

# CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, January 15, 2020; 5:30 PM

City Hall, 226 W 4th St, Council Chambers

- I. Moment of Silence
- II. Pledge of Allegiance
- III. Roll Call
- IV. Meeting Protocol and Decorum
- V. Approval of Minutes
  - 1. Approval of the City Council Meeting Minutes for November 26, 2019
  - 2. Approval of the Special City Council Meeting Minutes for December 4, 2019
- VI. City Administrator Update
- VII. Report on Committee of the Whole
  - Approval of the Report on Committee of the Whole for January 8, 2020
- VIII. Appointments, Proclamations, Etc.
  - A. Appointments
    - 1. Plan & Zoning Commission
      - Stephen Garrington (New Appointment)
    - 2. Affirmative Action Advisory Commission
      - Michael Guster (New Appointment)
  - B. Proclamations
    - 1. Slavery and Human Trafficking Prevention and Awareness Month - January 2020
    - 2. National Mentoring Month - January 2020
    - 3. Bridge Ave Historic District Neighborhood Association
- IX. Presentations
- X. Petitions and Communications from Council Members and the Mayor
- XI. Individual Approval of Items on the Discussion Agenda
- XII. Approval of All Items on the Consent Agenda

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

removed and considered separately.

1. First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding 52nd St along the north side from 53rd St to Eastern Ave and along the south side from 53rd St east 610 feet. [Ward 7]
2. Resolution setting a Public Hearing on the proposed conveyance of 219 Scott St to Corrosion Control Service, Inc (petitioner). [Ward 3]
3. Resolution for Case F19-19 being the request of Classic Development Co Inc for a final plat for a 4-lot subdivision on 3.77 acres, more or less, of property located east of Waverly Road near the intersection of W 13th St and Waverly Rd. [Ward 1]
4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 76th St Patching Project, CIP #35042. [Ward 8]
5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 11th Street Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040. [Ward 1]
6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 29th St Pavement Reconstruction Project, CIP #35040. [Ward 7]
7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the E 39th St & Forest Rd Intersection Reconstruction Project, CIP #35040. [Ward 6]
8. Resolution assessing alley resurfacing projects for the north south alley between Farnam and LeClaire from Garfield to Columbia and the east west alley between Glaspell and Schricker from Pine to Belmont completed in fall 2019, CIP #35038. [Wards 3 & 5]
9. Resolution accepting the Main St Landing Phase II - Seat Wall Project completed by Hawkeye Paving Corporation of Bettendorf, IA. The project was completed with a final contract amount of \$689,120, CIP #68004. [Ward 3]
10. Resolution approving the purchase of a 135 G Excavator from the Sourcewell Contract #032515, from Martin Equipment of IA-IL Inc of Rock Island, IL in the amount of \$184,000. [All Wards]
11. Resolution approving the revised Federal Aid Agreement for Iowa's Transportation Alternatives Program (TAP) in the amount of \$1,138,000 for the construction of the extension of the Goose Creek Trail from 53rd St to 59th St and Brady St, CIP #28019. [Wards 7 & 8]
12. Preliminary Resolution for the Alley Resurfacing Program for the alley located between River Dr and Wood Ln from Forest Rd to the Bettendorf city limits, CIP #35038. [Ward 6]
13. Resolution accepting work completed under the FY19 & FY20 DOT Full Depth Patching Project, CIP #35035. The total contract with CDMI Concrete Contractors, Inc was \$134,777.20. [Wards 2 & 7]

14. Resolution adopting the City of Davenport's 2020 State Legislative Program. [All Wards]
15. Resolution for concurrent approval of the license agreement with American Cruise Lines, Inc. [Ward 3]
16. Resolution setting a Public Hearing for the FY21 Proposed Property Tax Levy. [All Wards]
17. Motion approving the following noise variance request on the listed dates and times.

Quad Cities Chamber of Commerce; Icestravaganza; Freight House parking lot 401 W River Dr; Friday, January 17, 2020 6:00 p.m. - 8:00 p.m. and Saturday, January 18, 2020 11:00 a.m. - 4:00 p.m. and 6:00 p.m. - 8:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

18. Motion approving beer and liquor license applications.

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

### **Ward 3**

Stompbox Brewing (JPX2ME, LLC) - 210 E River Dr - Outdoor Area - License Type: Class C Liquor

### **Ward 6**

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) - 5270 Elmore Ave, Unit 3 - Ownership Update - License Type: Class C Liquor

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

### **Ward 2**

Big 10 Mart (Molo Oil Company) - 2308 W 53rd St - License Type: Class C Beer - Carry Out/WBN

### **Ward 3**

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

Dam View Inn (Vandamqc LLC) - 410 E 2nd St - Outdoor Area License Type: Class C Liquor - On Premise

Danceland (Danceland LTD) - 501 1/2 W 4th St - License Type: Class C Liquor - On Premise

Express Lane Gas & Food Mart (Expresslane Inc) - 1139 Brady St - License Type: Class C Beer - Carry Out/WBN

Front Street Brewery (Front Street Brewery Inc) - 208 E River Dr - Outdoor Area License Type: Class C Liquor - On Premise

Raw Bar (Rawbar) - 136 E 3rd St Suite A - Outdoor Area License Type: Class C Liquor - On Premise

#### **Ward 4**

Hilltop Grocery (Hilltop Grocery Llc) - 1312 Harrison St - License Type: Class E Liquor - Carry Out/BC/WB

St. Ambrose University (Sodexo America, Llc) - 518 W Locust St - Outdoor Area License Type: Class C Liquor - On Premise

#### **Ward 5**

Aldi, Inc #15 (Aldi, Inc) - 1702 Brady (Midtown Plaza) - License Type: Class C Beer - Carry Out/WB

#### **Ward 6**

Hy-Vee #4 (Hy-Vee, Inc) - 4064 E 53rd St - License Type: E Liquor

Rudy's Tacos (CME 1066 Inc) - 3944 Elmore Ave - Outdoor Area License Type: Class C Liquor - On Premise

#### **Ward 7**

Columbus Club (Columbus Club Of Davenport) - 1111 W 35th St - License Type: Class C Liquor - On Premise

19. Motion awarding a design services contract to Veenstra & Kimm, Inc of West Des Moines, IA for the Sunderbruch Park Bridge over Blackhawk Creek Repair Project, CIP #64076. [Ward 1]
20. Motion approving Change Order #1 to Impact7G, Inc in the amount of \$68,640.93 for the Underground Storage Tank Removal Project at the Davenport Municipal Airport, CIP #20011. [Ward 8]
21. Motion accepting the Sterilite Drainage Improvement Project completed by Legacy Corporation of IL of East Moline, IL. The project was completed with a final contract amount of \$61,094.89, CIP #33043. [Ward 8]
22. Motion approving change order #4 to McCarthy Improvement Company for the N Lincoln Ave Reconstruction Project in the amount of \$90,852.82, CIP #35035. [Ward 4]
23. Motion approving the award of a five year lease agreement for golf carts for the three (3) golf courses to Harris Golf Cars of Dubuque, IA in the amount of \$98,600 per year. [Wards 1, 6, & 8]

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

#### XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. 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:  
Department: City Clerk  
Contact Info: Brian Krup  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
1. Approval of the City Council Meeting Minutes for November 26, 2019

ATTACHMENTS:

| Type         | Description   |
|--------------|---------------|
| ▣ Cover Memo | CC Min 112619 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 12/19/2019 - 4:49 PM |

**City of Davenport, Iowa**  
**City Council Meeting Minutes**  
**Tuesday, November 26, 2019**

The City Council of Davenport, Iowa met in regular session on Tuesday, November 26, 2019 at 5:29 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all Aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

**APPROVED**

Approval of the City Council Meeting Minutes for November 13, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

**APPROVED**

Approval of the Report on the Committee of the Whole for November 20, 2019

*COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, November 20, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Klipsch presiding and all Aldermen present. The following Public Hearings were held: Community Development: It was noted on the agenda that the Public Hearing on the proposed conveyance of 219 Scott St originally set for this meeting will be rescheduled for January in accordance with Iowa law. Public Works: on the plans, specifications, form of contract, and estimate of cost for Phase I of the E 53rd St Pavement Reconstruction and Widening Project, CIP #35031. Finance: for the purpose of amending the North Urban Renewal Plan.*

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. Ald. Rawson made a motion to adopt item #3, Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the Old Zoning Ordinance, on second consideration which was seconded by Ald. Dickmann with all aldermen present voting aye except Ald. Gripp. On motion by Ald. Ambrose, second by Ald. Dickmann item #1, Ordinance for Case ORD19-03, and item #3 moved to the Discussion Agenda and item #2, Ordinance for case REZ19-10, moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Rawson all items moved to the Consent Agenda.*

*On motion by Ald. Meginnis, second by Ald. Rawson with all aldermen present voting aye, Council recessed to Executive Session at 6:47 p.m. to evaluate the performance of individuals in closed session as requested by those*

*individuals pursuant to Iowa Code Section 21.5(1)(i). Council reconvened in Executive Session at 6:53 p.m. with Mayor Klipsch and all Aldermen present; others present included Human Resources Director Mallory Merritt. On motion by Ald. Dickmann, second by Ald. Rawson Council reconvened in Open Session and adjourned at 7:53 p.m.*

#### VIII. Appointments, Proclamations, Etc.

*On motion by Ald. Rawson, second by Ald. Meginnis with all Aldermen present voting aye except Ald. Ambrose voting nay on the Civil Rights Commission appointments, the following appointments were approved:*

##### A. Appointments

**APPROVED 2019-509**

##### 1. Design Review Board

- Danelle Kvapil (re-appointment)
- Tegan Trees (new appointment)

##### 2. Civil Rights Commission

- Ruby Mateos (re-appointment)
- Janelle Swanberg (new appointment)
- Henry Karp (new appointment)
- Richard Pokora (new appointment)

##### B. Proclamations

**ISSUED 2019-510**

##### 1. End Veteran Homelessness

#### IX. Presentations

**HELD**

A. Local Business "The Foundation of Our Community": Mid-American Glass

B. Local Business "The Foundation of Our Community": Babe's Termite & Pest Control

#### X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update – Alderwoman Meginnis

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

*Ald. Ambrose introduced a motion to amend the Ordinance to include a height restriction of 73 feet for Parcel Y0801-02A, which was seconded by Ald. Tompkins. The amendment failed with only Ald. Ambrose and Ald. Tompkins voting aye.*

*On motion by Ald. Ambrose, second by Ald. Dickmann with all Aldermen present voting aye the following Ordinance was adopted:*

1. Third Consideration: Ordinance for Case ORD19-03 being the request of the City of Davenport to reduce the maximum building height in portions of the CE, Elmore Corners zoning district from 120 feet to 55 feet. [Ward 6] **ADOPTED 2019-511**

ORDINANCE NO. **2019-511**

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, specifically by amending Table 17.05-5: C-E District Dimensional Standards, by amending the Maximum Building Height requirement to read, "120 feet, 55 feet west and south of Elmore Avenue" (City of Davenport, petitioner), Case No. 19-03. [Ward 6]

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

Section 1. That Table 17.05-5 of the Davenport Municipal Code be added to read as follows:

| <b>Table 17.05-5: C-E District Dimensional Standards</b> |                                                      |
|----------------------------------------------------------|------------------------------------------------------|
| <b>Bulk</b>                                              | <b>C-E</b>                                           |
| Minimum Lot Area                                         | 20,000 sf                                            |
| Minimum Lot Width                                        | 80'                                                  |
| Maximum Building Height                                  | 120'; 55' west and south of Elmore Avenue            |
| <b>Minimum Setbacks</b>                                  |                                                      |
| Front Setback                                            | 25'                                                  |
| Interior Side Setback                                    | 10', unless abutting a residential district then 25' |
| Corner Side Setback                                      | 20'                                                  |
| Rear Setback                                             | 10', unless abutting a residential district then 25' |

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.

Adopted 11/26/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

*On motion by Ald. Rawson, second by Ald. Dickmann with all Aldermen present voting aye except Ald. Dunn and Ald. Matson the following Ordinance moved to third consideration.*

*Ald. Rawson moved a motion to suspend the rules, seconded by Ald. Tompkins, but the motion failed receiving three nays from Ald. Ambrose, Ald. Matson, and Ald. Dunn (a super majority of 3/4, or 8 votes, is required to suspend the rules).*

2. Second Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards]

**MOVED TO THIRD CONSIDERATION**

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

*On motion by Ald. Dickmann, second by Ald. Rawson with all Aldermen present voting aye, the Consent Agenda was approved as follows:*

1. Third Consideration: Ordinance for case REZ19-10 being the request of Larry Whitty on behalf of KJTLJ, LLC to rezone .73 acres, more or less, of property located at the southeast corner of W Locust St and Ripley St from R-4C Single-Family and Two-Family Central Residential Zoning District to C-1 Neighborhood Commercial Zoning District.  
[Ward 4]

**ADOPTED 2019-512**

### ORDINANCE NO. **2019-512**

ORDINANCE for case REZ19-10 being the request of Larry Whitty of behalf of KJTLJ, LLC to rezone .73 acres, more or less, of property located at the southeast corner of West Locust Street and Ripley Street from R-4C Single-Family and Two-Family Central Residential Zoning District to C-1 Neighborhood Commercial Zoning District.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to C-1 Neighborhood Commercial Zoning District.

The property has the following legal description:

Part of the Northeast Quarter of Section 26, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

The west 1/3 of Lot 4, Block 11 of James McIntosh's 2nd Addition, together with west ½ of the east 2/3 of Lot 4, Block 11 of James McIntosh's 2nd Addition, except portion deeded to the City of Davenport, together with the east 1/3 of Lot 4, Block 11 of James McIntosh's 2nd Addition, except portion deeded to the City of Davenport, together with Lot 5, Block 11 of James McIntosh's 2nd Addition, together with the north ½ of the west 95 feet of Lot 6, Block 11 of James McIntosh's 2nd Addition, together with the west 95 feet of the south ½ of Lot 6, Block 11 of James McIntosh's 2nd Addition and together with the east 51 feet of Lot 6, Block 11 of James McIntosh's 2nd Addition,

Said properties contain 32,000 square feet, more or less.

Section 2. The Plan and Zoning Commission considered case REZ19-10 at its October 1, 2019 meeting and voted to forward the request to City Council with a recommendation for approval.

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

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

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

Adopted 11/26/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Resolution closing various street(s), lane(s), or public grounds on the listed dates and times to hold outdoor events.

**ADOPTED 2019-513**

Evan Esser; Ballet Quad Cities Nutcracker School Program; Adler Theatre 136 E 3rd St; Friday, December 13, 2019 8:30 a.m. - 12:30 p.m.; **Closures (for bus parking):** two northern lanes on E 3rd St from Brady St to LeClaire St (south entrance to Hotel Blackhawk will remain open); southbound portion of Pershing Ave from 4th St to 3rd St. [Ward 3]

3. Resolution awarding the contract to Helm Group Inc, D/B/A Civil Constructors, Inc of Freeport, IL for the N Division St Bridge over Duck Creek Deck Replacement Project in the amount of \$795,888.95, CIP #21004. [Wards 2 & 7] **ADOPTED 2019-514**

4. Resolution of acceptance for the FY18 Contract Sewer Repair Program for Hometown Plumbing and Heating Company of Davenport, IA, CIP #30017 and #30001. [All Wards] **ADOPTED 2019-515**

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for Phase I of the E 53rd St Pavement Reconstruction and Widening Project, CIP #35031. [Wards 7 & 8] **ADOPTED 2019-516**

6. Resolution awarding the contract for the Roosevelt Community Center Window Replacement to Precision Builders Inc of Bettendorf, IA in the amount of \$256,665, CIP #23037. [Ward 1] **ADOPTED 2019-517**

7. Resolution approving the contract for the rehabilitation of the JM Morris Blvd Pump Station 202 to Tri-City Electric Co of Davenport, IA in the amount of \$181,979.60, CIP #30051. [Ward 1] **ADOPTED 2019-518**

8. Resolution adopting a refreshed visual identity and communications strategy for the City of Davenport. [All Wards] **ADOPTED 2019-519**

9. Resolution approving the Davenport Public Transit "Citibus" Title VI Program Report Update. [All Wards] **ADOPTED 2019-520**

10. Resolution approving an internal advance to the Tax Increment Fund for administrative costs. [Wards 2, 6, 7, & 8] **ADOPTED 2019-521**

11. Resolution approving the Shortline Rail and Transload Facility project in the amount of \$450,000. [Ward 8] **ADOPTED 2019-522**

12. Resolution awarding a contract for the purchase of Specific and Aggregate Stop Loss Insurance to Tokio Marine HCC in the amount of \$862,599.12. [All Wards] **ADOPTED 2019-523**

13. Resolution approving the sale of four amusement rides received by gift to Main Street Amusements, LLC. [Ward 3] **ADOPTED 2019-524**

14. Resolution approving a new intergovernmental agreement providing for operations, maintenance, and improvements for the joint use interceptor sewers, regional water pollution control plant, and appurtenances, effective July 1, 2020. [All Wards]

**ADOPTED 2019-525**

15. Motion approving beer and liquor license applications.

**PASSED 2019-526**

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

**Ward 3**

Christkindlmarkt QC (German American Heritage Center) - Parking lot adjacent to 421 W River Dr - Outdoor Area December 6 - 8, 2019 – License Type: Beer / Wine

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

**Ward 3**

Iowa Mini Mart (Samreet LLC) - 234 W 3rd St - License Type: Class E Liquor / B Wine / C Beer

La Flama Restaurant (Jam Brothers Inc) - 114 Myrtle St Suite F – License Type: Class C Liquor

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

**Ward 5**

Brady Oil (Brady Oil LLC) - 3205 N Brady St - License Type: Class C Beer

Los Primos Mexican Grill (Los Primos Mexican Grill LLC) - 1143 E Locust St - License Type: Class C Liquor

**Ward 6**

Huhot Mongolian Grill (CCW LLC) - 3006 E 53rd St - License Type: Beer / Wine

Hy-Vee Food & Drugstore #3 (Hy-Vee, Inc) - 1823 E Kimberly Rd – License Type: Class E Liquor / C Beer / B Wine

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

**Ward 8**

Wise Guy's Pizza and More (Joe Robbie Investments, LLC) - 2408 E 53<sup>rd</sup> St -  
License Type: Beer / Wine

16. Motion approving submission of the City of Davenport Annual Urban Renewal Report for FY19. [All Wards] **PASSED 2019-527**

17. Motion authorizing payment to Visit Quad Cities (formerly known as Quad Cities Convention & Visitors Bureau) for FY20 tourism/marketing services in the amount of \$375,000. [All Wards] **PASSED 2019-528**

18. Motion awarding the contract for the Door Replacement From Flood Damage at Union Station to Swanson Construction Company of Bettendorf, IA in the amount of \$80,476. [Ward 3] **PASSED 2019-529**

XIII. Other Ordinances, Resolutions and Motions

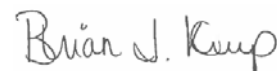
XIV. Public with Business

XV. Reports of City Officials

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

|                          |            |
|--------------------------|------------|
| Property taxes           | 30,119,844 |
| Other City taxes         | 1,909,295  |
| Special assessments      | -          |
| Licenses & permits       | 181,131    |
| Intergovernmental        | 3,632,055  |
| Charges for services     | 3,032,898  |
| Use of monies & property | 75,474     |
| Fines & forfeits         | 180,330    |
| Bonds/Loan Proceeds      | 66,455     |
| Miscellaneous            | 162,034    |

XVI. Adjourn **6:41 p.m.**



Brian Krup  
Deputy City Clerk

City of Davenport

Agenda Group:  
Department: City Clerk  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
2. Approval of the Special City Council Meeting Minutes for December 4, 2019

ATTACHMENTS:

| Type         | Description    |
|--------------|----------------|
| ▣ Cover Memo | SCC Min 120419 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                 |
|------------|----------------|----------|----------------------|
| City Clerk | Admin, Default | Approved | 12/19/2019 - 4:51 PM |

**City of Davenport, Iowa**  
**Special City Council Meeting Minutes**  
**Wednesday, December 4, 2019**

The City Council of Davenport, Iowa met in special session on Wednesday, December 4, 2019 at 5:32 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all Aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Agenda Items

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Ordinance was adopted:*

1. Third Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards] **ADOPTED 2019-530**

ORDINANCE NO. **2019 - 530**

Request of the City of Davenport to amend various titles, chapters and sections of the Davenport Municipal Code, specifically by amending Section 5.09.030 of the Davenport Municipal Code, entitled "Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)" by amending outdated references to chapters in Title 17 of the Davenport Municipal Code, by amending Section 5.10.105 of the Davenport Municipal Code, entitled "Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)" by deleting outdated reference to a section and chapter in Title 17 of the Davenport Municipal Code, by amending Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts" by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M, by amending Section 5.17.030 of the Davenport Municipal Code, entitled "Sales regulations (Section 5.17.030.H only)" by deleting language regarding measurement to a curblin and amending outdated reference to a section in Title 17 of the Davenport Municipal Code, by amending Section 6.06.040 of the Davenport Municipal Code, entitled "Zoning districts allowed" by amending outdated reference to zoning classifications in Title 17 of the Davenport Municipal Code, by amending Section 8.15.120 of the Davenport Municipal Code, entitled "Existing installations" by defining "substantial renovation" and by adding language that the section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer, by amending Section 8.17.080 of the Davenport Municipal Code, entitled "Abatement of dangerous buildings" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 12.36.090 of the Davenport Municipal Code, entitled "Obstructions – permit required" by deleting outdated reference to sections in Title 17 of the Davenport Municipal Code, by deleting redundant language, by amending language such that the duration of all permits shall be 30

days and by reordering said section, by amending Section 13.16.033 of the Davenport Municipal Code, entitled "Discharge of surface waters" by amending language such that surface water, groundwater, storm water, roof runoff, or subsurface drainage may not be connected directly or indirectly to a public sanitary sewer, by amending Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" by deleting the definitions "Apartment/condominium", "Developed agricultural property" and "Duplex", by deleting the list of nonresidential properties in the definition of "Nonresidential properties", and by reordering said section, by amending Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" by amending an outdated code reference and by amending "flood plain district" to "flood plain hazard area", by amending Section 15.30.010 of the Davenport Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" by amending an outdated code reference, by amending Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)" by deleting outdated reference to a chapter in Title 17 of the Davenport Municipal Code, by amending Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" by deleting the definition and renaming said section to "Reserved", by amending Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" by amending Section 16.16.010 of the Davenport Municipal Code, entitled Preliminary plats" by amending language such that the exception for requiring a preliminary plat is expanded, by amending Section 16.16.020 entitled "Submission of preliminary plat – contents" by renaming said section to "Application" and by deleting and amending language in said section regarding the submittal process and the required information to be submitted, by amending Section 16.16.030 entitled "Conformance with minimum standards" by renaming said section to "Approval standards" and by amending language in said section regarding the Plan and Zoning Commission and City Council approval process and by amending Section 16.16.050, entitled "Voidable when" by amending language such that the Zoning Administrator may grant a twelve month extension, by deleting Section 16.20.010, entitled "Conditions for approval", by deleting Section 16.20.020, entitled "Scale", by amending Section 16.20.030, entitled "Copies to be submitted – supplemental information" by renumbering Section 16.20.030 to Section 16.20.010, by renaming said section to "Application", by amending language in said section regarding the submittal process and the required information to be submitted and articulating that the Zoning Administrator may allow for the Preliminary Plats and Final Plats to be submitted concurrently, by creating Section 16.20.020, entitled "Plan and zoning commission approval standards" by adding language regarding the Plan and Zoning Commission approval standards, by amending Section 16.20.040, entitled "Material to be filed prior to consideration" by renumbering Section 16.20.040 to Section 16.20.030, by renaming said section to "Information to be submitted prior to city council consideration", by amending language in said section regarding the information to be submitted, by creating section 16.20.040, entitled "City Council approval standards" and adding language regarding approval standards, by amending Section 16.20.050, entitled "Submission of data to city engineer" by deleting and adding language regarding the data to be submitted to the city engineer, by deleting Section 16.20.060, entitled "Final approval", by amending Section 16.20.070, entitled "Compliance" by renumbering Section 16.20.070 to Section 16.20.060 and amending outdated Iowa Code reference, by amending Section 16.24.080 of the Davenport Municipal Code entitled "Lots" by deleting minimum lot width and depth language, by amending Section 16.24.090 of the Davenport Municipal Code entitled "Building Lines" by deleting the language in the section and renaming said section to "Reserved", by amending Chapter 16.26 of the Davenport Municipal Code entitled "Conservation Subdivision Option" by deleting the language in the chapter and renaming said chapter to "Reserved", by amending Chapter 16.28 of the Davenport Municipal Code entitled "Improvements" by renaming the chapter to "Subdivision Improvements", by amending Section 16.28.010 of the Davenport Municipal Code, entitled "Required" by amending language such that subdivision improvements shall not be installed prior to a final plat being approved and recorded, by deleting Section 16.28.020 entitled "Instruments may be filed in lieu of final completion - exceptions" by amending Section 16.28.030 of the Davenport Municipal Code, entitled "Minimum required" by renaming said section to "Subdivision improvements required", by adding language regarding the approval of plans

for subdivision improvements, the time period of approval and the timing of the installation and acceptance of subdivision improvements, by amending Section 16.28.030 entitled "Streets" by renumbering Section 16.28.030 to Section 16.28.020 and by deleting language in existing said section language and adding language regarding construction standards, by deleting Section 16.28.045, entitled "Street signs", by amending Section 16.28.050 entitled "Sidewalks" by renumber Section 16.28.050 to Section 16.28.040 and by deleting and adding language regarding construction standards, by amending Section 16.28.060 entitled "Sewers" by renumber Section 16.28.060 to Section 16.28.050 and by deleting language existing section language and adding language regarding construction standards and by amending Section 16.28.070 entitled "Monuments" by renumber Section 16.28.070 to Section 16.28.060.

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

**Section 1.** Section 5.09.030 of the Davenport Municipal Code, entitled "Business regulations (Sections 5.09.030.G, 5.09.030.H and 5.09.030.K only)" is hereby amended as follows:

5.09.030 Business regulations.

- G. Notwithstanding the requirements for off-street parking contained in Title 17 of the Davenport Municipal Code, motor vehicle dealerships shall provide at least one off-street parking space for customer use for each repair stall required under this chapter.
- H. It is unlawful for any person to operate a motor vehicle dealership unless the surface of such motor vehicle dealership lot has first been paved in conformance with the requirements of Title 17 of the Davenport Municipal Code. If an applicant is able to demonstrate that he or she is waiting for a Department of Natural Resources permit concerning an underground storage tank, a temporary surface of seal-coated gravel will satisfy the requirements of this section for a period of twelve months immediately succeeding the application date. Upon proper demonstration that DNR approval is still pending, the twelve-month period may be renewed for a like time period. It is unlawful for any person operating or concerned with the operation of an outdoor motor vehicle parking space in the city to permit dust, dirt, or other debris to accumulate upon the surface of such parking space or to blow from such surface.
- K. The provisions of this chapter expressly apply to motor vehicle dealerships. Any requirements not contained in this chapter, but expressly contained in Title 17 of the Davenport Municipal Code, shall also govern the operation of a motor vehicle dealership.

**Section 2.** Section 5.10.105 of the Davenport Municipal Code, entitled "Permits and licenses - distance separation provisions (Sections 5.10.105.A and 5.10.105.B only)" is hereby amended as follows:

5.10.105 Permits and licenses – distance separation provisions.

- A. No application for a class A, class B, class C, or class E liquor store control license or a wine permit or a beer permit shall be approved if the property upon which such licensed or permitted activity will occur is located within six hundred feet, including public rights-of-way, of a state registered child development home, state licensed child care center, or public or private elementary or secondary school. However, an application within six hundred feet, but not immediately abutting, a state registered child development home or state licensed child care center may be approved if the city council upon a hearing grants a waiver to this rule. The city council may grant the waiver if it determines the following exists: (1) the affected child development home or care center consents to the granting of the waiver; or (2) sufficient buffering exists to adequately mitigate the visual, sound, and foot traffic likely to be generated by the applicant, such as: (a) an arterial roadway, (b) at least one hundred feet of natural buffering like woods, ravines, waterways, or wetlands, or (c) similar or greater visual, sound, and physical separation as set forth in paragraphs (a) and (b) immediately above. "Physical separation" refers to the ease and options for pedestrian movement.
- B. The prohibitions contained in subsections A and F shall not apply to hotels offering restaurant service, formally organized clubs operated solely for objects of national or state-wide social, patriotic, benevolent or similar purposes, pharmacies, or restaurants where the sale of alcoholic

beverages is not the principal business carried on; nor to the renewal of a license or permit for the sale and consumption on premises that are located within six hundred feet of a state registered child development home, state licensed child care center or school if the premises was previously licensed or permitted prior to the establishment of the distance separation limitation and said license or permit has not expired or lapsed for a period of six months or more. "Hotel" as used in this section means a premises licensed by the state and regularly kept open for the lodging of transient guests but does not include a facility licensed as a bed and breakfast. "Restaurant" as used in this section means any retail establishment, the principal business of which consists of the sale of food products for consumption on the premises. The volume of food sales—not including the sale of alcoholic beverages, tobacco sales and non-food product sales—shall not be less than fifty percent of the total dollar volume of sales made by the establishment. It shall be presumed that the sale of alcoholic beverages by the holder of a liquor control license or class B beer permit constitutes more than fifty percent of the volume of all sales, which presumption may be overcome by furnishing a verified statement of total dollar volume of all sales which also shows as separate line items total dollar sales figures for food, alcoholic beverages, tobacco sales and non-food product sales for the six months immediately preceding the application or renewal, or by providing an affidavit by the business's certified public accountant or chief financial officer stating the gross income breakdown, or a copy of the business's state income tax form showing the income breakdown. Failure to rebut the presumption at the end of the first year by meeting the fifty percent nonalcoholic beverage income requirement disqualifies the business from continuing to hold a liquor license, beer or wine permit at the location for which the special use permit was granted. A statement as to how the business operation will or is proposed to operate or its estimated income projections are not sufficient or adequate to overcome the presumption.

**Section 3.** Section 5.10.210 of the Davenport Municipal Code, entitled "Prohibited sales and acts (Sections 5.10.210.K, 5.10.210.L and 5.10.210.M only)" is hereby amended by deleting Sections 5.10.210.K, 5.10.210.L and 5.10.210.M.

**Section 4.** Section 5.17.030 of the Davenport Municipal Code, entitled "Sales regulations. (Section 5.17.030.H)" is hereby amended as follows:

Section 5.17.030 Sales regulations.

- H. Any display of tangible personal property offered for sale and any signs or advertising shall be at least fifteen feet from the public right-of-way. Signs must comply with Title 17 of the Davenport Municipal Code.

**Section 5.** Section 6.06.040 of the Davenport Municipal Code, entitled "Zoning districts allowed" is hereby amended as follows:

Section 6.06.040 Zoning districts allowed.

Permits may be granted for tracts of land with a single family dwelling, as defined by Title 17 of the Davenport Municipal Code, being the principal use.

**Section 6.** Section 8.15.120 of the Davenport Municipal Code, entitled "Existing installations) is hereby amended as follows.

Section 8.15.120 Existing installations.

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of its installation. However, where existing installations were legal at the time of their installations, if substantial alterations or replacement occurs,

the work must meet existing code. Substantial alteration occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value. Notwithstanding the foregoing, any change in the use or occupancy of any existing building or structure shall comply with the related provisions of the Davenport Municipal Code. This section does not apply to any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

**Section 7.** Section 8.17.080 of the Davenport Municipal Code, entitled “Abatement of dangerous buildings” is hereby amended as follows:

Section 8.17.080 Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the authorized official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

**Section 8.** Section 12.36.090 of the Davenport Municipal Code, entitled “Obstructions – permit required” is hereby amended as follows:

Section 12.36.090 Obstructions – permit required.

- A. No person shall place any obstruction in or above any street, alley, or other public property without first obtaining a permit from the engineering division of public works ("engineering") pursuant to this section and Chapter 12.40 of the Davenport Municipal Code.
- B. Application for a permit shall be filed with engineering along with a nonrefundable application review fee of ten dollars and proof of liability insurance in the amount of at least one hundred thousand dollars per incident. Failure to pay the ten dollar review fee or provide proof of insurance will result in automatic rejection of the application.
- C. Engineering shall review the application and approve it, if acceptable. In reviewing the application, engineering shall consider the need to use this location, the adequacy of the unobstructed space, the applicant's prior compliance with these regulations, the standards and specifications of the Iowa Manual on Uniform Traffic Control Devices.
- D. The permittee shall defend and hold harmless the city against any loss, cost, or damage resulting from or related to permittee's occupation of the right-of-way.
- E. The duration of the permit shall be thirty days. A onetime extension for an equal period of time may be granted by engineering if the extension is necessitated by events outside the control of permittee.
- F. The judgment of engineering in the granting or extending of a permit is final. Additionally, the decision of engineering to revoke a permit for failure to comply with this section shall be final.
- G. A violation of this section is punishable as follows:

Type I Violations

1st Offense—\$250; 2nd—\$350; 3rd & Subsequent—\$500

No permit

Failure to Comply with Iowa Manual on Uniform Traffic Control Devices or Instructions from Traffic Engineering

Type II Violation

1st Offense—\$100; 2nd—\$150; 3rd & Subsequent—\$200

Expired Permit (for first 7 days after expiration date only, subsequently fined as No Permit)

The city may seek other administrative, legal, or equitable relief in addition to or in lieu of the fine. Each day a violation exists may be charged as a separate offense.

**Section 9.** Section 13.16.033 of the Davenport Municipal Code, entitled "Discharge of surface waters" is hereby amended as follows:

Section 13.16.033 Discharge of surface waters.

It is unlawful to make or to have any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

**Section 10.** Section 13.33.030 of the Davenport Municipal Code entitled "Definitions" is hereby amended as follows:

Section 13.33.030 Definitions.

- A. "Adjustment" means a modification in a nonresidential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the city's costs of providing stormwater management.
- B. "Director" means the director of the department of public works or designee.
- C. "Equivalent residential unit (ERU)" means a value, equal to two thousand six hundred square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the city of Davenport.
- D. "Impervious area" means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel, and blacktop.
- E. "Nonresidential properties" means all properties not encompassed by the definition of residential shall be defined as nonresidential.
- F. "Residential property" means all single-family and two-family dwelling properties, as defined by Title 17 of the Davenport Municipal Code, within the city of Davenport.
- G. "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- H. "Stormwater facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins and other structural components.
- I. "Storm sewer" means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.
- J. "Stormwater service charge" means a charge assessed to users of the city's stormwater collection, impounding and transportation system.
- K. "Stormwater drainage system" means all man-made facilities, structures, and natural watercourses owned by the city of Davenport, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

**Section 11.** Section 15.12.040 of the Davenport Municipal Code entitled "Additions, deletions and amendments to the International Building Code (Section 15.12.040.F only)" is hereby amended as follows:

Section 15.12.040 Additions, deletions and amendment to the International Building Code

- F. Delete all references to National Fuel Gas Code and insert in lieu thereof "Fuel Gas Piping requirements of Iowa Administrative Code 641-25.3(105) Fuel gas piping." Fuel gas piping shall comply with the State Plumbing Code.

NOTE:

1. All permits and regulations for the construction, encroachment and installation or maintenance within the public right-of-way and upon dedicated storm, sewer and access easements and the installation of public sidewalks, curb cuts, and drives are administered by the Department of Construction and Engineering.
2. See the Sign Ordinance of the City of Davenport for limitations on the encroachment of signs onto public property.
3. See Chapter 15.44 of the Davenport Municipal Code for development for construction within a flood hazard area.
4. See Iowa Administrative Code 641 Chapter 25 for the regulation of plumbing, potable water supply, drain, waste and venting and hydronic systems servicing buildings.
5. See Iowa Administrative Code 641 Chapter 61 for the regulation of heating, air conditioning and mechanical systems for environmental conditions and process within buildings.
6. See Iowa Administrative Code 661 Chapter 504 and Chapter 15.16 of the Davenport Municipal Code for standards for electrical work.

**Section 12.** Section 15.12.052 of the Davenport Municipal Code entitled "Chapter 3 International Residential code modified (Section 15.12.052.F only)" is hereby modified as follows:

Section 15.12.052 Chapter 3 International Residential Code modified.

F. Delete Section R322 "Flood Resistant Construction" in its entirety.

Note: Chapter 15.44 of the Davenport Municipal Code for development or construction within a flood hazard area.

**Section 13.** Section 15.30.010 of the Davenport Municipal Code entitled "Licensing generally (Section 15.30.010.B only)" is hereby amended as follows:

Section 15.30.010 Licensing generally.

- B. No person, firm, partnership or corporation shall engage in sign contracting without having a current valid license issued in accordance with this chapter. The term sign contracting shall mean being engaged in the performance or supervision of work regulated by the provisions of Section 17.12.060 of the Davenport Municipal Code, entitled Sign Permit Required.

**Section 14.** Section 15.44.070 of the Davenport Municipal Code entitled "Definitions (definition of Manufactured Home Park or Subdivision only)"

Section 15.44.070 Definitions.

"Manufactured home park or subdivision" shall mean a tract designed to accommodate manufactured home sites.

**Section 15.** Section 16.04.040 of the Davenport Municipal Code, entitled "Building Line" is hereby amended as follows:

16.04.040 Reserved.

**Section 16.** Chapter 16.16 of the Davenport Municipal Code entitled "Preliminary Plats" is hereby amended as follows:

Chapter 16.16 Preliminary Plats

16.16.010 Requirements.

A Preliminary Plat containing three lots or less, or a preliminary plat not proposing the dedication of public infrastructure, may be exempted from the requirements of the preliminary plat as set forth in this

chapter. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision.

#### 16.16.020 Application.

The applicant must file an application with the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code. The application must be on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The preliminary plat shall contain or be supplemented by all the following, but not limited to, information:

- A. The location of present property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on land immediately adjacent thereto;
- B. The proposed location and width of streets, alleys, and lots. Street and alley information shall be supplemented with a typical roadway section;
- C. The location of existing and proposed public or private infrastructure, including but not limited to, sanitary sewers, water mains, stormwater management and drainage systems and other underground structures within the tract and immediately adjacent thereto;
- D. Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor;
- E. Existing and proposed contours with intervals of five feet or less;
- F. North arrow, scale and date;
- G. A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.
- H. The city engineer, or designee, may request additional data and/or information to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

#### 16.16.030 Approval standards.

The plan and zoning commission shall evaluate the preliminary plat pursuant to the minimum standards and requirements as outlined in this chapter. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant. The City Council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat.

#### 16.16.040 Revocability.

Approval of the preliminary plat, or any portion thereof not final platted is revocable by the city plan and zoning commission.

#### 16.16.050 Voidable when.

If neither a part nor all of the preliminary plat is approved by the city council as a final plat within one year after the approval of the preliminary plat, the preliminary plat shall be void unless a twelve month extension is granted by the Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code.

If only part of a preliminary plat is approved as a final plat, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of sixty months before another phase of the plat must be submitted in final form.

**Section 17.** Chapter 16.20 of the Davenport Municipal Code entitled “Final Plats” is hereby amended as follows:

## Chapter 16.20 Final Plats

### 16.20.010 Application.

After final approval of the preliminary plat, if required, the subdivider may submit a final plat. A preliminary plat and final plat for a smaller-scale subdivision may be submitted concurrently. The Zoning Administrator, as defined in Title 17 of the Davenport Municipal Code, will make the final decision. The applicant must file an application with the Zoning Administrator on forms provided by the City and filed in such quantity and submittal deadlines as required by the instructions. The final plat shall show or be supplemented by the following information:

- A. The boundary lines of the area being subdivided with accurate distances and bearings;
- B. The accurate outline of any property which is offered for dedication for public use;
- C. The lines of all adjoining lands;
- D. All lot lines and an identification system for lots and blocks;
- E. Right-of-way and easements provided for public use, services or utilities, or excess storm water passageways with names and figures showing their dimensions;
- F. All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a hundredths of a foot;
- G. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners;
- H. All survey monuments with their descriptions;
- I. Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument or two previously established lot corners both labeled with description of each corner;
- J. North arrow, scale and date;
- K. Certification by a Professional Land Surveyor under the laws of the state, to the effect that the plan represents a survey made by him or her and that all necessary survey monuments are correctly shown thereon;
- L. Low water entry elevation for lots abutting an excess storm water passageway;
- M. Certification by an authorized representative of the public service or utility companies concerned that easements shown on the plat are satisfactory for their requirements.

### 16.20.020 Plan and zoning commission approval standards.

The plan and zoning commission shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The plan and zoning commission may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The plan and zoning Commission must recommend approval, approval with conditions, or denial of the application. The commission shall submit its recommendation to the city council within forty-five days after the submission of a complete application, unless an extension is agreed to by the applicant.

### 16.20.030 Material to be filed prior to city council consideration.

The following material shall be filed with the Zoning Administrator, as defined in Title 17 of the Davenport City Code, in such quantity and submittal deadlines as required by the instructions:

- A. Surveyor certificate;
- B. Dedication of owner;
- C. Certification of consent of mortgage holder, if applicable;
- D. Attorney's certificate;
- E. Acceptance by the city;

- F. Auditor approval of subdivision name;
- G. Treasurer's certificate;
- H. A hold-harmless agreement protecting the city from any damages, claims, or suits resulting from the construction and development by the owner and/or subdivider. Said agreement shall be approved as to format by the city attorney's office, and recorded with the plat;
- I. An assessment waiver to be approved by the council prior to the acceptance of the final plat which shall provide that the city may without notice construct and install the improvements and assess the total cost thereof against the subdivided property in accordance with city and state requirements regarding special assessments, and that the subdividers, for themselves, their heirs, their grantees, their assigns, and all subsequent owners of any part of the subdivided area waive all formalities, rights of protest, and rights of appeal to the construction and installation of the improvements by the city and to the assessment of the total cost thereof against the subdivided area even though the cost may exceed the amount that can legally be assessed against the subdivided area by the city. The assessment waiver shall further provide that the subdivider and the persons who own the property benefited by the improvements at the time construction and installation of the improvements is initiated by the city shall be jointly and severally liable for any difference between the cost of the improvements and the amount which can be legally assessed by the city against the subdivided area.

#### 16.20.040 City Council approval standards

The city council shall evaluate the final plat pursuant to the minimum standards and requirements as outlined in this chapter and conformance with the approved preliminary plat. The city council may approve a final plat that is not strictly in conformance with the preliminary plat if modifications are deemed minor and final plat is deemed to be in general conformance with the approved preliminary plat. The city council must approve, approve with conditions, or deny the application within 60 days of the submission of a complete application, unless an extension is agreed to by the applicant. This 60-day time shall not apply if the applicant fails to provide the material enumerated in Section 16.20.030 of the Davenport Municipal Code.

#### 16.20.050 Submission of data to city engineer.

The city engineer, or designee, may request data to support that any proposed infrastructure will be constructed in accordance with the most recent city standards and specifications.

#### 16.20.060 Compliance.

Before it is recorded in the office of the county recorder, the provisions of Chapter 354 of the Code of Iowa, and amendments thereto, shall be complied with.

**Section 18.** Sections 16.24.080 of the Davenport Municipal Code entitled "Lots" and Section 16.24.090 of the Davenport Municipal Code entitled "Building Lines" is hereby amended as follows:

#### 16.24.080 Lots.

- A. All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines, unless a variation to this rule will give a better street and lot plan.
- B. All lots platted in a subdivision shall have frontage on a platted street or officially approved private street unless the lot arrangement has been approved by the city council upon recommendation by the city plan and zoning commission.
- C. The minimum dimensions for lots no less than what is required by the zoning district in which the property is located.
- D. Corner lots shall have extra width sufficient to permit required building setback lines on both front and side streets.
- E. Should a subdivision be on or overlap the city limits, it shall be platted so the city limit boundary shall be along a street centerline or shall be a lot line. In no case shall a lot be platted so as to be bisected by the city limit boundary line.

**Section 19.** Chapter 16.26 of the Davenport Municipal Code entitled “Conservation Subdivision Option” is hereby amended as follows:

Chapter 16.26 Reserved.

**Section 20.** Chapter 16.28 of the Davenport Municipal Code entitled “Improvements” is hereby amended as follows:

Chapter 16.28 Subdivision Improvements

16.28.010 Required.

The final plat of any subdivided area shall be approved and recorded prior to the subdivider making and/or installing any of the improvements described in this chapter.

16.28.020 Subdivision improvements required.

The minimum improvements installed in any subdivision shall be in accordance with the provisions set forth in sections 16.28.030 through 16.28.060.

The city engineer, or designee, shall approve plans for subdivision improvements prior to any construction related to subdivision improvements or buildings and/or site improvements on lots connecting to said subdivision improvements. Subdivision improvement plan approval expires if construction has not begun within one year after the date of the approval. An extension of this one year validity period may be granted by the city engineer, or designee, prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

No certificate of occupancy (temporary) or permanent) shall be issued until all subdivision improvements are constructed and/or installed and accepted by the city.

16.28.030 Streets.

All streets shall be constructed in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.040 Sidewalks.

Sidewalks shall be constructed along the right-of-way of each street in accordance with Title 12 of the Davenport Municipal Code, entitled streets, sidewalks and public places, and the most recent city standards and specifications.

16.28.050 Sewers.

Sewers shall be constructed in accordance with Title 13 of the Davenport Municipal Code, entitled public systems, and the most recent city standards and specifications.

16.28.060 Monuments.

Steel rods, a minimum of one-half inch in diameter and twenty-four inches long shall be in place on the site of the proposed subdivision marking all block and lot corners, all points of curvature, all points of tangency, and all boundary corners before the final plat shall be approved by the city council.

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

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

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

Approved: 12/4/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

2. Resolution for Case P19-04 being the request of Verbeke-Meyer Consulting Engineers, PC for a Preliminary Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7]

**ADOPTED 2019-531**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

3. Resolution for Case F19-18 being the request of Verbeke-Meyer Consulting Engineers, PC for a Final Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7] **ADOPTED 2019-532**

*Ald. Gripp introduced a motion to amend the Resolution for Case P19-05, seconded by Ald. Rawson with all Aldermen present voting aye, by deleting the recommendation from the Plan & Zoning Commission regarding the right-of-way of the extended Marquette St aligning with the existing Marquette St at the north side of Northwest Blvd.*

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted as amended:*

4. Resolution for Case P19-05 being the request of Jason McCoy for a preliminary plat for a 53-lot subdivision on 18.48 acres, more or less, located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

**ADOPTED 2019-533**

*On motion by Ald. Ambrose, second by Ald. Dickmann with all Aldermen present voting aye, the following Resolution was adopted:*

5. Resolution for concurrent approval of the license agreement with Viking USA, LLC.

[Ward 3]

**ADOPTED 2019-534**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

6. Resolution approving the participation with the State of Iowa in a Safety Equipment contract with Fastenal Company. [All Wards]

**ADOPTED 2019-535**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

7. Resolution accepting work completed under the Elmwood Ave Reconstruction Project, CIP #35036. The total contract with Hawkeye Paving Corporation was \$367,876.14.

[Ward 3]

**ADOPTED 2019-536**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

8. Resolution accepting work completed under the High Street Flood Mitigation Project, CIP #33020. The total contract with Langman Construction, Inc was \$201,103.36.

[Ward 4]

**ADOPTED 2019-537**

*On motion by Ald. Tompkins, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

9. Resolution accepting the Sterilite Intersection Improvements project completed by Absolute Concrete Construction, Inc of Slater, IA. This project was completed with a final contract amount of \$2,115,453.12, CIP #35029. [Ward 8] **ADOPTED 2019-538**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Resolution was adopted:*

10. Resolution adopting the FY 2021 Budget Policies. [All Wards] **ADOPTED 2019-539**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Motion passed:*

11. Motion awarding a contract for assisted housing turnover services to Twin Bridge Construction, LLC of East Moline, IL. [All Wards] **PASSED 2019-540**

*On motion by Ald. Ambrose, second by Ald. Rawson with all Aldermen present voting aye, the following Motion passed:*

12. Motion approving beer and liquor license applications. **PASSED 2019-541**

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

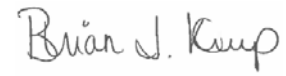
### **Ward 3**

Front Street Brewery (Front St Brewery Inc) - Parking lot of 421 W River Dr –  
Outdoor Area "Icestravaganza" January 17 - 18, 2020 - License Type: C Liquor

VI. Recognition of Service

VII. Public with Business

VIII. Adjourn **6:43 p.m.**

A handwritten signature in dark ink, reading "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian Krup  
Deputy City Clerk

City of Davenport

Agenda Group:  
Department: City Clerk  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Approval of the Report on Committee of the Whole for January 8, 2020

ATTACHMENTS:

| Type         | Description       |
|--------------|-------------------|
| ▣ Cover Memo | COW Report 010820 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 1/9/2020 - 11:53 AM |

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, January 8, 2020 -- Presentation of Colors by the Central High School Army JROTC Color Guard. National Anthem performed by Sam Fahrenkrug. Administration of Oaths of Office by the Honorable Justice Thomas D. Waterman to Mike Matson, Mayor; Rick Dunn, First Ward; Maria Dickmann, Second Ward; Marion Meginnis, Third Ward; Raymond A. Ambrose, Fourth Ward; Matthew Dohrmann, Fifth Ward; Ben Jobgen, Sixth Ward; Patrick Peacock, Seventh Ward; Judith Lee, Eight Ward; Kyle Gripp, At Large and JJ Condon, At Large. The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding and all aldermen present.

The following Public Hearings were held: Public Works: 1. on the plans, specifications, form of contract, and estimate of cost for the W 76th St Patching Project, CIP #35042; 2. on the plans, specifications, form of contract, and estimate of cost for the W 11th St Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040; 3. on the plans, specifications, form of contract, and estimate of cost for the W 29th St Pavement Reconstruction Project, CIP #35040; and 4. on the plans, specifications, form of contract, and estimate of cost for the E 39th St & Forest Rd Intersection Reconstruction Project, CIP #35040.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Gripp reviewed all items listed. On motion by Ald. Lee, second by Ald. Ambrose all items moved to the Consent Agenda. Public Safety: Ald. Ambrose reviewed all items listed. On motion by Ald. Jobgen, second by Ald. Gripp all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Dohrmann, second by Ald. Peacock all items moved to the Consent Agenda. Finance: Ald. Condon reviewed all items listed. On motion by Ald. Peacock, second by Ald. Dickmann all items moved to the Consent Agenda.

Council adjourned at 6:33 p.m.

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike 563-888-2066

Wards:

**Action / Date**

**1/15/2020**

Subject:

Plan & Zoning Commission

- Stephen Garrington (New Appointment)

Background:

Stephen Garrison is a new appointment to Plan & Zoning, filling a vacancy created by Jim Connell. Mr. Garrison's term expires April 1, 2020 as he is serving the remainder of Mr. Connell's term.

REVIEWERS:

Department

Reviewer

Action

Date

Office of the Mayor

Thorndike, Tiffany

Approved

12/16/2019 - 12:16 PM

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike 563-888-2066

Wards:

**Action / Date**

**1/15/2020**

Subject:

Affirmative Action Advisory Commission

- Michael Guster (New Appointment)

Background:

Michael Guster is a new appointment, filling a vacancy created by a resignation in 2019. Michael's term expires January 31, 2021.

REVIEWERS:

| Department          | Reviewer           | Action   | Date                 |
|---------------------|--------------------|----------|----------------------|
| Office of the Mayor | Thorndike, Tiffany | Approved | 12/17/2019 - 4:49 PM |

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

**Action / Date**

**1/15/2020**

Subject:

Slavery and Human Trafficking Prevention and Awareness Month - January 2020

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

12/27/2019 - 9:12 AM

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

**Action / Date**

**1/15/2020**

Subject:

National Mentoring Month - January 2020

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

12/17/2019 - 3:15 PM

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

**Action / Date**

**1/15/2020**

Subject:

Bridge Ave Historic District Neighborhood Association

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

12/17/2019 - 3:14 PM

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Gary Statz 563-326-7754  
Wards:

**Action / Date**  
**1/15/2020**

Subject:

First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding 52nd St along the north side from 53rd St to Eastern Ave and along the south side from 53rd St east 610 feet. [Ward 7]

Recommendation:

Adopt the Ordinance.

Background:

This section of road is only 29 feet wide and with new development in the area, traffic has increased and it is difficult to get through when there is oncoming traffic and parking on both sides of the street. This Ordinance will remove parking from the curved part of the road near 53rd and all of the north side where the businesses are currently located. Some vehicles have been parked close to the driveways which makes it hard to see while exiting the businesses. There will still be over 1000 feet of on-street parking on this street if the Ordinance passes.

ATTACHMENTS:

| Type        | Description                    |
|-------------|--------------------------------|
| ▣ Ordinance | Ordinance - 52nd St No Parking |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/23/2019 - 4:51 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 12/30/2019 - 9:53 AM |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 10:57 AM  |

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

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING 52ND ST ALONG THE NORTH SIDE FROM 53RD ST TO EASTERN AVE AND ALONG THE SOUTH SIDE FROM 53RD ST EAST 610 FEET.

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

Section 1. That Schedule VII No Parking of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

52nd St along the north side from 53rd St to Eastern Ave and along the south side from 53rd St east 610 feet.

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

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

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

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

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

Approved \_\_\_\_\_

Published in the *QC Times* on \_\_\_\_\_

Attest:

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

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

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Bruce Berger 563-326-7769  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution setting a Public Hearing on the proposed conveyance of 219 Scott St to Corrosion Control Service, Inc (petitioner). [Ward 3]

Recommendation:  
Adopt the Resolution.

**Background:**

The subject property, 219 Scott St, was originally the site of the Linden apartment building, a historic structure in downtown Davenport. The building suffered a fire in 2005 and was eventually torn down. The owner deeded the property to the City of Davenport and it has been maintained as a vacant lot by the City for roughly the past seven years.

The petitioner owns the adjacent property at the southeast corner of 3rd and Scott Streets, which is a two-story, mixed-use building. While that property has occupied apartment units on the second floor, the first floor has been vacant and boarded for a number of years, last occupied as a bar. The petitioner has indicated that there has been interest in leasing/acquiring and redeveloping the first floor, but the lack of associated parking has been a barrier for interested parties.

As such, the petitioner has submitted an offer to acquire the City's adjacent vacant lot and intends to join the two parcels to allow for redevelopment to occur on the first floor of the existing structure.

In accordance with Iowa Code, approval of this Resolution will set the date for the required Public Hearing for Wednesday, January 22, 2020 at 5:30 p.m. at the Committee of the Whole meeting on this proposed conveyance and authorize staff to publish the required notice.

**ATTACHMENTS:**

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

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 12/31/2019 - 2:14 PM |
| Community Development Committee           | Berger, Bruce  | Approved | 12/31/2019 - 2:14 PM |
| City Clerk                                | Admin, Default | Approved | 1/2/2020 - 10:49 AM  |

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

Resolution offered by Alderman Gripp

RESOLUTION setting a public hearing on the proposed conveyance of 219 Scott Street to Corrosion Control Service, Inc. (petitioner). [Ward 3]

RESOLVED by the City Council of the City of Davenport.

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

The South Ninety (90) feet of the West Fifty (50) feet of Lot Eight (8) of Block Nine (9) in the Original Town, now City of Davenport, Scott County, Iowa

Excepting, the North 4 feet of the South Ninety (90) feet of the West Fifty (5) feet of Lot Eight (8) of Block Nine (9) in the Original Town, now City of Davenport, Scott County, Iowa.

The above described tract is also described as the South 4 feet of the North Sixty-Four (64) feet of the West Fifty (50) feet of Lot Eight (8) in Block Nine (9) in the Original Town, now City of Davenport, Scott County, Iowa.

WHEREAS, the City of Davenport is supportive of projects to grow the community and that increase density in the downtown; and

WHEREAS, the City desires to reduce maintenance costs associated with mowing vacant lots; and

WHEREAS, the petitioner has submitted an offer to acquire the property with the intent of joining it with the adjacent property the petitioner already owns to allow for parking and redevelopment of the first floor retail/restaurant space; and

WHEREAS, a public hearing on this proposed conveyance is required by Iowa law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a public hearing shall be held on this proposed conveyance at the January 22, 2020 Committee-of-the-Whole meeting which begins at 5:30 pm (local time).

Approved:

Attest:

---

Mike Matson, Mayor

---

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Brandon Melton 563-888-2221

Wards:

**Action / Date**

**1/15/2020**

Subject:

Resolution for Case F19-19 being the request of Classic Development Co Inc for a final plat for a 4-lot subdivision on 3.77 acres, more or less, of property located east of Waverly Road near the intersection of W 13th St and Waverly Rd. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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.

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

**Zoning:**

The property is currently zoned R-4 Single Family and Two Family Residential Zoning District.

**Technical Review:**

Streets. The property would have access via Waverly Road

Storm Water. With R-4 zoning, the maximum impervious surface coverage will be 60% of each of the 4 buildable lots. Otherwise, the development will need to comply with the City's stormwater requirements.

Sanitary Sewer. The property is served by an 18" main on the east edge of Waverly Rd.

Other Utilities. Other Normal utility services are available

**Public Input:**

No public hearing is required for a Final Plat.

**Plan and Zoning Commission Recommendation:**

The Plan and Zoning Commission considered Case F19-19 at it's December 3, 2019 meeting.

**Findings:**

1. The final plat conforms to the comprehensive plan Davenport+2035; and
2. The final plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

The Plan and Zoning Commission accepted the listed findings and forwards Case F19-19 to the City Council with a recommendation for approval subject to the following condition:

1. That zoning information be updated to reflect the current ordinance and setbacks be shown accordingly.

Please note that the final plat has been revised to achieve consistency with the single condition and therefore said condition is not included in the resolution.

The Commission vote was 8 yes, 0 no, 0 abstention.

**ATTACHMENTS:**

| Type                | Description     |
|---------------------|-----------------|
| ▣ Resolution Letter | Resolution      |
| ▣ Backup Material   | City Acceptance |
| ▣ Backup Material   | Zoning Map      |
| ▣ Backup Material   | Final Plat      |
| ▣ Backup Material   | Land Use Map    |

**REVIEWERS:**

| Department | Reviewer      | Action   | Date                 |
|------------|---------------|----------|----------------------|
| City Clerk | Berger, Bruce | Approved | 12/31/2019 - 1:41 PM |

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

Resolution offered by Kyle Gripp, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No F19-19 being the request of Classic Development Co Inc for a final plat for a 4-lot subdivision on 3.77 acres, more or less, of property located east of Waverly Road near the intersection of W 13th St and Waverly Rd.  
[Ward 1]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Final Plat of Southland Second Addition to the City of Davenport, Iowa be the same and is hereby approved and accepted subject to the single condition as stated in the December 3, 2019 Plan and Zoning Commission's recommendation for approval (please note that the same condition has been added to the plat and/or provided and is not repeated on this resolution).

and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Attest:

Approved:

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

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

CERTIFICATE OF ACCEPTANCE BY CITY OF DAVENPORT

We, Mike Matson, Mayor, and Brian Krup, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that the following resolution was adopted by the City Council of the City of Davenport, Iowa, at a regular meeting held on the 15<sup>th</sup> day of January 2020.

"RESOLVED, by the City Council of the City of Davenport, Iowa, that the final subdivision plat of Southland Second Addition to the City of Davenport, Scott County, Iowa, as filed with the City Clerk, be and the same is hereby approved and accepted; that the granting of easements as shown on said plat is accepted and confirmed; and the Mayor and City Clerk be and they hereby are authorized and directed to certify the adoption of this Resolution on said subdivision plat as required by law."

Dated at Davenport, Iowa, this \_\_\_\_ day of January, 2020.

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

ATTEST:

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



WELSIE AVE

S-1C

3316

3248

3254

3260

3264

3259

1221

1222

1216

1212

1204

R-4

WAVERLY RD

1251

1239

1231

1227

1215

1203

1157

1145

1133

R-4

1101

R-4

1220

FINAL PLAT OF  
SOUTHLAND SECOND ADDITION  
TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE SOUTHWEST QUARTER  
OF THE NORTHWEST QUARTER OF SECTION 28  
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5th P.M.  
AND BEING A REPLAT OF LOT 2, SOUTHLAND ADDITION

GENERAL NOTES

IRON MONUMENTS FOUND SHOWN THUS ( 5/8"Ø IRON PIN )  
IRON MONUMENTS SET SHOWN THUS ( 5/8"Ø IRON PIN )  
ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.  
SUBDIVISION CONTAINS 3.77 ACRES, MORE OR LESS.

BLANKET UNDERGROUND AND OVERHEAD EASEMENTS GRANTED WITHIN THE  
MINIMUM WIDTH OF SIDE YARD PROVISIONS OF CHAPTER 17.42 OF THE ZONING  
ORDINANCE OF THE CITY OF DAVENPORT, IOWA, ALONG THE SIDE LOT LINES OF  
EACH LOT HEREIN FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD  
MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS  
SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, CABLE T.V.  
AND STREET LIGHTS.

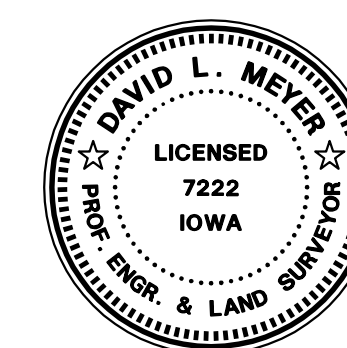
BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE  
SYSTEM SOUTH ZONE, NAD 83.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY  
OF DAVENPORT STANDARD SPECIFICATIONS.

SUBDIVISION IS ZONED R-4 ( MODERATE DENSITY DWELLING DISTRICT ).

SIDEWALK SHALL BE CONSTRUCTED ALONG THE STREET FRONTAGE OF EACH  
LOT SHOWN HEREON IN CONJUNCTION WITH CONSTRUCTION ON THAT LOT.

| CURVE<br>NUMBER | RADIUS  | DELTA       | ARC     | CHORD   | CHORD<br>BEARING | TANGENT |
|-----------------|---------|-------------|---------|---------|------------------|---------|
| 1               | 645.00' | 21°-18'-45" | 239.93' | 238.55' | N.37°-41'-32"W.  | 121.37' |
| 2               | 645.00' | 11°-28'-35" | 129.20' | 128.98' | N.42°-36'-40"W.  | 64.81'  |
| 3               | 645.00' | 01°-10'-00" | 13.14'  | 13.14'  | N.36°-17'-20"W.  | 6.57'   |
| 4               | 645.00' | 01°-09'-35" | 13.05'  | 13.05'  | N.35°-07'-30"W.  | 6.53'   |
| 5               | 645.00' | 07°-30'-35" | 84.54'  | 84.48'  | N.30°-47'-25"W.  | 42.33'  |



I hereby certify that this land surveying document was  
prepared and the related survey work was performed  
by me or under my direct personal supervision and  
that I am a duly licensed Land Surveyor under the laws  
of the State of Iowa.  
Signature: \_\_\_\_\_  
David L. Meyer, P.E. & L.S., License Number 7222  
Date: **NOVEMBER 06, 2019**  
My license renewal date is December 31, 2020  
THIS SHEET ONLY  
Pages or sheets covered by this seal: \_\_\_\_\_

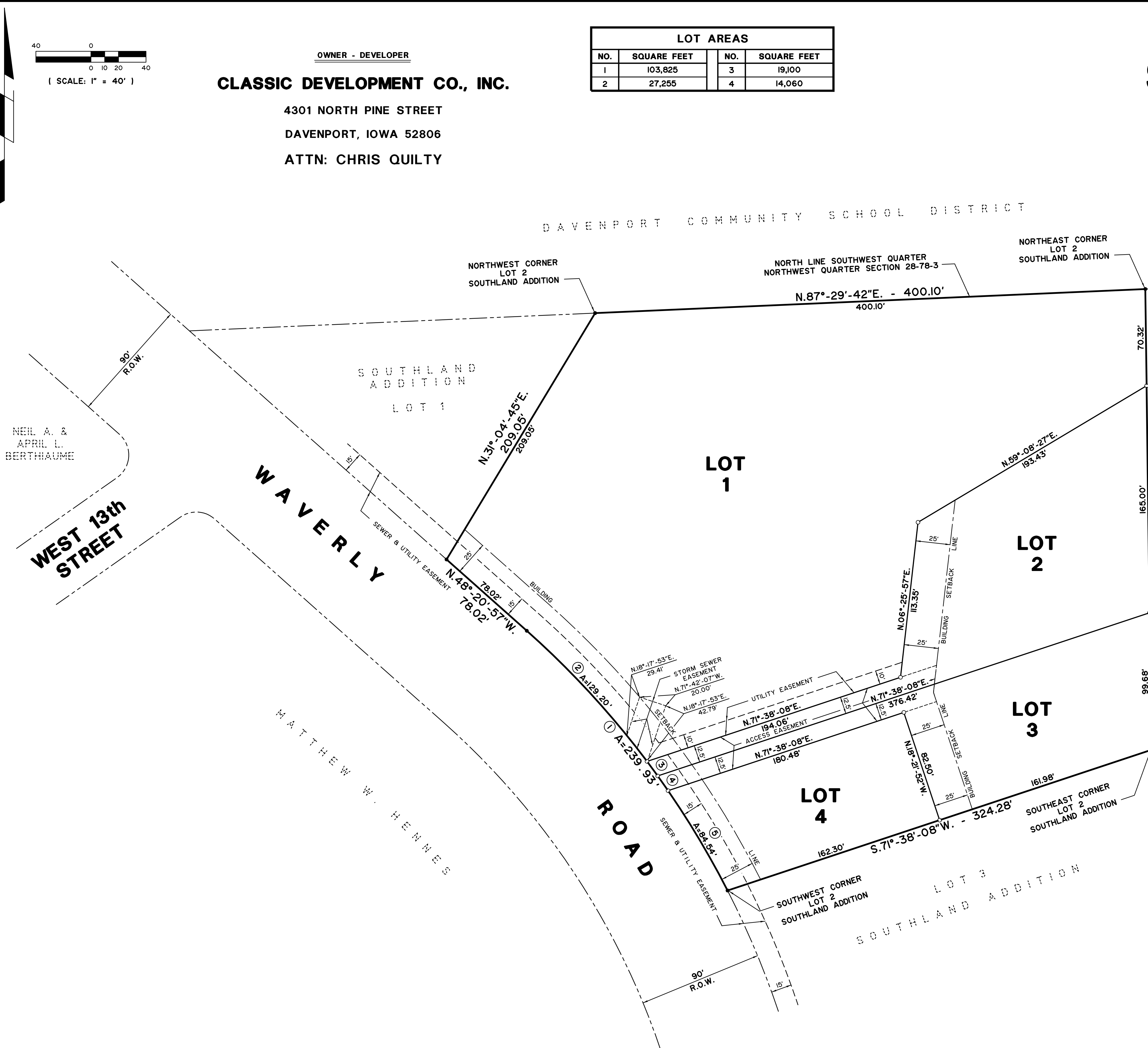
PREPARED BY  
**VERBEKE - MEYER**  
**CONSULTING ENGINEERS, P.C.**

4111 EAST 60th STREET  
DAVENPORT, IOWA 52807  
PHONE NUMBER: ( 563 ) 359 - 1348

VMCE 19116

| LOT AREAS |             |     |             |
|-----------|-------------|-----|-------------|
| NO.       | SQUARE FEET | NO. | SQUARE FEET |
| 1         | 103,825     | 3   | 19,100      |
| 2         | 27,255      | 4   | 14,060      |

OWNER - DEVELOPER  
**CLASSIC DEVELOPMENT CO., INC.**  
4301 NORTH PINE STREET  
DAVENPORT, IOWA 52806  
ATTN: CHRIS QUILTY



CENTURYLINK

BY \_\_\_\_\_

DATE \_\_\_\_\_

MIDAMERICAN ENERGY COMPANY

BY \_\_\_\_\_

DATE \_\_\_\_\_  
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY  
MIDAMERICAN ENERGY COMPANY

IOWA-AMERICAN WATER CO.

BY \_\_\_\_\_

DATE \_\_\_\_\_

MEDIACOM

BY \_\_\_\_\_

DATE \_\_\_\_\_

PLAN & ZONE COMMISSION

BY \_\_\_\_\_

DATE \_\_\_\_\_

CITY OF DAVENPORT, IOWA

BY \_\_\_\_\_

ATTEST \_\_\_\_\_

DATE \_\_\_\_\_



N ELSIE AVE

WAVERLY RD

1251

1239

1231

1227

1215

1203

1157

1145

1133

1220

1101

3316

3248

3254

3260

3264

3259

1222

1222

1216

1212

1208

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Nick Schmuecker 563-327-5162  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 76th St Patching Project, CIP #35042. [Ward 8]

Recommendation:  
Adopt the Resolution.

**Background:**

The stretch of W 76th St east of N Division St was selected for full depth patching by the City's pavement management program due to good panel structure but deteriorating joints along with a relatively high traffic count. This project will rehabilitate the joints and add pavement life before the pavement deteriorates to the point of needing full reconstruction.

The project is scheduled to be bid in January 2020 with construction to start in the spring as weather permits. Funding for the W 76th St Patching Project is established within CIP #35042. The current estimate is \$705,000.

**ATTACHMENTS:**

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

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/23/2019 - 5:14 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:06 AM  |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 12:23 PM  |

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

Resolution offered by Alderman Dunn

Resolution approving the plans, specifications, form of contract and estimated cost for the W 76<sup>th</sup> St Patching Project, CIP #35042. [Ward 8]

WHEREAS, on the 16th day of December 2019, plans, specifications, form of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the W 76<sup>th</sup> St Patching Project, CIP #35042.

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 said W 76<sup>th</sup> St Patching Project.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

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



## West 76th Street

Pavement Rehab Project Location

1 inch = 400 feet

0 200 400 600 800 Feet



City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Brian Schadt 563-326-7923  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 11th Street Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040. [Ward 1]

Recommendation:  
Adopt the Resolution.

Background:  
This project will remove the existing concrete pavement of W 11th St from Wisconsin Ave to Hidden Valley Dr and replace it with new subdrains, drainable base, and HMA pavement. Driveway approaches and adjacent sidewalk will also be removed and replaced as necessary.

Construction is expected to begin spring of 2020. The estimated project cost is \$560,000 funded in CIP #35040.

ATTACHMENTS:

| Type                | Description |
|---------------------|-------------|
| ▢ Resolution Letter | Resolution  |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Rejected | 12/23/2019 - 11:56 AM |
| Public Works - Engineering | Kriz, Nichole  | Approved | 12/26/2019 - 8:46 AM  |
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:54 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:05 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 12:29 PM   |

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

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the plans, specifications, form of contract, and estimated cost for the W 11th St Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040.

WHEREAS, plans, specifications, form of contract and an estimate of cost have been filed with the City Clerk of Davenport, IA, for the W 11th St Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040.

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 W 11th St Reconstruction Project from Wisconsin Ave to Hidden Valley Dr, CIP #35040.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

\_\_\_\_\_  
Brian J. Krup, City Clerk

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Steve Math 563-327-5164  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution approving the plans, specifications, form of contract, and estimate of cost for the W 29th St Pavement Reconstruction Project, CIP #35040. [Ward 7]

Recommendation:  
Adopt the Resolution.

Background:  
Project consists of the removal and replacement of the existing deteriorated concrete pavement on W 29th Street from Washington St to Washington Ln, approximately 300 feet in length.

This project has been designed by the City's Engineering Division. No right-of-way or temporary construction easements are required. The proposed total cost of the project is currently estimated at \$162,000, with construction expected to begin in the spring of 2020.

ATTACHMENTS:

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

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:55 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:06 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 12:36 PM   |

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

Resolution offered by Alderman Dunn:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the W 29th St Pavement Reconstruction Project, CIP #35040.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, IA, for the W 29th St Pavement Reconstruction 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 W 29th St Pavement Reconstruction Project.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

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

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Steve Math 563-327-5164  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution approving the plans, specifications, form of contract, and estimate of cost for the E 39th St & Forest Rd Intersection Reconstruction Project, CIP #35040. [Ward 6]

Recommendation:  
Adopt the Resolution.

Background:  
Project consists of the removal and replacement of the existing deteriorated concrete pavement at the intersection of E 39th St & Forest Rd.

This project has been designed by the City's Engineering Division. No right-of-way or temporary construction easements are required. The proposed total cost of the project is currently estimated at \$164,000, with construction expected to begin in the spring of 2020.

ATTACHMENTS:

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

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:49 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:04 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 12:49 PM   |

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

Resolution offered by Alderman Dunn:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract and estimate of cost for the E 39th St & Forest Rd Intersection Reconstruction Project, CIP #35040.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the E 39th St & Forest Rd Intersection Reconstruction 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 E 39th St & Forest Rd Intersection Reconstruction Project.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

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

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Brian Schadt 563-326-7923  
Wards:

**Action / Date**  
**1/15/2020**

**Subject:**

Resolution assessing alley resurfacing projects for the north south alley between Farnam and LeClaire from Garfield to Columbia and the east west alley between Glaspell and Schricker from Pine to Belmont completed in fall 2019, CIP #35038. [Wards 3 & 5]

**Recommendation:**

Adopt the Resolution.

**Background:**

A resident or business owner petitions the City to have their alley reconstructed with full depth concrete or resurfaced with hot mix asphalt (HMA) through the Alley Reconstruction and Resurfacing Program. This program is an assessment program where ½ of the total cost to reconstruct or resurface the alley is paid for by the City and the other ½ is paid for by the abutting property owners based on the size of their lot. The resident or business that requests to have their alley reconstructed or resurfaced would have to obtain the necessary signatures on a petition prepared by the City of over 50% of the owner occupied property abutting the alley.

Work on this program has been satisfactorily completed and was accepted by City Council on October 23, 2019. This Resolution will apportion the share assessed to the property owners.

**ATTACHMENTS:**

| Type                | Description               |
|---------------------|---------------------------|
| ▣ Resolution Letter | Resolution                |
| ▣ Backup Material   | Final Assessment Schedule |
| ▣ Backup Material   | Notice to Property Owners |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Rejected | 12/23/2019 - 4:13 PM |
| Public Works - Engineering | Kriz, Nichole  | Approved | 12/26/2019 - 8:47 AM |
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/2/2020 - 11:20 AM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 11:20 AM  |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:04 PM   |

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

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION assessing alley resurfacing projects for the north south alley between Farnam and LeClaire from Garfield to Columbia and the east west alley between Glaspell and Schricker from Pine to Belmont completed in fall 2019 funded in CIP #35038.

WHEREAS, heretofore and in strict compliance with Chapter 384 of the Code of Iowa, 2019, as amended, this Council did, pursuant to the Resolution of Necessity duly adopted, order the construction of the Alley Resurfacing Program for alleys completed in fall 2019 such improvements having been duly completed, the work accepted and the Engineers having filed the final assessment schedule, which has been fully considered by this Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that

Section 1. That the Final Assessment Schedule filed by the Engineers covering the Alley Resurfacing Program is hereby amended as follows:

None

Section 2. That after full consideration, appraisalment and apportionment of the special benefits conferred upon the property shown in said schedule of said improvements, this Council finds that the said property is specially benefited by said improvements in the amounts as shown on said schedule and that the said amounts are in proportion to the special benefits conferred upon the property by said improvements, are not in excess of such benefits and are not in excess of 25% of the actual value of the lots, parts of lots and parcels of ground shown in said schedule; and

Section 3. That the Final Assessment Schedule be and the same is hereby approved and confirmed and that there be and there is hereby assessed and levied as a special tax against and upon each of the lots, parts of lots and parcels of land that the owner or owners thereof are liable to assessment for the cost of said improvements shown in said schedule, the respective sums expressed in figures set opposite to each of the same on account of the cost of the construction of said improvements; and said assessments against said lots and parcels of ground are hereby declared to be in proportion to the special benefits conferred upon the said property by the said improvements and not in excess thereof, and not in excess of 25% of the value of the same; and

Section 4. That assessments may be paid in full without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments will draw annual interest at 9 percent computed to the December 1<sup>st</sup> next following the due dates of respective installments, and each installment will be delinquent on September 30<sup>th</sup> following its due date, and will draw additionally the same delinquent interest and the same penalties as ordinary taxes. Any property owner may elect to pay one-half of any annual installment of principal and interest of a special assessment in advance, with the second semi-annual payment of ordinary taxes collected in the year preceding the due date of such installment. The number of installments into which said assessments greater than \$100.00 are to be divided shall be ten (10)

and the interest for all unpaid installments shall be at the current interest rate adopted by the city percent per annum, the first installment being due and payable on July 1, 2020 and succeeding installments, with interest on the whole unpaid amount shall become due on July 1<sup>st</sup>, annually thereafter and shall be paid at the same time and in the same manner as the September semi-annual payment of ordinary taxes; and

Section 5. That the Deputy Clerk is hereby authorized and directed to certify and file the final assessment schedule, herein referred to, with the County Treasurer of Scott County, and the City Clerk shall thereupon give notice of such certification and filing by publication once each week for two successive weeks in the Quad City Times, a legal newspaper printed wholly in the English language, published at least once weekly and of general circulation in Davenport, Iowa, the first publication to be not more than fifteen days after the date of filing of the final schedule, and the Deputy Clerk shall mail said notice by certified mail to each property owner whose property is subject to assessment for said improvement, as shown by the records in the office of the County Auditor of Scott County, Iowa, said notice to be mailed on or before the second publication of said notice, all in accordance with Chapter 384 of the 2019 Code of Iowa, as amended.

Section 6. That such notice shall be in form substantially as follows:

See attached notice.

Section 7. That each and all of the deficiencies which appear on the final assessment schedule with respect to the benefited property are hereby confirmed and conditionally levied to the extent that such deficiencies may be subsequently assessed against each lot under Section 384.63 of the Code of Iowa, 2019, as amended.

Section 8. That the Deputy Clerk is hereby authorized and directed to certify and file a listing of said deficiencies with the Scott County Treasurer who shall record them in a separate book entitled "Special Assessment Deficiencies" and to the Chief Building Inspector, being the City Official charged with the responsibility of issuing building permits in the City, who shall notify the Council when a private improvement is subsequently constructed on any lot subject to a deficiency. The certificate to the aforementioned Scott County Treasurer shall include a legal description of each lot.

Section 9. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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Mike Matson, Mayor

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Brian J. Krup, Deputy City Clerk

| FINAL ALLEY ASSESSMENT SCHEDULE |                    |                                                                                                                                                                                                                               |                                             |                      |                           |                   |                   |
|---------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------|---------------------------|-------------------|-------------------|
| Parcel                          | Site Address       |                                                                                                                                                                                                                               | Deed1 Name                                  | Deed1 Address        | Deed1 CSZ                 | Assessment Amount | Deficiency Amount |
| Alley 1:                        |                    |                                                                                                                                                                                                                               |                                             |                      |                           |                   |                   |
| C0018-01                        | 526 E COLUMBIA AVE | PARK VIEW ADD LOT 14                                                                                                                                                                                                          | GRIESENBECK ROBERT D<br>GRIESENBECK NANCY S | 2523 E 46TH ST       | DAVENPORT<br>IA 52807     | \$ 742.50         | \$ -              |
| C0018-02                        | 2708 FARNAM ST     | PARK VIEW ADD LOT 13                                                                                                                                                                                                          | JEWEL SCOTT R<br>JEWEL KAREN C              | 2708 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 742.50         | \$ -              |
| C0018-03                        | 2712 FARNAM ST     | PARK VIEW ADD LOT 12                                                                                                                                                                                                          | MITCHELL ANDREW S<br>MITCHELL LISA A        | 2712 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 742.50         | \$ -              |
| C0018-04                        | 2716 FARNAM ST     | PARK VIEW ADD LOT 11                                                                                                                                                                                                          | SMITH DANIEL R<br>SMITH BARBARA R           | 2716 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 742.50         | \$ -              |
| C0018-05                        | 2720 FARNAM ST     | PARK VIEW ADD LOT 10                                                                                                                                                                                                          | SCHREINER KURT L<br>SCHREINER DIANE C       | 2720 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 724.82         | \$ -              |
| C0018-06                        | 2724 FARNAM ST     | PARK VIEW ADD LOT 9                                                                                                                                                                                                           | EPPERLY ELIZABETH J                         | 2724 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 724.82         | \$ -              |
| C0018-07                        | 2726 FARNAM ST     | PARK VIEW ADD LOT 8                                                                                                                                                                                                           | BIEL LOUIS C<br>HOWARD MONA L               | 2726 FARNAM ST       | DAVENPORT<br>IA 52803     | \$ 714.21         | \$ -              |
| C0018-08                        | 2725 LECLAIRE ST   | PARK VIEW ADD LOT 7                                                                                                                                                                                                           | MCCAUGHEY TODD A<br>MCCAUGHEY PAMELA L      | 2725 LECLAIRE ST     | DAVENPORT<br>IA 52803     | \$ 714.21         | \$ -              |
| C0018-09                        | 2723 LECLAIRE ST   | PARK VIEW ADD LOT 6                                                                                                                                                                                                           | LARSON MELISSA R                            | 2723 LECLAIRE ST     | DAVENPORT<br>IA 52803     | \$ 707.14         | \$ -              |
| C0018-10                        | 2719 LECLAIRE ST   | PARK VIEW ADD LOT 5                                                                                                                                                                                                           | HOVEY TODD A<br>DIXIE LAMBRECHT-HOVEY       | 2719 LECLAIRE ST     | DAVENPORT<br>IA 52803     | \$ 724.82         | \$ -              |
| C0018-11                        | 2715 LECLAIRE ST   | PARK VIEW ADD LOT 4                                                                                                                                                                                                           | FIRST FINANCIAL GROUP LC                    | 1987 SPRUCE HILLS DR | BETTENDORF<br>IA 52722    | \$ 742.50         | \$ -              |
| C0018-12                        | 2711 LECLAIRE ST   | PARK VIEW ADD LOT 3                                                                                                                                                                                                           | WATSON JUDITH A                             | 2711 LECLAIRE ST     | DAVENPORT<br>IA 52803     | \$ 742.50         | \$ -              |
| C0018-13                        | 506 E COLUMBIA AVE | PARK VIEW ADD LOT 1 & 2                                                                                                                                                                                                       | TREES GARY A                                | 506 E COLUMBIA AV    | DAVENPORT<br>IA 52803     | \$ 1,484.99       | \$ -              |
| Alley 2:                        |                    |                                                                                                                                                                                                                               |                                             |                      |                           |                   |                   |
| H0049-01                        | 715 N. PINE ST     | DENKMANN PLACE LOT 1 ALSO BEG NE COR LOT 3 SD ADD NELY ALG NLY/L (EXT) OF SD LOT 3 TO SWLY/L OF LOT 1 BLK 8 GLASPELL'S 3RD ADD-NWLY ALG WLY/L OF LOT 1 TO ALLEY -SWLY ALG SLY/L OF ALL Y TO WLY/L OF OAK ST-SELY TO BEG LOT 1 | BRANDSGARD MARY E                           | 715 N PINE ST        | DAVENPORT<br>IA 52804     | \$ 2,699.97       | \$ -              |
| H0048-18A                       | 817 N. PINE ST     | GLASPELL'S 3RD ADD LOT 11                                                                                                                                                                                                     | WENDEL JEFF J<br>WENDEL FLOYD W             | 817 N PINE ST        | DAVENPORT<br>IA 52804     | \$ 6,424.17       | \$ -              |
| H0048-28                        | 822 BELMONT ST     | GLASPELL'S 3RD ADD PT OF 7 & 8 BEG AT NE COR OF LOT 8-SELY 44' TO BEG-SWLY TO PT IN ALLEY 70.4' S OF NW COR OF LOT 8-S TO SW COR OF LOT 7- NELY 163.5' TO SE COR OF LOT 7-NWLY TO BEG LOT 8                                   | KELLEY DEANNA L<br>KELLEY PAUL T            | 822 BELMONT ST       | DAVENPORT<br>IA 52804     | \$ 5,307.49       | \$ -              |
| H0048-22                        | 2130 GLASPELL ST   | GLASPELL'S 3RD ADD (EXC N 20') LOT 1                                                                                                                                                                                          | MINASIAN REI LLC                            | 210 FLOWERFIELD LN   | LA HABRA<br>CA 90631      | \$ 1,764.11       | \$ -              |
| H0048-23                        | 2124 GLASPELL ST   | GLASPELL'S 3RD ADD N 20' OF LOT 1 & S 40' OF LOT 2                                                                                                                                                                            | NGUYEN ROBERT                               | 6201 MARQUETTE ST    | DAVENPORT<br>IA 52806     | \$ 1,956.50       | \$ -              |
| H0048-24                        | 2120 GLASPELL ST   | GLASPELL'S 3RD ADD W 45' OF LOT 3 & E. 10' OF LOT 2                                                                                                                                                                           | END OF THE ROAD LLC                         | 1423 GRANDVIEW AVE   | PAPILLION<br>NE 68046     | \$ 1,793.46       | \$ -              |
| H0048-25                        | 2114 GLASPELL ST   | GLASPELL'S 3RD ADD LOT 4 & ELY 5' OF LOT 3                                                                                                                                                                                    | LEWIS JEFFREY                               | 2150 TOLEDO AVE N    | GOLDEN VALLEY<br>MN 55422 | \$ 1,793.46       | \$ -              |
| H0048-26                        | 2108 GLASPELL ST   | GLASPELL'S 3RD ADD LOT 5                                                                                                                                                                                                      | COLLISON MATTHEW C<br>COLLISON GRACE L      | 2108 GLASPELL ST     | DAVENPORT<br>IA 52804     | \$ 1,630.42       | \$ -              |
| H0048-27                        | 2104 GLASPELL ST   | GLASPELL'S 3RD ADD LOT 6                                                                                                                                                                                                      | KILLING LESTER R<br>KILLING SHEILA A        | 2104 GLASPELL ST     | DAVENPORT<br>IA 52804     | \$ 1,630.42       | \$ -              |

Publish twice: January 24 & 31, 2020  
Quad City Times

Notice to Property Owners

Notice is hereby given that the City Council of the City of Davenport, Iowa, has adopted the Final Assessment Schedule covering the FY 2017 Alley Resurfacing Program, Part 2 which was duly certified to the Scott County Treasurer, (and published on January 24 and 31, 2020), and which was recertified to the Scott County Treasurer all in accordance with Chapter 384 of the 2019 Code of Iowa, as amended. All of the property located with the following described boundaries shall be assessed by reason of such construction:

All property abutting the alleys and within the block as listed in the FY 2017 Alley Resurfacing Program, Part 2.

Any assessment may be paid at the office of the Scott County Treasurer, 600 W. 4<sup>th</sup> Street, Davenport, Iowa, 52801 without interest within thirty (30) days of the first publication date of the notice, which was January 24, 2020 and, thereafter, all unpaid assessments will draw annual interest at four (4) percent computed to the December 1<sup>st</sup> next following the due dates of respective installments, and each installment will be delinquent on September 30<sup>th</sup> following its due date, and will draw additionally the same delinquent interest and the same penalties as ordinary taxes. Any property owner may elect to pay one-half of any annual installment of principal and interest of a special assessment in advance, with the second semi-annual payment of ordinary taxes collected in the year preceding the due date of such installment. The number of installments into which said assessments greater than \$100.00 are to be divided shall be ten (10) and the interest for all unpaid installments shall be at four (4) percent per annum, the first installment being due and payable on July 1, 2020 and succeeding installments, with interest on the whole unpaid amount shall become due on July 1<sup>st</sup>, annually thereafter and shall be paid at the same time and in the same manner as the September semi-annual payment of ordinary taxes.

Reference is hereby made to the Final Assessment Schedule for a description of the particular lots or tracts and to said Final Assessment Schedule regarding the amounts of the Final Assessment thereon as determined and fixed by the Council.

By order of the City Council, Davenport, Iowa.

Brian Krup  
Deputy City Clerk

Davenport, Iowa  
January 24, 2020

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Eric Gravert 563-327-5125  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution accepting the Main St Landing Phase II - Seat Wall Project completed by Hawkeye Paving Corporation of Bettendorf, IA. The project was completed with a final contract amount of \$689,120, CIP #68004. [Ward 3]

Recommendation:  
Adopt the Resolution.

Background:  
This contract is part of the Main Street Landing Phase II Improvements. The work includes the precast seat wall modular system purchase and installation.

The project was completed in accordance with the City of Davenport requirements with a final amount of \$689,120 from CIP #68004.

ATTACHMENTS:

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

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/23/2019 - 12:58 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 12/30/2019 - 9:55 AM  |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:06 PM    |

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

Resolution offered by Alderman Dunn.

Resolution of acceptance for the construction of the Main St Landing Phase II – Seat Wall Project completed by Hawkeye Paving Corporation of Bettendorf, IA.

WHEREAS, the City of Davenport entered into a contract with Hawkeye Paving Corporation of Bettendorf, IA for construction work; and

WHEREAS, work on the project has been satisfactorily completed

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Main St Landing Phase II – Seat Wall Project is hereby accepted.

Passed and approved this 15th day of January, 2020.

Approved:

Attest:

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

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

City of Davenport

Agenda Group:

Department: Public Works - Admin

Contact Info: Nicole Gleason 563-327-5150/Jon Meeks 563-326-7922

Wards:

**Action / Date**

**1/15/2020**

Subject:

Resolution approving the purchase of a 135 G Excavator from the Sourcewell Contract #032515, from Martin Equipment of IA-IL Inc of Rock Island, IL in the amount of \$184,000. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport is a member of Sourcewell, a cooperative bidding organization that bids items for government entities. Sourcewell processed an Invitation to Bid for excavators. Martin Equipment of IA-IL Inc of Rock Island, IL was awarded the contract. Sourcewell contract #032515.

This new excavator will be replacing E252 backhoe that will go to auction.

Funding for this purchase is from the Sewer Maintenance Motor Vehicle Equipment account, #51102060 530302.

ATTACHMENTS:

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

REVIEWERS:

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 12/23/2019 - 1:50 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 12/30/2019 - 9:55 AM |
| City Clerk             | Admin, Default | Approved | 1/2/2020 - 1:09 PM   |

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

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the purchase of a 135 G Excavator from Martin Equipment of IA-IL Inc of Rock Island, IL using the Sourcewell cooperative purchases organization bid #032515, and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of a new excavator for the Sewer Division; and

WHEREAS, Martin Equipment of IA-IL Inc of Rock Island, IL has been awarded a Sourcewell contract through a public bid;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the purchase of a 135 G Excavator from Martin Equipment of IA-IL Inc of Rock Island, IL using the Sourcewell contract #032515; and
2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

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

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

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Tom Leabhart 563-327-5155  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution approving the revised Federal Aid Agreement for Iowa's Transportation Alternatives Program (TAP) in the amount of \$1,138,000 for the construction of the extension of the Goose Creek Trail from 53rd St to 59th St and Brady St, CIP #28019. [Wards 7 & 8]

Recommendation:  
Adopt the Resolution.

Background:  
The City of Davenport has previously received a TAP Grant in the amount of \$1,138,000 for the extension of the Goose Creek Trail from 53rd St to 59th St and Brady St funded in CIP #28019.

New federal requirements require updating of the original agreement. The Iowa Department of Transportation provided the attached revised agreement number 20-TAP-107 to be approved by City Council and signed by the Mayor.

Changes include minor wording changes and inclusion of the City's DUNS number. There are no changes to the grant amount, terms or conditions, or project scope.

The next step in the project advancement is to complete a phase I archaeological study. Once this has been completed detailed plans and specifications shall be prepared. It is anticipated that construction will occur sometime in 2020.

**ATTACHMENTS:**

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

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Rejected | 12/23/2019 - 11:57 AM |
| Public Works - Engineering | Kriz, Nichole  | Approved | 12/26/2019 - 8:46 AM  |
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:24 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:04 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:28 PM    |

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

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the revised Federal Aid Agreement for Iowa's Transportation Alternatives Program (TAP) in the amount of \$1,138,000 for the construction of the extension of the Goose Creek Trail from 53rd St to 59th St and Brady St, CIP #28019.

WHEREAS, funding for this project has been secured via Bi-State Metropolitan Planning Organization through Iowa's Transportation Alternatives Program (TAP), and

WHEREAS, the TAP grant will reimburse the City of Davenport for 80% of the eligible construction costs up to an amount of \$1,138,000 with associated cash match having been approved in the City Capital Improvement Program,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the revised Federal Aid Agreement number 20-TAP-107 for Iowa's Transportation Alternatives is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City of Davenport.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

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

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Brian Schadt 563-326-7923  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Preliminary Resolution for the Alley Resurfacing Program for the alley located between River Dr and Wood Ln from Forest Rd to the Bettendorf city limits, CIP #35038. [Ward 6]

Recommendation:  
Adopt the Resolution.

Background:  
Within the City of Davenport, alleys are considered secondary roads. A resident or owner petitions the City to have their alley reconstructed with full depth concrete or hot mix asphalt (HMA) or resurfaced with HMA through the Alley Reconstruction and Resurfacing Program. This program is an assessment program where ½ of the total cost to reconstruct or resurface the alley is paid for by the City and the other ½ is paid for by the abutting property owners based on the size of their lot. The resident or business that requests to have their alley reconstructed or resurfaced would have to obtain the necessary signatures on a petition prepared by the City of over 50% of the owner occupied property abutting the alley.

The city has received a petition for the east-west alley between E River Dr and Wood Ln from Forest Rd to the alley end. The estimated cost of these improvements is \$78,000. Questionnaires noting the maximum project cost will be sent out to the property owners along these alleys to verify continued interest in the program.

ATTACHMENTS:

| Type                | Description  |
|---------------------|--------------|
| ▣ Resolution Letter | Resolution   |
| ▣ Backup Material   | Location Map |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Rejected | 12/23/2019 - 11:57 AM |
| Public Works - Engineering | Kriz, Nichole  | Approved | 12/26/2019 - 8:47 AM  |
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/2/2020 - 1:25 PM    |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 1:25 PM    |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:36 PM    |

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

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

PRELIMINARY RESOLUTION for the Alley Resurfacing Program for the alley located between River Dr and Wood Ln from Forest Rd to the Bettendorf city limits, CIP #35038.

WHEREAS, it is deemed advisable and necessary to resurface certain alleys in the City of Davenport, Iowa; and

WHEREAS, the Code of Iowa requires that the City Council arrange for engineering services when an assessment project is involved; and

WHEREAS, the Code of Iowa requires that the City Council designate the property to be specially benefited by the improvements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Engineering Division for the City of Davenport be employed as engineers in connection with the proposed alley resurfacing program and may be hereafter referred to as the "Project Engineer" and that the Project Engineer be directed to prepare preliminary plans, plats, schedules, estimates, and do other engineering and assessment work as required to complete the above referenced program;

BE IT RESOLVED that hereafter this improvement will be called the 2020 Alley Resurfacing Program.

Passed and approved the 15<sup>th</sup> day of January 2020.

Approved:

Attest:

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

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

# Location Map



8/9/2019, 1:15:01 PM



Parks



Parcels

Street Centerline (Labels only)

Creeks

Named Creeks

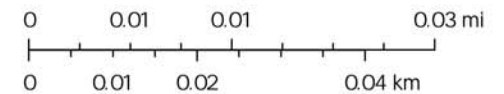
Unnamed Tributaries

Piped Creeks

City Limit

Address Points

1:1,200



Scott County Iowa, Bi-State Regional Commission

Web AppBuilder for ArcGIS

Copyright (c) 2014 Esri | Scott County Iowa, Bi-State Regional Commission |

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Jen Walker 563-326-6168  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution accepting work completed under the FY19 & FY20 DOT Full Depth Patching Project, CIP #35035. The total contract with CDMI Concrete Contractors, Inc was \$134,777.20. [Wards 2 & 7]

Recommendation:  
Adopt the Resolution.

Background:

This project entailed full depth concrete patching on the following State routes: Highway 61 (Brady St) and Highway 6 (Kimberly Rd). 95% of the work completed under this contract is reimbursable by the Iowa DOT. Work has been satisfactorily completed by CDMI Concrete Contractors, Inc of Port Byron, IL. The total project cost was \$134,777.20; the City has submitted a reimbursement request in the amount of \$127,897, which is pending Iowa DOT review.

ATTACHMENTS:

| Type                | Description |
|---------------------|-------------|
| ▢ Resolution Letter | Resolution  |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 12:05 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:05 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:52 PM    |

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

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the FY19 & FY20 Full Depth Patch Project, CIP #35035.

WHEREAS, the City entered into a contract with Emery Construction Group, Inc of Port Byron, IL; and

WHEREAS, the project locations were dictated by the Iowa Department of Transportation on State routes located within City limits;

WHEREAS, the scope focused on concrete patching with limited work on curbs, sidewalks, driveways, and manhole adjustments; and

WHEREAS, the final cost of the contract was \$134,777.20; and

WHEREAS, the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, that the FY19 & FY20 Full Depth Patch Project is hereby formally accepted.

Passed and approved this 15<sup>th</sup> day of January, 2020.

Approved:

Attest:

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

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

## City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Sarah Ott 563-326-6167  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution adopting the City of Davenport's 2020 State Legislative Program. [All Wards]

Recommendation:  
Adopt the Resolution.

### Background:

For the 2020 state legislative session, the City of Davenport has prepared a legislative packet in which the City will take formal positions on issues as directed by the City Council and through the adoption of this packet. Staff has prepared formal position papers on five areas that are of importance to the City, including: SF295 and the commercial backfill, automatic traffic enforcement cameras, fireworks regulations, tax increment financing, and development tax credits. In addition, the City of Davenport supports the preservation of local control by the State on all matters that impact the City.

As part of the 2020 legislative strategy, staff has coordinated formal delegation meetings to discuss the City's legislative priorities. Legislative updates will be distributed as needed to the City Council throughout the legislative session to keep the City Council abreast of current and upcoming issues that may need further discussion. Additionally, Management and Mayor/Council Discussion meetings may be used as a further forum to ask clarifying questions or request more information on a given topic. The proposed platform serves as only a base, and the City will stay engaged as new topics arise during the session.

### ATTACHMENTS:

| Type                | Description             |
|---------------------|-------------------------|
| ▣ Resolution Letter | Resolution              |
| ▣ Cover Memo        | 2020 Legislative Papers |

### REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 1/2/2020 - 10:59 AM |
| City Clerk | Admin, Default | Approved | 1/2/2020 - 10:59 AM |

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

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the City of Davenport's 2020 State Legislative Program.

WHEREAS, the City of Davenport has identified several legislative issues as priorities in advance of the 2020 state legislative session in Des Moines, and

WHEREAS, the City of Davenport intends to encourage state legislators to introduce and adopt legislation in accord with said identified legislative priorities, and

WHEREAS, the City of Davenport supports the preservation of local control by the State on all matters that impact the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the City of Davenport, through its elected officials, staff, and lobbyists are authorized to conduct, engage in, and carry on actions with Iowa state legislators in order to put into effect the City of Davenport's 2020 legislative priorities.

Approved:

Attest:

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

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

# CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 20-01 "Automated Traffic Enforcement Cameras"

December 1, 2019 (I.Korpel)



## STATEMENT OF ISSUE & BACKGROUND

In past legislative sessions, there have been several bills proposed in the Iowa Senate aiming to prohibit or regulate the placement and use of all automated traffic enforcement (ATE) systems throughout the State. It is expected that these legislation proposals will continue to be made during the 2020 legislative session.

The City of Davenport would be directly affected by ATE prohibition legislation as the City utilizes this technology along its primary highway system for both red-light enforcement at three signalized intersections and speed enforcement along two urban arterials. Red-light citations are issued to drivers who are completely behind the stop bar when the signal turns red and still proceed through the intersection. Speed violation citations are issued to drivers who exceed the speed limit by 12 mph or more. All infractions are reviewed by a Davenport Police Department sworn officer or by a trained traffic safety specialist prior to an issued citation. Additionally, it should be noted that all camera placement locations are clearly marked with signage, and all cameras are calibrated once per month to ensure measurement accuracy. The City's use of ATE cameras has shown to reduce the annual number of crashes where these cameras are located.

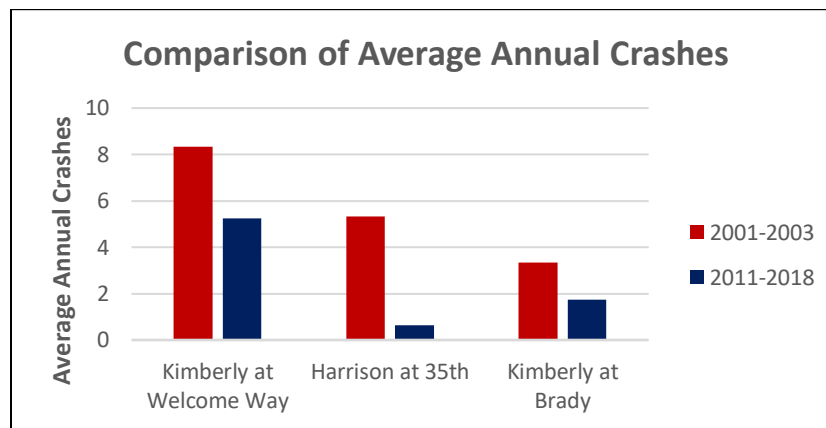
In 2018, the Iowa Supreme Court issued multiple rulings in regards to ATE cameras. First, the court ruled that the Iowa DOT lacked authority to turn off or remove cameras, which opened the door for cities to operate ATE programs under their own rules. Then, the court ruled that cities could not impose liability for ATE camera violation without filing a municipal infraction. Davenport and other Iowa ATE communities do not use the municipal infraction process for ATE violations because of the significant impact that tens of thousands of tickets would have on county courts. Iowa Code already carves out an exception for a comparable ticket type, parking tickets. Iowa Code 321.236 permits liability to be imposed on parking violations outside of the municipal infraction process. The City of Davenport asserts that it is in the best interest of efficient police departments, city governments, county governments, and ATE violators to have similar language authorizing the collection of uncontested ATE fines by city clerks.

Rather than banning the use of ATE cameras, or undermining the financial penalty or deterrent with the municipal infraction process, the City of Davenport supports enabling legislation that will create uniformity in the use of ATE cameras and the collection of fines across the State. The City supports enabling legislation that includes the following:

- A prohibition of placement of ATEs on interstates
- Uniform threshold requirements, including a minimum speed in excess of 12 MPH over the posted speed limit and uniform seconds delay after a light change
- Uniform violation process that includes the ability for ATE violations to be handled outside the municipal infraction process

## RELEVANT DATA

**EXHIBIT 1:** Exhibit 1 illustrates the average annual crashes for ATE camera intersections.



## OPERATIONAL & FISCAL IMPACTS

If ATEs are prohibited, it would have substantial operational and fiscal impacts. Operationally, enforcement in the current ATE areas would need to substantially increase, and fewer resources would be available to increase the enforcement. Statistically, crashes would increase and require an increased response and investigation by other public safety entities such as Davenport Fire and MEDIC EMS.

Additionally, the City of Davenport budgets an estimated revenue amount of \$600K in the General Fund from the collection of automated traffic enforcement citations, a decrease from last year's budget of \$1.1M as a result of the municipal infraction ruling. Approximately 65% of General Fund revenue supports public safety. Related thereto, this revenue budgeted from ATE revenue directly supports the Police Department's operations and is equivalent to approximately 16 Police Officer salaries within the Department.

## REQUESTED ACTION

Support legislation that creates uniformity in the use of ATE cameras.

Support legislation that enables a change to impose liability for failure to contest citations within a specified window.

Oppose any bills that are presented as complete bans on all automated traffic enforcement systems due to their connection with reducing crashes and speeds.

**SPEAKING POINTS**

- Since implementation, red-light camera presence at major Davenport intersections has reduced overall annual crashes by 58% and by 74% in the direction of enforcement.
- Automated traffic enforcement systems are significantly reducing crashes at major Davenport intersections and lowering speeds in those intersections and other urban arterials.
- The City of Davenport's FY 2020 Budget reflects a revenue estimate for speed camera citations of \$600K and directly supports Police Department operations and initiatives. This equates to approximately 16 Police Officer position salaries.

# CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 20-02 "*Legalization of Fireworks*"

December 1, 2019 (I.Korpel)



## STATEMENT OF ISSUE & BACKGROUND

As part of the 2017 legislative session, SF 489 was adopted and legalized both the use and sale of fireworks in Iowa with some parameters. The statute allows for the sale of consumer-grade fireworks out of both tent and permanent structures and allows for use/discharge during two set seasons (June 1-July 8 | December 10 – January 3). The statute does not allow cities to restrict sales, but it does allow for cities to pass formal council actions to limit or prohibit the use.

After review of the 2017 season, the City limited the discharge window to July 3 & July 4 only (2:00PM-11:00PM). The City also crafted an ordinance to permit sales in industrial zoned areas only. However, summer 2018 season still experienced a significant number of calls for service and firework related incidents ranging from injuries to structure fires. In 2019, the same window was applied. The 2018 trend of increased calls for service and fireworks-related injuries continued through the season.

Currently, administration rules have an exemption that allows the State Fire Marshal's Office to issue licenses prior to local inspection if the retailer states on their application they are in compliance with NFPA 1124. As a result, the State is approving licenses for Davenport retailers prior to the Davenport Fire Department inspecting their location. These inspections ensure that local personnel have knowledge of locations, set-up, and existing quantities on scene in the event of an incident. Additionally, the State does not enforce local city ordinances; therefore, local inspections ensure existing City code requirements. The City has had many issues over the past two years with temporary retailers who have begun selling their product prior to a local inspection being complete because of this exemption in administrative rules. This creates numerous life safety concerns and creates disproportionate regulations between temporary retailers and brick and mortar retailers.

The City of Davenport requests a change to administrative rules that in jurisdictions where local fire departments are providing the inspections for the State Fire Marshal's Office that this exemption not be allowed. Instead the City of Davenport supports the State Fire Marshal's Office approving the license only after the local jurisdiction has completed the necessary inspections.

## RELEVANT DATA

The City conducted 7 commercial firework inspections during the summer of 2019 and spent over 21 hours on inspections and state reporting. This represents over 21 hours of time that was not spent on performing local commercial inspections.

Additionally, there were numerous firework related incidents that occurred during summer 2019. These incidents included three (3) injuries, all classified as serious. There was also a dumpster fire linked to fireworks discharge.

The following exhibits illustrate the increased calls for service related to fireworks during the 2019 season by the Police Department.

**EXHIBIT 1:** Exhibit 1 illustrates the number of calls for service over the summer months for the past four years. There was a 24% increase for the summer months as a whole from 2016 to 2019.

### *Number of Calls for Service*

|       | 2016 | 2017 | 2018 | 2019 | 2016-2017 Percent Change | 2016-2019 Percent Change |
|-------|------|------|------|------|--------------------------|--------------------------|
| June  | 107  | 202  | 387  | 217  | 89%                      | 103%                     |
| July  | 359  | 456  | 409  | 368  | 27%                      | 3%                       |
| Total | 486  | 684  | 824  | 602  | 41%                      | 24%                      |

**EXHIBIT 2:** Exhibit 2 illustrates the number of arrests/citations during each calendar year and associated details.

|      | Arrests/Citations | Notes                                                       |
|------|-------------------|-------------------------------------------------------------|
| 2016 | 0                 | N/A                                                         |
| 2017 | 1                 | 1 - Arrest                                                  |
| 2018 | 18                | 17 – Use of Fireworks Outside Designated Time<br>1 - Arrest |
| 2019 | 5                 | 5 Citations - Use of Fireworks Outside Designated Time      |

### **OPERATIONAL & FISCAL IMPACTS**

It is critical that staff is able to enforce existing municipal ordinances, such as life safety violations, that apply to other brick and mortar retailers within the City of Davenport. The inability to apply and enforce local ordinances to firework retailers is not equitable to other transient vendors or permanent businesses.

### **REQUESTED ACTIONS**

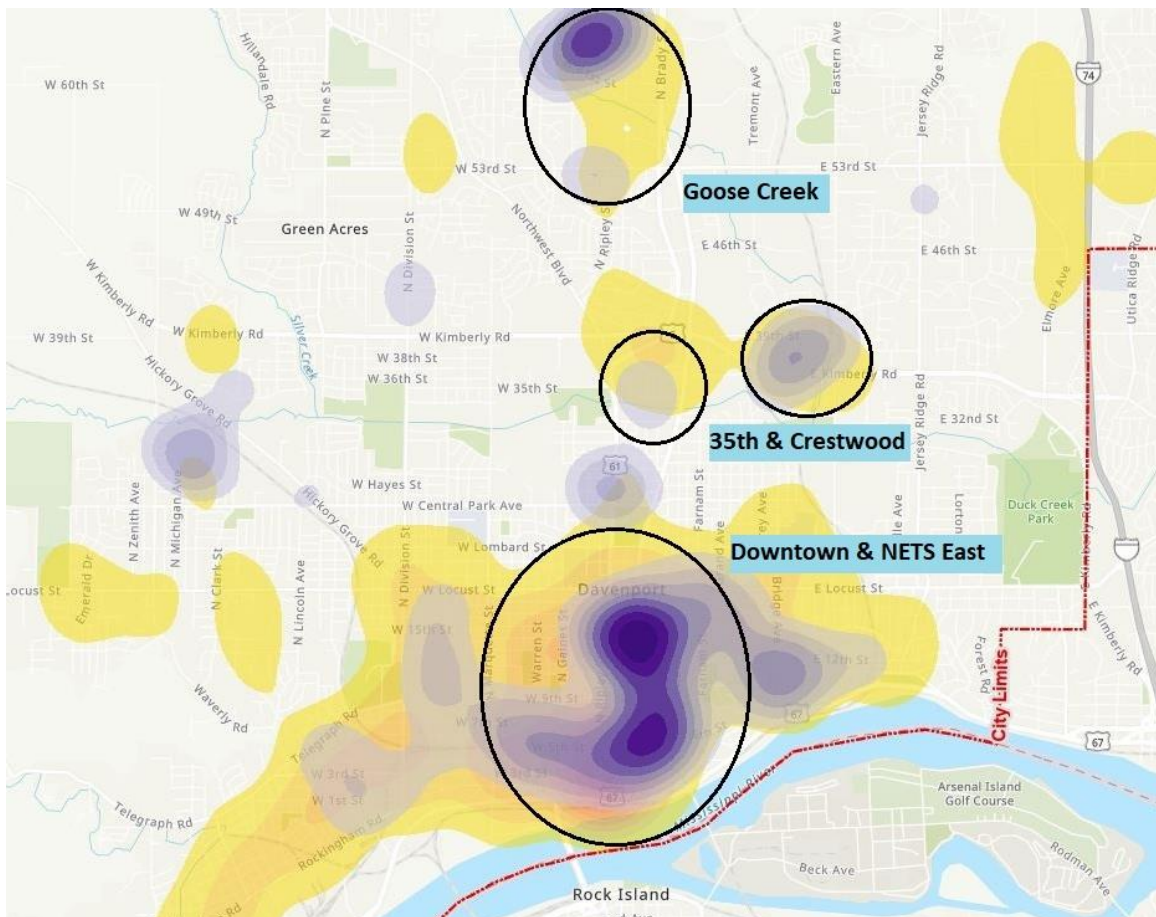
Support the creation of formal administrative rules for the application and approval of firework retailer licenses, including formal notification to Cities when a license is issued in their jurisdictions.

Support state action that supports local authority enforcement for both sales and use.

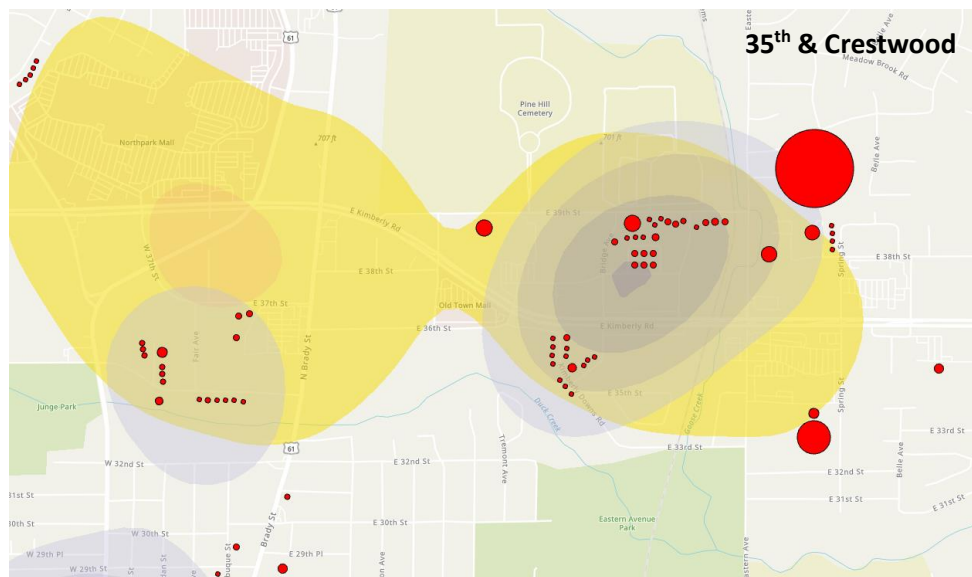
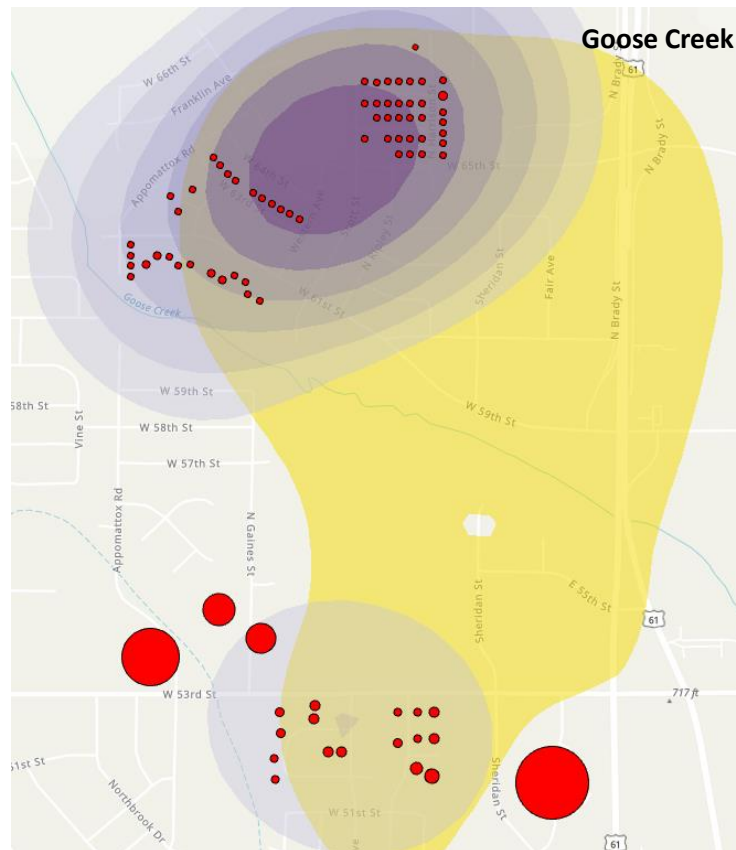
Support state action that provides local authority the capacity to revoke or suspend licenses in cases of City code violations for temporary retailers.

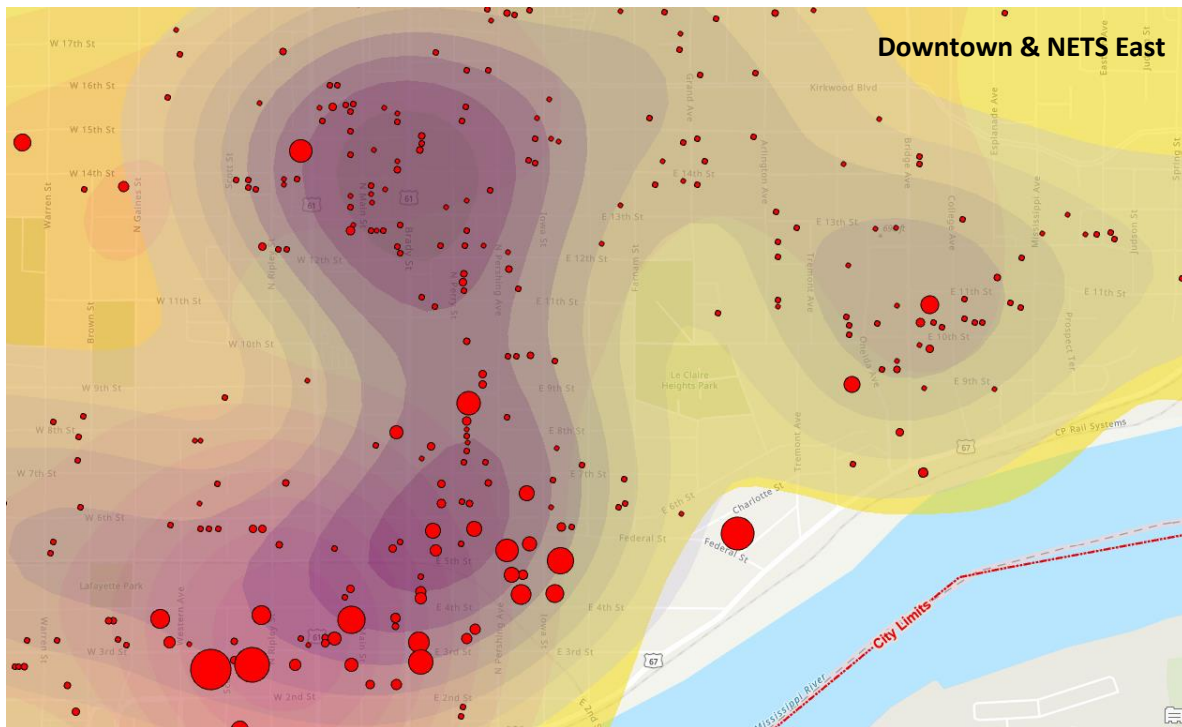
**SPEAKING POINTS**

- The City performed 7 firework retailer inspections on behalf of the state during summer 2019.
- The City requests a change to administrative rules to allow for local inspections to be completed prior to the State issuing retail licenses.
- The City should be able to enforce existing local ordinances and regulations for the safety and equity of retailers, consumers, and all citizens.
- City data shows that people continue to use fireworks despite limiting the window. The purchasing window of the state spans 38 days.



*EXHIBIT 2: This exhibit highlights the multi-residential properties (red circles) in the three locations selected in Exhibit 1. The identifying markers for multi-residential properties increase in size dependent upon the number of units at the property. **Neighborhoods with higher concentrations of multi-residential properties experience an increased number of police and fire calls for service.***

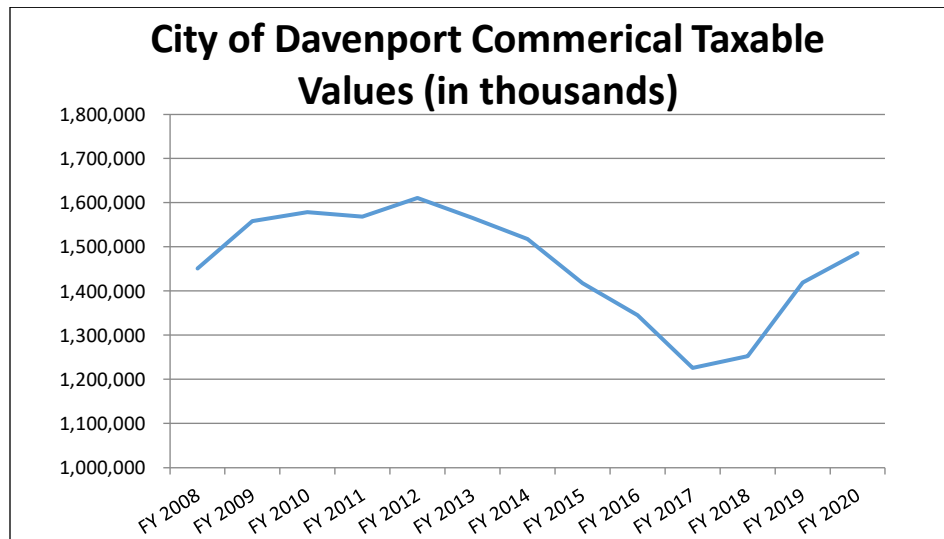




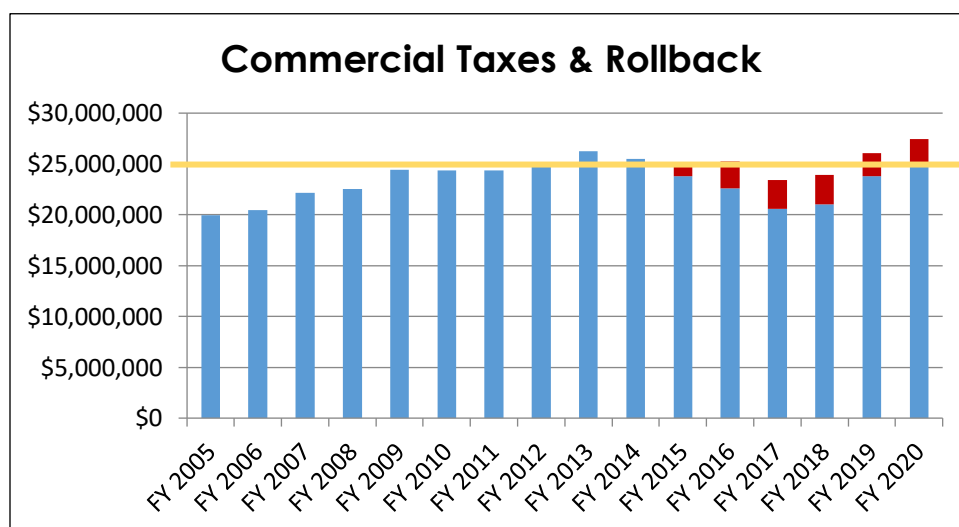
**EXHIBIT 3:** Exhibit 3 depicts the multi-residential tax implications based on the residence of the property owner. As of 2019, all Davenport multi-residential properties have a total assessed value of \$181M. In 2015, multi-residential properties paid over \$7.1M in taxes and will pay slightly less than \$4M after the rollback becomes equal to the residential level representing a \$3.14M tax payment reduction to these property owners. **The annual loss to the City of Davenport is estimated to be \$1.34M after the full effect of the new multi-residential tax scale.**

| Property Owner Residence | 2018 Multi-Res Assessed Value | Taxes Prior to Rollback | Estimated Taxes Final Rollback (2022) | Owner Tax Savings  | Annual Loss to the City |
|--------------------------|-------------------------------|-------------------------|---------------------------------------|--------------------|-------------------------|
| Davenport                | \$87,339,790                  | \$3,442,926             | \$1,928,370                           | \$1,514,556        | \$646,049               |
| Iowa                     | \$53,025,624                  | \$2,090,265             | \$1,170,749                           | \$919,515          | \$392,228               |
| Outside Iowa             | \$40,599,059                  | \$1,600,411             | \$896,384                             | \$704,027          | \$300,310               |
| <b>Total</b>             | <b>\$180,964,473</b>          | <b>\$7,133,601</b>      | <b>\$3,995,503</b>                    | <b>\$3,138,098</b> | <b>\$1,338,587</b>      |

**EXHIBIT 4:** Exhibit 4 illustrates the commercial taxable valuation over the last ten years. **FY 2020 commercial taxable values in Davenport have not recovered to their FY 2012 high prior to the implementation of SF 295.**



**EXHIBIT 5:** Exhibit 5 illustrates the amount of property taxes actually paid with the red bars illustrating the backfill payment to the City. **Without the property tax backfill payment, the City would be receiving the lowest amount of commercial property taxes since FY 2014.**



## OPERATIONAL & FISCAL IMPACTS

The elimination of the backfill for municipalities would be devastating for the City of Davenport. A chart is listed below outlining the amount of backfill received in prior years and the anticipated amount for FY 2020 (represented by an asterisk).

| Fiscal Year | Backfill Received (All Funds) |
|-------------|-------------------------------|
| FY 2020*    | \$3,007,000                   |
| FY 2019     | \$3,007,049                   |
| FY 2018     | \$2,930,164                   |
| FY 2017     | \$2,882,541                   |

Additionally, the majority of public safety personnel including both police and fire are supported primarily through property taxes. If the City of Davenport were to preserve public safety levels and make reductions in other core service areas, other departments would need to be reduced by 8.6%. This level of reductions is not a feasible option and does not allow the City to continue to provide core services to the community.

## REQUESTED ACTIONS

The City of Davenport recognizes and appreciates the Governor's commitment to fund the backfill to cities during the 2018 and 2019 legislative sessions, while also recognizing that the State has many of its own financial challenges. Davenport is hopeful that the cities and the State can continue to be partners to ensure that cities remain whole and do not have to significantly reduce services, particularly public safety services, for Iowa residents. The City of Davenport requests the following:

1. Continue to fully fund and appropriate the necessary backfill funding for Iowa cities.
2. Continue to fulfill the promise to local communities by Governor Branstad and Governor Reynolds that they would not be harmed by this legislation that resulted in the largest tax decrease Iowa has ever seen.
3. If fully funding the backfill becomes impossible, the State should work with municipalities to phase in reductions in such a way that they do not harm communities or engage a conversation regarding other funding tools such as the creation of a public safety fund, removing growth caps, etc.
4. Stop the phased in rollback with multi-residential properties at the FY 2020 level.

## SPEAKING POINTS

- Taxable growth is not outpacing general fund cost increases related to general wage and personnel costs as required by Davenport's collective bargaining agreements.
- The City of Davenport's largest concern is for public safety; public safety represents 75% of general fund and is funded almost entirely by property tax revenue.
- The City continues to struggle to make up lost revenue from the institution of the multi-residential rollback. In higher density downtown environments such as Davenport, cities must invest more

resources, and multi-residential properties represent one of Davenport's largest calls-for-service areas.

- The City recognizes Governor Reynold's leadership in the crafting and development of SF295 and especially the commitment to fund the backfill to cities. Davenport's Mayor and City Council appreciate maintaining the backfill during the 2018 and 2019 legislative sessions and hope to see the same level of commitment during the 2020 session and beyond.
- Davenport has received \$3M in backfill funds that contribute directly to the basic services in the community including police and fire. Without the backfill, Davenport will be forced to make significant cuts to basic services including both of the key public safety core competency areas.
- Despite perceived urban growth, Davenport has made significant cuts over the past decade including more than 100 full-time positions.
- Without backfill funds, Davenport would be tasked with reducing at least \$1.4M in a general fund that is capped at \$8.10/\$1,000 taxable value, and 75% of which is used to fund police and fire salaries/personnel.

# CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 20-04 "Tax Increment Financing"

December 1, 2019 (L. Berkley & S. Knutsen)



## STATEMENT OF ISSUE & BACKGROUND

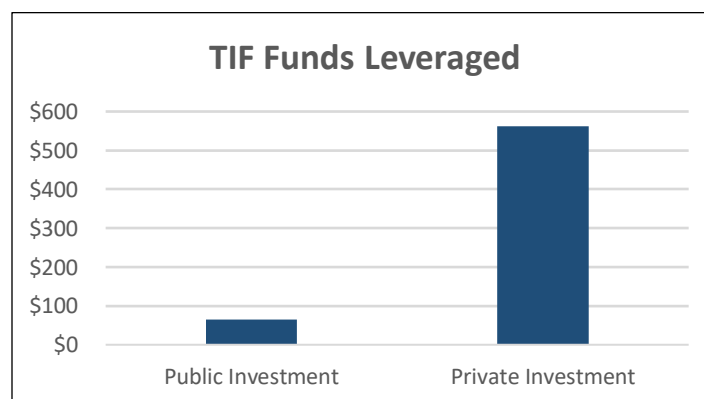
The City of Davenport utilizes Tax Increment Financing (TIF) to incent businesses that are making a large capital investment and creating new jobs in Davenport and/or are reversing blight in areas needing redevelopment. TIF has been consistently targeted by the state legislature in past sessions for modification. The City of Davenport, and the developers and businesses that invest in our City, would be directly impacted by any legislation that seeks to further regulate the use of TIF.

Iowa Code 403 allows for municipalities to use Tax Increment Financing (TIF) for a variety of economic development purposes. Davenport utilizes TIF for projects with significant job creation and capital investment. Davenport's standard TIF agreement provides companies with a 60% rebate over 15 years. Since 2009, every dollar spent in TIF has leveraged \$8.60 in private investment, resulting in over \$562M in development in Davenport. In addition, 1558 jobs have been created through projects supported with TIF.

In a globally competitive world, TIF helps position the City of Davenport and the State of Iowa as a business friendly place to do business. Davenport uses economic development agreements to help existing businesses expand and thrive in Iowa. Over the past 10 years, 10 out of 11 projects were used to assist existing business expansions.

The City of Davenport consults with local taxing jurisdictions as required by Iowa Code before utilizing TIF for a new project or expanding an Urban Renewal Area. Davenport actively engages in this process and provides taxing jurisdictions information about all projects being considered for TIF. The City does not support any legislation that would give the State or other taxing jurisdictions authority over how the City utilizes TIF.

## RELEVANT DATA



## **OPERATIONAL & FISCAL IMPACTS**

Over the past 10 years the City has seen over 1558 jobs created and \$562M in capital investment in projects assisted by TIF. This capital investment has a direct effect on increasing the City's tax base and has led to an increase in assessed value of over \$176M. This will result in over \$5.9M in annual property taxes once the TIF payment schedules are complete. All other taxing jurisdictions benefit from development incented with TIF as the City only rebates a portion of the increment back to projects, meaning that all taxing jurisdictions see a net gain in property tax revenue.

Any legislation that seeks to limit municipalities' use of TIF would have substantial impacts on cities and potential economic development. The dexterity to rebate a portion of a growing company's property taxes or to utilize some of the property tax revenue stream to create infrastructure improvements is a critical tool in the race of business growth. The City of Davenport partners with the State of Iowa Economic Development Authority for the creation of new high quality jobs within primary job sectors. A part of the requirement for the State's High Quality Jobs program is to match a portion of the State's award. The TIF program is one manner in which cities can meet this requirement.

## **REQUESTED ACTION**

Oppose any legislation that may arise that seeks to limit the City's ability to use Tax Increment Financing, allowing it to be a flexible and powerful tool for business retention and attraction.

## **SPEAKING POINTS**

- In the past 10 years Davenport has seen \$562M in private investment and over 1550 jobs created as a direct result of utilizing TIF as an economic development tool.
- All other taxing jurisdictions also benefit in net tax revenue when the City utilizes TIF to incent development within the City.
- The City does not support any other taxing jurisdiction having authority over the City's ability to negotiate economic development projects.

# CITY OF DAVENPORT, IOWA

City Administrator's Office

Issue Paper 20-05 "Economic Development Tax Credits"

December 1, 2019 (L. Berkley & S. Knutsen)



## STATEMENT OF ISSUE & BACKGROUND

The City of Davenport utilizes many different programs to help make needed and/or necessary development financial feasible. State tax credits provided by Historic, Brownfield and Grayfield, Workforce Housing and High Quality Jobs program help to bridge financial gaps and encourage development that might not otherwise occur. The City of Davenport, developers and businesses that invest in our City, would be directly impacted by any legislation that seeks to limit the use of these vital tax credit programs. A brief outline for uses of all programs is provided below.

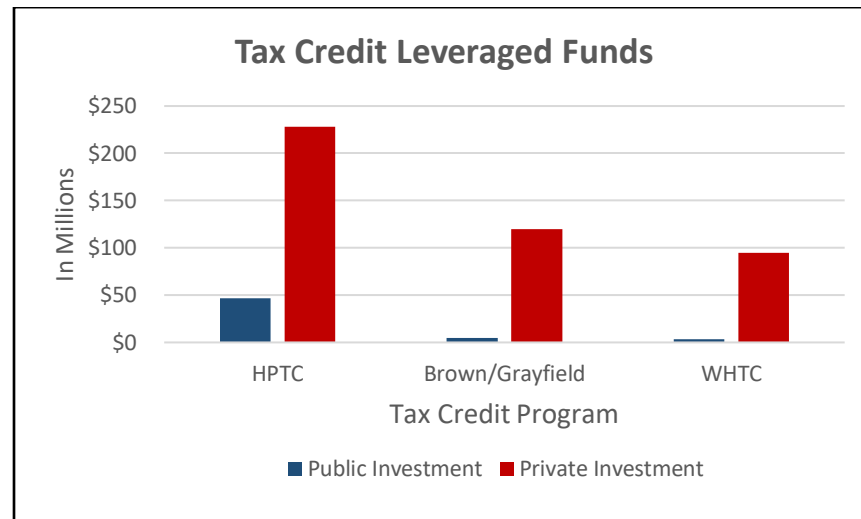
**Historic Tax Credits:** The Historic Preservation Tax Credit Program has been a vital component to the revitalization of Davenport's downtown area. The HPTC is administered by the State and provides a 25% state income tax credit of qualified rehabilitation expenditures associated with the project. Tax credits are transferrable and may be refunded or carried forward for five years or until depleted. Currently, the State has allocated \$45M for Historic Preservation Tax Credits. Since 2011, Davenport developers have received approximately \$47M in tax credits, which resulted in over \$228M in private investment in Davenport's downtown and urban core neighborhoods.

**Brownfield & Grayfield Credits:** Redevelopment Tax Credits for Brownfield and Grayfield sites are an important tool that assists properties where potential or real contamination is a concern or where a property is vacant, blighted or obsolete. Ten projects in Davenport have utilized this program since 2012. Together these projects represent nearly \$120M in finished or planned private investment. The tax credit associated with this is a fraction of the total private investment at just over \$5M.

**Workforce Housing Tax Credits:** This program provides tax credits to developers to provide housing. There is a focus on projects that involve abandoned, empty or dilapidated properties. Since 2015, 10 projects in Davenport have received a total of \$3.6M in Workforce Housing Tax Credits. Together these projects represent over \$95M of private investment in underway and finished projects.

**High Quality Jobs Program:** This program provides qualifying businesses assistance to off-set some of the costs they incur when then choose to locate, expand or modernize a facility in Iowa. In a comparison of Midwestern states, all other states offer some sort of program similar to the HQJ Program. Iowa takes steps to secure the tax credits with claw blacks for underperforming projects and also limits the cap on tax credits for individual projects. Over the past 10 years, 14 Davenport businesses have committed to nearly \$500M in private investment in return for \$9.5M in tax credits. ***This is equal to \$51.84 in private funds for every one dollar of HQJP tax credits.*** The tax credits associated with the High Quality Jobs Program primarily support manufacturing job creation which has a multiplying factor that spreads out into the community.

## RELEVANT DATA



## OPERATIONAL & FISCAL IMPACTS

The tax credits offered by the State have helped to encourage many projects that might not otherwise have occurred. This includes rehabilitation of long vacant properties in Downtown Davenport and urban core neighborhoods. Many of the projects in Downtown Davenport would not be economically feasible without the contributions of these tax credit programs. The redevelopment equate to higher property tax dollars flowing into the community, renovated or new living spaces for residents. If the State Legislature cuts the annual allocation of these programs, many of the projects currently in the planning stages will not come to fruition. With federally sponsored Opportunity Zone funds flowing into the State, it is more critical than ever to support these worthy project.

## REQUESTED ACTION

Oppose any legislation that may arise that seeks to decrease the amount of Historic Preservation Tax Credits, Redevelopment Tax Credits for Brown and Grayfields, Workforce Housing and High Quality Jobs programs available for businesses and developers.

## SPEAKING POINTS

- Over the past 10 years, 66 individual Davenport projects have invested more than \$800M in private funds to make the area a better place to live and work.
- HPTC, Brown and Grayfield Tax Credits and WHTC are essential tools for developers who have projects in Downtown Davenport, and without them many projects would not be completed, stalling the redevelopment of our downtown and urban core neighborhoods.
- The High Quality Jobs Tax Credit encourages businesses to invest in Iowa instead of neighboring states. With a return of over \$51 in private funds per \$1 of investment tax credit, this is a critical program to incent business development within the State.

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Steve Ahrens 563-888-2235  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Resolution for concurrent approval of the license agreement with American Cruise Lines, Inc.  
[Ward 3]

Recommendation:  
Adopt the Resolution.

Background:  
Like Viking, American Cruise Lines, is seeking agreements for portage with identified communities along the Mississippi River. With this license agreement, beginning in 2020, American will shift its existing Davenport portage from Oneida Landing to River Heritage Park.

Given its need for a deep water port, American Cruise Lines plans to use a section of the river wall at River Heritage Park to on and off-board its passengers. The river wall along River Heritage Park has adequate capacity and is envisioned to be able to provide portage for a number of vessels.

The license agreement provides for \$1.00 per passenger traveling as well as a contribution of up to \$30,000.00 for agreed upon site enhancements. The agreement outlines the short, as well as the long term capacities when Viking is set to begin excursions in 2022. The term is for twenty years with two 10 year extensions.

The Riverfront Improvement Commission approved the license agreement at its regular meeting on December 17, 2019. For agreements with a term beyond three years in length, the City Council must approve concurrently.

ATTACHMENTS:

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

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 1/3/2020 - 11:28 AM |

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

Resolution offered by Alderman Gripp

RESOLVED by the City Council of the City of Davenport.

RESOLUTION for Concurrent Approval of the License Agreement with American Cruise Lines, INC.

WHEREAS, like Viking, American Cruise Lines, is seeking agreements for portage with identified communities along the Mississippi River,

AND WHEREAS, With this license agreement, beginning in 2020, American will shift its existing Davenport portage from Oneida Landing to River Heritage Park,

AND WHEREAS, Given its need for a deep water port, American Cruise Lines plans to use a section of the river wall at River Heritage Park to on and off-board its passengers. The river wall along River Heritage Park has adequate capacity and is envisioned to be able to provide portage for a number of vessels,

AND WHEREAS, The license agreement provides for \$1.00 per passenger traveling as well as a contribution of up to \$30,000.00 for agreed upon site enhancements. The agreement outlines the short, as well as the long term capacities when Viking is set to begin excursions in 2022. The term is for twenty years with two 10 year extensions,

AND WHEREAS, The Riverfront Improvement Commission approved the license agreement at its regular meeting on December 17, 2019. For agreements with a term beyond three years in length, the City Council must approve concurrently.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that concurrent approval of the license agreement with American Cruise Lines, INC is hereby given.

Approved:

Attest:

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

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

## LICENSE AGREEMENT

This **LICENSE AGREEMENT** (the “**Agreement**”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2020, but not to be effective until the Effective Date (defined below), by and between the CITY OF DAVENPORT, IOWA, a municipal corporation (hereinafter referred to as “**Grantor**”); and AMERICAN CRUISE LINES, INC hereinafter referred to as “**Grantee**”;

### Recitals

WHEREAS, Grantor owns certain immovable property abutting the Mississippi River known as the River Heritage Park, and more particularly shown on Exhibit A hereto (the “**Land**”); and

WHEREAS, Grantor owns certain improvements on the Land that enable cruise vessels to dock and disembark from river cruise vessels onto the Land (the “**Improvements**”); and

WHEREAS, Grantee has agreed to contribute financing to the construction of certain enhancements to the Improvements in exchange for a first priority right and license to use the Improvements, and other consideration as described herein.

### 1. BASIC PROVISIONS.

A. The above recitals are incorporated by reference herein and made a part hereof. All Exhibits annexed hereto are hereby made a part hereof.

B. Land. The Land consists of approximately 6.2 acres of immovable property including a park and ancillary structures, including a parking lot. The Land abuts the Mississippi River and Grantor owns good title to all Land and water rights as depicted in the attached diagram.

C. Improvements. Grantor owns certain existing docking facilities that will accommodate Grantee’s vessels and other cruise vessels. Grantee desires a docking facility that will accommodate its vessels and provide a first class experience for its guests, and may agree to partner with Grantor to enhance the existing Improvements, including but not limited to adding utilities and improved access (“**Enhancements**”). Grantor shall contract with a licensed contractor to make the Enhancements and shall enter into all contracts, plans, permits and construction documents in its own name, and Grantee shall not be a party to any contracts related to the construction and maintenance of the Enhancements. Grantor agrees that Grantee and Grantee’s engineer shall have input in the design and shall be consulted to ensure the design and functionality of the Enhancements meet Grantee’s needs. Grantor and Grantee agree that Grantee has agreed to participate in the design and construction of the Enhancements to ensure that Grantee has access from the river to the public rights of way abutting the Land. In the event that the Improvements, as improved with the Enhancements, do not accomplish this purpose, Grantee may terminate this Agreement upon thirty (30) days’ notice to Grantor, and Grantor shall immediately return any contributions made by Grantee to construction or design of the Enhancements. Grantor shall notify Grantee of the completion of the Enhancements, and Grantee shall have thirty (30) days from the date of this notice of completion to send the notice of termination described immediately above.

D. Grant of License (Long Term). Grantor hereby grants to Grantee during the Term (as defined below) and on the terms and conditions set forth herein a first priority right and irrevocable nonexclusive license to occupy the Improvements within the area defined as Parcel B in Exhibit A, subject to the terms and conditions of this Agreement. Grantee shall have first docking rights, based on the schedule provided by Grantee to Grantor twelve months prior to the use of the Improvements. In the event water conditions or emergencies cause changes in the scheduled use of the Improvements, Grantor shall notify Grantee first of such changes, noting which dates are available for docking and Grantee shall have five days to elect any such open dates for docking, or in the event such date is less than five days away, Grantee shall have no less than twenty-four hours during which it may elect such open dates before Grantor offers open dates to other vessel operators. In addition to the Improvements constructed as part of this Agreement, Grantee and its guests and invitees shall have the right to use any parking lot on the Land for parking in conjunction with loading and unloading buses, and other reasonable uses ancillary to the use of the Improvements, including allowing service and maintenance vehicles to access any docked vessel or make repairs or improvements to the docking facilities. Grantor and Grantee agree that this license is not exclusive and that Grantor intends to allow other cruise operators to use the Improvements; provided however that Grantee shall have the first selection of dates as provided in this paragraph.

E. Temporary Grant of License (Short Term). Grantor hereby grants to Grantee through December 2021 and on terms and conditions set forth herein a first priority right and nonexclusive license to occupy the Improvements within the area defined as Parcel A in Exhibit A, subject to the terms and conditions of this Agreement. Grantee shall have first docking rights, based on the schedule provided by Grantee to Grantor twelve months prior to the use of the Improvements. In the event water conditions or emergencies cause changes in the scheduled use of the Improvements, Grantor shall notify Grantee first of such changes, noting which dates are available for docking and Grantee shall have five days to elect any such open dates for docking, or in the event such date is less than five days away, Grantee shall have no less than twenty-four hours during which it may elect such open dates before Grantor offers open dates to other vessel operators. Grantor and Grantee agree that this license is not exclusive and that Grantor intends to allow other cruise operators to use the Improvements; provided however that Grantee shall have the first selection of dates as provided in this paragraph. This Temporary Grant of License (Short Term) is intended to accommodate Grantee to dock at Parcel A until such time as Viking USA, LLC is scheduled to dock at Parcel A. This Temporary Grant of License (Short Term) shall not override or displace Viking USA, LLC from Parcel A and Grantor shall have full discretion to immediately revoke this temporary license if scheduling conflict arises between Grantee and Viking USA, LLC. Nothing in this Section 1.E shall prohibit improvements being made by Grantor or with Grantor's permission to the Land including access to the Land on a schedule at Grantor's sole determination.

F. Term. This Agreement shall become effective on April 1, 2020 ("**Effective Date**"). The initial term of this Agreement and the license and right of use granted hereunder (as may be extended, the "**Term**") shall commence on the date Grantee docks its first vessel at the Improvements ("**Commencement Date**") and shall terminate twenty (20) years from such date,

unless terminated earlier pursuant to the terms of this Agreement (the “**Termination Date**”), with Grantee having the right to extend the Term by two (2) ten (10) year extensions, exercisable by Grantee in its sole discretion. The terms of any extension term shall be as set forth in this Agreement. Either party may terminate this Agreement by providing the other party with thirty (30) days written notice prior to the Effective Date.

G. Consideration. In exchange for the grant of the license described herein, Grantee agrees to contribute up to a maximum of \$30,000.00 for the cost of the Enhancements. Grantor shall deliver receipts, draw requests or invoices from the contractor detailing costs incurred to Grantee along with a request for funding. Grantee shall have fifteen (15) days from the receipt of such documentation to conduct any inspections of the Enhancements, request any further documentation or question any documentation it has received. In the event that Grantee notes any noncompliance of the terms of the construction designs agreed upon by the parties, or any costs or charges with which it disagrees, Grantee shall notify Grantor within such 15 day period, and Grantor shall have five (5) days to respond to such notice by scheduling a meeting with the Grantee and/or the contractor to resolve any outstanding issues. Grantee agrees that if it fails to notify Grantor of any noncompliance within such 15 day period, it shall deliver to Grantor the requested funding (up to a maximum of \$25,000.00) to Grantee within fifteen (15) days.

H. Maintenance. All Improvements shall be owned, controlled and maintained by Grantor, and Grantee shall bear no obligation or liability related thereto. Grantor agrees to maintain the Improvements as a safe and usable docking facility, and shall conduct such upgrades and repairs as to maintain the condition as originally designed and constructed. In the event that the Improvements are not maintained in a usable manner, Grantee may notify Grantor of any deficiencies and Grantor shall have ninety (90) days to remedy such deficiencies to Grantee’s satisfaction. Grantor agrees that prior to allowing other vessels to use the Improvements, it will enter into a written agreement with such user setting out the terms of use, any agreed upon fee structure, adequate insurance requirements, and other policies and procedures that will ensure that the Improvements are used and maintained in a safe, neat, and reasonable manner.

I. Rent. Subject to the credit described in Section I below, the rental amount owed by Grantee for the use of the Improvements shall be \$1.00 per passenger travelling (regardless of booking numbers) on each Grantee cruise which rental amount shall be applicable during the first twenty (20) years of the Term. Following completion of the initial term, the parties shall have the right to renegotiate the rental amount for the first extension period and any subsequent extension term. Fees shall be paid monthly to Grantor, not later than 60 days after they are incurred.

J. Docking Fee; Rental Credit. Grantor shall have the right to negotiate docking fees for any other vessels that use the Improvements. In the event the Grantor charges other vessels to utilize the Improvements, Grantor shall credit the amount Grantee owes in Rent one dollar (\$1.00) per passenger plus fifty-percent (50%) of any amounts received in docking fees from such third party cruise vessel that docks at the Improvements until Grantee has received up to 50% of any Grantee share of the Enhancements per Section F, with a maximum of \$15,000.00 in credit, at which point Grantee shall commence its rental obligations to Grantor as provided herein.

K. Additional Improvements. In the event that Grantee deems it necessary or appropriate for additional improvements to be constructed on the Land, including improvements from the low main water line of the river to provide access from river vessels onto land, Grantee shall notify Grantor of the proposed design and cost of such additional improvements. In the event that such improvements are similar in design and cost as other improvements contemplated by Grantor in its master plan for the waterfront development, Grantor and Grantee shall work to prioritize the construction of such improvements, with Grantee setting aside additional funding for such improvements in the same proportion as it shall provide for the initial Improvements described herein, in exchange for a credit for such costs against Rent as provided for herein. If the additional improvements Grantee requests are not similar in design and cost to those in Grantor's master plan, or in the event Grantor does not have plans for additional improvements on the Land, Grantee shall work with Grantor's engineers and planners to determine if such improvements comply with all existing land use plans for the area. Grantor agrees to use all diligence to review and approve Grantee's designs, or to work with Grantee to accommodate similar improvements into a plan Grantor can implement in accordance with this paragraph. All such improvements constructed on the Land, regardless of Grantee's role in designing or contributing to the cost of construction, shall be and remain the property of Grantor.

## **2. USE OF SPACE/WAIVER OF RESPONSIBILITY**

Grantee shall use the Improvements solely for docking cruise vessels, disembarking and reloading cruise passengers, and servicing its vessels. Any changes to this use must first be approved in writing by Grantor, which may be granted or denied in its sole discretion. Grantee acknowledges that the use and occupancy of the Improvements, the Land, and adjacent areas is at its own risk, cost and expense and on an "as-is" and "where is" basis. Grantee agrees to assume sole and exclusive responsibility for any loss (including personal and bodily injury or property damage) which may be sustained by Grantee, its employees, agents, representatives, guests, invitees, or property.

## **3. INDEMNITY**

To the fullest extent provided by law, and except for claims arising from the gross negligence, recklessness, or willful misconduct of Grantor, Grantee agrees to indemnify, defend, and hold harmless Grantor, and any of Grantor's affiliated entities, and their respective agents, employees, representatives, invitees, and grantees, of and from any and all claims, demands, suits, damages, expenses, penalties, fees, fines, proceedings, and liabilities (including, without limitation, costs of defense, investigation, and adjustment) arising out of or in connection with the Grantee's use and occupancy of the Improvements; or from the conduct of Grantee's business, or from any activity, work or things done, permitted, or suffered by Grantee in or about the Improvements or elsewhere; or from any breach or default in the performance of any obligation on Grantee's part to be performed under the terms of this Agreement; or from any act or omission of Grantee; and from and against all costs, reasonable attorneys' fees, and expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is

brought against Grantor by reason of any such claim, Grantee, upon notice from Grantor, shall defend the same at Grantee's sole expense by counsel reasonably satisfactory to Grantor.

To the fullest extent provided by law, and except for claims arising from the gross negligence, recklessness, or willful misconduct of Grantee, Grantor agrees to indemnify, defend, and hold harmless Grantee, and any of Grantee's affiliated entities, and their respective agents, employees, representatives, invitees, and grantees, of and from any and all claims, demands, suits, damages, expenses, penalties, fees, fines, proceedings, and liabilities (including, without limitation, costs of defense, investigation, and adjustment) arising out of or in connection with the design, construction or maintenance of the Improvements or the condition of the Land; or from the conduct of Grantor's business, or from any activity, work or things done, permitted, or suffered by Grantor in or about the Improvements, the Land, or elsewhere; or from any breach or default in the performance of any obligation on Grantor's part to be performed under the terms of this Agreement; or from any act or omission of Grantor; and from and against all costs, reasonable attorneys' fees, and expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. If any action or proceeding is brought against Grantee by reason of any such claim, Grantor, upon notice from Grantee, shall defend the same at Grantor's sole expense by counsel reasonably satisfactory to Grantee.

The provisions of this Article 3 shall survive the expiration or earlier termination of this Agreement.

#### **4. INSURANCE; CASUALTY**

A. Insurance Obligations. Both Grantor and Grantee agree to maintain adequate liability and property insurance coverage for their owned Improvements, including, in the case of Grantor, the land underlying any improvements and all land abutting the docking facility. Grantee acknowledges that Grantor's current, respective property and liability coverage plan (including self-funded components) are adequate. The aforesaid policies shall (i) be provided at the insured's expense; (ii) be on an occurrence basis; (iii) name Grantor, as appropriate, as an additional insured under any general liability policy; (iv) be issued by an insurance company with a minimum Best's rating of "A-:VII" as of the Commencement Date; and (v) provide that said insurance shall not be canceled unless 30 days prior written notice (10 days for non-payment of premium) shall have been given to the additional insureds. A certificate of liability insurance shall be delivered to each additional insured prior to the Commencement Date and at least 30 days prior to each renewal of said insurance.

B. Casualty. In the event of damage or destruction of the Improvements, Grantor shall promptly notify Grantee of any modifications or cancellations to the schedule that may be required by such damage or subsequent repair, and the provisions of Section 1.D shall apply. Grantor agrees to promptly repair, to the same or better condition as originally designed, any Improvements damaged or destroyed. In the event that Grantee cannot utilize the Improvements for the purposes described herein, or in the event the Improvements are not repaired or maintained in a first class

manner, Grantee may notify Grantor of any deficiencies and Grantor shall have ninety (90) days to remedy such deficiencies to Grantee's satisfaction.

## **5. WAIVER OF SUBROGATION**

Nothing in this Agreement shall be construed so as to authorize or permit any insurer of Grantee or Grantor to be subrogated to any right of Grantee or Grantor against the other party arising under this Agreement, and each of Grantee or Grantor shall cause each fire and extended coverage insurance policy or all risk insurance policy that it maintains to provide that the insurance company waives all rights of recovery by way of subrogation against the other party. Notwithstanding anything to the contrary contained in Section 4, above, Grantee or Grantor each hereby release the other from any loss or damage to the injured party's property (real or personal) located within or constituting a part of or all of the Improvements, even if such incidents were brought about by the act, fault or negligence of the party released (or persons for whose acts or negligence the other party released is responsible). This waiver and release shall apply to the extent the loss or damage is covered by: (i) the injured party's insurance; or (ii) the insurance the injured Party is required to carry under this Agreement, whichever is greater.

## **6. NON-TRANSFERABLE**

Except to an entity wholly owned by Grantee, neither this Agreement nor the license and right of use granted hereunder may be assigned, delegated, or otherwise transferred, including by operation of law, without the prior written consent of Grantor in Grantor's sole discretion.

## **7. DEFAULT**

The failure by either party to observe or perform any of the terms, covenants, or conditions of this Agreement to be observed or performed by such party, where such failure has continued for a period of twenty (20) days after written notice thereof from the non-defaulting party shall constitute a default and breach of this Agreement by such party.

## **8. REMEDIES**

A. Grantor Remedies. If any default by Grantee shall continue uncured following notice of default, then Grantor may, at its option and without notice, terminate this Agreement and declare the Term ended, and, with or without process of law, refuse docking rights and use of the Improvements by Grantee, all without prejudice to any remedies which might otherwise be available to Grantor. Such termination, expulsion or removal shall not affect the liability of Grantee for other obligations under this Agreement.

Failure of Grantor to exercise its rights in connection with any breach or violation of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition contained in this Agreement.

All of Grantor's remedies shall be cumulative and not exclusive of other available remedies at law, in equity or otherwise.

B. Grantee Remedies. If any default by Grantor shall continue uncured following notice of default, then Grantee may, at its option, notify Grantor that it intends to remove Grantor from its schedule pending cure of any default, or that it intends to continue to dock at the Improvements, but withhold Rent due hereunder until such time as the default has been cured to Grantee's satisfaction. If such default is not cured within one hundred eighty (180) days of Grantee's abatement of Rent, Grantee may, with written notice to Grantor, terminate this Agreement and declare the Term ended, all without prejudice to any remedies which might otherwise be available to Grantee.

Failure of Grantee to exercise its rights in connection with any breach or violation of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition or any subsequent breach of the same or any other term, covenant or condition contained in this Agreement.

All of Grantee's remedies shall be cumulative and not exclusive of other available remedies at law, in equity or otherwise.

## **9. TERMINATION**

Because of the consideration being paid by Grantee, other than due to a default by Grantee that remains uncured beyond the applicable cure period, Grantor may not terminate this Agreement prior to the end of the Term; however, Grantor may terminate this Agreement, as specified below, if Grantee, for reasons other than those out of Grantee's control, such as river conditions or force majeure, does not dock at the Land at least eight (8) times during an annual cruise season. Grantee may terminate this Agreement at any time prior to the expiration of the Term upon written notification to Grantor specifying the date of termination, which shall not be less than sixty (60) days after delivery of such notice.

Further, Grantee agrees that it shall not block another licensee's ability to dock and/or connect to the Land. Interference with another license shall be grounds for termination of the Agreement by Grantor.

Upon the termination of this Agreement, by expiration or otherwise, Grantee shall surrender the Improvements to Grantor free from all debris and personal property of Grantee. All alterations, additions, improvements and decorations made to the Improvements by Grantee that remain after expiration or earlier termination of the Term shall become the property of the Grantor unless Grantor shall require Grantee, at Grantee's expense, to remove any or all fixtures and other equipment and personal property owned by Grantee from the Improvements. Any and all fixtures and other equipment and personal property owned by Grantee may (and upon Grantor's request shall) be removed from the Improvements by Grantee no later than the termination date, provided

that all terms and conditions of this Agreement have been complied with and provided further that Grantee shall repair any and all damage caused by such removal.

## **10. RELATIONSHIP OF PARTIES**

The relationship hereunder between Grantor and Grantee is that of Grantor/Grantee, and no relationship of employer/employee, master/servant, landlord/tenant, joint venturers or partners shall be deemed to exist between Grantee and Grantor by virtue of this Agreement.

## **11. NOTICES.**

Any notice which may be given pursuant to this Agreement shall be delivered postage pre-paid (a) via certified mail, return receipt requested, (b) via overnight courier, or (c) via in-person delivery, to the following addresses:

If to Grantor:

City of Davenport  
226 W. 4<sup>th</sup> Street  
Davenport, Iowa 52801  
Attention: City Administrator

If to Grantee:

American Cruise Lines, Inc.  
Attn:

For purposes of this License notice will also deemed to have been properly sent if such is sent by electronic delivery (e-mail) provided that confirmation of such is received or can be documented.

## **12. MISCELLANEOUS**

A. Headings. The article, section and other headings of this Agreement are for convenience of reference only and shall not be construed to affect the meaning of any provision contained herein.

B. Entire agreement. This Agreement, including all the attachments hereto, embodies the entire agreement between the parties and supersedes all prior agreements and understandings, if any, relating to the subject matter hereto.

C. Amendments and waivers. No amendment of any provision of this Agreement shall be valid unless the same shall be in writing and signed by the parties. No waiver by either party of any default, misrepresentation, or breach of warranty or covenant hereunder, whether intentional

or not, shall be deemed to extend in to any prior of subsequent default, misrepresentation, or breach of warranty or covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

D. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. The parties contemplate that they may be executing counterparts of this Agreement transmitted by electronic mail and agree and intend that a signature delivered by electronic mail shall bind the party so signing with the same effect as though the signature were an original signature.

[Signature Page(s) to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written, but to be effective as of the Effective Date.

**GRANTEE:**

AMERICAN CRUISE LINES, INC.

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

Name:

Its:

**GRANTOR:**

RIVERFRONT IMPROVEMENT COMMISSION  
CITY OF DAVENPORT, IOWA

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

Name: Dee Bruemmer, Chair

Its:

## EXHIBIT A

### *The Land*



NOVEMBER 27, 2019

City of Davenport

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

**Action / Date**  
**1/15/2020**

Subject:  
Resolution setting a Public Hearing for the FY21 Proposed Property Tax Levy. [All Wards]

Recommendation:  
Adopt the Resolution.

Background:  
This resolution sets a Public Hearing for Wednesday, February 5, 2020, at 5:30 p.m. for the purpose of receiving public comment on the City of Davenport's proposed maximum property tax levy rate and amount for the FY21 Budget. The public is invited to attend the Public Hearing.

ATTACHMENTS:

| Type                | Description |
|---------------------|-------------|
| ▢ Resolution Letter | Resolution  |

REVIEWERS:

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 1/2/2020 - 4:23 PM |
| Finance Committee | Wright, Brandon | Approved | 1/2/2020 - 4:23 PM |
| City Clerk        | Admin, Default  | Approved | 1/3/2020 - 9:26 AM |

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

Resolution offered by Alderman Condon

RESOLVED by the City Council of the City of Davenport.

RESOLUTION to set a Public Hearing for the FY21 Proposed Property Tax Levy.

WHEREAS, a PublicHearing is set for Wednesday, February 5, 2020, at 5:30 p.m. for the purpose of receiving public comment on the City of Davenport's proposed maximum property tax levy rate and amount for the FY21 Budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Public Hearing for the FY21 Maximum Property Tax Dollars will be Wednesday, February 5, 2020, at 5:30 p.m.

Approved:

Attest:

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

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

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion approving the following noise variance request on the listed dates and times.

Quad Cities Chamber of Commerce; Icestravaganza; Freight House parking lot 401 W River Dr;  
Friday, January 17, 2020 6:00 p.m. - 8:00 p.m. and Saturday, January 18, 2020 11:00 a.m. - 4:00  
p.m. and 6:00 p.m. - 8:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Recommendation:  
Pass the Motion.

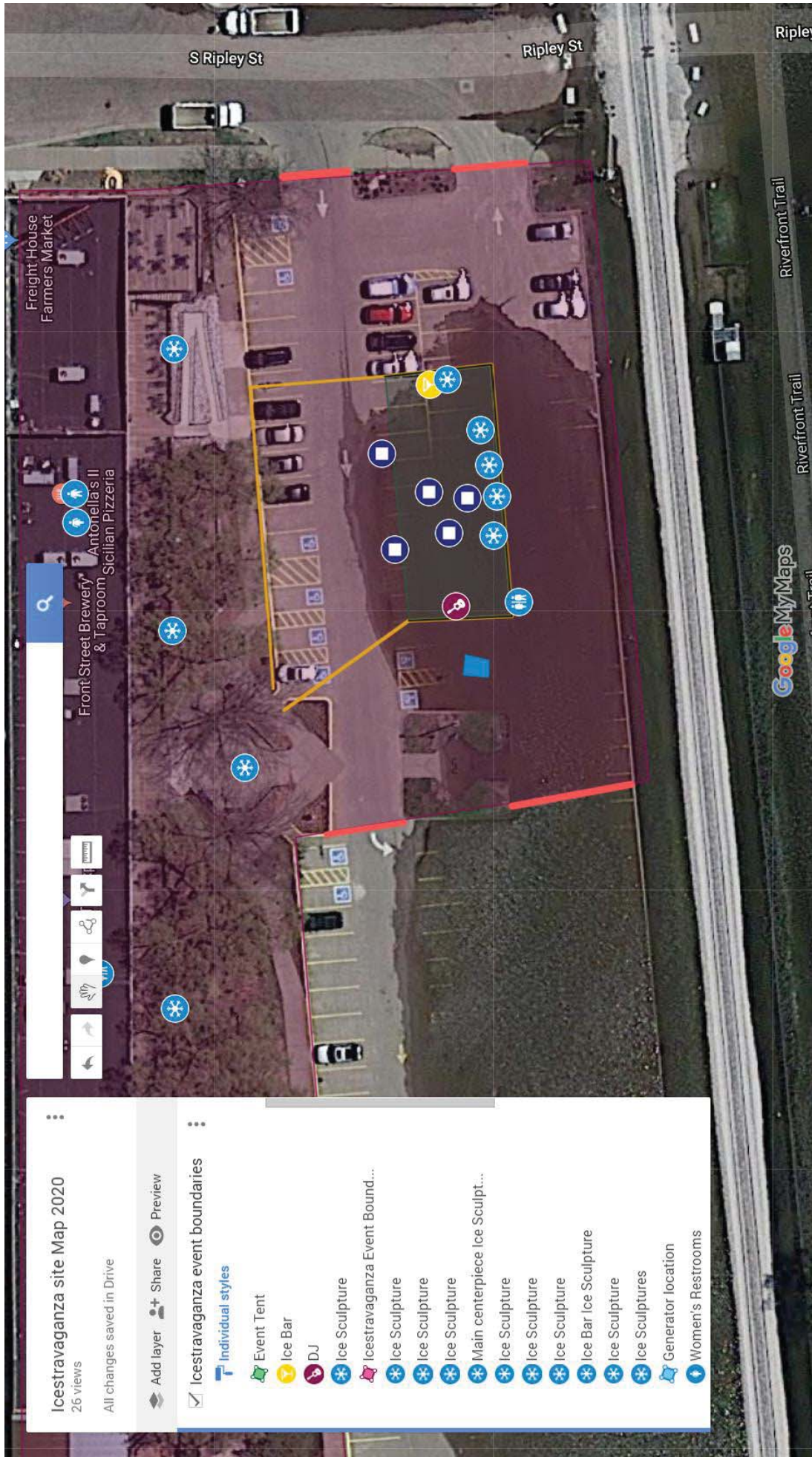
Background:  
The following requests for noise variances have been received pursuant to the Davenport  
Municipal Code Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

ATTACHMENTS:

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

REVIEWERS:

| Department    | Reviewer       | Action   | Date                 |
|---------------|----------------|----------|----------------------|
| Public Safety | Admin, Default | Approved | 11/19/2019 - 4:00 PM |



## Icestravaganza site Map 2020

26 views

All changes saved in Drive

Add layer + Share Preview

☒ Icestravaganza event boundaries

Individual styles

Event Tent

Ice Bar

DJ

Ice Sculpture

Icestravaganza Event Bound...

Ice Sculpture

Ice Sculpture

Ice Sculpture

Main centerpiece Ice Sculpt...

Ice Sculpture

Ice Sculpture

Ice Sculpture

Ice Bar Ice Sculpture

Ice Sculpture

Ice Sculptures

Generator location

Women's Restrooms

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Sherry Eastman 563-326-7795  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion approving beer and liquor license applications.

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

**Ward 3**

Stompbox Brewing (JPX2ME, LLC) - 210 E River Dr - Outdoor Area - License Type: Class C Liquor

**Ward 6**

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) - 5270 Elmore Ave, Unit 3 - Ownership Update - License Type: Class C Liquor

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

**Ward 2**

Big 10 Mart (Molo Oil Company) - 2308 W 53rd St - License Type: Class C Beer - Carry Out/WBN

**Ward 3**

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

Dam View Inn (Vandamqc LLC) - 410 E 2nd St - Outdoor Area License Type: Class C Liquor - On Premise

Danceland (Danceland LTD) - 501 1/2 W 4th St - License Type: Class C Liquor - On Premise

Express Lane Gas & Food Mart (Expresslane Inc) - 1139 Brady St - License Type: Class C Beer - Carry Out/WBN

Front Street Brewery (Front Street Brewery Inc) - 208 E River Dr - Outdoor Area License Type: Class C Liquor - On Premise

Raw Bar (Rawbar) - 136 E 3rd St Suite A - Outdoor Area License Type: Class C Liquor - On Premise

**Ward 4**

Hilltop Grocery (Hilltop Grocery Llc) - 1312 Harrison St - License Type: Class E Liquor - Carry Out/BC/WB

St. Ambrose University (Sodexo America, Llc) - 518 W Locust St - Outdoor Area License Type: Class C Liquor - On Premise

### **Ward 5**

Aldi, Inc #15 (Aldi, Inc) - 1702 Brady (Midtown Plaza) - License Type: Class C Beer - Carry Out/WB

### **Ward 6**

Hy-Vee #4 (Hy-Vee, Inc) - 4064 E 53rd St - License Type: E Liquor

Rudy's Tacos (CME 1066 Inc) - 3944 Elmore Ave - Outdoor Area License Type: Class C Liquor - On Premise

### **Ward 7**

Columbus Club (Columbus Club Of Davenport) - 1111 W 35th St - License Type: Class C Liquor - On Premise

Recommendation:  
Pass the Motion.

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

#### **REVIEWERS:**

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 1/2/2020 - 3:49 PM |
| Finance Committee | Wright, Brandon | Approved | 1/2/2020 - 3:50 PM |
| City Clerk        | Admin, Default  | Approved | 1/2/2020 - 5:38 PM |

City of Davenport

Agenda Group:

Department: Public Works - Admin

Contact Info: Nick Schmuecker 563-327-5162

Wards:

**Action / Date**

**1/15/2020**

Subject:

Motion awarding a design services contract to Veenstra & Kimm, Inc of West Des Moines, IA for the Sunderbruch Park Bridge over Blackhawk Creek Repair Project, CIP #64076. [Ward 1]

Recommendation:

Pass the Motion.

Background:

Based on findings in the 2019 Biennial City Bridge Inspections, the Sunderbruch Park Bridge over Blackhawk Creek was listed as a high priority for repair. The design consultant selected is Veenstra & Kimm, Inc of West Des Moines, IA. They will analyze the structure, prepare a biddable set of plans for construction, and provide a cost opinion.

The contract amount is not-to-exceed \$52,600. Funding for the Sunderbruch Park Bridge Design Contract is established within CIP #64076.

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/23/2019 - 4:56 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 12/30/2019 - 9:56 AM |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:56 PM   |

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Eric Gravert 563-327-5125  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion approving Change Order #1 to Impact7G, Inc in the amount of \$68,640.93 for the Underground Storage Tank Removal Project at the Davenport Municipal Airport, CIP #20011. [Ward 8]

Recommendation:  
Pass the Motion.

Background:

The Davenport Municipal Airport has four non-operational fuel storage tanks that need to be removed per Iowa Department of Natural Resources mandate. During construction activities, additional work was identified that required new line items to the contract as well as increasing the number of quantities to be used for established line items such as: the removal and disposal of contaminated soil, ground water, and unnecessary fill material along with the cleaning of a storm water inlet, installation of erosion mat and additional concrete needs.

Funding for this project is from CIP #20011, which accounts for the construction costs related to underground fuel tank removal.

Original Contract: \$67,194.12  
Change Order #1: \$68,640.93  
Amended Contract Amount: \$135,835.05

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:43 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 12/30/2019 - 10:43 AM |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 1:58 PM    |

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Eric Gravert 563-327-5125  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion accepting the Sterilite Drainage Improvement Project completed by Legacy Corporation of IL of East Moline, IL. The project was completed with a final contract amount of \$61,094.89, CIP #33043. [Ward 8]

Recommendation:  
Pass the Motion.

Background:  
This contract includes installing approximately 364 LF of storm sewer pipe, one area intake, regrading the ditch along the south side of Slopertown Rd, and seeding.

The project was completed in accordance with the City of Davenport requirements with a final amount of \$61,094.89 funded in CIP #33043.

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                  |
|----------------------------|----------------|----------|-----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 12/30/2019 - 10:56 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:03 AM   |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 2:00 PM    |

City of Davenport

Agenda Group:  
Department: Public Works - Admin  
Contact Info: Mike Kramer 563-327-5141  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion approving change order #4 to McCarthy Improvement Company for the N Lincoln Ave Reconstruction Project in the amount of \$90,852.82, CIP #35035. [Ward 4]

Recommendation:  
Pass the Motion.

Background:  
Reconstruction projects require the removal of pavement surface, base, subbase, and subgrade when necessary. During construction of the N Lincoln Ave project, most of the subgrade throughout the length of the project's limits was found to be unsuitable for reuse due to the soil type and amount of moisture composition. Rather than reusing existing material that would have provided a poor foundation for the new roadway, the soil was removed and a rock base was added as a substitute. Change order #4 provides additional quantities to several line items for the extra excavation and rock placement in relation to the subgrade issue, as well as extra topsoil/seeding and field adjustments for improved drainage.

|                          |                                        |
|--------------------------|----------------------------------------|
| Original Contract Amount | \$789,213.35                           |
| Change Order #1          | \$114,670 (Council Approved)           |
| Change Order #2          | \$32,778 (Staff Approved)              |
| Change Order #3          | \$6,600 (Staff Approved)               |
| Change Order #4          | \$90,852.82 (Pending Council Approval) |
| Amended Contract Amount  | \$1,034,114.17                         |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                |
|----------------------------|----------------|----------|---------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 1/2/2020 - 10:42 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 1/2/2020 - 10:42 AM |
| City Clerk                 | Admin, Default | Approved | 1/2/2020 - 2:43 PM  |

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Chad Dyson 563-326-7817  
Wards:

**Action / Date**  
**1/15/2020**

Subject:  
Motion approving the award of a five year lease agreement for golf carts for the three (3) golf courses to Harris Golf Cars of Dubuque, IA in the amount of \$98,600 per year. [Wards 1, 6, & 8]

Recommendation:  
Pass the Motion.

Background:  
A Request for Proposals was issued and sent to vendors by the Purchasing Division on October 10, 2019. On November 7, 2019, three (3) responsive and responsible proposals were opened.

The proposals were read and evaluated by Parks and Recreation staff. They were scored on the following criteria: 1) Location and Capability to respond in time required - 10%, 2) Proposed Pricing - 15%, 3) Quality and Thoroughness of Proposal - 5%, 4) References - 5%, 5) Scope of Services, understanding of required service and methodology - 10%, 6) Ability, Experience, Qualifications, Expertise of personnel assigned to the City's account - 15%, 7) Capabilities and Resources - 20%, 8) Liability Issues - 20%. Harris Golf Cars of Dubuque, IA scored the highest.

Harris has had this contract in the past and performed successfully. This lease is for 70 carts at Emeis and Duck Creek Golf Courses, and 20 carts at Red Hawk golf course. The City will keep the current beverage carts and picker carts another year with this contract price.

Funding for this contract is from the FY20 Golf Courses Operating Budget, split between the three golf courses. Funding is from the Golf Course Green Fees.

ATTACHMENTS:

| Type         | Description            |
|--------------|------------------------|
| ▣ Cover Memo | Bid Tab for Greensheet |

REVIEWERS:

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 1/2/2020 - 3:48 PM |
| Finance Committee | Wright, Brandon | Approved | 1/2/2020 - 3:49 PM |
| City Clerk        | Admin, Default  | Approved | 1/3/2020 - 9:33 AM |

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: GOLF CART LEASING

BID NUMBER: 20-54

OPENING DATE: November 7, 2019

GL ACCOUNT NUMBER: 52104242 520217, 52104243 520217, 52104245 520217

RECOMMENDATION: AWARD THE CONTRACT TO HARRIS GOLF CARS  
OF DUBUQUE IA

| <u>VENDOR NAME</u>                      | <u>PRICE PER CART PER YEAR</u> |
|-----------------------------------------|--------------------------------|
| Harris Golf Cars of Dubuque IA          | \$585                          |
| M & M Golf Cars, LLC of Bettendorf IA   | \$679.97                       |
| Miller & Sons Golf Cars LLC of Britt IA | \$887.28                       |

Approved By Kristi Keller 12/12/19  
Purchasing Date

Approved By Chad Wynn 12/12/19  
Department Director Date

Approved By Melissa Munn 12/30/19  
Budget/CFP Date

Approved By [Signature] 12-30-2019  
Chief Financial Officer Date