

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, January 11, 2017; 5:30 PM

City Hall, 226 West 4th Street

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting Minutes for December 14, 2016

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of the Committee of the Whole for January 4, 2017

VIII. Appointments, Proclamations, Etc.

A. Proclamations

1. National Mentoring Month - January 2017
2. Village Heights Recognized Neighborhood
3. Resolution of Support of Equal and Adequate Iowa School Funding

IX. Presentations

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderman Rawson, Chair

XI. Individual Approval of Items on the Discussion Agenda

1. First Consideration: Ordinance to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04) [All Wards]
2. Resolutioun providing preliminary approval for economic development assistance to Sterilite Corporation.

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll

call vote without separate discussion unless an item is requested to be removed and considered separately.

Community Development

1. Third Consideration: Ordinance for Case No. ORD16-02 being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements. [All Wards]
2. Second Consideration: Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]
3. Second Consideration: Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]
4. First Consideration: Ordinance for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development. [Ward 8]
5. Resolution approving Case No. FDP16-07: Request of Lange, Inc. for a PDD Final Development Plan on three acres, more or less, located west of Utica Ridge Road and north of Market Square Circle. [Ward 6]
6. Motion to set a public hearing for January 18, 2017 at 5:30pm in the Council Chambers for the purpose of amending and expanding the North Urban Renewal Area [Ward 8].
7. Motion to set a public hearing for the purpose of considering the approval of an economic development agreement with Sterilite Corporation.
8. Motion approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from CDBG Year 41 ending June 30, 2016. [All Wards]

Public Safety

1. First Consideration: Ordinance amending Schedule XIII of Chapter 10.96 entitled "7-Ton Truck Restrictions" by adding Emerald Drive from Locust Street to Central Park Avenue. [Ward 1]
2. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

John Parker, Chili Chase, February 26, 1:00-2:00 PM; Closure Location: Duck Creek Road to East Pleasant to Forest Road, to George Washington Blvd to Jersey Ridge

to Bikepath returning to Duck Creek Park, Ward 6

St. Patrick's Society, St. Patrick's Day Grand Parade, March 18th, 11:00 am to Noon;
Closure Location: Centennial Bridge and Gaines Street to 3rd Street east to Pershing
Street, Ward 3

CASI, St. Patrick's Day Race, March 18th, 7:30 AM to Noon; Closure Location: 7:30
AM - Noon 2nd Street from Main to Brady only for pre and post race activities; 9:00
AM - 11 AM Race Course: 2nd Street east of the drive up to US Bank, east to Brady,
north to 3rd then west to Division and return to Brady, south to 2nd Street to finish
lane, Ward 3

River Bandits, River Bandits 5K, April 8th, 8:00 AM to Noon; Closure Location: 2nd
Street to Centennial Bridge over to Government Bridge and return to Modern
Woodmen Park via the bike path, Ward 3

3. Motion approving beer and liquor license applications.

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

Ward 3

Front Street Brewery (Front Street Brewery Inc.) - 421 W River Dr. (City parking lot
only) - Outdoor Area January 14, 2017 'Ice Extravaganza' - License Type: C Liquor

Ward 6

Your Pie (The Gizzeria Group, Inc.) - 4520 E 53rd St., Suite 400 - Outdoor Area -
License Type: Beer / Wine / Native Wine

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

Ward 1

Hy-Vee #1 (Hy-Vee, Inc.) - 3019 Rockingham Rd. - License Type: E Liquor

Ward 3

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

Gravy's (Gravy's Bar and Grill, Inc.) - 1902 Rockingham Rd. - License Type: C Liquor

Joe's Club (Joseph Seng) - 1402 W 7th St. - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - License Type: C Liquor

QC Marts (Bethany Enterprises, Inc.) - 813 W 2nd St., Unit 1 - License Type: C Beer

Ward 6

Café Indigo (Café Indigo, LLC) - 4925 Utica Ridge Rd. - Outdoor Area - License Type: Beer / Wine

Granite City Food & Brewery (Granite City Restaurant Operations, Inc.) - 5270 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

Hy-Vee #4 (Hy-Vee, Inc.) - 4064 E 53rd St. - License Type: E Liquor / B Wine / C Beer

Hy-Vee Food & Drugstore #3 (Hy-Vee, Inc.) - 1823 E Kimberly Rd. - License Type: E Liquor

Public Works

1. Resolution for the plans, specifications, form of contract and estimated cost for the Rockingham Road Improvement project, estimated cost \$3,300,000, funded in CIP #35018 from GO Bonds. [Ward 1]
2. Resolution approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy. [Wards 1, 3, 4]
3. Resolution of acceptance for the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvements constructed by McCarthy Improvement Company of Davenport, Iowa. The City funded \$204,000 and a DOT grant funded \$816,000 for a total project cost of \$1,020,000 budgeted in CIP #01792. [Ward 5]
4. Motion approving the purchase agreement for the acquisition of a permanent sewer easement and temporary construction and access easement from Bowling Center, Inc in the amount of \$72,250 for the replacement of the 8" sanitary sewer main at Kimberly Road and Harrison Street, CIP #30028. [Ward 7]
5. Motion accepting the Birchwood Area Parallel Sewer Project completed by Valley Construction of Rock Island, IL. This project was satisfactorily completed with a final contract amount of \$1,215,000 budgeted in CIP #01905. [Wards 1 & 4]
6. Motion to award the contract for the West River Drive sanitary sewer relief project to Langman Construction, Inc. of Rock Island, IL in the amount of \$83,215. [Ward 1]

Finance

1. First Consideration: Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units", thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa. [All Wards]
2. Resolution making provisions for the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B. [All Wards]
3. Resolution making provisions for the issuance of not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. [All Wards]
4. Motion awarding a contract for a Quad Cities transit coordination and consolidation analysis to HNTB Corporation of Kansas City, MO in the amount of \$129,233. [All Wards]

5. Motion awarding a contract to replace the carpet in the Adler Theatre Grand Lobby, Grand Staircase, and Mezzanine levels to Paragon Interiors of Davenport in the amount of \$55,044. [Ward 3]

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

Action / Date
1/11/2017

Subject:
Approval of the City Council Meeting Minutes for December 14, 2016

ATTACHMENTS:

Type	Description
 Cover Memo	Minutes 12/14/ 2016

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	1/4/2017 - 10:31 AM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, December 14, 2016---The Council observed a moment of silence. Pledge of Allegiance. The Council met in regular session at 5:30 PM with Mayor Pro tem Justin presiding and all aldermen present.

The minutes of the November 22, 2016 City Council meeting were approved as printed.

The report of the Committee of the Whole was as follows: COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, December 7, 2016---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present. The following Public Hearings were held: Community Development: for the Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue; for the Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allow for text amendments of the Davenport Municipal Code; Public Works: on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Boom reviewed all items listed. On motion by Ald. Gripp, second by Ald. Matson item 1 moved to the Discussion Agenda with a recommendation for passage on 2nd consideration; all other items moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Justin all items moved to the Consent Agenda. Public Works: Ald. Ambrose reviewed all items listed. On motion by Ald. Dunn, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Gordon reviewed all items listed. On motion by Ald. Tompkins, second by Ald. Boom all items moved to the Consent Agenda. On motion by Ald. Gordon, second by Ald. Ambrose a motion to add to the agenda action needed for Baked Beer and Bready Company (all alderman present voting aye). Council adjourned at 6:00 p.m.

December 14, 2016

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

The following ordinance was adopted on second consideration, upon suspension of the rules and passage of third consideration: for Case No. REZ16-10 being the petition of Derrick Nix for the rezoning of 0.753 acre (32,800 sq. ft.), more or less, of real property located at the southeast corner of West 53rd and Marquette Streets (Lot 1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential development, 569.

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

Community Development: The following ordinances moved to second consideration: Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue; Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code.

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

The following resolutions were adopted: modifying the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting Section 5.c. which removes the City of Bettendorf from maintenance responsibility for the detention area located in Lot 2 of Village Cooperative First Addition due to the modification proposed as part of the Village Cooperative development, 570; for Case No. F08-02 being the final plat of Annette's Landing, being a replat of Outlot 1 of Emerald Woods, located west of 907 West 48th Street, containing one (1) residential lot, 571; approving Case No. F16-15 being the final plat of Seiffert's Northwest Second Addition, being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located

along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots, 572; approving an Urban Revitalization Tax Exemption project for 225 E 2nd Street, 573; supporting a Workforce Housing Tax Credit application to the State of Iowa for a housing project located at 225 E 2nd St, 574.

Public Safety: The following motions were passed: approving the petition for street light in front of 1347 W 53rd Street, 575; approving all submitted beer and liquor license applications, 576.

Public Works: The following resolutions were adopted: setting a public hearing to grant MidAmerican Energy Company an underground electric easement at Fejervary Park, 577; granting permission to Central Scott Communications, a licensed franchisee in the State of Iowa, to install a buried communications system in the city right-of-way along 2nd Street from Ripley Street to Harrison Street, a total distance of approximately 625 feet. Agreement reference #2016-F23; 578; accepting the work completed under the Brick Street Base Reconstruction contract with Langman Construction, Inc. Final cost of the program was \$564,000 budgeted in CIP #35010, 579; awarding the contract and conditionally approving the contract and bond, subject to Iowa DOT concurrence, for the Kimberly Road and Division Street Intersection Improvements to Valley Construction Company of Rock Island, Illinois in the amount of \$1.6M. Funding for this project is split 80% federal and 20%, budgeted in CIP #01793, 580; accepting the Sanitary Sewer Manhole Rehabilitation Program. The final cost for the project was \$949,000 budgeted in CIP #10144, 581; on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519, 582; accepting the work completed under the Bus Shelter project by Kelly Construction of Davenport, Inc. Final project cost was \$168,000 budgeted in CIP #28014, 583; approving change order #2 to Shive-Hattery of Moline, IL in the amount of \$324,000 for the Veterans Memorial Parkway - Jersey Ridge to the I-74 Bridge project, CIP #02418. The City will be reimbursed up to 50% of the eligible cost by the State of Iowa's RISE grant, 584; approving a contract amendment for the Digester #3 and #4 Cleanout project with an estimated cost of \$355,000, 585; accepting work associated with the Prairie Heights Park ADA Access Improvements Project. Final project cost was \$52,000 budgeted in CIP #10118, 586.

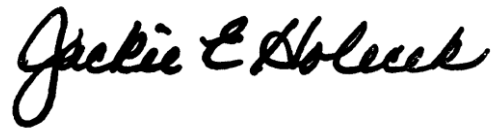
December 14, 2016

Finance: The following ordinance was adopted: amending Chapter 5.21 entitled "Vehicles for Hire in Title 5, Business Licensing and Regulation, 587.

The following resolution was adopted: setting January 4, 2017 as the date for public hearings on the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B and not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C, 588.

The following motions were passed: awarding a contract for the replacement of the boiler and controls at the Mary Fluhrer Nighswander Theatre (Junior Theatre) at Annie Wittenmyer to Crawford Company of Rock Island IL, in the amount of \$57,075, 589; awarding a contract for the Northwest Park ADA accessibility project to Little H Construction of Davenport in the amount of \$118,166, 590; awarding a contract for the rebuilding of two dewatering presses at the Water Pollution Control Plant to BDP Industries Inc of Greenwich, NY in the amount of \$350,000, 591; awarding a contract for Locate Services to Consolidated Infrastructure Group, Inc. of Omaha, NE, 592; awarding a contract for automated traffic enforcement to Redflex Traffic Systems, Inc. of Glendale, AZ, 593.

On motion Council adjourned at 5:44 P.M.

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

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

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

Action / Date
1/11/2017

Subject:
Approval of the Report of the Committee of the Whole for January 4, 2017

ATTACHMENTS:

Type	Description
 Cover Memo	COW Report 010416

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	1/4/2017 - 10:36 AM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, January 4, 2017---The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all alderman present. The following Public Hearings were held: Community Development: for an Ordinance to amend Title 6 of the Davenport Municipal Code by adding Chapter 6.06, entitled, "Urban Chickens" and amending Section 6.04.055, entitled, "Livestock and poultry prohibited" and amending Section 8.12.150, entitled, "Keeping of Animals and Fowl Restricted". (City of Davenport, petitioner; Case No. 16-04); for the Ordinance for Case No. REZ16-11: Request of Raju Penmatchu for the rezoning of 13.50 acres, more or less, of real property located at the northwest corner of West 65th Street and Scott Street from R-3 PUD – Moderate Density Dwelling District Planned Unit Development to R-6 PUD – High Density Dwelling District Planned Unit Development to facilitate a residential/senior care development; Public Works: hearing approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy; hearing on the plans, specifications, form of contract and estimated cost for the Rockingham Road Improvement project, estimated cost \$3,300,000 funded in CIP #35018 from GO Bonds; Finance: on the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B; on the issuance of not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. The following Proclamation was Issued: Human Trafficking Awareness Month, 01. Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Boom reviewed all items listed. On motion by Ald. Gripp, second by Ald. Matson items 5 and 7 moved to the Discussion Agenda; all other items moved to the Consent Agenda. Public Safety: Ald. Matson reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Justin all items moved to the Consent Agenda. Public Works: Ald. Ambrose reviewed all items listed. On motion by Ald. Dunn, second by Ald. Matson all items moved to the Consent Agenda. Finance: Ald. Gordon reviewed all items listed. On motion by Ald. Tompkins, second by Ald. Boom all items moved to the Consent Agenda. Council adjourned at 7:06 p.m.

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
1/11/2017

Subject:
National Mentoring Month - January 2017

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	12/7/2016 - 5:35 PM

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
1/11/2017

Subject:
National Mentoring Month - January 2017

ATTACHMENTS:

Type	Description
▢ Cover Memo	National Mentoring Month

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	12/7/2016 - 5:39 PM



City of Davenport, Iowa

Proclamation

- Whereas** everyone remembers someone special – a neighbor, teacher, relative, or friend – who broadened our horizons and brought purpose to our lives; and
- Whereas** these special individuals singled us out and volunteered their time to help us become engaged and stay on the right track to success; and
- Whereas** every adult has something to offer a child and every child has something to offer to our community; and
- Whereas** research has shown that children engaged in healthy and safe one-to-one mentoring relationships are more likely to graduate high school, avoid incarcerations and avoid delinquent behavior; and
- Whereas** there are a significant number of vulnerable children in our community who need and want a positive role model in their lives; and
- Whereas** our city embraces the concept of engaging volunteers to mentor children of promise in our community; and
- Now therefore** We, Frank Klipsch, Mayor and the City Council of Davenport, Iowa, do hereby proclaim January 2017 as

NATIONAL MENTORING MONTH

and encourage all citizens, businesses, public and private agencies and religious and educational institutions to support mentoring and give young people in our community the gift of time and friendship through Big Brothers Big Sisters.

Dated this 11th day of January 2016.

A handwritten signature in blue ink that reads "Frank J. Klipsch".

Frank J. Klipsch
Mayor of Davenport

A handwritten signature in blue ink that reads "Jackie E. Holecek".

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Meghan Overton
Wards: 5, 6

Action / Date
1/11/2017

Subject:
Village Heights Recognized Neighborhood

ATTACHMENTS:

Type	Description
▢ Cover Memo	Proclamation Village Heights

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	12/22/2016 - 9:46 AM

Proclamation

- Whereas The Davenport 2025 Comprehensive Plan identifies neighborhoods as the basic building blocks of the City; and
- Whereas The **VILLAGE HEIGHTS** has defined themselves as the area of **(N) E. 14th Street, (E) Jersey Ridge Road, (S) Northside of E. 12th Street, (W) Eastside of Eastern Avenue**; and
- Whereas The **VILLAGE HEIGHTS** has established bylaws in accordance with the City's Neighborhood Recognition Policy; and
- Whereas The **VILLAGE HEIGHTS** has provided to the City and will maintain accurate contact information for the leadership of their organization; and
- Whereas The **VILLAGE HEIGHTS** will schedule and publicize regular public meetings to encourage the involvement of their neighbors; and
- , Whereas The **VILLAGE HEIGHTS** has shown the desire and capacity to partner with the City to improve the quality of life within the Neighborhood and Davenport

Now, Therefore, We, Frank Klipsch, Mayor, and the City Council of the City of Davenport, Iowa, encourage all citizens to participate in their neighborhood association, and on **January 11, 2017** do hereby proclaim

Village Heights RECOGNIZED NEIGHBORHOOD



FRANK KLIPSCH, MAYOR

CITY CLERK

JACKIE E. HOLECEK, MMC, DEPUTY

City of Davenport

Agenda Group: Council
Department: Office of the Mayor
Contact Info: Nevada Lemke
Wards: All

Action / Date
1/11/2017

Subject:
Resolution of Support of Equal and Adequate Iowa School Funding

ATTACHMENTS:

Type	Description
▢ Cover Memo	Resolution of Support Education Funding

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	1/6/2017 - 4:52 PM

Resolution

- Whereas** the City of Davenport, IA understands the important role schools and students play in a community and the benefits of investing in education; and
- Whereas** the City of Davenport, IA recognizes and supports the joint effort of the Quad City Chamber of Commerce and the Quad City Federation of Labor to amend the Iowa per pupil funding formula; and
- Whereas** all districts should be allowed to spend the same per pupil amount and should have adequate funding so as to allow for every district within the state to remain competitive; and
- Whereas** the long term health and growth of the State of Iowa is dependent upon people wanting to live, work and play here; and
- Whereas** the spending power of districts has been eroding and requires amendment to the funding formula to allow for equal and adequate funding; and
- Whereas** without amendment to the funding formula the best talent will go elsewhere and the State of Iowa will be left behind; and
- Whereas** this is a critical time for investors to see states and municipalities using funds advantageously to allow for communities to flourish as we transition into the age of knowledge.
- Now therefore** be it resolved by the Mayor and the City Council of Davenport, Iowa, hereby supports the efforts to equally and adequately fund the Davenport School District and all of Iowa's districts and that the General Assembly is encouraged to adopt amendments to the Iowa Code that eliminate the current disparity in per pupil funding between Iowa's children

Dated this 10th day of January 2017.

Frank J. Klipsch
Mayor of Davenport

Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

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

Action / Date
1/4/2017

Subject:

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

Recommendation:
Pass the Ordinance

Relationship to Goals:
Strengthen Neighborhood and Community Connections

Background:

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

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

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

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

See attached for additional information.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Community Development			

Committee
City Clerk

Berger, Bruce
Admin, Default

Approved
Approved

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

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

URBAN CHICKENS - BACKGROUND

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

Trend is to have as pets and for egg production.

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

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

HIGHLIGHTS OF THE DRAFT ORDINANCE

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

HIGHLIGHTS OF THE DRAFT ORDINANCE

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



THE CREATIVE WORLD OF BACKYARD CHICKEN COOPS



(Chicken Tractor)



HIGHLIGHTS OF THE DRAFT ORDINANCE

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

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

ORDINANCE APPROVAL PROCESS

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



ORDINANCE NO. 2017

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

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

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

CHAPTER 6.06: URBAN CHICKENS

Section 6.06.010. Definitions:

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

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

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

Permitting Officer: The City Administrator or designee.

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

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

Section 6.06.020. Administration:

Section 6.06.021 Permit Required.

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

Section 6.06.022 Application.

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

Section 6.06.023 Requirements.

The requirements to receive of a permit include:

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

Section 6.06.024. Issuance of Permit.

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

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

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

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

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

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

Section 6.06.030. Number and Type of Chickens Allowed:

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

Section 6.06.040. Zoning Districts Allowed:

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

Section 6.06.050. Non-Commercial Use Only:

Chicken breeding or fertilizer production for commercial purposes is prohibited.

Section 6.06.060. Enclosures:

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

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

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

(D) Henhouses and chicken tractors.

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

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

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

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

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

Section 6.06.070. Odor and Noise Impacts:

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

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

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

Section 6.06.090. Feed and Water:

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

Section 6.06.100. Waste Storage and Removal:

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

Uneaten feed shall be removed in a timely manner.

Section 6.06.110. Chickens at Large:

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

Section 6.06.120. Unlawful Acts:

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

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

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

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

(E) No person shall keep a rooster.

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

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

Section 6.06.130. Use of Outside Resources.

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

Section 6.06.140. Nuisances:

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

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

6.04.055 Livestock and poultry prohibited.

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

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

8.12.150 Keeping of Animals and Fowl Restricted.

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch, Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Susanne Knutsen
Wards: 8

Action / Date
1/4/2017

Subject:
Resolution providing preliminary approval for economic development assistance to Sterilite Corporation.

Recommendation:
Approve the resolution.

Relationship to Goals:
Strong local economy.

Background:

The Sterilite Corporation, headquartered in Townsend, MA, is the largest plastics housewares company in North America and has been in operation for over 75 years. They manufacture a wide variety of goods including food storage, laundry and utility products and organizational totes. Sterilite currently has operations in six states.

Sterilite is considering the construction of a manufacturing facility and distribution center on 160 acres adjacent to the Eastern Iowa Industrial Center. The building is estimated to have 2,463,000 square feet; 384,000 square feet will be manufacturing space and the remainder distribution space. The project will create 500 full time positions with 100 of the positions paying at least \$18.75/hour and the remainder of the positions paying \$12.00 to \$16.00 per hour. All positions are supported with a benefit package.

Sterilite is also seeking financial assistance from the State of Iowa's High Quality Jobs program and training funds from Eastern Iowa Community College. In return for the creation of 500 jobs and a minimum assessed valuation of \$55 million, the City of Davenport will pursue inclusion of the site into the North Urban Renewal Area and is proposing the following incentives:

- Forgivable loan of \$3,000,000 paid out following the certificate of occupancy on the manufacturing facility
- Infrastructure (electric, gas, sanitary sewer and water) brought to the facility (estimated cost of \$1,262,500)
- Rail spur onto project site (estimated cost of \$1,800,000)
- Road and intersection improvements adjacent to and leading to site (estimated cost of \$3,350,000)
- Partial rebate of property taxes paid by Sterilite for a 15 year period (estimated to be

\$8,361,600)

· For 15 years all property taxes paid for the assessed value portion greater than \$64,000,000, net those taxes restricted by Iowa TIF law, will be reimbursed to the company.

The City is also pursuing funding assistance from the State of Iowa's Revitalize Iowa's Sound Economy (RISE) program to assist with roadway improvements and the Iowa Department of Transportation's Railroad Revolving Loan and Grant Program to assist with the rail spur. These programs are anticipated to help offset a portion of the City's cost.

The approval of this resolution documents the following items:

1. City Council's preliminary approval of City participation in the project in support of the company's application to the Iowa Economic Development Authority for financial assistance and serves as the proposed source of any State required local match.
2. Authorizes the Mayor to sign documents as related to the project.
3. Authorizes staff to begin the process to include the site, located at the southwest corner of Division Street and Slopertown Road, into the North Urban Renewal Area.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	1/3/2017 - 4:18 PM

Resolution No. _____

Resolution offered by Alderman _____.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION providing preliminary approval for economic development assistance through Tax Increment Financing to Sterilite Corporation for the construction of a proposed facility located at the southwest corner of Division Street and Slopertown Road.

WHEREAS, the proposed project involves the construction of a new facility of approximately 2,463,000 square feet adjacent to the Eastern Iowa Industrial Center with a land and building budget of \$73 million. The facility will house their injection molded manufacturing process and distribution center which will bring new wealth to the local economy; and

WHEREAS, the proposed project involves the creation of 100 full time positions (paying an average wage of \$18.75/hr) and the creation of 400 full time positions (paying a between \$12.00 and \$16.00/hr); and

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

WHEREAS tax increment financing, together with the other economic development programs of the City, have been used to increase assistance for projects which otherwise would not occur.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby provide preliminary approval to the Sterilite Corporation through Tax Increment Financing, authorizes staff to pursue inclusion of the site into the North Urban Renewal Area and authorizes the Mayor to sign all related documents.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

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

Wards: All

Action / Date

11/16/2016

Subject:

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

Recommendation:

The Historic Preservation Commission unanimously recommended approval of ORD16-02 at its October 11, 2016 public meeting.

The Commission vote was 6-yes and 0-no with 0-abstention.

The Plan and Zoning Commission considered case No. ORD16-02 at its October 18, 2016 meeting and voted to forward Case No. ORD16-02 to the City Council with a recommendation for approval without any special conditions.

The Commission vote was 10-yes and 0-no with 0-abstention.

Relationship to Goals:

High performing government.

Background:

There are currently two vacancies on the Historic Preservation Commission. It has become increasingly difficult to find citizens with knowledge in the field of historic preservation and willing to serve on the Historic Preservation Commission. The proposed Ordinance would reduce the number of Commission members from nine to seven, amend the position requirements and allow members who own a historic property in the City to serve on the Commission.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	ORD16-02 - Plan and Zoning Commission Letter
▣ Backup Material	ORD16-02 - Plan and Zoning Commission Vote Results
▣ Backup Material	ORD16-02 - Plan and Zoning Commission Staff Report

REVIEWERS:

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

ORDINANCE NO. 2016 -

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled "Zoning" by amending Section 17.23.040 of the Davenport City Code, entitled "historic preservation commission" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission (City of Davenport, petitioner Case No. ORD16-02).

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

Section 1. That Chapter 17.23.040 of the Davenport Municipal Code be amended to read as follows:

17.23.040 Historic preservation commission.

The historic preservation commission of the city of Davenport is hereby established.

- A. Eligibility. All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
- B. Composition. The commission shall consist of seven members. They shall demonstrate a positive interest in historic preservation and/or cultural resource management issues and possess an interest, knowledge, competence or expertise in one or more of the following: architecture, history, archeology, historic preservation, urban planning, building rehabilitation, cultural resource conservation or real estate development.
- C. Method of appointment. Members shall be appointed by the mayor, with the approval of the city council.
- D. Terms. Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.

- E. Forfeiture of appointment. A member will forfeit his/her appointment to the commission if he/she fails to satisfy any of the following requirements:
1. The commission member changes his/her legal address to outside the city's corporate limits or no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
 2. Commission members must attend in person at least one-half of, or attend and have excused absences for at least two-thirds of, all regularly scheduled or specially-called meetings convened by the commission chairperson during the calendar year.

- F. Meetings. Meetings shall be held at regularly scheduled times as determined by the commission. They shall be open to the public. A public record of the meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed in the City Clerk's office and the Community Planning and Economic Development department for public review.

Special meetings of the commission may be called by the chairperson and held at any time or place fixed in the call.

A special meeting of the commission may also be called at the request, in writing, of any three or more members of the commission and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice.

- G. Quorum. The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.
- H. Officers. At its first meeting of each calendar year, the commission shall elect from its membership a chairperson and vice chairperson who shall serve terms of one year and who shall be eligible for reelection. The chairperson shall preside over commission meetings. In the absence of the chairperson, the vice chairperson shall perform the duties of the chairperson. If both are absent and a quorum is present, a temporary chairperson for that one meeting will be elected by those members in attendance. The chairperson shall be the spokesperson for the commission.
- I. Commission secretary. The commission secretary shall be the director of community planning and economic development or his/her designee. The secretary's duties shall include:
1. The recording of the minutes of each commission meeting; and
 2. The preparation and distribution of copies of the minutes, reports and decisions of the commission to its members and other interested parties; and
 3. Satisfying all notice requirements established by city policy; and
 4. Preparing and submitting to the mayor and city council a record of the commission's proceedings which involves city council action; and
 5. Advising the mayor of vacancies on the commission and the expiring terms of its members; and
 6. Providing all general administrative, technical and staff support to assist the commission in the performance of its duties.

J. Conflict of interest. No commission member shall participate in the discussion nor vote on any matter that appears to have a current or anticipated financial or material effect on his/her property or personal/business interests. The commission member shall be responsible for notifying the chairperson and commission secretary of such a situation prior to the commission taking any action on the issue.

K. Compensation. Members shall serve without compensation.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch,
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

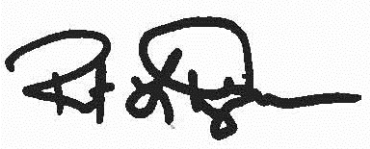
October 19, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting on October 18, 2016, the City Plan and Zoning Commission considered Case No. ORD16-02, being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements.

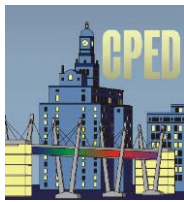
The Plan and Zoning Commission forwards case ORD16-02 to the City Council with a recommendation for approval without any special conditions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

[illegible]



Community Planning & Economic Development Department
City of Davenport

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: October 18, 2016
Request: Zoning Ordinance Text Amendment of Chapter 17.23, entitled "Historic Preservation" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission.
Case No.: ORD16-02
Applicant: City of Davenport

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Background:

The Historic Preservation Commission is required by Ordinance to have nine members. Currently, there are two vacancies on the Commission and finding Davenport residents with both technical expertise and willing to serve has been difficult. Additionally, the Ordinance is prescriptive with respect to Commission position requirements.

Public Input:

The plan and Zoning Commission held a public hearing on the proposed Ordinance at its October 4, 2016 public hearing. The Historic Preservation Commission held a public meeting on the proposed Ordinance at its October 11, 2016 meeting.

Discussion:

The Historic Preservation Commission unanimously recommended approval of the proposed Ordinance at its October 11, 2016 public meeting subject to a change in eligibility (17.23.040A) being owners of historic properties rather than being employed by a business or nonprofit organization. Staff concurs with this amendment. The proposed Ordinance would reduce the number of Commission members from nine to seven, amend the position requirements and allow members who own a historic property in the City to serve on the Commission. See proposed Ordinance for more information.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Prepared by:

Ryan Rusnak, AICP
Planner III

Attachment: Proposed Ordinance

ORDINANCE NO. 2016

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled "Zoning" by amending Section 17.23.040 of the Davenport City Code, entitled "historic preservation commission" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission (City of Davenport, petitioner Case No. ORD16-02).

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

Section 1. That Chapter 17.23.040 of the Davenport Municipal Code be amended to read as follows:

17.23.040 Historic preservation commission.

The historic preservation commission of the city of Davenport is hereby established.

- A. Residency Eligibility. All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
- B. Composition. The commission shall consist of ~~nine~~ seven members. They shall demonstrate a positive interest in historic preservation and/or cultural resource management issues and possess an interest, knowledge, competence or expertise in one or more of the following: architecture, history, archeology, historic preservation, urban planning, building rehabilitation, cultural resource conservation or real estate development. ~~One position shall be reserved for an architect, one position shall be reserved for a person in real estate development, two positions shall be reserved for owner-occupants of property in officially designated districts and three positions shall be reserved for professionals representing the disciplines of architecture, archeology, history, urban planning, building rehabilitation, law, sociology, or cultural re-source conservation. The remaining two positions shall be at-large appointments.~~

~~For the initial commission, two owner-occupants from one or more of the thirteen National Register of Historic Places historic districts shall be appointed. They shall serve until owners-occupants are appointed to represent local historic districts that have been designated by the city council.~~

- C. Method of appointment. Members shall be appointed by the mayor, with the approval of the city council.
- D. Terms. Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. ~~The initial appointees shall serve the following terms: three members for three years; three members for two years and three members for one year.~~ Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.
- E. Forfeiture of appointment. A member will forfeit his/her appointment to the commission if he/she fails to satisfy any of the following requirements:
 - 1. The commission member changes his/her legal address to outside the city's corporate limits or no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.

~~2. The commission member(s) representing the historic districts relinquishes residency in and/or all ownership rights to properties located within a designated historic district. The mayor shall appoint a new member(s) to represent that constituency. The length of the terms for the new appointees shall be treated as normal vacancies discussed in Section 17.23.040F.~~

~~3.2.~~ Commission members must attend in person at least one-half of, or attend and have excused absences for at least two-thirds of, all regularly scheduled or specially-called meetings convened by the commission chairperson during the calendar year.

~~F. Vacancies. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term. Vacancies shall be filled by a person(s) satisfying the same eligibility requirements as the former member. This includes the composition requirements contained in Section 17.23.040B, and the appointment procedure contained in Section 17.23.040C.~~

~~G.F.~~ Meetings. Meetings shall be held at regularly scheduled times as determined by the commission. They shall be open to the public. A public record of the meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed in the city clerk's office and the ~~department of community planning~~ and economic development department for public review.

Special meetings of the commission may be called by the chairperson and held at any time or place fixed in the call.

A special meeting of the commission may also be called at the request, in writing, of any three or more members of the commission and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice.

~~H.G.~~ Quorum. The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

~~I.H.~~ Officers. At its first meeting of each calendar year, the commission shall elect from its membership a chairperson and vice-chairperson who shall serve terms of one year and who shall be eligible for re-election. The chairperson shall pre-side over commission meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both are absent and a quorum is present, a temporary chairperson for that one meeting will be elected by those members in attendance. The chairperson shall be the spokesperson for the commission.

~~J~~.I. Commission secretary. The commission secretary shall be the director of community planning and economic development or his/her designee. The secretary's duties shall include:

1. The recording of the minutes of each commission meeting; and
2. The preparation and distribution of copies of the minutes, reports and decisions of the commission to its members and other interested parties; and
3. Satisfying all notice requirements established by city policy; and
4. Preparing and submitting to the mayor and city council a record of the commission's proceedings which involves city council action; and
5. Advising the mayor of vacancies on the commission and the expiring terms of its members; and
6. Providing all general administrative, technical and staff support to assist the commission in the performance of its duties.

~~K~~.J. Conflict of interest. No commission member shall participate in the discussion nor vote on any matter that appears to have a current or anticipated financial or material effect on his/her property or personal/business interests. The commission member shall be responsible for notifying the chairperson and commission secretary of such a situation prior to the commission taking any action on the issue.

~~L~~.K. Compensation. Members shall serve without compensation.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

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

Action / Date
12/7/2016

Subject:

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

Recommendation:

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

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

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

Relationship to Goals:

Neighborhood Improvement

Background:

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

For further background information please refer to the background materials.

ATTACHMENTS:

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

REVIEWERS:

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

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



November 21, 2016

Honorable Mayor and City Council
226 W 4th Street
Davenport IA 52801

Honorable Mayor and City Council:

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

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

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

Respectfully submitted,

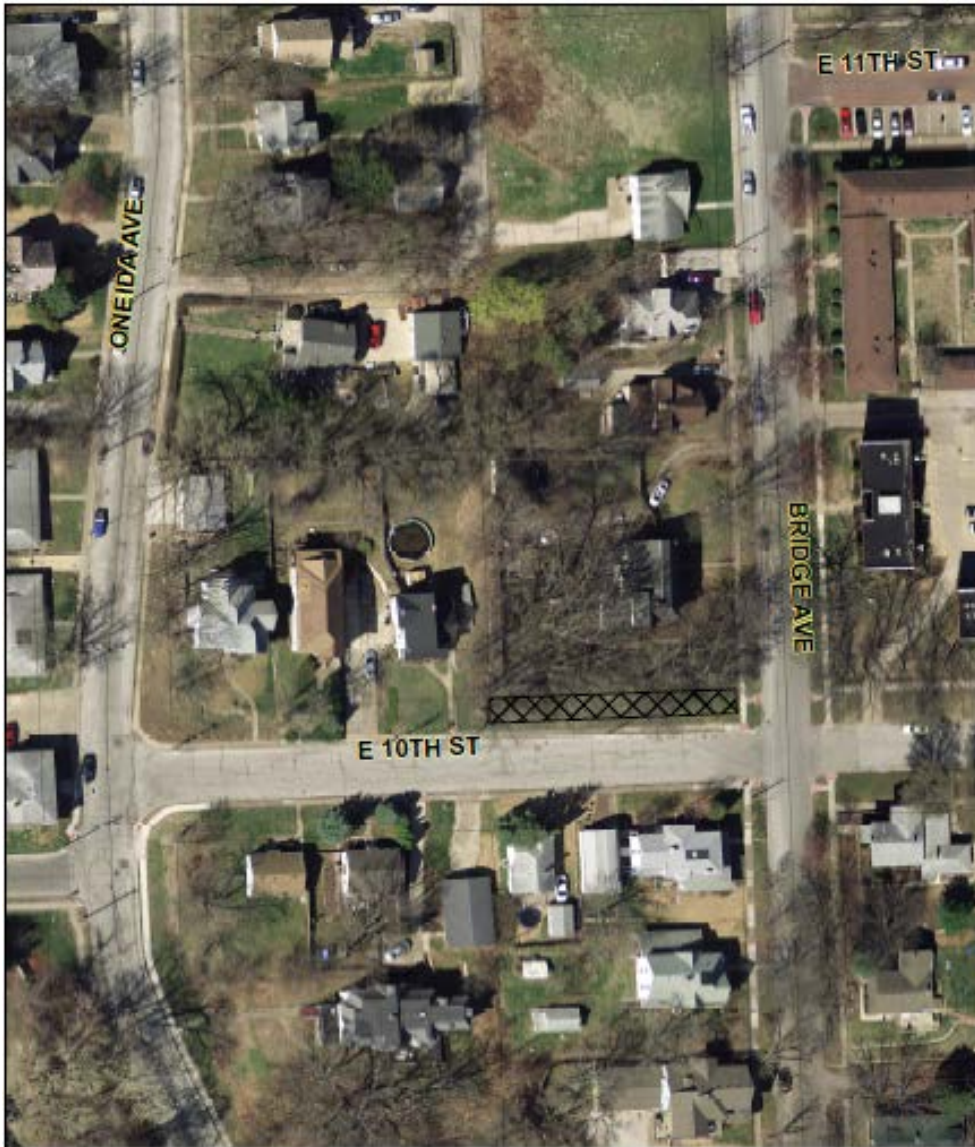
Robert Inghram, Chairperson
City Plan and Zoning Commission



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



An aerial photograph overlaid with semi-transparent green polygons indicating designated "Residential General" (RG) future land use areas. The map shows several residential lots and streets. Labeled streets include Oneida Ave. running vertically on the left, Bridge Ave. running vertically on the right, E 10th St. running horizontally across the middle, and E 11th St. running horizontally at the top. Multiple parcels are labeled with "RG". A legend box in the bottom-left corner defines "FUTURE LAND USE" and "RG Residential General". A scale bar at the bottom center ranges from 0 to 150 feet, and a north arrow is located in the bottom-right corner.



Aerial Photo 2014

0 37.5 75 150 Feet



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

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

Relevant Goals to be considered in this Case:

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

Zoning:

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

Technical Review:

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

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

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

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

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

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

Public Input:

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

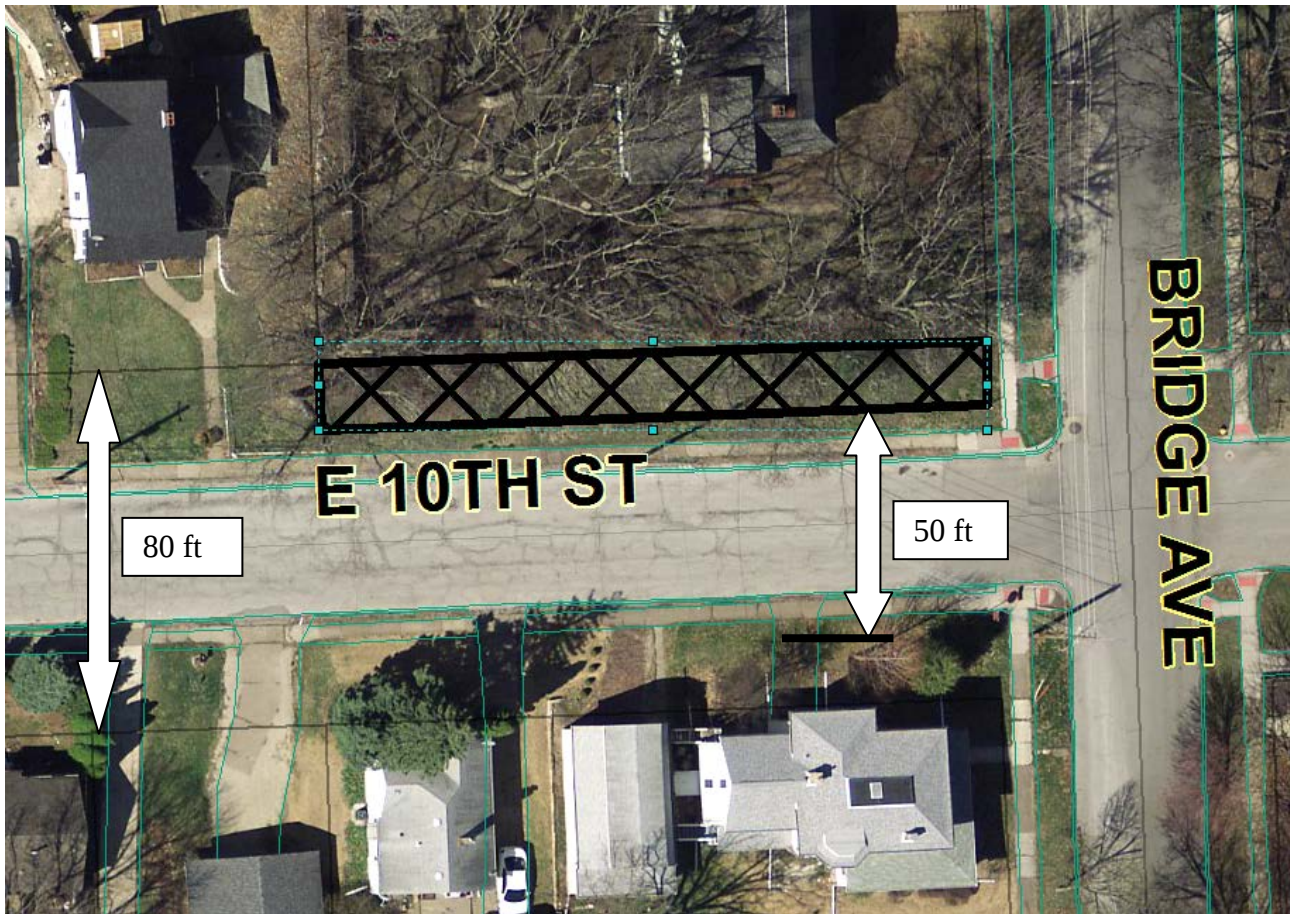
Discussion:

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



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

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



Staff Recommendation:

Findings:

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

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

Recommendation:

Alternate 1:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

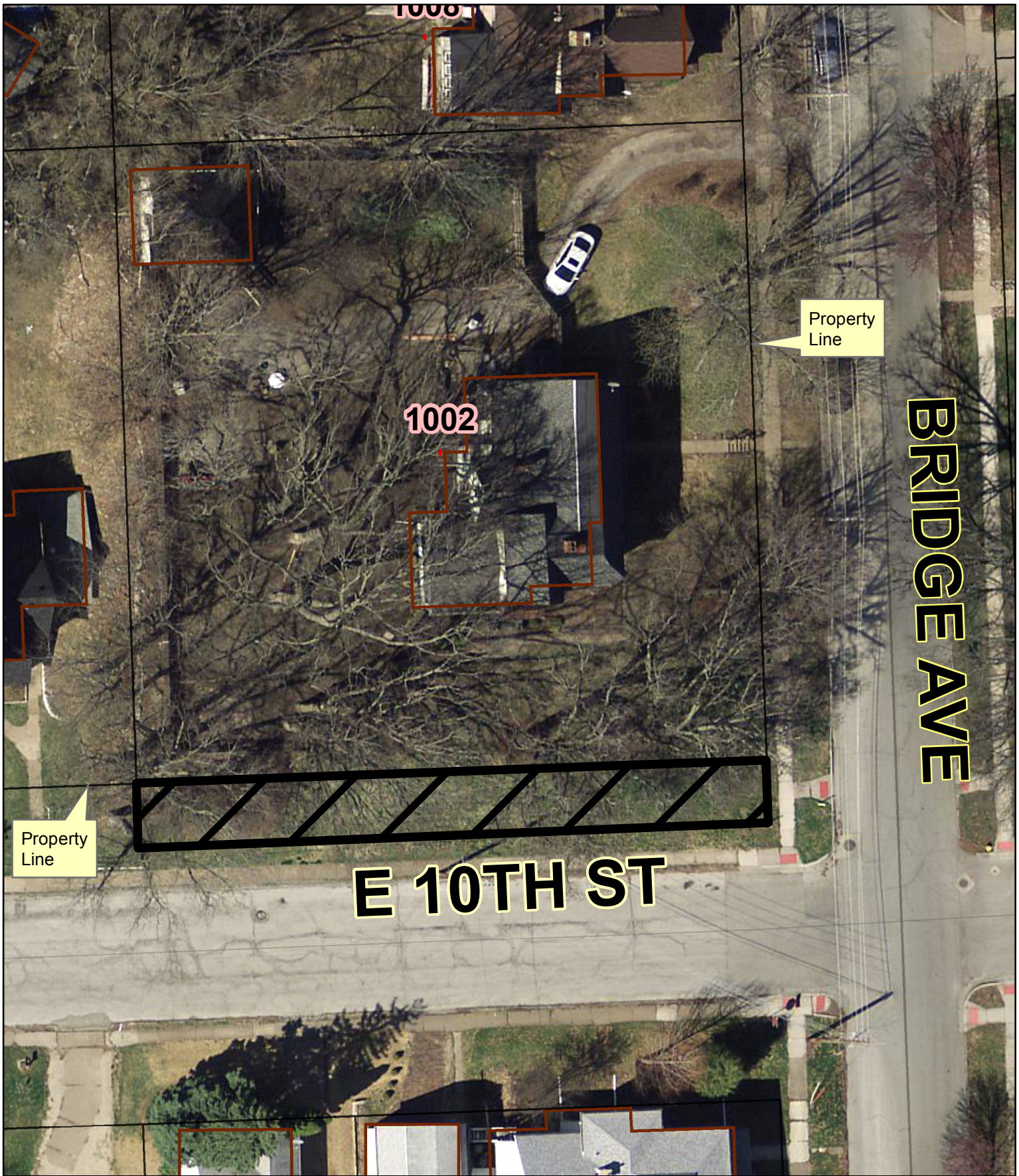
1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Alternate 2:

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

Prepared by:

Wayne Wille, CFM - Planner II
Community Planning Division



0 15 30 60 Feet

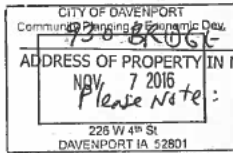


The undersigned opposes does not oppose (circle one) Petition of Juan Goltia (ROW16-05)

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

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

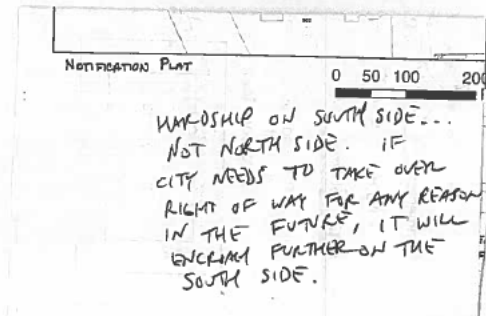
NAME J. S. DERDERIAN
ADDRESS 930 BRIDGE AVENUE
DATE 02 NOV 16
(please print legibly)



ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

NOV 7 2016
Please Note:

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



Davenport City Assessor Parcel Records

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

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

Assessment Summary

Davenport City Assessor

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

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

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

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

Classification: R Residential



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

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ALD WILLIAM BOOM		226 W 4TH ST	DAVENPORT IA 52801



City of Davenport
Community Planning & Economic Development Department

November 21, 2016

Dear Property Owner:

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

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

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

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

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

Contact the Community Planning and Economic Development Department:

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

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

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 563-326-7743
Wards: All

Action / Date
12/7/2016

Subject:

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

Recommendation:

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

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

Relationship to Goals:

High performing government

Background:

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

For further background information please refer to the background materials.

ATTACHMENTS:

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

REVIEWERS:

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

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

17.28.030 Use regulations.

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

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

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

17.32.020 Use regulations.

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

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

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

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

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

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

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

5.10.107 All Licenses and Permits – Additional Requirements.

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

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

November 16, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

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

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

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

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

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

TO WHOM IT MAY CONCERN:

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

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

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

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us



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

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

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

Description:

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

Recommendation:

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

Background:

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

Discussion:

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

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

Public Input:

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

Recommendation:

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



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

PUBLIC HEARING REPORT

PLAN AND ZONING COMMISSION

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

Description:

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

Recommendation:

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

Background:

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

Discussion:

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

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

Public Input:

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

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

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

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

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

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

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

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

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

17.28.030 Use regulations.

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

- A. Any use permitted in the C-O office shop district;

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

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

17.32.020 Use regulations.

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

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

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

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

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

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

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

5.10.107 All Licenses and Permits – Additional Requirements.

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

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

Wards: 8

Action / Date

1/4/2017

Subject:

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

Recommendation:

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

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

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

Relationship to Goals:

Welcoming neighborhoods.

Background:

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

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

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

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

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

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

17.50.030.A - Certain conditions for approval

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

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

17.50.040 Submission of final development plans.

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

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

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

ATTACHMENTS:

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

▣ Ordinance

▣ Ordinance

REZ16-11 - Plan and Zoning Commission letter

REZ16-11 - Plan and Zoning Commission Final
Staff Report

REVIEWERS:

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

ORDINANCE NO.

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

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

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

(detach here)

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

Comments:

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

Mail to: Plan and Zoning Commission

City Hall

Davenport, Iowa 52801

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

NAME

ADDRESS

DATE

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

(please print legibly)

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

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

(detach here)

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

Comments: _____

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

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

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

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

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

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

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

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

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

Comments: _____

226 W 4th St
DAVENPORT, IOWA 52801

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

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

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

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

December 7, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

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

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

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

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



Community Planning & Economic Development Department City of Davenport

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

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

Recommendation:

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

Introduction:

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

AREA CHARACTERISTICS:

Zoning Map



Land Use Map



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

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

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

Zoning:

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

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

Technical Review:

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

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

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

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

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

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

Public Input:

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

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

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

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

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

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

Discussion:

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

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

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

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

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

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

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

17.50.030.A - Certain conditions for approval

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

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

17.50.040 Submission of final development plans.

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

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

Staff Recommendation:

Findings:

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

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

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

Prepared by:

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

Ryan Rusnak, AICP
Planner III

Attachments:

Aerial Map

Concept Plan

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

Public Hearing Notice, Map and Notified Property Owners

Correspondence



Subject Property

N





SITE INFORMATION

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





PENMATCHA NW
DAVENPORT SENIOR DEVELOPMENT
DAVENPORT-IA

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

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

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

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

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

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

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

(detach here)

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

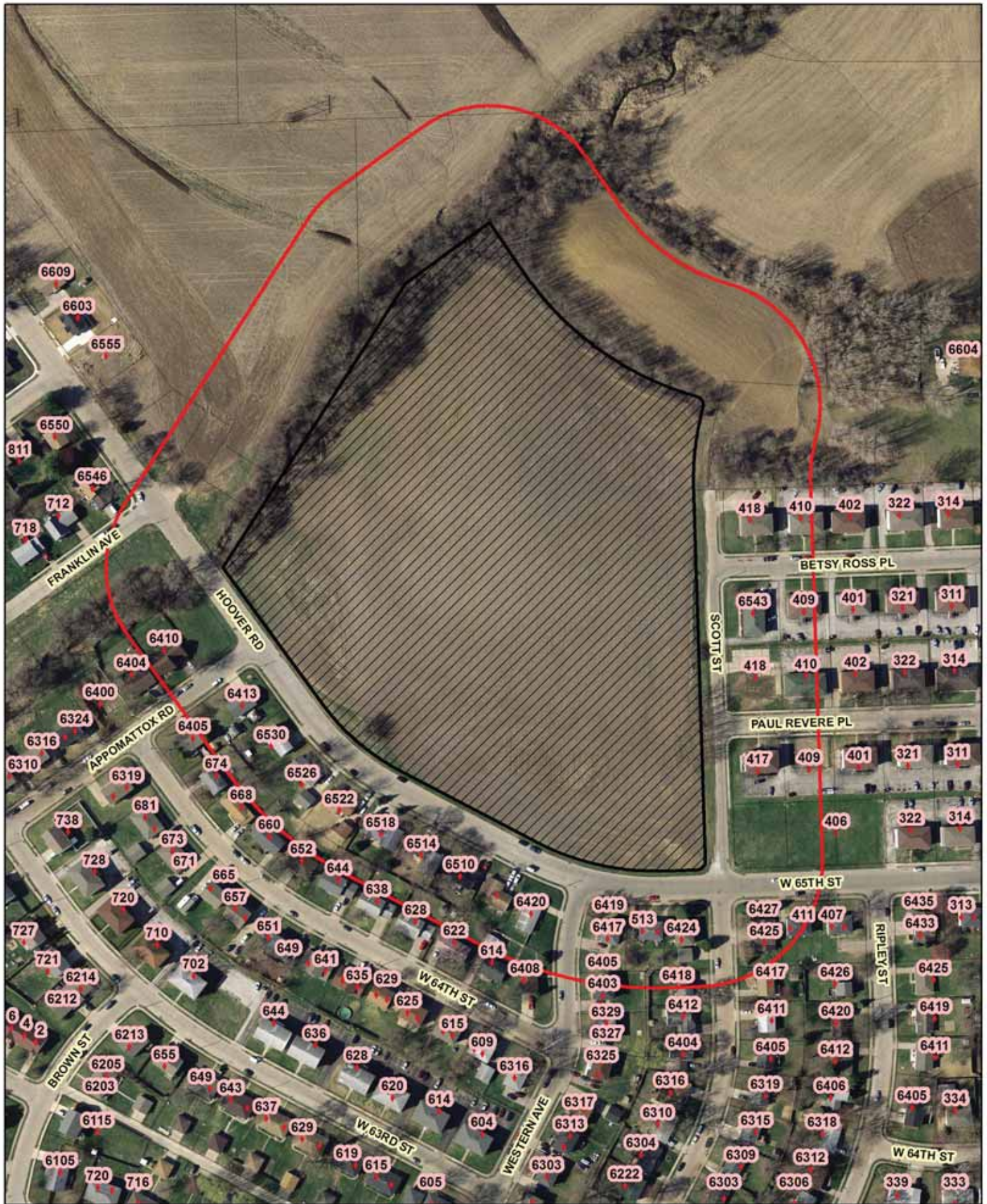
Comments: _____

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

NAME _____
ADDRESS _____
DATE _____

(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS



Subject Property



200 Foot Notification Radius

N



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

October 18, 2016

RE: Northwest Davenport Mixed Use Residential Development

Dear Resident:

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

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

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

Sincerely,

SHIVE-HATTERY, INC.



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

PRL/vjw

Project 3164680



Attendance Sheet

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

NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / MOBILE #
		E-MAIL ADDRESS
Patrick Lynch Civil Engineer	Shive-Hattery, Inc. 1701 River Dr Ste 200 Moline, IL 61265	309.764.7650x3286309.764.8616 plynch@shive-hattery.com
Marti Ahlgren Project Manager	Shive-Hattery, Inc. 1701 River Dr Ste 200 Moline, IL 61265	309.277.1966309.764.8616 mahlgren@shive-hattery.com
Jayne Knight	628 W. 61 st St. Davenport, IA 52806	563-357-4262 jknightin@outlook.com
Mary Webb	6316 - Scott St Davenport, IA	563 349 8465 mary.webb11@gmail.com
Kat Dutton	1115 N Utah Ave DAV IA	translation unlimited
Bambi Suits	2040 3 rd St. SE IL 61201	bambisuits@gmail.com
Lee Hinderman	6411 Scott St.	563-391-7320
Barri L. Coyne Shawn F. Voisard	6506 Hoover Rd. 52806	563-370-6446 Barri Coyne @Yahoo.com



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

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

Rusnak, Ryan

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

Nov 2, 2016

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

1. I want to convey my deepest appreciation to you for your great support exhibited last night in answering the neighbors questions, supporting me as a developer in a very positive way, providing clarifications in a convincing way for the growth of your ward and the City of Davenport as a whole. Your support was very commendable.

2. We need leaders like you to support the growth of our Neighborhoods, Cities, States and our Country. I wish some of the City Council members from Illinois Cities attend this kind of meetings and learn how to support the developers.

3. Our development group purchased about 200 acres recently within your Ward(76th and Division) within the last 2 years and plans to develop here in Davenport rather than developing the properties on the Illinois side.

4. Our neighborhood meeting went very well last night with your great help. The main questions from the attendees were:

A. Traffic: It which will be taken care of by the City of Davenport as we progress on the development. It is a concern for lot of attendees which can be taken care in future. More development, more traffic and it is a fact.

B. Property Values: This development will have Positive impact on the property values. This development will be a better looking property compared to the east side old apartment complex.

C. Hearing Impaired Neighbor concerns on the development: Traffic is a concern which will be addressed in future and may be increase police patrols to slow the traffic.

D. R3 PUD School District: Currently, this land was designated for School. One person raised question on why we can not leave it for building a school. Based on my conversation with Mr. Matt Flynn, Senior Manager, Planning and Zoning Department, I had clarified that originally this site was designated for school and subsequently the school decided not to build school at this site. Later the land owner never got this property rezoned. This is the time to get it rezoned to develop this property for the growth of the Davenport.

E. Rental Concerns: Some of the neighbors raised concerns if this development encourages these units for rental. Our proposal is to develop the proposed area as senior care center with 120 units in the middle as Assisted Living and the rest around the perimeter as Independent Living duplexes and Town homes. It depends on the feasibility study.

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

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

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

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

Summary:

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

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

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

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

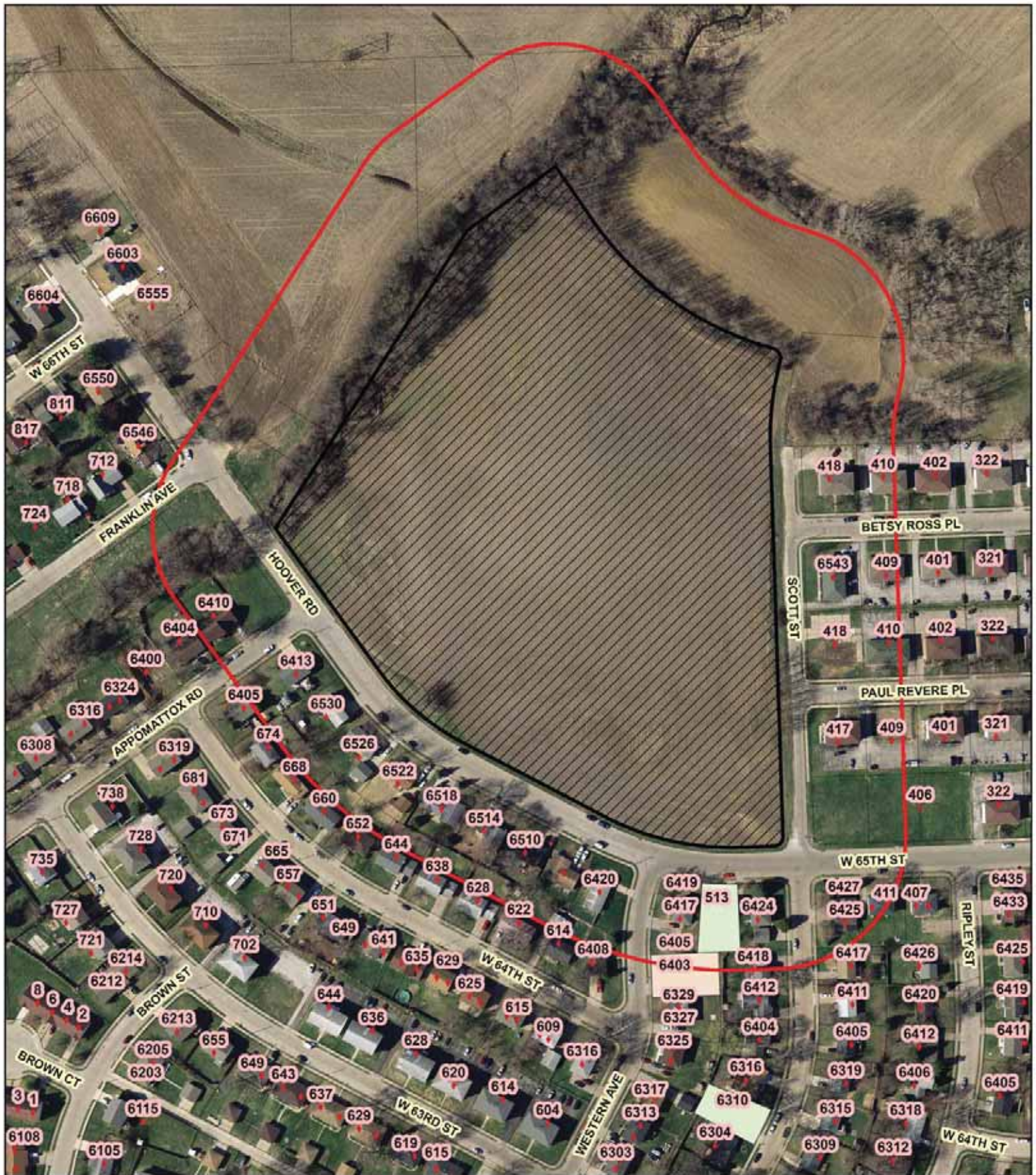
E. It is a "win win" situation for all parties(developer, neighbors and the City of Davenport) on this proposed development.

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

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

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

Sent from my iPhone



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



(detach here)

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

Comments:

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

Mail to: Plan and Zoning Commission

City Hall

Davenport, Iowa 52801

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

NAME

ADDRESS

DATE

Michael Steen
~~11-10-16~~ Brown CTE 511 W. 65th St
11-10-16

(please print legibly)

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

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

(detach here)

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

Comments: _____

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

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

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

(detach here)

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

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

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

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

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

(detach here)

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

Comments: _____

226 W 4th St
DAVENPORT, IOWA 52801

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

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

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

Rusnak, Ryan

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

Ald. Tompkins,

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

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

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

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

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

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

Great, thank you Gary!!

Kerri Tompkins
8th Ward Alderman
Davenport City Council

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

Ald. Tompkins,

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

Gary

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

Good Afternoon-

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

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

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

Thank you all for your time.

Kerri Tompkins
8th Ward Alderman
Davenport City Council

Begin forwarded message:

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

Hi Lily-

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

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

Kerri Tompkins
8th Ward Alderman
Davenport City Council

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

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

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

Issues:

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

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

Suggestions or realistic options if any for additional traffic control?

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

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

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

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

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

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

Any advice, opinion, or suggestions are welcomed.

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

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

Hope to hear back at your convenience!

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

Rusnak, Ryan

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

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

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

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

Bruce

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

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Davenport City Council

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

Hope to hear back at your convenience!

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

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

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

Wards: 6

Action / Date

1/4/2017

Subject:

Resolution approving Case No. FDP16-07: Request of Lange, Inc. for a PDD Final Development Plan on three acres, more or less, located west of Utica Ridge Road and north of Market Square Circle. [Ward 6]

Recommendation:

The City Plan and Zoning Commission forwards Case No. FDP16-07 to the City Council with a recommendation for approval without any special conditions

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

Relationship to Goals:

New Investment.

Background:

The petitioner is proposing to develop the property with a three-story, 83-unit hotel and a 2,000 square foot restaurant on three acres.

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

ATTACHMENTS:

Type	Description
□ Resolution Letter	FDP16-07 - Resolution
□ Backup Material	FDP16-07 - Plan and Zoning Commission Letter
□ Backup Material	FDP16-07 - Plan and Zoning Commission Vote Results
□ Backup Material	FDP16-07 - Plan and Zoning Commission Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/27/2016 - 9:47 AM
Community Development Committee	Berger, Bruce	Approved	12/27/2016 - 9:48 AM
City Clerk	Admin, Default	Approved	12/27/2016 - 9:53 AM

Resolution No. _____

Resolution offered by Alderman Boom

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. FDP16-07 being the petition of Lange, Inc. for a PDD Final Development Plan approval on three acres, more or less, located west of Utica Ridge Road and north of Market Square Circle.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final development plan for a three-story, 83-unit hotel and a 2,000 square foot restaurant (FDP16-07) is hereby approved and accepted pursuant to the City Plan and Zoning Commission letter dated December 7, 2016;

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

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

December 7, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of December 6, 2016, the City Plan and Zoning Commission considered Case No. FDP16-07 being the request of Lange, Inc. for a PDD Final Development Plan approval for a three-story, 83-unit hotel and a 2,000 square foot restaurant located west of Utica Ridge Road and north of Market Square Circle (a private Street).

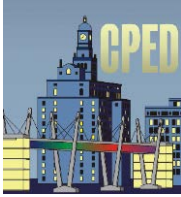
The City Plan and Zoning Commission forwards Case No. FDP16-07 to the City Council with a recommendation for approval without any special conditions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

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



Community Planning & Economic Development Department
City of Davenport

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: December 6, 2016
Request: Final Development Plan for a three-story, 83 unit hotel and 2,000 square foot restaurant on 3 acres.
Location: North side of Market Square Circle 280 feet west of Utica Ridge Road
Case No.: FDP16-07
Applicant: Lange Inc.

Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. FDP16-07 to the City Council with a recommendation for approval without any special conditions.

Introduction:

The petitioner is requesting a Final Development Plan to allow the construction of a three-story, 83 unit hotel and a 2,000 square foot restaurant on 3 acres.

AREA CHARACTERISTICS:

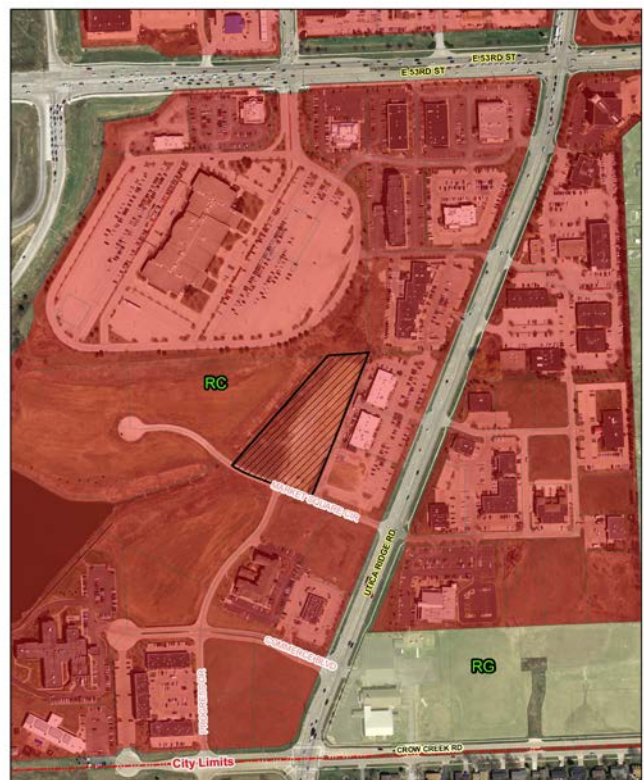
Zoning Map



 Subject Property



Land Use Map



 Subject Property



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

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

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

Zoning:

The subject property and are zoned PDD Planned Development District. The PDD Land Use Plan designates the subject property "Commercial/Office/Hotel".

Technical Review:

Streets. The subject property is located north of Market Square Circle, a private roadway.

Storm Water. Detention is provided by the regional basin southwest of the development.

Development would require a National Pollutant Discharge Elimination System (NPDES) and a Storm Water Pollution Prevention Plan (SWPPP) from the State of Iowa. These would need to be submitted to the Natural Resources Division in order to receive the required Construction Site Erosion and Sediment Control (COSESCO) permit.

Sanitary Sewer. There are 8 inch sewer lines on the south of Market Square Circle and the north side of Commerce Boulevard. The sanitary sewer lateral must connect to the sewer main using a wye connection (laterals cannot connect directly into manholes). An excavation permit will be needed when making the connection. The lateral and all plumbing shall conform to the plumbing code used by the City Code Division, not SUDAS.

Other Utilities. There is existing electrical service in close proximity to the subject property. There is an 8 inch water line on the north side of Market Square Drive. Any work involving water main shall meet the requirements of the IA-American Water Company.

Emergency Services. The subject property is located approximately 1.4 miles from the nearest fire station (Fire Station No. 8).

Parks/Open Space. The proposed Final Development Plan does not impact any existing parks or public open spaces.

Public Input:

There is no public input for a final development plan.

Discussion:

The petitioner is requesting a Final Development Plan to allow the construction of a three-story, 83 unit hotel and a 2,000 square foot restaurant on 3 acres.

Staff Recommendation:

Findings:

- The Final Development Plan would be compatible with the Comprehensive Plan RC designation; and
- The proposal would supports infill development.

Staff recommends that the Plan and Zoning Commission forward Case FDP16-07 to the City Council with a recommendation for approval without any special conditions.

Prepared by:

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

Ryan Rusnak, AICP
Planner III

Attachments:

Aerial Map

Final Development Plan



Community Planning & Economic Development Department
City of Davenport

PREVIEW STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 15, 2016
Request: Final Development Plan for a three-story, 83 unit hotel and 2,000 square foot restaurant on 3 acres.
Location: North side of Market Square Circle 280 feet west of Utica Ridge Road
Case No.: FDP16-07
Applicant: Lange Inc.

Recommendation:

There is no recommendation at this time.

Introduction:

The petitioner is requesting a Final Development Plan to allow the construction of a three-story, 83 unit hotel and a 2,000 square foot restaurant on 3 acres.

AREA CHARACTERISTICS:

Zoning Map



Subject Property



Land Use Map



Subject Property





Subject Property



CANDLEWOOD SUITES DEVELOPMENT
DAVENPORT, IOWA
CAP IOWA, LLC

CONTACTS

CITY OF DAVENPORT
PUBLIC WORKS

ADDRESS: 1200 EAST 46TH ST.
PHONE: 563.326.7923

PROJECT INFORMATION

SCOPE OF WORK:

CONSTRUCTION OF A NEW 3 STORY HOTEL AND ASSOCIATED GRADING, UTILITIES, PAVEMENT, RETAINING WALLS, SITE LANDSCAPING AND RESTORATION, AND ROUGH GRADING AND UTILITY STUBS FOR A FUTURE 2,000 SF RESTAURANT.

INDEX OF SHEETS



INDEX OF SHEETS

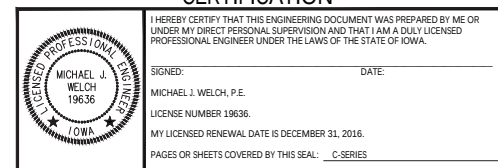
INDEX OF SHEETS	
SHEET	TITLE
C000	COVER SHEET
CIVIL	
C100	EXISTING CONDITIONS PLAN
C200	SITE PLAN
C210	UTILITY PLAN
C220	GRADING AND DRAINAGE PLAN
C900	GENERAL NOTES
C910	CONSTRUCTION DETAILS



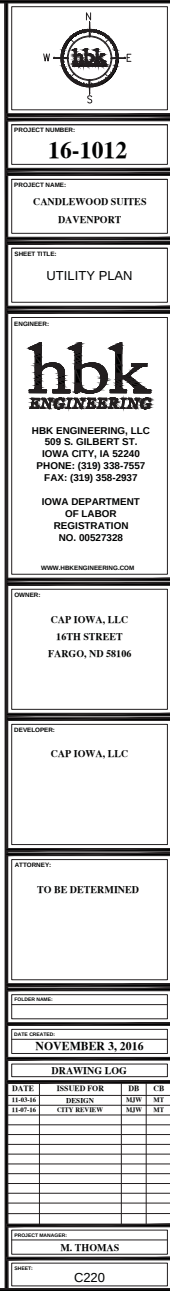
* DRAWING PRODUCED ON 34"x22" SHEET. FOR PLOTTING ON 11x17 USE 2:1 SCALE AND SCALE BY 50%

Nov 07, 2016 - 11:35am I:\Project\161012\dwg\Sheets\161012 C000s.dwg

CERTIFICATION



PROJECT NUMBER: 16-1012			
PROJECT NAME: CANDLEWOOD SUITES DAVENPORT			
SHEET TITLE: COVER SHEET			
ENGINEER:  HBK ENGINEERING, LLC 509 S. GILBERT ST. IOWA CITY, IA 52240 PHONE: (319) 338-7557 FAX: (319) 358-2937 IOWA DEPARTMENT OF LABOR REGISTRATION NO. 00527328 WWW.HBKENGINEERING.COM			
OWNER: CAP IOWA, LLC 16TH STREET FARGO, ND 58106			
DEVELOPER: CAP IOWA, LLC			
ATTORNEY: TO BE DETERMINED			
FOLDER NAME:			
DATE CREATED: NOVEMBER 3, 2016			
DRAWING LOG			
DATE	ISSUED FOR	DWG	CHECKED BY
11-03-16	DESIGN	MJW	N
11-07-16	CITY REVIEW	MJW	N
PROJECT MANAGER: M. THOMAS			
S&B:	C000		



PROPOSED STORM SEWER

PROPOSED SANITARY SEWER

PROPOSED WATER MAIN

PROPOSED PERVIOUS PAVERS



City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Susanne Knutsen
Wards: 8

Action / Date
1/4/2017

Subject:
Motion to set a public hearing for January 18, 2017 at 5:30pm in the Council Chambers for the purpose of amending and expanding the North Urban Renewal Area [Ward 8].

Recommendation:
Approve the motion.

Relationship to Goals:
Added emphasis on economic development.

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

The City of Davenport will also be amending the North Urban Renewal Plan to include the following projects: Project Prairie: Approximate property tax rebate of \$8,361,600 and Project Prairie Land and Infrastructure: Approximately \$9,500,000.

The amended plan is attached for both the inclusion of land and news projects. The public hearing is to be held at the January 18, 2017 Committee of the Whole meeting.

ATTACHMENTS:

Type	Description
▣ Cover Memo	URA Plan amendment
▣ Cover Memo	Notice adding land

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	1/3/2017 - 4:04 PM

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

January 3, 2017

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

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

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

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

- a. **Name:** Project Prairie

- Cost:** \$8,361,600

- Rationale:** The Company shall be eligible for reimbursement of 60% of the total property tax bill, less the City’s bond repayment on infrastructure costs.

- b. **Name:** Project Prairie Land & Infrastructure

- Cost:** \$9,500,000

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

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

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

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

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

Exhibit A:



Legal Description of Land to be added to North URA

Parcels 932733001 & 932749002

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

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

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

Parcels 932735003, 932751003 & 932735004

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

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

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

NOTICE OF PUBLIC HEARING ON DESIGNATION OF EXPANDED NORTH URBAN RENEWAL AREA AND ON
PROPOSED URBAN RENEWAL PLAN AMENDMENT

Notice Is Hereby Given: That at 5:30 o'clock p.m., at City Council Chambers on the first floor of City Hall, 226 W. 4th Street, Davenport, Iowa, on the 18th day of January, 2017, there will be conducted a public hearing on the question of amending the North Urban Renewal Area Plan and designating an expanded North Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, by adding and including all the property described as follows:

Parcels 932733001 & 932749002

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

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

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

Parcels 932735003, 932751003 & 932735004

The East Half of the Southwest Quarter of Section 27, Township 79 North, range 3 East of the 5th P.M., containing 80 acres, excepting the northern 250 feet. EXCEPT, those parts conveyed in Warranty Deed filed June 26, 1985, and recorded as Document No. 9663-85; in Quit Claim Deed filed June 26, 1985, and

recorded as Document No. 9664-85; and in Easement filed July 26, 1985 and recorded as Document No. 11444-85; all in the Recorder's Office of Scott County, Iowa. EXCEPTING therefrom the northern 250 feet.

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

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

North Urban Renewal Plan Amendment

The projects described below are also being considered for the North Urban Renewal Plan:

- a. Project Prairie, cost: \$8,361,600
- b. Project Prairie Land & Infrastructure, cost: \$9,500,000

The proposed amendment to the urban renewal plan brings the property described above under the plan and makes it subject to the provisions of the plan.

A copy of the proposed amendment is on file for public inspection in the office of the City Clerk. At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Jackie Holecek
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Susanne Knutsen
Wards: 8

Action / Date
1/4/2017

Subject:
Motion to set a public hearing for the purpose of considering the approval of an economic development agreement with Sterilite Corporation.

Recommendation:
Approve the motion.

Relationship to Goals:
Welcoming investment.

Background:
The Sterilite Corporation, headquartered in Townsend, MA, is the largest plastics housewares company in North America and has been in operation for over 75 years. They manufacture a wide variety of goods including food storage, laundry and utility products and organizational totes. Sterilite currently has operations in six states.

Sterilite is considering the construction of a manufacturing facility and distribution center on 160 acres adjacent to the Eastern Iowa Industrial Center. The building is estimated to have 2,463,000 square feet; 384,000 square feet will be manufacturing space and the remainder distribution space. The building shall be assessed at a minimum of \$55 million. The project will create 500 full time positions with 100 of the positions paying at least \$18.75/hour and the remainder of the positions paying \$12.00 to \$16.00 per hour. All positions are supported with a benefit package.

To support this development, the proposed City assistance is the following:

- Forgivable loan of \$3,000,000 paid out following the certificate of occupancy on the manufacturing facility
- Infrastructure (electric, gas, sanitary sewer and water) brought to the facility (estimated cost of \$1,262,500)
- Rail spur onto project site (estimated cost of \$1,800,000)
- Road and intersection improvements adjacent to and leading to site (estimated cost of \$3,350,000)
- Partial rebate of property taxes paid by Sterilite for a 15 year period (estimated to be \$8,361,600)
- For 15 years all property taxes paid for the assessed value portion greater than \$64,000,000, net

those taxes restricted by Iowa TIF law, will be reimbursed to the company.

The City is also pursuing funding assistance from the State of Iowa's Revitalize Iowa's Sound Economy (RISE) program to assist with roadway improvements and the Iowa Department of Transportation's Railroad Revolving Loan and Grant Program to assist with the rail spur. These programs are anticipated to help offset a portion of the City's cost.

As required by Iowa Code, a public hearing is required prior to the approval of an economic development agreement where the City will incur debt. In this case, the debt is the City's obligation for a rebate of property taxes of approximately \$8,361,600 over 15 years and approximately \$9,500,000 for a land write down and infrastructure and road improvements leading to the site. The rebate and other costs would come through the use of tax increment financing applied to the assessed value of the improved property. The details of this financial assistance will be established and certified in an economic development agreement between the Company and the City.

Public hearing to be held at the January 18th, 2017 Committee of the Whole meeting.

ATTACHMENTS:

Type	Description
 Cover Memo	PH Notice Incurring Debt Project Prairie

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	1/3/2017 - 4:09 PM

NOTICE OF PUBLIC HEARING ON INCURRING DEBT FOR TAX
INCREMENT FINANCING PROJECT

Notice Is Hereby Given: That at 5:30 o'clock p.m., at Davenport City Council Chamber located at 226 W 4th Street, Davenport, Iowa, on the 18th day of January, 2017, there will be conducted a public hearing on the question of incurring debt within the North Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, as follows:

- a. Name: Project Prairie
 Cost: \$8,361,600
 Rationale: The Company shall be eligible for reimbursement of 60% of the total property tax bill, less the City's bond repayment on infrastructure costs.

- b. Name: Project Prairie Land & Infrastructure
 Cost: \$9,500,000
 Rationale: The City of Davenport will contribute \$3,000,000 for a land write down and use the remaining funds in order to make road and intersection improvements and bring utilities to the project including a rail spur.

A copy of the proposed amendment is on file for public inspection in the office of the City Clerk.

At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Jackie Holecek
Deputy City Clerk

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Bruce Berger 563-888-2004

Wards: All

Action / Date

1/4/2017

Subject:

Motion approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from CDBG Year 41 ending June 30, 2016. [All Wards]

Recommendation:

The Citizen's Advisory Committee recommends approving the Motion.

Relationship to Goals:

Revitalized neighborhoods and corridors.

Background:

Each year, the Citizens Advisory Committee (CAC) recommends allocating the unspent and unobligated Community Development Block Grant (CDBG) funds from the prior fiscal year; as of 6-30-16 there remained \$469,883 in CDBG funds. Due to federal regulations limiting the amount of funding able to be allocated to specific categories of activities, no additional funds could be awarded in the Public Services category. The funds came from the following programs funded in Year 41:

• UNI Summer Youth	\$ 634
• UNI DREAM	\$ 1,000
• UNI DREAM Staff	\$ 4,871
• City Administration & Planning	\$ 34,272
• City Housing Rehabilitation Staff & Supplies	\$ 40,620
• Realigned Year 42 Administration & Planning	\$ 56,650
• YR41 and earlier funds never contracted	\$331,836

According to the CAC's approved reprogramming process, programs under contract for the current program year that were not fully funded during the initial allocation cycle could apply for reprogrammable funds. Subrecipients were notified of the reprogramming process via email and the following requests were received:

• City Economic Development Fund	\$200,000
• City Housing Rehabilitation Fund	\$269,883

At the December 5, 2016 CAC meeting the committee considered the reprogramming request. The Committee first voted to determine whether the requests received were eligible. The vote was that the requests were eligible. The CAC next voted to make the following recommendation:

• City Economic Development Fund	\$200,000
• City Housing Rehabilitation Fund	\$269,883

Following Council action, the current year's Action Plan will be amended, with notice published in *The Quad City Times* and submission of the amendment to HUD.

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/27/2016 - 9:34 AM
Community Development Committee	Berger, Bruce	Approved	12/27/2016 - 9:35 AM
City Clerk	Admin, Default	Approved	12/27/2016 - 9:51 AM

City of Davenport

Agenda Group:
Department: Public Safety Committee
Contact Info: Gary Statz; (563) 326-7754
Wards: 1

Action / Date
1/4/2017

Subject:
First Consideration: Ordinance amending Schedule XIII of Chapter 10.96 entitled "7-Ton Truck Restrictions" by adding Emerald Drive from Locust Street to Central Park Avenue. [Ward 1]

Recommendation:
Adopt the ordinance.

Relationship to Goals:
Upgraded City Infrastructure & Public Facilities

Background:
Traffic study results shows there are oversized vehicles traveling on Emerald Drive from Locust St to Central Park Ave which is a residential street. The traffic engineering division suggests a 7 ton weight restriction since the street is not designed to accommodate oversized vehicles.

ATTACHMENTS:

Type	Description
 Ordinance	PS_ORD_Emerald Dr 7 ton limit_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/27/2016 - 11:30 AM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 10:43 AM
City Clerk	Admin, Default	Approved	12/28/2016 - 10:44 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XIII 7-TON TRUCK RESTRICTIONS THERETO BY ADDING EMERALD DRIVE FROM LOCUST STREET TO CENTRAL PARK AVENUE.

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

Section 1. That Schedule XIII 7-Ton Truck Restrictions of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

Emerald Drive from Locust Street to Central Park Avenue.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Safety Committee
Contact Info: Jackie Holecek
Wards: 6

Action / Date
1/4/2017

Subject:
Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

John Parker, Chili Chase, February 26, 1:00-2:00 PM; Closure Location: Duck Creek Road to East Pleasant to Forest Road, to George Washington Blvd to Jersey Ridge to Bikepath returning to Duck Creek Park, Ward 6

St. Patrick's Society, St. Patrick's Day Grand Parade, March 18th, 11:00 am to Noon; Closure Location: Centennial Bridge and Gaines Street to 3rd Street east to Pershing Street, Ward 3

CASI, St. Patrick's Day Race, March 18th, 7:30 AM to Noon; Closure Location: 7:30 AM - Noon 2nd Street from Main to Brady only for pre and post race activities; 9:00 AM - 11 AM Race Course: 2nd Street east of the drive up to US Bank, east to Brady, north to 3rd then west to Division and return to Brady, south to 2nd Street to finish lane, Ward 3

River Bandits, River Bandits 5K, April 8th, 8:00 AM to Noon; Closure Location: 2nd Street to Centennial Bridge over to Government Bridge and return to Modern Woodmen Park via the bike path, Ward 3

Recommendation:
Approve the resolution.

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	12/12/2016 - 4:36 PM

RESOLUTION NO. 2017-

Resolution offered by Alderman Matson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: John Parker

Event: Chili Chase Run

Date: February 26

Time: 1:00 PM to 2:00 PM

Closure Location: Duck Creek Road to East Pleasant to Forest Road, to George Washington Blvd to Jersey Ridge Road to Bikepath returning to Duck Creek Park.

Ward: 6

Entity: St. Patrick's Society

Event: St. Patrick's Day Grand Parade

Date: March 18th

Time: 11:00 AM to 1:30 PM

Closure Location: Centennial Bridge and Gaines Street to 3rd Street and 3rd Street east to Pershing Streets

Ward: 3

Entity: C.A.S.I. St. Patrick's Day Race

Event: St. Patrick's Day Race

Date: Saturday, March 18(setup March 17th)

Time: 7:30 AM to Noon

*Closure Location: **7:30 AM – Noon** 2nd Street from Main to Brady only for pre and post race activities; **9:00 AM – 11:00 AM** Race Course: 2nd Street east of the drive up to US Bank east to Brady, north to Third Street then west to Division and return to Brady Street south to 2nd Street to finish line*

Ward: 3

Entity: River Bandits

Event: River Bandits 5K

Date: April 8th

Time: 8 am - Noon

Closure Location: Begins on 2nd Street to Centennial Bridge over to Government Bridge and return to Modern Woodmen Park via the bike path

Ward: 3

Approved this 11th day of January, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk



City of Davenport

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

Action / Date
1/4/2017

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

Front Street Brewery (Front Street Brewery Inc.) - 421 W River Dr. (City parking lot only) - Outdoor Area January 14, 2017 'Ice Extravaganza' - License Type: C Liquor

Ward 6

Your Pie (The Gizzeria Group, Inc.) - 4520 E 53rd St., Suite 400 - Outdoor Area - License Type: Beer / Wine / Native Wine

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

Ward 1

Hy-Vee #1 (Hy-Vee, Inc.) - 3019 Rockingham Rd. - License Type: E Liquor

Ward 3

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

Gravy's (Gravy's Bar and Grill, Inc.) - 1902 Rockingham Rd. - License Type: C Liquor

Joe's Club (Joseph Seng) - 1402 W 7th St. - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - License Type: C Liquor

QC Marts (Bethany Enterprises, Inc.) - 813 W 2nd St., Unit 1 - License Type: C Beer

Ward 6

Café Indigo (Café Indigo, LLC) - 4925 Utica Ridge Rd. - Outdoor Area - License Type: Beer / Wine

Granite City Food & Brewery (Granite City Restaurant Operations, Inc.) - 5270 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

Hy-Vee #4 (Hy-Vee, Inc.) - 4064 E 53rd St. - License Type: E Liquor / B Wine / C Beer

Hy-Vee Food & Drugstore #3 (Hy-Vee, Inc.) - 1823 E Kimberly Rd. - License Type: E Liquor

Recommendation:

Consider the license applications.

Relationship to Goals:

Support local businesses.

Background:

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/29/2016 - 9:43 AM
Finance Committee	Watson-Arnould, Kathe	Approved	12/29/2016 - 9:43 AM
City Clerk	Admin, Default	Approved	12/30/2016 - 9:08 AM

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Lesley Eastlick (563) 326-7729
Wards: 1

Action / Date
1/4/2017

Subject:
Resolution for the plans, specifications, form of contract and estimated cost for the Rockingham Road Improvement project, estimated cost \$3,300,000, funded in CIP #35018 from GO Bonds. [Ward 1]

Recommendation:
Pass the resolution.

Relationship to Goals:
Enhance quality of life.

Background:
The Rockingham Road Improvement project extends from Schmidt Road to Birchwood Avenue. Schmidt Road to Lincoln Avenue and Elmwood Avenue to Birchwood Avenue will be resurfaced. Lincoln Avenue to Elmwood Avenue will have complete reconstruction. The project also includes necessary improvements to storm sewer, curbs and sidewalks. Project design and development of project plans and specifications were completed by

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution page 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/28/2016 - 2:41 PM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 2:42 PM
City Clerk	Admin, Default	Approved	12/28/2016 - 2:42 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

Resolved by the City Council of the City of Davenport.

Resolution on the plans, specifications, forms of contract and estimated cost for the FY2018 Rockingham Road Improvement Project, CIP #35018.

Whereas, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, Rockingham Road Improvement 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 Rockingham Road Improvement Project.

Passed and approved this 11th day of January, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Mike Atchley; (563) 327-5149
Wards: 1, 3, 4

Action / Date
1/4/2017

Subject:
Resolution approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy. [Wards 1, 3, 4]

Recommendation:
Approve the resolution

Relationship to Goals:
Enhance Quality of Life

Background:
The easement is needed at Modern Woodmen Park for MidAmerican Energy to improve the reliability of transformers serving the LeClaire Park Bandshell, Modern Woodmen Park and other riverfront services.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2
▣ Cover Memo	Fejervary Easement Document
▣ Cover Memo	Fejervary Easement PLAT
▣ Cover Memo	Emeis Easement Document
▣ Cover Memo	Emeis Easement PLAT
▣ Cover Memo	Modern Woodman Easement Document
▣ Cover Memo	Modern Woodman Easement PLAT

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/27/2016 - 4:20 PM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 10:46 AM
City Clerk	Admin, Default	Approved	12/28/2016 - 10:47 AM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLUTION approving underground electric easements at Fejervary Park, Emeis Park and Modern Woodmen Park to MidAmerican Energy.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City of Davenport requested electric service for the cell towers located at Fejervary Park and Emeis Park.

WHEREAS, MidAmerican Energy Company has a project to increase reliability to transformers located on the 2nd floor of the Modern Woodmen Park.

WHEREAS, the cell tower at Emeis Park and the increase reliability to transformers located on the 2nd floor of the Modern Woodmen Park benefit the City of Davenport.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute underground electric easements to MidAmerican Energy Company on city property at three locations; Fejervary Park, Emeis Park and north of Modern Woodmen Park.

Passed and approved this 11th day of January, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

Prepared by and return to: Dawn M. Carlson 563.333.8150 MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DAV4, Davenport, Iowa 52808

**MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>101-16</u>	State of	<u>Iowa</u>	
Work Req. No.	<u>DR2533334</u>	County of	<u>Scott</u>	
Project No.	<u>N/A</u>	Section	<u>27</u>	
		Township	<u>78</u>	North
		Range	<u>3</u>	East of the 5 th P.M.

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

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Lot Eight (8) of Fair Ground 2nd Addition except the East Fifteen (15) feet thereof and also Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and the West Half of Lot Thirteen (13), Block Ten (10) and also Lot Seven (7) Block Twelve (12) Fair Ground 2nd Addition, situated in the City of Davenport, Scott County, Iowa. A/K/A Parcel No. H0020-07A

EASEMENT AREA:

An underground electric easement described as follows:

A Ten (10) feet wide by One Thousand One Hundred Thirty (1,130) feet long, more or less, underground electric easement, over, across, under and through the previously described parcel of land, more particularly described as follows: Beginning at a point on the East property line approximately One Thousand Two Hundred Fifty Five (1,255) feet North of the centerline of Telegraph Road, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established approximately Eight Hundred (800) feet, thence Northerly approximately Three Hundred Thirty (330) feet to the end of said centerline, more or less, up to and including a pad mounted transformer, as shown on Exhibit A, attached as shown hereto and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures

that interfere with the proper operation and maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

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

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

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

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

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

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

(Acknowledgments and Signatures on following page)

Dated this ____ day of _____, 2016.

Board of Park Commissioners of the City of Davenport, Iowa

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2016,

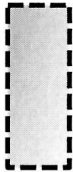
by _____ as _____

of Board of Park Commissioners of the City of Davenport, Iowa.

Signature of Notary Public

EXHIBIT "A"

Legend:



- Easement Area



- Pad Mounted Transformer

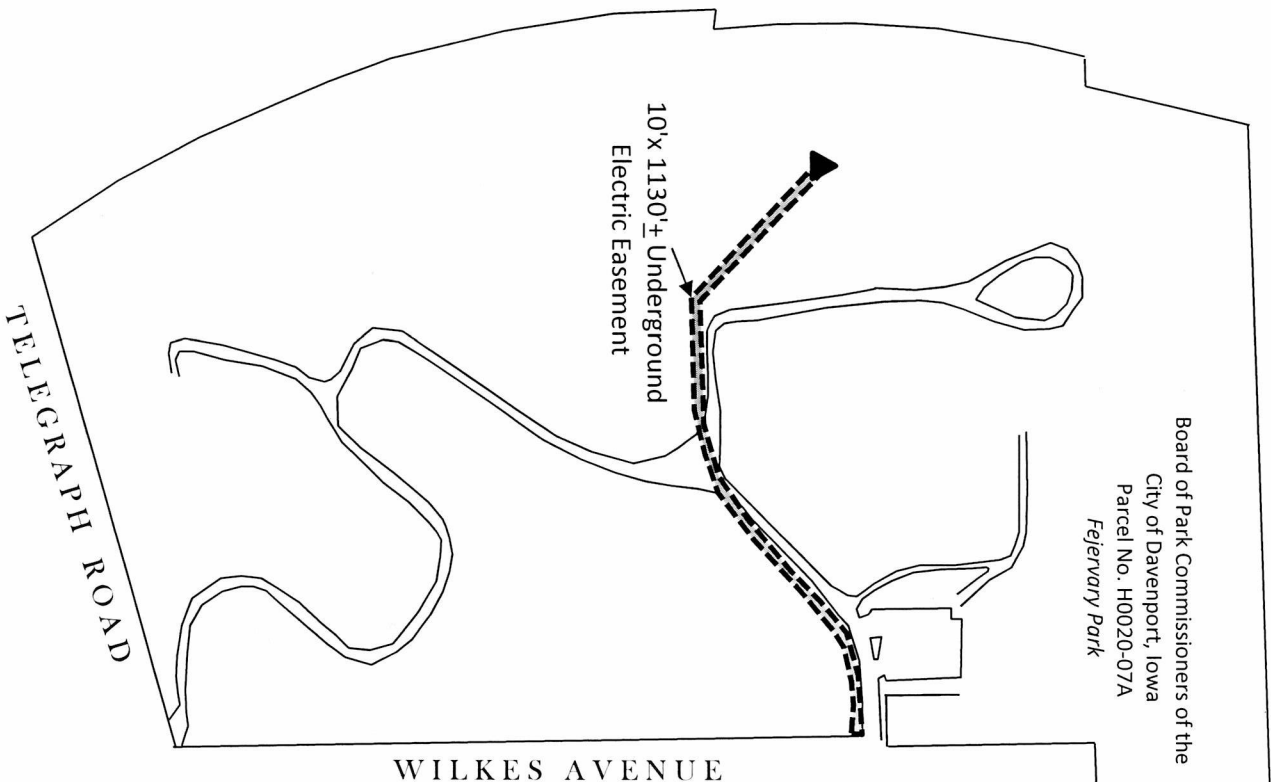
DESCRIPTION OF PROPERTY CONTAINING EASEMENT

AREA:

Lot Eight (8) of Fair Ground 2nd Addition except the East Fifteen (15) feet thereof and also Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and the West Half of Lot Thirteen (13), Block Ten (10) and also Lot Seven (7) Block Twelve (12) Fair Ground 2nd Addition, situated in the City of Davenport, Scott County, Iowa.

EASEMENT DESCRIPTION:

A Ten (10) feet wide by One Thousand One Hundred Thirty (1130) feet long, more or less, underground electric easement, over, across, under and through the previously described parcel of land, more particularly described as follows: Beginning at a point on the East property line approximately One Thousand Two Hundred Fifty Five (1,255) feet North of the Centerline of Telegraph Road, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established, thence is presently established approximately Eight Hundred (800) feet, thence Northerly approximately Three Hundred Thirty (330) feet to the end of said centerline, more or less, up to and including a pad mounted transformer.



Board of Park Commissioners of the
City of Davenport, Iowa
Parcel No. H0020-07A
Fejervary Park

	Customer: Board of Park Commissioners of the City of Davenport, Iowa Address: 1800 W. 12th Street City: Davenport, Iowa 52802	DR # 2533334 Date: November 21, 2016	
ROW Agent: DMC	Scale: Not to Scale Folder #: 101-16	Sec 27, T 78 N, R 3 E, 5th PM	
Job Desc: Underground Electric Distribution Easement			

Prepared by and return to: Dawn M. Carlson 563.333.8150
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DAV4, Davenport, Iowa 52808

**MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>051-14</u>	State of	<u>Iowa</u>
Work Req. No.	<u>DR2446336</u>	County of	<u>Scott</u>
Project No.	<u>A1115</u>	Section	<u>20</u>
		Township	<u>78</u> North
		Range	<u>3</u> East of the 5 th P.M.

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

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

The North Half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the West Fifteen (15) acres of the Southeast Quarter of the Northwest Quarter of Section Twenty (20), Township 78 North, Range 3 East of the 5th P.M., subject to easement granted to American Telephone and Telegraph Company of Iowa, as recorded at Page 62 of Book 78 of Land Deeds in the Office of the Recorder of Scott County, Iowa; subject also to the rights of the public highways.

And also:

The East 25 acres of the Southeast Quarter of the Northwest Quarter; the East 25 acres of the Northeast Quarter of the Southwest Quarter, the East 25 acres of the Southeast Quarter of the Southwest Quarter, all in Section Twenty (20), Township 78 North, Range 3 East of the 5th P.M.; subject to the rights of the public in highways; containing 75.753 acres, more or less; and subject to easements of record.

EASEMENT AREA:

An underground electric easement being Ten (10) feet wide by Two Hundred Seventy Three (273) feet long, more or less, described as follows:

Being a part of the Southeast Quarter of Section 20, Township 78 North, Range 3 East of the Fifth Principal Meridian in Scott County, Iowa; more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section; Thence along the East line of the Southwest Quarter, North 01 Degrees 11 Minutes 36 Seconds West, a distance of 1284.14 feet; Thence, South 88 Degrees 16 Minutes 07 Seconds West, to the West Right of Way Line of Emeis Park Drive, a distance of 30.00 feet to the point of beginning; Thence, continuing South 88 Degrees 16 Minutes 07 Seconds West, a distance of 272.58 feet; Thence, North 00 Degrees 26 Minutes 22 Seconds West, a distance of 10.00 feet; Thence North 88 Degrees 16 Minutes 07 Seconds East to the West Right of Way of said drive, a distance of 272.44 feet; Thence, along the West Right of Way of said drive, South 01 Degrees 11 Minutes 36 Seconds East, a distance of 10.00 feet, to the point of beginning.

As shown on Exhibit "A" – Attached as shown hereto and made a part hereof.

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

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

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

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

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

7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any dispute arising under this easement, it is agreed between the parties that the law of the State of Iowa will govern the interpretation, validity and effect of this easement without regard to the

place of execution or place of performance thereof. To the fullest extent permitted by law, Grantor and Grantee each hereto waive any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this easement. Grantor and Grantee each further waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2016.

Board of Park Commissioners of the City of Davenport, Iowa

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2016,

by _____ as _____

of Board of Park Commissioners of the City of Davenport, Iowa

Signature of Notary Public

Board of Park Commissioners of the City of Davenport, Iowa

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2016,

by _____ as _____

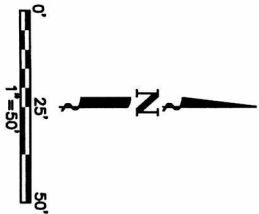
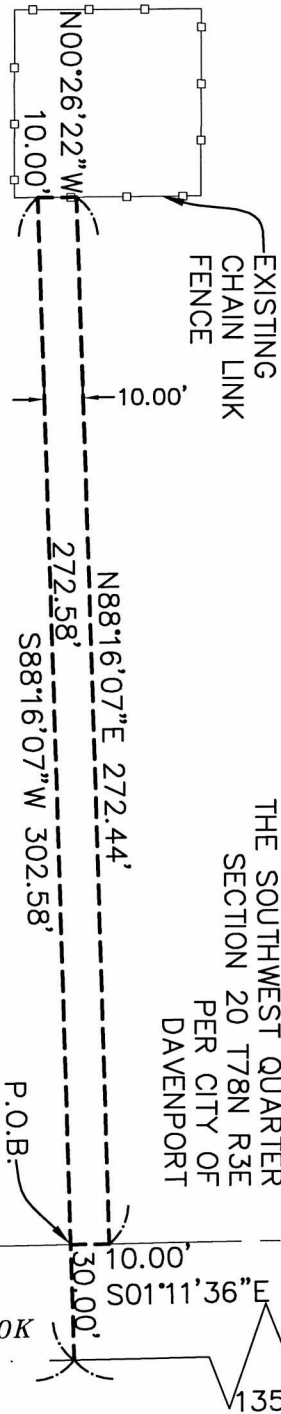
of Board of Park Commissioners of the City of Davenport, Iowa

Signature of Notary Public

EASEMENT PLAT

PART OF SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH,
RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA

FOUND CUT "X" IN
PAVEMENT AT THE
NORTHEAST CORNER OF
THE SOUTHWEST QUARTER
SECTION 20 T78N R3E
PER CITY OF
DAVENPORT



LEGEND

- FOUND AS NOTED
- EASEMENT LINE
- RIGHT OF WAY LINE
- SECTION LINE

FOUND CUT "X" IN
PAVEMENT AT THE
SOUTHEAST CORNER
OF THE SOUTHWEST
QUARTER OF SECTION
20 T78N R3E PER
CORNER CERTIFICATE
1991-26552

EMEIS PARK DRIVE
30' RIGHT OF WAY
PER CITY PLAT BOOK

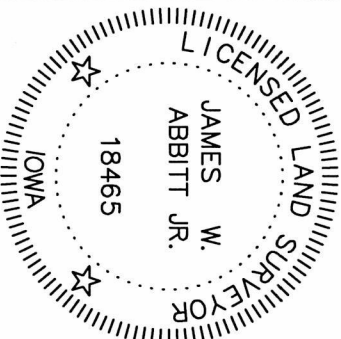
EAST LINE OF THE SOUTHWEST
QUARTER SECTION 20

LEGAL DESCRIPTION

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 78
NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPAL MERIDIAN IN SCOTT COUNTY,
IOWA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID
SECTION; THENCE, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER, NORTH
01 DEGREES 11 MINUTES 36 SECONDS WEST, A DISTANCE OF 1284.14 FEET;
THENCE, SOUTH 88 DEGREES 16 MINUTES 07 SECONDS WEST, TO THE WEST
RIGHT OF WAY LINE OF EMEIS PARK DRIVE, A DISTANCE OF 30.00 FEET TO THE
POINT OF BEGINNING; THENCE, CONTINUING SOUTH 88 DEGREES 16 MINUTES 07
SECONDS WEST, A DISTANCE OF 272.58 FEET; THENCE, NORTH 00 DEGREES 26
MINUTES 22 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE, NORTH 88
DEGREES 16 MINUTES 07 SECONDS EAST, TO THE WEST RIGHT OF WAY OF SAID
DRIVE, A DISTANCE OF 272.44 FEET; THENCE, ALONG THE WEST RIGHT OF WAY
OF SAID DRIVE, SOUTH 01 DEGREES 11 MINUTES 36 SECONDS EAST, A DISTANCE
OF 10.00 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 2725 SQUARE FEET, MORE OR LESS
FOR THE PURPOSE OF THIS DESCRIPTION THE EAST LINE OF THE SOUTHWEST
QUARTER OF SECTION 20 IS ASSUMED TO BEAR NORTH 01 DEGREES 11 MINUTES
36 SECONDS WEST.



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: James W. Abbitt Jr.

Date: 4-9-15 Reg. No. 18465

My license renewal date is December 31, 2016.
Pages or sheets covered by this seal:

THIS SHEET ONLY.

MidAmerican Energy
PO Box 3006
STOUX CITY, IA, 51102

REVISIONS		DATE
NO.	ITM	



EASEMENT PLAT	
PART OF T78N R.1/4 OF SEC. 20 T78N R3E	DAVENPORT, IOWA
T.11N78L.E4E5-TOWNE11N78L.E4E5-TOWNE-SYDING	JOB NUMBER: 148E-01-13-11-176

Prepared by and return to: Dawn M. Carlson 563.333.8150
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DAV4, Davenport, Iowa 52808

**MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>083-16</u>	State of	<u>Iowa</u>	
Work Req. No.	<u>DR2473119</u>	County of	<u>Scott</u>	
Project No.	<u>A1115</u>	Section	<u>35</u>	
		Township	<u>78</u>	North
		Range	<u>3</u>	East of the 5 th P.M.

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

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

All of the land bounded on the North by West River Drive and all the land bounded on the East by Ripley Street and all the land bounded on the South by Beiderbeck Drive and all the land bounded on the West by Gaines Street excepting the North 300' therefrom, containing 6.1 acres a/k/a Municipal Stadium, located in Scott County, Iowa. (Parcel No. L0020-21A)

EASEMENT AREA:

An underground electric easement described as follows:

The North Ten (10) feet of the East Four Hundred and Fifty (450) feet of the above referenced tract of land.

See Exhibit A – attached as shown hereto and made a part hereof.

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

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

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

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

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

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

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2016.

City of Davenport, Iowa

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2016,

by _____ as _____

of City of Davenport, Iowa.

Signature of Notary Public

EXHIBIT "A"

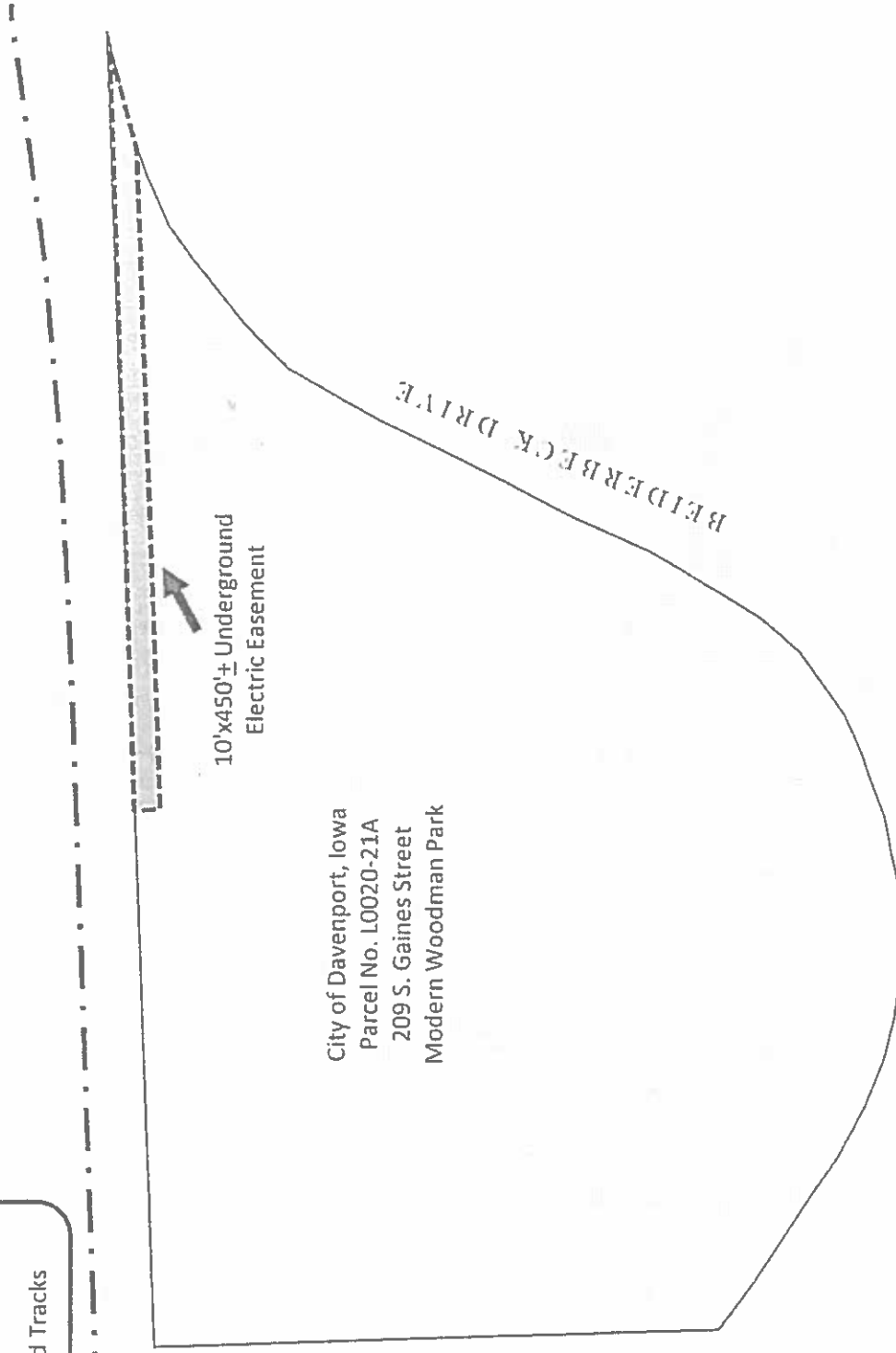
EASEMENT AREA:
The North Ten (10) feet of the East Four Hundred Fifty (450) feet of Parcel No. L0020-21A.

Legend:



- Easement Area

- Railroad Tracks



SOUTH GAINES STREET

BEIDERBECK DRIVE

City of Davenport, Iowa
Parcel No. L0020-21A
209 S. Gaines Street
Modern Woodman Park

10'x450'± Underground
Electric Easement



ROW Agent: DMC

Job Desc: Underground Electric Distribution Easement

Customer: City of Davenport, Iowa

Address: 226 W. 4th Street

City: Davenport, Iowa 52801

DR # 2473119

Date: October 13, 2016

Sec 35, T 78 N, R 3 E, 5th PM

Scale: Not to Scale

Folder #: 083-16

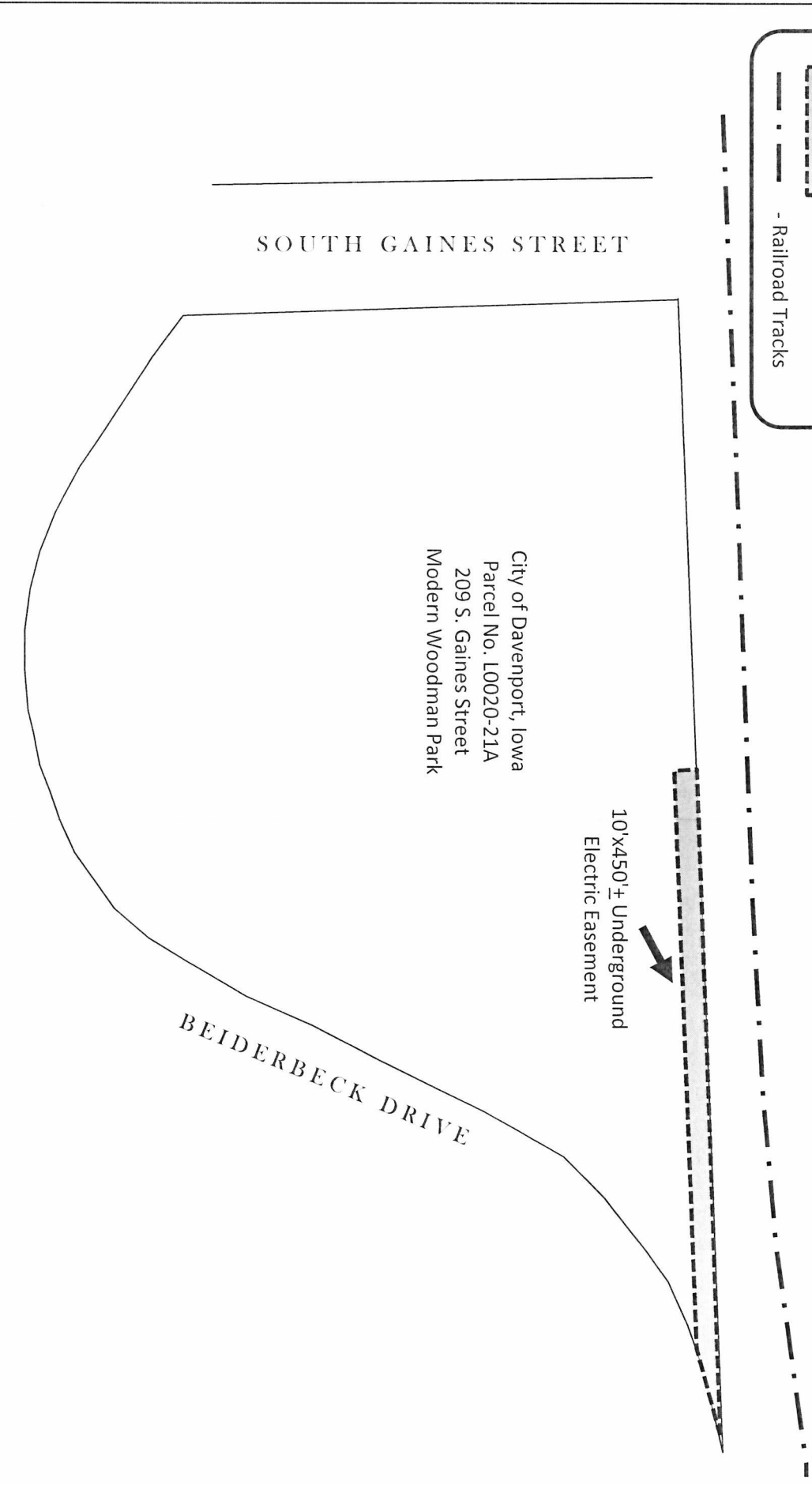
EXHIBIT "A"

EASEMENT AREA:

The North Ten (10) feet of the East Four Hundred Fifty (450) feet of Parcel No. L0020-21A.

Legend:

- Easement Area

- Railroad Tracks

 MidAmerican ENERGY CONSERVING & RELIANT ENERGY FOR YOUR BUSINESS.	Customer: City of Davenport, Iowa		DR # 2473119		
ROW Agent: DMC	Address: 226 W. 4th Street		Date: October 13, 2016		
Job Desc: Underground Electric Distribution Easement	City: Davenport, Iowa 52801		Sec 35, T 78 N, R 3 E, 5th PM		

Scale: Not to Scale	Folder #: 083-16
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City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Tom Leabhart; (563) 326-7729
Wards: 5

Action / Date
1/4/2017

Subject:
Resolution of acceptance for the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvements constructed by McCarthy Improvement Company of Davenport, Iowa. The City funded \$204,000 and a DOT grant funded \$816,000 for a total project cost of \$1,020,000 budgeted in CIP #01792. [Ward 5]

Recommendation:
Pass the resolution.

Relationship to Goals:
Upgraded City Infrastructure and Public Facilities.

Background:
The completed project for the Kimberly Road at Forest Road and Lorton Avenue Intersection Improvements provided traffic signals, pedestrian cross walks and turn lanes to improve safety and reduce congestion.

Construction of the project has been satisfactorily completed and approved by the Iowa Department of Transportation. The project was funded by a combination of federal, state and city funds. This resolution accepting the work will allow for payment of the contractor's retainage.

ATTACHMENTS:

Type	Description
 Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/28/2016 - 11:07 AM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 11:12 AM
City Clerk	Admin, Default	Approved	12/28/2016 - 11:34 AM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution of acceptance for the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvements constructed by McCarthy Improvement Company of Davenport, Iowa. The City funded \$204,000 and a DOT grant funded \$816,000 for a total project cost of \$1,020,000 budgeted in CIP #01792.

WHEREAS, the City of Davenport entered into a contract with McCarthy Improvement Company for the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvement Project;

WHEREAS, work on the project is complete.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Kimberly Road (US6) at Forest Road and Lorton Avenue Intersection Improvement Project is hereby accepted.

Passed and approved this 11th day of January, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Mike Atchley; (563) 327-5149
Wards: 7

Action / Date
1/4/2017

Subject:

Motion approving the purchase agreement for the acquisition of a permanent sewer easement and temporary construction and access easement from Bowling Center, Inc in the amount of \$72,250 for the replacement of the 8" sanitary sewer main at Kimberly Road and Harrison Street, CIP #30028. [Ward 7]

Recommendation:

Approve the motion.

Relationship to Goals:

Enhance Quality of Life

Background:

This easement is necessary to replace the 8" sanitary sewer main at West Kimberly Road and Harrison Street which was discovered to be structurally deficient during the 2015 sewer CIPP Lining program.

Program management and quality assurance inspections for the Kimberly Sanitary Sewer Repair Project will be completed by the engineering division.

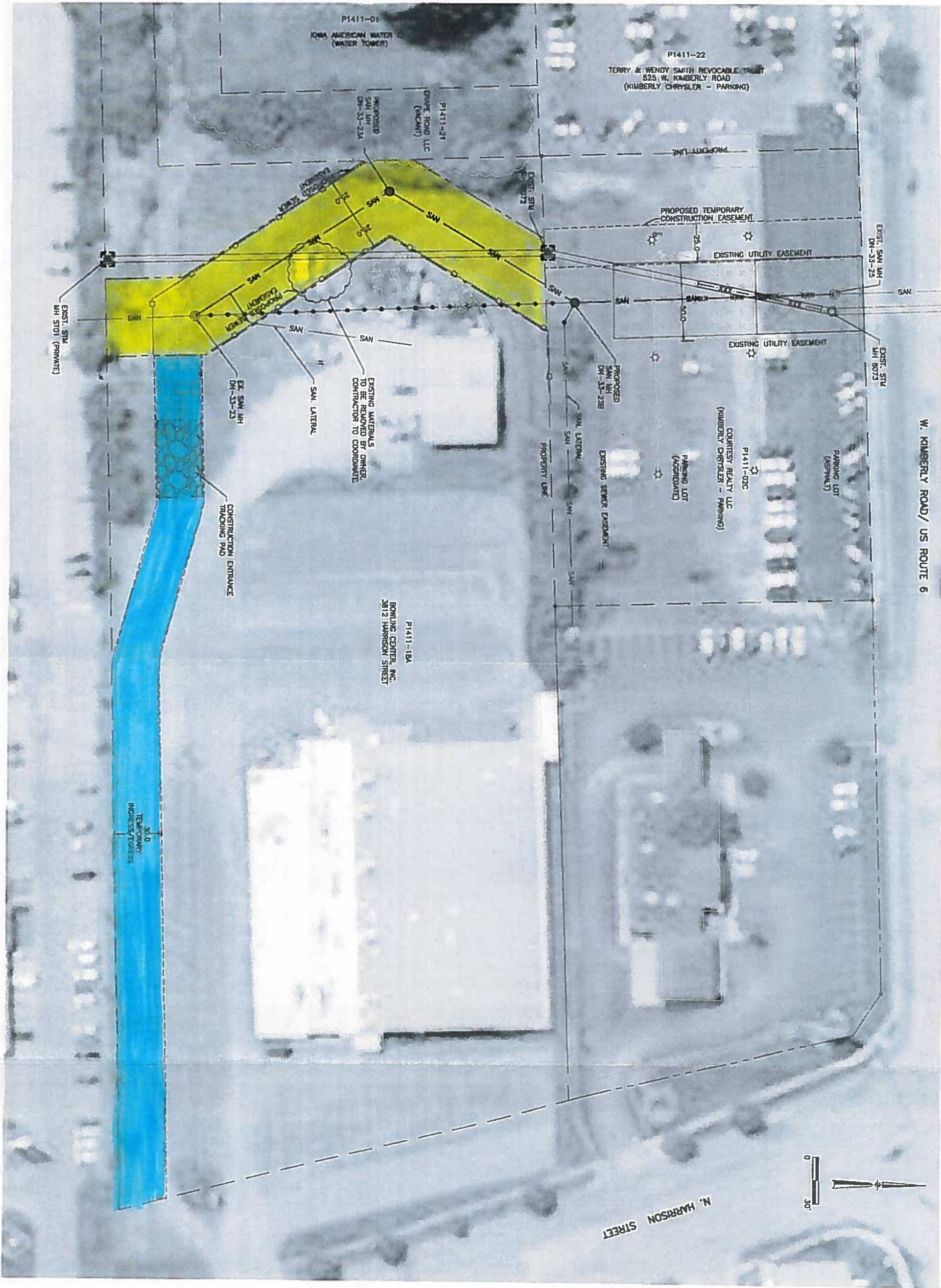
The acquisition total of \$72,250 is budgeted in CIP #30028.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Easement PLAT
▣ Cover Memo	Purchase Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/28/2016 - 10:43 AM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 10:43 AM
City Clerk	Admin, Default	Approved	12/28/2016 - 10:45 AM



Revision Number	Revision Description	Drawn By	Checked By	Date
1	DESIGNED BY TLW	TLW		
2	DRAWN BY TLW	TLW		
3	CHECKED BY JCH	JCH		
4	APPROVED BY			
5	FILENAME CP03 002CK1.dwg			
6	PROJECT NO. 13094			
7	PROJECT DATE 08/12/2016			

CITY OF DAVENPORT
SANTIARY SEWER REPLACEMENT
SOUTH OF W. KIMBERLY ROAD
FROM DN-33-23 TO DN-33-25
SCOTT COUNTY, IOWA

SITE OVERVIEW



Sheet No. 3

Drawing No.

CP03

PURCHASE AGREEMENT
For
Permanent Sewer Easement, Temporary Construction Easement
and Acceptance

PARCEL NO. 2-PSE and 2-TCE

COUNTY: Scott

PROJECT NAME or NO. Kimberly Sanitary Sewer

Repair Project

CITY: Davenport

SELLER: Bowling Center, Inc

THIS AGREEMENT made and entered into this _____ day of _____, 2016, by and between Seller and the City of Davenport, Iowa, a Municipal Corporation, hereinafter, Buyer.

1a. SELLER AGREES to sell the below described property for Permanent Sewer Easement Tract 2 - PSE and furnish to Buyer conveyance documents, on form(s) furnished by Buyer described as:

TRACT NO. 2-PSE PERMANENT SEWER EASEMENT

A PARCEL OF LAND FOR PERMANENT SEWER EASEMENT SITUATED IN A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2 OF THE VALLEY BANK FIRST ADDITION AS RECORDED IN THE SCOTT COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 2001-42850 (FD. 5/8" IRON PIN W/CAP #7222); THENCE SOUTH 88°09'52" WEST, 176.80 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED SEWER EASEMENT; THENCE SOUTH 31°10'56" WEST, 116.03 FEET; THENCE SOUTH 33°10'48" EAST, 138.33 FEET; THENCE SOUTH 01°24'31" WEST, 63.50 FEET TO A POINT LYING ON THE SOUTH LINE OF PARCEL P1411-18A, A TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED AND RECORDED IN THE SCOTT COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 07304-99; THENCE SOUTH 88°50'55" WEST, 50.00 FEET ALONG SAID SOUTH LINE; THENCE NORTH 01°24'31" WEST, 49.09 FEET; THENCE NORTH 33°10'48" WEST, 137.48 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL P1411-18A; THENCE NORTH 01°41'01" WEST, 30.22 FEET ALONG SAID WEST LINE; THENCE NORTH 31°10'56" EAST, 97.49 FEET TO A POINT LYING ON THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 88°09'52" EAST, 59.63 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 0.363 ACRES MORE OR LESS

- 1b. SELLER AGREES to sell temporary access/construction easement and furnish to Buyer conveyance documents, on form(s) furnished by Buyer, and Buyer agrees to buy the temporary construction easement for 1 year, described as:

TRACT 2 – TAE Temporary Access/Construction Easement

+/- .378 Ac.

As Shown on Attached Plat (page 6)

- 1c. The temporary access/construction easement (TCE) is for the purpose of such encroaching, grading, sloping, shaping, cutting, filling and constructing as may be required for the proper construction of the “Kimberly Sanitary Sewer Repair Project” over, across, through and under parcel P1411-18A, in Davenport, Iowa. Said temporary access/construction easement shall terminate when the City approves and accepts said project or 12 months from the date construction encroaches on the SELLER’S property whichever comes first.
- 1d. The grant of easements described above shall include before the construction encroachment take place, the right to survey the property, the right of ingress and egress as may be necessary for the purposes for which this easement is granted, in, over, across, and along the easement. This easement shall survive a transfer or grant of property rights affecting the previously described real estate upon execution.
2. The permanent sewer easement (PSE) and temporary access/construction easement (TACE) are conveyed upon the following express understanding and condition that the Buyer’s contractor will resurface a minimum width of 24 ft. and up to the full width of the TCAE for the full length of the TCAE; that mud tracked from the construction site will be kept at a minimum and cleaned up in a timely manner; that it is understood that the Buyer’s contractor is responsible to provide restroom facilities for their workers, they will not be permitted to use the bowling alley restrooms; that if SELLER’s storm sewer is damaged as a result of the sanitary sewer construction, the storm sewer will be properly repaired in a timely manner at no cost to the SELLER; and that on completion of any and all work by the Buyer’s contractor, the affected real estate shall be restored to a better condition than it was prior to construction, and all denuded areas will be properly hydro seeded by the Buyer’s contractor and will reseed until there is a good stand of grass throughout the entire seeded area.
3. The Buyer may include, mortgages, lien holders, encumbrances, and taxing authorities as payees on warrants issued in payment of this agreement.
4. SELLER shall have five years from the date the council approves and accepts the “Kimberly Sanitary Sewer Repair Project,” to renegotiate construction or maintenance damages not apparent at the time this document is signed.
5. Possession of the premises is the essence of this agreement and Buyer may enter and assume full use and enjoyment of the premises per the terms of this agreement. SELLER grants Buyer the immediate right to enter the premises for the purpose of gathering survey and soil data if necessary.
6. Buyer agrees to pay and SELLER agrees to grant the right of possession to areas as previously described, on or before the **Date Of Performance** listed below in the Itemization of Acquisition.
7. Time for Acceptance. If this offer is not accepted by SELLER on or before **December 27, 2016**, this purchase agreement may be void at the Buyer’s discretion; however this agreement may not be void once executed conveyance documents have been received by the BUYER.

ITEMIZATION OF ACQISITION

<u>PAYMENT AMOUNT</u>	<u>AGREED PERFORMANCE</u>	<u>DATE OF PERFORMANCE</u>
\$ <u>68,000.00</u>	on conveyance of PEs	<u>Within 60-days from when buyer receives this document</u>
\$ <u>4,250.00</u>	on conveyance of TACE	<u>Within 60-days from when buyer receives this document</u>
\$ <u>0.00</u>	payment for additional damages	<u>NA</u>
\$ <u>0.00</u>	on surrender of possession	<u>NA</u>
\$ <u>0.00</u>	on possession and conveyance	<u>NA</u>
\$ <u>72,250.00</u>	TOTAL LUMP SUM	

<u>Breakdown</u>	<u>Ac./Sq. Ft.</u>
Permanent Easements <u>+/- .363</u>	Ac.
Temporary Access/Construction Easement <u>+/- .378</u>	Ac.

SELLER'S SIGNATURE AND CLAIMANT'S CERTIFICATION: Upon due approval and execution by the Buyer, we the undersigned claimants certify the Total Lump Sum payment shown herein is just and unpaid.

City of Davenport, Buyer

 Frank Klipsch
 Mayor of the City of Davenport

STATE OF IOWA)
) ss:
 COUNTY OF SCOTT)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Frank Klipsch, to me personally known, who being by me duly sworn did say that that person is the Mayor, for the City of Davenport, and that said instrument was signed and sealed on behalf of the said City of Davenport, and said Frank Klipsch, acknowledged the execution of said instrument to be the voluntary act and deed of City of Davenport, by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.

 Notary Public in and for
 State of Iowa

This offer is accepted by the Seller's signature on the line below as of the date indicated on the line below.

P1411-18A

Bowling Center, Inc.

Kenneth Fier

Kenneth Fier, President
Print Name

STATE OF IOWA)
) ss:
COUNTY OF SCOTT)

On this 20th day of December, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kenneth Fier, to me personally known, who being by me duly sworn did say that that person is President, of said Bowling Center, Inc., and that said instrument was signed and sealed on behalf of the said Bowling Center, Inc., by authority of its managers and the said Kenneth Fier, acknowledged the execution of said instrument to be the voluntary act and deed of said Bowling Center, Inc., by it voluntarily executed.

WITNESS my hand and notarial seal on the day and year last above written.



Crystal D. Smeltzer
Notary Public in and for
State of Iowa

Surveyed By: Ben D. Holliday, VSP Engineering - 303-1/2 Cleveland Street, Muscatine, Iowa 52761 (563) 288-6427

PLAT OF SEWER EASEMENT

-- Parcel P1411-18A --

Part of the Southeast Quarter of Section 14, Township 78 North, Range 3 East,
Fifth Principal Meridian, City of Davenport, Scott County, Iowa.

LOT 2
COURTESY REALTY, LLC
PARCEL P1411-02C

VALLEY BANK

FIRST ADDITION

LOT 1
GREAT SOUTHERN BANK
PARCEL P1411-01C

TERRY & WENDY SMITH REV. TRUST
PARCEL P1411-22

IOWA AMERICAN WATER COMPANY
PARCEL P1411-01

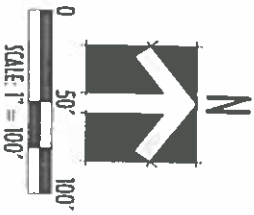
GRAPE ROAD, LLC
PARCEL P1411-21

BOWLING CENTER, INC.
PARCEL P1411-18A

DATE OF SURVEY: JULY 29, 2016

LEGEND

- SET 12" SPIKE (TEMPORARY EASEMENT)
- FD. SURVEY MONUMENT
- MEASURED BEARING / DISTANCE
- EXISTING PARCEL LINE
- EXISTING LOT LINES
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED SEWER EASEMENT AREA



I HEREBY CERTIFY THAT THIS LAND SURVEYING INSTRUMENT WAS PREPARED BY ME,
AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT
PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND
SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

BEN D. HOLLIDAY DATE _____
LICENSE NUMBER 7550
MY LICENSE RENEWAL DATE IS: _____
PAGES OR SHEETS COVERED BY THIS SEAL: _____

PROPRIETOR:
BOWLING CENTER, INC.
3812 HARRISON STREET
DAVENPORT, IA 52806

NOTE:
SEE WARRANTY DEED - AS RECORDED IN SCOTT COUNTY RECORDER'S OFFICE
AS DOCUMENT NO. 07304-99 FOR ADDITIONAL PUBLIC EASEMENTS NOT
SHOWN HEREON.

LEGAL DESCRIPTION - SEWER EASEMENT

A PARCEL OF LAND FOR PERMANENT SEWER EASEMENT SITUATED IN A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2 OF THE VALLEY BANK FIRST ADDITION AS RECORDED IN THE SCOTT COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 2001-42850 (FD. 5/8\"/>



Surveyed By: Ben D. Holliday, VSP Engineering - 303-1/2 Cleveland Street, Muscatine, Iowa 52761 (563) 288-6427

PLAT OF TEMPORARY CONSTRUCTION EASEMENT

-- Parcel P1411-18A --
Part of the Southeast Quarter of Section 14, Township 78 North, Range 3 East,
Fifth Principal Meridian, City of Davenport, Scott County, Iowa.

LOT 2
COURTESY REALTY, LLC
PARCEL P1411-02C
LOT 1
GREAT SOUTHERN BANK
PARCEL P1411-01C

VALLEY BANK FIRST ADDITION

HARRISON STREET

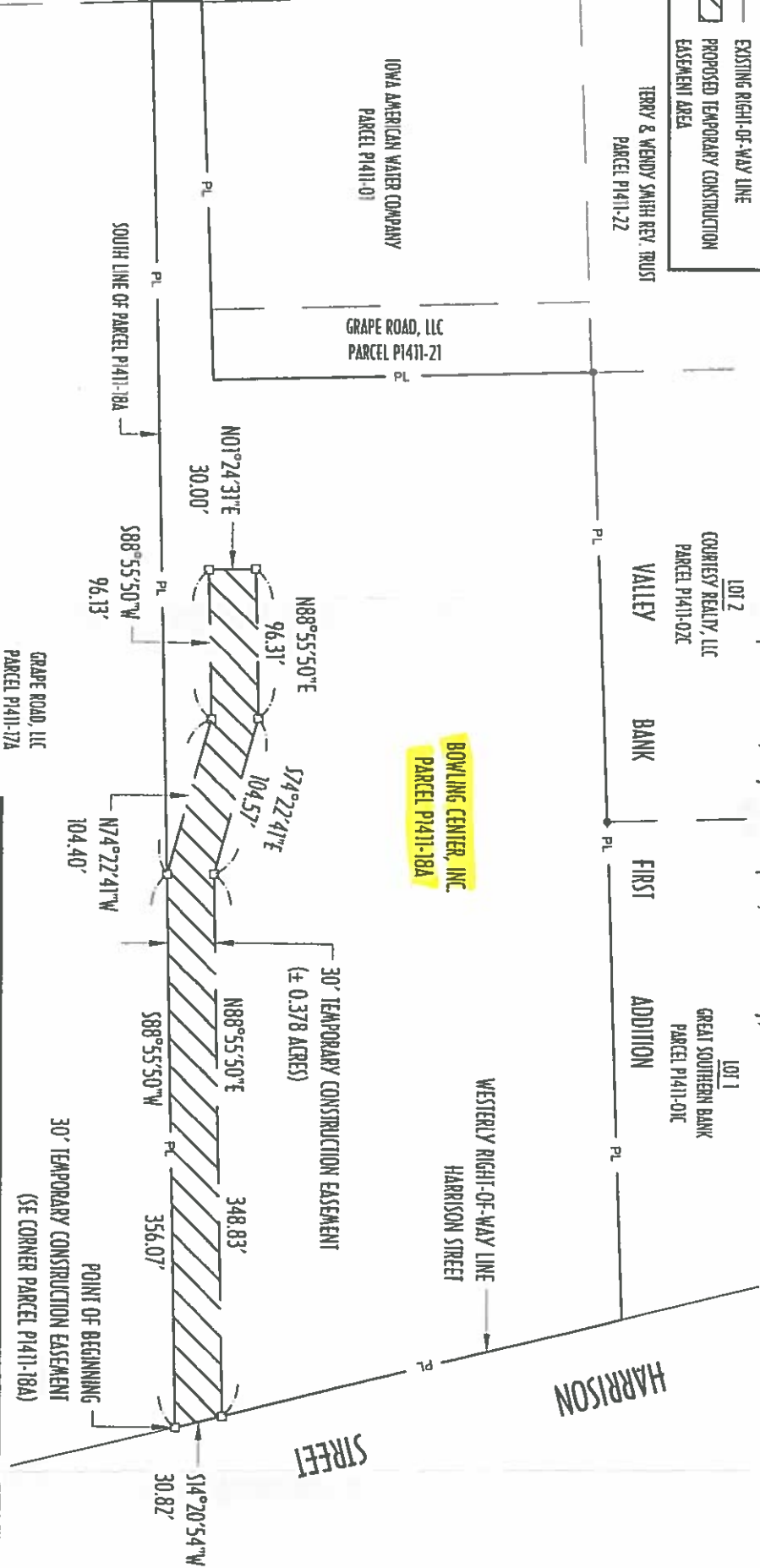
WESTERLY RIGHT-OF-WAY LINE
HARRISON STREET

BOWLING CENTER, INC.
PARCEL P1411-18A

GRAPE ROAD, LLC
PARCEL P1411-21

IOWA AMERICAN WATER COMPANY
PARCEL P1411-01

TERRY & WENDY SMITH REV. TRUST
PARCEL P1411-22



LEGEND

- SET 12" SPIKE (TEMPORARY EASEMENT)
- FD. SURVEY MONUMENT
- MEASURED BEARING / DISTANCE
- EXISTING PARCEL LINE
- EXISTING LOT LINES
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA

VSP
ENGINEERING

N

0 50' 100'

SCALE: 1" = 100'

DATE OF SURVEY: JULY 29, 2016

PROFESSIONAL LAND SURVEYOR
BEN D. HOLLIDAY
7550
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING INSTRUMENT WAS PREPARED BY ME AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

BEN D. HOLLIDAY
LICENSE NUMBER 7550
DATE
MY LICENSE RENEWAL DATE IS:
PAGES OR SHEETS COVERED BY THIS SEAL:

PROPRIETOR:
BOWLING CENTER, INC.
3812 HARRISON STREET
DAVENPORT, IA 52806

NOTE:
SEE WARRANTY DEED - AS RECORDED IN SCOTT COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 07304-99 FOR ADDITIONAL PUBLIC EASEMENTS NOT SHOWN HEREON.

LEGAL DESCRIPTION - TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS SITUATED IN A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF PARCEL P1411-18A, A TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED AS RECORDED IN THE SCOTT COUNTY RECORDER'S OFFICE AS DOCUMENT NO. 07304-99 AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED TEMPORARY CONSTRUCTION EASEMENT:
THENCE SOUTH 88°55'50" WEST, 356.07 FEET ALONG THE SOUTH LINE OF SAID TRACT OF LAND; THENCE NORTH 74°22'41" WEST, 104.40 FEET; THENCE SOUTH 88°55'50" WEST, 96.13 FEET; THENCE NORTH 01°24'31" EAST, 30.00 FEET; THENCE NORTH 88°55'50" EAST, 96.31 FEET; THENCE SOUTH 74°22'41" EAST, 104.57 FEET; THENCE NORTH 88°55'50" EAST, 348.83 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE SOUTH 14°20'54" WEST, 30.82 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.
SAID PARCEL OF LAND CONTAINING 0.378 ACRES MORE OR LESS.

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Eric Gravert; (563) 327-5125
Wards: 1 & 4

Action / Date
1/4/2017

Subject:
Motion accepting the Birchwood Area Parallel Sewer Project completed by Valley Construction of Rock Island, IL. This project was satisfactorily completed with a final contract amount of \$1,215,000 budgeted in CIP #01905. [Wards 1 & 4]

Recommendation:
Approve the motion.

Relationship to Goals:
Upgraded City Infrastructure

Background:
To increase sewer capacity to the Birchwood Area a 15" parallel relief sewer was constructed on Clark Street from Locust Street to West Central Park Avenue.

This project was satisfactorily completed with a final contract amount of \$1,215,000 budgeted in CIP #01905.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/27/2016 - 11:38 AM
Public Works Committee	Lechvar, Gina	Approved	12/28/2016 - 10:44 AM
City Clerk	Admin, Default	Approved	12/28/2016 - 10:45 AM

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Sandy Doran; (563) 326-7756
Wards: 1

Action / Date
1/4/2017

Subject:
Motion to award the contract for the West River Drive sanitary sewer relief project to Langman Construction, Inc. of Rock Island, IL in the amount of \$83,215. [Ward 1]

Recommendation:
Approve the motion.

Relationship to Goals:
Financially responsible City government.

Background:
A Request for Bid was issued on November 28, 2016 and was sent to 331 contractors. On December 20, 2016 the Purchasing Division received and opened five responsive and responsible bids. Langman Construction, Inc. was the low bidder and is recommended for the award.

Plans and specifications were prepared by Veenstra and Kimm, Inc. The West River Drive sewer relief project's main purpose is to mitigate direct river inflow to sanitary sewer system.

Funding for the project is from CIP #30016.

ATTACHMENTS:

Type	Description
Backup Material	Bid Award Recommendation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	12/29/2016 - 5:12 PM
Public Works Committee	Lechvar, Gina	Approved	12/29/2016 - 5:13 PM
City Clerk	Admin, Default	Approved	12/30/2016 - 9:08 AM



December 28, 2016

City of Davenport
Attn: Tom Leabhart, P.E.
Engineering Division
1200 E. 46th Street
Davenport, IA 52807

DAVENPORT, IOWA
WEST RIVER DRIVE SANITARY SEWER RELIEF PROJECT
RECOMMENDATION TO AWARD

The City of Davenport received and opened bids for West River Drive Sanitary Sewer Relief Project on December 20, 2016. Five responsive bids were received as follows:

	<u>Total Bid</u>
Langman Construction, Inc.	\$ 83,214.92
Valley Construction Company	\$168,048.00
Needham Excavating, Inc.	\$172,284.35
Brandt Construction Co.	\$195,743.00
McCarthy Improvement Company	\$199,999.99

The apparent low bid for the project was submitted by Langman Construction, Inc. of Rock Island, Illinois, in the amount of \$83,214.92.

The Engineer's Estimate of cost for construction of the project was \$151,190.00. Veenstra & Kimm, Inc. has experience with Langman Construction, Inc. and believes the low bid is a result of a competitive bid market and Langman's knowledge of the City of Davenport's sewer system.

Based on a review of the bids received, it would be our recommendation that the apparent low bid is fair and reasonable and responsive to the bidding documents. We would recommend that the City of Davenport award the contract to the low bidder based on its bid received on December 20, 2016.

City of Davenport
December 28, 2016
Page 2

If you have any questions regarding the project, please contact the undersigned or Eric Lee at 309-786-7590.

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read 'LFF', followed by a stylized flourish.

Leo F. Foley, P.E.

LFF:gfd
22276

City of Davenport

Agenda Group:
Department: Finance Committee
Contact Info: Mallory Merritt (563) 326-7792
Wards: All

Action / Date
1/4/2017

Subject:

First Consideration: Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units", thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa. [All Wards]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Welcoming Neighborhoods | High-Performing Government

Background:

In June of 2016, interested mobile food vendors made requests to the City of Davenport to set-up and sell goods in the public right-of-way. The existing ordinance has a provision for mobile food carts, but trucks and other mobile units were excluded from this ordinance.

After a series of community meetings, the City of Davenport hosted a six-week pilot program to test out locations/zones and hours of operations. Concurrently, City Staff continued to research best practices and ordinances from other peer communities related to mobile food vending.

The attached ordinance creates new framework and guidelines for mobile food vending and establishes a mobile food unit vending program within the City of Davenport. Mobile food unit zones and hours of operations will be set by the City Council by resolution. Detailed requirements are outlined in the ordinance.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance amending Chapter 5.19 entitled "Mobile Cart Vendors" by amending and re-naming it as "Mobile Food Units" thereby adding mobile food trucks to mobile cart vendor regulations in the Municipal Code of Davenport, Iowa
▣ Backup Material	Mobile Food Unit Fire Regulations
▣ Cover Memo	Mobile Food Unit Ordinance Summary

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Merritt, Mallory	Approved	12/29/2016 - 3:37 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/29/2016 - 3:48 PM
City Clerk	Admin, Default	Approved	12/30/2016 - 9:07 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 5.19 ENTITLED “MOBILE CART VENDORS” BY AMENDING AND RE-NAMING IT AS “MOBILE FOOD UNITS” THEREBY ADDING MOBILE FOOD TRUCKS TO MOBILE CART VENDOR REGULATIONS IN THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Chapter 5.19 entitled “Mobile Cart Vendors” is hereby amended to read as follows:

5.19 Mobile Food Units

- 5.19.010 Definitions.
- 5.19.020 License required.
- 5.19.030 Application.
- 5.19.040 Exceptions.
- 5.19.050 General regulations for all mobile food units and pushcarts.
- 5.19.060 Pushcart specific regulations.
- 5.19.070 Mobile food unit specific regulations.
- 5.19.080 Enforcement and penalties.

5.19.010 Definitions.

A. “Commissary” means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, packaged or any combination thereof, and where such food is intended for consumption at another location or place from a mobile food unit or pushcart.

B. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. For purposes of this chapter, “food establishment” does not include an establishment that offers only pre-packaged foods that are non-potentially hazardous; a produce stand which sells only whole, uncut fresh fruits and vegetables; an establishment operating in a farmers market if potentially hazardous food is not sold or distributed; a residence in which food that is non-potentially hazardous is sold for

consumption off premises to a consumer customer provided the food is labeled so as to identify its preparer; a private home that receives catered or home-delivered food; child care facilities or food establishments in hospitals or health care facilities which are subject to regulation by state agencies; supply vehicles and vending machines.

B. “Mobile food unit” means motorized, a self-propelled food establishment or a trailer or vehicle towed by a motorized vehicle, that is readily movable, and which typically operates at a remote location and returns to a base of operation or commissary at the end of its daily business. Mobile food units are considered Class IV mobile food units by the Iowa Department of Inspections and Appeals.

C. “Mobile food unit zone” means an area of governmentally owned property that has been designated as a location upon which mobile food units and pushcarts may sell or offer for sale for immediate consumption food and/or beverages.

D. “Potentially hazardous food” has the same meaning as provided in Iowa Code Chapter 137F.

E. “Pushcart” means a non-motorized food establishment limited to serving non-potentially hazardous packaged foods with limited assembly or commercial or commissary prepared foods that are reheated on the pushcart, such as frankfurters. Pushcarts may be towed by a vehicle, but are generally capable of being moved by human power. Pushcarts are considered Class III mobile food units by the Iowa Department of Inspections and Appeals.

5.19.020 License and permit required.

No person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the city without having first obtained a license to operate as such. A mobile food unit license is a special license and is required in addition to any other required city business license or state license or permit the person may hold or be required to hold. A separate mobile food unit license is required for each mobile food vehicle or pushcart from which business is conducted in the city. The exception to this requirement is a person having a license to operate as a mobile ice cream vendor need not obtain a mobile food

unit license unless that person also sells or offers for sale food and/or beverages besides selling or offering for sale frozen desserts. Mobile food unit licenses are not transferable or assignable. The license fee required shall be established by the city council by resolution.

In addition to the license, no person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the public right-of-way, either in one of the mobile unit zones or in special occurrence permit situations, without first having obtained a permit to operate as such. A separate mobile food unit permit is required for each mobile food vehicle or pushcart from which business is conducted in the city. The permit fee required shall be established by the city council by resolution.

No person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the public right-of-way, other than in a designated mobile food unit zone, unless a special occurrence permit has been obtained by the premise/property owner. The premise shall make a formal request and complete an application to the city outlining all dates/times, and special occurrence permits require city council approval. Special occurrence permits are limited to one per premise.

5.19.030 Application.

An application form available from the finance department must be filled out and submitted to the finance department for processing. The completed application must be submitted together with a copy of the applicant's Iowa retail sales tax permit and proof of liability insurance, including commercial general liability insurance coverage and automotive liability insurance coverage. Commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence and aggregate combined single limit. Automobile liability insurance coverage shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence, combined single limit. Certificates of insurance shall provide that the policy or policies have been endorsed to provide 30 days advance notice of cancellation and 45 days advance notice of non-renewal and 10 days advance notice of cancellation for non-payment of premium and that these notices shall be

provided to the city finance department by email, facsimile or mail. Cancellation of required insurance automatically revokes and terminates the mobile food unit license to operate in Davenport unless other insurance policies are provided in a timely manner to the city. If the mobile food unit sells food or beverages other than pre-packaged items that do not require hot or cold handling procedures, the application shall also contain a copy of the mobile food unit's license issued by the Iowa Department of Inspections and Appeals, a copy of the food establishment license issued by the Iowa Department of Inspections and Appeals for any commissary kitchen or other premises where food is prepared, copies of the food protection manager certifications, the name and address of the facility at which any waste fat, waste oil or waste grease generated by the mobile food unit operation is disposed of, and a copy of the certificate of annual compliance issued by the fire marshal.

5.19.040 Exceptions.

A. Temporary mobile food units or pushcarts associated with a public celebration or special event hosted by a public body, community organization, charitable organization, patriotic organization, religious organization, educational institution or similar entity are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host or sponsoring organization and provided the unit displays proof of its authorization to operate in Iowa and required health inspection certification.

B. Temporary food units associated with a private party on private, residential property hosted by the owner of the property upon which the unit is dispensing food and/or beverage, such as a graduation party, wedding reception, birthday celebration or similar event, are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host and provided the vendor displays proof of its authorization to operate in Iowa and required health inspection certification.

5.19.050 General regulations for all mobile food units and pushcarts.

A. Mobile food units shall have, and at all times maintain, all necessary licenses and permits from the Iowa Department of Inspections and Appeals as well as the City of Davenport's required permits and licenses.

B. Mobile food units shall at all times operate in compliance with all applicable food, health and sanitation laws and shall comply with all health department regulations regarding food service, food storage and preparation, food handling and food cooking and shall have a valid inspection certificate or permit evincing health department inspection and approval on display and easily visible to the mobile food unit's or pushcart's patrons at all times in operation.

C. No mobile food unit or pushcart shall offer for sale or sell food and/or beverage between the hours of 12:00 a.m. and 6:00 a.m.

D. No mobile food unit or pushcart may operate in the right-of-way or outside of a designated mobile food vending zone established by the City of Davenport absent of the premise obtaining a special occurrence permit which must be approved by the City Council.

E. No mobile food unit or pushcart shall operate within a city park unless such operation occurs within the boundaries of a designated mobile food unit zone or a separate permit has been acquired from the director of the parks and recreation department.

F. No mobile food unit or pushcart shall park or stand its pushcart or vehicle within (1) 40 feet of a pedestrian crosswalk, or a stop sign or traffic signal light, (2) adjacent to a designated bicycle lane, or (3) absent written authorization of the restaurant, within 200 feet of any public entrance to any permanent restaurant during hours the restaurant is open for business. For purposes of this section, bars that serve food are deemed to be restaurants. Mobile food units and pushcarts that are not directly involved with the sponsor organization shall not park or stand within 1200 feet (3 city blocks) of an approved special event.

G. No mobile food unit or pushcart shall operate in a manner that violates Chapter 8.19 of the city code concerning noise. A mobile food unit or pushcart shall not call out to, cry out, shout out or otherwise communicate or make any noise or use any device to call attention to his or her unit's or cart's location and operation.

H. A mobile food unit or pushcart is responsible for keeping and maintaining the area around and within fifty feet of the mobile food unit or pushcart neat, clean and free from trash, debris, garbage and other hazardous conditions at all times regardless of whether the trash, debris or garbage originated from the operation of the unit or pushcart or was left in the area by a pedestrian passersby or natural conditions. A mobile food unit or pushcart shall provide adequate trash receptacles for the public for all garbage from its operation and from the accumulation of garbage in the area around his or her

unit or pushcart at all times the unit is in operation. At the close of its daily business the mobile food unit or pushcart must remove all garbage from the area and properly dispose of it away from the site of its operation; the garbage shall not simply be placed in nearby public garbage receptacles provided for use to the general public at large.

I. The license required by this chapter, the state sales tax permit and all licenses, permits or certificates required to be displayed by state law, shall be posted on the mobile food unit or pushcart so as to be readily visible to all persons conducting business with the mobile food unit.

J. Mobile food units and pushcarts shall only offer single service food utensils such as cups, straws, knives, forks, spoons, stirrers, plates, bowls, wrappers, containers, and similar utensils, which shall be individually wrapped if usual, and kept in a clean place and only used once in the service of food and/or beverage.

K. No mobile food unit or pushcart shall be left at its operating location at the end of its business day and shall be removed to its base business operation location.

L. No mobile food unit or pushcart shall conduct operations at a location or in a manner that hinders, impedes or restricts access to a pay phone, mail box, emergency call box, traffic control box, fire hydrant, entrance to a building or a driveway.

M. A mobile food unit or pushcart operating on private property shall not encroach into any public sidewalk or public right of way. All private property owners allowing mobile food units on property must register with the city as having a mobile kitchen for public safety purposes.

N. No mobile food unit or pushcart is allowed on the grounds of any school unless it has been invited to be there as part of a school authorized function.

O. The city reserves the right to move a mobile food unit or pushcart from any location if determined to be necessary for the provision of emergency or public services or in the interest of public safety, peace and welfare.

P. No mobile food unit or pushcart shall offer for sale or sell any liquor, beer or wine from such unit.

5.19.060 Pushcart specific regulations.

A. A pushcart shall not allow, cause or obstruct the passage along any sidewalk, street, alley or parking lot as a result of a congregation of people

seeking service from the pushcart or because of the size, shape or placement of the pushcart so as to interfere, inhibit or block the normal flow of pedestrian or vehicular traffic.

B. A pushcart shall not violate parking regulations.

C. A pushcart shall not sell to any person operating a vehicle on a public street while the person's vehicle is located within the traveled portion of the roadway. A pushcart may sell to a person operating or occupying a motor vehicle that is legally parked, but may only do so from the curb side of said parked vehicle.

D. No pushcart or equipment shall be allowed to remain in the public right of way at the close of business.

E. All pushcarts and equipment associated with the business shall be maintained so as to enhance the aesthetic and overall appearance of the area in which the pushcart is operated.

F. Pushcart vendors agree to indemnify and hold harmless the city from and against any and all loss, cost, damages or claims to persons or property, including property of the city, arising out of or claimed to have arisen out of the operation of a pushcart. In addition, pushcart vendors agree to defend, at no cost to the city, any such claims or lawsuits. The city may, at its option, join the defense of such claim or lawsuit without relieving the pushcart vendor from its obligations to indemnify, hold harmless and defend the city.

G. Pushcarts may operate anywhere within a designated mobile food unit zone on a paved surface, designated parking space or sidewalk subject to the other requirements of this chapter. In addition, a pushcart may operate at a requested location on private property provided application has been made for permission to operate at the requested location and that application is accompanied by a verifiable letter from the owner or person in control of the property granting permission to operate on the premises. Permission by the owner/person in control of property may be rescinded at any time by notifying the city finance department in writing that permission is rescinded. If permission is rescinded, no fees or portion of fees paid will be refunded.

H. No pushcart shall conduct business in areas of the city at which they are not permitted or authorized.

I. Pushcarts shall now be subject to the same permit and fee structure as all other mobile food units.

J. For a period of five years, pushcarts with existing location permits from the City of Davenport may continue serving at those locations. After the period of

five years, pushcarts must be only in a designated mobile food unit zone, or the premise must obtain a special occurrence permit.

5.19.070 Mobile food unit specific regulations.

A. Sales shall be conducted on the sidewalk side of the mobile food unit whenever possible away from moving vehicles.

B. No mobile food truck should provide or allow any dining area, tables, chairs, boothies, benches, bar stools, stand-up counters, or similar furniture.

C. No mobile food unit shall be used for any purpose other than as a mobile food unit offering food and/or beverage to customers.

5.19.080 Enforcement and penalties.

The Scott County Health Department, the Davenport Police Department, the Davenport Fire Department and the Finance Department of the City of Davenport are authorized to enforce this chapter. The Scott County Health Department may elect to pursue enforcement under the provisions of this chapter or under applicable state laws and regulations with the sanctions available thereunder.

The performance of any action contrary to the provisions of this chapter may be cited as a municipal infraction offense. Additionally, failure to adhere to the regulations is cause for revocation or suspension of a license to operate as a mobile food unit or pushcart.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the Quad City Times on _____



Mobile Food Vendor Inspection Form

Davenport Fire Prevention Bureau

Phone: 563-888-2175

Date: _____

Name of Company: _____

Address: _____

Contact Person: _____ Phone: _____

Email: _____

Vehicle Information

Make: _____ Model: _____ License Plate: _____

___ Exhaust Hood-Type I (Referenced; 2012 IFC section 609.2)

___ Filters

___ Cleaning

___ Tags

___ Records

___ Fire Extinguishing System

___ Fire Extinguishers (Referenced 2012 IFC Section 904.11.5)

___ 2A-20BC

___ Class K

___ **LP System** (Referenced NFPA 58, 2014 Edition, Section 6.24)

___ Tanks (Max 2- 20 LBS Tanks)

___ Tank mounting (6.24.3.4)

___ Shutoff valve readily accessible (6.24.4.1)

___ Caution plate (6.24.7.10)

___ Outside storage (6.24.3.4 A,B,C,D,E,F,G,H)

___ Inside storage (Vapor tight cabinet) (6.24.3.3; 6.24.3.4 I)

___ Regulators (Protected) (6.24.4.2 B)

___ Hoses (350 PSI, marked LP gas)

___ Fixed piping (6.24.5)

___ Fastened (6.24.5.1)

___ Flexible connectors (6.24.5.1 B)

___ Rubber grommets at pass through points (6.24.5.1 H(3))

___ **Egress** (NFPA 58 section 6.24.7.9)

___ **Electrical** (NFPA 58 section 6.24.7.9)

___ **General Housekeeping/Storage** (2012 IFC section 315.1)

Based on the inspection completed above, the mobile food truck referenced in the information above:

___ **MEETS COMPLIANCE**

___ **DOES NOT MEET COMPLIANCE**

Inspector: _____ Signature: _____

Vendor: _____ Signature: _____



City Administration
226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7792 • Fax: 563-326-7736
www.cityofdavenportiowa.com

DATE: December 9, 2016

TO: Corri Spiegel, City Administrator
Mayor & City Council

FROM: Mallory Merritt, Assistant to the City Administrator

RE: Mobile Food Vending Program & Ordinance Development

BACKGROUND

In June of 2016, mobile food vending operators began contacting the City about opportunities to serve curbside within the public right-of-way. Although the existing City ordinance permits mobile food push-carts to operate on sidewalks and within the right-of-way, food trucks are currently excluded from that provision. The City has engaged in a thoughtful and calculated process to fully explore this potential initiative and the related processes and procedures; results of the pilot program and highlights of the proposal are outlined below.

PROCESS

On July 21, 2016, the City co-sponsored a downtown community meeting with both prospective vendors and downtown businesses. The meeting included a staff presentation on a potential ordinance and zone considerations. From that meeting, it became apparent that the City needed to develop a pilot program before establishing zones, continue researching industry best-practices, and thoughtfully develop a permanent ordinance. During the month of September, the City sponsored a successful pilot program, and the findings and outcomes from the pilot program are provided below. A collaborative team met with the City of Des Moines and the Des Moines Legion of Food twice to fully understand best practices for mobile vending programs. The proposed ordinance showcases that information.

PILOT PROGRAM

Mobile food vendors were permitted to operate in established locations on Tuesdays during the month of September and on the first two Fridays in October. Three locations were included in the pilot program:

- Kaiserslautern Square
- Bechtel Park
- Riverfront / Main Street Landing

All of the pilot program locations were successful; however, Kaiserslautern Square would be quickly outgrown due to the availability of only five spaces for truck operators. The greatest success was found during lunch hours on the riverfront and dinner hours at the Bechtel Park location. Additionally, the team found that Tuesdays were more successful than Friday nights. The first pilot date included three vendors, and the final pilot date during the month of September included 17 vendors. Most vendors sold out of food/product on each of the pilot dates.

The pilot program highlighted the need for garbage/trash collection efforts, spacing issues, and code-of-conduct for vendors, along with considerations for fire safety and health permitting. The below proposal outlines considerations for each of the pilot challenges and seeks to mitigate those challenges as part of a permanent ordinance.

ORDINANCE DEVELOPMENT & PROPOSED PROGRAM REQUIREMENTS

After researching numerous other communities' mobile food vending programs, a cross-functional and collaborative team has produced the below proposal for a mobile food vending program.

1. **Licensing:** To operate a mobile food unit, whether a food truck, push-cart, etc., a general mobile food vendor license would need to be obtained from the City by the vendor. The license would be processed by the Finance Department and require a general inspection by the City's Fire Marshal. The license would need to be renewed on an annual basis, and it would be granted only after the three criteria below have been satisfied:
 - a. Proof of \$1.0M in liability insurance, listing the City as one of the insured.
 - b. Proof of a valid health permit issued by the Scott County Health Department or where reciprocity is valid.
 - c. Successful fire inspection by the City of Davenport's Fire Department.
2. **Permitting:** To operate on any public grounds, including in City Parks when designated by the Parks Director, approved zones, and special occurrence situations, the operator would need to obtain an annual permit. The permit validates the use of public grounds for food point-of-sales, and is mandatory for any public zone, Park, or special use situation.
3. **Zones:** The ordinance outlines that all zones will be set by Resolution. The proposed Resolution would establish two right-of-way zones for mobile food vending operations and set forth the operational hours for each. The ordinance would also establish that all zones, both current and future proposed zones, would need to be at least 200 feet away from any open restaurant or food-service facility. Additionally, the ordinance outlines the process for adding future zones and would require City Council approval.
 - a. Riverfront
 - b. Bechtel Park
4. **Private Property:** Mobile food vendors may utilize private property for point-of-sales with the property owner's permission, so long as the premise or property owner has registered the premise as having a food vendor on-site with the City.
5. **Special Occurrence Situations:** In the event that a premise would like to have a food truck operate in the right-of-way in front of a business, the premise may petition the City Council for a

special occurrence permit. The property owner would submit an application to the Finance Department, a 200-ft. notification would be issued, protest rate calculated, and then appear on the Public Safety portion of a regularly scheduled City Council meeting for approval. The application must outline all dates/times, and only one truck per location/premise will be permitted.

6. **Hours of Operations:** The below chart outlines the hours of operations for each zone. Special use permits will be considered outside of the below allotted timeframes but will be subject to City Council approval.

Location	Monday	Tuesday	Wednesday	Thursday
Riverfront	6 am – 12 am	6 am – 12 am	6 am – 12 am	6 am – 12 am
Bechtel Park		3 pm – 11 pm		3 pm – 11 pm
City Parks	Park Director's Discretion			

7. **Fees:** Fees shall be established by the Finance Director, and set by resolution, to compensate for all processing, inspection, and the use of the right-of-way for business purposes. The zone permit was calculated based on a \$0.75/hour parking ramp rate.

Fee Type	Fee Amount	Description
Annual Mobile Food Vendor License	\$55	Covers Fire Inspection and all City application processing
Mobile Food Vendor Permit	\$550	Required for all mobile food vendors utilizing any public right-of-way space, including zones, Parks, and special uses (not connected to festivals, etc.)
Special Use Permit	\$0	Vendors utilizing a premise's special use permit must have a mobile food vendor permit.
Private Property Registration	\$0	Premise/Property-Owner must register with City

8. **Push-Cart Ordinance:** The proposed ordinance collapses push-cart vendors into a new category, along with trucks, titled "mobile food vendors" and deletes the existing language pertaining to push-carts only. However, all existing push-carts with current licenses from the City of

Davenport that are operating on sidewalks, etc. may maintain existing permitted locations for a period of five years. Push-carts will be subject to the new fee structure.

9. **Fire Code & Regulations:** All mobile vendors must receive and pass a fire inspection by the City of Davenport's Fire Department. The Fire Marshal is compiling a checklist for inspection that vendors will be able to view prior to their inspection. There will be an exemption for the deployment of the Class A hood system until July 1, 2017. Beginning July 1, 2017, all mobile vendors with grease, etc. will be required to have the hooding system to operate on public or private grounds.

CONCLUSION

Pending City Council feedback, the ordinance will be revised and shared with vendors and the downtown business community for additional feedback. A meeting with the downtown business community has been scheduled in coordination with the Downtown Davenport Partnership.

Please let me know if you have any questions.

Code of Conduct Notes:

- I understand that I cannot place any tables, chairs, furniture, equipment, signage or other material on the ground, streets, or sidewalks.
- I understand that I must comply with noise (XX):
 - o No "cat calling" or auctioning
 - o No music over XX dBA
- I understand that I must provide one or more trash receptacles readily accessible to customers either in or attached to the Mobile Vendor unit. All trash receptacles and all accumulations of trash and litter shall be removed from the site by the vendor before departing.
- I understand that I cannot conduct sales from outside of the vehicle or cart, and that all sales shall only be conducted on the sidewalk side of the street and within one of the designated zones or approved locations.
- I understand that I cannot sell to any person situated in a motor vehicle, except to reasonably accommodate a customer with a disability.
- I understand that all fat, oil, grease, and wastewater shall be disposed of at the business or facility identified on the application, and shall be disposed of in compliance with applicable regulations.
- I understand that violations of this ordinance shall be considered a municipal infraction?
- I agree to keep the City informed of suggestions or issues experienced.
-

City of Davenport

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

Action / Date
1/4/2017

Subject:
Resolution making provisions for the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B. [All Wards]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Financially Responsible City Government

Background:
Public Financial Management, Inc. (PFM), the City's financial advisor, continually reviews prior City of Davenport bond issues and the current market for refunding opportunities. An analysis of the Taxable Series 2009C G. O. Communication Building Bonds indicates such an opportunity. Based on the current market, issuance of refunding bonds would provide total savings of \$322,132 and present value savings of \$271,675. The bond sale will be held on February 8, 2017 if the market remains favorable. If the market does not remain favorable, the sale of these bonds would be cancelled. A public hearing is required prior to the sale of all bonds; that public hearing is on this Council cycle for January 4, 2017

ATTACHMENTS:

Type	Description
□ Resolution Letter	2017B REFUNDING RESOLUTION

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/28/2016 - 2:46 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/28/2016 - 2:46 PM
City Clerk	Admin, Default	Approved	12/28/2016 - 2:49 PM

RESOLUTION NO. _____

Making provisions for the issuance of not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B

WHEREAS, the City of Davenport, in Scott County, Iowa (the “City”), in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, has previously issued its General Obligation Communication Building Bonds, Series 2009C (the “Series 2009C Bonds”), and, in the ordinance authorizing the issuance of the Series 2009C Bonds, the City reserved the right to call for early redemption as of June 1, 2017, the maturities of the Series 2009C Bonds coming due after June 1, 2017; and

WHEREAS, the City now proposes to issue not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B (the “Series 2017B Refunding Bonds”) in order to pay the cost of refunding the maturities of the Series 2009C Bonds coming due after June 1, 2017, and, pursuant to notice duly published and a hearing held thereon, has proposed that it is in the best interest of the City that the Series 2017B Refunding Bonds be authorized by the City Council;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. All objections received or made at the hearing are hereby overruled, and the Series 2017B Refunding Bonds are hereby ordered to be issued in the future in a principal amount not to exceed \$8,000,000.

The Series 2017B Refunding Bonds shall bear interest, shall be payable as to principal and interest on the dates and in the amounts, may be subject to prepayment prior to maturity and may contain such other terms and provisions as shall be determined by the City Council at the time the Refunding Bonds are sold.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved January 11, 2017.

Mayor

Attest:

Deputy City Clerk

It was also reported that, pursuant to notice duly published, the City Council had met as the Committee-of-the-Whole on January 4, 2017, to permit residents or property owners of the City to present oral or written objections to the proposed issuance of not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. After receiving and considering all comments and objections, the hearing was closed and the meeting was adjourned until the regular meeting of the City Council at the current time and place.

Alderman _____ introduced and moved the adoption of the resolution hereinafter set out making provisions for the issuance of such bonds. The motion was seconded by Alderman _____ and the Mayor put the question on the motion and, the roll being called, the following named Aldermen voted:

Ayes: _____

Nays: _____

Whereupon, the Mayor declared the motion duly carried and said resolution adopted, as hereinafter set out.

City of Davenport

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

Action / Date
1/4/2017

Subject:
Resolution making provisions for the issuance of not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. [All Wards]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Financially Responsible City Government.

Background:
Public Financial Management, Inc. (PFM), the City's financial advisor, continually reviews prior City of Davenport bond issues and the current market for refunding opportunities. An analysis of the Series 2010D General Obligation Corporate Bonds indicates such an opportunity. Based on the current market, issuance of refunding bonds would provide total savings of \$604,525 and present value savings of \$546,329. The bond sale will be held on February 8, 2017 if the market remains favorable. If the market does not remain favorable, the sale of these bonds would be cancelled. A public hearing is required prior to the sale of all bonds; that public hearing is on this Council cycle for January 4, 2017.

ATTACHMENTS:

Type	Description
□ Resolution Letter	2017C REFUNDING RESOLUTION

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/28/2016 - 2:46 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/28/2016 - 2:46 PM
City Clerk	Admin, Default	Approved	12/28/2016 - 2:49 PM

RESOLUTION NO. _____

Making provisions for the issuance of not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C

WHEREAS, the City of Davenport, in Scott County, Iowa (the “City”), in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, has previously issued its General Obligation Corporate Bonds, Series 2010D (the “Series 2010D Bonds”), and, in the ordinance authorizing the issuance of the Series 2010D Bonds, the City reserved the right to call for early redemption as of June 1, 2018, the maturities of the Series 2010D Bonds coming due after June 1, 2018; and

WHEREAS, the City now proposes to issue not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C (the “Series 2017C Refunding Bonds”) in order to pay the cost of refunding the maturities of the Series 2010D Bonds coming due after June 1, 2018, and, pursuant to notice duly published and a hearing held thereon, has proposed that it is in the best interest of the City that the Series 2017C Refunding Bonds be authorized by the City Council;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. All objections received or made at the hearing are hereby overruled, and the Series 2017C Refunding Bonds are hereby ordered to be issued in the future in a principal amount not to exceed \$16,000,000.

The Series 2017C Refunding Bonds shall bear interest, shall be payable as to principal and interest on the dates and in the amounts, may be subject to prepayment prior to maturity and may contain such other terms and provisions as shall be determined by the City Council at the time the Refunding Bonds are sold.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved January 11, 2017.

Mayor

Attest:

Deputy City Clerk

STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that as such Deputy City Clerk I have in my possession or have access to the complete corporate records of the City and of its Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the adoption of a resolution expressing intent to issue not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B, and in relation to the adoption of a resolution expressing intent to issue not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C, referred to therein, and that the transcript hereto attached contains a true, correct and complete copy of each resolution.

WITNESS MY HAND this _____ day of _____, 2017.

Deputy City Clerk

City of Davenport

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

Action / Date
1/4/2017

Subject:
Motion awarding a contract for a Quad Cities transit coordination and consolidation analysis to HNTB Corporation of Kansas City, MO in the amount of \$129,233. [All Wards]

Recommendation:
Approve the motion

Relationship to Goals:
Regional collaboration

Background:
The MetroLINK and CitiBus transit systems are joining together to conduct a Quad Cities transit coordination and consolidation analysis that will assist in providing a roadmap for regional collaboration with the public transit systems. Improving coordination and consolidation in the Quad Cities will provide more seamless transportation options and make public transit more accessible to thousands of daily riders.

MetroLINK and CitiBus have already joined together with MetroLINK fielding all customer service calls for the CitiBus system providing better coordination of trip planning services for customers as well as reducing costs. As the two systems become more integrated, additional planning and analysis is recommended to provide for efficient and effective outcomes.

MetroLINK is acting as lead on the Quad Cities transit coordination and consolidation analysis contract and performed a public procurement process consistent with FTA rules and regulations. The City of Davenport will share 50% the cost of the contract with MetroLINK, of which 80% will come from a federal grant. The City's contribution is estimated at \$12,923.30 with funding provided by the Transit Fund.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	12/29/2016 - 11:34 AM
Finance Committee	Watson-Arnould, Kathe	Approved	12/29/2016 - 11:36 AM
City Clerk	Admin, Default	Approved	12/30/2016 - 9:08 AM

City of Davenport

Agenda Group:
Department: Finance Committee
Contact Info: Brandon Wright 326-7750
Wards: 3

Action / Date
1/4/2017

Subject:
Motion awarding a contract to replace the carpet in the Adler Theatre Grand Lobby, Grand Staircase, and Mezzanine levels to Paragon Interiors of Davenport in the amount of \$55,044.
[Ward 3]

Recommendation:
Approve the Motion.

Relationship to Goals:
Financially Responsible City Government

Background:
The current carpet in these areas is very worn and the seams are duck-taped to avoid tripping hazards. The pattern is to be duplicated with a custom stamping color process. This is not as expensive as having the carpet custom woven with the old pattern.

On April 18, 2016, the Purchasing Division issued an Invitation to Bid to 45 vendors. On May 13, 2016, four bids were opened. Paragon Interiors was the lowest, responsive and responsible bid per square foot. See bid tab attached.

This contract amount includes extra square footage needed to lay the carpet on the curved staircase with the seams lining up with each riser. That way the seams do not show and do not become a trip hazard.

Funding is from the CIP #69003 for Adler Carpet, with a balance of \$45,760 and the remaining \$9,284 is from CIP #69006 for Adler Construction, with a balance of \$55,101. These funds are from Hotel/Motel Tax.

ATTACHMENTS:

Type	Description
▣ Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/27/2016 - 4:14 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/27/2016 - 4:14 PM
City Clerk	Admin, Default	Approved	12/27/2016 - 4:24 PM

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: ADLER THEATRE CARPET

BID NUMBER: 16-89

OPENING DATE: MAY 13, 2016

GL ACCOUNT NUMBER: 76017675 530350 69003 and
76022675 530350 69006

RECOMMENDATION: AWARD THE BID TO PARAGON COMMERCIAL
INTERIORS OF DAVENPORT

<u>VENDOR NAME</u>	<u>BID AMOUNT per Square Ft.</u>
Paragon Commercial Interiors of Davenport	\$ 8.80
Northwest Carpet One of Davenport	\$10.06
Longs Carpet & Interiors of Rock Island IL	\$10.25
Koester's Linoleum Shop of Davenport	\$10.38

Approved By Cindy Whitaker
Purchasing

Approved By [Signature]
Department Director

Approved By Brenda Coyle
Budget/CIP

Approved By [Signature]
Finance Director