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;
  - Q. Motel;
  - R. Undertaking establishment;
  - S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;
  - T. Taverns, brew pubs, beer and wine gardens;
  - U. Accessory buildings and uses customarily incidental to the above uses.
- (New: prior code § 42-60).

Section 4. That Section 17.32.020 is amended to read as follows:

17.32.020 Use regulations.

A building or premises shall be used only for the following uses:

- A. The retail sales of merchandise;
- B. Offices;
- C. Restaurants and food services associated with other development in the complex;
- D. Banking facilities;
- E. Hotels and motels;
- F. Indoor recreation uses and outdoor uses that relate to other activities developed on the site;
- G. Parking;
- H. Retail outlets, business parks, mixed office, warehouse distribution uses (provided that all storage activities are carried out completely within a building);
- I. Residential development;
- J. The assembly of products provided that all storage and activity takes place within an enclosed structure, such activity is completely screened from public view and that the components or materials used to construct the products are not corrosive or explosive;
- K. Pharmaceutical and cosmetic compounding;
- L. Medical, dental, research, testing and experimental laboratories;
- M. Taverns, brew pubs, beer and wine gardens
- N. Other similar compatible facilities.

Section 5. That 5.10.105(F) is amended to read as follows:

F. No carry-out liquor sales establishment as defined in Chapter 5.10 shall be located within one-quarter mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South Marquette Street and the seawall of the Mississippi River, north along the centerline of Marquette Street to the centerline of West 6th Street, east along the centerline of 6th Street to the centerline of Iowa Street, south along the centerline of Iowa Street to the centerline of Federal Street, east and southeast along the centerline of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013 by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked or is discontinued for a period of one year; or,

2. There are changes to the use such that the use no longer meets the definition of a carry-out liquor sales establishment.

Section 6. That a new section 5.10.107 entitled "Licenses issued After October 1, 2016 – Additional Requirements" is adopted that reads as follows:

**5.10.107 All Licenses and Permits – Additional Requirements.**

A. No business holding a liquor license or a beer or wine permit shall sell or dispense alcoholic beverages via a drive through or walk-up window.

B. The business must satisfy the following criteria, in addition to all other existing city ordinances, rules, and regulations, including, but not limited to those concerning noise, lights, and nuisance behavior and conditions:

(1) The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

(2) The business will not increase congestion on the streets in any adjoining residential area by its customers or employees frequently parking in front of the residences of others. Business locations in operation prior to 1965 are exempt from this requirement.

(3) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets;

(4) Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

Attest: \_\_\_\_\_  
Jackie Holecek, CMC  
Deputy City Clerk

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

November 16, 2016

Honorable Mayor and City Council  
City Hall  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ORD16-03 being an ordinance to amend Title 17 of the Davenport Municipal Code to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

The City Plan and Zoning Commission forwards Case No. ORD16-03 to the City Council with a recommendation for approval.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

|          |           | APPROVED                   | APPROVED                    | APPROVED                       |  |  |  |  |  |
|----------|-----------|----------------------------|-----------------------------|--------------------------------|--|--|--|--|--|
| Name:    | Roll Call | ORD16-03<br>SUPs 17.48     | ROW16-05<br>1002 Bridge Ave | F16-15<br>Seiffert's NW<br>2nd |  |  |  |  |  |
| Connell  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Hepner   | P         | Y                          | N                           | Y                              |  |  |  |  |  |
| Inghram  | P         |                            |                             |                                |  |  |  |  |  |
| Kelling  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Lammers  | EX        |                            |                             |                                |  |  |  |  |  |
| Maness   | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Martinez | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Medd     | Ex        | Y                          | Y                           | Y                              |  |  |  |  |  |
| Quinn    | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Reinartz | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
| Tallman  | P         | Y                          | Y                           | Y                              |  |  |  |  |  |
|          |           | 9-YES<br>0-NO<br>0-ABSTAIN | 8-YES<br>1-NO<br>0-ABSTAIN  | 9-YES<br>0-NO<br>0-ABSTAIN     |  |  |  |  |  |

TO BE PUBLISHED IN THE WEDNESDAY NOVEMBER 30, 2016 EDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. 1708558 AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

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TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 07, 2016, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO No. 1708558.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)



**Community Planning & Economic Development Department  
City of Davenport**

**FINAL STAFF REPORT**

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**PLAN AND ZONING COMMISSION**

**Meeting Date:** November 15, 2016  
**Request:** Zoning Ordinance Text Amendment  
**Case No.:** ORD16-3  
**Applicant:** City of Davenport-Legal Department

**Description:**

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

**Recommendation:**

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.

**Background:**

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

**Discussion:**

As these permits are nearly always approved based upon the objective criteria for granting and none were ever revoked, this ordinance will eliminate the necessity of obtaining a special use permit, so long as the use is permitted by the underlying zoning classification. Instead, the applicant's business will automatically be subject to the standard conditions for its operations that the ZBA typically imposed. These requirements will be imposed by code provisions found elsewhere in the City Code and particularly in Chapter 5.10 which deals with alcohol licensing.

Alcohol is a legal product, and the State's Alcoholic Beverages Division is the paramount authority with respect to whether a license is issued or denied. The change proposed shifts the focus to how the business operates after it opens. At that point, it becomes a question of enforcement of the City's ordinances.

**Public Input:**

Public notice was published in the Quad City Times on Saturday October 21, 2016.

**Recommendation:**

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.



**Community Planning & Economic Development Department  
City of Davenport**

**PUBLIC HEARING REPORT**

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**PLAN AND ZONING COMMISSION**

**Meeting Date:** November 1, 2016  
**Request:** Zoning Ordinance Text Amendment  
**Case No.:** ORD16-03  
**Applicant:** City of Davenport-Legal Department

**Description:**

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

**Recommendation:**

Staff will make a recommendation at the November 15, 2016 meeting.

**Background:**

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

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**Public Input:**

Public notice was published in the Quad City Times on Saturday October 21, 2016.

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

Ordinance amending various sections of Title 17, entitled "Zoning," of the Davenport Municipal Code to eliminate the need for a special use permit to obtain an alcoholic beverage license or permit for businesses that are zoned for commercial activity.

Section 1. That Subsection 17.48.020(B) is hereby amended to read as follows:

B. In the **C-1 Neighborhood Shopping District through the M-2 Heavy Industrial District** the following uses shall require a special use permit:

1. Class "A" service station(s), for the sale of motor vehicle fuel to the general public subject to the following:
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  - b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;
  - c. All signage shall comply with the regulations of Chapter 17.45;
  - d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
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2. Public garage(s) when located within one hundred twenty-five feet of an "R" district provided that:
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Section 3. That Section 17.28.030 is amended to read as follows:

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  - H. Interior decorating shop;
  - I. Messenger or telegraph service station;
  - J. Restaurant;
  - K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;
  - L. Garage, storage, and parking lots;
  - M. Salesroom and showroom;
  - N. Store or shop for the conduct of a retail business;
  - O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;
  - P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;
  - Q. Motel;
  - R. Undertaking establishment;
  - S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;
  - T. Taverns, brew pubs, beer and wine gardens;
  - U. Accessory buildings and uses customarily incidental to the above uses.
- (New: prior code § 42-60).

Section 4. That Section 17.32.020 is amended to read as follows:

17.32.020 Use regulations.

A building or premises shall be used only for the following uses:

- A. The retail sales of merchandise;
- B. Offices;
- C. Restaurants and food services associated with other development in the complex;
- D. Banking facilities;
- E. Hotels and motels;
- F. Indoor recreation uses and outdoor uses that relate to other activities developed on the site;

- G. Parking;
- H. Retail outlets, business parks, mixed office, warehouse distribution uses (provided that all storage activities are carried out completely within a building);
- I. Residential development;
- J. The assembly of products provided that all storage and activity takes place within an enclosed structure, such activity is completely screened from public view and that the components or materials used to construct the products are not corrosive or explosive;
- K. Pharmaceutical and cosmetic compounding;
- L. Medical, dental, research, testing and experimental laboratories;
- M. Taverns, brew pubs, beer and wine gardens
- N. Other similar compatible facilities.

Section 5. That 5.10.105(F) is amended to read as follows:

F. No carry-out liquor sales establishment as defined in Chapter 5.10 shall be located within one-quarter mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South Marquette Street and the seawall of the Mississippi River, north along the centerline of Marquette Street to the centerline of West 6th Street, east along the centerline of 6th Street to the centerline of Iowa Street, south along the centerline of Iowa Street to the centerline of Federal Street, east and southeast along the centerline of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013 by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked or is discontinued for a period of one year; or,
2. There are changes to the use such that the use no longer meets the definition of a carry-out liquor sales establishment.

Section 6. That a new section 5.10.107 entitled "Licenses issued After October 1, 2016 – Additional Requirements" is adopted that reads as follows:

**5.10.107 All Licenses and Permits – Additional Requirements.**

- A. No business holding a liquor license or a beer or wine permit shall sell or dispense alcoholic beverages via a drive through or walk-up window.
- B. The business must satisfy the following criteria, in addition to all other existing city ordinances, rules, and regulations, including, but not limited to those concerning noise, lights, and nuisance behavior and conditions:

(1) The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

(2) The business will not increase congestion on the streets in any adjoining residential area by its customer or employees frequently parking in front of the residences of others. Business locations in operation prior to 1965 are exempt from this requirement.

(3) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets;

(4) Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

## City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 326-7743 mflyn@ci.davenport.ia.us

Wards: 8

**Action / Date**

**1/4/2017**

Subject:

Second Consideration: Ordinance for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development. [Ward 8]

Recommendation:

The City Plan and Zoning Commission forwards Case No. REZ16-11 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to R-5M PUD and achieve substantial compliance with the submitted concept plan;
2. That a higher level of design sensitivity be provided at submission of the final development plan for the back sides of the community center, duplexes and townhouses along West 65th Street/Hoover Road and Scott Street; and
3. That perimeter fencing adjacent to West 65th Street/Hoover Road and Scott Street be wrought iron or an aluminum wrought iron style fence.

The Commission vote for approval was 7-yes, 0-no and 1-abstention.

Relationship to Goals:

Welcoming neighborhoods.

Background:

The petitioner is proposing to rezone 13.50 acres from R-3 PUD Moderate Density Dwelling District Planned Unit Development to R-6M PUD High Density Dwelling District Planned Unit Development to accommodate a residential/senior care development. As mentioned, a 1975 amendment to the Planned Unit Development designated the use of the subject property as a new elementary school. Correspondence from the School Board revealed that it does not intend to construct an elementary school in this location.

The R-6M PUD would allow for a maximum density of 37 units/acre, which equates to 499 units on 13.5 acres. The submitted concept plan limits the property to a total of 162 units (120 assisted living facility units, 26 duplex units and 16 townhouse units. Notably, the R-5M PUD would allow for a maximum density of 24.70 units/acre, which equates to 333 units on 13.5 acres. In that light, it is staff's opinion that the R-5M PUD would be more appropriate.

The submitted concept plan depicts two driveway entrances, one at the intersection of West 65th Street and Western Avenue and one at the intersection of Hoover Road and Appomattox Road. The concept plan depicts a gated community, so the internal roads would be private. The internal roads surround the 120 unit assisted living facility. A community center, duplexes and townhouses would be located on the opposite side of these internal roads. Staff does question the visual

impact of looking at the back sides of the community center, duplexes and townhouses along West 65th Street/Hoover Road and Scott Street. A higher level of architectural detail would be appropriate for the buildings adjacent to West 65th Street/Hoover Road and Scott Street. Notably, there have been concerns regarding the increase in density and traffic in this area. The proposed use would generate approximately 612 average daily vehicle trips. An elementary school with 500 children would generate approximately 650 average daily vehicle Trips. Staff notes that the elementary school would have high vehicles counts during school drop-off and pick-up times.

The petitioner indicated that the timeline for construction is 3-5 years. Subsequent to the rezoning, the petitioner indicated that a feasibility study would be performed to better understand market conditions. In that light, the petitioner could not be definitive on all the elements of the submitted concept plan.

Noteworthy sections regarding conditions for approval and final development plans within the Planned Unit Development Ordinance include:

**17.50.030.A - Certain conditions for approval**

The plan and zoning commission in making its recommendations and the city council in making its determination shall give consideration and satisfy themselves as to the following:

A. The proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following approval of the project and the planned unit development, and that the development will be carried out in conformity with said plans within three years from the date of approval by the city council. Where unusual circumstances or occurrence above and beyond the control of proponents of project cause said proponents to be unable to complete the project within specified time, then the city council may, upon written request from proponents, agree to extend the required time for mandatory completion of the project.

***17.50.040 Submission of final development plans.***

Final development plans shall be submitted in compliance with the approved concept plans. If the city council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area, and the yards, roadways and the open spaces contemplated by the plan, do not conform in all respects to the regulations of the district in which it is located.

It is staff's opinion that the proposed development would be compatible with the surrounding area and would be incremental physical development in area with existing utilities. The proposed development would generate less traffic than an elementary school and the traffic would be spread out throughout the day as opposed to a high number of vehicles during school drop-off and pick-up times. A future final development plan would be required to be submitted, which demonstrates consistency with the Concept Plan.

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

**ATTACHMENTS:**

| Type        | Description                                        |
|-------------|----------------------------------------------------|
| ▣ Ordinance | REZ16-11 - Ordinance                               |
| ▣ Ordinance | REZ16-11 - Letters in Objection and in Favor       |
| ▣ Ordinance | REZ16-11 - Plan and Zoning Commission Vote Results |

▣ Ordinance

▣ Ordinance

REZ16-11 - Plan and Zoning Commission letter

REZ16-11 - Plan and Zoning Commission Final  
Staff Report

**REVIEWERS:**

| <b>Department</b>                            | <b>Reviewer</b> | <b>Action</b> | <b>Date</b>           |
|----------------------------------------------|-----------------|---------------|-----------------------|
| Community Planning &<br>Economic Development | Berger, Bruce   | Approved      | 12/27/2016 - 10:30 AM |
| Community Development<br>Committee           | Berger, Bruce   | Approved      | 12/27/2016 - 10:31 AM |
| City Clerk                                   | Admin, Default  | Approved      | 12/27/2016 - 10:31 AM |

## ORDINANCE NO.

Ordinance for Case No. REZ16-11 being the petition of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development. [Ward 8]

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. The property has the following legal description:

Part of the Northeast Quarter of the Southwest Quarter of Section 2 and part of the Northwest Quarter of the Southeast Quarter of Section 2 all in Township 78 North Range 3 East of the 5th P.M. more particularly described as follows:

Lot 1 of American Park 2nd Addition to the City of Davenport, Scott County, Iowa. Said tract contains 13.5 acres, more or less.

The City Plan and Zoning Commission forwards Case No. REZ16-11 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to R-5MPUD and achieve substantial compliance with the submitted concept plan;
2. That a higher level of design sensitivity be provided at submission of the final development plan for the back sides of the community center, duplexes and townhouses along West 65<sup>th</sup> Street/Hoover Road and Scott Street; and
3. That perimeter fencing adjacent to West 65th Street/Hoover Road and Scott Street be wrought iron an aluminum wrought iron style fence.

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

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

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

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

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

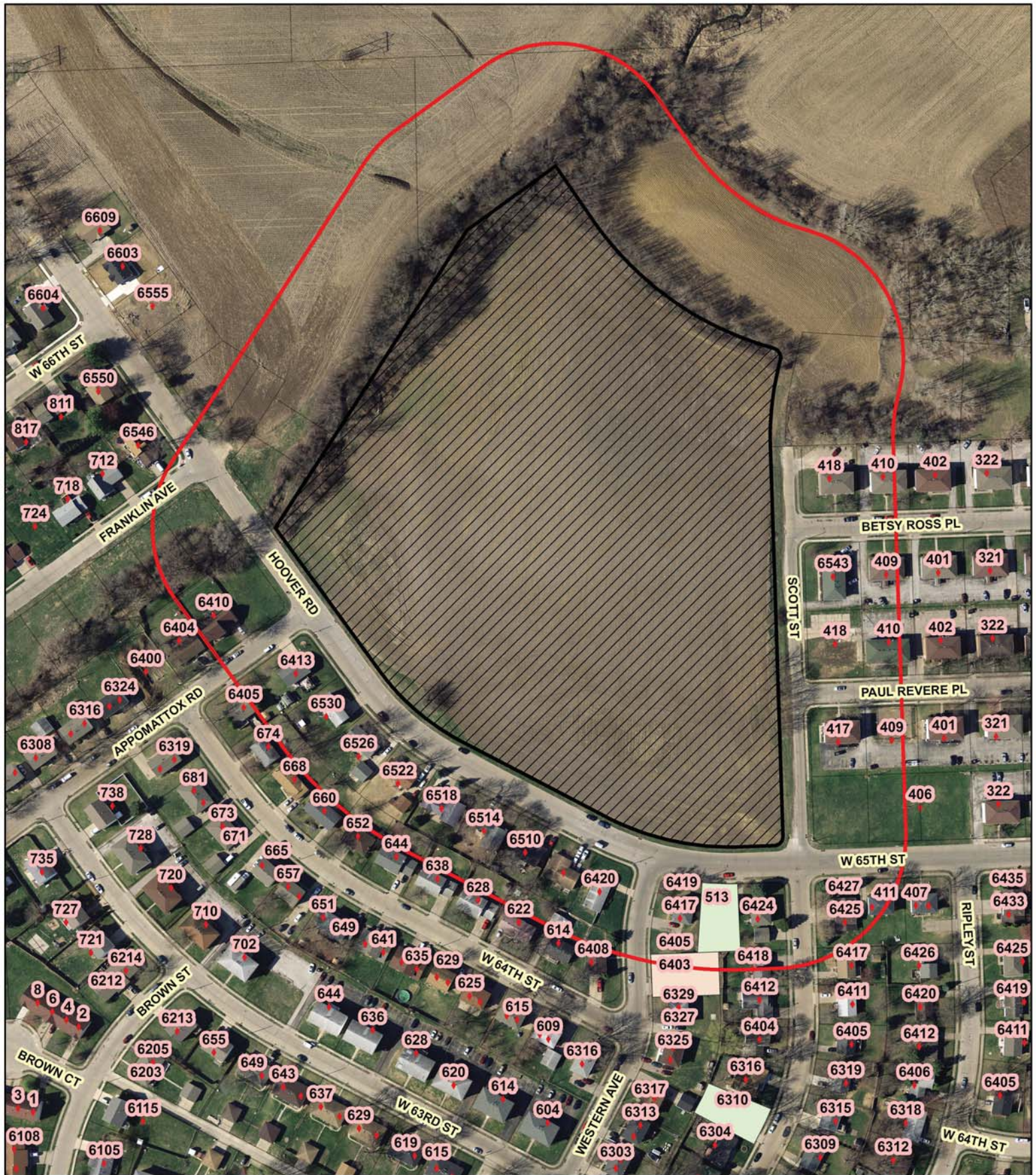
Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

Jackie Holecek, CMC  
Deputy City Clerk

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



Subject Property



200 Foot Notification Radius



Object



Support

N



(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Raju S. Panmatcha (REZ16-11)

Comments:

Before any construction happens in this location the city of Davenport needs to connect this neighborhood to the rest of the city on the west side totally wrong to have only (2) two accesses ~~on~~ on the east but nothing else, obviously this neighborhood is being treated differently than all other neighborhoods.

Mail to: Plan and Zoning Commission

City Hall

Davenport, Iowa 52801

Email to: Planning@ci.davenport.ia.us

NAME

ADDRESS

DATE

MICHAEL STEEN  
~~11-10-16~~ BROWN CTR 511 W. 65th S,  
11-10-16

(please print legibly)

511 W. 65th ST  
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

I'm sure this will not matter, I've had too many negative dealing with Davenport, with ~~a~~ few positive results. Davenport should have dealt with this LONG AGO. No surprise's here should be ashamed!

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Raju S. Panmatcha (REZ16-11)

Comments: \_\_\_\_\_

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME Laura L. Showers  
ADDRESS 6310 Scott St.  
DATE 11-13-2016  
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

The undersigned opposes / does not oppose (circle one) (detach here) Petition of Raju S. Panmatcha (REZ16-11)

Comments: This area is already densely populated  
enough. We don't need to put a commercial business  
in a residential neighborhood

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME Chris Zerbonja  
ADDRESS 6310 Scott st  
DATE 11-14-16  
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

The undersigned - **opposes** / **does not oppose** (detach here) **circle one** Petition of Raju S. Panmacha (RECEIVED 5 2016)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

226 W 4th St  
DAVENPORT, IOWA 52801

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@d.davenport.ia.us

NAME Gregory Meyer  
ADDRESS 6405 Western  
DATE 11/14/16  
(please print legibly)

6405 Western Ave  
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

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

December 7, 2016

Honorable Mayor and City Council  
City Hall  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

At its regular meeting of December 6, 2016, the City Plan and Zoning Commission considered Case No. REZ16-11 being the request of Raju Penmatchu for the rezoning of 13.50 acres from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development for the property located at the northwest corner of West 65th Street and Scott Street.

The City Plan and Zoning Commission forwards Case No. REZ16-11 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to R-5MPUD and achieve substantial compliance with the submitted concept plan;
2. That a higher level of design sensitivity be provided at submission of the final development plan for the back sides of the community center, duplexes and townhouses along West 65<sup>th</sup> Street/Hoover Road and Scott Street; and
3. That perimeter fencing adjacent to West 65th Street/Hoover Road and Scott Street be wrought iron or aluminum wrought iron style fence.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission



# Community Planning & Economic Development Department City of Davenport

## FINAL STAFF REPORT

### PLAN AND ZONING COMMISSION

**Meeting Date:** December 8, 2016  
**Request:** Rezone 13.50 acres from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development  
**Location:** Northwest corner of West 65<sup>th</sup> Street and Scott Street  
**Case No.:** REZ16-11  
**Applicant:** Raju S. Panmatcha

#### **Recommendation:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ16-11 to the City Council with a recommendation for approval subject to the listed conditions.

#### **Introduction:**

The petitioner is requesting the rezoning of 13.60 acres of property located at the northwest corner of West 65<sup>th</sup> Street and Scott Street R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development. The purpose of the rezoning is to allow the property to accommodate a residential/senior care development.

### **AREA CHARACTERISTICS:**

*Zoning Map*



*Land Use Map*



## **Background:**

### **Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

Relevant Goals to be considered in this Case: Identify and Reserve Land for Future Development.

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

### **Zoning:**

The subject property and surrounding properties are zoned R-3 PUD – Moderate Density Dwelling District Planned Unit Development.

- 1969: Total development area was 140 acres, which allowed 395 single-family residences, 90 duplexes and 408 apartments (893 units total).
- 1972: Reduction in maximum number of units to 306 duplexes and apartments.
- 1974: Expand the area of the Planned Unit Development to allow the construction of 498 duplexes and multiple-family residences.
- 1975: Slight density reduction and designated the use of the subject property a new elementary school.

### **Technical Review:**

Streets. The property contains frontage on West 65<sup>th</sup> Street/Hoover Road and Scott Street. West 65<sup>th</sup> Street/Hoover Street and Scott Street are functionally designed as local streets. Scott Street is currently developed as a half street so it would need to be improved per City specifications and accepted as public infrastructure. The submitted concept plan depicts two driveway entrances, one at the intersection of West 65<sup>th</sup> Street and Western Avenue and one at the intersection of Hoover Road and Appomattox Road. The concept plan depicts a gated community, so the internal roads would be private. Sidewalks would need to be installed adjacent to West 65<sup>th</sup> Street/Hoover Road and Scott Street.

Storm Water. There is a storm water detention area at the southwest portion of the property, which would allow outfall to a tributary of Goose Creek.

Sanitary Sewer. There is sanitary sewer in the area. New sanitary sewer and connections will need to be improved per City specifications and accepted as public infrastructure.

Other Utilities. Water, electric and gas utilities are in the area.

Emergency Services. The subject property is located approximately three (3) miles north of Fire Station No. 3 (3506 Harrison Street).

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

**Public Input:**

A neighborhood meeting is being held on November 1, 2016. Approximately 25 people attended. Neighbors raised the following questions and concerns:

1. Current roadway design of West 65<sup>th</sup> Street leads to speeding/unsafe conditions.
2. Physical condition of West 65<sup>th</sup> Street.
3. The maintenance of buildings in the area.
4. Crime in the area.
5. If the proposed development would be rental or owner occupied.
6. When the property would be developed.

Maintenance of properties in the area and speeding City enforcement functions, while physical roadway conditions are City maintenance functions.

The petitioner indicated that the timeline for construction is 3-5 years. Subsequent to the rezoning, the petitioner indicated that a feasibility study would be performed to better understand market conditions. In that light, the petitioner could not be definitive on all the elements of the submitted concept plan.

The City received one objection from a property owner within the 200 foot notification radius and one objection from a property owner outside of the 200 foot notification radius. One letter of support was also received. An email expressing concerns (with City responses) was also received. Objections and concerns include: lack of connection of West 61<sup>st</sup> Street, speeding, property management and aesthetics of the buildings facing public streets. See attached correspondence.

Staff does note that funding for the West 61<sup>st</sup> Street connection is not in the Capital Improvement Plan.

**Discussion:**

The petitioner is proposing to rezone 13.50 acres from R-3PUD Moderate Density Dwelling District Planned Unit Development to R-6MPUD High Density Dwelling District Planned Unit Development to accommodate a residential/senior care development. As mentioned, a 1975 amendment to the Planned Unit Development designated the use of the subject property a new elementary school. Correspondence from the School Board revealed that it does not intend to construct an elementary school in this location.

The R-6MPUD would allow for a maximum density of 37 units/acre, which equates to 499 units on 13.5 acres. The submitted concept plan limits the property to a total of 162 units (120 assisted living facility units, 26 duplex units and 16 townhouse units. Notably, the R-5MPUD would allow for a maximum density of 24.70 units/acre, which equates to 333 units on 13.5 acres. In that light, it is staff's opinion that the R-5MPUD would be more appropriate.

The submitted concept plan depicts two driveway entrances, one at the intersection of West 65<sup>th</sup> Street and Western Avenue and one at the intersection of Hoover Road and Appomattox Road. The concept plan depicts a gated community, so the internal roads would be private. The internal roads surround the 120 unit assisted living facility. A community center, duplexes and townhouses would be located on the opposite side of these internal roads. Staff does question the visual impact of looking at the

back sides of the community center, duplexes and townhouses along West 65<sup>th</sup> Street/Hoover Road and Scott Street. A higher level of architectural detail would be appropriate for the buildings adjacent to West 65th Street/Hoover Road and Scott Street

Notably, there have been concerns regarding the increase in density and traffic in this area. The proposed use would generate approximately 612 average daily vehicle trips. An elementary school with 500 children would generate approximately 650 average daily vehicle Trips. Staff notes that the elementary school would have high vehicles counts during school drop-off and pick-up times.

As mentioned, the petitioner indicated that the timeline for construction is 3-5 years. Subsequent to the rezoning, the petitioner indicated that a feasibility study would be performed to better understand market conditions. In that light, the petitioner could not be definitive on all the elements of the submitted concept plan.

Noteworthy sections regarding conditions for approval and final development plans within the Planned Unit Development Ordinance include:

*17.50.030.A - Certain conditions for approval*

*The plan and zoning commission in making its recommendations and the city council in making its determination shall give consideration and satisfy themselves as to the following:*

- A. The proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following approval of the project and the planned unit development, and that the development will be carried out in conformity with said plans within three years from the date of approval by the city council. Where unusual circumstances or occurrence above and beyond the control of proponents of project cause said proponents to be unable to complete the project within specified time, then the city council may, upon written request from proponents, agree to extend the required time for mandatory completion of the project.*

*17.50.040 Submission of final development plans.*

*Final development plans shall be submitted in compliance with the approved concept plans. If the city council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area, and the yards, roadways and the open spaces contemplated by the plan, do not conform in all respects to the regulations of the district in which it is located.*

It is staff's opinion that the proposed development would be compatible with the surrounding area and would be incremental physical development in area with existing utilities. The proposed development would generate less traffic than an elementary school and the traffic would be spread out throughout the day as opposed to a high number of vehicles during school drop-off and pick-up times. A future final development plan would be required to be submitted, which demonstrates consistency with the Concept Plan.

## **Staff Recommendation:**

### Findings:

- The rezoning would be compatible with the Comprehensive Plan RG designation;
- The proposal would support infill development; and
- The concept plan would be compatible with the existing surrounding residential development.

Staff recommends that the Plan and Zoning Commission forward Case REZ16-11 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to R-5MPUD and achieve substantial compliance with the submitted concept plan;
2. That a higher level of design sensitivity be provided at submission of the final development plan for the back sides of the community center, duplexes and townhouses along West 65th Street/Hoover Road and Scott Street; and
3. That perimeter fencing adjacent to West 65th Street/Hoover Road and Scott Street be wrought iron or an aluminum wrought iron style fence.

### Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", with a stylized flourish at the end.

Ryan Rusnak, AICP  
Planner III

### Attachments:

Aerial Map

Concept Plan

Neighborhood Meeting Letter, Sign in Sheet and Follow-up from Developer

Public Hearing Notice, Map and Notified Property Owners

Correspondence



Subject Property

N





**SITE INFORMATION**

1. CURRENT ZONING: R3-PUD
2. REQUESTED ZONING: R6-PUD
3. TOTAL AREA: 13.5 ACRES
4. ALLOWABLE DENSITY: 499 UNITS
5. PROPOSED DENSITY: 162 UNITS
6. DUPLEX UNITS: 26 UNITS
7. TOWNHOUSE UNITS: 16 UNITS
8. ASSISTED LIVING UNITS: 120 UNITS
9. PROPOSED PARKING: 135 STALLS
10. PROPOSED TRAFFIC GENERATION: 612 VEHICLES PER DAY
11. STREET WIDTH: 27'
12. RIGHT OF WAY WIDTH: 50'





PENMATCHA NW  
DAVENPORT SENIOR DEVELOPMENT  
DAVENPORT-IA

**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY – NOVEMBER 15, 2016 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET – DAVENPORT, IOWA

**Case No. REZ16-11:** Request of Raju S. Panmatcha for the rezoning of 13.5 acres, more or less, of property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District to R-6M High Density Dwelling District. The purpose of the rezoning is to allow the property to be developed as senior housing.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday November 15, 2016** in the **Council Chambers of Davenport City Hall at 226 West 4<sup>th</sup> Street**, Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City Plan and Zoning Commission will consider (vote to provide a recommendation) the petition at its regular meeting on Tuesday December 6, 2016. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

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

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

(detach here)

The undersigned – **opposes / does not oppose (circle one)** Petition of Raju S. Panmatcha (REZ16-11)

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
DATE \_\_\_\_\_

*(please print legibly)*

\_\_\_\_\_  
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

Subject Property

### 200 Foot Notification Radius



| FID | Parcel    | Physical Address   | Acreage | Deed1_Name                                     | Deed1_Addr          | Deed1_CSZ               |
|-----|-----------|--------------------|---------|------------------------------------------------|---------------------|-------------------------|
| 0   | X0221-04  |                    | 5.55    | BEN BEYDLER                                    | PO BOX 177          | BUFFALO IA 52728        |
| 1   | X0235-06D |                    | 6.8     | TRANSITION PARTNERS LC                         | 3211 E 35TH CT      | DAVENPORT IA 52807      |
| 2   | X0235B01  | 6546 HOOVER RD     | 0.211   | WALTER SKOVRONSKI                              | 2350 FARNAM ST      | DAVENPORT IA 52803      |
| 3   | X0235B05  |                    | 0.186   | CITY OF DAVENPORT                              | 226 W 4TH ST        | DAVENPORT IA 52801      |
| 4   | X0235B06  |                    | 0.269   | ROBERT H STANLEY                               | 4266 AUGUSTA CT     | BETTENDORF IA 52722     |
| 5   | X0235C06  | 644 W 64TH ST      | 0.179   | GEARHEAD PROPERTIES LC<br>ANTHONY NELSON       | P O BOX 4114        | WATERLOO IA 50704       |
| 6   | X0235C07  | 652 W 64TH ST      | 0.171   | DENISE A NELSON                                | 652 W 64TH ST       | DAVENPORT IA 52806-1930 |
| 7   | X0235C08  | 660 W 64TH ST      | 0.171   | MIRANDA M SISLEY<br>JAMES L MITCHELL           | 660 W 64TH ST       | DAVENPORT IA 52806-1930 |
| 8   | X0235C09  | 668 W 64TH ST      | 0.171   | CHRISTINE MITCHELL                             | 668 W 64TH ST       | DAVENPORT IA 52806      |
| 9   | X0235C10  | 674 W 64TH ST      | 0.173   | VEOLA MCGOWAN<br>JOHN W MASTIN                 | 6222 N CLARK ST     | DAVENPORT IA 52806      |
| 10  | X0235C12  | 6413 APPOMATTOX RD | 0.217   | JANET K MASTIN<br>MOHAMED M MESLI              | 6413 APPOMATTOX RD  | DAVENPORT IA 52806      |
| 11  | X0235C14  | 6526 HOOVER RD     | 0.194   | ELAINE M MESLI<br>KELLI A LOMAS                | 6526 HOOVER RD      | DAVENPORT IA 52806      |
| 12  | X0235C15A | 6522 HOOVER RD     | 0.182   | MAXIMILLIAN BANDY, JR<br>SAMUEL NASH           | 6522 HOOVER RD      | DAVENPORT IA 52806      |
| 13  | X0235C22  | 6404 APPOMATTOX RD | 0.193   | JULIE A NASH                                   | 6404 APPOMATTOX     | DAVENPORT IA 52806      |
| 14  | X0235C25  |                    | 0.23    | CITY OF DAVENPORT                              | 226 W 4TH ST        | DAVENPORT IA 52801      |
| 15  | X0235C26  |                    | 0.201   | CITY OF DAVENPORT                              | 226 W 4TH ST        | DAVENPORT IA 52801      |
| 16  | X0235C34  |                    | 0.201   | CITY OF DAVENPORT                              | 226 W 4TH ST        | DAVENPORT IA 52801      |
| 17  | X0235C35  | 6410 APPOMATTOX RD | 0.386   | MELVIN D BIBBS                                 | 6410 APPOMATTOX RD  | DAVENPORT IA 52806      |
| 18  | X0237-03  |                    | 1.28    | DOMENIC M GIAMMETTA                            | 7627 NORTHWEST BD   | DAVENPORT IA 52806      |
| 19  | X0237-04B |                    | 1.92    | TRANSITION PARTNERS LC                         | 3211 E 35TH CT      | DAVENPORT IA 52807      |
| 20  | X0237C01  | 418 BETSY ROSS PL  | 0.2273  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 21  | X0237C14  | 409 BETSY ROSS PL  | 0.2146  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 22  | X0237C15  | 6543 SCOTT ST      | 0.2247  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 23  | X0237C16  | 418 PAUL REVERE PL | 0.2247  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 24  | X0237C17  | 410 PAUL REVERE PL | 0.2146  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 25  | X0237C29  | 409 PAUL REVERE PL | 0.2146  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 26  | X0237C30  | 417 PAUL REVERE PL | 0.2247  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 27  | X0237C31  |                    | 0.2247  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 28  | X0237C32  |                    | 0.2146  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 29  | X0237D01  |                    | 13.5    | RICHARD J RYAN<br>BERNARD GATES                | 3910 LORTON AVE     | DAVENPORT IA 52807      |
| 30  | X0237D02  | 6510 HOOVER RD     | 0.181   | ELAINE J GATES<br>DIRK H HILLARD               | 6510 HOOVER RD      | DAVENPORT IA 52806      |
| 31  | X0237D03  | 6514 HOOVER RD     | 0.181   | MONICA HILLARD                                 | 6514 HOOVER RD      | DAVENPORT IA 52806      |
| 32  | X0237D04A | 6518 HOOVER RD     | 0.193   | RED HOUSE PROPERTIES LLC                       | 4570 ASHWORTH CT    | BETTENDORF IA 52722     |
| 33  | X0253A13  | 6418 SCOTT ST      | 0.152   | STEPHEN J ROGIS                                | 6418 SCOTT ST       | DAVENPORT IA 52806      |
| 34  | X0253A14  | 6403 WESTERN AV    | 0.177   | GREGORY ARLAN MEYER                            | PO BOX 641          | BETTENDORF IA 52722     |
| 35  | X0253A28  | 6420 WESTERN AV    | 0.187   | GREGORY EDWARD LENNINGER                       | 6420 WESTERN AVE    | DAVENPORT IA 52806      |
| 36  | X0253A29  | 6506 HOOVER RD     | 0.162   | KARRI L COYNE                                  | 6506 HOOVER RD      | DAVENPORT IA 52806      |
| 37  | X0253A30  | 638 W 64TH ST      | 0.181   | CHERENA K JACKSON<br>STEVEN C NICHOLS          | PO BOX 3303         | DAVENPORT IA 52808      |
| 38  | X0253A34  | 6408 WESTERN AV    | 0.182   | JOLENE M NICHOLS                               | 6408 WESTERN AV     | DAVENPORT IA 52806      |
| 39  | X0253B31  | 6417 SCOTT ST      | 0.152   | WILLIAM L FOSTER                               | 6417 SCOTT ST       | DAVENPORT IA 52806      |
| 40  | X0221-02B |                    | 12.43   | TRANSITION PARTNERS                            | 3211 E 35TH CT      | DAVENPORT IA 52807      |
| 41  | X0235C11  | 6405 APPOMATTOX RD | 0.217   | SHAWN R MORAN<br>WALTER L CASADY LIVING TRUST  | 6405 APPOMATTOX RD  | DAVENPORT IA 52806      |
| 42  | X0235C13  | 6530 HOOVER RD     | 0.185   | KATHLEEN CASADY LIVING TRUST                   | 2370 W 46TH ST      | DAVENPORT IA 52806      |
| 43  | X0237-04  |                    | 2.61    | DOMENIC M GIAMMETTA                            | 7627 NORTHWEST BD   | DAVENPORT IA 52806      |
| 44  | X0237C02  | 410 BETSY ROSS PL  | 0.2146  | SUMMER RIDGE COOPERATIVE                       | 322 W 65TH ST #1    | DAVENPORT IA 52806      |
| 45  | X0253A25  | 6424 SCOTT ST      | 0.187   | GEARHEAD PROPERTIES LLC                        | 4007 CARLTON DR     | CEDAR FALLS IA 50613    |
| 46  | X0253A26  | 511 W 65TH ST      | 0.157   | STARDUST PROPERTIES LLC<br>JOSEPH J DAHLHAUSER | 219 S KENSINGTON ST | BETTENDORF IA 52722     |
| 47  | X0253A27  | 6417 WESTERN AV    | 0.181   | SHANA K DAHLHAUSER<br>SALLY A WEST             | 13182 61ST AV       | BLUE GRASS IA 52726     |
| 48  | X0253A31  | 628 W 64TH ST      | 0.181   | GARY D WEST                                    | 628 W 64TH ST       | DAVENPORT IA 52806      |
| 49  | X0253A32  | 622 W 64TH ST      | 0.181   | ALLEN C WARDEAN TRUST                          | 622 W 64TH ST       | DAVENPORT IA 52806      |
| 50  | X0253A33  | 614 W 64TH ST      | 0.169   | GEARHEAD PROPERTIES LLC                        | PO BOX 4114         | WATERLOO IA 50722       |
| 51  | X0253B41  | 411 W 65TH ST      | 0.177   | GEARHEAD PROPERTIES LC<br>TAM P TRAN           | PO BOX 4114         | WATERLOO IA 50704       |
| 52  | X0253B42  | 6425 SCOTT ST      | 0.189   | DAO M TRAN                                     | PO BOX 303          | DAVENPORT IA 52805      |

October 18, 2016

RE: Northwest Davenport Mixed Use Residential Development

Dear Resident:

This letter is to inform you there will be a public open house (neighborhood meeting) regarding the proposed development located on the vacant 13.5 acre site on the north side of 65<sup>th</sup> Street, east of the Menards store. An open house will be held to share concepts of the development and discuss the anticipated impacts of this development.

The open house will be on November 1, 2016 from 6:00 to 7:00 PM at the Village Inn, 5925 North Brady St., Davenport, IA. Representatives from the Developer, City of Davenport and Shive-Hattery, Inc. will be available to answer questions and accept comments.

If you have questions or desire additional information regarding the project or open house, please feel free to contact Pat Lynch with Shive-Hattery at 309-764-7650.

Sincerely,

SHIVE-HATTERY, INC.



Patrick R. Lynch, P.E. & L.S.I.T.  
Civil Engineer

PRL/vjw

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Project 3164680



## Attendance Sheet

PROJECT NAME: Northwest Davenport Senior Development. MEETING TYPE: Public Open House  
MEETING DATE: 11/1/2016 LOCATION: Village Inn 5925 North Brady Street  
MEETING TIME: 6:00 – 7:00 PM PROJECT NO.: 3164680

| NAME & TITLE                       | COMPANY NAME & ADDRESS                                           | PHONE # / MOBILE #                                        |
|------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------|
|                                    |                                                                  | E-MAIL ADDRESS                                            |
| Patrick Lynch<br>Civil Engineer    | Shive-Hattery, Inc.<br>1701 River Dr Ste 200<br>Moline, IL 61265 | 309.764.7650x3286309.764.8616<br>plynch@shive-hattery.com |
| Marti Ahlgren<br>Project Manager   | Shive-Hattery, Inc.<br>1701 River Dr Ste 200<br>Moline, IL 61265 | 309.277.1966309.764.8616<br>mahlgren@shive-hattery.com    |
| Jayne Knight                       | 628 W. 61 <sup>st</sup> St.<br>Davenport, IA 52806               | 563-357-4262<br>jknightin@outlook.com                     |
| Mary Webb                          | 6316 - Scott St<br>Dav. Ia.                                      | 563 349 8465<br>mary.webb11@gmail.com                     |
| Kat Dutton                         | 1115 N Utah Ave DAV IA                                           | translation unlimited                                     |
| Bambi Suits                        | 2040 3 <sup>rd</sup> St. BE IL 61261                             | bambisuits@gmail.com                                      |
| Lee Hinderman                      | 6411 Scott St.                                                   | 563-391-7320                                              |
| Barri L. Coyne<br>Shawn F. Voisine | 6506 Hoover Rd. 52806                                            | 563-370-6446 Barri Coyne<br>@Yahoo.com                    |



| NAME & TITLE                          | COMPANY NAME & ADDRESS                 | PHONE # / MOBILE #         |
|---------------------------------------|----------------------------------------|----------------------------|
|                                       |                                        | E-MAIL ADDRESS             |
| Dirk Hillard                          | 6514 Hoover Rd.<br>Davenport, IA 52806 | DHSH24@gmail.com           |
| Ryan Rusnak<br>City of Davenport      |                                        | rrusnak@ci.davenport.ia.us |
| Kyle Gripp<br>Alderman At-Large       | City of Davenport                      | Kgripp@ci.davenport.ia.us  |
| Scott Fuller<br>DAVENPORT POLICE DEPT | City of Davenport                      | SFuller@ci.davenport.ia.us |
| KEN HUNTER                            | 6340 WEST 61ST                         | KHUNTER@BICC.EDU           |
| Lily Hoang                            | Creekside Apts                         | Creekside.63rd@gmail.com   |
| Ben Beydler                           | 67th ST                                | 563 570 2339               |
| Jutta Whitfield                       | 627 W. 63rd ST                         | Jutta.Lohse@MCHSI.COM      |
|                                       |                                        |                            |
|                                       |                                        |                            |
|                                       |                                        |                            |
|                                       |                                        |                            |

| NAME & TITLE                  | COMPANY NAME & ADDRESS            | PHONE # / MOBILE #                      |
|-------------------------------|-----------------------------------|-----------------------------------------|
|                               |                                   | E-MAIL ADDRESS                          |
| Jill Jellison<br>Bernie Gates | 6510 Hoover Rd                    | 563-391-6117<br>JILL-Jellison@yahoo.com |
| Melvin Bibbs                  | 6410 Appomattox Rd                | 563-386-9260<br>melvinbibbs@gmail.com   |
| Mike Godmar                   | 326 W. 63rd St                    | 563-349-1376                            |
| John Mastin                   | 6413 APPOMATTOX                   | 563-391-8900                            |
| Barb Sperdel                  | Summer Ridge Apt<br>322 W 65th St | 563-391-6922                            |
| Andrew Harris                 | NAVENPORT POLICE                  | 888-3637                                |
|                               |                                   |                                         |
|                               |                                   |                                         |
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|                               |                                   |                                         |
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|                               |                                   |                                         |

Rusnak, Ryan

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From: Raju Penmatcha <rpenmatcha@icloud.com>  
Sent: Wednesday, November 02, 2016 11:01 AM  
To: ktompkins@ci.davenportiowa.com  
Cc: Patrick Lynch Consulting Engineers; Marti Ahlgren Consulting Engineers; Flynn, Matt; Rusnak, Ryan  
Subject: Scott and 65th, Senior Care Development Rezoning Neighborhood Meeting held at The Village Inn, Davenport: 6-7PM

Nov 2, 2016

Ms. Kerri Tompkins  
8th Ward Alderman  
Davenport City Council  
City of Davenport

1. I want to convey my deepest appreciation to you for your great support exhibited last night in answering the neighbors questions, supporting me as a developer in a very positive way, providing clarifications in a convincing way for the growth of your ward and the City of Davenport as a whole. Your support was very commendable.
2. We need leaders like you to support the growth of our Neighborhoods, Cities, States and our Country. I wish some of the City Council members from Illinois Cities attend this kind of meetings and learn how to support the developers.
3. Our development group purchased about 200 acres recently within your Ward( 76th and Division) within the last 2 years and plans to develop here in Davenport rather than developing the properties on the Illinois side.
4. Our neighborhood meeting went very well last night with your great help. The main questions from the attendees were:
  - A. Traffic: It which will be taken care of by the City of Davenport as we progress on the development. It is a concern for lot of attendees which can be taken care in future. More development, more traffic and it is a fact.
  - B. Property Values: This development will have Positive impact on the property values. This development will be a better looking property compared to the east side old apartment complex.
  - C. Hearing Impaired Neighbor concerns on the development: Traffic is a concern which will be addressed in future and may be increase police patrols to slow the traffic.
  - D. R3 PUD School District: Currently, this land was designated for School. One person raised question on why we can not leave it for building a school. Based on my conversation with Mr. Matt Flynn, Senior Manager, Planning and Zoning Department, I had clarified that originally this site was designated for school and subsequently the school decided not to build school at this site. Later the land owner never got this property rezoned. This is the time to get it rezoned to develop this property for the growth of the Davenport.
  - E. Rental Concerns: Some of the neighbors raised concerns if this development encourages these units for rental. Our proposal is to develop the proposed area as senior care center with 120 units in the middle as Assisted Living and the rest around the perimeter as Independent Living duplexes and Town homes. It depends on the feasibility study.

F. Taxes: Some of the residents had concerns on the possibility of raising taxes. This development alone does not raise taxes. There might be other reasons why the taxes might raise. Tax base due to this development will have a positive impact.

H. Maintenance impact concerns on the neighborhood: Since this is going to be a Senior Care Center and residents do not want to maintain the yard etc, we will have a common maintenance by the association and the maintenance will be uniform throughout.

I. Is this development going to be strictly for Senior Care Center: Based on the feasibility study, the number of units required will be determined and the rest will be designated as a standard single family housing units.

J. Concerns about traffic in the morning from the Senior Care Center: Some of them have concerns that all the residents will be obstructing the traffic when they leave for breakfast. These are the Senior care people and most of them will be eating breakfast at the Community Center Cafeteria and it should not be a concern.

Summary:

A. Our neighborhood meeting went very well last night with your great help in answering the questions and your great support on the proposed development.

B. Shive-Hattery representatives(Patrick and Marti) gave a great presentation and answered the questions very well last night.

C. At the end of the meeting, I met at least 10 residents while watching the display boards and answered their questions on traffic, maintenance of senior care center, rental issues and they were very satisfied at the end on the proposed development.

D. I want to thank you again for your great support on this proposed development and would like to work with you closely on this proposed project and future projects.

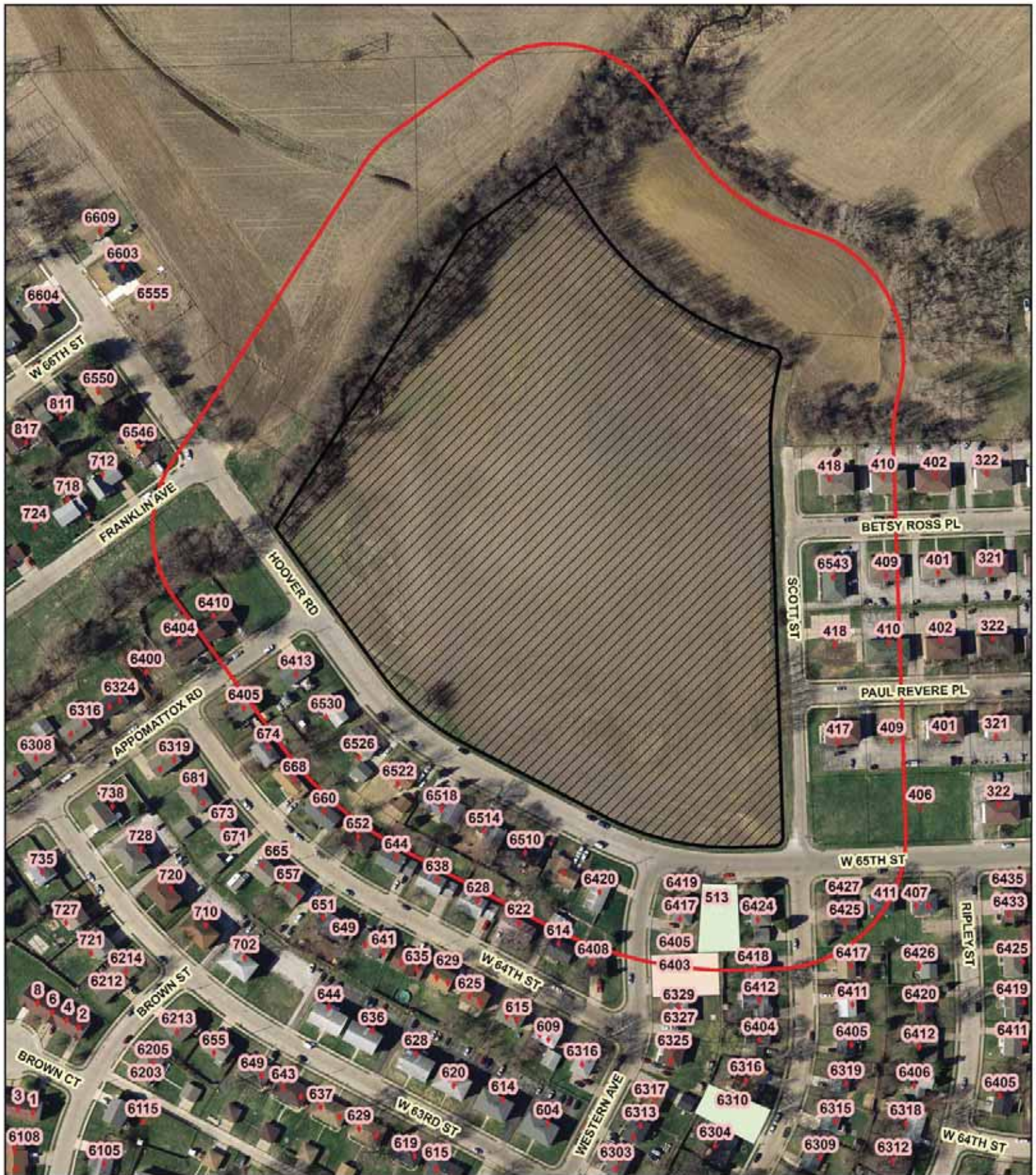
E. It is a "win win" situation for all parties(developer, neighbors and the City of Davenport) on this proposed development.

F. I invite you for a luncheon to discuss further on this project and other future projects and exchange ideas. Please let me know when you are free so that we can schedule to meet for lunch.

Raju Penmatcha, MBA  
9311 Turkey Hollow Road  
Taylor Ridge, Illinois 61284

Cell: (309) 236-6042  
[Rpenmatcha@msn.com](mailto:Rpenmatcha@msn.com)

Sent from my iPhone



-  Subject Property
-  200 Foot Notification Radius
-  Object
-  Support



(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Raju S. Panmatcha (REZ16-11)

Comments:

Before any construction happens in this location the city of Davenport needs to connect this neighborhood to the rest of the city on the west side totally wrong to have only (2) two accesses ~~on~~ on the east but nothing else, obviously this neighborhood is being treated differently than all other neighborhoods.

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

Email to: Planning@ci.davenport.ia.us

NAME Michael Steen  
ADDRESS ~~1111~~ Brown CT # 511 W. 65th St  
DATE 11-10-16

(please print legibly)

511 W. 65th ST

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

I'm sure this will not matter, I've had too many negative dealing with Davenport, with ~~a~~ few positive results. Davenport should have dealt with this LONG AGO. No surprise's here should be ashamed!

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Raju S. Panmatcha (REZ16-11)

Comments: \_\_\_\_\_

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME Laura L. Showers  
ADDRESS 6310 Scott St.  
DATE 11-13-2016  
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Raju S. Panmatcha (REZ16-11)

Comments: This area is already densely populated  
enough. We don't need to put a commercial business  
in a residential neighborhood

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME Chris Zerbonja  
ADDRESS 6310 Scott st  
DATE 11-14-16  
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

The undersigned - **opposes** / **does not oppose** (detach here) **circle one** Petition of Raju S. Panmacha (RECEIVED NOV 11 5 2016)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail to: Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801  
Email to: Planning@ci.davenport.ia.us

NAME Gregory Meyer  
ADDRESS 6405 Western  
DATE 11/14/16  
(please print legibly)

6405 Western Ave  
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

Rusnak, Ryan

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From: Statz, Gary  
Sent: Tuesday, November 22, 2016 9:27 AM  
To: Tompkins, Kerri  
Cc: Berger, Bruce; Rusnak, Ryan; Thorndike, Tiffany; Spiegel, Corri  
Subject: RE: Goose Creek Development

Ald. Tompkins,

I did a manual count at the frontage road and 65<sup>th</sup> Street yesterday from 4:15 – 5:15 PM. The Minimum Vehicular Traffic warrant requires 500 vehicles during 8 separate hours on the major street and 150 vehicles on the higher volume leg of the minor street during those same 8 hours. When there is a right turn lane present and that traffic isn't delaying traffic on the side street, I typically don't include it. Therefore, the westbound right turns aren't included in these numbers.

During the hour yesterday, there were 526 southbound left turns and 152 westbound drivers going through the intersection. This meets our threshold of 500/150, but not by much. Therefore, it is unlikely we have 8 hours during the day with counts this high. I'm going to get a noon hour count next week which will give us a good idea where we are at. My experience has told me that if the numbers aren't there during the noon hour, we won't get 8 hours with the required traffic count.

The addition of this senior housing will certainly add more through traffic on 65<sup>th</sup> at this intersection and maybe enough to justify signalization. The other intersections west of there will likely not require anything like an all-way stop when using last night's numbers. All-way stops require an average of 300 vehicles on the major street and 200 on the minor street during the 8 busiest hours of the day. The side streets west of here don't generate enough traffic for these counts to be met.

Lily asked for current counts with the required counts for traffic control devices and I hope this answers her question. Please pass this on to her and she can call me with any questions. Thanks.

Gary Statz, PE  
Traffic Engineer  
City of Davenport  
563-326-7754

---

**From:** Tompkins, Kerri  
**Sent:** Monday, November 21, 2016 1:13 PM  
**To:** Statz, Gary  
**Cc:** Berger, Bruce; Rusnak, Ryan; Thorndike, Tiffany; Spiegel, Corri  
**Subject:** Re: Goose Creek Development

Great, thank you Gary!!

Kerri Tompkins  
8th Ward Alderman  
Davenport City Council

On Nov 21, 2016, at 11:51 AM, "Statz, Gary" <[gjs@ci.davenport.ia.us](mailto:gjs@ci.davenport.ia.us)> wrote:

Ald. Tompkins,

I don't anticipate changing the traffic control at either entrance to the new senior housing development. The traffic on 65<sup>th</sup> will have right of way and the driveways and streets across from them will have stop signs. It's unlikely that either of these intersections (Western or Appomattox) will have enough traffic to justify a 4-way stop. The intersection of the frontage road with 65<sup>th</sup> Street may eventually have a traffic signal though. We have done a traffic count there and it is on the computer of someone who is on vacation this week, so I don't have the exact counts. I do remember that there was not enough through traffic on 65<sup>th</sup> to warrant signal installation. The vast majority of the westbound traffic turned right from the right turn lane and the southbound traffic turned left, often simultaneously with the right-turning traffic. If this site generates more through traffic, it could push the traffic count numbers up high enough for signalization. I know our last count was at least one year ago, so I plan to go out there tonight after work to get another peak hour count to have a more current count. I will share the numbers with you tomorrow.

Gary

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**From:** Tompkins, Kerri  
**Sent:** Sunday, November 20, 2016 4:34 PM  
**To:** Berger, Bruce; Statz, Gary  
**Cc:** Rusnak, Ryan; Thorndike, Tiffany; Spiegel, Corri  
**Subject:** Fwd: Goose Creek Development

Good Afternoon-

Just an FYI so you can see some concerns from the Goose Creek area project and my responses. Please let me know if I answered anything incorrectly and keep me posted on this project.

Also, can you please answer this question Lily asked me in another email:  
An option I'd rather not act upon, if comes down to it, if there were to be a petition initiated, how many signatures would it take to open a discussion within the city council upon the issue at hand?

Gary-can you please respond to the traffic question below so I can get back to Lily?

Thank you all for your time.

Kerri Tompkins  
8th Ward Alderman  
Davenport City Council

Begin forwarded message:

**From:** "Tompkins, Kerri" <[ktompkins@ci.davenport.ia.us](mailto:ktompkins@ci.davenport.ia.us)>  
**Date:** November 20, 2016 at 4:28:15 PM CST  
**To:** Lily Hoang <[creekside.63rd@gmail.com](mailto:creekside.63rd@gmail.com)>  
**Subject:** Re: Goose Creek Development

Hi Lily-

Thank you so much for reaching out to me and know I appreciate your time and commitment to Davenport. I will address what I can below and seek feedback

from staff on other items. Please know this project is in the very early stages, so I do not have many details. My responses are listed below in italics. Thank you again Lily and I will get back to you.

Kerri Tompkins  
8th Ward Alderman  
Davenport City Council

On Nov 18, 2016, at 4:39 PM, "Lily Hoang" <[creekside.63rd@gmail.com](mailto:creekside.63rd@gmail.com)> wrote:

Hello. My name is Lily with the Creekside Apartments. I was contacting in reference to the senior living development.

I know you are well aware of the concerns. I am not certain were to begin, though I am attempting to find a compromise between the differing opinions.

Issues:

- Speeding; *Just an FYI there was a speed trailer for one week on 65th Street (just within the last few weeks) and under 4% of the traffic exceeded the speed limit.*
- Property Management/ Liability-*This is an area where many neighbors and business owners work well together and my goal/hope would be that any new investors in the Goose Creek area will continue with this approach/expectation.*
- Aesthetic Landscape (E & S sides of development - back-facing townhouses-*this is something that can be addressed as the project moves forward.*
- Just for verification, speed bumps are not allowed on city streets? *No. This causes issues with snow removal.*

- Rough estimate, what was our actual count compared to the minimum required for some sort of traffic control for the 65th street area?

Suggestions or realistic options if any for additional traffic control?

*I will have to check with staff on this and get back to you.*

- I think if has been discussed previously, is connecting either the northern neighborhood behind Menards (N Main and N Harrison) or the western side over the creek (W 61st St) a viable option to help the traffic flow of the neighborhood? May help the crime disbursement?

*This has been discussed, but there is no plan in the near future at this time. Please know we can discuss it again and seek feedback.*

- Any way we'd be able to compromise on the blueprint in reference to the back-facing townhouses that will potentially be on the east and south side of the development? *It is my understanding the plan that was shared is a preliminary plan. Please know as this project proceeds, you will be welcome to share your feedback.*

- Not sure how the rezoning works exactly and what limit of potential occupancies may be in one area based off what they are trying to rezone if there is any.

Rough estimate of that maximum in comparison to the eventual number of potential occupancies planned within the blueprints of the Developer.

Any advice, opinion, or suggestions are welcomed.

*Again, this is a preliminary proposal. It is my understanding the developer will conduct a study to help determine what is best for this area.*

I appreciate all your efforts and all that you do for our community.

Hope to hear back at your convenience!

Best Regards,  
Lily Hoang  
Phone: (563) 424-1796  
Fax: (563) 424-5356

Rusnak, Ryan

---

From: Berger, Bruce  
Sent: Monday, November 21, 2016 8:39 AM  
To: Tompkins, Kerri; Statz, Gary  
Cc: Rusnak, Ryan; Thorndike, Tiffany; Spiegel, Corri  
Subject: RE: Goose Creek Development

Ald. Tompkins – I think your answers looked accurate; on the design and layout suggestions, it is so early in the developer's planning and since he is just beginning the rezoning, it is difficult to address those details. We'll see if he wants to continue with the rezoning given the relative unknowns at this stage.

You mention the question Lily asked in another email, but I wasn't sure what the particular issue was? Was she referring to signatures needed to bridge the creek? Or was it something else? If she would like to advocate for a bridge, I think the answer is fairly complex. I suppose a petition can be submitted to the Council on virtually any topic, but a number of approvals would be needed over a period of time to address this one, including approval in a future CIP budget to do design, then ROW acquisition and approval to fund, etc.

I'd defer to Gary on any of the traffic-related items and he might have thoughts on the long-range bridge issue as well. Let me know if you need further info on this topic or any other. Thanks!

Bruce

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**From:** Tompkins, Kerri  
**Sent:** Sunday, November 20, 2016 4:34 PM  
**To:** Berger, Bruce; Statz, Gary  
**Cc:** Rusnak, Ryan; Thorndike, Tiffany; Spiegel, Corri  
**Subject:** Fwd: Goose Creek Development

Good Afternoon-

Just an FYI so you can see some concerns from the Goose Creek area project and my responses. Please let me know if I answered anything incorrectly and keep me posted on this project.

Also, can you please answer this question Lily asked me in another email:

An option I'd rather not act upon, if comes down to it, if there were to be a petition initiated, how many signatures would it take to open a discussion within the city council upon the issue at hand?

Gary-can you please respond to the traffic question below so I can get back to Lily?

Thank you all for your time.

Kerri Tompkins  
8th Ward Alderman  
Davenport City Council

Begin forwarded message:

**From:** "Tompkins, Kerri" <[ktompkins@ci.davenport.ia.us](mailto:ktompkins@ci.davenport.ia.us)>  
**Date:** November 20, 2016 at 4:28:15 PM CST

**To:** Lily Hoang <[creekside.63rd@gmail.com](mailto:creekside.63rd@gmail.com)>

**Subject: Re: Goose Creek Development**

Hi Lily-

Thank you so much for reaching out to me and know I appreciate your time and commitment to Davenport. I will address what I can below and seek feedback from staff on other items. Please know this project is in the very early stages, so I do not have many details. My responses are listed below in italics. Thank you again Lily and I will get back to you.

Kerri Tompkins  
8th Ward Alderman  
Davenport City Council

On Nov 18, 2016, at 4:39 PM, "Lily Hoang" <[creekside.63rd@gmail.com](mailto:creekside.63rd@gmail.com)> wrote:

Hello. My name is Lily with the Creekside Apartments. I was contacting in reference to the senior living development.

I know you are well aware of the concerns. I am not certain were to begin, though I am attempting to find a compromise between the differing opinions.

Issues:

- Speeding; *Just an FYI there was a speed trailer for one week on 65th Street (just within the last few weeks) and under 4% of the traffic exceeded the speed limit.*
- Property Management/ Liability-*This is an area where many neighbors and business owners work well together and my goal/hope would be that any new investors in the Goose Creek area will continue with this approach/expectation.*
- Aesthetic Landscape (E & S sides of development - back-facing townhouses-*this is something that can be addressed as the project moves forward.*

- Just for verification, speed bumps are not allowed on city streets? *No. This causes issues with snow removal.*

- Rough estimate, what was our actual count compared to the minimum required for some sort of traffic control for the 65th street area?

Suggestions or realistic options if any for additional traffic control?

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Rough estimate of that maximum in comparison to the eventual number of potential occupancies planned within the blueprints of the Developer.

Any advice, opinion, or suggestions are welcomed.

*Again, this is a preliminary proposal. It is my understanding the developer will conduct a study to help determine what is best for this area.*

I appreciate all your efforts and all that you do for our community.

Hope to hear back at your convenience!

Best Regards,  
Lily Hoang  
Phone: (563) 424-1796  
Fax: (563) 424-5356

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Bruce Berger, 326-7769  
Wards: 8

**Action / Date**  
**1/18/2017**

Subject:  
Resolution amending the North Urban Renewal Area Plan. [Ward 8]

Recommendation:  
Approve the resolution.

Relationship to Goals:  
Added emphasis on economic development.

Background:

The City of Davenport is seeking to amend the North Urban Renewal Area Plan. The amendment will include the addition of land adjacent to the Eastern Iowa Industrial Center where Sterilite, originally referred to as Project Prairie, is considering construction of their new manufacturing and distribution center.

The City of Davenport will also be amending the North Urban Renewal Plan to include the following projects:

Sterilite Corporation: Approximate property tax rebate of \$8,361,600

Sterilite Corporation Land and Infrastructure: Approximately \$9,500,000.

ATTACHMENTS:

| Type                | Description                   |
|---------------------|-------------------------------|
| ▣ Resolution Letter | Resolution amending North URA |
| ▣ Exhibit           | URA Plan Amendment            |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 10:54 AM |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 10:54 AM |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 11:57 AM |

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

Resolution offered by Alderman \_\_\_\_\_.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION amending the Plan for the North Urban Renewal Area.

WHEREAS, the City of Davenport will be adding area in the North Urban Renewal Area; and

WHEREAS, the City of Davenport is planning to use TIF funds of approximately \$17,861,600 to support Sterilite's project in the North Urban Renewal Area; and

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

WHEREAS, the proposed project will add benefits to the tax base and meets the established policy for using tax increment financing to assist in primary business expansion; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a public hearing was held on January 18, 2017, to review and receive public comment on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davenport, Iowa approves the amendments and consolidation of the North Urban Renewal Area.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

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

**January 3, 2017**

The Urban Renewal Plan (the “Plan”) for the North Urban Renewal Area (the “Area”) is being amended for the purposes of 1) increasing the size of the Area by added certain real property thereto; and 2) identifying new urban renewal projects to be undertaken therein.

- 1) **Addition of Property.** The real property (the “Property”), legally described on Exhibit A hereto is, by virtue of this Amendment, being added as the January 2017 Addition to the Area. With the adoption of this Amendment, the City will designate the Property as an economic development area. The Property will become subject to the provisions of the Plan for the Area.

It is anticipated that the City will adopt an ordinance providing for the division of property tax revenues, as set forth in Section 403.19 of the Code of Iowa, with respect to certain taxable Property contained in this January 2017 Addition. Following the adoption of such ordinance, if the City certifies obligations to the County Auditor payable from incremental property tax revenues to be derived from the January 2017 Addition by December 1, 2017, then the “base valuation” for the calculation of available incremental property tax revenues for the January 2017 Addition will be determined as of January 1, 2017. For property placed in an economic development urban renewal area after January 1, 1995, Section 403.17 of the Code of Iowa limits the number of years of incremental property tax collections to twenty years.

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

- a. **Name:** Sterilite Corporation (Originally referred to as Project Prairie)  
**Cost:** \$8,361,600  
**Rationale:** The Company shall be eligible for reimbursement of 60% of the total property tax bill, less the City’s bond repayment on infrastructure costs.
- b. **Name:** Sterilite Corporation Land & Infrastructure (Originally referred to as Project Prairie)  
**Cost:** \$9,500,000

**Rationale:** The City of Davenport will contribute \$3,000,000 for a land write down and use the remaining funds in order to make road and intersection improvements and bring utilities to the project including a rail spur.

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

Outstanding General Obligation Debt of the City: \$219,950,000

Remaining Constitutional Debt Capacity of the City: \$94,600,270

Proposed Debt to be incurred in the Urban Renewal Area: \$18,000,000

**Exhibit A:**



### **Legal Description of Land to be added to North URA**

#### **Parcels 932733001 & 932749002**

Commencing at the southeast corner of the southwest quarter of Section 27; thence, along the south line of the southwest quarter of said Section, South 88 degrees 08 minutes 56 seconds West, a distance of 1330.82 feet, to the east line of the west half of the southwest quarter of said section and the Point of Beginning; thence, continuing along said south line, South 88 degrees 08 minutes 56 seconds West, a distance of 1320.82 feet, to the east line of a rail spur right of way line as conveyed to the City of Davenport, as described within Document Number 1922-2011; thence along said right of way line for the next three (3) courses: North 02 degrees 09 minutes 49 seconds West, a distance of 598.24 feet; thence, South 87 degrees 50 minutes 11 seconds West, a distance of 10.00 feet; thence, North 02 degrees 09 minutes 49 seconds West, a distance of 2058.32 feet, to the south right of way line of Slopertown Road; thence along said south right of way line and the arc of the 1943.00 foot radius curve, concave northerly, a distance of 0.06 feet, said curve has a chord bearing of North 81 degrees 59 minutes 42 seconds West and a distance of 0.06 feet to the west line of said southwest quarter; thence, along the west line of the northwest quarter of said Section, North 02 degrees 06 minutes 50 seconds West, a distance of 33.53 feet, to the centerline of Slopertown Road; thence along said centerline and the arc of a 1911.00 foot radius curve, concave northerly, a distance of 342.80 feet, said curve has a bearing of South 86 degrees 57 minutes 02 seconds East and a distance of 342.34 feet; thence, continuing along said centerline and the north line of said southwest quarter, North 87 degrees 54 minutes 28 seconds East, a distance of 992.96 feet, to the east line of said west half of said southwest quarter; thence South 02 degrees 05 minutes 52 seconds East, a distance of 2664.96 feet, to the Point of Beginning. EXCEPTING therefrom the northern 250 feet.

The above described real estate contains 81 acres, more or less; and is subject to the right of the public for roadway purposes for Slopertown Road. The roadway easement for Slopertown contains approximately 1.012 acres.

For the purposes of this description the south line of the southwest quarter of said Section is assumed to have a bearing of South 88 degrees 08 minutes 56 seconds West.

#### **Parcels 932735003, 932751003 & 932735004**

The East Half of the Southwest Quarter of Section 27, Township 79 North, range 3 East of the 5<sup>th</sup> P.M., containing 80 acres, excepting the northern 250 feet. EXCEPT, those parts conveyed in Warranty Deed filed June 26, 1985, and recorded as Document No. 9663-85; in Quit Claim Deed filed June 26, 1985, and recorded as Document No. 9664-85; and in Easement filed July 26, 1985 and recorded as Document No. 11444-85; all in the Recorder's Office of Scott County, Iowa. EXCEPTING therefrom the northern 250 feet.

Part of the Northeast Quarter of the Southwest Quarter of Section 27, township 79 North, Range 3 east of the 5<sup>th</sup> Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the center of said Section 27; thence South 0 degrees 00 minutes 00 seconds East along the East line of said Southwest Quarter, a distance of 450.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to the point of beginning on the West right of way line of Division Street; thence South 0 degrees 00 minutes 00 seconds East along said West right of way line, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 565.00 feet; thence North 0 degrees 00 minutes 00 seconds West, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 565.00 feet to the point of beginning; said described tract containing 265,550 square feet (6.10 acres), more or less.

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 326-7743

Wards: 6

**Action / Date**

**1/18/2017**

Subject:

Resolution approving Case No. F16-18 being the final plat of Utica Ridge Commercial Park 5th Addition, located at the southeast corner of I-74 and East 53rd Streets containing one (1) commercial lot. [Ward 6]

Recommendation:

The City Plan and Zoning Commission concurred with the finding(s) and recommendation of City staff and forwards Case No. F16-18 for approval subject to the following conditions as stated in the Commission's letter December 21, 2016.

Findings:

\* the plat conforms to the comprehensive plan

\* the plat conforms (or will conform) to subdivision/zoning requirements

Plan and Zoning Recommendation: The Plan and Zoning Commission accepts the listed findings and forward Case No. F16-18 to the City Council with a recommendation for approval subject to the following –

1. The plat is tied to two quarter corners or two previously established lot corners. [several “found” pins are noted on the plat, however at least two of them are to have descriptions which include which existing lot corners they are or which quarter corners they are];
2. A note shall be added to the plat stating that no access points shall be allowed to 53rd Street.

The Commission vote for approval was unanimous with 8-yes, 0-no and 1-abstention.

Relationship to Goals:

Added emphasis on economic development

Background:

The plat is proposed to facilitate the commercial development of the new specialty grocer.

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

**ATTACHMENTS:**

| Type                | Description                                |
|---------------------|--------------------------------------------|
| ▣ Resolution Letter | CD RES F16-18 - Resolution Only            |
| ▣ Backup Material   | Background - P&Z Letter to City Council    |
| ▣ Backup Material   | Background - P&Z Vote Results 12-20-16     |
| ▣ Backup Material   | Background - F16-18 Final P&Z Staff Report |
| ▣ Backup Material   | Background - Application for a Subdivision |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 9:42 AM  |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 9:43 AM  |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 10:06 AM |

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

Resolution offered by

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F16-18 being the final plat of Utica Ridge Commercial Park 5th Addition, located at the southeast corner of I-74 and East 53rd Streets containing one (1) commercial lot. [6th Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Utica Ridge Commercial Park 5th Addition to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated December 21, 2016 and as follows:

1. The plat is tied to two quarter corners or two previously established lot corners. [several "found" pins are noted on the plat, however at least two of them are to have descriptions which include which existing lot corners they are or which quarter corners they are];
2. A note shall be added to the plat stating that no access points shall be allowed to 53<sup>rd</sup> Street.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record the attached waiver of assessment.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

December 21, 2016

Honorable Mayor and City Council:

At its regular meeting of December 20, 2016, the City Plan and Zoning Commission considered Case No. F16-18 of EVC Davenport, LLC to replat Lot 2 of Utica Ridge Commercial Park 4<sup>th</sup> Addition and a remnant parcel of Iowa Department of Transportation right-of-way into one lot subdivision. The site is the location of a specialty grocer. Both lots are owned in common and are utilized for the existing business. The one (1) lot plat contains 1.651 acres, more or less, and is located at 3805 East 53<sup>rd</sup> Street. The property is zoned "PDD" Planned Development.

Findings:

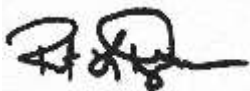
- the plat conforms to the comprehensive plan
- the plat conforms (or will conform) to subdivision/zoning requirements

Plan and Zoning Recommendation:

The Plan and Zoning Commission accepts the listed findings and forward Case No. F16-02 to the City Council with a recommendation for approval subject to the following –

1. The plat is tied to two quarter corners or two previously established lot corners. [several "found" pins are noted on the plat, however at least two of them are to have descriptions which include which existing lot corners they are or which quarter corners they are];
2. A note shall be added to the plat stating that no access points shall be allowed to 53<sup>rd</sup> Street.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

|          |           | APPROVED                        | APPROVED                       | APPROVED                               |  |  |  |  |  |
|----------|-----------|---------------------------------|--------------------------------|----------------------------------------|--|--|--|--|--|
| Name:    | Roll Call | F16-16<br>Old K's Subd No.<br>2 | F16-17<br>Crystal Creek<br>8th | F16-18<br>Utica Ridge<br>Comm Park 5th |  |  |  |  |  |
| Connell  | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Hepner   | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Inghram  | P         |                                 |                                |                                        |  |  |  |  |  |
| Kelling  | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Lammers  | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Maness   | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Martinez | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Medd     | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Quinn    | P         | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Reinartz | EX        | Y                               | Y                              | Y                                      |  |  |  |  |  |
| Tallman  | P         | Y                               | Y                              | ABSTAIN                                |  |  |  |  |  |
|          |           | 9-YES<br>0-NO<br>0-ABSTAIN      | 9-YES<br>1-NO<br>0-ABSTAIN     | 8-YES<br>0-NO<br>1-ABSTAIN             |  |  |  |  |  |



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

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## **PLAN AND ZONING COMMISSION**

**Meeting Date:** December 20, 2016  
**Request:** Final Plat: Utica Ridge Commercial Park 5<sup>th</sup> Addition  
**Address:** 3805 East 53<sup>rd</sup> Street  
**Case No.:** F16-18  
**Applicant:** EVC Davenport, LLC

## **INTRODUCTION**

Request F16-18 of EVC Davenport, LLC to replat Lot 2 of Utica Ridge Commercial Park 4<sup>th</sup> Addition and a remnant parcel of Iowa Department of Transportation right-of-way into one lot subdivision. The site is the location of a specialty grocer. Both lots are owned in common and are utilized for the existing business. The one (1) lot plat contains 1.651 acres, more or less, and is located at 3805 East 53<sup>rd</sup> Street. The property is zoned "PDD" Planned Development.

## **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. F16-18 to the City Council with a recommendation for approval subject to the listed conditions below.

## **AREA CHARACTERISTICS:**

### ***Area Aerial Map***



## **BACKGROUND**

### **Comprehensive Plan**

Within Urban Service Area: Yes  
Zoning – "PDD" Planned Development District  
Future Land Use – "RC" Regional Commercial

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

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

### **Technical Review:**

Streets. The property utilizes the existing street and access drive patterns. Access to the site is from East 53<sup>th</sup> Street via an internal access drive.

Storm Water. Storm water collection, detention pond, and other stormwater impact are being evaluated by Public Works.

Sanitary Sewer. Sanitary sewer service is on site.

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

Emergency Services. The property is located less than one mile from Fire Station No. 8 at 2802 East 53<sup>rd</sup> Street.

Parks/Open Space. The proposed development does not impact any existing or planned parks.

### **DISCUSSION**

A Final Development Plan has already been approved for this site. The plat is the redevelopment of a previous commercial lot. A new lot is not being created; this plat is a simple combination of an existing lot with adjacent land into one plated lot.

### **STAFF RECOMMENDATION**

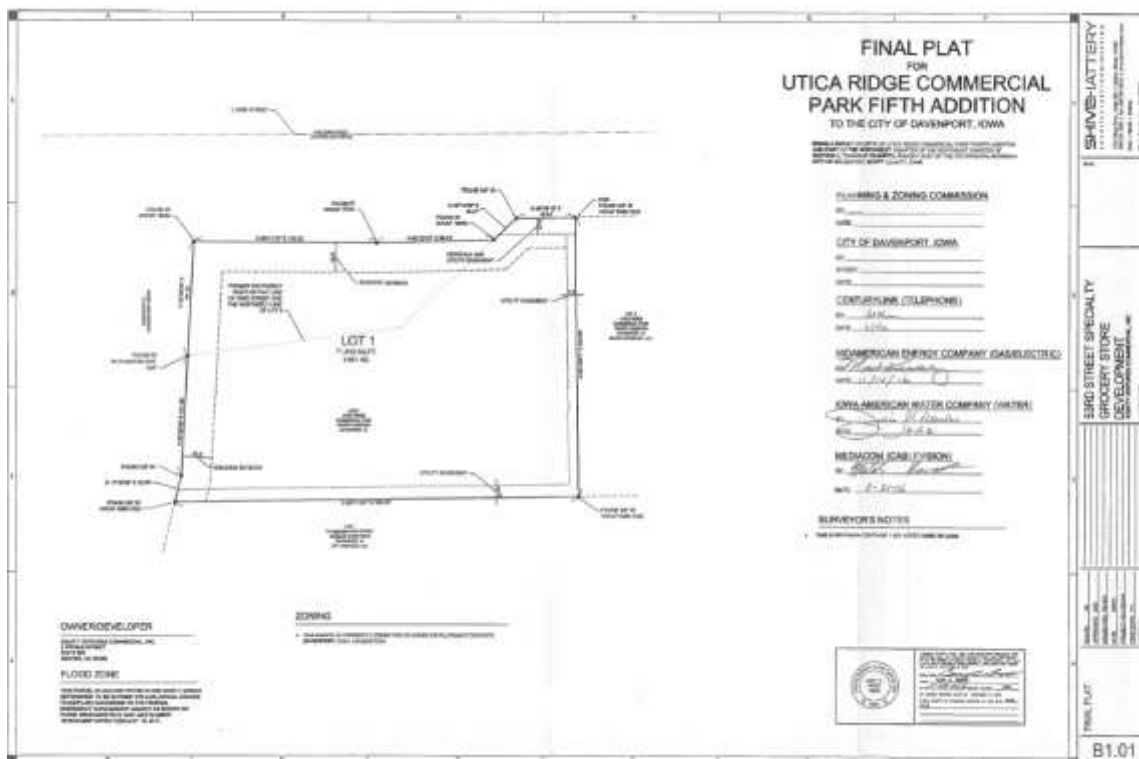
Staff recommends the Plan and Zoning Commission forward Case No. F16-18 to the City Council with a recommendation for approval subject to the following conditions:

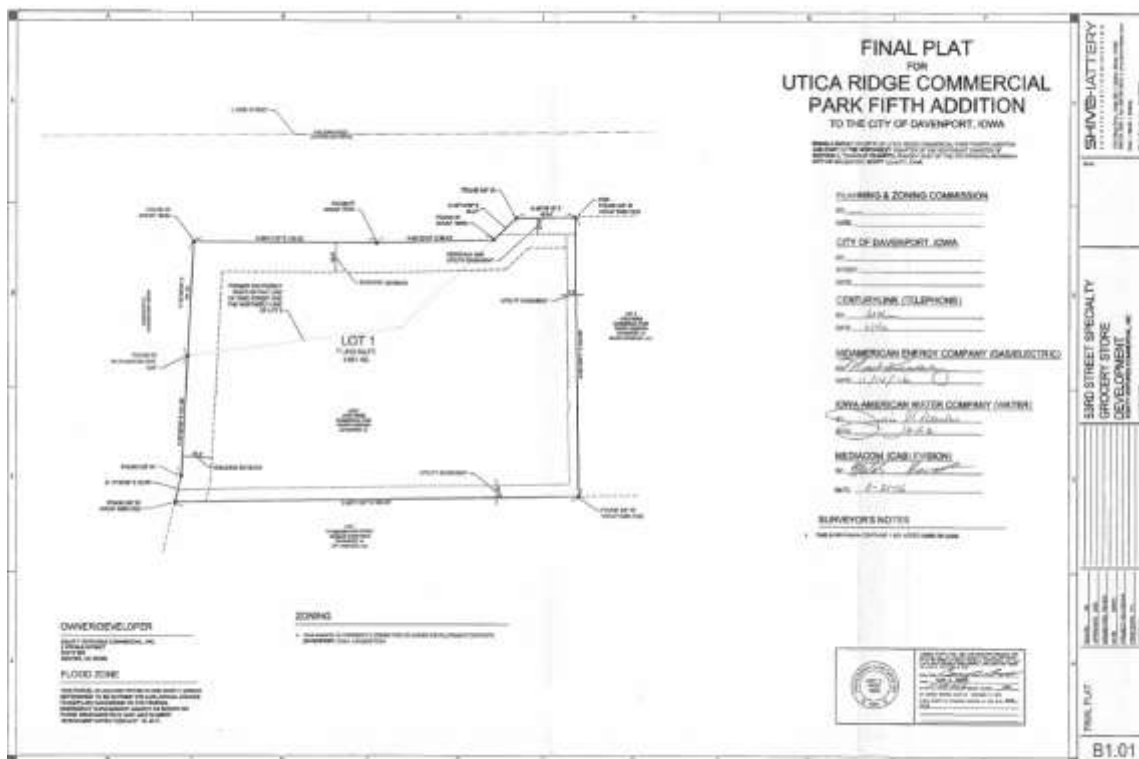
1. The plat is tied to two quarter corners or two previously established lot corners. [several "found" pins are noted on the plat, however at least two of them are to have descriptions which include which existing lot corners they are or which quarter corners they are];
2. A note shall be added to the plat stating that no access points shall be allowed to 53<sup>rd</sup> Street.

Prepared by:



Scott Koops, AICP  
Planner II Community Planning





## MEMORANDUM

Date: December 9, 2016

To: Scott Koops, AICP  
Planner II  
Community Planning and Economic Development

From: Tom Leabhart, P.E.  
Development Engineer

Re: Proposed Final Plat of Utica Ridge Commercial Park 5<sup>th</sup> Addition

It is recommended that the above referenced plat be approved subject to the following conditions:

1. A 15' wide utility easement is dedicated along the full length of the 53<sup>rd</sup> Street frontage.
2. The plat is tied to two quarter corners or two previously established lot corners. Although several "found" pins are noted on the plat, at least two of them are to have descriptions which include which existing lot corners they are or which quarter corners they are.
3. A note is added to the plat stating that no access points shall be allowed to 53<sup>rd</sup> Street.

cc: File

BEING A REPLAT OF LOT 2 OF UTICA RIDGE COMMERCIAL PARK FOURTH ADDITION AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DAVENPORT, SCOTT COUNTY, IOWA

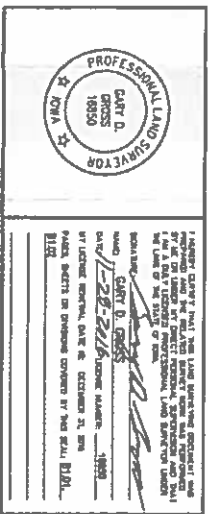
1. THIS SUBDIVISION CONTAINS 1.861 ACRES MORE OR LESS

**53RD STREET SPECIALTY  
GROCERY STORE  
DEVELOPMENT**  
EQUITY VENTURES COMMERCIAL, INC.  
DAVENPORT, IOWA

DRAWN: JJB  
APPROVED: GDG  
ISSUED FOR: REVIEW  
DATE: 9/25/18  
PROJECT NO: 315319-0  
FIELD BOOK: 571  
CLIENT NO: --

# B1.01

1. THIS PARCEL IS CURRENTLY ZONED PDD (PLANNED DEVELOPMENT DISTRICT) DAVENPORT, IOWA JURISDICTION



CITY OF DAVENPORT  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)  
SUBDIVISION REFERENCE FILE

PRELIM / **FINAL** / PUD (circle the appropriate designation)

SUBDIVISION NAME: Utica Ridge Commercial Park 5th Addition

LOCATION: 3805 E. 53rd Street, Davenport, Iowa

DEVELOPER: Name: EVC Davenport, LLC

Address: 3501 SW Fairlawn Road, Suite 200, Topeka, KS 66614

Phone: 785-272-1378 x 106 FAX: 785-272-1796

Mobile Phone: 785-224-0489 Email: kbeck@equityventurescd.com

ENGINEER: Name: Shive-Hattery, Inc.

Address: 1701 River Dr., Suite 200, Moline, IL 61265

Phone: 309-764-7650 FAX: 309-764-8616

Mobile Phone: 563-320-3135 Email: ggross@shive-hattery.com

ATTORNEY: Name: Pastrnak Law Firm

Address: 313 W. Third Street, Davenport, IA 52801

Phone: 563-323-7737 FAX: 563-323-7739

Mobile Phone: Email: jroseman@pastrnak.com

OWNER: Name: EVC Davenport, LLC

Address: 3501 SW Fairlawn Rd, Suite 200, Topeka, Kansas, 66614

Phone: 785-272-1398 x 106 FAX: 785-272-1796

Mobile Phone: 785-224-0489 Email: kbeck@equityventurescd.com

NUMBER OF LOTS: 1 Lot, Commercial ACRES: 1.651

SF 2F MF & EST. UNITS COMM IND

STREETS ADDED: 0 LINEAR FEET

Does the plat contain a drainage way or floodplain area: Yes X No

|                                                                            | Fee per Plat | Fee                                      |
|----------------------------------------------------------------------------|--------------|------------------------------------------|
| Ten or fewer lots ( < 10 lots )                                            |              | \$400 plus \$25/lot                      |
| Eleven to twenty-five lots ( ≥ 11 lots ≤ 25 lots )                         |              | \$700 plus \$25/lot                      |
| More than twenty-five lots ( > 25 lots )                                   |              | \$1,000 plus \$25/lot                    |
| Reforestation fee (submit to Land Use Office Prior to City Council review) |              | \$150 per 50 feet of lineal lot frontage |

NOTE: THE PLAT WILL NOT BE PROCESSED UNTIL THE FEE AND COMPLETED REFERENCE FILE ARE RECEIVED BY THE PLANNING AND LAND DEVELOPMENT OFFICE.

BEING A REPLIT OF LOT 2 OF UTICA RIDGE COMMERCIAL PARK FOURTH ADDITION AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

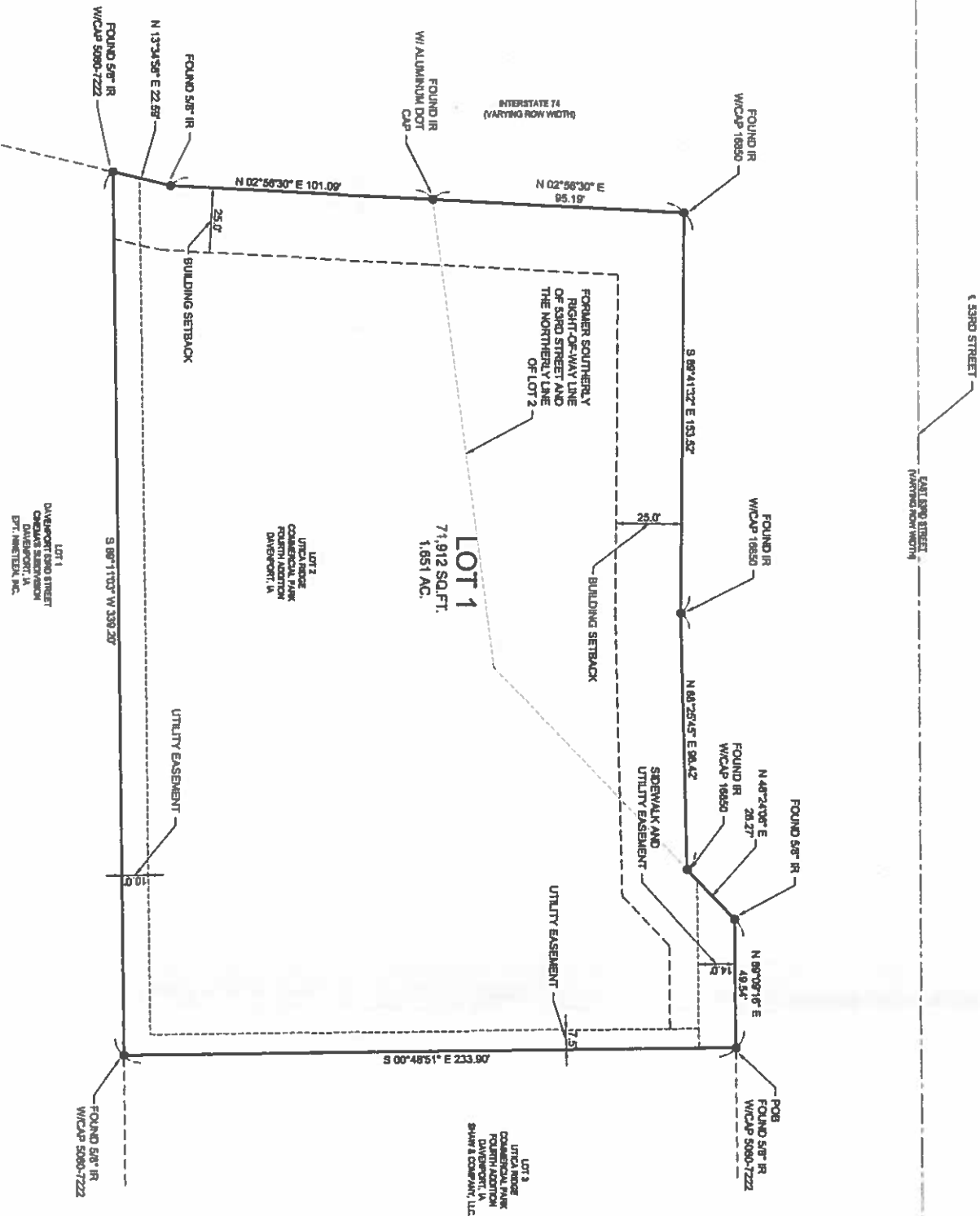
1. THIS SUBDIVISION CONTAINS 1.861 ACRES MORE OR LESS

**53RD STREET SPECIALTY  
GROCERY STORE  
DEVELOPMENT**  
EQUITY VENTURES COMMERCIAL, INC.  
DAVENPORT, IOWA

DRAWN: JJB  
APPROVED: GDG  
ISSUED FOR: REVIEW  
DATE: 9/28/18  
PROJECT NO: 315319-0  
FIELD BOOK: 571  
CLIENT NO: —

# B1.01

1. THIS PARCEL IS CURRENTLY ZONED PDD (PLANNED DEVELOPMENT DISTRICT)  
DAVENPORT, IOWA JURISDICTION



TO THE CITY OF DAVENPORT, IOWA

BEING A REPLIT OF LOT 2 OF UTICA RIDGE COMMERCIAL PARK FOURTH ADDITION AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

1. THIS SUBDIVISION CONTAINS 1.861 ACRES MORE OR LESS

[illegible]

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 326-7743  
Wards: All

**Action / Date**  
**1/18/2017**

Subject:  
Resolution giving conditional approval to acquire a residential property through the Floodprone Property Acquisition Program (FAP) [All Wards]

Recommendation:  
Approve the resolution.

Relationship to Goals:  
Urban Revitalization, Long-Range Infrastructure, Sustainable Infrastructure.

Background:

Since the mid 1990's the City has administered the Floodprone Property Acquisition Program (FAP). Through this program, the City offers itself as willing buyer of residential property which has had or is likely to have problems with flooding. Through this program, with local funds and periodically with federal funds, over 100 residential properties have been acquired and the structures demolished – reducing the number of dwelling units and population vulnerable at the time of flooding.

Certain years, the Capital Improvements Program has funding for further acquisitions and demolitions. For several years the FAP program has targeted properties in the Garden Addition and along a segment of Duck Creek between Harrison and Farnam Streets. From the eleven (11) recent applications, staff has identified two (2) willing sellers for recommendation with property located in our target areas and meeting program criteria.

| <b><u>Recommended Acquisitions</u></b> | <b><u>Purchase Price</u></b> |
|----------------------------------------|------------------------------|
| 3235 Keota Avenue                      | \$48,829                     |
| 2344 West River Drive                  | \$37,609                     |

Staff recommends the acquisition of both residential properties. The properties are located in high priority areas and located adjacent to other city-owned land. The West River Drive location is located in the 100 year floodplain and the site is subject to flooding unless protected by sand bags or other such barriers during times of Mississippi River flooding. The attached maps show the location of the recommended purchases and previously acquired parcels.

The basic terms of the residential acquisitions are that the offered price is 10 percent above the latest assessed value of the property. If a seller presents a professional appraisal that supports a higher value, the City can agree to pay that higher price. Both owners will be selling at 10 percent above the assessed value. Demolition of both residential properties is estimated at \$12,000; currently the program balance is approximately \$100,000, which leaves approximately \$1,570 in the account after acquisition and demolition which will be used to pay for closing costs.

ATTACHMENTS:

| Type                | Description               |
|---------------------|---------------------------|
| □ Resolution Letter | Resolution for FAP Buyout |

- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material

Background - 3235 Keota MAP  
 Background - 2344 W River Dr MAP  
 Background - 3235 Keota TAX CARD  
 Background - 2344 W River Dr TAX CARD  
 Background - Prior Acquisitions

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 9:41 AM  |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 9:41 AM  |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 10:07 AM |

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

Resolution offered by Alderman \_\_\_\_\_

RESOLVED by the City Council of the City of Davenport.

RESOLUTION giving conditional approval to acquire the property through the Flood prone Property Acquisition Program.

WHEREAS, the City of Davenport has established a Flood prone Property Acquisition Program (FAP) to offer the City as a willing purchaser of residential properties, in designated areas subject to periodic flooding; and

WHEREAS, the City staff has received applications for consideration for the City to acquire and demolish the property in areas subject to periodic flooding; and

WHEREAS, the City staff analyzed the property, with particular attention to its location relative to the established boundaries of the targeted areas, the location of previously acquired and cleared properties, and the available funds, and has recommended the acquisition of the property;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa, that the following property be acquired:

3235 Keota Avenue  
2344 W River Drive

Approved:

Attest:

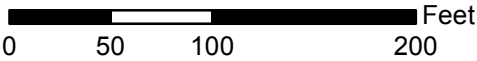
\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, MMC, City Clerk

**Proposed Residential Floodplain Buyout Acquisition: 3235 Keota Ave**



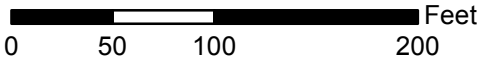
Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



**Proposed Residential Floodplain Buyout Acquisition: 2344 W River Dr**



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



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[ [Assessment Report](#) | [Auditor/Treasurer Report](#) | [Map](#) ]

## Assessment Summary

### Davenport City Assessor



**Parcel Number:** R0430-02  
**Route Number:** R21-036-000  
**Deed Holder:** NILES TONYA  
3235 KEOTA AV  
DAVENPORT IA 52802

**Deed Date:** 8/6/2004  
**Transfer Document No.:** 2004-28260  
**Revenue Stamp:** \$34.40  
**Purchase Price :** \$22,000 (Nearest \$500)  
**Property Location:** 3235 KEOTA AV  
DAVENPORT, IA  
**Sec-Twn-Rng/Lot-Block:** 009-012  
**Legal Description:** GARDEN ADD  
**Classification:** R Residential

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### Land Information

**Lot Dimensions:** Lot: 40.0 x 120.0

**Land Sizes Used For Assessment Purposes Only. Not A Survey Of The Property.**

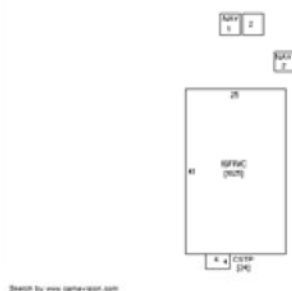
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### Dwelling

**Occupancy:** Single-Family  
**Style:** 1 Story Frame  
**Year Built:** 1943  
**Living Area:** 1,025 SF  
**Attic Style:** None  
**Attic Area:** 0  
**Basement Area:** 0  
**Basement Finished Area:** 0  
**Bedrooms Above:** 2

**Bedrooms Below:** 0  
**Bathrooms:** 1 Full Bath;  
**Fireplace:** 1 - Prefab;  
**Heat Type:** FHA - Gas  
**Central Air:** Yes  
**Roof:** Asphalt Shingles  
**Exterior:** Pressed Board  
**Porches and Decks:** Concrete Stoop/Deck (24 SF);  
**Garage:** Det Frame (484 SF)

**Sketch**(click to enlarge)



**ASSESSED    2016    2015**  
**VALUES**

|              |                 |                 |
|--------------|-----------------|-----------------|
| Land         | \$9,570         | \$9,570         |
| Buildings    | \$0             | \$0             |
| Dwellings    | \$34,820        | \$34,820        |
| Exempt       | \$0             | \$0             |
| <b>Total</b> | <b>\$44,390</b> | <b>\$44,390</b> |

**SALES RECORDS**

| Date      | Type | Recording | Amount   | Sale Type | Multi-Parcel |
|-----------|------|-----------|----------|-----------|--------------|
| 8/6/2004  | QCD  | 04-28260  | \$22,000 | NONE      | No           |
| 1/27/1982 | X    | 82-01089  | \$0      | NONE      | No           |

**PERMITS**

| Date                           | Permit # | Permit Amount | Reason |
|--------------------------------|----------|---------------|--------|
| ---No Permit Data Available--- |          |               |        |

***Disclaimer:*** The information in this web site represents current data from a working file which is updated regularly. Information is believed reliable, but its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein or its use.

[Click here to report incorrect data for 3235 KEOTA AV \(Parcel # R0430-02\).](#)

[Click here to pay taxes for 3235 KEOTA AV \(Parcel # R0430-02\).](#)

**Davenport City Assessor**

Administrative Center • 600 W. 4th St. • Davenport, Iowa 52801  
 (563) 326-8659 • [www.cityofdavenportiowa.com/assessor/](http://www.cityofdavenportiowa.com/assessor/)

## Davenport City Assessor Parcel Records

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## Assessment Summary

## Davenport City Assessor

Parcel Number: R0308A05  
 Route Number: R17-010-000  
 Deed Holder: MARBURY DARYL K  
 2344 W RIVER DR  
 DAVENPORT IA 52802

Deed Date: 9/14/2011  
 Transfer Document No.: 2011-25062  
 Revenue Stamp: \$55.20  
 Purchase Price : \$35,000 (Nearest \$500)  
 Property Location: 2344 W RIVER DR  
 DAVENPORT, IA

Sec-Twn-Rng/Lot-Block: 03/77/03

Legal W 60.12' OF: PT NE/4 SEC 4 & NW/4 SEC 3-77-3 COM AT POST S 41D 6' E FROM NE COR SEC 4- S 33D E 5.50  
 Description: CHNS TO MISS RIVER-N 57D ALG RIVER E 1.82 CHNS-N 33D W 5.50 CHNS-S 57D W 1.82 CHNS TO BEG (EXC PT TO STATE OF IOWA)

Classification: R Residential



## Land Information

Lot Dimensions: Lot: 60.0 x 245.0

Land Sizes Used For Assessment Purposes Only. Not A Survey Of The Property.

## Dwelling

Occupancy: Single-Family  
 Style: 1 Story Frame  
 Year Built: 1940  
 Living Area: 960 SF  
 Attic Style: None  
 Attic Area: 0  
 Basement Area: 768  
 Basement Finished Area: 0  
 Bedrooms Above: 1  
 Bedrooms Below: 0  
 Bathrooms: 1 Full Bath;  
 Fireplace: None  
 Heat Type: FHA - Gas  
 Central Air: Yes  
 Roof: Asphalt Shingles  
 Exterior: Vinyl  
 Porches and Decks: None  
 Garage: Att Frame (720 SF)

Sketch(click to enlarge)



Sketch by web application only

| ASSESSED VALUES |                 |                 | SALES RECORDS |      |           |          |                                |              |
|-----------------|-----------------|-----------------|---------------|------|-----------|----------|--------------------------------|--------------|
|                 | 2016            | 2015            | Date          | Type | Recording | Amount   | Sale Type                      | Multi-Parcel |
| Land            | \$6,620         | \$6,620         | 9/2/2011      | WD   | 11-25062  | \$35,000 | NORMAL ARMS-LENGTH TRANSACTION | No           |
| Buildings       | \$0             | \$0             | 3/31/2000     | WD   | 00-12510  | \$0      | NONE                           | No           |
| Dwellings       | \$27,570        | \$27,570        | 1/1/1993      | X    | 265-0115  | \$0      | NONE                           | No           |
| Exempt          | \$0             | \$0             |               |      |           |          |                                |              |
| <b>Total</b>    | <b>\$34,190</b> | <b>\$34,190</b> |               |      |           |          |                                |              |

| PERMITS   |          |               |        |
|-----------|----------|---------------|--------|
| Date      | Permit # | Permit Amount | Reason |
| 9/21/2016 | B027150  | \$5,900       | Roof   |
| 7/16/2002 | 188979   | \$200         | Siding |

**Disclaimer:** The information in this web site represents current data from a working file which is updated regularly. Information is believed reliable, but its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein or its use.

[Click here to report incorrect data for 2344 W RIVER DR \(Parcel # R0308A05\).](#)

[Click here to pay taxes for 2344 W RIVER DR \(Parcel # R0308A05\).](#)

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**Davenport City Assessor**

Administrative Center ? 600 W. 4th St. ? Davenport, Iowa 52801  
(563) 326-8659 ? [www.cityofdavenportiowa.com/assessor/](http://www.cityofdavenportiowa.com/assessor/)

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## Scott County Parcel Records

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Parcel Ownership/Valuation/Tax Summary**

Scott County, Iowa

Parcel ID: R0308A05

Property Location: 2344 W RIVER DR  
DAVENPORT, IA**Legal Description:**

Sec:03 Twp:77 Rng:03W 60.12' OF: PT NE/4SEC 4 &amp; NW/4 SEC3-77-3 COM AT POST S41D 6' E FROM NE COR SEC 4- S 33D E 5.50 CHNS TO MISS RIVER-N 57D ALG RIVER E 1.82 CHNS-N 33D W 5.50 CHNS-S 57D W 1.82 CHNS TO BEG (EXC PT TO STATE OF IOWA)

AddNum / Sect: 03

Block / Twp: 77

Lot / Rng: 03

Gross Acres: 0

Exempt Acres: N/A

Net Acres: N/A

**Deed Holder:**MARBURY DARYL K  
2344 W RIVER DR  
DAVENPORT IA 52802**Contract Holder:****Mail To:**

Class: R Residential

SubClass:

Transfer Document No.: 2011 -25062

Revenue Stamp: \$55.20

Purchase Price : \$35,000 (Nearest \$500)

Deed Date: 9/14/2011

Deed Book:

Deed Page:

Contract Date:

Contract Book:

Contract Page:

Taxing District: DAD - DAVENPORT DAVENPORT

School District: DAVENPORT SCHOOL

Misc. District:

|                              | 2016 VALUATION |               | 2015 VALUATION |               | 2014 VALUATION |               |
|------------------------------|----------------|---------------|----------------|---------------|----------------|---------------|
|                              | Assessed       | Taxable Value | Assessed       | Taxable Value | Assessed       | Taxable Value |
| Land                         | \$6,620        | -             | \$6,620        | \$3,682       | \$6,620        | \$3,690       |
| Buildings                    | \$0            | -             | \$0            | \$0           | \$0            | \$0           |
| Dwellings                    | \$27,570       | -             | \$27,570       | \$15,336      | \$31,580       | \$17,601      |
| Exempt                       | \$0            | -             | \$0            | -             | \$0            | -             |
| Gross Taxable                | \$34,190       | -             | \$34,190       | \$19,018      | \$38,200       | \$21,291      |
| Military                     | 0              | -             | 0              | 0             | 0              | 0             |
| Net Taxable                  | \$34,190       | -             | \$34,190       | \$19,018      | \$38,200       | \$21,291      |
| Gross Taxes                  |                | -             |                | \$748.76      |                | \$848.38      |
| Homestead Credit             |                | -             |                | \$0.00        |                | \$0.00        |
| Ag Land Credit               |                | -             |                | \$0.00        |                | \$0.00        |
| Family Farm Credit           |                | -             |                | \$0.00        |                | \$0.00        |
| Business Property Tax Credit |                | -             |                | \$0.00        |                | \$0.00        |
| Disabled Senior Credit       |                | -             |                | \$0.00        |                | \$0.00        |
| Net Taxes                    |                | -             |                | \$748.00      |                | \$848.00      |

| 2015 Property Taxes Due: | Amount | Balance | Paid      | Receipt                | 2014 Property Taxes Due: | Amount | Balance | Paid      | Receipt                |
|--------------------------|--------|---------|-----------|------------------------|--------------------------|--------|---------|-----------|------------------------|
| September 2016           | \$374  | \$0     | 9/25/2016 | <a href="#">827648</a> | September 2015           | \$424  | \$0     | 9/25/2015 | <a href="#">756123</a> |
| March 2017               | \$374  | \$374   | No        |                        | March 2016               | \$424  | \$0     | 3/24/2016 |                        |

Please allow up to 72 hours for recent tax payments to be reflected.

Parcel ID: R0308A05

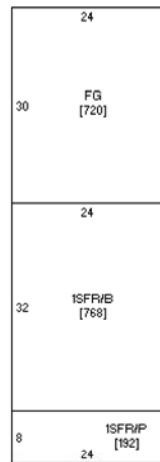
Photo 1



Parcel ID: R0308A05

The data shown on this sketch could be reflective of updated information from a working file.

Sketch 1



Sketch by www.camavision.com

## FLOOD-PRONE PROPERTY ACQUISITIONS

|                             | <u>Address</u>    | <u>Parcel #</u> | <u>Purchase</u>  | <u>Demolition</u> | <u>Date</u> | <u>FY Date</u> | <u>Target Area</u> | <u>Owner Name</u>   | <u>Funding</u> |
|-----------------------------|-------------------|-----------------|------------------|-------------------|-------------|----------------|--------------------|---------------------|----------------|
| <b>PRE-FAP ACQUISITIONS</b> |                   |                 |                  |                   |             |                |                    |                     |                |
| P1                          | 126 W 32nd ST     | P1413C01        | N/A              | N/A               | Mar-91      | 1991           | N/A                | HOLMES              | FEMA-1362      |
| P2                          | 116 W 32nd ST     | P1413C02        | DONATED          | N/A               | Mar-91      | 1991           | N/A                | BOUDI / CIT FED     | DONATED        |
| P3                          | 110 W 32nd ST     | P1413C03        | N/A              | N/A               | May-91      | 1991           | N/A                | KIRKWOOD INV        | FEMA-1362      |
| P4                          | 106 W 32nd ST     | P1413C04        | N/A              | N/A               | May-91      | 1991           | N/A                | McFARLEN            | FEMA-1362      |
| P5                          | 102 E 32nd ST     | P1413C06        | N/A              | N/A               | May-91      | 1991           | N/A                | SCOTT COUNTY        | FEMA-1362      |
| P6                          | 106 E 32nd ST     | P1413C09        | N/A              | N/A               | May-91      | 1991           | N/A                | WEIKERT             | FEMA-1362      |
| P7                          | 120 E 32nd ST     | P1413C10        | DONATED          | N/A               | Mar-91      | 1991           | N/A                | LAAKE               | DONATED        |
| P8                          | 3124 FAIR AV      | B0008-30        | N/A              | N/A               | May-91      | 1991           | N/A                | HAUGHENBERRY        | FEMA-1362      |
| P9                          | 3128 FAIR AV      | B0008-29        | N/A              | N/A               | May-91      | 1991           | N/A                | TYLER               | FEMA-1362      |
| P10                         | 1521 W 34th ST    | M1514-02        | N/A              | N/A               | May-91      | 1991           | N/A                | ALLEN               | FEMA-1362      |
| P11                         | 508 E 32nd ST     | P1316B15        | N/A              | N/A               | May-91      | 1991           | N/A                | BERRY               | FEMA-1362      |
| P12                         | 102 W 32nd ST     | P1413C05        | N/A              | N/A               | Aug-91      | 1992           | N/A                | HOEPER              | FEMA-1362      |
| <b>FAP ACQUISITIONS</b>     |                   |                 |                  |                   |             |                |                    |                     |                |
| 1                           | 3111 PANSY AV     | R0429-12        | \$15,000         | \$1,300           | Feb-94      | 1994           | Garden Add.        | HODSON              | LST / FAP      |
| 2                           | 3115 PANSY AV     | R0429-13        | \$18,000         | \$1,400           | Feb-94      | 1994           | Garden Add.        | HODSON              | LST / FAP      |
| 3                           | 3108 PANSY AV     | R0429-37        | \$12,500         | \$2,500           | Mar-94      | 1994           | Garden Add.        | MIZEUR              | LST / FAP      |
| 4                           | 3231 PANSY AV     | R0430-16        | \$10,026         | \$1,500           | Mar-94      | 1994           | Garden Add.        | CALLAHAN            | LST / FAP      |
| 5                           | 3107 PANSY AV     | R0429-11        | \$13,557         | \$1,500           | Apr-94      | 1994           | Garden Add.        | KILGORE             | LST / FAP      |
| 6                           | 3131 PANSY AV     | R0429-17        | \$8,496          | \$2,250           | Apr-94      | 1994           | Garden Add.        | WELLS               | LST / FAP      |
| 7                           | 3011 EASTERN AV   | D0001-01        | \$63,000         | N/A               | Apr-94      | 1994           | N/A                | COLLINSON           | LST / FAP      |
| 8a                          | 3112 PANSY AV     | R0429-35        | \$14,102         | \$1,400           | May-94      | 1994           | Garden Add.        | EASTIIN             | LST / FAP      |
| 8b                          | 3116 PANSY AV     | R0429-36        | N/A              | N/A               | May-94      | 1994           | Garden Add.        | EASTIIN             | LST / FAP      |
|                             |                   |                 | \$154,681        | \$1,400           |             |                |                    |                     |                |
|                             |                   |                 | <b>\$156,081</b> | <b>1994 Total</b> |             |                |                    |                     |                |
| 9                           | 3123 PANSY AV     | R0429-15        | \$12,223         | \$2,000           | Jan-95      | 1995           | Garden Add.        | FANNING             | LST / FAP      |
| 10                          | 3115 KEOTA AV     | R0429-42        | \$16,000         | \$2,642           | Feb-95      | 1995           | Garden Add.        | JOHNSON             | FEMA-HMGP 404  |
| 11*                         | 3141 DIEHN AV     | J0046-26        | \$24,894         | \$4,726           | Sep-94      | 1995           | N/A                | TROUTWINE           | LST / FAP      |
| 12                          | 3120 PANSY AV     | R0429-34        | \$13,659         | \$1,895           | Sep-94      | 1995           | Garden Add.        | DESANTIAGO          | LST / FAP      |
| 13                          | 3103 SUNNYSIDE AV | R0420-16        | \$25,000         | \$2,290           | Sep-94      | 1995           | Garden Add.        | KAMMER              | LST / FAP      |
| 14                          | 3124 KEOTA AV     | R0420-10        | \$11,723         | \$2,295           | Oct-94      | 1995           | Garden Add.        | HAFFARNAN           | LST / FAP      |
| 15                          | 3119 PANSY AV     | R0429-14        | \$11,152         | \$2,095           | Oct-94      | 1995           | Garden Add.        | HINTZE              | LST /FAP       |
| 16                          | 3128 PANSY AV     | R0429-32        | \$16,105         | \$2,195           | Oct-94      | 1995           | Garden Add.        | SOUTHERS            | FEMA-HMGP 404  |
| 17                          | 3136 FAIR AV      | B0008-32        | \$38,000         | \$4,300           | Nov-94      | 1995           | 32nd & Fair        | ERFLING             | LST / FAP      |
| 18                          | 3108 KEOTA AV     | R0420-14        | \$21,000         | \$1,999           | Nov-94      | 1995           | Garden Add.        | CARSTENS            | FEMA-HMGP 404  |
| 19                          | 3128 KEOTA AV     | R0420-09        | \$20,602         | \$2,295           | Nov-94      | 1995           | Garden Add.        | LUEDERS             | LST / FAP      |
| 20                          | 3104 PANSY AV     | R0429-38        | \$21,000         | \$2,095           | Nov-94      | 1995           | Garden Add.        | TILLMAN             | LST / FAP      |
| 21                          | 3243 PANSY AV     | R0430-18        | \$32,000         | \$6,493           | Nov-94      | 1995           | Garden Add.        | CARTER              | LST / FAP      |
| 22*                         | 404 S CONCORD ST  | J0035-17        | \$25,536         | \$4,876           | Dec-94      | 1995           | N/A                | BIG RIVER INC       | LST / FAP      |
|                             |                   |                 | \$288,894        | \$42,196          |             |                |                    |                     |                |
|                             |                   |                 | <b>\$331,090</b> | <b>1995 Total</b> |             |                |                    |                     |                |
| 23                          | 127 E 32nd ST     | B0008-59        | \$40,000         | \$3,087           | Jul-95      | 1996           | 32nd & Fair        | CARTER              | FEMA-HMGP 404  |
| 24                          | 128 E 32nd ST     | P1413C11        | \$36,500         | \$2,997           | Aug-95      | 1996           | 32nd & Fair        | SALTZ/HEYVEART      | FEMA-HMGP 404  |
| 25                          | 3131 FAIR AV      | B0008-34        | \$39,128         | \$3,100           | Sep-95      | 1996           | 32nd & Fair        | SCHLICTER           | LST / FAP      |
| 26                          | 3124 PANSY AV     | R0429-33        | \$15,048         | \$26,500          | Oct-95      | 1996           | Garden Add.        | SCHRODER            | LST / FAP      |
| 27                          | 3127 PANSY AV     | R0429-16        | \$14,996         | \$2,561           | Oct-95      | 1996           | Garden Add.        | GRISHAM             | LST / FAP      |
|                             |                   |                 | \$145,672        | \$38,245          |             |                |                    |                     |                |
|                             |                   |                 | <b>\$183,917</b> | <b>1996 Total</b> |             |                |                    |                     |                |
| 28                          | 3132 FAIR AV      | B0008-31        | \$41,723         | \$2,835           | Aug-96      | 1997           | 32nd & Fair        | HEEREN              | FEMA-HMGP 404  |
| 29                          | 3135 PANSY AV     | R0429-18        | \$12,099         | \$2,500           | Aug-96      | 1997           | Garden Add.        | MCBRIDE             | FEMA-HMGP 404  |
| 30                          | 205 E 32nd ST     | C0001-17        | \$44,720         | \$2,464           | Oct-96      | 1997           | 32nd & Fair        | SAULS               | LST / FAP      |
| 31                          | 3104 SUNNYSIDE AV | R0420-43        | \$8,000          | \$5,355           | Feb-97      | 1997           | Garden Add.        | GE CAPITAL MORT SER | LST / FAP      |
|                             |                   |                 | \$106,542        | \$13,154          |             |                |                    |                     |                |
|                             |                   |                 | <b>\$119,696</b> | <b>1997 Total</b> |             |                |                    |                     |                |
| 32*                         | 3117 DUBUQUE ST   | C0001-20        | \$47,160         | \$5,800           | Sep-97      | 1998           | 32nd & Fair        | GIBBS               | LST / FAP      |
| 33                          | 3127 FAIR AV      | B0008-35        | \$24,000         | \$3,555           | Sep-97      | 1998           | 32nd & Fair        | NORTHWEST BANK      | LST / FAP      |
| 34                          | 3119 KEOTA AV     | R0429-43        | \$17,848         | \$3,161           | Sep-97      | 1998           | Garden Add.        | COX                 | LST / FAP      |
| 35                          | 3131 SHERIDAN ST  | B0008-01        | \$32,070         | \$4,710           | Oct-97      | 1998           | 32nd & Fair        | WILSON              | LST / FAP      |
|                             |                   |                 | \$121,078        | \$17,226          |             |                |                    |                     |                |
|                             |                   |                 | <b>\$138,304</b> | <b>1998 Total</b> |             |                |                    |                     |                |

## ***FLOOD-PRONE PROPERTY ACQUISITIONS***

|     | <u>Address</u>    | <u>Parcel #</u> | <u>Purchase</u>  | <u>Demolition</u> | <u>Date</u>       | <u>FY Date</u> | <u>Target Area</u> | <u>Owner Name</u>     | <u>Funding</u>    |
|-----|-------------------|-----------------|------------------|-------------------|-------------------|----------------|--------------------|-----------------------|-------------------|
| 36  | 3123 SHERIDAN ST  | B0008-03        | \$33,685         | \$4,800           | Jul-98            | 1999           | 32nd & Fair        | MCKEEKIN              | LST / FAP         |
| 37  | 3112 KEOTA AV     | R0420-13        | \$20,584         | \$4,300           | Jul-98            | 1999           | Garden Add.        | DILLEY                | LST / FAP         |
| 38  | 3119 SUNNYSIDE AV | R0420-20        | \$21,308         | \$3,459           | Mar-99            | 1999           | Garden Add.        | VAN ORSDALL           | LST / FAP         |
| 39a | 3240 PANSY AV     | R0430-13        | \$19,153         | \$3,410           | Apr-99            | 1999           | Garden Add.        | HAHN                  | LST / FAP         |
| 39b | L21/B12 PANSY AV  | R0430-14        | \$3,707          | N/A               | Apr-99            | 1999           | Garden Add.        | SCOTT COUNTY          | LST / FAP         |
|     |                   |                 | \$98,437         | \$15,969          |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$114,406</b> |                   | <b>1999 Total</b> |                |                    |                       |                   |
| 40  | 3239 PANSY AV     | R0430-17        | \$46,710         | \$5,324           | Aug-99            | 2000           | Garden Add.        | THIBODEAUX            | LST / FAP         |
| 41  | 3204 PANSY AV     | R0429-30        | \$29,720         | \$3,545           | Aug-99            | 2000           | Garden Add.        | ROTH                  | LST / FAP         |
| 42  | 3244 PANSY AV     | R0430-12        | \$46,170         | \$3,195           | Nov-99            | 2000           | Garden Add.        | BRAMMER               | LST / FAP         |
| 43  | 3224 KEOTA AV     | R0420-02        | \$24,940         | \$4,285           | Mar-00            | 2000           | Garden Add.        | LEE                   | LST / FAP         |
| 44  | 3211 KEOTA AV     | R0429-49        | \$23,180         | \$4,940           | Apr-00            | 2000           | Garden Add.        | SISCO                 | LST / FAP         |
|     |                   |                 | \$170,720        | \$21,289          |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$192,009</b> |                   | <b>2000 Total</b> |                |                    |                       |                   |
| 45  | 3216 PANSY AV     | R0429-27        | \$23,520         | \$3,764           | Aug-00            | 2001           | Garden Add.        | HIPPLE                | LST / FAP         |
| 46  | 3239 KEOTA AV     | R0430-03        | \$24,940         | \$6,357           | Aug-00            | 2001           | Garden Add.        | RICHARD LARSEN ESTATE | LST / FAP         |
| 47  | 3212 KEOTA AV     | R0420-05        | \$27,000         | \$4,365           | Oct-00            | 2001           | Garden Add.        | ACKERMAN              | LST / FAP         |
| 48  | 3227 PANSY AV     | R0429-23        | \$34,060         | \$4,616           | Oct-00            | 2001           | Garden Add.        | ACKERMAN              | LST / FAP         |
| 49  | 3247 KEOTA AV     | R0430-05        | \$31,180         | ?                 | May-01            | 2001           | Garden Add.        | SASKOWSKI             | LST / FAP         |
|     |                   |                 | \$140,700        | \$19,102          |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$159,802</b> |                   | <b>2001 Total</b> |                |                    |                       |                   |
| 50  | 3223 PANSY AV     | R0429-22        | \$48,485         | \$4,993           | May-02            | 2002           | Garden Add.        | KITZMAN               | FEMA-HGMP 1367    |
| 51  | 3232 KEOTA AV     | R0419-49        | \$26,027         | \$3,525           | Jun-02            | 2002           | Garden Add.        | NILES                 | FEMA-HGMP 1367    |
|     |                   |                 | \$74,512         | \$8,518           |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$83,030</b>  |                   | <b>2002 Total</b> |                |                    |                       |                   |
| 52  | 3123 FAIR AV      | B0008-36        | \$66,314         | \$7,292           | Aug-02            | 2003           | 32nd & Fair        | MOCK                  | FEMA-HGMP 1367    |
| 53a | 3131 KEOTA AV     | R0429-46        | \$45,508         | \$4,855           | Aug-02            | 2003           | Garden Add.        | LUEDERS               | FEMA-HGMP 1367    |
| 53b | 3131 KEOTA AV     | R0429-45        | N/A              | N/A               | Aug-02            | 2003           | Garden Add.        | LUEDERS               | FEMA-FMA 2000-01  |
| 54  | 3228 PANSY AV     | R0429-24        | \$47,211         | \$4,440           | Aug-02            | 2003           | Garden Add.        | GHEER                 | FEMA-HGMP 1367    |
| 55  | 2314 W RIVER DR   | R0308A11        | \$43,086         | \$10,865          | Sep-02            | 2003           | N/A                | GIEBELSTEIN           | FEMA-HGMP 1367    |
| 56  | 1611 S CONCORD ST | R0430-20        | \$64,900         | \$6,370           | Sep-02            | 2003           | Garden Add.        | MCNEFF                | FEMA-HGMP 1367    |
| 57  | 3231 KEOTA AV     | R0430-01A       | \$53,301         | \$4,911           | Sep-02            | 2003           | Garden Add.        | JETER                 | FEMA-HGMP 1367    |
| 58  | 3127 DAISY AV     | R0429-03        | \$20,510         | \$4,117           | Oct-02            | 2003           | Garden Add.        | DAUFELDT              | FEMA-HGMP 1367    |
| 59  | 3123 KEOTA AV     | R0429-44        | \$38,557         | \$4,786           | Nov-02            | 2003           | Garden Add.        | OHP 1                 | FEMA FMA 2001-01  |
| 60  | 3107 KEOTA AV     | R0429-40        | \$29,170         | \$4,234           | Dec-02            | 2003           | Garden Add.        | PEIFFER               | FEMA-HGMP 1367    |
| 61  | 3107 SUNNYSIDE AV | R0420-17        | \$31,625         | \$3,550           | Jan-03            | 2003           | Garden Add.        | BAYERS                | FEMA FMA 2000-01  |
| 62  | 3103 KEOTA AV     | R0429-39        | \$33,633         | \$3,508           | Jan-03            | 2003           | Garden Add.        | DULANEY               | FEMA FMA 2001-01  |
| 63  | 3236 KEOTA AV     | R0419-48        | \$36,651         | \$4,067           | Jan-03            | 2003           | Garden Add.        | GOOD                  | FEMA-HGMP 1367    |
| 64  | 3232 PANSY AV     | R0430-15        | \$36,518         | \$4,205           | Feb-03            | 2003           | Garden Add.        | SCOTT                 | FEMA FMA 2002     |
| 65  | 3207 KEOTA AV     | R0429-48        | \$30,069         | \$4,650           | Apr-03            | 2003           | Garden Add.        | COZAD                 | FEMA-HGMP 1367    |
| 66  | 3120 FAIR AV      | B0008-28        | \$56,513         | \$7,832           | Apr-03            | 2003           | 32nd & Fair        | SEC OF VET AFFAIRS    | FEMA: FMA 2000-01 |
| 67  | 3210 PANSY AV     | R0429-28A       | \$84,664         | \$6,556           | May-03            | 2003           | Garden Add.        | HAROLD BEANE ESTATE   | FEMA-HGMP 1367    |
| 68  | 3708 S CONCORD ST | 30853-28A       | \$19,457         | \$2,975           | May-03            | 2003           | Garden Add.        | VAN FOSSEN            | FEMA FMA 2001-01  |
|     |                   |                 | \$737,687        | \$89,213          |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$826,900</b> |                   | <b>2003 Total</b> |                |                    |                       |                   |
| 69  | 3132 KEOTA AV     | R0420-08        | \$29,935         | \$4,786           | Aug-03            | 2004           | Garden Add.        | LUEDERS               | FEMA-HGMP 1367    |
| 70  | 3220 KEOTA AV     | R0420-03        | \$39,749         | \$6,617           | Mar-04            | 2004           | Garden Add.        | MCCOY                 | FEMA-HGMP 1367    |
| 71  | 3224 PANSY AV     | R0429-25        | \$44,000         | relocated         | Apr-04            | 2004           | Garden Add.        | PHILLIPS              | FEMA-HGMP 1367    |
| 72  | 3204 KEOTA AV     | R0420-07        | \$32,198         | \$4,780           | May-04            | 2004           | Garden Add.        | EDLER                 | FEMA-HGMP 1367    |
| 73  | 3244 KEOTA AV     | R0419-46        | \$40,000         | \$5,180           | Jun-04            | 2004           | Garden Add.        | MATHEWS               | FEMA-HGMP 1367    |
| 74  | 3225 KEOTA AV     | R0429-52        | \$36,167         | \$6,193           | Jun-04            | 2004           | Garden Add.        | LOBDELL               | FEMA-HGMP 1367    |
| 75  | 3228 KEOTA AV     | R0420-01        | \$33,759         | \$4,553           | Jun-04            | 2004           | Garden Add.        | McFADDEN              | FEMA-HGMP 1367    |
|     |                   |                 | \$255,808        | \$32,109          |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$287,917</b> |                   | <b>2004 Total</b> |                |                    |                       |                   |
| 76  | 3108 SUNNYSIDE AV | R0420-42        | \$30,601         | \$4,385           | Aug-04            | 2005           | Garden Add.        | FIRST FINANCIAL LC    | FEMA-HGMP 1367    |
| 77  | 3216 KEOTA AV     | R0420-04        | \$47,105         | \$8,170           | Aug-04            | 2005           | Garden Add.        | McFARLAND             | FEMA-HGMP 1367    |
| 78  | 3248 KEOTA AV     | R0419-45        | \$49,465         | \$8,253           | Aug-04            | 2005           | Garden Add.        | FITZGERALD            | FEMA-HGMP 1367    |
| 79  | 3120 SUNNYSIDE AV | R0420-39        | \$29,730         | \$4,450           | Sep-04            | 2005           | Garden Add.        | FIRST FINANCIAL LC    | FEMA-HGMP 1367    |
| 80  | 3120 KEOTA AV     | R0420-11        | \$39,567         | \$6,639           | Sep-04            | 2005           | Garden Add.        | MCELROY               | FEMA-HGMP 1367    |
| 81  | 1315 GARDEN AV    | R0420-37        | \$31,363         | \$5,404           | Oct-04            | 2005           | Garden Add.        | HARMON                | FEMA-HGMP 1367    |
| 82  | 3103 ORCHARD AV   | R0420-44        | \$50,000         | \$6,107           | Nov-04            | 2005           | Garden Add.        | GOYETE                | FEMA-HMGP 1367    |
| 83  | 3235 SUNNYSIDE AV | R0419-35        | \$43,657         | \$6,237           | Dec-04            | 2005           | Garden Add.        | SINDT                 | FEMA-HMGP 1367    |
| 84  | 3239 SUNNYSIDE AV | R0419-36        | \$43,270         | \$6,780           | Dec-04            | 2005           | Garden Add.        | DAVIS                 | FEMA-HMGP 1367    |
|     |                   |                 | <b>\$364,758</b> | <b>\$56,425</b>   |                   |                |                    |                       |                   |
|     |                   |                 | <b>\$421,183</b> |                   | <b>2005 Total</b> |                |                    |                       |                   |

## ***FLOOD-PRONE PROPERTY ACQUISITIONS***

|     | <u>Address</u>     | <u>Parcel #</u> | <u>Purchase</u>    | <u>Demolition</u>                 | <u>Date</u> | <u>FY Date</u> | <u>Target Area</u> | <u>Owner Name</u>     | <u>Funding</u>      |
|-----|--------------------|-----------------|--------------------|-----------------------------------|-------------|----------------|--------------------|-----------------------|---------------------|
| 85  | 3215 KEOTA AV      | R0429-50        | \$40,359           | \$5,495                           | Sep-05      | 2005           | Garden Add.        | MCFADDEN              | FEMA-HMGP 1367      |
| 86  | 3219 KEOTA AV      | R0429-51        | \$47,774           | \$5,490                           | Sep-05      | 2005           | Garden Add.        | MCFADDEN              | FEMA-HMGP 1367      |
| 87  | 3127 SUNNYSIDE AV  | R0420-22        | \$43,969           | \$5,988                           | Sep-05      | 2005           | Garden Add.        | DANDRIGE              | FEMA-HMGP 1367      |
| 88  | 3132 PANSY AV      | R0429-31        | \$38,502           | \$5,994                           | Jun-05      | 2005           | Garden Add.        | ELMORE ESTATE         | FEMA-HMGP 1367      |
|     |                    |                 | <b>\$170,603</b>   | <b>\$22,967</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$193,570</b>   | <b>2006 Total</b>                 |             |                |                    |                       |                     |
| 89a | 3211 PANSY AV      | R0429-21        | \$67,287           | \$7,051                           | Jul-06      | 2007           | Garden Add.        | FITZGERALD            | LST - ENGINEERING   |
| 89b | L3/B13 PANSY AV    | R0429-20        | \$6,171            | N/A                               | Jul-06      | 2007           | Garden Add.        | FITZGERALD            | LST - ENGINEERING   |
| 90  | 3115 SUNNYSIDE AV  | R0420-19        | \$46,728           | \$8,500                           | Aug-06      | 2007           | Garden Add.        | MURPHY                | LST / FAP           |
| 91  | 3240 HARRISON ST   | P1414A12        | \$96,360           | \$10,590                          | Sep-06      | 2007           | 32nd & Fair        | McCARTNEY IMPROVEMENT | LST / FAP           |
| 92  | 3124 SUNNYSIDE AV  | R0420-38        | \$56,000           | \$5,950                           | Sep-06      | 2007           | Garden Add.        | LeBARDGE              | LST / FAP           |
|     |                    |                 | <b>\$272,546</b>   | <b>\$32,091</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$304,637</b>   | <b>2007 TOTAL</b>                 |             |                |                    |                       |                     |
| 93  | 3220 PANSY AV      | R0429-26        | \$6,366            | N/A                               | Aug-07      | 2008           | Garden Add.        | WASHINGTON MUTUAL     | LST / FAP           |
| 94a | 3119 DAISY AV      | R0429-02A       | \$44,847           | \$8,168                           | Oct-07      | 2008           | Garden Add.        | GONYIER ESTATE        | LST / FAP           |
| 94b | L4/B15 DAISY AV    | R0429-03A       | N/A                | \$1,295                           | Oct-07      | 2008           | Garden Add.        | GONYIER ESTATE        | LST / FAP           |
| 95  | 3116 KEOTA AV      | R0420-21        | \$50,116           | \$5,785                           | Oct-07      | 2008           | Garden Add.        | LUEDERS               | LST / FAP           |
| 96  | 3111 SUNNYSIDE AV  | R0420-18        | \$47,267           | \$6,500                           | Nov-07      | 2008           | Garden Add.        | OAKHELM               | LST / FAP           |
| 97  | 3123 SUNNYSIDE AV  | R0420-21        | \$37,059           | \$6,218                           | Nov-07      | 2008           | Garden Add.        | WALL                  | LST / FAP           |
| 98a | 3114 SUNNYSIDE AV  | R0420-40        | \$23,331           | \$5,500                           | Mar-08      | 2008           | Garden Add.        | WEINDRUCH MEADE, INC. | LST-COUNCIL SPECIAL |
| 98b | 3112 SUNNYSIDE AV  | R0420-41        | \$0                | N/A                               | Mar-08      | 2008           | Garden Add.        | WEINDRUCH MEADE, INC. | LST-COUNCIL SPECIAL |
|     |                    |                 | <b>\$208,986</b>   | <b>\$33,466</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$242,452</b>   | <b>2008 TOTAL</b>                 |             |                |                    |                       |                     |
| 99  | 427 E 32ND ST      | C0002-25        | \$66,429           | \$6,500                           | Nov-09      | 2010           | 32nd & Fair Exp.   | SCHULTZ               | LST / FAP           |
| 100 | 3104 KEOTA AV      | R0420-15        | \$60,000           | \$6,500                           | Feb-10      | 2010           | Garden Add.        | DAVENPORT             | LST / FAP           |
| 101 | 514 E 32ND ST      | P1316B14        | \$95,578           | \$15,010                          | Nov-09      | 2010           | 32nd & Fair Exp.   | SNELL/GIMM            | FEMA DR-1763        |
| 102 | 522 E 32ND ST      | P1316B13        | \$57,376           | \$14,470                          | Dec-09      | 2010           | 32nd & Fair Exp.   | WALTERS               | FEMA DR-1763        |
| 103 | 528 E 32ND ST      | P1316B12        | \$38,025           | \$19,660                          | Mar-10      | 2010           | 32nd & Fair Exp.   | NYUGEN                | FEMA DR-1763        |
| 104 | 3122 FARNAM ST     | C0002-19        | \$106,558          | \$12,955                          | Dec-09      | 2010           | 32nd & Fair Exp.   | LYNCH                 | FEMA DR-1763        |
| 105 | 3203 FARNAM ST     | P1315B04        | \$37,979           | \$14,200                          | Jan-10      | 2010           | 32nd & Fair Exp.   | LOPEZ                 | FEMA DR-1763        |
|     |                    |                 | <b>\$461,945</b>   | <b>\$89,295</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$551,240</b>   | <b>2010 TOTAL</b>                 |             |                |                    |                       |                     |
| 106 | 3208 KEOTA AV      | R0420-06        | \$45,221           |                                   | Oct-10      | 2011           | Garden Add.        |                       | LST / FAP           |
| 107 | 3111 FAIR AV       | B0008-39        | \$77,617           | \$8,800                           | Jun-11      | 2011           | 32nd & Fair Exp    | THEIDE                | CDBG-IEDA           |
| 108 | 605 E GEO WASHINGT | P1315B02        | \$132,409          | \$7,300                           | Dec-10      | 2011           | 32nd & Fair Exp    | CURTIS                | CDBG-IEDA           |
| 109 | 3215 FARNAM ST     | P1315B03        | \$95,402           | \$6,800                           | Dec-10      | 2011           | 32nd & Fair Exp    | LICHTY                | CDBG-IEDA           |
| 110 | 215 W FAIR AV      | B0007-02        | \$80,019           | \$5,400                           | Feb-11      | 2011           | 32nd & Fair Exp    | MARTINS               | CDBG-IEDA           |
| 111 | 221 W FAIR AV      | B0007-03        | \$62,007           | \$5,400                           | Feb-11      | 2011           | 32nd & Fair Exp    | MARTINS               | CDBG-IEDA           |
|     |                    |                 | <b>\$492,675</b>   | <b>\$33,700</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$526,375</b>   | <b>2011 TOTAL</b>                 |             |                |                    |                       |                     |
| 112 | 505 E 32ND ST      | C0002-24        | \$109,879          |                                   | Aug-11      | 2012           | 32nd & Fair Exp.   | ANSON, TERI ?         | LST / FAP           |
| 113 | 3121 FARNAM ST     | C0003-36        | \$129,990          | \$5,900                           | Sep-11      | 2012           | 32nd & Fair Exp    | DAVISON/MARSKE        | CDBG-IEDA           |
| 114 | 610 E 32ND ST      | P1315B05        | \$110,840          | \$6,300                           | Sep-11      | 2012           | 32nd & Fair Exp    | HULETT                | CDBG-IEDA           |
| 115 | 3247 HARRISON ST   | P1413-18        | \$83,380           | \$11,250                          |             | 2012           | 32nd & Fair Exp    | McCOY                 | CDBG-IEDA           |
| 116 | 3112 FAIR AV       | B0008-26        | \$83,720           | \$9,300                           |             | 2012           | 32nd & Fair Exp    | GOMEZ                 | CDBG-IEDA           |
| 117 | 513 E 32ND ST      | C0002-23        | \$71,588           | \$7,350                           | Dec-11      | 2012           | 32nd & Fair Exp    | NELSON                | CDBG-IEDA           |
| 118 | 517 E 32ND ST      | C0002-22        | \$63,994           | \$9,400                           | Oct-11      | 2012           | 32nd & Fair Exp    | DAY                   | CDBG-IEDA           |
|     |                    |                 | <b>\$653,391</b>   | <b>\$49,500</b>                   |             |                |                    |                       |                     |
|     |                    |                 | <b>\$702,891</b>   | <b>2012 TOTAL</b>                 |             |                |                    |                       |                     |
|     |                    |                 | <b>\$5,535,500</b> | <b>Grand Total Funds Expended</b> |             |                |                    |                       |                     |

\* properties no longer under city ownership

FY Date = FISCAL (FINANCIAL) YEAR

FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY

LST / FAP = LOCAL OPTION SALES TAX / FLOOD-PRONE PROPERTY ACQUISITION PROGRAM (CITY PROGRAM)

## City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 326-7743

Wards: 8

**Action / Date**

**1/18/2017**

Subject:

Resolution adopting the Letter of Map Revision (LOMR) dated December 30, 2016, modifying Flood Insurance Rate Map (FIRM) 19163C355F by revising base flood elevations (BFEs) and the floodway for a segment of Goose Creek from approximately 400 feet upstream of Brady Street to approximately 250 feet downstream of Interstate 80. [Ward 8]

Recommendation:

City staff recommends the City Council adopt the revision to the floodway and base flood elevations as described in the attachments.

Relationship to Goals:

Grow tax base.

Background:

As a result of the fill used in the development of Lombard Addition located along the west side of Goose Creek north of 61st Street the developer Langman Construction was required to undertake a new hydraulic analysis of this segment of Goose Creek. As a result the floodway and BFEs (also known as the 1% annual chance flood elevations) were revised. In most areas there was a reduction in BFEs. In the area northwest of the current alignment of Division there is an increase in BFE due to the realignment occurring after the effective date of the original FIRM for Davenport.

Please refer to the background materials for further information.

### ATTACHMENTS:

| Type                | Description          |
|---------------------|----------------------|
| ▣ Resolution Letter | LOMR resolution only |
| ▣ Backup Material   | LOMR Background      |

### REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 9:39 AM  |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 9:40 AM  |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 10:07 AM |

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

Resolution offered by

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the Letter of Map Revision (LOMR) dated December 30, 2016, modifying Flood Insurance Rate Map (FIRM) 19163C355F by revising base flood elevations (BFEs) and the floodway for a segment of Goose Creek from approximately 400 feet upstream of Brady Street to approximately 250 feet downstream of Interstate 80. [8<sup>th</sup> Ward]

Whereas the City of Davenport joined the National Flood Insurance Program (NFIP) in 1978 and has adopted revised Flood Insurance Rate Maps (FIRMs) as recently as 2011;

Whereas the Federal Emergency Management Agency (FEMA) provides for revisions to these FIRMs through a Letter of Map Revision (LOMR) process;

Whereas Langman Construction has undergone the LOMR process and received a Letter of Map Revision Determination Document provisionally approving the revisions;

Whereas the effective date for the revisions is May 18, 2017;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that it adopts the Letter of Map Revision (LOMR) dated December 30, 2016, modifying Flood Insurance Rate Map (FIRM) 19163C355F by revising base flood elevations (BFEs) and the floodway for a segment of Goose Creek from approximately 400 feet upstream of Brady Street to approximately 250 feet downstream of Interstate 80 and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record the attached waiver of assessment.

Approved:

Attest:

---

Frank Klipsch, Mayor

---

Jackie E. Holecek, City Clerk



# Federal Emergency Management Agency

Washington, D.C. 20472

December 30, 2016

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Frank Klipsch  
City Hall, City of Davenport  
226 West Fourth Street  
Davenport, IA 52801

IN REPLY REFER TO:

Case No.: 16-07-1205P  
Community Name: City of Davenport, IA  
Community No.: 190242  
Effective Date of  
This Revision: May 18, 2017

Dear Mayor Klipsch:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Kansas City, Missouri, at (816) 283-7002, or the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/business/nfip>.

Sincerely,

Patrick "Rick" Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

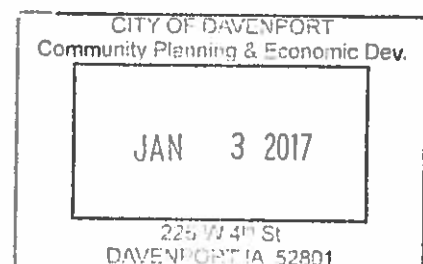
Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map  
Annotated Flood Insurance Study Report

cc: Mr. Wayne Wille  
City of Davenport

Mr. Bill Cappuccio  
Iowa Department of Natural Resources

Mr. Philip M. Harpole, P.E.  
Shive-Hattery, Inc.

Mr. Charles Langman  
Langman Construction





# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT

| COMMUNITY AND REVISION INFORMATION                   |                                           | PROJECT DESCRIPTION                                                                                         | BASIS OF REQUEST                                       |
|------------------------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| COMMUNITY                                            | City of Davenport<br>Scott County<br>Iowa | FILL                                                                                                        | FLOODWAY<br>HYDRAULIC ANALYSIS<br>NEW TOPOGRAPHIC DATA |
|                                                      | COMMUNITY NO.: 190242                     |                                                                                                             |                                                        |
| IDENTIFIER                                           | Goose Creek, Lombard Subdivision          | APPROXIMATE LATITUDE & LONGITUDE: 41.587, -90.588<br>SOURCE: USGS QUADRANGLE DATUM: NAD 83                  |                                                        |
| ANNOTATED MAPPING ENCLOSURES                         |                                           | ANNOTATED STUDY ENCLOSURES                                                                                  |                                                        |
| TYPE: FIRM* NO.: 19163C0355F DATE: February 18, 2011 |                                           | DATE OF EFFECTIVE FLOOD INSURANCE STUDY: June 09, 2014<br>PROFILE(S): 23P AND 24P<br>FLOODWAY DATA TABLE: 8 |                                                        |

Enclosures reflect changes to flooding sources affected by this revision.

\* FIRM - Flood Insurance Rate Map

### FLOODING SOURCE(S) & REVISED REACH(ES)

Goose Creek - From approximately 400 feet upstream of Brady Street to approximately 250 feet downstream of Interstate 80

### SUMMARY OF REVISIONS

| Flooding Source | Effective Flooding | Revised Flooding | Increases | Decreases |
|-----------------|--------------------|------------------|-----------|-----------|
| Goose Creek     | Zone AE            | Zone AE          | YES       | YES       |
|                 | BFEs*              | BFEs             | YES       | YES       |
|                 | Floodway           | Floodway         | YES       | YES       |
|                 | Zone X (unshaded)  | Zone AE          | YES       | YES       |

\* BFEs - Base Flood Elevations

### DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Secbitt, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

#### COMMUNITY INFORMATION

##### APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

##### COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Michael R. Scott  
Director, Mitigation Division  
Federal Emergency Management Agency, Region VII  
9221 Ward Parkway, Suite 300  
Kansas City, MO 64114-3372  
(816) 283-7002

**STATUS OF THE COMMUNITY NFIP MAPS**

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

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Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**PUBLIC NOTIFICATION OF REVISION**

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at [https://www.floodmaps.fema.gov/fhm/bfe\\_status/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp)

**LOCAL NEWSPAPER**

Name: *Quad City Times*

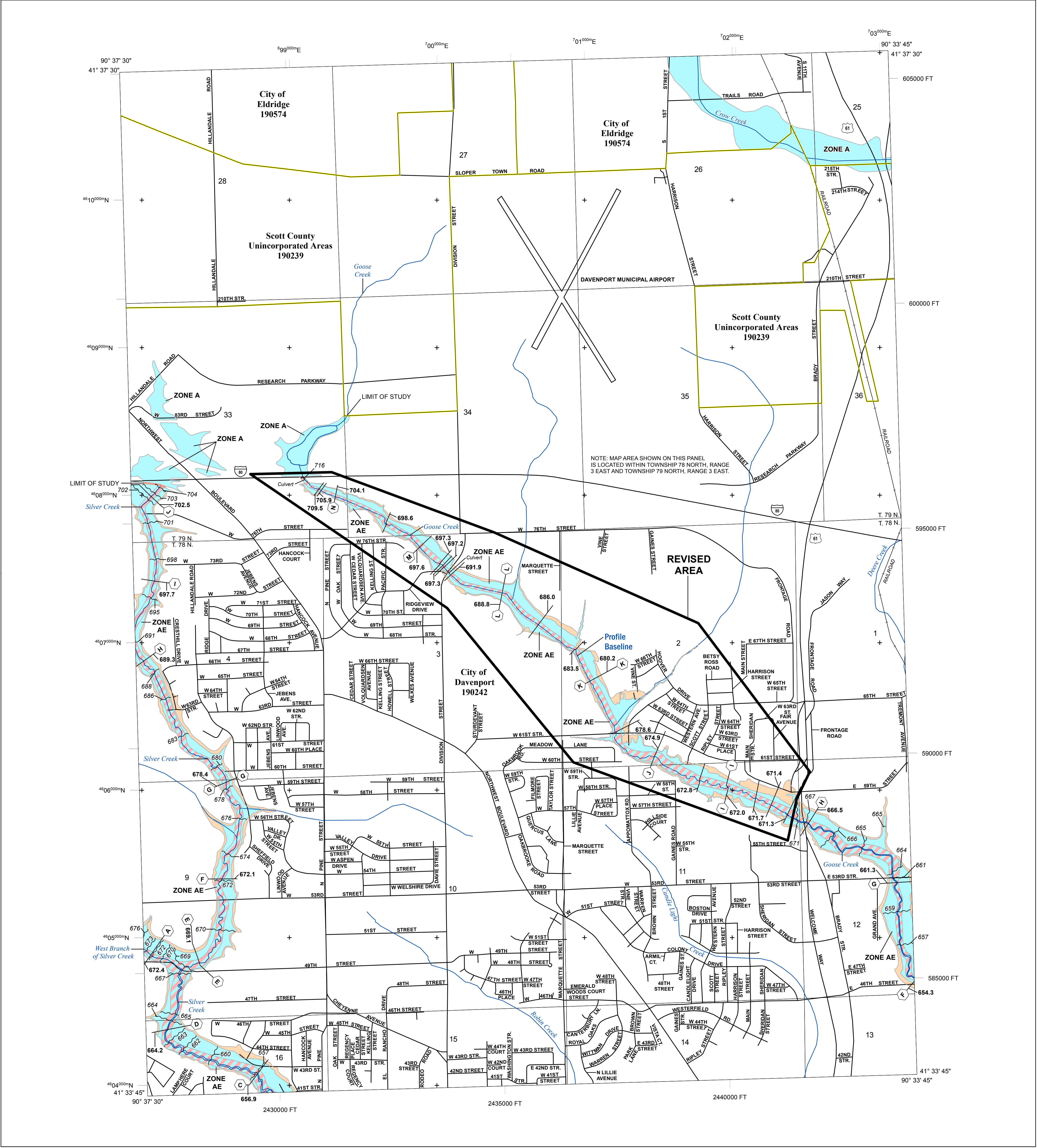
Dates: January 11, 2017 and January 18, 2017

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



FLOOD HAZARD INFORMATION

|                                                                                                                                                                                                                             |                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP<br>THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING<br>DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT<br><a href="http://msc.fema.gov">HTTP://MSC.FEMA.GOV</a> |                                                                                                                                                                            |
| SPECIAL FLOOD<br>HAZARD AREAS                                                                                                                                                                                               | Without Base Flood Elevation (BFE)<br>Zone A, V, A99                                                                                                                       |
|                                                                                                                                                                                                                             | With BFE or Depth Zone AE, AO, AH, VE, AR                                                                                                                                  |
| OTHER AREAS OF<br>FLOOD HAZARD                                                                                                                                                                                              | Regulatory Floodway                                                                                                                                                        |
|                                                                                                                                                                                                                             | 0.2% Annual Chance Flood Hazard, Areas<br>of 1% annual chance flood with average<br>depth less than one foot or with drainage<br>areas of less than one square mile Zone X |
|                                                                                                                                                                                                                             | Future Conditions 1% Annual<br>Chance Flood Hazard Zone X                                                                                                                  |
| OTHER<br>AREAS                                                                                                                                                                                                              | Area with Reduced Flood Risk due to Levee<br>See Notes. Zone X                                                                                                             |
|                                                                                                                                                                                                                             | NO SCREEN Areas Determined to be Outside the<br>0.2% Annual Chance Floodplain Zone X                                                                                       |
| GENERAL<br>STRUCTURES                                                                                                                                                                                                       | Area of Undetermined Flood Hazard Zone D                                                                                                                                   |
|                                                                                                                                                                                                                             | Channel, Culvert, or Storm Sewer                                                                                                                                           |
|                                                                                                                                                                                                                             | Accredited or Provisionally Accredited<br>Levee, Dike, or Floodwall                                                                                                        |
| OTHER<br>FEATURES                                                                                                                                                                                                           | Non-accredited Levee, Dike, or Floodwall                                                                                                                                   |
|                                                                                                                                                                                                                             | Cross Sections with 1% Annual Chance<br>Water Surface Elevation (BFE)                                                                                                      |
|                                                                                                                                                                                                                             | Coastal Transect                                                                                                                                                           |
|                                                                                                                                                                                                                             | Coastal Transect Baseline                                                                                                                                                  |
|                                                                                                                                                                                                                             | Profile Baseline                                                                                                                                                           |
|                                                                                                                                                                                                                             | Hydrographic Feature                                                                                                                                                       |
|                                                                                                                                                                                                                             | Base Flood Elevation Line (BFE)                                                                                                                                            |
|                                                                                                                                                                                                                             | Limit of Study                                                                                                                                                             |
|                                                                                                                                                                                                                             | Jurisdiction Boundary                                                                                                                                                      |

NOTES TO USERS

For information and questions about this map, available products associated with this FIRM including historic versions of this FIRM, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Map Service Center website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website or by calling the FEMA Map Information eXchange.

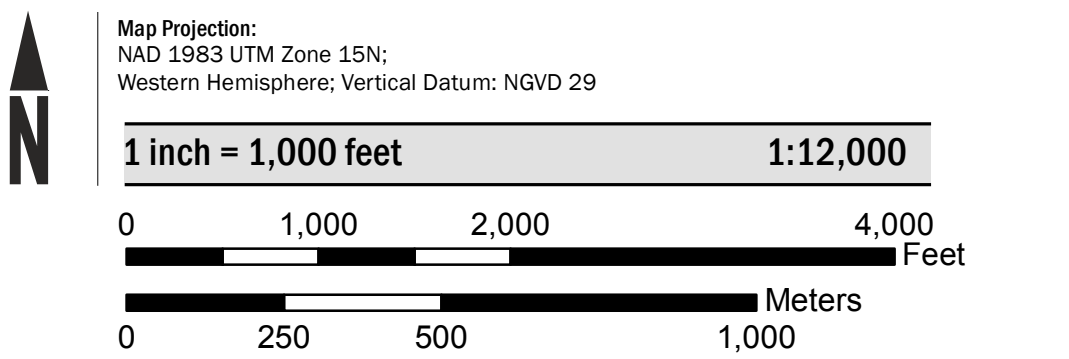
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

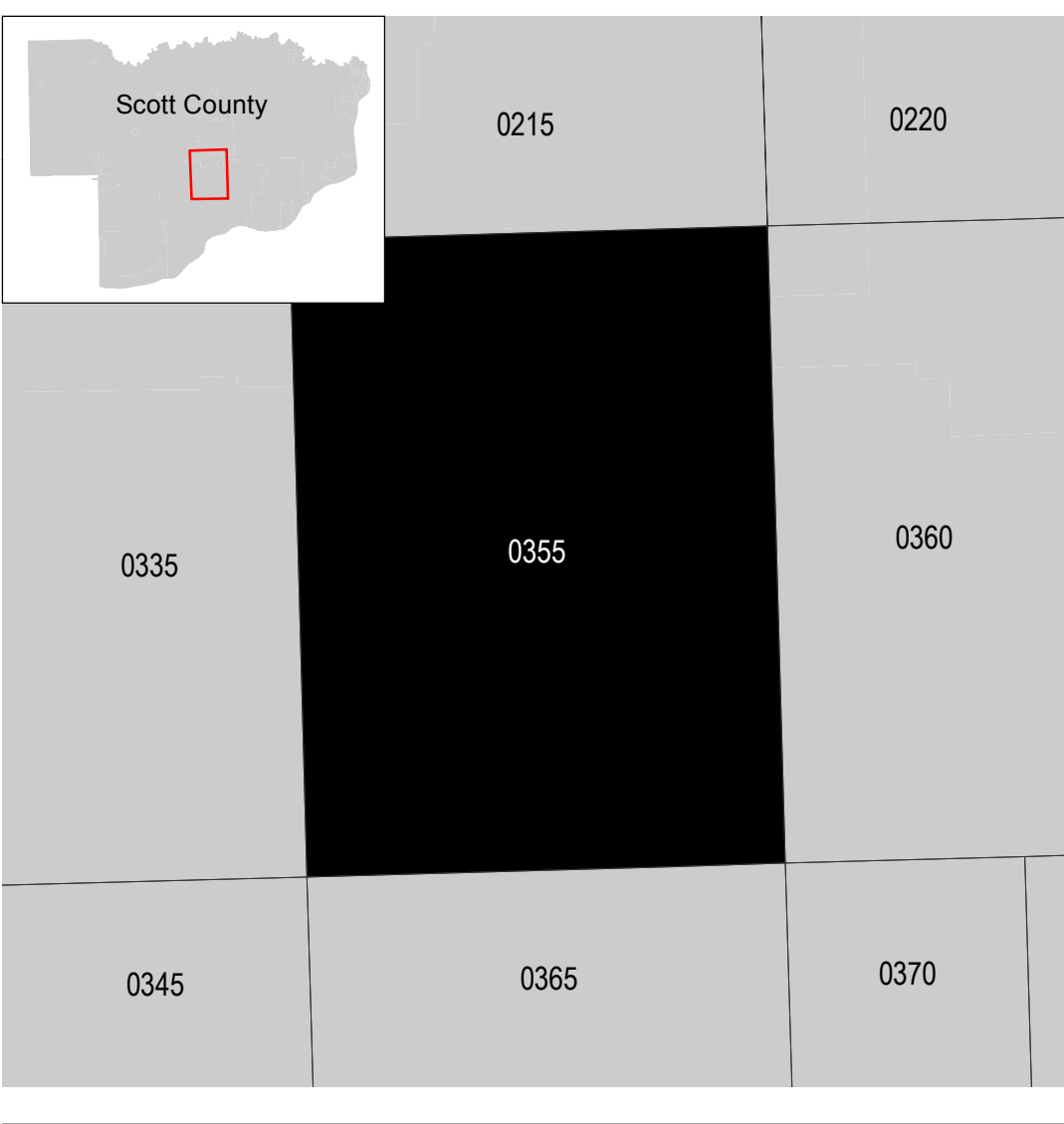
To determine if flood insurance is available in the community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was derived from multiple sources. Base map files were provided in digital format by the Planning and Development Department in Davenport, IA, USGS, Iowa DOT, and NGS.

SCALE



PANEL LOCATOR



**National Flood Insurance Program**

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP

**SCOTT COUNTY, IOWA**  
(AND INCORPORATED AREAS)

PANEL 355 of 500

| COMMUNITY          | NUMBER | PANEL | SUFFIX |
|--------------------|--------|-------|--------|
| DAVENPORT, CITY OF | 190242 | 0355  | F      |
| ELDRIDGE, CITY OF  | 190574 | 0355  | F      |
| SCOTT COUNTY       | 190239 | 0355  | F      |

Panel Contains:

VERSION NUMBER  
**1.1.1.0**

MAP NUMBER  
**19163C0355F**

EFFECTIVE DATE  
**FEBRUARY 18, 2011**

**REVISED TO REFLECT LOMR EFFECTIVE: May 18, 2017**

| FLOODING SOURCE |                         | FLOODWAY       |                              |                             | 1-PERCENT-ANNUAL-CHANCE FLOOD<br>WATER SURFACE ELEVATION |                               |                            |                   |
|-----------------|-------------------------|----------------|------------------------------|-----------------------------|----------------------------------------------------------|-------------------------------|----------------------------|-------------------|
| CROSSSECTION    | DISTANCE <sup>(1)</sup> | WIDTH<br>(FT.) | SECTION<br>AREA<br>(SQ. FT.) | MEAN<br>VELOCITY<br>(F.P.S) | REGULATORY<br>(NGVD)                                     | WITHOUT<br>FLOODWAY<br>(NGVD) | WITH<br>FLOODWAY<br>(NGVD) | INCREASE<br>(FT.) |
| GOOSE CREEK     |                         |                |                              |                             |                                                          |                               |                            |                   |
| A               | 0.85                    | 140            | 882                          | 6.04                        | 625.8                                                    | 625.8                         | 626.8                      | 1.0               |
| B               | 2.83                    | 170            | 825                          | 6.45                        | 632.8                                                    | 632.8                         | 633.4                      | 0.6               |
| C               | 4.64                    | 140            | 939                          | 5.67                        | 640.4                                                    | 640.4                         | 641.1                      | 0.7               |
| D               | 5.40                    | 140            | 979                          | 5.44                        | 644.2                                                    | 644.2                         | 644.9                      | 0.7               |
| E               | 8.00                    | 100            | 683                          | 6.66                        | 649.0                                                    | 649.0                         | 649.7                      | 0.7               |
| F               | 10.20                   | 110            | 701                          | 6.49                        | 654.3                                                    | 654.3                         | 654.9                      | 0.6               |
| G               | 12.86                   | 130            | 724                          | 6.28                        | 661.3                                                    | 661.3                         | 662.3                      | 1.0               |
| H               | 15.70                   | 130            | 653                          | 6.51                        | 666.5                                                    | 666.5                         | 667.1                      | 0.6               |
| I               | 17.70                   | 165            | 1111                         | 5.57                        | 672.0                                                    | 672.0                         | 672.5                      | 0.5               |
| J               | 19.80                   | 230            | 854                          | 8.29                        | 674.9                                                    | 674.9                         | 675.8                      | 0.9               |
| K               | 22.40                   | 120            | 554                          | 7.93                        | 680.2                                                    | 680.2                         | 681.2                      | 1.0               |
| L               | 25.30                   | 95             | 446                          | 7.98                        | 688.8                                                    | 688.8                         | 689.6                      | 0.8               |
| M               | 27.50                   | 135            | 817                          | 4.53                        | 697.6                                                    | 697.6                         | 698.5                      | 0.9               |
| N               | 29.90                   | 80             | 343                          | 9.21                        | 704.1                                                    | 704.1                         | 704.9                      | 0.8               |

(1)Thousands of feet above mouth at Duck Creek

TABLE 8

FEDERAL EMERGENCY MANAGEMENT AGENCY

SCOTT COUNTY, IA

AND INCORPORATED AREAS

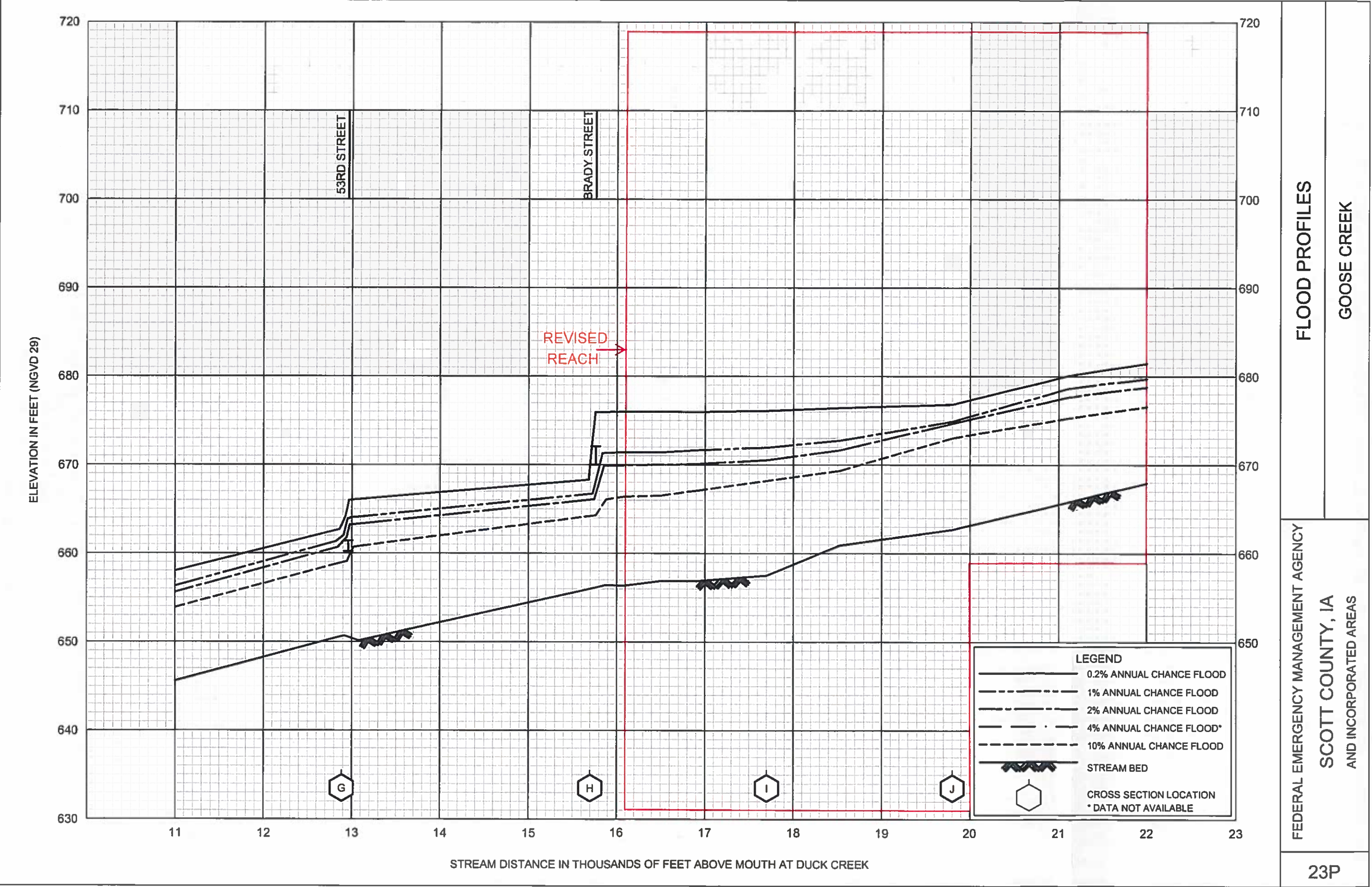
FLOODWAY DATA

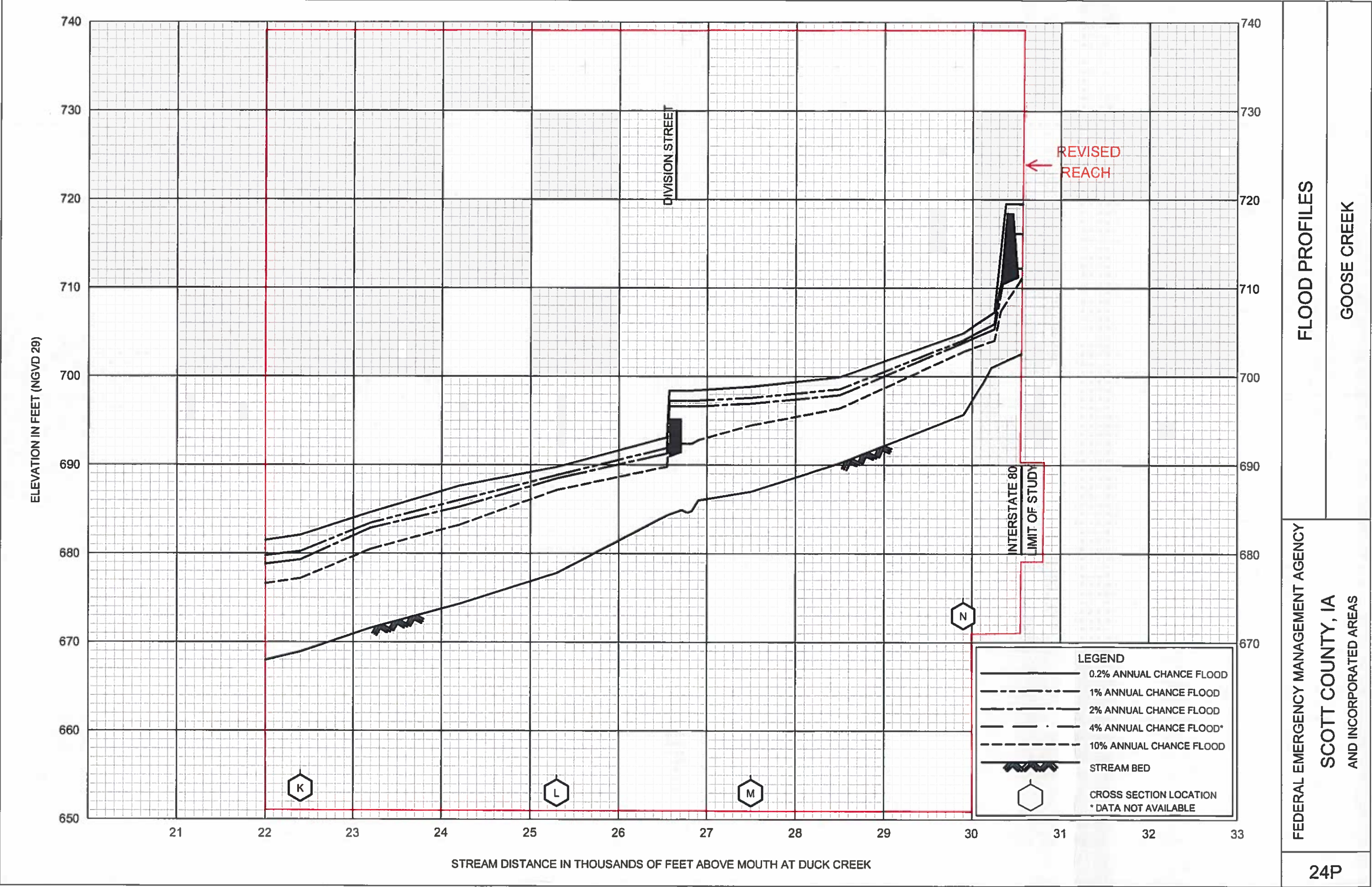
GOOSE CREEK

# FLOODWAY TABLE

|         | Cross<br>Section | Distance* | Width<br>(Ft) | Section<br>Area<br>(Sq Ft) | Mean<br>Velocity<br>(FPS) | Change<br>from<br>Current | Regulatory<br>(NGVD) | Change<br>from<br>Current | Without<br>Floodway<br>(NGVD) | With<br>Floodway<br>(NGVD) | Change<br>from<br>Current | Increase<br>(Ft) |
|---------|------------------|-----------|---------------|----------------------------|---------------------------|---------------------------|----------------------|---------------------------|-------------------------------|----------------------------|---------------------------|------------------|
| Current | I                | 17.70     | 185           | 903                        | 4.71                      |                           | 672.5                |                           | 672.5                         | 673.2                      |                           | 0.7              |
| Revised |                  |           | 165           | 1111                       | 5.57                      | 0.86                      | 672.0                | -0.5                      | 672.0                         | 672.5                      | -0.7                      | 0.5              |
| Current | J                | 19.80     | 175           | 822                        | 5.17                      |                           | 677.5                |                           | 677.5                         | 678.4                      |                           | 0.9              |
| Revised |                  |           | 230           | 854                        | 8.29                      | 3.12                      | 674.9                | -2.6                      | 674.9                         | 675.8                      | -2.6                      | 0.9              |
| Current | K                | 22.40     | 160           | 649                        | 4.99                      |                           | 684.1                |                           | 684.1                         | 684.8                      |                           | 0.7              |
| Revised |                  |           | 120           | 554                        | 7.93                      | 2.94                      | 680.2                | -3.9                      | 680.2                         | 681.2                      | -3.6                      | 1.0              |
| Current | L                | 25.30     | 160           | 702                        | 3.43                      |                           | 689.7                |                           | 689.7                         | 690.5                      |                           | 0.8              |
| Revised |                  |           | 95            | 446                        | 7.98                      | 4.55                      | 688.8                | -0.9                      | 688.8                         | 689.6                      | -0.9                      | 0.8              |
| Current | M                | 27.50     | 150           | 582                        | 4.14                      |                           | 697.8                |                           | 697.8                         | 698.0                      |                           | 0.2              |
| Revised |                  |           | 135           | 817                        | 4.53                      | 0.39                      | 697.6                | -0.2                      | 697.6                         | 698.5                      | 0.5                       | 0.9              |
| Current | N                | 29.75     | 80            | 428                        | 4.58                      |                           | 706.2                |                           | 706.2                         | 707.2                      |                           | 1.0              |
| Revised |                  |           | 80            | 343                        | 9.21                      | 4.63                      | 704.1                | -2.1                      | 704.1                         | 704.9                      | -2.3                      | 0.8              |

\*Distance=Thousands of feet above mouth of Duck Creek





City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Bruce Berger, 326-7769

Wards: 3

**Action / Date**

**1/18/2017**

Subject:

Motion approving purchase of two vacant lots, both in the 600 block of E. 6th (Parcel #F0051-41 & Parcel #F0051-46) for use as new single-family construction in the Riverview on 6th Neighborhood. [Ward 3]

Recommendation:

Approve the motion.

Relationship to Goals:

Strengthen Neighborhoods

Background:

The City has begun to re-invest in the Riverview on 6<sup>th</sup> Neighborhood through three new single-family houses, improved infrastructure, and housing rehabilitation. These two lots are owned by the same owner, are adjacent to other City-owned vacant lots, and would allow for new single-family construction to continue redevelopment of this area.

Staff has negotiated the purchase of Parcel #F0051-41 and Parcel #F0051-46 for use in this program. The \$3,000 purchase price includes that the title be obtained free and clear with all outstanding mortgages, assessments and taxes having been paid prior to transfer. The properties are currently assessed at \$1,690 and \$2,000, respectively, with no outstanding fees.

The proposed source of funding is account #54791044520258 which currently has a balance of \$221,600. Approval of this motion will authorize the City Administrator or her designee to sign necessary documents to acquire the properties.

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 1/12/2017 - 10:56 AM |
| Community Development Committee           | Berger, Bruce  | Approved | 1/12/2017 - 10:56 AM |
| City Clerk                                | Admin, Default | Approved | 1/12/2017 - 11:56 AM |

City of Davenport

Agenda Group:  
Department: City Clerk  
Contact Info: Gary Statz; (563) 326-7754  
Wards: 1

**Action / Date**  
**1/4/2017**

Subject:

Second Consideration: Ordinance amending Schedule XIII of Chapter 10.96 entitled "7-Ton Truck Restrictions" by adding Emerald Drive from Locust Street to Central Park Avenue. [Ward 1]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

Traffic study results shows there are oversized vehicles traveling on Emerald Drive from Locust St to Central Park Ave which is a residential street. The traffic engineering division suggests a 7 ton weight restriction since the street is not designed to accommodate oversized vehicles.

ATTACHMENTS:

| Type                                                                                          | Description                        |
|-----------------------------------------------------------------------------------------------|------------------------------------|
|  Ordinance | PS_ORD_Emerald Dr 7 ton limit_pg 2 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 1/17/2017 - 11:32 AM |

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XIII 7-TON TRUCK RESTRICTIONS THERETO BY ADDING EMERALD DRIVE FROM LOCUST STREET TO CENTRAL PARK AVENUE.

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

Section 1. That Schedule XIII 7-Ton Truck Restrictions of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

Emerald Drive from Locust Street to Central Park Avenue.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

Attest: \_\_\_\_\_  
Jackie Holecek, MMC  
Deputy City Clerk

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Nicole Gleason; (563)326-7923  
Wards: All

**Action / Date**  
**1/18/2017**

Subject:

First Consideration: Ordinance adding a new Chapter 2.18 to the Davenport Municipal Code that creates a Neighborhood Services Department.

Recommendation:

Adopt the Ordinance

Relationship to Goals:

Enhance Quality of Life

Background:

The neighborhood services department shall be responsible for and focus on preserving and enhancing Davenport neighborhoods:

- by building community partnerships;
- coordinating efforts with all other city departments, and particularly with the police department, public works department, legal department, and administration;
- enforcing the city's building, housing, rental, zoning, nuisance, noise, parking and solid waste laws and regulations and any other civil code provision designated by the City Administrator.

ATTACHMENTS:

| Type        | Description |
|-------------|-------------|
| ▣ Ordinance | PW_ORD pg2  |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 1/12/2017 - 11:14 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 1/12/2017 - 11:14 AM |
| City Clerk             | Admin, Default | Approved | 1/12/2017 - 2:14 PM  |

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

**Ordinance adding a new Chapter 2.18 that creates a Neighborhood Services Department**

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

Section 1. That a new Chapter 2.18 entitled “Neighborhood Services Department” is hereby added to the Davenport Municipal Code and reads as follows:

**Chapter 2.18 NEIGHBORHOOD SERVICES DEPARTMENT**

- 2.18.010 Created.**
- 2.18.020 Purposes.**
- 2.18.030 Director - Office created.**
- 2.18.040 Director - Salary.**
- 2.18.050 Director - Duties.**

**2.18.010 Created.**

There is created, in and for the city, the Neighborhood Services Department.

**2.18.020 Purposes.**

The neighborhood services department shall be responsible for and focus on preserving and enhancing Davenport neighborhoods:

- by building community partnerships;
- coordinating efforts with all other city departments, and particularly with the police department, department of community planning and economic development, public works department, legal department, and administration;
- enforcing the city’s building, housing, rental, zoning, nuisance, noise, parking and solid waste laws and regulations and any other civil code provision designated by the City Administrator; and

**2.18.030 Director - Office created.**

There is created the position of Neighborhood Services Director who shall be appointed by and removed by the City Administrator. The Neighborhood Services Director shall report to and be directed by the City Administrator or designee.

**2.18.040 Director - Salary.**

The Neighborhood Services Director shall receive as compensation such salary as the city administrator shall from time to time determine, subject to the budgetary approval of the City Council.

**2.18.050 Director - Duties.**

Subject to the policy directives of the city administrator or designee, the Neighborhood Services Director:

- A. Supervises and directs all employees of the department;
- B. Participate in multi-departmental, community, and ward meetings related to the mission of the department;
- C. Meets with various city department heads and other employees to assist in the furtherance of city goals;
- D. Works to assemble information, technology hardware, software, and support needs for the department;
- E. Analyzes complex neighborhood issues and chronic problem properties to develop solutions;
- F. Ensures the consistent and effective enforcement;
- G. Compile and review records to determine department productivity, quality of output and cost of service. Develop methods to continually improve results;
- H. Continues to stay abreast of the best practices for enhancing and preserving neighborhoods; and
- I. Perform such other duties as the city administrator or designee may require.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

Attest: \_\_\_\_\_  
Jackie Holecek, CMC  
Deputy City Clerk

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

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Lesley Eastlick; (563) 326-7729  
Wards: 4

**Action / Date**  
**1/18/2017**

Subject:  
Resolution approving the plans, specifications, form of contract and estimated cost for the Itsy Bitsy Spider Play Area at Fejervary Park project. This anticipated cost is \$120,000 and will be funded by a grant awarded to the Davenport Parks and Recreation Department, CIP #64038.  
[Ward 4]

Recommendation:  
Pass the resolution.

Relationship to Goals:  
Enhance Quality of Life

Background:  
The Itsy Bitsy Spider Play Area at Fejervary Park project will construct new play equipment and install an interactive, educational water feature at the Learning Center at Fejervary Park. Design of the project was completed by Shive-Hattery, Inc.

The preliminary cost estimate for the project from Shive-Hattery, Inc. is \$120,000. The cost is being funded by a grant for a water conservation educational unit from the American Water Foundation awarded to the Davenport Parks and Recreation Department.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| □ Resolution Letter | PW_RES pg2  |

**REVIEWERS:**

| Department                 | Reviewer         | Action   | Date                 |
|----------------------------|------------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina    | Rejected | 1/11/2017 - 4:53 PM  |
| Public Works - Engineering | Eastlick, Lesley | Approved | 1/11/2017 - 5:03 PM  |
| Public Works - Engineering | Lechvar, Gina    | Approved | 1/11/2017 - 5:22 PM  |
| Public Works Committee     | Lechvar, Gina    | Approved | 1/12/2017 - 10:42 AM |
| City Clerk                 | Admin, Default   | Approved | 1/12/2017 - 10:43 AM |

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

RESOLUTION offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the plans, specifications, form of contract and estimated cost for the Itsy Bitsy Spider Play Area at Fejervary Park project. This anticipated cost is \$120,000 and will be funded by a grant awarded to the Davenport Parks and Recreation department, CIP #64038.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Itsy Bitsy Spider Play Area at Fejervary Park project.

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that, said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the Itsy Bitsy Spider Play Area at Fejervary Park project.

Passed and approved this 25<sup>th</sup> day of January, 2017.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Lesley Eastlick; (563) 326-7729  
Wards: 8

**Action / Date**  
**1/18/2017**

**Subject:**

Resolution granting permission to Central Scott Communications, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Northridge Drive from Northwest Boulevard to 8615 Northridge Drive, a total distance of approximately 1,030 feet. Agreement Reference No. 2017-F1. [Ward 8]

**Recommendation:**

Pass the resolution.

**Relationship to Goals:**

Enhance Quality of Life

**Background:**

Central Scott Communications has requested permission to install buried communication fiber optic line within city right-of-way as shown on the attached map. The total distance is approximately 1,030 feet.

The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and terms of the resolution. The Agreement Reference number is 2017-F1.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | PW_RES pg2  |
| ▣ Exhibit           | Map 2017-F1 |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/11/2017 - 5:14 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/12/2017 - 10:35 AM |
| City Clerk                 | Admin, Default | Approved | 1/12/2017 - 10:38 AM |

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

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION granting permission to Central Scott Communications, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Northridge Drive from Northwest Boulevard to 8615 Northridge Drive, a total distance of approximately 1,030 feet. Agreement Reference No. 2017-F1.

WHEREAS, Central Scott Communications (The Owner) has submitted a request to construct buried communications cable within public right-of-way in the City of Davenport. Line 2017-F1 will be installed along Northridge Drive from Northwest Boulevard to 8615 Northridge Drive, a distance of approximately 1,030 feet; and

WHEREAS, the Engineering Division as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said plans and recommend permission be granted for the installation, as described, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Owner shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Owner as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Owner hold harmless, defend and indemnify the City from any such claims. Further, that The Owner shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That The Owner shall pay all costs for the construction and maintenance of their cable.
3. That The Owner shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and

so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by The Owner and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation with in any street or alley rights of way, The Owner shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Owner upon reasonable terms and conditions. The Owner shall be responsible for payment of the Standard Excavation Permit Fees established by City Council prior to receiving said permit. The permit fee includes a \$1.00 per foot Disruption Fee where applicable.

6. That the contractor performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
7. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
8. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
9. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Owner releases the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
10. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 25<sup>th</sup> day of January, 2017.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

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Frank Klipsch, Mayor

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Jackie E. Holecek, Deputy City Clerk

## ACCEPTANCE OF PROVISIONS OF RESOLUTION NO. 2017-\_\_\_\_\_

The undersigned hereby accepts all the terms and conditions of Resolution No. 2017-\_\_\_\_, Reference No. 2017-F1 and agrees that the same shall be binding upon undersigned and its successors and assigns.

## Central Scott Communications

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

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

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

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Central Scott Communications and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Central Scott Communications to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Central Scott Communications.

In witness whereof, I have hereunto set my hand and official seal.

Notary Public



City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Lesley Eastlick; (563) 326-7729  
Wards: 1

**Action / Date**  
**1/18/2017**

**Subject:**

Resolution granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along West Lake Boulevard from 160th Street to 2370 West Lake Boulevard, a total distance of approximately 1,320 feet. Agreement Reference No. 2017-F2. [Ward 1]

**Recommendation:**

Pass the resolution.

**Relationship to Goals:**

A growing local economy

**Background:**

Aureon has requested permission to install buried communication fiber optic line within city right-of-way as shown on the attached map. The total distance is approximately 1,320 feet.

The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and terms of the resolution. The Agreement Reference number is 2017-F2.

**ATTACHMENTS:**

| Type                | Description                |
|---------------------|----------------------------|
| ▣ Resolution Letter | PW_RES pg2                 |
| ▣ Exhibit           | Map 2017-F2 West Lake Blvd |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/11/2017 - 5:17 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/12/2017 - 10:40 AM |
| City Clerk                 | Admin, Default | Approved | 1/12/2017 - 10:43 AM |

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

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along West Lake Boulevard from 160th Street to 2370 West Lake Boulevard, a total distance of approximately 1,320 feet. Agreement Reference No. 2017-F2.

WHEREAS, Aureon (the "Owner") has submitted a request to construct buried communications cable in Davenport in accordance with the map hereto attached. Line 2017-F2 will run West Lake Boulevard from 160th Street to 2370 West Lake Boulevard, a distance of approximately 1320 feet; and

WHEREAS, the Engineering Division of the Public Works Department, as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said map and recommend permission be granted for the installation, as described, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Contractor shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Contractor as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Contractor hold harmless, defend and indemnify the City from any such claims. Further, that Contractor shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That the Owner shall pay all costs for the construction and maintenance of the cable.
3. That the Contractor shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall, in a timely manner, remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, access boxes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the

drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by Contractor and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation within any street or alley rights of way, The Contractor shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Contractor upon reasonable terms and conditions. The permit secured shall be the City Standard Permit, except the \$1.00 per foot disruption fee shall not apply to this agreement.

6. Pursuant to Iowa Code Chapter 480A Public Utilities in Public Right-of-Way, subsection 480A.3 Fees, The City shall only recover on an annual basis its true right-of-way management costs to be allocated equitably among all entities using City right-of-way. These costs once calculated shall be equally divided among all users and billed accordingly to Owner based on that year's expense.
7. The owner shall be responsible for a fee of \$0.10 per lineal foot of conduit to be paid to the City on an annual basis for as long as the conduit is in use.
8. That the Contractor working for the owner performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
9. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
10. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
11. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Contractor and The Owner release the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
12. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 25<sup>th</sup> day of January, 2017

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

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Frank Klipsch, Mayor

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Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF THE PROVISIONS OF AGREEMENT NUMBER 2017-F2,  
RESOLUTION NO. 2017-\_\_\_\_\_

**Aureon**

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

Name:

Title:

STATE OF \_\_\_\_\_ )

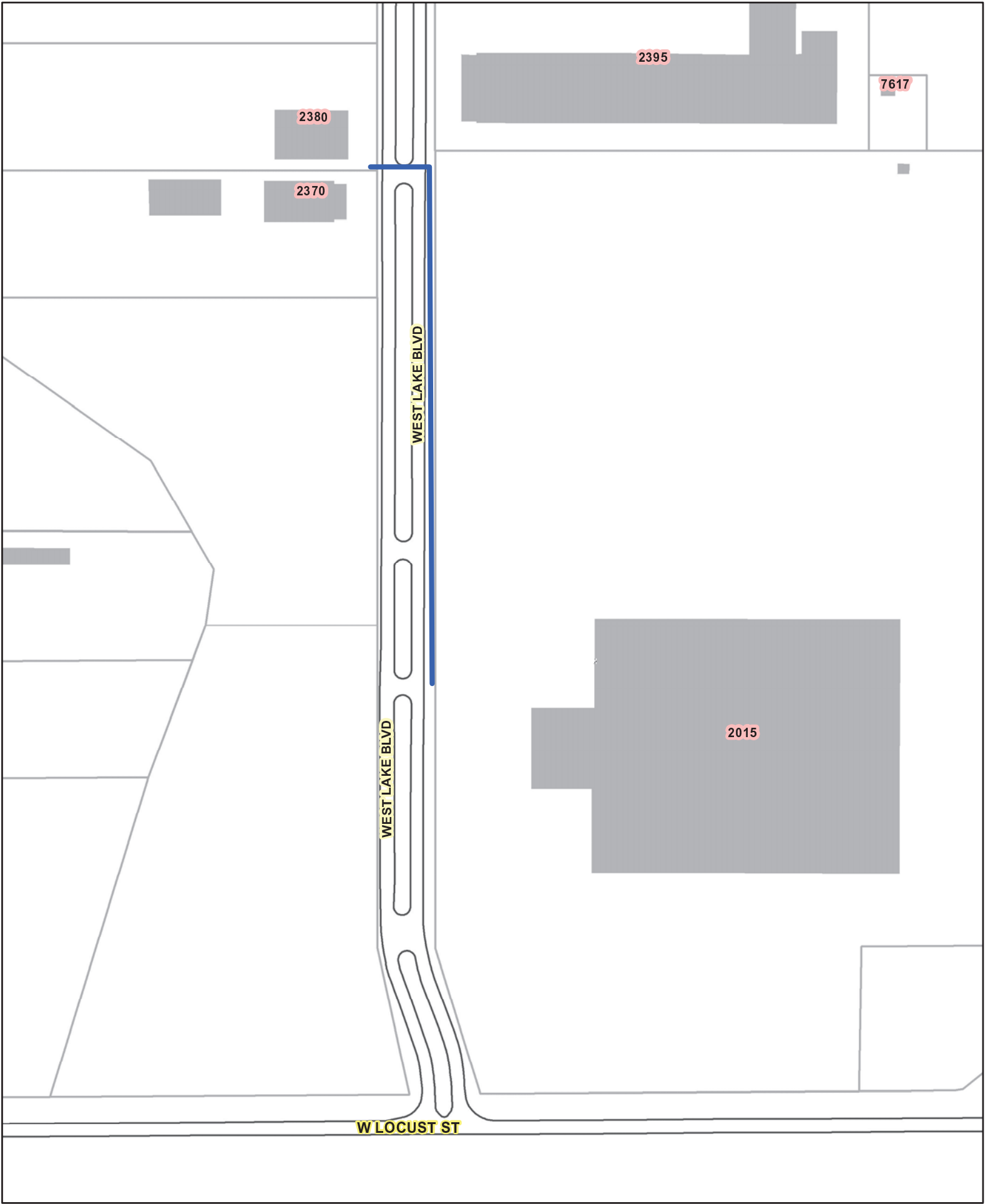
) SS:

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Aureon and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Aureon and to commit Aureon to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Aureon.

In witness whereof, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public



# Proposed Fiber Optic Route

2017 - F2

Map Date: 1/11/17



City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Lesley Eastlick; (563) 326-7729  
Wards: 6

**Action / Date**  
**1/18/2017**

**Subject:**

Resolution granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Elmore Circle east to 5354 Elmore Circle, a total distance of approximately 170 feet. Agreement Reference No. 2017-F3. [Ward 6]

**Recommendation:**

Pass the resolution.

**Relationship to Goals:**

A growing local economy.

**Background:**

Aureon has requested permission to install buried communication fiber optic line within city right-of-way as shown on the attached map. The total distance is approximately 170 feet.

The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and terms of the resolution. The Agreement Reference number is 2017-F3.

**ATTACHMENTS:**

| Type                | Description               |
|---------------------|---------------------------|
| ▣ Resolution Letter | PW_RES pg2                |
| ▣ Exhibit           | Map 2017-F3 Elmore Circle |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/11/2017 - 5:15 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/12/2017 - 10:38 AM |
| City Clerk                 | Admin, Default | Approved | 1/12/2017 - 10:43 AM |

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

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION granting permission to Aureon, a State of Iowa franchisee, to install a buried communications system in the city right-of-way along Elmore Circle east to 5354 Elmore Circle, a total distance of approximately 170 feet. Agreement Reference No. 2017-F3.

WHEREAS, Aureon (the "Owner") has submitted a request to construct buried communications cable in Davenport in accordance with the map hereto attached. Line 2017-F3 will run Elmore Circle east to 5354 Elmore Circle, a distance of approximately 170 feet; and

WHEREAS, the Engineering Division of the Public Works Department, as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said map and recommend permission be granted for the installation, as described, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Contractor shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Contractor as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Contractor hold harmless, defend and indemnify the City from any such claims. Further, that Contractor shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That the Owner shall pay all costs for the construction and maintenance of the cable.
3. That the Contractor shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall, in a timely manner, remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, access boxes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof, and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and

any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by Contractor and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation within any street or alley rights of way, The Contractor shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Contractor upon reasonable terms and conditions. The permit secured shall be the City Standard Permit, except the \$1.00 per foot disruption fee shall not apply to this agreement.

6. Pursuant to Iowa Code Chapter 480A Public Utilities in Public Right-of-Way, subsection 480A.3 Fees, The City shall only recover on an annual basis its true right-of-way management costs to be allocated equitably among all entities using City right-of-way. These costs once calculated shall be equally divided among all users and billed accordingly to Owner based on that year's expense.
7. The owner shall be responsible for a fee of \$0.10 per lineal foot of conduit to be paid to the City on an annual basis for as long as the conduit is in use.
8. That the Contractor working for the owner performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
9. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
10. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
11. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Contractor and The Owner release the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
12. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 25<sup>th</sup> day of January, 2017

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

---

Frank Klipsch, Mayor

---

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF THE PROVISIONS OF AGREEMENT NUMBER 2017-F3,  
RESOLUTION NO. 2017-\_\_\_\_\_

**Aureon**

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

Name:

Title:

STATE OF \_\_\_\_\_ )

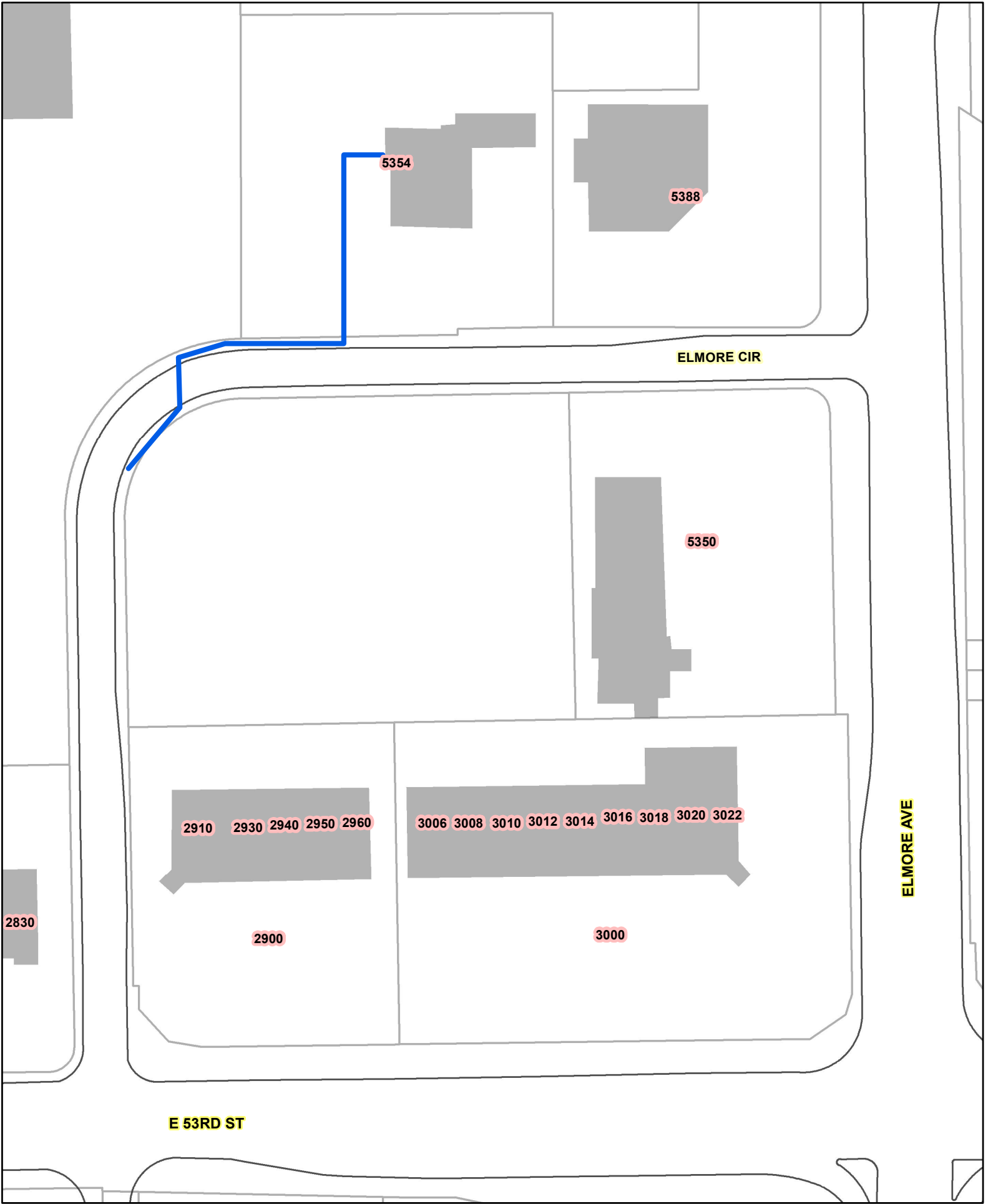
) SS:

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of Aureon and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements on behalf of Aureon and to commit Aureon to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Aureon.

In witness whereof, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public



City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Zach Peterson; (563) 328-6709  
Wards: 7,8

**Action / Date**  
**1/18/2017**

Subject:  
Resolution accepting the Transportation Alternatives Program grant in the amount of \$70,000 for the proposed Goose Creek Trail, Phase II project, CIP #02229. [Wards 7 & 8]

Recommendation:  
Approve the resolution

Relationship to Goals:  
Upgraded City Infrastructure & Public Facilities

Background:  
The City of Davenport received a \$70,000 (20% city match required) Transportation Enhancement Grant from the Bi-State Regional Planning Commission for the design and alignment of a recreational, shared-use path from Goose Creek Heights Park (59<sup>th</sup> & Scott St.) and will tie into the existing Goose Creek Trail terminus at 53<sup>rd</sup> St. just west of Tremont Avenue.

This grant funded the survey and established the preferred trail alignment, identified the number of land acquisition acres needed, prepared an engineer's opinion of probable costs and developed the final plans, specifications and bid documents for a future project bid letting.

A Request for Proposals was issued for engineering services, and four firms submitted proposals. These proposals were reviewed by a selection committee with McClure Engineering of East Moline, IL being selected on the basis of team experience and qualifications, their design approach, similar projects designed by the firm, available time commitments, and proximity to the project.

ATTACHMENTS:

| Type                | Description                                            |
|---------------------|--------------------------------------------------------|
| ▣ Resolution Letter | PW_RES_Goose Creek Trail Phase II Grant Acceptance_Pg2 |
| ▣ Backup Material   | IA DOT                                                 |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                |
|----------------------------|----------------|----------|---------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/12/2017 - 1:05 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/12/2017 - 1:05 PM |
| City Clerk                 | Admin, Default | Approved | 1/12/2017 - 2:15 PM |

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

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION OF ACCEPTANCE RESOLUTION OF ACCEPTANCE certifying work covered by Transportation Alternatives Program (TAP) Grant # E-1827(666)-8V-82 in the amount of \$70,000 has been completed for the proposed Goose Creek Trail, Phase II, CIP#02229. *[Wards 7,8]*

WHEREAS, the City of Davenport received a Transportation Alternatives Program (TAP) grant for the design of the Goose Creek Trail, Phase II Design, in the amount of \$70,000;

WHEREAS, the scope of services outlined in the grant agreement have been satisfactorily completed by McClure Engineering of East Moline, IL;

NOW, THEREFORE, BE IT RESOLVED, that the work covered by Transportation Alternatives Program (TAP) Grant # E-1827(666)-8V-82 in the amount of \$70,000 has been completed in accordance with said grant agreement and is hereby accepted, subject to final audit of costs.

Passed and approved this 25<sup>th</sup> day of January, 2016.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, Deputy City Clerk



# Iowa Department of Transportation

## CERTIFICATE of COMPLETION and FINAL ACCEPTANCE of AGREEMENT WORK

COMPANY: City of Davenport COUNTY/CITY: Davenport

ADDRESS: 1200 E. 46th St. PROJECT NO.: STP-E-1827 (666)-8V-82

KIND OF WORK: Preparation of final plans, specifications and cost estimation for the Goose Creek Trail, Phase II

AGREEMENT DATE: 1/26/2011 FIELD COMPLETION DATE: 10/10/2016

This is to certify that the work covered by the above referenced agreement has been completed in accordance with said agreement and is hereby accepted, subject to final audit of costs.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Project Engineer (Res. Construction) (Area Engineer) (County) (City) (Consultant) Year

\*SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
District (Construction) (Maintenance) (Local Systems) Engineer Year

Approved and work accepted by the Board of Supervisors/City Council of Davenport

this 25th day of January, 2017  
Year

SIGNATURE: \_\_\_\_\_  
Chairman/Mayor

Acknowledge completion of project in accordance with referenced agreement by the Iowa Department of Transportation

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Year

SIGNATURE: \_\_\_\_\_  
Iowa Department of Transportation

\*On Local State Assisted  
Projects District does  
NOT certify but  
acknowledges  
completion of project.

**DO NOT WRITE IN THIS BOX. CENTRAL OFFICE USE ONLY.**  
(Check or Initial Appropriate Box)

☐ Office of Audits

☐ Copy to Company

☐ Copies to District

☐ Original to Files

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Sandy Doran; (563) 326-7756  
Wards: All

**Action / Date**  
**1/18/2017**

Subject:  
Resolution approving change order #2 in the amount of \$111,700 to the Sanitary Sewer Equalization Basin - V & K contract, CIP #02166. This change order will add six months of construction engineering services to the Water Pollution Control Plant Optimization project. [All Wards]

Recommendation:  
Approve the resolution

Relationship to Goals:  
Enhance Quality of Life

Background:  
The intent of the Sewer Equalization Basin Wet Weather Treatment Optimization project improves the operation, performance and secondary treatment flow capacity at the Water Pollution Control Plant and meets the intent of the Iowa DNR consent order.

The additional six months is necessary for full-time inspection for quality assurance and that the plans and specification details are being followed. This extension was agreed to by IDNR staff.

Other construction engineering activities such as contract administration and review of constructability and operability issues can be addressed immediately and will continue throughout the contract period.

|                           |                  |
|---------------------------|------------------|
| Original Contract:        | \$313,309        |
| Previous Change Orders:   | \$ 39,930        |
| <u>This Change Order:</u> | <u>\$111,652</u> |
| Amended Contract Amount:  | \$464,891        |

ATTACHMENTS:

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | PW_RES pg2  |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Admin, Default | Approved | 1/13/2017 - 12:57 PM |

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

Resolution offered by Alderman Ambrose.

Resolved by the City Council of the City of Davenport.

Resolution approving change order #2 in the amount of \$111,700 to the Sanitary Sewer Equalization Basin - V & K contract, CIP #02166. This change order will add six months of construction engineering services to the Water Pollution Control Plant Optimization project.

Whereas, the City of Davenport entered into a contract with V&K for the Equalization Basin Wet Weather Improvements.

Whereas, changes to the plans have become necessary due to additional time required to ensure quality assurance and that plans and specification details are being followed:

Now, therefore, be it resolved, by the City Council of the City of Davenport that, change order #2 is hereby approved.

Passed and approved this 25<sup>th</sup> day of January, 2017.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Nick Schmuecker; (563) 327-5162  
Wards: 2

**Action / Date**  
**1/18/2017**

Subject:  
Motion to award the contract for the 53rd Street full-depth patching to Valley Construction of Rock Island, IL in the amount of \$89,000, CIP #35015. [Ward 2]

Recommendation:  
Approve the motion.

Relationship to Goals:  
Enhance Quality of Life

Background:  
A request for bid was issued on November 16, 2016 and sent to 330 contractors. On December 8, 2016 the purchasing division received and opened five bids.

The project purpose is to repair an area of failed concrete pavement on West 53rd Street west of North Pine Street. Items included in this contract are: remove and replace a driveway approach, establish temporary access while the main entrance is inaccessible, install subdrain tile and drainable backfill, repainting where lines have been removed as part of the pavement removal, seeding disturbed areas, and associated traffic control.

Funding for this project is from the Street Repair Program CIP #35015. The source of funding is from Road Use Tax.

ATTACHMENTS:

| Type              | Description    |
|-------------------|----------------|
| ▣ Backup Material | Bid Tabulation |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 1/11/2017 - 3:14 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 1/11/2017 - 3:14 PM |
| City Clerk             | Admin, Default | Approved | 1/11/2017 - 3:36 PM |

CITY OF DAVENPORT, IOWA  
REQUEST FOR BIDS RESPONDENTS

DESCRIPTION: 53<sup>rd</sup> STREET FULL DEPTH PATCHING

BID NUMBER: 17-55

OPENING DATE: DECEMBER 7, 2016

RECOMMENDATION: AWARD THE CONTRACT TO VALLEY CONSTRUCTION CO.  
OF ROCK ISLAND, IL

| <u>VENDOR NAME</u>              | <u>LOCATION</u> | <u>AMOUNT</u> |
|---------------------------------|-----------------|---------------|
| VALLEY CONSTRUCTION CO.         | ROCK ISLAND, IL | \$88,996      |
| HAWKEYE PAVING CORPORATION      | BETTENDORF, IA  | \$92,995      |
| LANGMAN CONSTRUCTION, INC.      | ROCK ISLAND, IL | \$95,856      |
| BRANDT CONSTRUCTION CO.         | MILAN, IL       | \$114,574     |
| CDMI CONCRETE CONTRACTORS, INC. | EAST MOLINE, IL | \$147,188     |

Prepared By Cindy Whitaker  
Purchasing

Approved By Nicole McLeason  
Department Director

Approved By Breli Coz  
Budget/CIP

Approved By BR  
Finance Director

## City of Davenport

Agenda Group:  
Department: Finance Committee  
Contact Info: Mallory Merritt (563) 326-7792  
Wards: All

**Action / Date**  
**1/4/2017**

### Subject:

Second Consideration: Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units", thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa. [All Wards]

### Recommendation:

Adopt the ordinance.

### Relationship to Goals:

Welcoming Neighborhoods | High-Performing Government

### Background:

In June of 2016, interested mobile food vendors made requests to the City of Davenport to set-up and sell goods in the public right-of-way. The existing ordinance has a provision for mobile food carts, but trucks and other mobile units were excluded from this ordinance.

After a series of community meetings, the City of Davenport hosted a six-week pilot program to test out locations/zones and hours of operations. Concurrently, City Staff continued to research best practices and ordinances from other peer communities related to mobile food vending.

The attached ordinance creates new framework and guidelines for mobile food vending and establishes a mobile food unit vending program within the City of Davenport. Mobile food unit zones and hours of operations will be set by the City Council by resolution. Detailed requirements are outlined in the ordinance.

### ATTACHMENTS:

| Type              | Description                                                                                                                                                                                                                     |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ▣ Ordinance       | Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units" thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa |
| ▣ Backup Material | Mobile Food Unit Fire Regulations                                                                                                                                                                                               |
| ▣ Cover Memo      | Mobile Food Unit Ordinance Summary                                                                                                                                                                                              |

### REVIEWERS:

| Department        | Reviewer              | Action   | Date                 |
|-------------------|-----------------------|----------|----------------------|
| Administration    | Merritt, Mallory      | Approved | 12/29/2016 - 3:37 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 12/29/2016 - 3:48 PM |
| City Clerk        | Admin, Default        | Approved | 12/30/2016 - 9:07 AM |

## ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 5.19 ENTITLED “MOBILE CART VENDORS” BY AMENDING AND RE-NAMING IT AS “MOBILE FOOD UNITS” THEREBY ADDING MOBILE FOOD TRUCKS TO MOBILE CART VENDOR REGULATIONS IN THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Chapter 5.19 entitled “Mobile Cart Vendors” is hereby amended to read as follows:

### 5.19 Mobile Food Units

- 5.19.010 Definitions.
- 5.19.020 License required.
- 5.19.030 Application.
- 5.19.040 Exceptions.
- 5.19.050 General regulations for all mobile food units and pushcarts.
- 5.19.060 Pushcart specific regulations.
- 5.19.070 Mobile food unit specific regulations.
- 5.19.080 Enforcement and penalties.

#### 5.19.010 Definitions.

A. “Commissary” means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, packaged or any combination thereof, and where such food is intended for consumption at another location or place from a mobile food unit or pushcart.

B. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. For purposes of this chapter, “food establishment” does not include an establishment that offers only pre-packaged foods that are non-potentially hazardous; a produce stand which sells only whole, uncut fresh fruits and vegetables; an establishment operating in a farmers market if potentially hazardous food is not sold or distributed; a residence in which food that is non-potentially hazardous is sold for

consumption off premises to a consumer customer provided the food is labeled so as to identify its preparer; a private home that receives catered or home-delivered food; child care facilities or food establishments in hospitals or health care facilities which are subject to regulation by state agencies; supply vehicles and vending machines.

B. “Mobile food unit” means motorized, a self-propelled food establishment or a trailer or vehicle towed by a motorized vehicle, that is readily movable, and which typically operates at a remote location and returns to a base of operation or commissary at the end of its daily business. Mobile food units are considered Class IV mobile food units by the Iowa Department of Inspections and Appeals.

C. “Mobile food unit zone” means an area of governmentally owned property that has been designated as a location upon which mobile food units and pushcarts may sell or offer for sale for immediate consumption food and/or beverages.

D. “Potentially hazardous food” has the same meaning as provided in Iowa Code Chapter 137F.

E. “Pushcart” means a non-motorized food establishment limited to serving non-potentially hazardous packaged foods with limited assembly or commercial or commissary prepared foods that are reheated on the pushcart, such as frankfurters. Pushcarts may be towed by a vehicle, but are generally capable of being moved by human power. Pushcarts are considered Class III mobile food units by the Iowa Department of Inspections and Appeals.

#### 5.19.020 License and permit required.

No person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the city without having first obtained a license to operate as such. A mobile food unit license is a special license and is required in addition to any other required city business license or state license or permit the person may hold or be required to hold. A separate mobile food unit license is required for each mobile food vehicle or pushcart from which business is conducted in the city. The exception to this requirement is a person having a license to operate as a mobile ice cream vendor need not obtain a mobile food

unit license unless that person also sells or offers for sale food and/or beverages besides selling or offering for sale frozen desserts. Mobile food unit licenses are not transferable or assignable. The license fee required shall be established by the city council by resolution.

In addition to the license, no person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the public right-of-way, either in one of the mobile unit zones or in special occurrence permit situations, without first having obtained a permit to operate as such. A separate mobile food unit permit is required for each mobile food vehicle or pushcart from which business is conducted in the city. The permit fee required shall be established by the city council by resolution.

No person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the public right-of-way, other than in a designated mobile food unit zone, unless a special occurrence permit has been obtained by the premise/property owner. The premise shall make a formal request and complete an application to the city outlining all dates/times, and special occurrence permits require city council approval. Special occurrence permits are limited to one per premise.

#### 5.19.030 Application.

An application form available from the finance department must be filled out and submitted to the finance department for processing. The completed application must be submitted together with a copy of the applicant's Iowa retail sales tax permit and proof of liability insurance, including commercial general liability insurance coverage and automotive liability insurance coverage. Commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence and aggregate combined single limit. Automobile liability insurance coverage shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence, combined single limit. Certificates of insurance shall provide that the policy or policies have been endorsed to provide 30 days advance notice of cancellation and 45 days advance notice of non-renewal and 10 days advance notice of cancellation for non-payment of premium and that these notices shall be

provided to the city finance department by email, facsimile or mail. Cancellation of required insurance automatically revokes and terminates the mobile food unit license to operate in Davenport unless other insurance policies are provided in a timely manner to the city. If the mobile food unit sells food or beverages other than pre-packaged items that do not require hot or cold handling procedures, the application shall also contain a copy of the mobile food unit's license issued by the Iowa Department of Inspections and Appeals, a copy of the food establishment license issued by the Iowa Department of Inspections and Appeals for any commissary kitchen or other premises where food is prepared, copies of the food protection manager certifications, the name and address of the facility at which any waste fat, waste oil or waste grease generated by the mobile food unit operation is disposed of, and a copy of the certificate of annual compliance issued by the fire marshal.

#### 5.19.040 Exceptions.

A. Temporary mobile food units or pushcarts associated with a public celebration or special event hosted by a public body, community organization, charitable organization, patriotic organization, religious organization, educational institution or similar entity are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host or sponsoring organization and provided the unit displays proof of its authorization to operate in Iowa and required health inspection certification.

B. Temporary food units associated with a private party on private, residential property hosted by the owner of the property upon which the unit is dispensing food and/or beverage, such as a graduation party, wedding reception, birthday celebration or similar event, are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host and provided the vendor displays proof of its authorization to operate in Iowa and required health inspection certification.

#### 5.19.050 General regulations for all mobile food units and pushcarts.

A. Mobile food units shall have, and at all times maintain, all necessary licenses and permits from the Iowa Department of Inspections and Appeals as well as the City of Davenport's required permits and licenses.

B. Mobile food units shall at all times operate in compliance with all applicable food, health and sanitation laws and shall comply with all health department regulations regarding food service, food storage and preparation, food handling and food cooking and shall have a valid inspection certificate or permit evincing health department inspection and approval on display and easily visible to the mobile food unit's or pushcart's patrons at all times in operation.

C. No mobile food unit or pushcart shall offer for sale or sell food and/or beverage between the hours of 12:00 a.m. and 6:00 a.m.

D. No mobile food unit or pushcart may operate in the right-of-way or outside of a designated mobile food vending zone established by the City of Davenport absent of the premise obtaining a special occurrence permit which must be approved by the City Council.

E. No mobile food unit or pushcart shall operate within a city park unless such operation occurs within the boundaries of a designated mobile food unit zone or a separate permit has been acquired from the director of the parks and recreation department.

F. No mobile food unit or pushcart shall park or stand its pushcart or vehicle within (1) 40 feet of a pedestrian crosswalk, or a stop sign or traffic signal light, (2) adjacent to a designated bicycle lane, or (3) absent written authorization of the restaurant, within 200 feet of any public entrance to any permanent restaurant during hours the restaurant is open for business. For purposes of this section, bars that serve food are deemed to be restaurants. Mobile food units and pushcarts that are not directly involved with the sponsor organization shall not park or stand within 1200 feet (3 city blocks) of an approved special event.

G. No mobile food unit or pushcart shall operate in a manner that violates Chapter 8.19 of the city code concerning noise. A mobile food unit or pushcart shall not call out to, cry out, shout out or otherwise communicate or make any noise or use any device to call attention to his or her unit's or cart's location and operation.

H. A mobile food unit or pushcart is responsible for keeping and maintaining the area around and within fifty feet of the mobile food unit or pushcart neat, clean and free from trash, debris, garbage and other hazardous conditions at all times regardless of whether the trash, debris or garbage originated from the operation of the unit or pushcart or was left in the area by a pedestrian passersby or natural conditions. A mobile food unit or pushcart shall provide adequate trash receptacles for the public for all garbage from its operation and from the accumulation of garbage in the area around his or her

unit or pushcart at all times the unit is in operation. At the close of its daily business the mobile food unit or pushcart must remove all garbage from the area and properly dispose of it away from the site of its operation; the garbage shall not simply be placed in nearby public garbage receptacles provided for use to the general public at large.

I. The license required by this chapter, the state sales tax permit and all licenses, permits or certificates required to be displayed by state law, shall be posted on the mobile food unit or pushcart so as to be readily visible to all persons conducting business with the mobile food unit.

J. Mobile food units and pushcarts shall only offer single service food utensils such as cups, straws, knives, forks, spoons, stirrers, plates, bowls, wrappers, containers, and similar utensils, which shall be individually wrapped if usual, and kept in a clean place and only used once in the service of food and/or beverage.

K. No mobile food unit or pushcart shall be left at its operating location at the end of its business day and shall be removed to its base business operation location.

L. No mobile food unit or pushcart shall conduct operations at a location or in a manner that hinders, impedes or restricts access to a pay phone, mail box, emergency call box, traffic control box, fire hydrant, entrance to a building or a driveway.

M. A mobile food unit or pushcart operating on private property shall not encroach into any public sidewalk or public right of way. All private property owners allowing mobile food units on property must register with the city as having a mobile kitchen for public safety purposes.

N. No mobile food unit or pushcart is allowed on the grounds of any school unless it has been invited to be there as part of a school authorized function.

O. The city reserves the right to move a mobile food unit or pushcart from any location if determined to be necessary for the provision of emergency or public services or in the interest of public safety, peace and welfare.

P. No mobile food unit or pushcart shall offer for sale or sell any liquor, beer or wine from such unit.

#### 5.19.060 Pushcart specific regulations.

A. A pushcart shall not allow, cause or obstruct the passage along any sidewalk, street, alley or parking lot as a result of a congregation of people

seeking service from the pushcart or because of the size, shape or placement of the pushcart so as to interfere, inhibit or block the normal flow of pedestrian or vehicular traffic.

B. A pushcart shall not violate parking regulations.

C. A pushcart shall not sell to any person operating a vehicle on a public street while the person's vehicle is located within the traveled portion of the roadway. A pushcart may sell to a person operating or occupying a motor vehicle that is legally parked, but may only do so from the curb side of said parked vehicle.

D. No pushcart or equipment shall be allowed to remain in the public right of way at the close of business.

E. All pushcarts and equipment associated with the business shall be maintained so as to enhance the aesthetic and overall appearance of the area in which the pushcart is operated.

F. Pushcart vendors agree to indemnify and hold harmless the city from and against any and all loss, cost, damages or claims to persons or property, including property of the city, arising out of or claimed to have arisen out of the operation of a pushcart. In addition, pushcart vendors agree to defend, at no cost to the city, any such claims or lawsuits. The city may, at its option, join the defense of such claim or lawsuit without relieving the pushcart vendor from its obligations to indemnify, hold harmless and defend the city.

G. Pushcarts may operate anywhere within a designated mobile food unit zone on a paved surface, designated parking space or sidewalk subject to the other requirements of this chapter. In addition, a pushcart may operate at a requested location on private property provided application has been made for permission to operate at the requested location and that application is accompanied by a verifiable letter from the owner or person in control of the property granting permission to operate on the premises. Permission by the owner/person in control of property may be rescinded at any time by notifying the city finance department in writing that permission is rescinded. If permission is rescinded, no fees or portion of fees paid will be refunded.

H. No pushcart shall conduct business in areas of the city at which they are not permitted or authorized.

I. Pushcarts shall now be subject to the same permit and fee structure as all other mobile food units.

J. For a period of five years, pushcarts with existing location permits from the City of Davenport may continue serving at those locations. After the period of

five years, pushcarts must be only in a designated mobile food unit zone, or the premise must obtain a special occurrence permit.

5.19.070 Mobile food unit specific regulations.

A. Sales shall be conducted on the sidewalk side of the mobile food unit whenever possible away from moving vehicles.

B. No mobile food truck should provide or allow any dining area, tables, chairs, boothies, benches, bar stools, stand-up counters, or similar furniture.

C. No mobile food unit shall be used for any purpose other than as a mobile food unit offering food and/or beverage to customers.

5.19.080 Enforcement and penalties.

The Scott County Health Department, the Davenport Police Department, the Davenport Fire Department and the Finance Department of the City of Davenport are authorized to enforce this chapter. The Scott County Health Department may elect to pursue enforcement under the provisions of this chapter or under applicable state laws and regulations with the sanctions available thereunder.

The performance of any action contrary to the provisions of this chapter may be cited as a municipal infraction offense. Additionally, failure to adhere to the regulations is cause for revocation or suspension of a license to operate as a mobile food unit or pushcart.

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

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_

Frank Klipsch  
Mayor

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

Jackie Holecek, MMC  
Deputy City Clerk

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



## Mobile Food Vendor Inspection Form

### Davenport Fire Prevention Bureau

Phone: 563-888-2175

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

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Vehicle Information

Make: \_\_\_\_\_ Model: \_\_\_\_\_ License Plate: \_\_\_\_\_

\_\_\_ Exhaust Hood-Type I (Referenced; 2012 IFC section 609.2)

\_\_\_ Filters

\_\_\_ Cleaning

\_\_\_ Tags

\_\_\_ Records

\_\_\_ Fire Extinguishing System

\_\_\_ Fire Extinguishers (Referenced 2012 IFC Section 904.11.5)

\_\_\_ 2A-20BC

\_\_\_ Class K

\_\_\_ **LP System** (Referenced NFPA 58, 2014 Edition, Section 6.24)

\_\_\_ Tanks (Max 2- 20 LBS Tanks)

\_\_\_ Tank mounting (6.24.3.4)

\_\_\_ Shutoff valve readily accessible (6.24.4.1)

\_\_\_ Caution plate (6.24.7.10)

\_\_\_ Outside storage (6.24.3.4 A,B,C,D,E,F,G,H)

\_\_\_ Inside storage (Vapor tight cabinet) (6.24.3.3; 6.24.3.4 I)

\_\_\_ Regulators (Protected) (6.24.4.2 B)

\_\_\_ Hoses (350 PSI, marked LP gas)

\_\_\_ Fixed piping (6.24.5)

\_\_\_ Fastened (6.24.5.1)

\_\_\_ Flexible connectors (6.24.5.1 B)

\_\_\_ Rubber grommets at pass through points (6.24.5.1 H(3))

\_\_\_ **Egress** (NFPA 58 section 6.24.7.9)

\_\_\_ **Electrical** (NFPA 58 section 6.24.7.9)

\_\_\_ **General Housekeeping/Storage** (2012 IFC section 315.1)

Based on the inspection completed above, the mobile food truck referenced in the information above:

\_\_\_ **MEETS COMPLIANCE**

\_\_\_ **DOES NOT MEET COMPLIANCE**

Inspector: \_\_\_\_\_ Signature: \_\_\_\_\_

Vendor: \_\_\_\_\_ Signature: \_\_\_\_\_



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**City Administration**  
**226 West Fourth Street • Davenport, Iowa 52801**  
**Telephone: 563-326-7792 • Fax: 563-326-7736**  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**DATE:** December 9, 2016

**TO:** Corri Spiegel, City Administrator  
Mayor & City Council

**FROM:** Mallory Merritt, Assistant to the City Administrator

**RE:** Mobile Food Vending Program & Ordinance Development

#### BACKGROUND

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In June of 2016, mobile food vending operators began contacting the City about opportunities to serve curbside within the public right-of-way. Although the existing City ordinance permits mobile food push-carts to operate on sidewalks and within the right-of-way, food trucks are currently excluded from that provision. The City has engaged in a thoughtful and calculated process to fully explore this potential initiative and the related processes and procedures; results of the pilot program and highlights of the proposal are outlined below.

#### PROCESS

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On July 21, 2016, the City co-sponsored a downtown community meeting with both prospective vendors and downtown businesses. The meeting included a staff presentation on a potential ordinance and zone considerations. From that meeting, it became apparent that the City needed to develop a pilot program before establishing zones, continue researching industry best-practices, and thoughtfully develop a permanent ordinance. During the month of September, the City sponsored a successful pilot program, and the findings and outcomes from the pilot program are provided below. A collaborative team met with the City of Des Moines and the Des Moines Legion of Food twice to fully understand best practices for mobile vending programs. The proposed ordinance showcases that information.

#### PILOT PROGRAM

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Mobile food vendors were permitted to operate in established locations on Tuesdays during the month of September and on the first two Fridays in October. Three locations were included in the pilot program:

- Kaiserslautern Square
- Bechtel Park
- Riverfront / Main Street Landing

All of the pilot program locations were successful; however, Kaiserslautern Square would be quickly outgrown due to the availability of only five spaces for truck operators. The greatest success was found during lunch hours on the riverfront and dinner hours at the Bechtel Park location. Additionally, the team found that Tuesdays were more successful than Friday nights. The first pilot date included three vendors, and the final pilot date during the month of September included 17 vendors. Most vendors sold out of food/product on each of the pilot dates.

The pilot program highlighted the need for garbage/trash collection efforts, spacing issues, and code-of-conduct for vendors, along with considerations for fire safety and health permitting. The below proposal outlines considerations for each of the pilot challenges and seeks to mitigate those challenges as part of a permanent ordinance.

#### ORDINANCE DEVELOPMENT & PROPOSED PROGRAM REQUIREMENTS

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After researching numerous other communities' mobile food vending programs, a cross-functional and collaborative team has produced the below proposal for a mobile food vending program.

1. **Licensing:** To operate a mobile food unit, whether a food truck, push-cart, etc., a general mobile food vendor license would need to be obtained from the City by the vendor. The license would be processed by the Finance Department and require a general inspection by the City's Fire Marshal. The license would need to be renewed on an annual basis, and it would be granted only after the three criteria below have been satisfied:
  - a. Proof of \$1.0M in liability insurance, listing the City as one of the insured.
  - b. Proof of a valid health permit issued by the Scott County Health Department or where reciprocity is valid.
  - c. Successful fire inspection by the City of Davenport's Fire Department.
2. **Permitting:** To operate on any public grounds, including in City Parks when designated by the Parks Director, approved zones, and special occurrence situations, the operator would need to obtain an annual permit. The permit validates the use of public grounds for food point-of-sales, and is mandatory for any public zone, Park, or special use situation.
3. **Zones:** The ordinance outlines that all zones will be set by Resolution. The proposed Resolution would establish two right-of-way zones for mobile food vending operations and set forth the operational hours for each. The ordinance would also establish that all zones, both current and future proposed zones, would need to be at least 200 feet away from any open restaurant or food-service facility. Additionally, the ordinance outlines the process for adding future zones and would require City Council approval.
  - a. Riverfront
  - b. Bechtel Park
4. **Private Property:** Mobile food vendors may utilize private property for point-of-sales with the property owner's permission, so long as the premise or property owner has registered the premise as having a food vendor on-site with the City.
5. **Special Occurrence Situations:** In the event that a premise would like to have a food truck operate in the right-of-way in front of a business, the premise may petition the City Council for a

special occurrence permit. The property owner would submit an application to the Finance Department, a 200-ft. notification would be issued, protest rate calculated, and then appear on the Public Safety portion of a regularly scheduled City Council meeting for approval. The application must outline all dates/times, and only one truck per location/premise will be permitted.

6. **Hours of Operations:** The below chart outlines the hours of operations for each zone. Special use permits will be considered outside of the below allotted timeframes but will be subject to City Council approval.

| Location     | Monday                     | Tuesday      | Wednesday    | Thursday     |
|--------------|----------------------------|--------------|--------------|--------------|
| Riverfront   | 6 am – 12 am               | 6 am – 12 am | 6 am – 12 am | 6 am – 12 am |
| Bechtel Park |                            | 3 pm – 11 pm |              | 3 pm – 11 pm |
| City Parks   | Park Director's Discretion |              |              |              |

7. **Fees:** Fees shall be established by the Finance Director, and set by resolution, to compensate for all processing, inspection, and the use of the right-of-way for business purposes. The zone permit was calculated based on a \$0.75/hour parking ramp rate.

| Fee Type                          | Fee Amount | Description                                                                                                                                               |
|-----------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annual Mobile Food Vendor License | \$55       | Covers Fire Inspection and all City application processing                                                                                                |
| Mobile Food Vendor Permit         | \$550      | Required for all mobile food vendors utilizing any public right-of-way space, including zones, Parks, and special uses (not connected to festivals, etc.) |
| Special Use Permit                | \$0        | Vendors utilizing a premise's special use permit must have a mobile food vendor permit.                                                                   |
| Private Property Registration     | \$0        | Premise/Property-Owner must register with City                                                                                                            |

8. **Push-Cart Ordinance:** The proposed ordinance collapses push-cart vendors into a new category, along with trucks, titled "mobile food vendors" and deletes the existing language pertaining to push-carts only. However, all existing push-carts with current licenses from the City of

Davenport that are operating on sidewalks, etc. may maintain existing permitted locations for a period of five years. Push-carts will be subject to the new fee structure.

9. **Fire Code & Regulations:** All mobile vendors must receive and pass a fire inspection by the City of Davenport's Fire Department. The Fire Marshal is compiling a checklist for inspection that vendors will be able to view prior to their inspection. There will be an exemption for the deployment of the Class A hood system until July 1, 2017. Beginning July 1, 2017, all mobile vendors with grease, etc. will be required to have the hooding system to operate on public or private grounds.

## CONCLUSION

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Pending City Council feedback, the ordinance will be revised and shared with vendors and the downtown business community for additional feedback. A meeting with the downtown business community has been scheduled in coordination with the Downtown Davenport Partnership.

Please let me know if you have any questions.

**Code of Conduct Notes:**

- I understand that I cannot place any tables, chairs, furniture, equipment, signage or other material on the ground, streets, or sidewalks.
- I understand that I must comply with noise (XX):
  - o No “cat calling” or auctioning
  - o No music over XX dBA
- I understand that I must provide one or more trash receptacles readily accessible to customers either in or attached to the Mobile Vendor unit. All trash receptacles and all accumulations of trash and litter shall be removed from the site by the vendor before departing.
- I understand that I cannot conduct sales from outside of the vehicle or cart, and that all sales shall only be conducted on the sidewalk side of the street and within one of the designated zones or approved locations.
- I understand that I cannot sell to any person situated in a motor vehicle, except to reasonably accommodate a customer with a disability.
- I understand that all fat, oil, grease, and wastewater shall be disposed of at the business or facility identified on the application, and shall be disposed of in compliance with applicable regulations.
- I understand that violations of this ordinance shall be considered a municipal infraction?
- I agree to keep the City informed of suggestions or issues experienced.
-

City of Davenport

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

**Action / Date**  
**1/18/2017**

Subject:  
Resolution adopting the Internal Revenue Service mileage rate when reimbursing employees for use of a personal vehicle. [All Wards]

Recommendation:  
Adopt the resolution.

Relationship to Goals:  
Financially Responsible City Government

Background:  
Chapter 70A.9 of the Code of Iowa requires the local governing body to approve the mileage reimbursement rate paid to employees who use their personal vehicles for City business/travel. The IRS has decreased the mileage reimbursement rate from \$.54 per mile to \$.535 per mile.

ATTACHMENTS:

| Type                | Description                 |
|---------------------|-----------------------------|
| ▢ Resolution Letter | IRS MILEAGE RATE RESOLUTION |

REVIEWERS:

| Department        | Reviewer              | Action   | Date               |
|-------------------|-----------------------|----------|--------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/9/2017 - 3:04 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/9/2017 - 3:05 PM |
| City Clerk        | Admin, Default        | Approved | 1/9/2017 - 3:22 PM |

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

Resolution offered by Alderman Justin:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the Internal Revenue Service mileage rate when reimbursing employees for use of a personal vehicle.

WHEREAS, Chapter 70A.9 of the Code of Iowa requires that the local governing body approve the mileage reimbursement rate paid to employees for the use of a personal vehicle, and

WHEREAS, the current Internal Revenue Service mileage rate is \$0.535 per mile.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Internal Revenue Service mileage rate will be used when reimbursing employees for the use of a personal vehicle.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group:

**Action / Date**

Department: Finance Committee

Contact Info: Lauren Gonner 326-7772

Wards: All

Subject:

Motion setting a Public Hearing for the FY 2018 Operating Budget, FY 2018 Capital Improvement Plan, and the FY 2018-2023 Capital Improvement Program for February 15, 2017. [All Wards]

Recommendation:

Approve the motion and hold the Public Hearing on Wednesday, February 15, 2017 at 5:30 p.m.

Relationship to Goals:

Financially Responsible City Government

Background:

Under the laws of the State of Iowa, the City is required to hold a public hearing prior to adoption of its annual Operating and Capital budgets.

REVIEWERS:

| Department        | Reviewer              | Action   | Date                 |
|-------------------|-----------------------|----------|----------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/12/2017 - 11:50 AM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/12/2017 - 11:50 AM |
| City Clerk        | Admin, Default        | Approved | 1/12/2017 - 11:58 AM |

## City of Davenport

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

### Action / Date

Subject:  
Motion awarding a contract for the Duck Creek Golf Course Clubhouse Remodeling Project to Big Dog Construction of Davenport in a not-to-exceed amount of \$94,370. CIP #64024 . [Ward 6]

Recommendation:  
Approve the motion

Relationship to Goals:  
Financially Responsible City Government

#### Background:

On December 13, 2016, the Purchasing Division issued an Invitation to Bid for the Duck Creek Golf Course Clubhouse Remodeling Project. Because of the various types of trades involved in this project, the invitation was sent to 382 vendors. On January 9, 2017, Purchasing opened and read eight responsive and responsible bids. The lowest bid was from Bid Dog Construction of Davenport in the amount of \$94,370. This is a not-to-exceed contract.

This project is a major renovation for the clubhouse. This will make a larger single room concept with the pro-shop and concession area. The current breeze-way opening that divides the two areas is going to be enclosed. This will allow more room for improved seating and golf outing space. The one-room design will also create efficient space for customers that can be monitored by fewer employees. Renovations will also create interior access doors to the restrooms. Currently the only access to the restrooms is on the outside of the building.

Big Dog Construction has successfully completed projects for the city in the past. As the lowest responsive and responsible bid, it is being recommended to award to them.

Funding for this project is from the FY17 CIP account #64024 for Golf Course Improvements Program, account #74038697 350350 64024. Funding for this account is from the sale of GO Bonds.

#### ATTACHMENTS:

| Type         | Description                                 |
|--------------|---------------------------------------------|
| □ Cover Memo | Bid Tab - Duck Creek Golf Clubhouse Remodel |

#### REVIEWERS:

| Department        | Reviewer              | Action   | Date                 |
|-------------------|-----------------------|----------|----------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/12/2017 - 9:55 AM  |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/12/2017 - 9:55 AM  |
| City Clerk        | Admin, Default        | Approved | 1/12/2017 - 10:07 AM |

CITY OF DAVENPORT, IOWA  
TABULATION OF BIDS

DESCRIPTION: DUCK CREEK GOLF CLUBHOUSE REMODEL

BID NUMBER: 17-65

OPENING DATE: JANUARY 9, 2017

GL ACCOUNT NUMBER: 74038697 530350 64024

RECOMMENDATION: AWARD THE BID TO BIG DOG CONSTRUCTION  
OF DAVENPORT

| <u>VENDOR NAME</u>                            | <u>BID AMOUNT</u> |
|-----------------------------------------------|-------------------|
| <b>Big Dog Construction of Davenport</b>      | <b>\$94,370</b>   |
| Daxon Construction Company of Rock Island IL  | \$96,430          |
| Sheets Design Build LLC of Maquoketa IA       | \$98,940          |
| Olde Town Roofin of Moline IL                 | \$108,000         |
| Precision Builders of LeClaire IA             | \$115,706         |
| Valley Construction Company of Rock Island IL | \$128,140         |
| Swanson Construction Co of Bettendorf IA      | \$140,833         |
| Tricon General Construction of Dubuque IA     | \$143,000         |

Approved By Kristi Keller  
Purchasing

Approved By [Signature]  
Department Director

Approved By Brian Cough  
Budget/CIP

Approved By [Signature]  
Finance Director

City of Davenport

Agenda Group:  
Department: Finance Committee  
Contact Info: Cory Smith 888-2162  
Wards: All

**Action / Date**  
**1/18/2017**

Subject:  
Motion approving a contingent award for a backup and recovery solution for the City's computer servers to Alliance Technology Group LLC of Hanover, MD in the amount of \$121,845.  
[All Wards]

Recommendation:  
Approve the motion.

Relationship to Goals:  
Financially Responsible City Government.

Background:  
A Request for Proposals was issued on November 7, 2016 and was sent to 97 vendors. On December 1, 2016 the Purchasing Division received and opened seven proposals.

The City data space in use has exceeded what can be backed up on a daily basis with our current backup technology (parts of current process are 3 - 7 years old). New high speed data capture and backup hardware and software are needed to keep up with current technology demands. The purchase is for the full replacement of our current backup infrastructure for our VMware environment.

This motion is contingent on the POC (Proof of Concept) testing. If the equipment and backup solution is satisfactory, the IT Department will proceed with issuing a purchase order agreement.

Funding for this purchase is from CIP #10507 with an available amount of \$845,513. The source of funding is from the sale of bonds.

**ATTACHMENTS:**

| Type            | Description    |
|-----------------|----------------|
| Backup Material | BID TABULATION |

**REVIEWERS:**

| Department        | Reviewer              | Action   | Date                |
|-------------------|-----------------------|----------|---------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 1/12/2017 - 3:08 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 1/12/2017 - 3:08 PM |
| City Clerk        | Admin, Default        | Approved | 1/12/2017 - 3:30 PM |

CITY OF DAVENPORT, IOWA  
PROPOSAL TABULATION

DESCRIPTION: SERVER BACKUP AND RECOVERY SOLUTION

RFP NUMBER: 17-47

OPENING DATE: DECEMBER 1, 2016

RECOMMENDATION: CONTINGENT AWARD TO ALLIANCE TECHNOLOGY GROUP  
LLC OF HANOVER, MD

| <u>VENDOR NAME</u>                   | <u>LOCATION</u>    |
|--------------------------------------|--------------------|
| <b>ALLIANCE TECHNOLOGY GROUP LLC</b> | <b>HANOVER, MD</b> |
| AOSNC, LLC                           | OVERLAND PARK, KS  |
| CONNECTION PUBLIC SECTOR SOLUTIONS   | MERRIMACK, NH      |
| CORUS GROUP LLC                      | NORCROSS, GA       |
| DATALINK CORPORATION                 | EDEN PRAIRIE, MN   |
| RECOVERY POINT SYSTEMS, INC          | GAITHERSBURG, MD   |
| ZONES, INC                           |                    |

Prepared By Cindy Wietke  
Purchasing

Approved By BW  
Department Director

Approved By Brandi Coyne  
Budget/CIP

Approved By BW  
Finance Director

City of Davenport

Agenda Group: Council  
Department: City Clerk  
Contact Info: Jackie Holecek  
Wards: All

**Action / Date**  
**1/25/2017**

Subject:  
Motion for the suspension of the rules to add and vote on the following items.

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 1/20/2017 - 3:58 PM |

City of Davenport

Agenda Group: Council  
Department: Community Planning & Economic Development  
Contact Info: Bruce Berger, 326-7769  
Wards: 8

**Action / Date**  
**CD1/25/2017**

Subject:  
Resolution approving an economic development agreement with Sterilite Corporation. [Ward 8]

Recommendation:  
Approve the resolution.

Relationship to Goals:  
Strong local economy.

Background:  
Sterilite Corporation, headquartered in Townsend, MA, is the largest plastics housewares company in North America and has been in operation for over 75 years. They manufacture a wide variety of goods including food storage, laundry and utility products and organizational totes. Sterilite currently has operations in six states.

Sterilite is considering the construction of a manufacturing facility and distribution center on 160 acres adjacent to the Eastern Iowa Industrial Center. The building is estimated to have 2,463,000 square feet; 384,000 square feet will be manufacturing space and the remainder distribution space. The project will create 500 full time positions with 100 of the positions paying at least \$18.75/hour and the remainder of the positions paying \$12.00 to \$16.00 per hour. All positions are supported with a benefit package.

Sterilite is also seeking financial assistance from the State of Iowa's High Quality Jobs program and training funds from Eastern Iowa Community College. In return for the creation of 500 jobs and a minimum assessed valuation of \$55 million, the City of Davenport will pursue inclusion of the site into the North Urban Renewal Area and is proposing the following incentives:

- Forgivable loan of \$3,000,000 paid out following the certificate of occupancy on the manufacturing facility
- Infrastructure (electric, gas, sanitary sewer and water) brought to the facility (estimated cost of \$1,262,500)
- Rail spur onto project site (estimated cost of \$1,800,000)
- Road and intersection improvements adjacent to and leading to site (estimated cost of \$3,350,000)
- Partial rebate of property taxes paid by Sterilite for a 15 year period (estimated to be \$8,361,600)
- For 15 years all property taxes paid for the assessed value portion greater than \$64,000,000, net those taxes restricted by Iowa TIF law, will be reimbursed to the company.

The City is also pursuing funding assistance from the State of Iowa's Revitalize Iowa's Sound Economy (RISE) program to assist with roadway improvements and the Iowa Department of Transportation's Railroad Revolving Loan and Grant Program to assist with the rail spur. These

programs are anticipated to help offset a portion of the City's cost.

**ATTACHMENTS:**

| Type                | Description                    |
|---------------------|--------------------------------|
| ▣ Resolution Letter | Resolution Sheet               |
| ▣ Exhibit           | Economic Development Agreement |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Pribyl, Rita   | Approved | 1/20/2017 - 3:47 PM |
| Community Development Committee           | Pribyl, Rita   | Approved | 1/20/2017 - 3:48 PM |
| City Clerk                                | Admin, Default | Approved | 1/20/2017 - 3:53 PM |

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

Resolution offered by Alderman \_\_\_\_\_.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving an economic development agreement for Sterilite Corporation for the construction of a proposed facility located at the southwest corner of Division Street and Slopertown Road,

WHEREAS, proposed project involves the construction of a new facility of approximately 2,463,000 square feet adjacent to the Eastern Iowa Industrial Center with a land and building budget of \$73 million. The facility will house their injection molded manufacturing process and distribution center which will bring new wealth to the local economy; and

WHEREAS, the proposed project involves the creation of 100 full time positions (paying an average wage of \$18.75/hr) and the creation of 400 full time positions (paying a between \$12.00 and \$16.00/hr); and

WHEREAS, the proposed project will add benefits to the tax base and meets the established policy for using tax increment financing to assist in primary business expansion; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a public hearing was held on January 18, 2017, to review and receive public comment on the project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davenport, Iowa approves and directs appropriate City officials to execute the attached Economic Development Agreement between Sterilite Corporation and the City of Davenport, Iowa.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

## **ECONOMIC DEVELOPMENT AGREEMENT**

THIS AGREEMENT is made as of \_\_\_\_\_ between the City of Davenport, Iowa, a municipal corporation of the State of Iowa (hereinafter referred to as “City”), and Sterilite, (hereinafter referred to as “Company”).

WHEREAS, the Company proposes to construct a state of the art manufacturing and distribution center in Davenport, Iowa. The facility will be approximately 2,463,750 square feet and contain 384,000 square feet of manufacturing and the remainder of the facility will be comprised of warehouse. The property is located at the southwest corner of the intersection of Slopertown Road and Division Street with the address yet to be assigned, and hereinafter referred to as “Subject Property”, resulting in a projected increase in the assessed value of the real estate of approximately \$62,000,000; and

WHEREAS, with the construction of the manufacturing and distribution center the Company will create in Davenport 500 new permanent full-time positions consisting of new Sterilite employees and new contract employees on assignment at Sterilite (hereinafter referred to as “New Positions”) within five years from the time the manufacturing facility is operational and with the building construction and the increase in the workforce hereinafter referred to as the “Economic Development Project”; and

WHEREAS, the Company has requested financial assistance to help support the Economic Development Project; and

WHEREAS, the City has established a policy of supporting primary businesses who are making a substantial capital investments and creating jobs with benefits; and

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

1. The Economic Development Project will add diversity and generate new opportunities for the Davenport and Iowa economies; and
2. The Economic Development Project will generate public gains and benefits particularly in the creation of new jobs and tax assessed property value, which warrant the amount of the proposed tax increment financing assistance; and
3. The proposed funding for the Economic Development Project meets the conditions of said Chapter 15A of the Code related to the creation of jobs and the expansion of business investment in the City of Davenport, Scott County, Iowa; and
4. A public purpose will reasonably be accomplished by providing economic development assistance in order to facilitate such development by the Company and the City is empowered to provide assistance pursuant to said Chapter 15A of the Code and the City Charter; and Section 403.19 of the Code provides for the division of incremental property tax revenue, or tax increment, commonly known as Tax Increment Financing; and,

5. The property is located within an existing urban renewal area (the North Davenport Urban Renewal Area); and

WHEREAS, the City Council has held a public hearing, at the January 18, 2017 meeting of the Committee-of-the-Whole, on entering into this agreement which will obligate the City to make future payments, provided the Company meets certain requirements;

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

SECTION I:  
THE CITY'S OBLIGATIONS

1. The City shall make an economic development forgivable loan to the Company in the amount of \$3,000,000 (three million dollars) once a certificate of occupancy has been obtained on the manufacturing facility. This loan shall be forgiven all or in part according to the job creation obligations detailed in Section II.

2. The City shall, with cooperation from the Company and necessary utility providers, install or cause to be installed the following utilities to the manufacturing facility:

- a) Water: a 12 inch main
- b) Electric service from a 161/13.2 kV substation
- c) Gas
- d) Sanitary Sewer

3. The City shall, with cooperation from the Company, install or cause to be installed a rail road spur to the manufacturing facility with adequate storage for 100 cars. The City will pay up to \$1,800,000 (one million eight hundred thousand dollars). Any cost incurred over and above \$1,800,000 shall be split equally between the City and the Company.

4. The City shall install or cause to be installed intersection and road improvements leading to the project site. The Company shall cooperate and provide necessary information regarding their desired placement of turning lanes into the property for both truck and employee entrances.

5. The City shall make a series of payments to reimburse the Company for a portion of its real estate tax payments (the "Reimbursement") subject to the completion of the Economic Development Project and the timely payment of those real estate taxes, utility fees and special assessments. For the purposes of this agreement, "timely payment" shall mean that the semi-annual tax payment, fees and assessments has been made no later than the due date stated on the tax, fee and assessment bill. Should the payment be made later than the due date, the City shall not be obligated to make the Reimbursement from that semi-annual payment. As provided in the published notice of the public hearing with regard to the obligations under this Agreement, the total Reimbursement shall be approximately eight million, three hundred sixty one thousand, six hundred dollars (\$8,361,600) through the term of the Agreement. There shall not be any payments beyond the fifteen (15)-year period even if there has been a withholding or a reduction of the Reimbursement payment for any preceding six (6)-month period.

5.1 The Reimbursement to the Company shall be 60% of the total property tax bill, less the City's bond repayment for the items detailed in Section I: 1-4, subject to the provisions of this Agreement, where Section 403.19 of the Code provides that only the taxes levied on the assessed value of qualified property in the year prior to the year in which the increment is used for tax increment financing shall not be considered for purposes of calculating the amount of tax increment revenue in a given year (the "Base Year Valuation"). The percentage of available tax revenue which will be reimbursed shall be determined by the performance of the Company toward meeting its job creation obligations as described in Section II.

5.2 The Reimbursements shall be made up to twice each year during the term of this Agreement, on or before June 1 and December 1 of each year after the taxes on the increased assessed value have begun. The Reimbursements shall be based only on the increase in taxable real estate value attributable to the Economic Development Project as described in Section II, Paragraph 2 of this Agreement. Provided the construction of the building has been completed and the full amount of the new value has been placed on the tax rolls by January 1, 2018, the first Reimbursement payment shall be made on or before December 1, 2019. The Reimbursement shall be made for fifteen (15) consecutive years. Should the Company fail to make timely payment of its taxes or should the Company fail to meet its job obligations for a semi-annual period, the Reimbursement shall not be made. No provision is to be made for the extension of the series of authorized Reimbursement if the Company fails to meet its obligations and does not receive a Reimbursement payment for any semi-annual period. Provided the Reimbursement begins in 2019, the last Reimbursement shall be made on or before June 1, 2034. In no case shall the Reimbursement begin later than December 2020, based on the taxable real estate value as of January 1, 2019, in which case the last Reimbursement shall be made on or before June 1, 2035.

5.3 Reimbursement shall be conditioned on creation of the New Jobs, as described in Section II. The Reimbursement shall be calculated by the City based on the number of full-time positions being paid at least the Target Wages (as defined in Section II of this Agreement) for the six (6) months shown in the most recent Contribution Report submitted to the State of Iowa prior to the Reimbursement payment dates of June 1 and December 1.

5.4 The Reimbursement shall be made by the City to the Company if the Company complies with its obligations for creating the New Positions at the Target Wages and benefit levels and paying its real estate taxes and related fees as described in Section II of this Agreement.

6. The Reimbursement is not a general obligation of the City and shall be paid solely from incremental property taxes received by the City and from the Scott County Treasurer which are attributable to the Economic Development Project. All payments are subject to approval and annual appropriation action by the City Council.

7. For the time period specified in Section 5 the City agrees that all property taxes paid for the assessed value portion greater than sixty-four million (\$64,000,000), net of those taxes restricted by Iowa TIF law (Chapter 15A. 403.19) will be reimbursed to the company contingent upon the Company meeting the requirements at outlined in the Agreement. If the Company expands

and/or improves the property beyond the scope detailed in the Economic Development Project as outlined in the Agreement, any increase in assessed valuation due to this would not be eligible for Reimbursement under the terms of this Agreement.

8. Once the Reimbursement term has ended, this Agreement shall be of no further force or effect.

9. The obligations of the City under this Agreement are conditioned upon the faithful performance by the Company of all the terms and conditions of this Agreement.

## SECTION II: THE COMPANY'S OBLIGATIONS

1. The Company agrees to make progress towards the total New Positions leading up to the five year date referenced in Section II.5. The Company agrees to furnish to the City appropriate evidence of the number of full time New Positions. This shall be evidenced by the most recent Iowa Employer Contribution Report submitted by the Company to the City on or before April 15<sup>th</sup> and October 15<sup>th</sup> starting in 2018 and continuing for the term of this Agreement.

2. The Company agrees to construct a manufacturing and warehouse/distribution center on the Subject Property, consisting of approximately 384,000 square feet of manufacturing space and 2,079,750 square feet of warehouse/distribution for an estimated total of 2,463,750 square feet. The Company agrees to comply with all building and fire code regulations related to the construction, occupancy, and operation of the building.

3. The Company agrees to pay or cause to be paid property taxes on the assessed value of the Subject Property in a timely fashion. The Company agrees to furnish the City a copy of the receipt for its property tax payments no later than April 15 and October 15 for the respective Reimbursement payment.

4. The Company agrees that the assessed valuation of the Subject Property will be at least fifty-five million dollars (\$55,000,000) based upon the Economic Development Project described in the Agreement.

5. The Company agrees to create one hundred (100) New Positions paying at or above \$18.75 per hour ("Target Wages") and four hundred (400) New Positions paying at or above \$12.00 to \$16.00 per hour ("Target Wages"). These New Positions are to be created no later than five (5) years from the date of the manufacturing facility becoming operational, anticipated to occur at or around January 2023.

6. The number of positions created and maintained shall be calculated based on the actual number of full-time positions computed as the sum of the Company workforce located at the Subject Property for the six (6)-month period shown in the most recent Contribution Report immediately prior to the months in which the semi-annual payment of Reimbursement is due.

7. During the first five (5) years from the date the manufacturing facility becomes operational, the Company shall be eligible for reimbursement of 60% of the total property tax bill, less the City's bond repayment for the items detailed in Section I: 1-4.

8. At the end of the five year period, the Company shall have created and maintained (100) New Positions paying at or above \$18.75 per hour and four hundred (400) New Positions paying at or above \$12.00 to \$16.00 per hour. If the New Positions created and retained meet or exceed the requirement five years from the date the manufacturing facility becomes operational, the forgivable loan in the amount of three million dollar (\$3,000,000) shall be forgiven in its entirety. If job creation is less than this level at the five year date, a pro rata share of the three million dollars (\$3,000,000) shall be paid back by the Company to the City within six months.

For example, if 25 New Positions are not created and maintained the prorate share shall be calculated as follows:

- $25 \text{ Position Shortfall} / 500 \text{ Total Positions} = 5\% \text{ Claw Back}$
- $\$3,000,000 * 5\% = \$150,000 \text{ to be paid back to City}$

9. Following the five year date, the Company shall be eligible for further Reimbursement payments through the term of this Agreement according to the following provisions:

a. If the Company has created and maintained at least four hundred fifty (450) New Positions paying at least the Target Wages, the Company shall be entitled to the Reimbursement of 60% of the total property tax bill, less the City's bond repayment for the items detailed in Section I: 1-4.

b. If the Company has created and maintained at least three hundred twenty-five (325) but less than four hundred forty-nine (449) New Positions, with the New Positions paid at least the Target Wages, the amount of Reimbursement shall be computed by dividing the number of positions created by five hundred (500) to calculate the percent attainment of New Positions. The amount of the full rebate is then multiplied by the percent attainment of New Positions to arrive at the partial Reimbursement amount.

c. If the Company has created and maintained less than three hundred twenty-five (325) New Positions for any single semi-annual reporting period, they will forfeit Reimbursement for that semi-annual period.

d. The Reimbursement shall cease if for any two consecutive semi-annual reporting periods the number of New Positions is fewer than three hundred twenty-five (325) paying at least the Target Wages. If this occurs the City shall cease further Reimbursement and declare the Agreement null and void and of no further force and effect.

10. In consideration of the provisions for Reimbursement of tax payments relying on tax increment financing herein, the Company agrees that they will not pursue the exemption of the taxable value of the improvements resulting from the Economic Development Project through any local tax exemption program. However, subsequent expansions meeting the requirements of tax increment policy as then in effect may be eligible for tax reimbursement.

11. On the material breach by the Company of the terms and conditions of this Agreement such breach to be determined in the opinion of the City in the reasonable exercise of its discretion,

including failure to retain and create the positions specified in this section, or if the Company shall cease doing business at the Subject Property, this Agreement shall be terminated and the Company shall not be eligible for any Reimbursement for any period after the breach.

SECTION III:  
MISCELLANEOUS

1. This Agreement shall not be construed to confer rights or privileges to third-party beneficiaries or entities not a party to this Agreement.

2. This Agreement represents the entire understanding and agreement among the parties hereto with respect to the subject matter hereof; supersedes all prior negotiations, letters and understandings relating to the subject matter hereof; and cannot be amended, supplemented or modified except by an instrument in writing signed by the party against whom the enforcement of any such amendment, supplement or modification is sought.

3. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed and construed in accordance with the laws of the State of Iowa.

4. This Agreement shall become null and void unless all contingencies contained herein are satisfied or are waived by the parties.

5. So long as Owner is in compliance with all conditions of the Agreement, Owner may assign all of their respective right, title and interest in and under this Agreement to any transferee of the Buildings without obtaining the prior consent of the City provided such transferee agrees in writing to be bound by Owner's duties and obligations hereunder.

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

CITY OF DAVENPORT, IOWA

By: \_\_\_\_\_  
Frank Klipsch, Mayor

Attest:

\_\_\_\_\_  
Jackie E. Holecek, Deputy City Clerk

Sterilite Corporation

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

## EXHIBIT A

### LEGAL DESCRIPTION OF COMPANY'S PROPERTY

#### Parcels 932733001 & 932749002

Commencing at the southeast corner of the southwest quarter of Section 27; thence, along the south line of the southwest quarter of said Section, South 88 degrees 08 minutes 56 seconds West, a distance of 1330.82 feet, to the east line of the west half of the southwest quarter of said section and the Point of Beginning; thence, continuing along said south line, South 88 degrees 08 minutes 56 seconds West, a distance of 1320.82 feet, to the east line of a rail spur right of way line as conveyed to the City of Davenport, as described within Document Number 1922-2011; thence along said right of way line for the next three (3) courses: North 02 degrees 09 minutes 49 seconds West, a distance of 598.24 feet; thence, South 87 degrees 50 minutes 11 seconds West, a distance of 10.00 feet; thence, North 02 degrees 09 minutes 49 seconds West, a distance of 2058.32 feet, to the south right of way line of Slopertown Road; thence along said south right of way line and the arc of the 1943.00 foot radius curve, concave northerly, a distance of 0.06 feet, said curve has a chord bearing of North 81 degrees 59 minutes 42 seconds West and a distance of 0.06 feet to the west line of said southwest quarter; thence, along the west line of the northwest quarter of said Section, North 02 degrees 06 minutes 50 seconds West, a distance of 33.53 feet, to the centerline of Slopertown Road; thence along said centerline and the arc of a 1911.00 foot radius curve, concave northerly, a distance of 342.80 feet, said curve has a bearing of South 86 degrees 57 minutes 02 seconds East and a distance of 342.34 feet; thence, continuing along said centerline and the north line of said southwest quarter, North 87 degrees 54 minutes 28 seconds East, a distance of 992.96 feet, to the east line of said west half of said southwest quarter; thence South 02 degrees 05 minutes 52 seconds East, a distance of 2664.96 feet, to the Point of Beginning. EXCEPTING therefrom the northern 250 feet.

The above described real estate contains 81 acres, more or less; and is subject to the right of the public for roadway purposes for Slopertown Road. The roadway easement for Slopertown contains approximately 1.012 acres.

For the purposes of this description the south line of the southwest quarter of said Section is assumed to have a bearing of South 88 degrees 08 minutes 56 seconds West.

#### Parcels 932735003, 932751003 & 932735004

The East Half of the Southwest Quarter of Section 27, Township 79 North, range 3 East of the 5<sup>th</sup> P.M., containing 80 acres, excepting the northern 250 feet. EXCEPT, those parts conveyed in Warranty Deed filed June 26, 1985, and recorded as Document No. 9663-85; in Quit Claim Deed filed June 26, 1985, and recorded as Document No. 9664-85; and in Easement filed July 26, 1985 and recorded as Document No. 11444-85; all in the Recorder's Office of Scott County, Iowa. EXCEPTING therefrom the northern 250 feet.

Part of the Northeast Quarter of the Southwest Quarter of Section 27, township 79 North, Range 3 east of the 5<sup>th</sup> Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the center of said Section 27; thence South 0 degrees 00 minutes 00 seconds East along the East line of said Southwest Quarter, a distance of 450.00 feet; thence North 90 degrees 00 minutes 00

seconds West, a distance of 50.00 feet to the point of beginning on the West right of way line of Division Street; thence South 0 degrees 00 minutes 00 seconds East along said West right of way line, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 565.00 feet; thence North 0 degrees 00 minutes 00 seconds West, a distance of 470.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 565.00 feet to the point of beginning; said described tract containing 265,550 square feet (6.10 acres), more or less.

City of Davenport

Agenda Group: Finance  
Department: Finance  
Contact Info: Dawn Sherman 326-6155  
Wards: All

**Action / Date**  
**FIN1/25/2017**

**Subject:**

Motion approving three-year collective bargaining agreements between the City of Davenport and the American Federation of State, County, and Municipal Employees (AFSCME), Local 887 for AFSCME-City and AFSCME-Library to settle three-year contract extensions. [All Wards]

**Recommendation:**

Approve the motion

**Relationship to Goals:**

Fiscal vitality and high-performing government

**Background:**

The City and the AFSCME-City and AFSCME-Library unions have tentatively agreed to a three-year contract extension beginning July 1, 2018 through June 30, 2021. AFSCME-City and AFSCME-Library will receive general wage increases of 2.0% on July 1, 2018, 1.0% on July 1, 2019, and 1% on July 1, 2020. Both parties also agreed to modifications to the City's health insurance plan as identified in the attached summary.

**ATTACHMENTS:**

| Type              | Description                                        |
|-------------------|----------------------------------------------------|
| ▣ Backup Material | Tentative Agreement - City of Davenport and AFSCME |

**REVIEWERS:**

| Department        | Reviewer        | Action   | Date                |
|-------------------|-----------------|----------|---------------------|
| Finance           | Wright, Brandon | Approved | 1/20/2017 - 3:28 PM |
| Finance Committee | Wright, Brandon | Approved | 1/20/2017 - 3:29 PM |
| City Clerk        | Admin, Default  | Approved | 1/20/2017 - 3:36 PM |

**TENTATIVE AGREEMENT  
THE CITY OF DAVENPORT, IOWA  
and  
AMERICAN FEDERATION OF STATE, COUNTY,  
AND MUNICIPAL EMPLOYEES, LOCAL 887  
Clerical, Technical, Administrative, and Professional Employee Bargaining Unit  
and  
Library Bargaining Unit**

**SETTLEMENT FOR MULTI-YEAR CONTRACT EXTENSION**

**For The Period July 1, 2018 – June 30, 2021**

**(NOTE: The existing 2015-18 Collective Bargaining Agreement is in effect through June 30, 2018, but effective upon approval of by both parties, the 2015-18 Collective Bargaining Agreement is to be supplanted by a new Collective Bargaining Agreement with a duration commencing upon date of approval by both parties and concluding June 30, 2021)**

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**All other items appearing in the 2015-2018 Collective Bargaining Agreement shall remain status quo, except as noted below:**

Article 19, Section 1 – Health Insurance

*Modify paragraph 1 in accordance with the following schedule:*

*Effective January 1, 2019, increase each listed dollar amount in this section by 5% each.*

*Effective January 1, 2020, increase each dollar amount created pursuant the preceding sentence by 5% each. Effective January 1, 2021, increase each dollar amount created pursuant the preceding sentence by 5% each. These stated dollar amounts premium share changes, with the effective dates as noted, are to be incorporated into this section in the same fashion as the current paragraph 1, sentence 2 contained within this section.*

*Add the following to paragraph 4 of this Section:*

*“Changes effective 1/1/19 are summarized in letter of understanding contained in Appendix R”*

Article 19, Section 2 – Dental Insurance

*Add the following to this Section:*

*“Changes effective 1/1/19 are summarized in letter of understanding contained in Appendix R”*

Article 23 - Period of Agreement

*Adjust dates to reflect a Collective Bargaining Agreement with a duration concluding June 30, 2021.*

APPENDIX A MODIFICATIONS

*Increase each wage amount listed by 2.0% each effective July 1, 2018, by an additional 1.0% each effective July 1, 2019, and by an additional 1.0% each effective July 1, 2020.*

APPENDIX R (New)

*Create a new Appendix R, to fully read as follows:*

“LETTER OF UNDERSTANDING  
INSURANCE PLAN DESIGN CHANGES

1. Effective January 1, 2019, the health insurance plan non-network out of pocket maximum shall increase to \$2,000 individual, and \$4,000 family.
2. Effective January 1, 2019, the health insurance plan Retail Pharmacy Generic Copay fee shall be \$5 Copay fee, the Preferred Brand Name Copay Fee shall increase to a \$20 Copay fee, and the Non-Preferred Brand Name Copay Fee shall increase to a \$40 Copay fee.
3. Effective January 1, 2019, the Dental Insurance Plan shall have an annual maximum of \$2,000 per covered individual applied to it.

Any Health Insurance or Dental Insurance Plan Design plan provisions not modified herein will continue unchanged.”