

CITY COUNCIL MEETING

CITY OF DAVENPORT, IOWA

Wednesday, July 24, 2024; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for July 10, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for July 17, 2024.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Parks and Recreation Advisory Board
-Christine Powers (new appointment | Seventh Ward)
2. Zoning Board of Adjustment
-John Kleffmann (new appointment)
3. Citizens Advisory Committee | Grievance Subcommittee
-Austin Bird
-Cassandra Cooper
-Nancy Nolan
-Elizabeth Hodges
-Tami Lord

B. Proclamations

1. 50th Quad-City Times Bix 7 Race Week | July 20-27, 2024

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. Second Consideration: Ordinance for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Subsection 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment. [All Wards]
2. Motion approving a 22905 Agreement with Canadian Pacific Kansas City (CPKC) Railway for the Riverfront Quiet Zone project, #ARP12. [Ward 3 & 5]

XI. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case ROW24-03 being the request of the Davenport Community School District to vacate West 5th Street between Cedar Street and Howell Street. [Ward 3]
2. Third Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 49th Street from Fairmount Street to Pine Street as a 35 mph street thereto. [Ward 2]
3. Third Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 60th Street from Wisconsin Avenue to Fairmount Street as a 35 mph street thereto. [Ward 2]
4. Third Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Spalding Boulevard along the frontage of 707 and 708 Spalding Boulevard thereto. [Ward 4]
5. First Consideration: Ordinance amending Schedule XIII Seven Ton Weight Limit of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 5th Street from Western Avenue to Gaines Street thereto. [Ward 3]
6. First Consideration: Ordinance amending various sections of Chapter 13.34 entitled "Stormwater Management" of the Municipal Code of Davenport, Iowa to clearly convey intent and to ensure compliance with recent state legislation regarding regulation of topsoil and stormwater at construction sites. [All Wards]
7. Resolution authorizing the conveyance of vacated alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC, Petitioners. [Ward 4]
8. Resolution approving street, lane, and public ground closure requests on the listed

dates and times for outdoor events.

Cornbelt Running Club; Quad-City Times Bix 7 Flood Contingency Plan; 1:00 p.m. Friday, July 26, 2024 - 12:00 p.m. Saturday, July 27, 2024; **Closure:** West 4th Street from Brady Street to Gaines Street. [Ward 3]

Freight House Farmers' Market; Temporary Market due to flooding; Scott County Administrative Center | 600 West 4th Street; 4:00 a.m. Saturday, July 27, 2024 - 3:00 p.m. Sunday, July 28, 2024; **Closure:** Western Avenue from West 4th Street to West 5th Street. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 7:30 a.m. - 7:00 p.m. Saturday, August 10, 2024; **Closure:** West 14th Street from Harrison Street to Main Street. [Wards 3 & 5]

Top-Notch Productions, Inc; Riverfront Pops 2024; LeClaire Park | 400 Beiderbecke Drive; 8:00 a.m. Thursday, August 15, 2024 - 4:00 p.m. Sunday, August 18, 2024; **Closure:** Harrison and Ripley Streets south of River Drive. [Ward 3]

Village of East Davenport Business Association; Village of East Davenport; Farm Days in the Village; 8:00 a.m. Saturday, August 24, 2024 - 6:00 p.m. Sunday, August 25, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2205 East 11th Street; 8:00 a.m. Friday, September 20, 2024 - 7:00 p.m. Sunday, September 22, 2024; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]

9. Resolution accepting work completed under the Centennial Bridge Seawall Repair project by McCarthy Improvement Company of Davenport, Iowa in the amount of \$258,437.78, CIP #68015. [Ward 3]
10. Resolution accepting work completed under the Dillon Fountain Electrical Upgrades project by Shaw Electric, Inc of Davenport, Iowa in the amount of \$127,290, CIP #64102. [Ward 3]
11. Resolution awarding a contract for the City Hall Air Handling Unit Upgrades project to Schebler Company of Bettendorf, Iowa in the amount of \$295,300, CIP #23028. [Ward 3]
12. Resolution awarding a contract for the Adler Theater Box Office Remodel project to Estes Construction of Davenport, Iowa in the amount of \$110,500, CIP #69014. [Ward 3]
13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Field Rehabilitation project, CIP #23049. [Ward 3]
14. Resolution of acceptance covering an assessment for the 2023 Residential Alley

Resurfacing Program in accordance with the Alley Resurfacing program. [Wards 3, 5, & 6]

15. Resolution of support for the Iowa American Floodwall Modification project to be completed and financed by Canadian Pacific Kansas City (CPKC) Railway. [Ward 5]
16. Motion approving noise variance requests on the listed dates and times for outdoor events.

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 6:00 p.m. - 9:00 p.m. Friday, August 9, 2024 and 10:00 a.m. - 6:00 p.m. Saturday, August 10, 2024; Outdoor music, over 50 dBA. [Wards 3 & 5]

Top-Notch Productions, Inc; Riverfront Pops; LeClaire Park | 400 Beiderbecke Drive; 9:00 a.m. - 9:45 p.m. Saturday, August 17, 2024; Outdoor music and fireworks, over 50 dBA. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2205 East 11th Street; 10:00 a.m. - 5:00 p.m. Saturday, September 21, 2024 and 10:00 a.m. - 4:00 p.m. Sunday, September 22, 2024; Outdoor music/band, over 50 dBA. [Ward 5]

17. Motion approving beer and liquor license applications.

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

Ward 1

Jimmie O's Saloon (Oldham Enterprises, LLC) - 2735 Telegraph Road - Temporary Extended Outdoor Area September 21 - License Type: Class C Liquor (On-Premises)

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

RiverCenter/Adler Theatre (VenuWorks of Davenport) - 119 East 3rd Street - Temporary Extended Outdoor Area (Kaiserslautern Square) July 26 - License Type: Class C Liquor (On-Premises)

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

Ward 6

California Burritos Mexican Grill (Burrito Enterprises #2, LLC) - 2930 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premise)

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Rd - Outdoor

Area - License Type: Class C Liquor (On-Premise)

Ward 7

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 Brady Street - License Type: Class C Liquor (On-Premise)

Famous Dave's (Elmore Foods, LLC) - 1110 East Kimberly Road - License Type: Class C Liquor (On-Premise)

Hi Ho Mongolian Grill (Hi Ho Mongolian Grill, Inc) - 901 East Kimberly Road #15 - License Type: Special Class C Beer/Wine (On-Premise)

Kwik Star #280 (Kwik Trip, Inc) - 301 West Kimberly Road - License Type: Class B Beer (Carry-Out)

Ward 8

Kwik Star #215 (Kwik Trip, Inc) - 100 West 65th Street - License Type: Class B Beer (Carry-Out)

18. Motion approving a 22905 Agreement with Canadian Pacific Kansas City (CPKC) Railway for the South Concord Grade Separation project, CIP #21013. [Ward 1]
19. Motion approving the purchase of 75 four-foot HESCO barrier units and 40 three-foot HESCO barrier units from Flood Defense Group LLC of Boise, Idaho in the amount of \$73,600 using State of Iowa Department of Administrative Services Contract #21316A. [Ward 3]
20. Motion approving the purchase of automatic passenger counters (APC) for the Transit Division bus fleet from ETA Transit of Boca Raton, Florida in the amount of \$55,999. [All Wards]
21. Motion awarding a one-year contract with two possible two-year renewals for unarmed security services at Main Library to Citadel Security USA of Nixa, Missouri. [Ward 3]
22. Motion awarding a contract for the support of the legacy HP-UX server conversion and historical record access to MultiValue Central of Denver, Colorado in the amount of \$64,700. [All Wards]

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

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

not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your name and ward for the record. There is a three (3) minute time limit. Please end your comments promptly.

XIV. Reports of City Officials

XV. Executive Session

1. To evaluate the professional competency of individuals pursuant to Iowa Code 21.5(1)(i) and to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code 21.5(1)(c).

XVI. Adjourn

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the City Council Meeting minutes for July 10, 2024.

Action / Date
7/24/2024

Attachments:

1. 071024 City Council Meeting Minutes

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, July 10, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, July 10, 2024 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderwoman Lynch

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for June 26, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for July 2, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Tuesday, July 2, 2024 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Pro Tem Meginnis presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderwoman Newton. Upon the roll being called, all Aldermen were present except Alderwoman Lynch (Alderman R. Dunn, Alderman Kelly, Alderman Reinartz, Alderman Gripp, Alderwoman Meginnis, Alderwoman Newton, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

*The following Public Hearings were held: **Community Development:** 1. for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Subsection 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment; and 2. for Case REZ24-02 being the request of Riverview Heights, LLC to rezone approximately 1.47 acres of land located on the north side of the 700 block of East 6th Street from R-4C Single-Family and Two-Family Central Residential Zoning District to R-MF Multi-Family Residential District (Note: Plan and Zoning Commission recommends denial. Protest rate is over 20%. 8 votes required for passage.) **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Davenport Freight House Roof Replacement project, CIP #23073; and 2. on the plans, specifications, form of contract, and estimate of cost for the 2024 Residential Alley Program, CIP #35038.*

*Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) *At 6:23 p.m., City Council took a recess during the Community Development agenda due to severe weather warnings. City Council reconvened in regular session at 7:10 p.m. **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderman Reinartz, second by Alderman Jobgen item #2, First Consideration: Ordinance for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Section 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment; moved to the Discussion Agenda; item #3, First Consideration: Ordinance for Case REZ24-02 being the request of Riverview Heights, LLC to rezone approximately*

1.47 acres of land located on the north side of the 700 block of East 6th Street from R-4C Single-Family and Two-Family Central Residential Zoning District to R-MF Multi-Family Residential District, moved to the Discussion Agenda with a recommendation for denial from the Plan and Zoning Commission and a protest rate over 20% requiring 8 votes for passage; and all other items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman R. Dunn all items moved to the Consent Agenda except the street closure request from the Freight House Farmers' Market under item #4 and the noise variance request from the Southeast Little League under item #5 that would be voted on later on the agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Gripp all items moved to the Consent Agenda. **Finance:** There were no items on the Finance agenda.

Other Ordinances, Resolutions and Motions: A motion for suspension of the rules to vote on the listed items was moved by Alderwoman Newton and seconded by Alderman Reinartz. Upon the roll being called, all Aldermen present voted aye and the rules were suspended.

On motion by Alderman Reinartz, second by Alderman Gripp and all Aldermen present voting aye, the following Resolution was adopted.

Resolution approving a street closure request on the listed dates and times for an outdoor event.

ADOPTED 2024-287

Freight House Farmers' Market; Temporary Market due to flooding; Scott County Administrative Center | 600 West 4th Street; 4:00 a.m. Saturday, July 6, 2024 - 3:00 p.m. Sunday, July 7, 2024 and 4:00 a.m. Saturday, July 13, 2024 - 3:00 p.m. Sunday, July 14, 2024; **Closure:** Western Avenue from West 4th Street to West 5th Street. [Ward 3]

On motion by Alderman Reinartz, second by Alderman Gripp and all Aldermen present voting aye, the following Motion passed.

Motion approving a noise variance request on the listed date and time for an outdoor event.

PASSED 2024-288

Southeast Little League; End of Season Celebration; Prairie Heights Park | 5600 Eastern Avenue; 10-15 minutes or less between 8:45 p.m. and 9:30 p.m. on Sunday, July 7, 2024; Fireworks, over 50 dBA. [Ward 8]

On motion by Alderman Gripp, second by Alderman Reinartz and all Aldermen present voting aye, Council recessed to Executive Session at **7:30 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **7:35 p.m.** with all Aldermen present except Alderwoman Lynch (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Attorneys Brett Marshall and Richard Davidson from Lane & Waterman LLP and Interim City Administrator Mallory Merritt. On motion by Alderman Gripp, second by Alderman R. Dunn Council went back into open session at **8:40 p.m.** On motion by Alderman Reinartz, second by Alderman Gripp Council adjourned at **8:40 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2024-289

1. Housing Commission

-Joyce Miller (re-appointment)

2. Citizens Advisory Committee

-Jessica Noles (new appointment | Eighth Ward)

B. Proclamations

ISSUED 2024-290

1. Park and Recreation Month | July 2024 and Park and Recreation Professionals Day | July 19, 2024

IX. Presentations

HELD

1. Firefighter Swearing-In Ceremony

- Jared DeGeeter
- Cole Buhman
- Prestyn Woods
- Shane Polzin
- Benjamin Danielson
- Robert Robson
- Wesley Larson
- Nathan Lacourse

2. QC Chamber Update

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Gripp, second by Alderman Jobgen and all Aldermen present voting aye, the following Ordinance moved to second consideration.*

First Consideration: Ordinance for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Subsection 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment. [All Wards]

MOVED TO SECOND CONSIDERATION

2. *On motion by Alderman Gripp, second by Alderman Jobgen and all Aldermen present voting aye, the following Ordinance moved to second consideration.*

First Consideration: Ordinance for Case REZ24-02 being the request of Riverview Heights, LLC to rezone approximately 1.47 acres of land located on the north side of the 700 block of East 6th Street from R-4C Single-Family and Two-Family Central Residential Zoning District to R-MF Multi-Family Residential District. [Ward 3]

MOVED TO SECOND CONSIDERATION

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. THE PROTEST RATE IS OVER 20%. 8 VOTES REQUIRED FOR PASSAGE.

XII. Approval of All Items on the Consent Agenda

Alderman Jobgen requested that items #6 and #12 be removed for further discussion. After discussion, both items were placed back on the Consent Agenda.

On motion by Alderwoman Newton, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Kelly who was not in the Council Chambers for the vote, the Consent Agenda was approved as follows.

1. Second Consideration: Ordinance for Case ROW24-03 being the request of the Davenport Community School District to vacate West 5th Street between Cedar Street and Howell Street. [Ward 3]

MOVED TO THIRD CONSIDERATION

2. Second Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 49th Street from Fairmount Street to Pine Street as a 35 mph street thereto. [Ward 2]

MOVED TO THIRD CONSIDERATION

3. Second Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 60th Street from Wisconsin Avenue to Fairmount Street as a 35 mph street thereto. [Ward 2]

MOVED TO THIRD CONSIDERATION

4. Second Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Spalding Boulevard along the frontage of 707 and 708 Spalding Boulevard thereto. [Ward 4]

MOVED TO THIRD CONSIDERATION

5. Resolution setting a Public Hearing on the proposed conveyance of vacated alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC, Petitioners. [Ward 4] **ADOPTED 2024-291**

6. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2024-292**

Daiquiri Factory, Mac's Tavern, Kilkenny's, and Carriage Haus; Bix Block Party; 300 block of West 3rd Street; 9:00 a.m. Friday, July 26, 2024 - 3:00 a.m. Sunday, July 28, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; approximately 11:00 a.m. (or whenever the Bix 7 is over) - 11:30 p.m. Saturday, July 27, 2024; **Closure:** northern parking lane and travel lane in front of 116 West 3rd Street. [Ward 3]

Mississippi River Distilling Company Downtown Lounge; Garage Band Night; 318 East 2nd Street; 3:00 p.m. - 11:00 p.m. Saturday, August 10, 2024; **Closure:** east-west alley between East 2nd Street and East 3rd Street from Iowa Street to the MidAmerican parking lot. [Ward 3]

Sweet Delite Ice Cream; Car Show; 1901 West 4th Street; 3:00 p.m. - 6:00 p.m. Sunday, September 29, 2024; **Closure:** Howell Street from West 3rd Street to West 4th Street. [Ward 3]

7. Resolution accepting work completed under the Goose Creek Trail (46th Street to 53rd Street) Overlay project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$196,943.50, CIP #28030. [Ward 7] **ADOPTED 2024-293**

8. Resolution awarding a contract for the Colony Drive (Brown Street to Gaines Street) Reconstruction project to Five Cities Construction Company of Coal Valley, Illinois in the amount of \$419,155.08, CIP #35062. [Ward 7] **ADOPTED 2024-294**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Davenport Freight House Roof Replacement project, CIP #23073. [Ward 3]

ADOPTED 2024-295

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the 2024 Residential Alley Program, CIP #35038. [Ward 3 & 5]

ADOPTED 2024-296

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

PASSED 2024-297

Daiquiri Factory, Mac's Tavern, Kilkenny's, and Carriage Haus; Bix Block Party; 300 block of West 3rd Street; 7:30 p.m. - 10:30 p.m. Friday, July 26, 2024 and 11:00 a.m. Saturday, July 27, 2024 - 12:00 a.m. Sunday, July 28, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

The Office; Bix Party; 116 West 3rd Street; approximately 11:00 a.m. (or whenever the Bix 7 is over) - 11:30 p.m. Saturday, July 27, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

Mississippi River Distilling Company Downtown Lounge; Garage Band Night; 318 East 2nd Street; 6:00 p.m. - 10:00 p.m. Saturday, August 10, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

Sweet Delite Ice Cream; Car Show; 1901 West 4th Street; 3:00 p.m. - 6:00 p.m. Sunday, September 29, 2024; Outdoor music, over 50 dBA. [Ward 3]

12. Motion approving beer and liquor license applications.

PASSED 2024-298

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

Ward 3

Daiquiri Factory (DaqFaq, LLC) - 303 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

Hy-Vee Bettendorf Post Race (Hy-Vee, Inc) - 500 East 3rd Street - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

Ward 5

Wide River Winery X of 6 (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with Outdoor Area August 6-10 – License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

Candy's Backbar (BB Hospitality, LLC) – 4751 Progress Drive – New License with Outdoor Area – License Type: Class C Liquor (On-Premises)

Ward 7

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) – 1020 West Kimberly Road – New License – License Type: Special Class C Beer/Wine (On-Premises)

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

Ward 1

Casey's General Store #2077 (Casey's Marketing Company) - 3700 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Frick's Tap (LBLN, LLC) - 1402 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Miss Phay Cafe (Miss Phay Cafe, Inc) - 510/512 Brady Street - License Type: Class C Liquor (On-Premises)

Ward 5

Express Lane Gas & Food Mart, Inc (Express Lane, Inc) - 1208 East Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 7

Filling Station, The (Bar Management, LLC) - 305 East 35th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Vans Pizza Pub and Grill (Reedcan, LLC) - 3333 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

Girl + Food by Café Fresh (Girl + Food, LLC) - 5345 Belle Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Best Western Plus Steeplegate Inn (Global Brothers Davenport, LLC) - 100 West 76th Street - License Type: Class C Liquor (On-Premises)

13. Motion approving an engineering agreement with Canadian Pacific Kansas City Railway (CPKC) for the Riverfront Quiet Zone project in an amount not-to-exceed \$70,000, #ARP12. [Wards 3 & 5] **PASSED 2024-299**

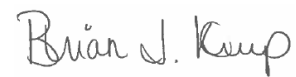
14. Motion approving Change Order #4 with Sasaki Associates Inc, of Denver, Colorado for the design of a new play feature for the Main Street Landing | Destination Iowa project in an amount not-to-exceed \$85,000, #ARP12. [Ward 3] **PASSED 2024-300**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **7:43 p.m.**

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

Brian J. Krup
Deputy City Clerk

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the Report on Committee of the Whole for July 17, 2024.

Action / Date

7/24/2024

Attachments:

1. 071724 Committee Of the Whole Report

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, July 17, 2024 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman T. Dunn. Upon the roll being called, all Aldermen were present except Alderwoman Newton (Alderman R. Dunn, Alderman Kelly, Alderman Reinartz, Alderman Gripp, Alderwoman Meginnis, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

The following Public Hearings were held: **Community Development:** 1. on the conveyance of vacated alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC, Petitioners. **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Field Rehabilitation project, CIP #23049.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderman Reinartz, second by Alderwoman Meginnis item #2, Second Consideration: Ordinance for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Section 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment, moved to the Discussion Agenda; item #3, Second Consideration: Ordinance for Case REZ24-02 being the request of Riverview Heights, LLC to rezone approximately 1.47 acres of land located on the north side of the 700 block of East 6th Street from R-4C Single-Family and Two-Family Central Residential Zoning District to R-MF Multi-Family Residential District, was deleted from the agenda as the Petitioner has withdrawn the application; and all other items moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman Reinartz all items moved to the Consent Agenda except the street closure request from the Freight House Farmers' Market under item #5 that would be voted on later on the agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Jobgen item #9, Motion approving a 22905 Agreement with Canadian Pacific Kansas City (CPKC) Railway for the Riverfront Quiet Zone project, #ARP12, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Finance:** Alderwoman Lynch reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman Jobgen all items moved to the Consent Agenda.

Other Ordinances, Resolutions and Motions: A motion for suspension of the rules to vote on the listed item was moved by Alderman Gripp and seconded by Alderman R. Dunn. Upon the roll being called, all Aldermen present voted aye and the rules were suspended.

On motion by Alderman R. Dunn, second by Alderwoman Burkholder and all Aldermen present voting aye, the following Resolution was adopted.

Resolution approving a street closure request on the listed dates and times for an outdoor event.

ADOPTED 2024-301

Freight House Farmers' Market; Temporary Market due to flooding; Scott County Administrative Center | 600 West 4th Street; 4:00 a.m. Saturday, July 20, 2024 - 3:00 p.m. Sunday, July 21, 2024 and 4:00 a.m. Saturday, July 13, 2024 - 3:00 p.m. Sunday, July 14, 2024; **Closure:** Western Avenue from West 4th Street to West 5th Street. [Ward 3]

On motion by Alderman R. Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **6:18 p.m.** to evaluate the professional competency of individuals pursuant to Iowa Code 21.5(1)(i) and to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **6:29 p.m.** with Mayor Matson and all Aldermen present (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Meginnis, Alderwoman Newton [6:55 p.m.], and Alderman Reinartz). Others present included Attorneys Brett Marshall and Richard Davidson from Lane & Waterman LLP and Interim City Administrator Mallory Merritt. On motion by Alderman R. Dunn, second by Alderwoman Lynch Council went back into open session at **7:34 p.m.** On motion by Alderman R. Dunn, second by Alderwoman Lynch Council adjourned at **7:34 p.m.**

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Action / Date

7/24/2024

Subject:

Parks and Recreation Advisory Board

-Christine Powers (new appointment | Seventh Ward)

Background:

Christine Powers is a new appointment to the Parks and Recreation Advisory Board as the Seventh Ward representative. Term dates for this appointment are July 25, 2024 - June 30, 2027.

Attachments:

None

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
7/24/2024

Subject:
Zoning Board of Adjustment
-John Kleffmann (new appointment)

Background:
John Kleffmann is a new appointment to the Zoning Board of Adjustment, filling a vacancy created by the resignation of Angela Loebach last August. Terms dates for this appointment are July 25, 2024 - July 31, 2027.

Attachments:
None

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
7/24/2024

Subject:

Citizens Advisory Committee | Grievance Subcommittee

- Austin Bird
- Cassandra Cooper
- Nancy Nolan
- Elizabeth Hodges
- Tami Lord

Background:

The Citizen's Advisory Committee has one standing subcommittee, the Grievance Subcommittee. This subcommittee is tasked with reviewing complaints/concerns brought forward by CDBG program participants.

According to the By-Laws, the Grievance Subcommittee must be composed of five members, three of which must be residents of low- to moderate-income census tracts. There are no standing meetings of this committee; rather, meets are called as needed.

Attachments:

None

City of Davenport

Department: Office of the Mayor

Contact Info: Brian Krup | 563-326-6163

Action / Date

7/24/2024

Subject:

50th Quad-City Times Bix 7 Race Week | July 20-27, 2024

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
7/24/2024

Subject:

Second Consideration: Ordinance for Case ORD24-03 being the request of Grace Real Estate to amend the Principal Use Standards in Subsection 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa by adding Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

The City of Davenport received an application for a zoning text amendment from a property owner requesting an amendment to allow "Day Care Center" and "Medical/Dental Office" as permitted uses under the definition of "Neighborhood Commercial Establishment". The proposed zoning text amendment will impact all commercially constructed buildings throughout Davenport that are residentially-zoned. City staff explored options with the petitioner, including rezoning their property; however, a zoning text amendment was deemed the most appropriate option as there are existing nonresidential buildings where adaptive reuse is appropriate. Staff consider this to be a city-wide issue, rather than specific to the Petitioner's property.

Plan and Zoning Commission

At its June 18, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ORD24-03 be forwarded to the City Council with a recommendation for approval subject to the following findings.

Findings

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Zoning Ordinance Use Definitions

1. **Neighborhood Commercial Establishments:** A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use.
2. **Day Care Center:** A licensed facility where, for a portion of a day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective

setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

3. **Medical/Dental Office:** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Neighborhood Commercial Establishment Principal Use Standards | Section 17.08.030(V)

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
 - a. Art gallery
 - b. Arts studio
 - c. Office
 - d. Personal service establishment
 - e. Restaurant
 - f. Retail goods establishment:
 - i. Retail sales of alcohol is prohibited.
 - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

Day Care Center and Day Care Home Principal Use Standards (Section 17.08.030.J)

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
3. No signs are permitted for day care homes. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant commercial center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
5. Day care homes are limited to a maximum of six children or adults in care at any one time. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
6. Day care homes are not permitted to have outside employees. (Not applicable if

permitted as a Neighborhood Commercial Establishment.)

Use Matrix (Table 17.08-1)

The principal use **"Neighborhood Commercial Establishment"** is allowed in the following zoning districts:

1. Special Use:
 - a. R-2 Single-Family Residential District
 - b. R-3 Single-Family and Two-Family Residential District
 - c. R-3C Single-Family and Two-Family Central Residential District
 - d. R-4 Single-Family and Two-Family Residential District
 - e. R-4C Single-Family and Two-Family Central Residential District
 - f. R-MF Multi-Family Residential District

The principal use **"Day Care Center"** is allowed in the following zoning districts:

1. Permitted Use:
 - a. R-MF Multi-Family Residential District
 - b. C-T Commercial Transitional District
 - c. C-1 Neighborhood Commercial District
 - d. C-2 Corridor Commercial District
 - e. C-3 General Commercial District
 - f. C-C City Centre District
 - g. C-OP Commercial Office Park District
 - h. C-D Downtown District
 - i. C-V Village of East Davenport District
 - j. C-E Elmore Corners District
 - k. I-MU Industrial Mixed-Use District
 - l. S-IC Institutional Campus District
2. Special Use:
 - a. I-1 Light Industrial District

The principal use **"Medical/Dental Office"** is allowed in the following zoning districts:

1. Permitted Use:
 - a. C-T Commercial Transitional District
 - b. C-1 Neighborhood Commercial District
 - c. C-2 Corridor Commercial District
 - d. C-3 General Commercial District
 - e. C-C City Centre District
 - f. C-OP Commercial Office Park District
 - g. C-D Downtown District
 - h. C-V Village of East Davenport District
 - i. C-E Elmore Corners District

- j. I-MU Industrial Mixed-Use District
- k. S-IC Institutional Campus District

Special Use Permit

The Zoning Ordinance recognizes that there are certain uses that require individual consideration to mitigate any potential impacts upon neighboring land. Given the range of permitted uses allowed under Neighborhood Commercial Establishments, requiring a Special Use Permit ensures additional oversight and prevents conflicts between incompatible land uses.

Special Use Permits are reviewed and approved by the Zoning Board of Adjustment, which evaluates the following criteria:

1. The establishment, maintenance, and operation of the proposed special use will not endanger public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Staff Analysis

Adaptive reuse is the repurposing of buildings that have outlived their original use. In Davenport, this often includes vacant churches, schools, or corner retail stores. The intent of the Zoning Ordinance is to preserve architectural and cultural heritage, prevent urban blight, and extend the useful life of structures as neighborhood needs evolve. This approach offers flexibility in regulating new uses while promoting sustainable redevelopment practices.

Neighborhood commercial establishments serve an important role in community development. To encourage reinvestment, a narrowly defined list of permitted land uses is allowed within a neighborhood commercial establishment. Regulations are in place to protect the residential character of the area and limit outside impacts, such as traffic, storage, and signage. Since each property is unique, requiring a Special Use Permit provides additional oversight and

consideration for each property.

There are several benefits of permitting day care centers within neighborhood commercial establishments. Vacant schools or churches, which often include floor plans conducive for day care, provide an opportunity for adaptive reuse. There is value in having childcare within close walking distance to neighborhoods. This can help mitigate traffic issues and offer safe routes for parents and children. In addition, there is a shortage of day care centers within the City. The proposed zoning text amendment creates a mechanism to establish additional day cares within the community to help meet the demand for childcare. Eliminating barriers to child care will improve the quality of life for young families and make Davenport a more attractive place to live.

In addition, the Davenport Municipal Code allows churches to have ancillary uses such as day care facilities. Staff believe adding 'Day Care Center' to the list of permitted uses identified under neighborhood commercial establishments is appropriate given 'Places of Worship' are permitted in residential districts. There are potential circumstances where a nonresidential building may be constructed and used for a church with an accompanying day care center. Under current ordinance, should the church become vacant, a private day care center would not be permitted even though the building may contain the space to operate a day care. The proposed zoning text amendment resolves this issue.

Medical and dental offices may be appropriate within a neighborhood commercial establishment given the treatment of individuals is solely on an outpatient basis. However, staff acknowledge this request is circumstantial depending on the operation of the practice, type of nonresidential building, site constraints, and neighborhood context. The scale of a medical office varies greatly from a single provider to a large practice with numerous medical professionals and support staff. The Zoning Board of Adjustment will have the authority to approve, approve with conditions, or deny a request based on the unique circumstances of each establishment. These uses will be closely vetted due to the potential impacts on adjacent residential properties. Since these concerns can be mitigated through a Special Use Permit, staff is supportive of the zoning text amendment.

Public Input

A Notice of Public Hearing was published in the *Quad-City Times* informing the community of the June 4 Plan and Zoning Commission Public Hearing and July 2 Committee of the Whole Public Hearing. To date, staff has not received any public comments in favor or opposition to the request.

Attachments:

1. Ordinance
2. Application
3. Chapter 17.08 Use Matrix
4. Plan & Zoning Commission Staff Report 6-18-24

ORDINANCE NO. _____

ORDINANCE FOR CASE ORD24-03 BEING THE REQUEST OF GRACE REAL ESTATE TO AMEND THE PRINCIPAL USE STANDARDS IN SUBSECTION 17.08.030(V) NEIGHBORHOOD COMMERCIAL ESTABLISHMENT OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING DAY CARE CENTER AND MEDICAL/DENTAL OFFICE AS PERMITTED USES WITHIN A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.

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

Section 1. That Subsection 17.08.030(V) Neighborhood Commercial Establishment of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

2. The following non-residential uses are permitted within a neighborhood commercial establishment:

- a. Art gallery
- b. Arts studio
- c. Day care center
- d. Medical/dental office
- e. Office
- f. Personal service establishment
- g. Restaurant
- h. Retail goods establishment:
 - i. Retail sales of alcohol is prohibited.
 - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

ZONING TEXT AMENDMENT

(CHANGE TO ZONING ORDINANCE LANGUAGE)

APPLICANT INFORMATION	
Applicant Name Company Name Grace Real Estate	DATES: PRE-APP SUBMITTAL PUBLIC HEARING
Address 2651 Telegraph Road	ZONING CODE HEADINGS & SECTION NUMBERS IMPACTED 17.08.030.V.2.
City State Zip Davenport, IA, 52804	REASON FOR ZONING CODE TEXT CHANGE Include more uses under Neighborhood Commercial Establishments
Phone (217) 218-3456	EXISTING ZONING CODE LANGUAGE TO BE CHANGED The addition of Day Care Centers and Medical/Dental Office to the Neighborhood Commercial Establishments.
Secondary Phone (309) 716-1536	
E-Mail Address brettvacek36@gmail.com	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further studies as necessary. Brett Vacek Type Applicant's Name <i>Brett Vacek</i> 05/09/2024 Applicant's Signature Date	PROPOSED ZONING CODE LANGUAGE "17.08.030.V.2.g. Day Care Centers" "17.08.030.V.2.h. Medical/Dental Office"
DEVELOPMENT TEAM	
Owner Justin Willis/Brett Vacek Address 2651 Telegraph Road, Davenport, IA, 52804 Phone (217) 218-3456 Secondary Phone (309) 716-1536 E-Mail Address brettvacek36@gmail.com	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Existing & Proposed Text, as a .PDF, if preferred ☒ Authorization to Act as Applicant, if necessary ☐ Application Fee: (REQUIRED) \$400* ☒ *plus Scott County Recording Office fees at a later date
Attorney/Other Address Phone Secondary Phone E-Mail Address	PROCEDURE SHALL BE AS STATED IN §17.14.040 Approval Standards: Consistency with the Comprehensive Plan and Future Land Use Map. Promotion of public health, safety, and welfare of the City. Consistency with the general intent and regulations of Title 17. Purpose of the amendment (error correction/omission, or clarification). Extent that the proposed amendment protects against nonconformities. Submit this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

May 9th, 2024

Planning and Zoning Commission
City Council
Administrative Center
600 W. 4th St.
Davenport, IA 52801-1003

Grace Real Estate
c/o Brett Vacek & Justin Willis
2651 Telegraph Road
Davenport, IA, 52804

To Whom It May Concern:

This letter is to indicate the rationale to support the Application for Zoning Text Amendment to add Day Care Centers and Medical/Dental Office to the uses under the Neighborhood Commercial Establishment (17.08.030.V.2). It is well known within the city of Davenport that former school and church buildings face difficult challenges when attempting to move away from their primary use.

By enacting this Zoning Text Amendment, more buildings, such as ours on 2651 Telegraph Road, can be used to make up for the lack of reputable Day Care Centers in the area. Former church buildings that are zoned R-1 – 4, are the perfect place for a Day Care Center as the buildings are nonresidential in their structure and most churches already have some sort of set-up to allow for Day Care or preschool on the property.

After already having the city fire department walk through our building, the changes needed to make the building to the appropriate fire code were minimal thereby indicating the ease of transition these buildings can make from their primary use to a Day Care Center. The city can also help its overall vision for +2035 to have many of the buildings in the Telegraph Road area convert to R-1 – 4 as the uses allowed under 17.08.030.V.2. will be expanded to make that zoning more attractive.

Separately, in the application the commission and council will find the request for Medical/Dental office to be added. Despite the concern for increased traffic, the goal, at least at our

building, will be to allow for a counselor to be on-site while the children are present for the Day Care to receive individual counseling on an as needed basis. There is not a plan to make the entire building into a large medical facility. It is simply to allow for a counselor or two to be present to serve the community that is present on Telegraph Road. These counselors, just like the Day Care Center, will focus on taking state aid due to the population within the immediate area. With the need for more counseling services, not only in the city, but the nation at large adding this as a use under the Neighborhood Commercial Establishment will allow for expanded services.

We hope this letter will not only help us to help the community, but will serve as an opportunity to allow for further growth and expansion for others as well.

Respectfully,

Justin Willis & Brett Vacek

CHAPTER 17.08.	USES
Section 17.08.010	General Use Regulations
Section 17.08.020	Use Matrix
Section 17.08.030	Principal Use Standards
Section 17.08.040	Temporary Use Standards
Section 17.08.050	Use Definitions

Section 17.08.010 General Use Regulations

- A.** No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district.
- B.** All uses must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances.
- C.** Any use that is not included in the use matrix and cannot be interpreted as part of a use within the matrix is prohibited in all districts.
- D.** A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support and/or are functionally integrated into the principal use.
- E.** All uses must comply with the use standards of Section 17.08.030, as applicable, as well as all other regulations of this Ordinance and the City.

Section 17.08.020 Use Matrix

- A.** Table 17.08-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. Cells are color-coded for ease of review only; the letter indicated in the cell controls over any errors in color-coding.
- B.** Uses allowed in the R-3 and R-3C Districts are those listed in Table 17.08-1 for the R-3 District. Uses allowed in the R-4 and R-4C Districts are those listed in Table 17.08-1 for the R-4 District.
- C.** P indicates that the use is permitted by-right in the district. S indicates that the use is a special use in the district and requires special use approval. If a cell is blank, the use is not allowed in the district.
- D.** In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 17.08.040.
- E.** For accessory uses, see Chapter 17.09.
- F.** See Section 17.04.020 for additional use restrictions in the R-3, R-3C, R-4, and R-4C Districts.
- G.** See Section 17.05.020 for additional use restrictions in the C-V District.

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																						
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Adult Use																S	S					Sec. 17.08.030.A
Agriculture																			P			
Amusement Facility - Indoor									P	P	P		P	P	P	P		P				
Amusement Facility - Outdoor										S	S				S	P		S				
Animal Care Facility - Large Animal																			P			
Animal Care Facility - Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B
Animal Breeder																			P			Sec. 17.08.030.B
Art Gallery							P	P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P				
Bar									P	P	P		P	P	P			P				
Bar – Neighborhood								P														Sec. 17.08.030.C
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D
Billboard									P	P						P	P					Sec. 17.08.030.E
Body Modification Establishment								P	P	P	P		P		P			P				
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P	
Campground																			S	P		Sec. 17.08.030.F
Car Wash									P	P					S			P				Sec. 17.08.030.G
Casino															P							
Cemetery																				P		
Children's Home					P				P	P					P			S			P	Sec. 17.08.030.H
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I
Conservation Area																			P	P		
Country Club																				P		
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P	
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H
Dwelling - Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M
Dwelling - Manufactured Home						P													S			Sec. 17.08.030.N

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P	P		P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine Keeping/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																P	P	P					
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Greenhouse/Nursery - Retail										P					P			P	S				
Group Home	P	P	P	P	P																	Sec. 17.08.030.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
Healthcare Institution																					P		
Heavy Rental and Service																P		P					
Heavy Retail										S					S	P		P					
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L	
Hotel									P	P	P	P	P	S	P			P					
Industrial - General																	P						
Industrial - Light												P				P	P	P					
Industrial Design								P	P	P		P	P		P	P	P	P					
Live Performance Venue										P	P		P	P	P	P		P					

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						
Vehicle Dealership - Enclosed										P		S	P		P	S		P					
Vehicle Dealership - With Outdoor Storage/Display										S					S	S		P					

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																						
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Vehicle Operation Facility																P	P				P	
Vehicle Rental - Enclosed										P		S	P		P	S		P				
Vehicle Rental - With Outdoor Storage/Display										S					S	S		P				
Vehicle Repair/Service - Major										S						P	P	S				Sec. 17.08.030.DD
Vehicle Repair/Service - Minor									P	P					P	P	P	S				Sec. 17.08.030.DD
Warehouse																P	P					
Wholesale Establishment																P	P	S				
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE
Wine Bar								S	P	P	P		P	P	P			P				
Winery																			S			
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF
Wireless Telecommunications - Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF
Wireless Telecommunications - DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF
Wireless Telecommunications - DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H

Section 17.08.030 Principal Use Standards

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

J. Day Care Center and Day Care Home

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard.
3. No signs are permitted for day care homes.
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant commercial center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
5. Day care homes are limited to a maximum of six children or adults in care at any one time.
6. Day care homes are not permitted to have outside employees.

V. Neighborhood Commercial Establishment

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
 - a. Art gallery
 - b. Arts studio
 - c. Office
 - d. Personal service establishment
 - e. Restaurant
 - f. Retail goods establishment:
 - i. Retail sales of alcohol is prohibited.
 - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

Section 17.08.050 Use Definitions

All uses within Table 17.08-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Day Care Center. A licensed facility where, for a portion of a day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Neighborhood Commercial Establishment. A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
6/18/2024

Subject:

Case ORD24-03 : Request of Grace Real Estate to amend the Principal Use Standards for Neighborhood Commercial Establishment in Section 17.08.030V of the Davenport Zoning Code to add Day Care Center and Medical/Dental Office as permitted uses within a Neighborhood Commercial Establishment. [All Wards]

Recommendation:

Staff recommend the Plan and Zoning Commission accept the listed findings and forward Case ORD24-03 to the City Council with a recommendation for approval.

Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Background:

City staff received an Application for a Zoning Text Amendment from a property owner requesting an amendment to allow "Day Care Center" and "Medical/Dental Office" as permitted uses under the definition of "Neighborhood Commercial Establishment". The proposed zoning text amendment will impact all commercially constructed buildings throughout Davenport that are residentially zoned. City staff explored options with the petitioner, including rezoning their property. However, a Zoning Text Amendment was deemed the most appropriate option as there are existing nonresidential buildings where adaptive reuse is appropriate. Staff consider this to be a city-wide issue, rather than specific to the petitioner's property.

Zoning Ordinance Use Definitions:

1. **Neighborhood Commercial Establishments:** A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use.
2. **Day Care Center:** A licensed facility where, for a portion of a day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.
3. **Medical/Dental Office:** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

Neighborhood Commercial Establishment Principal Use Standards (Section 17.08.030.V)

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
 - a. Art gallery
 - b. Arts studio
 - c. Office
 - d. Personal service establishment
 - e. Restaurant
 - f. Retail goods establishment:
 - i. Retail sales of alcohol is prohibited.
 - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

Day Care Center and Day Care Home Principal Use Standards (Section 17.08.030.J)

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
3. No signs are permitted for day care homes. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant commercial center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
5. Day care homes are limited to a maximum of six children or adults in care at any one time. (Not applicable if permitted as a Neighborhood Commercial Establishment.)
6. Day care homes are not permitted to have outside employees. (Not applicable if permitted as a Neighborhood Commercial Establishment.)

Use Matrix (Table 17.08-1)

The principal use "**Neighborhood Commercial Establishment**" is allowed in the following zoning districts:

1. Special Use:
 - a. R-2 Single-Family Residential District
 - b. R-3 Single-Family and Two-Family Residential District
 - c. R-3C Single-Family and Two-Family Central Residential District
 - d. R-4 Single-Family and Two-Family Residential District
 - e. R-4C Single-Family and Two-Family Central Residential District
 - f. R-MF Multi-Family Residential District

The principal use "**Day Care Center**" is allowed in the following zoning districts:

1. Permitted Use:
 - a. R-MF Multi-Family Residential District
 - b. C-T Commercial Transitional District
 - c. C-1 Neighborhood Commercial District
 - d. C-2 Corridor Commercial District
 - e. C-3 General Commercial District
 - f. C-C City Centre District
 - g. C-OP Commercial Office Park District
 - h. C-D Downtown District
 - i. C-V Village of East Davenport District
 - j. C-E Elmore Corners District
 - k. I-MU Industrial Mixed-Use District
 - l. S-IC Institutional Campus District
2. Special Use:
 - a. I-1 Light Industrial District

The principal use "**Medical/Dental Office**" is allowed in the following zoning districts:

1. Permitted Use:
 - a. C-T Commercial Transitional District
 - b. C-1 Neighborhood Commercial District
 - c. C-2 Corridor Commercial District
 - d. C-3 General Commercial District
 - e. C-C City Centre District
 - f. C-OP Commercial Office Park District
 - g. C-D Downtown District
 - h. C-V Village of East Davenport District
 - i. C-E Elmore Corners District
 - j. I-MU Industrial Mixed-Use District
 - k. S-IC Institutional Campus District

Special Use Permit:

The Zoning Ordinance recognizes that there are certain uses that require individual consideration to mitigate any potential impacts upon neighboring land. Given the range of permitted uses allowed under Neighborhood Commercial Establishments, requiring a Special

Use Permit ensures additional oversight and prevents conflicts between incompatible land uses.

Special Use Permits are reviewed and approved by the Zoning Board of Adjustment, who evaluate the following criteria:

1. The establishment, maintenance, and operation of the proposed special use will not endanger public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Staff Analysis:

Adaptive reuse is the repurposing of buildings that have outlived their original use. In Davenport, this often includes vacant churches, schools, or corner retail stores. The intent of the Zoning Ordinance is to preserve architectural and cultural heritage, prevent urban blight, and extend the useful life of structures as neighborhood needs evolve. This approach offers flexibility in regulating new uses while promoting sustainable redevelopment practices.

Neighborhood commercial establishments serve an important role in community development. To encourage reinvestment, a narrowly defined list of permitted land uses is allowed within a neighborhood commercial establishment. Regulations are in place to protect the residential character of the area and limit outside impacts, such as traffic, storage, and signage. Since each property is unique, requiring a Special Use Permit provides additional oversight and consideration for each property.

There are several benefits of permitting day care centers within neighborhood commercial establishments. Vacant schools or churches, which often include floor plans conducive for day care, provide an opportunity for adaptive reuse. There is value in having childcare within close walking distance to neighborhoods. This can help mitigate traffic issues and offer safe routes for parents and children. In addition, there is a shortage of day care centers within the City. The proposed zoning text amendment creates a mechanism to establish additional day cares within the community to help meet the demand for childcare. Eliminating barriers to child care will improve the quality of life for young families and make Davenport a more attractive place to

live.

In addition, the Davenport Municipal Code allows churches to have ancillary uses such as day care facilities. Staff believe adding 'Day Care Center' to the list of permitted uses identified under neighborhood commercial establishments is appropriate given 'Places of Worship' are permitted in residential districts. There are potential circumstances where a nonresidential building may be constructed and used for a church with an accompanying day care center. Under current ordinance, should the church become vacant, a private day care center would not be permitted even though the building may contain the space to operate a day care. The proposed zoning text amendment resolves this issue.

Medical and dental offices may be appropriate within a neighborhood commercial establishment given the treatment of individuals is solely on an outpatient basis. However, staff acknowledge this request is circumstantial depending on the operation of the practice, type of nonresidential building, site constraints, and neighborhood context. The scale of a medical office varies greatly from a single provider to a large practice with numerous medical professionals and support staff. The Zoning Board of Adjustment will have the authority to approve, approve with conditions, or deny a request based on the unique circumstances of each establishment. These uses will be closely vetted due to the potential impacts on adjacent residential properties. Since these concerns can be mitigated through a Special Use Permit, staff is supportive of the zoning text amendment.

Public Input:

A Notice of Public Hearing was published in the Quad City Times informing the community of the June 4th Plan and Zoning Commission Public Hearing. To date, staff has not received any public comments in favor or opposition to the request. Staff will apprise the Commission of any correspondence at the June 18th Plan and Zoning Commission meeting.

Attachments:

1. Application
2. Chapter 17.08 Use Matrix

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Motion approving a 22905 Agreement with Canadian Pacific Kansas City (CPKC) Railway for the Riverfront Quiet Zone project, #ARP12. [Ward 3 & 5]

Recommendation:

Pass the Motion.

Background:

The City has secured a grant through the Federal Railroad Administration's Consolidated Rail Infrastructure & Safety Improvement (CRISI) program for the Riverfront Quiet Zone project. A requirement of that program is for the applicant and the railroad that owns rights-of-way to be used by a project funded by a grant subject to sign an agreement that specifies the assurances as identified in section 22905(c)(1) of title 49 of the United States Code.

The Riverfront Quiet Zone project will implement railroad safety improvements along the corridor spanning between Mound Street and Marquette Street. In total, there are 14 public and private crossings that will be improved per Federal Railroad Administration standards. The project consists of two main components:

- 1) Improvements within City-owned right-of-way.
- 2) Improvements within CPKC-owned right-of-way.

Attachments:

None

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Action / Date
7/24/2024

Subject:

Third Consideration: Ordinance for Case ROW24-03 being the request of the Davenport Community School District to vacate West 5th Street between Cedar Street and Howell Street. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

The Davenport Community School District is petitioning to vacate West 5th Street between Cedar Street and Howell Street. The purpose of the vacation is to facilitate the redevelopment of Smart Middle School. A concept plan has been provided by the applicant detailing the proposed footprint of the new building along with the location of parking lots, bus drop-off lanes, and athletic amenities.

This section of 5th Street is approximately 80 feet in width and accommodates two-way traffic. There are 90-degree (head-in) parking spaces along the north and south sides of the roadway, which functions similar to a parking lot for Smart Middle School. City staff are analyzing the potential traffic impacts this closure may have on the neighborhood transportation network. The area to be vacated is approximately 38,013 square feet or 0.87 acres.

At its June 4, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and condition.

Findings

1. Vacating the right-of-way facilitates the redevelopment of Smart Middle School.
2. All utilities within the public right-of-way will be removed or relocated prior to development.
3. Based on the conceptual redevelopment plan for Smart Middle School, drop-off and pick-up will be shifted onto school grounds.
4. Converting Cedar Street to two-way traffic will mitigate traffic concerns in the area.

Condition

1. All existing utilities located within the right-of-way, which are subject to vacation, shall be granted access for the maintenance of such utilities until their relocation has been completed.

The staff report from the June 4, 2024 Plan and Zoning Commission meeting is attached.

Attachments:

1. Ordinance
2. Plan & Zoning Commission Staff Report
3. Application
4. Maps
5. Smart Middle School Project Narrative
6. Smart Middle School Project Presentation
7. Public Hearing Notice-Committee of the Whole
8. Public Hearing Notice-Plan & Zoning Commission
9. Neighborhood Meeting Attendance List

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW24-03 BEING THE REQUEST OF THE DAVENPORT COMMUNITY SCHOOL DISTRICT TO VACATE WEST 5TH STREET BETWEEN CEDAR STREET AND HOWELL STREET.

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

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

Part of West 5th Street, located in the southwest quarter of Section 27, Township 78 North, Range 3 East of the 5th Principal Meridian, between Cedar Street on the west, North Howell Street on the east, Block 1 of Thos Scott and C. Foster's Addition on the north and Block 4 of Scott and Foster's 2nd Addition on the south, in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the northwest corner of said Block 4;

Thence North 00 degrees 13 minutes 00 seconds West, a distance of 80.06 feet to the southwest corner of said Block 1;

Thence North 87 degrees 30 minutes 43 seconds East along the south line of said Block 1, a distance of 476.81 feet to the west right of way line of North Howell Street as described in Deed Document #2009-00022761 Tract H0062-43;

Thence South 02 degrees 07 minutes 53 seconds West, a distance of 80.26 feet to the intersection of the north line of said Block 4 and the west right of way line of North Howell Street as described in Deed Document #2009-00022761 Tract H0062-10;

Thence South 87 degrees 30 minutes 43 seconds West along said north line, a distance of 473.52 feet to the Point of Beginning.

The above-described parcel contains 38,013 square feet, more or less as shown by the attached Right of Way Vacation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

Section 2. At its June 4, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and condition.

Findings

1. Vacating the right-of-way facilitates the redevelopment of Smart Middle School.
2. All utilities within the public right-of-way will be removed or relocated prior to development.
3. Based on the conceptual redevelopment plan for Smart Middle School, drop-off and pickup will be shifted onto school grounds.
4. Converting Cedar Street to two-way traffic will mitigate traffic concerns in the area.

Condition

1. All existing utilities located within the Right-of-Way, which are subject to vacation, shall be granted access for the maintenance of such utilities until their relocation has been completed.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
6/4/2024

Subject:

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate West 5th Street, between Cedar Street and Howell Street, in Case ROW24-03 to the City Council with a recommendation for approval, subject to the following findings and condition:

Findings:

1. Vacating the right-of-way facilitates the redevelopment of Smart Middle School.
2. All utilities within the public right-of-way will be removed or relocated prior to development.
3. Based on the conceptual redevelopment plan for Smart Middle School, drop-off and pick-up will be shifted onto school grounds.
4. Converting Cedar Street to two-way traffic will mitigate traffic concerns in the area.

Condition:

1. All existing utilities located within the Right-of-Way, which are subject to vacation, shall be granted access for the maintenance of such utilities until their relocation has been completed.

Background:

The Davenport Community School District is petitioning to vacate West 5th Street, between Cedar Street and Howell Street. The purpose of the vacation is to facilitate the redevelopment of Smart Middle School. A concept plan has been provided by the applicant detailing the proposed footprint of the new building along with the location of parking lots, bus drop-off lanes, and athletic amenities.

This section of 5th Street is approximately 80 feet in width and accommodates two-way traffic. There are 90-degree (head-in) parking spaces along the north and south sides of the roadway, which functions similar to a parking lot for Smart Middle School. City staff are analyzing the potential traffic impacts this closure may have on the neighborhood transportation network. The area to be vacated is approximately 38,013 square feet or 0.87 acres.

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

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

and Zoning Commission action is required.)

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation:

The existing Smart Middle School and former Monroe Elementary School properties are designated as Civic and Institutional in the Davenport +2035 Future Land Use Map. The surrounding neighborhood is designated as Residential General.

1. **Civic and Institutional:** Reserved for major developments for government, education, religion, medical, utilities, and other cultural or non-profit organizations located outside the Downtown (DT).
2. **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 of intensity may be considered.

Abutting Zoning:

The abutting properties are currently zoned **R-4C Single-Family and Two-Family Central Residential District**. This district is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.

Technical Review:

The following technical review comments were received from City Departments and Utility Companies:

1. Streets: This section of 5th Street facilitates two-way traffic with head-in parking on both sides. Removing this connection will impact traffic patterns throughout the neighborhood. To better mitigate conflicts, staff supports converting Cedar Street, between 4th Street and 5th Street, from one-way to two-way traffic. With a pavement width of 32 feet, parking should be limited to the west side of the roadway only. Given the narrow pavement width of Howell Street, accommodating two-way traffic with on-street parking may not be feasible at this time.
2. Sanitary Sewer: There is currently a 12" sanitary sewer extending the length of 5th Street.
3. Water Service: Iowa American Water Company has a watermain on 5th Street that will need to be relocated to Howell Street prior to the start of construction. Abandoning the existing watermain on 5th Street may require relocating services for the new building.

4. Other Utilities: The three streetlights along the south edge of the pavement will have to be removed/relocated to facilitate the redevelopment of the site.
5. Parks/Open Space: The building footprint for the Smart Middle School reconstruction will span across a portion of the vacated right-of-way. The district's proposed site plan will consolidate greenspace and outdoor amenities on the west side of the school. The configuration prevents students from having to cross a street to access recreational space.

Public Input:

Letters were sent to property owners within a two block radius (bounded by Pine Street, West 4th Street, Division Street, and West 6th Street) of the proposed request notifying them of the May 7th neighborhood meeting and May 14th Plan and Zoning Commission public hearing.

The neighborhood meeting was held in the Smart Middle School Library at 1934 West 4th Street. Representatives of the Davenport School District were in attendance to explain the request to vacate 5th Street and discuss the proposed concept plan for the new school and site layout. There were approximately five members of the public in attendance. The overall concept plan presented by the school district was positively received. Questions raised were related to on-street parking on Howell Street as well as converting the one-way streets to two-ways.

There were no members of the public in attendance at the May 14th Plan and Zoning Commission public hearing. Any correspondence received will be shared at the June 4th Plan and Zoning Commission meeting.

Attachments:

1. Application
2. Smart Middle School Project Narrative
3. Smart Middle School Project Presentation
4. Maps
5. Public Hearing Notice
6. Neighborhood Meeting Attendance List



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
RIGHT-OF-WAY VACATION
(EASEMENT ABANDONMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
05/13/2024	04/18/2024	06/18/2024

PROJECT TITLE
Smart Middle School Renovation

APPLICANT INFORMATION

Applicant Name | Company Name
Davenport Community School District / IMEG Corp.

Address
1717 State Street, Suite 201

City | State | Zip
Bettendorf, IA, 52722

Phone
(563) 514-4392

Secondary Phone
(563) 344-0260

E-Mail Address
alex.e.krist@imegcorp.com

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

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

IMEG Corp.

Type Applicant's Name



Applicant's Signature

4/18/2024
Date

GENERAL LOCATION DESCRIPTION
1934 W 5th St. Davenport, IA

NEIGHBORHOOD MEETING DATE / TIME / LOCATION
5/8/24 6:00 pm 1934 W 5th St. Davenport, IA

AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	5th St. R.O.W.	School Property	38,013 S.F.

COMPLETE SUBMITTALS SHALL INCLUDE: **SUBMITTED**

Concept/Development Plan, if applicable ☒

Authorization to Act as Applicant ☒

Legal Description* (bearing & distance)
* shall include a MS Word or Text file ☒

Legal Description Dimensioned Sketch ☒

Application Fee: (REQUIRED) \$400* ☐
* check payable to 'City of Davenport'

PROJECT NARRATIVE: (submit separate sheet if needed)

Please see document included in submittal titled
"2024.04.17 Smart MS Building Description"

DEVELOPMENT TEAM

Surveyor
Daryl Brickner - IMEG Corp.

Address
1717 State St., Suite 201, Bettendorf, Iowa, 52722

Phone (563) 823-6079	Secondary Phone (563) 344-0260
-------------------------	-----------------------------------

E-Mail Address
Daryl.A.Brickner@imegcorp.com

Attorney/Other
Richard Davidson - Lane & Waterman LLP

Address
220 North Main St., Suite 600, Davenport, IA 52801

Phone (563) 333-6624	Secondary Phone
-------------------------	-----------------

E-Mail Address
rdavidson@l-wlaw.com

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

Authorization to Act as Applicant

I/We, DLSD
[as property owner(s)]

authorize IMEG
[the above person(s)]

to act as applicant, representing me/us before the City Plan & Zoning Commission

for the property located at Mono / Smart

[Signature]
Signature(s)*
*Please note: original signature(s) are required signed in front of a Notary.

Notarization:

4-16-24
Date

State of Texas,
County of Scott,

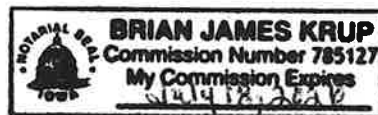
Sworn and subscribed before me

this 16th day of April, 2024

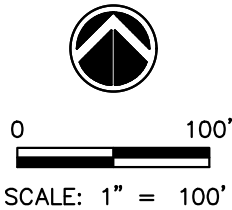
Brian James Krup
Notary Public

1A Driver License
[identification type]

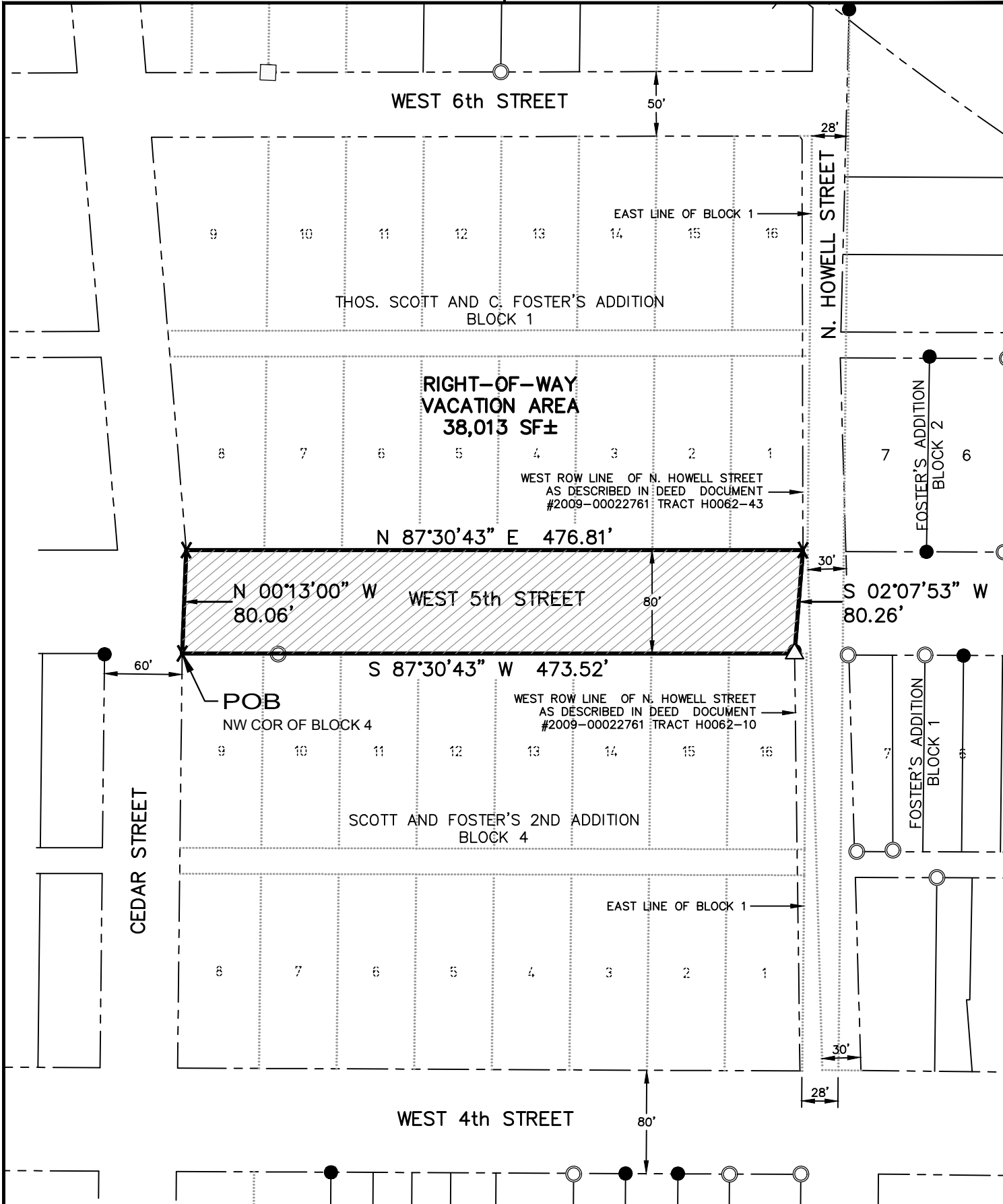
My Commission Expires:



Location: Southwest ¼ of Section 27
Twp/Range: Township 78 North, Range 3 East of the 5th P.M.
County: Scott
Requestor: Davenport School Board
Proprietor: City Davenport
Surveyor: Daryl A. Brickner
Surveyor Company: IMEG Corp.
Return to : IMEG Corp.
1717 State St. Suite 201
Bettendorf, IA 52807
Attn: Daryl Brickner



DRAFT
04-18-2024



IMEG Project No: 24001000.01 File Name: 24001000.01 Vacation 5th St.dwg ©COPYRIGHT 2024 ALL RIGHTS RESERVED Field Book No: _ Drawn By: DAB Checked By: BDO Date: 4/18/2024 Sheet 1 of 2	WEST 5TH STREET DAVENPORT, IOWA RIGHT OF WAY VACATION PLAT IMEG 1717 STATE ST. SUITE 201 BETTENDORF, IA 52722 PH: 563.823.6079 www.imegcorp.com	DARYL A. BRICKNER LICENSED 13581 IOWA LAND SURVEYOR 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. DRAFT 04-18-2024 Daryl A. Brickner, P.L.S. No. 13581 Date My license renewal date is December 31, 2025 No. of sheets covered by this seal: _
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RIGHT OF WAY VACATION DESCRIPTION

Part of West 5th Street, located in the southwest quarter of Section 27, Township 78 North, Range 3 East of the 5th Principal Meridian, between Cedar Street on the west, North Howell Street on the east, Block 1 of Thos Scott and C. Foster's Addition on the north and Block 4 of Scott and Foster's 2nd Addition on the south, in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the northwest corner of said Block 4;

Thence North 00 degrees 13 minutes 00 seconds West, a distance of 80.06 feet to the southwest corner of said Block 1;

Thence North 87 degrees 30 minutes 43 seconds East along the south line of said Block 1, a distance of 476.81 feet to the west right of way line of North Howell Street as described in Deed Document #2009-00022761 Tract H0062-43;

Thence South 02 degrees 07 minutes 53 seconds West, a distance of 80.26 feet to the intersection of the north line of said Block 4 and the west right of way line of North Howell Street as described in Deed Document #2009-00022761 Tract H0062-10;

Thence South 87 degrees 30 minutes 43 seconds West along said north line, a distance of 473.52 feet to the Point of Beginning.

The above-described parcel contains 38,013 square feet, more or less as shown by the attached Right of Way Vacation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

DRAFT
04-18-2024

LEGEND

- REBAR, FOUND
- PIPE, FOUND
- SQUARE PIN, FOUND
- X "X" IN CONCRETE, SET
- △ PIN & CAP 13581, SET
- - - - - EXISTING LOT / PARCEL LINE
- — — — — UNDERLYING LOT LINE
- . - . - . - . - . - . EXISTING RIGHT OF WAY LINE
- [Hatched Box] RIGHT OF WAY VACATION AREA

IMEG Project No:
24001000.01

File Name:
24001000.01 Vacation 5th St.dwg

COPYRIGHT 2024
ALL RIGHTS RESERVED

Field Book No: _

Drawn By: DAB

Checked By: BDO

Date: 4/18/2024

Sheet 2 of 2

WEST 5TH STREET
DAVENPORT, IOWA
RIGHT OF WAY VACATION PLAT



IMEG

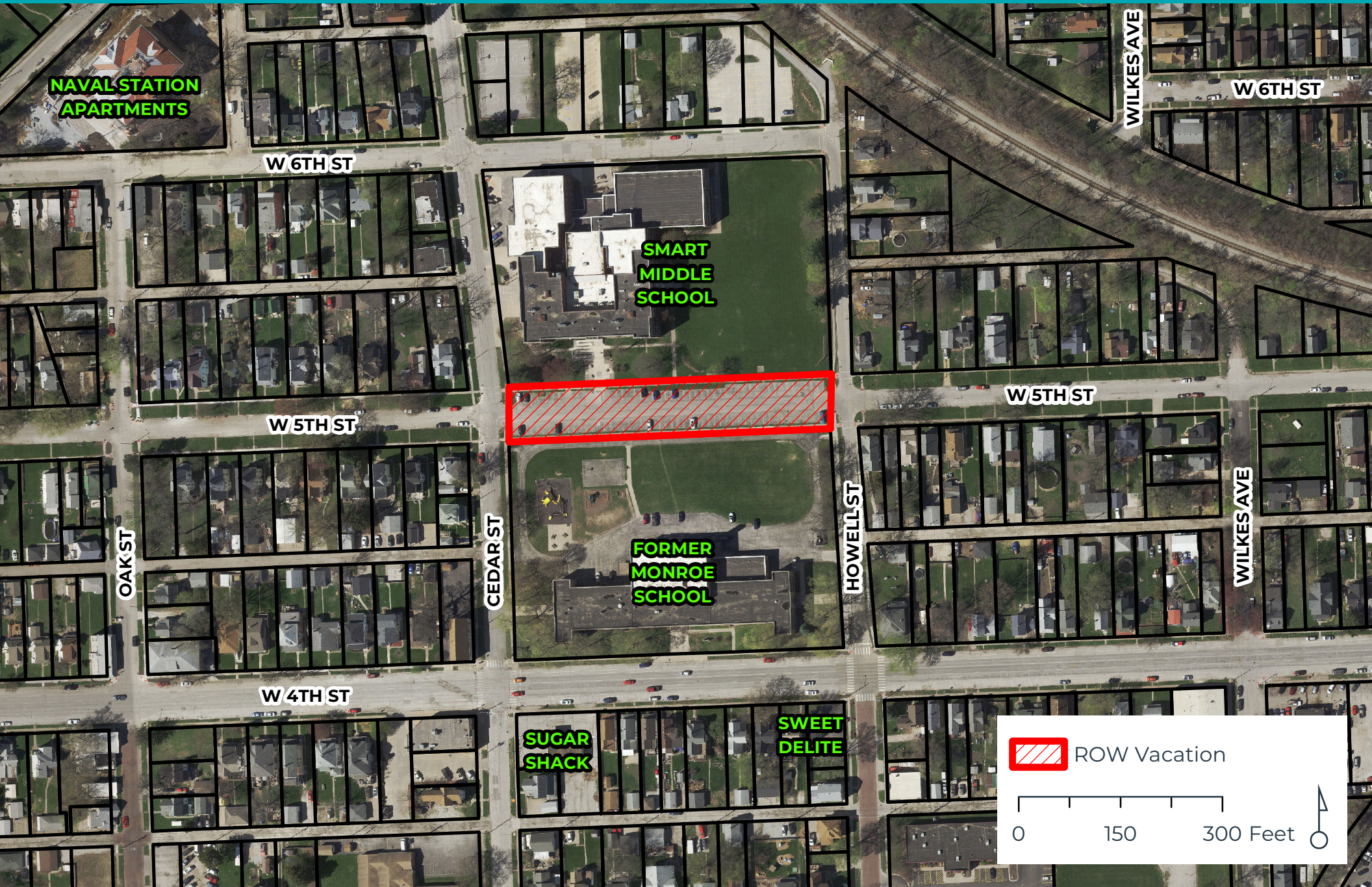
1717 STATE ST. SUITE 201
BETTENDORF, IA 52722

PH: 563.823.6079
www.imegcorp.com



Vicinity Map | Right-Of-Way Vacation

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]



ROW Vacation

0

150

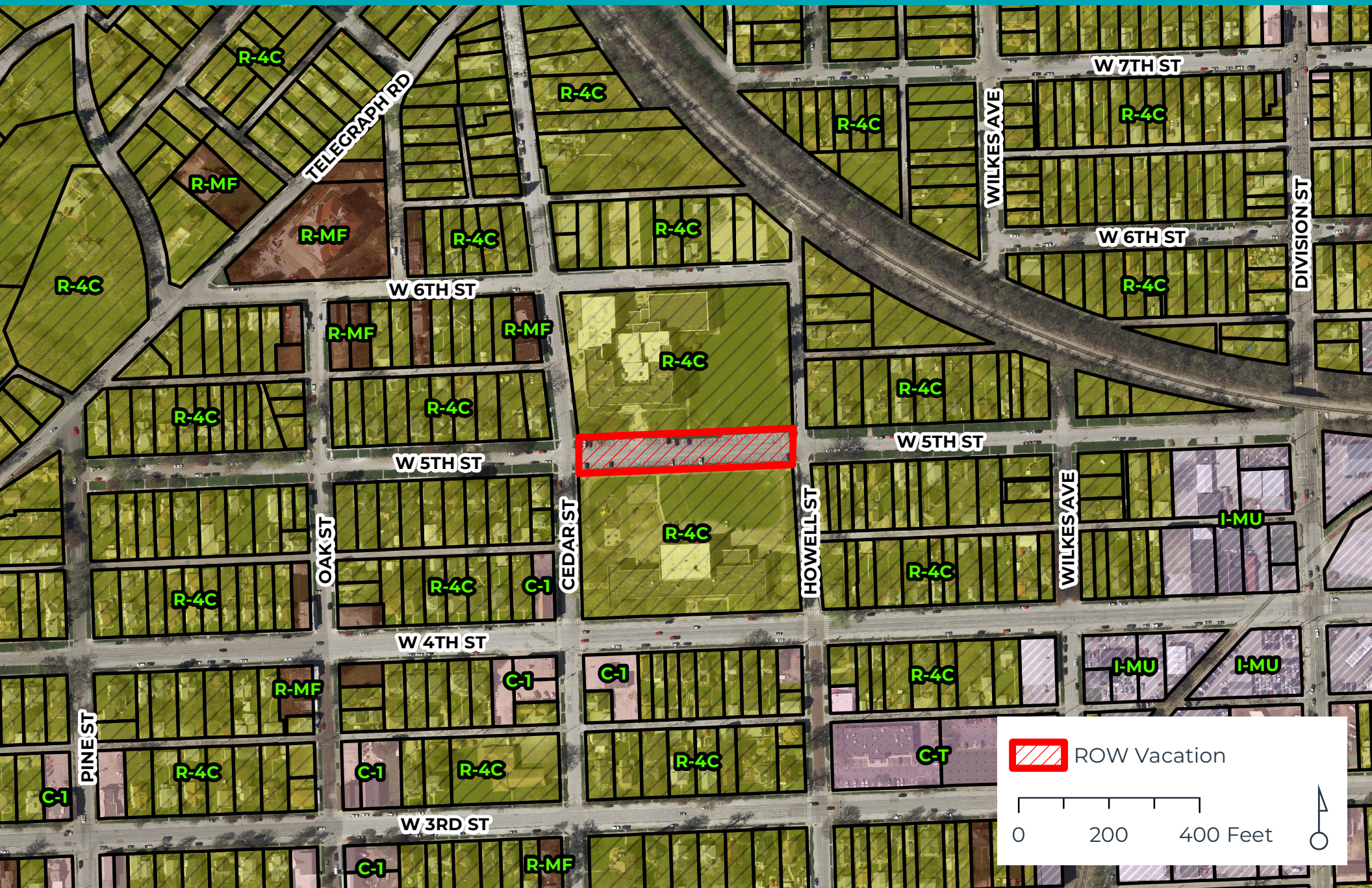
300 Feet





Zoning Map | Right-Of-Way Vacation

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]



ROW Vacation

0

200

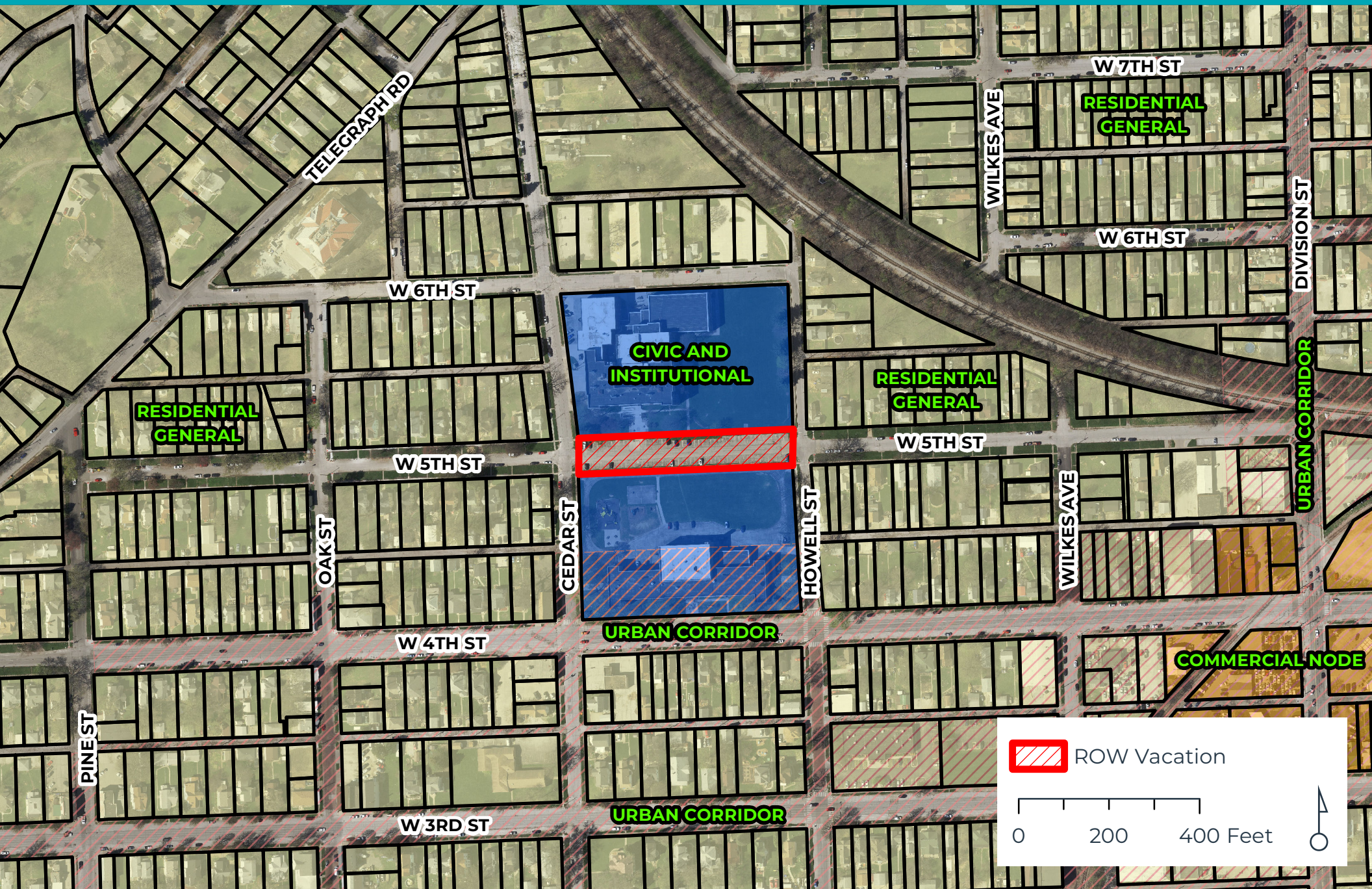
400 Feet





Future Land Use Map | Right-Of-Way Vacation

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]



DAVENPORT SMART MIDDLE SCHOOL

Davenport Community School District

Davenport, Iowa



Bray Project No. 3678

Wednesday | April 17, 2024

Re: RIGHT-OF-WAY VACATION

Smart Middle School project description for right-of-way vacation of 5th Street between Cedar Street and North Howell Street.

Project History Summary

Smart Intermediate School was originally built in 1918 and then has been added onto many times since then. Monroe Elementary was originally built in 1939 adjacent to Sudlow, sharing a field in between them.

Over the course of the last several years, Davenport Community School District faced declining enrollment resulting in significant excess student capacity throughout the district. In addition, the district has faced a continually growing backlog of capital maintenance needs caused by aging buildings. A district wide master planning process was conducted, which included facility condition assessments, capacity analysis, enrollment projections, exploration of grade configurations, and analysis of student educational pathway.

As a result of this process, the district considered and approved grade and pathway reconfiguration within the district. To reduce the excess capacity and alleviate excessive deferred maintenance costs, three facilities, Washington, Monroe, and Buchanan Elementary Schools, were identified for closure, and the district student pathway and organization were reconfigured. This reconfiguration changed the district to become arranged as K-5 Elementary Schools, 6-8 Middle Schools, and 9-12 High Schools. This pathway change was approved because it improved the potential to enhance educational opportunities within the district, reduce the number of school building transitions, define a predictable student pathway and experience, increase the duration of student experience within each school building, improve transportation and logistics, reduce the overall capacity of seats within the district in response to enrollment projections, and balance opportunities and exposure for benefits to all students within the district.

The Davenport School Board approved several projects to included in the first phase of work as identified under the district wide master plan. Washington and Monroe Elementary Schools were closed and identified to be demolished due to their age, prospective costs associated with deferred maintenance, small size of classrooms and inefficient layout of building, and proximity to the Sudlow and Smart Intermediate School buildings. Prior to the '24-'25 school year, sixth grade students have been

housed in elementary school buildings. Starting in the '24-'25 school year, sixth grade will be moved to the middle school buildings. One of the highest priorities within the school district is to improve the Sudlow and Smart middle school buildings. Improvements at the middle school buildings was deemed critical because addition and renovation to the existing facilities would support the adoption of the middle school curriculum, as well as support the integration of sixth grade to these buildings. Improvements to these facilities would provide needed collaboration and flexible use areas with increased sightlines and supervision within the building, while also increasing the safety and security within the building and campus. In addition, this would allow for creating a house model within the academic wings of the building in which the physical layout of the building will aid in developing smaller learning communities which are designed to improve the relational and social development of students while also enhancing student academic engagement and providing an environment that will improve student outcomes. Sudlow and Smart were identified to be considered for these improvements as they are the buildings most in need of improvement.

Smart Building Description

Due to the age of the existing building, high level of cost to remedy deferred maintenance and repairs, small size of existing classrooms, and poor layout and configuration of the existing building, the existing Smart Middle School is to receive a substantial new addition and existing gymnasium to remain shall receive minor updates. The new addition will allow expanded space for cafeteria which is necessary for improving the lunch sequence resulting in better control and more instructional time. New construction of appropriately sized classroom space will meet the needs of additional students and programs as well as allowing for a house model approach to the building layout. Additional gym space will be provided to improve instruction due to the larger building population size. The new improvement will allow for the integration of spaces for technology, science, and consumer sciences. Furthermore, the new project will improve site safety and logistics, as well as creating improved spaces for outdoor student activities. To reduce cost and timeline, the new addition building footprint has avoided overlap of the existing building footprint.

The Smart proposed plan has a three-story educational wing to house the three grade levels. It also provides a new office, kitchen, cafeteria, library, gymnasium, fitness rooms, and music rooms. Minor updates will be made to the existing 2001 gymnasium addition.

Smart timeline

Schematic Design concluded in the middle of March 2024. Currently, the design team is in design development and intends to be ready to bid the project in December 2024.



DAVENPORT
Community Schools
G R O W I N G E X C E L L E N C E

Davenport Community School District

Smart Middle School

04 16 2024



BRAYARCHITECTS

FL Smart Middle School | background

Davenport Community School District Identified 6 Projects for Phase 1

Goals

Highest priority projects to provide space needed for instruction and activities which impact all students within the district

Priority 1 – Improvements to meet classroom needs of students

Priority 2 – Improvements to meet outdoor needs of students

Projects

Sudlow Middle School – Expansion and Renovation

Smart Middle School – Expansion and Renovation

North High School – Science Room and Classroom Expansion and Remodeling

Elementary School Remodeling and Improvements

High School Outdoor Turf Fields (North / West)

High School Turf and Baseball Field (Central)

Total Budget

\$160,000,000

FL Smart Middle School | background

Initial Considerations

- Addition and Renovation proposed for Smart Middle School
- Current issues and prospective solution or benefit of improvement:
 - Curriculum and special programs which benefit students have filled out spaces within the existing building.
 - Improving buildings would allow sufficient space for all grade levels plus provide the necessary space to house the resources, programs, and services that benefit students which improves outcomes for students
 - Improve and enhance the vision of education within the district, by creating new and improved environments that will keeps students in the district, attract new families, and aid in attracting new staff

FL Smart Middle School | background

Initial Considerations

- Provide an addition and renovation to the existing facility to support middle school curriculum needs and to support integration of sixth grade
- Improve existing building according to concerns identified through the facility study process
- Provide needed collaboration and flexible use areas with increased sightlines and supervision within the building
- Increase safety and security within the building
- Allow for creating a house model within academic wings of the building
 - Physical structure will aid in developing smaller learning communities which are designed to improve relational and social development, enhance student academic engagement, and provide an environment which will improve student outcomes
- Smart identified to be considered for initial projects as it is one of buildings most in need of improvement

FL Smart Middle School | background

Initial Considerations

- Expand cafeteria to improve efficiency for lunch resulting in better control and more instructional time
- Additional classroom space to meet needs of additional students and programs, as well as allow a house approach
- Additional gymnasium space to improve instruction due to larger population size
- Improve spaces for FCE, CTE, and STEM
- Improve site safety and logistics, parking and outdoor student activity spaces
- Requires removal of Monroe Elementary Building

FL Smart Middle School | background

Initial Considerations

Project Information

- Building program based upon initial target during high level master planning with District leadership team. The program developed was a target to serve as starting place for each building project, whether existing building or new.
- Initial building program determined a target building area of 138,235 square feet of space needed for building project.
- Costs include improvements to existing building including, ADA accessibility, building interior and exterior repairs, fire protection, mechanical, plumbing, and electrical repairs and replacements.
- Remodeling considered for select portions of building needing to be remodeled to achieve proposed building program.

Proposed Project Cost

\$51,749,500

FL Smart Middle School | background

Current Considerations

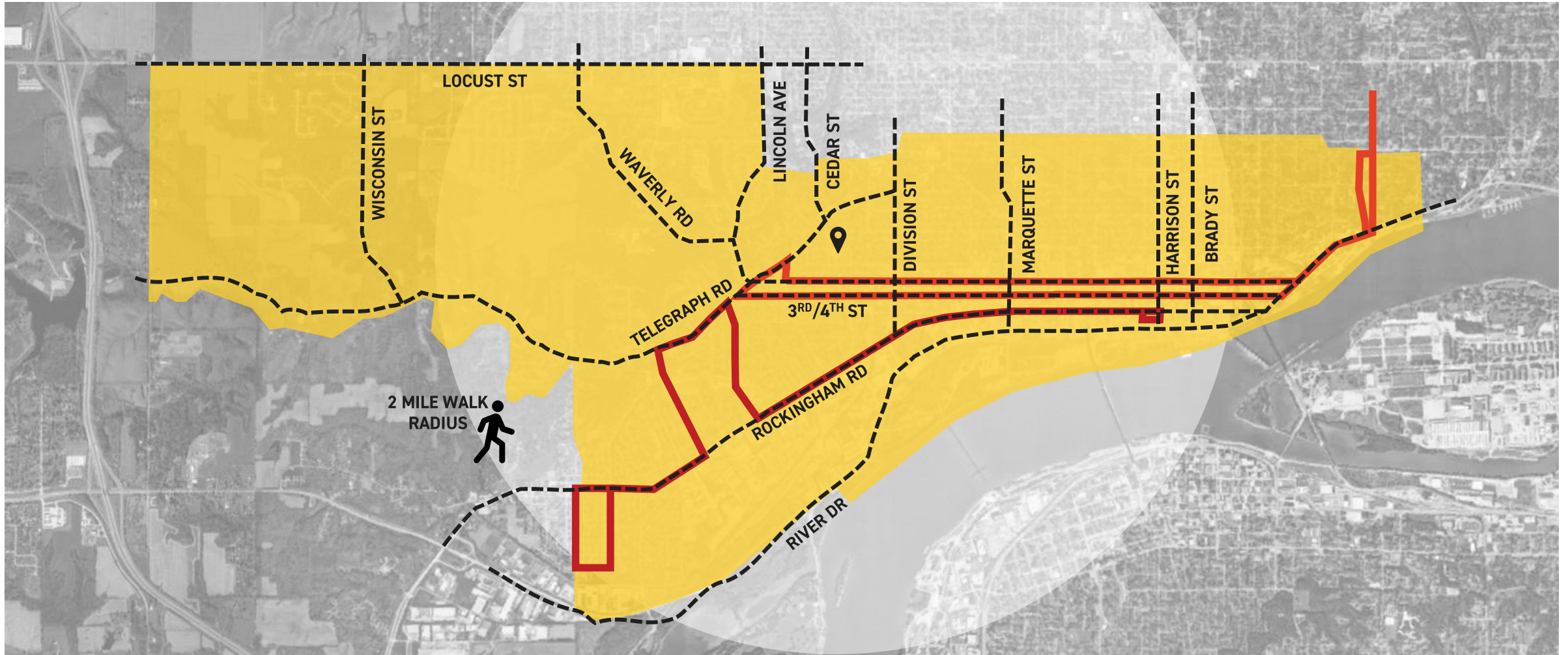
Project Information

- As component of commencing project, deeper conversations held with building leadership and staff to understand needs and goals for Smart Middle School
- The revised building program has resulted in a target building area of 127,332 square feet of space needed for building project.
- An addition and remodeling to the existing building would be required improvements to existing building including, ADA accessibility, building interior and exterior repairs, fire protection, mechanical, plumbing, and electrical repairs and replacements.
- The existing Smart gymnasium was determined to be retained and integrated into new construction, a and a mostly new facility could be constructed as an addition.

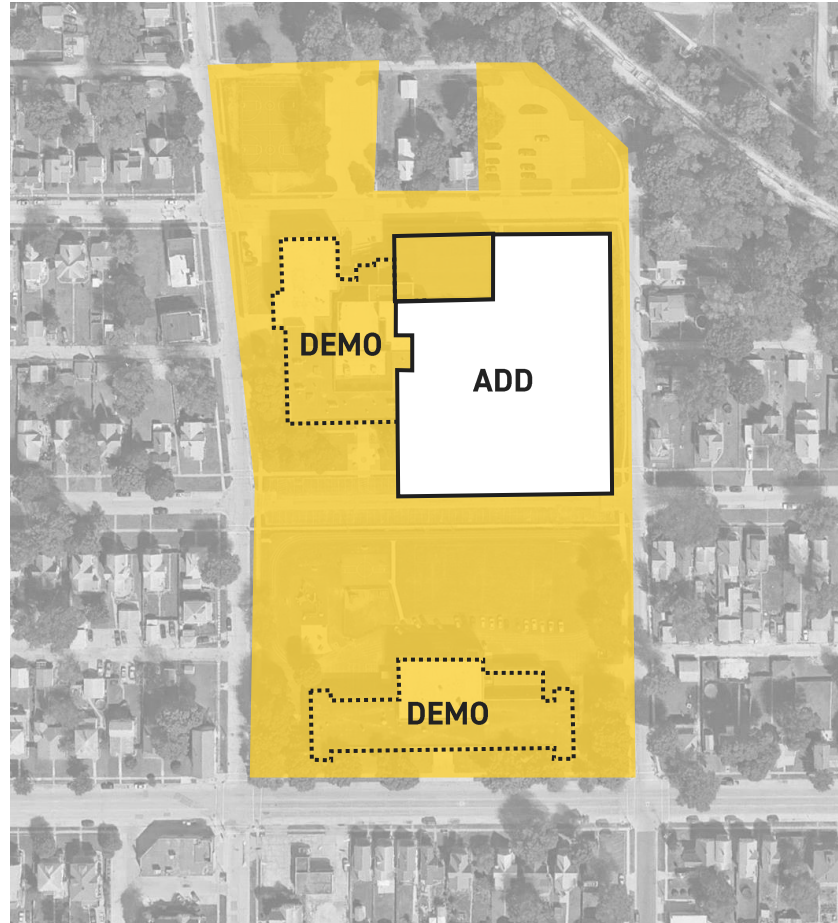
Proposed Project Cost

\$52,750,000 to \$54,870,000

SITE | boundary



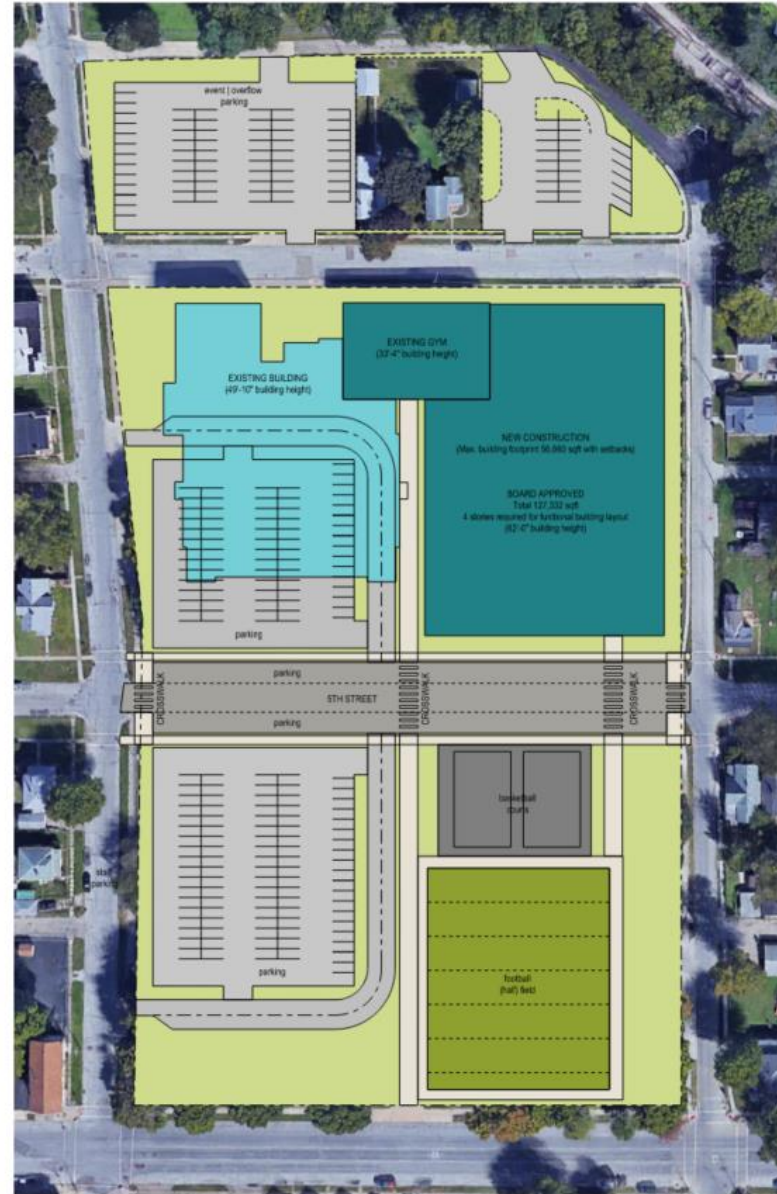
SITE | concept



SITE | concept

Site concerns with 5th street remaining

1. The scale of building would be far larger in height if restricted to the current site.
2. A big concern is that the construction sequence would take much longer as it would have more phases to work around the existing building.
3. There would not be sufficient space to allow for site amenities, and would require that students cross the street throughout the day to access amenities on the former monroe site presenting a safety concern.



1 SITE PLAN - 5TH STREET
SDE 6
Scale: 1" = 50' 0"

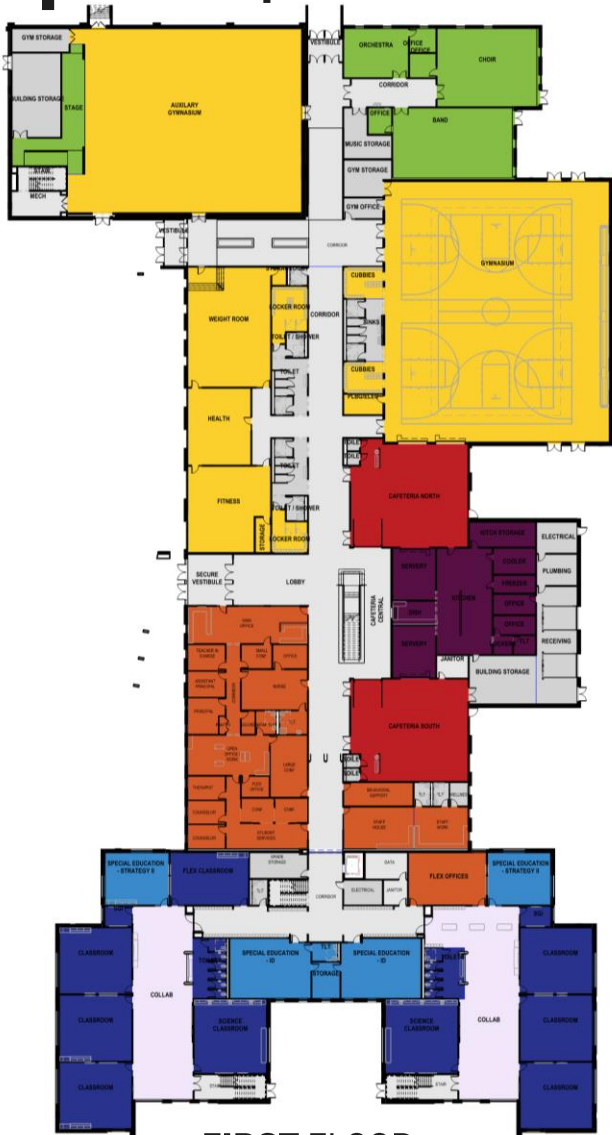
site plan | overall plan



site plan | enlarged plan



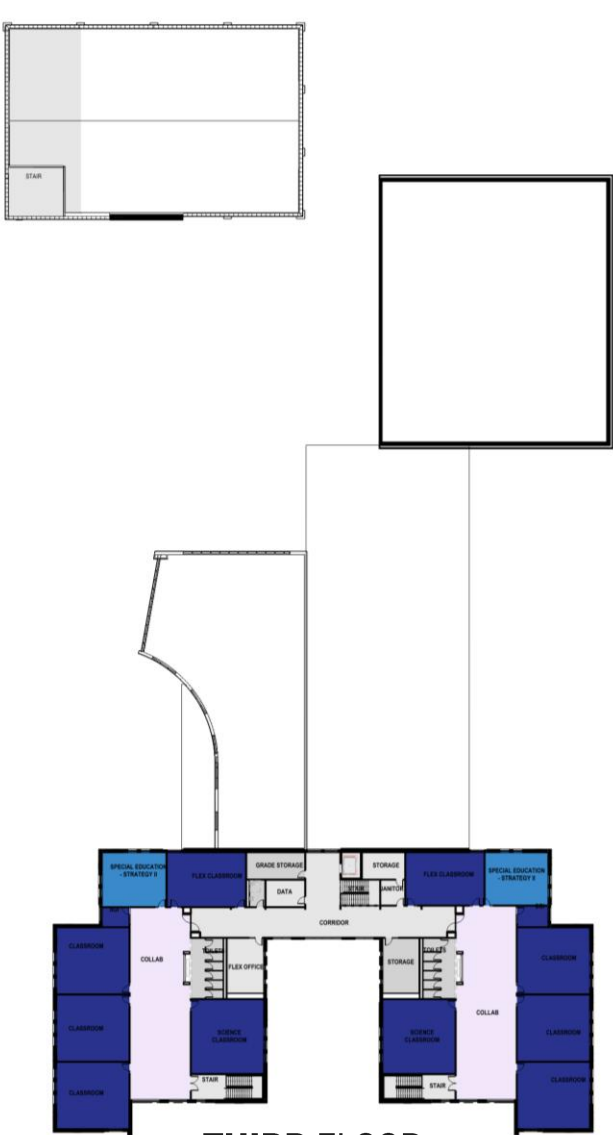
floor plans | overview



FIRST FLOOR



SECOND FLOOR

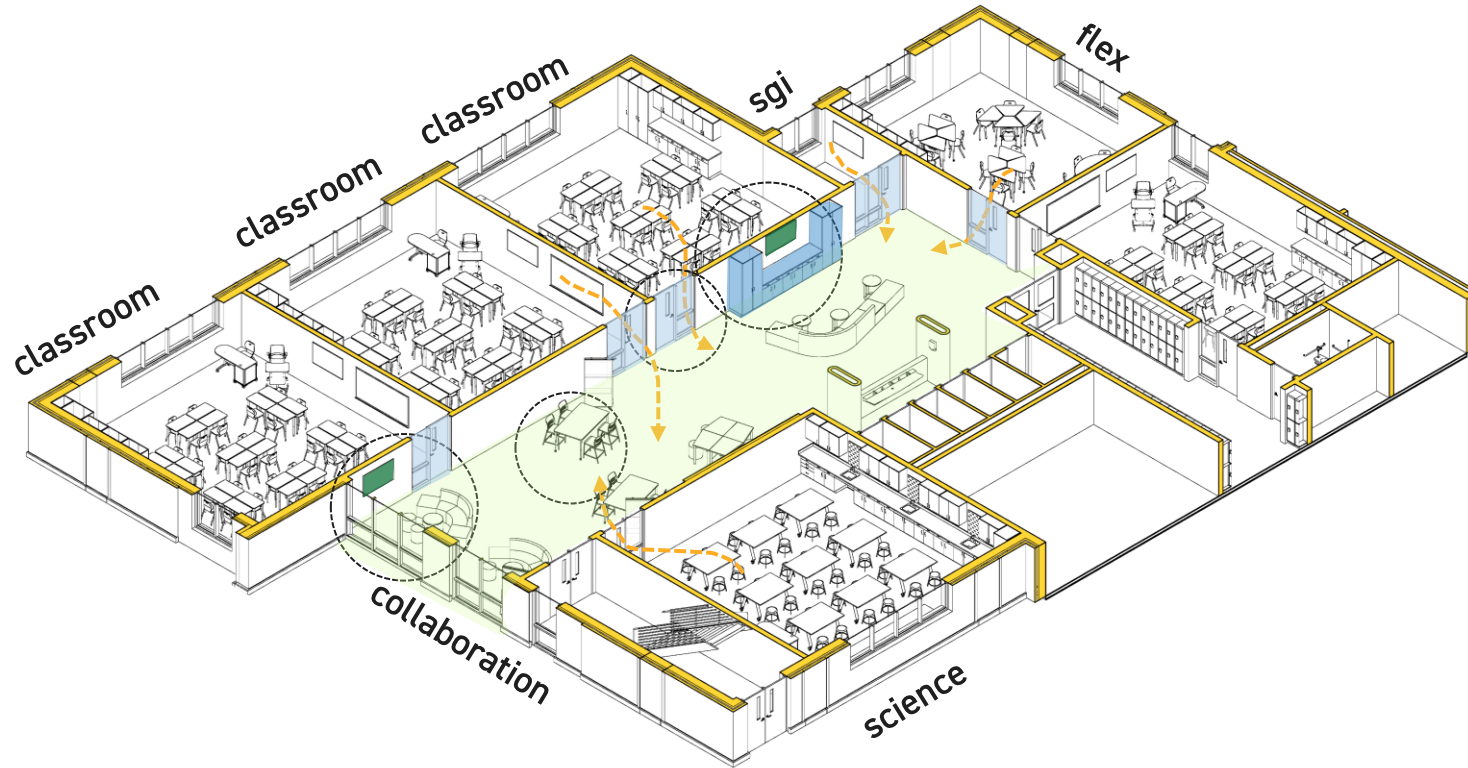


THIRD FLOOR

LEGEND departments

- KITCHEN
- COMMONS
- MEDIA
- ADMIN
- ATHLETIC
- COLLAB
- PERFORMING ARTS
- ELECTIVES
- ACADEMIC
- SPECIAL EDUCATION
- BUILDING SUPPORT

core academic neighborhoods | collaboration



View towards SGI



View towards exterior

exterior design | overall view from west



exterior design | main entry



exterior design | event entry



exterior design | core academic



exterior design | core academics – view from south





Thank you!

BRAYARCHITECTS



PUBLIC HEARING NOTICE | Committee of the Whole

To: Neighboring property owners adjacent to Smart Middle School.

Committee of the Whole Public Hearing Meeting

Date: 6/18/2024

Time: 5:30 PM

Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?

This notice is being sent to inform you that a neighborhood meeting will be held to learn more about the project and the request to vacate West 5th Street, between Cedar Street and Howell Street. The Davenport Community School District is petitioning the vacation to facilitate the redevelopment of Smart Middle School. A concept plan is attached to this letter.

Request/Case Description

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]

Plan & Zoning Commission Recommendation

At its June 4, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and condition.

Findings:

1. Vacating the right-of-way facilitates the redevelopment of Smart Middle School.
2. All utilities within the public right-of-way will be removed or relocated prior to development.
3. Based on the conceptual redevelopment plan for Smart Middle School, drop-off and pick-up will be shifted onto school grounds.
4. Converting Cedar Street to two-way traffic will mitigate traffic concerns in the area.

Condition:

1. All existing utilities located within the Right-of-Way, which are subject to vacation, shall be granted access for the maintenance of such utilities until their relocation has been completed.

What are the Next Steps?

The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Tuesday, June 18, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?

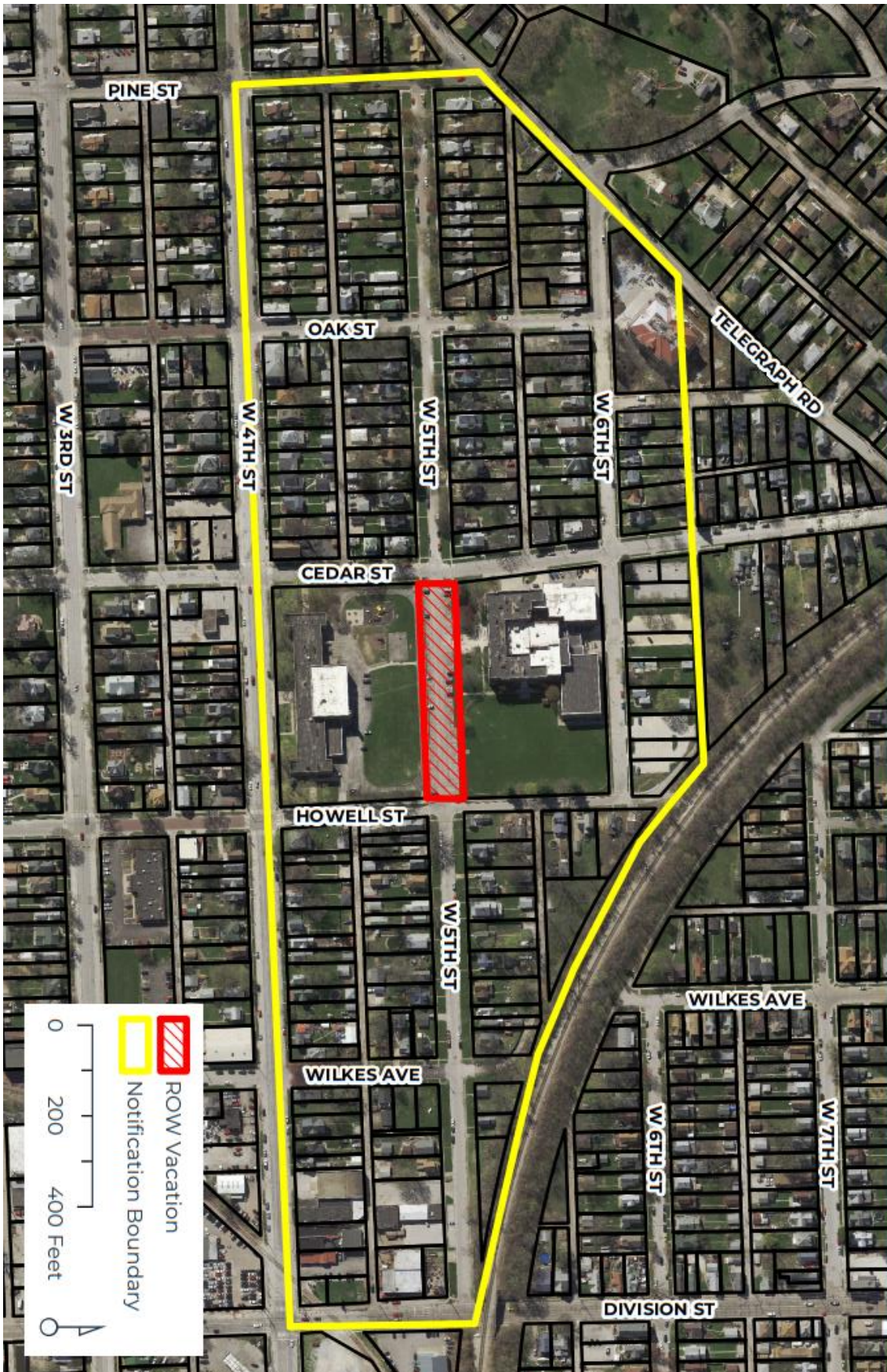
You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the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

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

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

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: Neighboring property owners adjacent to Smart Middle School.

Neighborhood Meeting

Date: 5/7/2024

Time: 6:00 PM

Location: Smart Middle School | Library | 1934 W 5th Street

Plan & Zoning Commission Public Hearing Meeting

Date: 5/14/2024

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?

This notice is being sent to inform you that a neighborhood meeting will be held to learn more about the project and the request to vacate West 5th Street, between Cedar Street and Howell Street. The Davenport Community School District is petitioning the vacation to facilitate the redevelopment of Smart Middle School. A concept plan is attached to this letter.

Request/Case Description

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 14, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on June 4, 2024. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

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

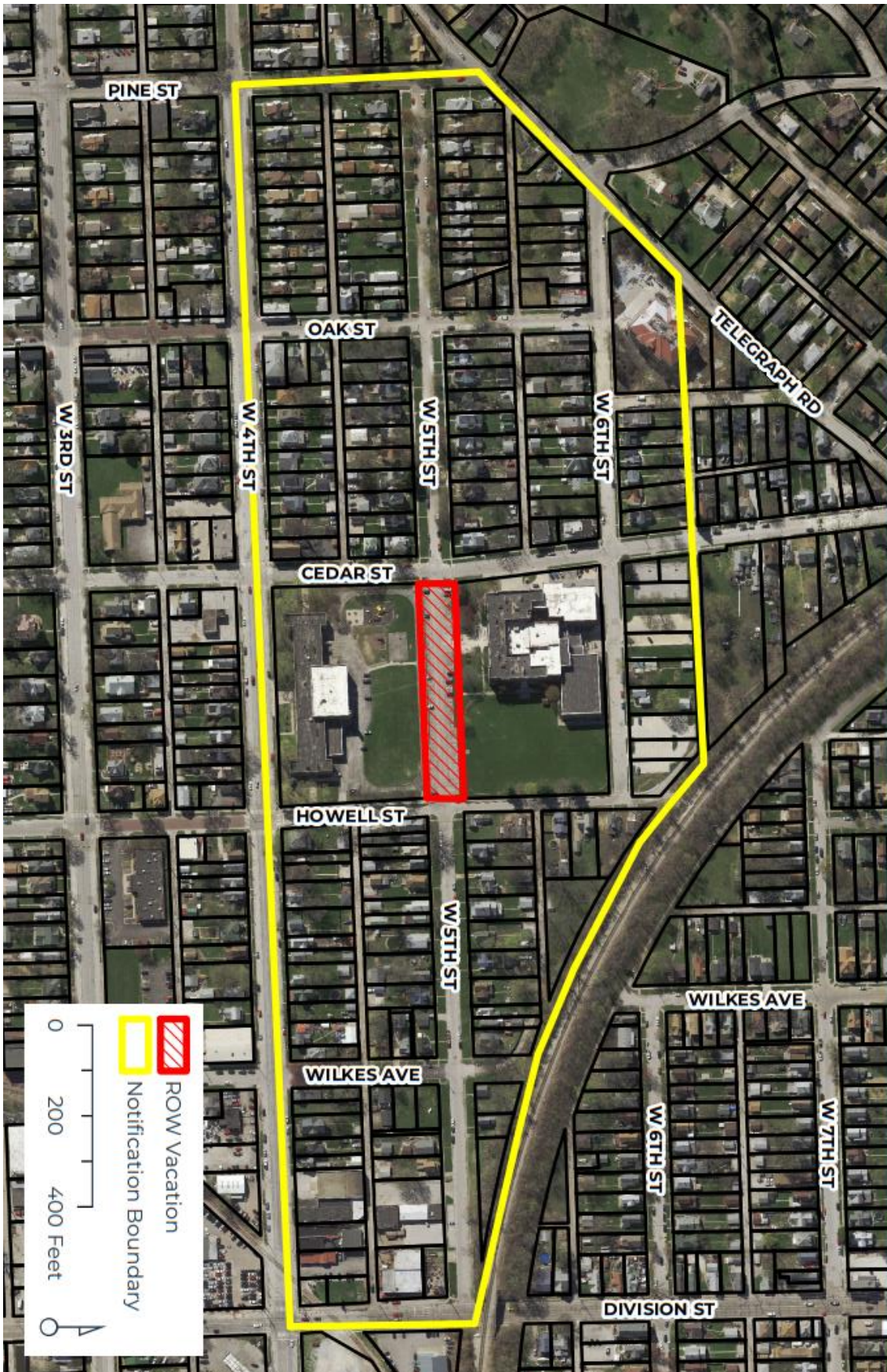
Do You Have Any Questions?

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

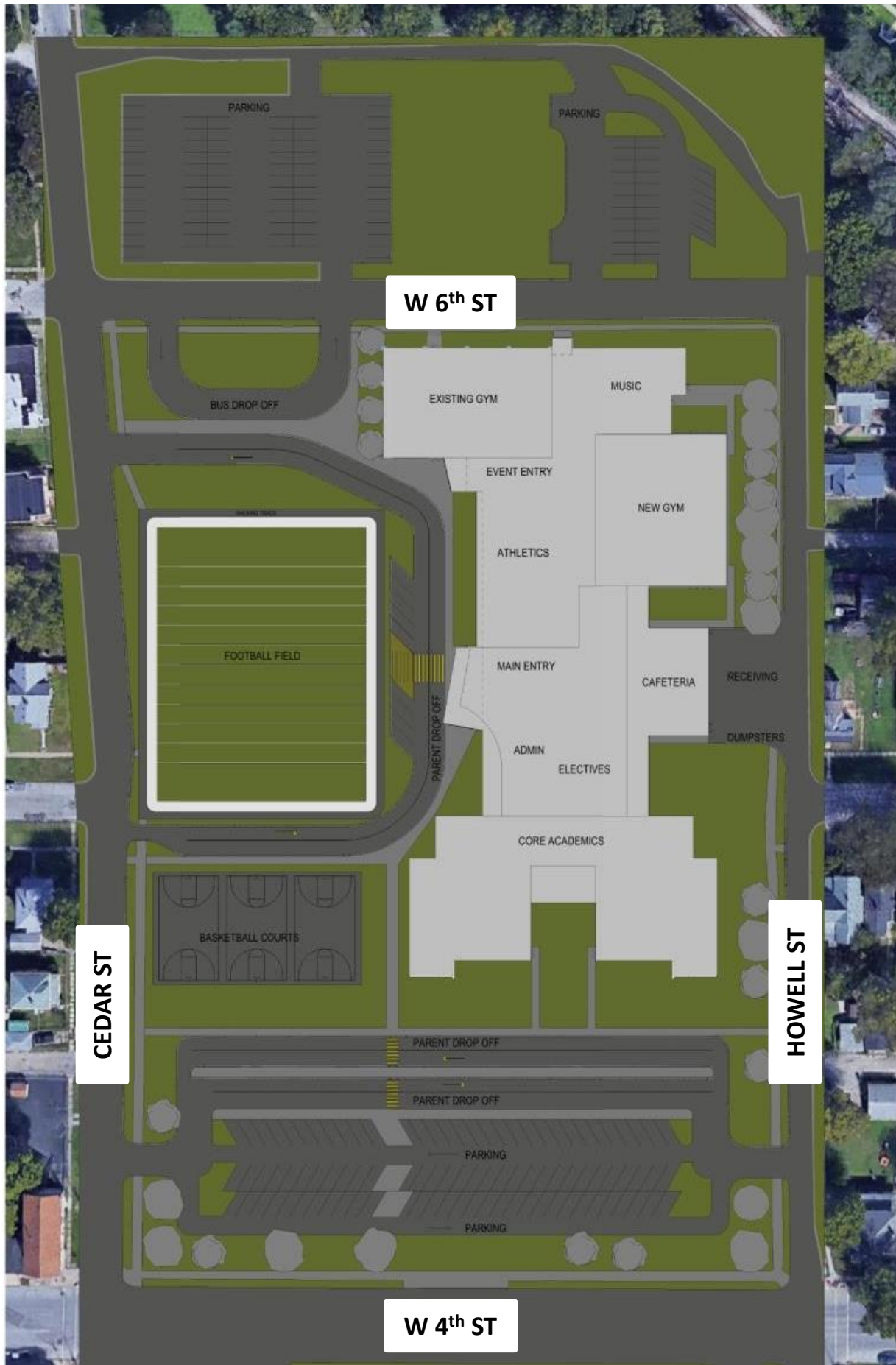
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-03: Request of Davenport Community School District to vacate West 5th Street, between Cedar Street and Howell Street. [Ward 3]



Smart Middle School | Concept Plan



Neighborhood Meeting Attendance List

Date: 5/7/24

Time: 6 PM

Location: 1934 W 5th

Case: ROW 24-03

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1 Jon BABNIK	jonshauna.babnik@gmail.com		1820 W. 5TH ST.
2 RICHARD PIEPER		563-320-9212	1849 W 5 th
3 CATHLEEN T. BUFFINGTON			2046 W 5 ST.
4			
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City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Third Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 49th Street from Fairmount Street to Pine Street as a 35 mph street thereto. [Ward 2]

Recommendation:

Approve the ordinance.

Background:

49th Street between Fairmount Street and Pine Street is one mile long and mostly straight with one curved section near the mobile home parks. The road is concrete that is in excellent condition and is 29 feet wide with no parking. Although it is signed as a 25 mph street, drivers are treating it as a 35 mph street. The City installed counters in 2 different locations and averaged the data. The average speed was 35.5 mph and 85th percentile speed was 40 mph. These numbers correlate with a typical 35 mph street. Drivers feel comfortable driving 35 mph because of the ample roadway width, lack of parked cars and houses set far back from the road. Most of the crashes on the roadway occur in the curved section, so the curve warning signs with advisory speed plaques of 15 mph will remain.

There is a new law in Iowa regarding automated traffic enforcement. We will need a permit from the Iowa DOT for all photo enforcement zones including ones enforced by the mobile unit. Part of the analysis for the permits must "demonstrate to the department that existing speed restrictions are appropriate" among other things. It would be highly unlikely that the City would be able to use photo enforcement on this street if the speed limit remained at 25 mph.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE VI SPEED LIMITS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 49TH STREET FROM FAIRMOUNT STREET TO PINE STREET AS A 35 MPH STREET THERETO.

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

Section 1. That Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

49th Street from Fairmount Street to Pine Street as a 35 mph street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Third Consideration: Ordinance amending Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 60th Street from Wisconsin Avenue to Fairmount Street as a 35 mph street thereto. [Ward 2]

Recommendation:

Adopt the Ordinance.

Background:

60th Street between Wisconsin Avenue and Fairmount Street is currently listed as a 45 mph street, though there are no speed limit signs along this corridor. The street is one mile long and the sealcoat roadway is in moderate condition with some rough areas. The street is only 20 feet wide, which is the width of a typical alley. Traffic should not be traveling at 45 mph on a street that narrows, so 35 mph is more appropriate. If this ordinance is approved, speed limit signs will be installed at each end of the corridor.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VI SPEED LIMITS THERETO BY ADDING 60TH STREET FROM WISCONSIN AVENUE TO FAIRMOUNT STREET AS A 35 MPH STREET THERETO.

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

Section 1. That Schedule VI Speed Limits of Chapter 10.96 entitled "Schedules" the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

60th Street from Wisconsin Avenue to Fairmount Street as a 35 mph street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
7/24/2024

Subject:

Third Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Spalding Boulevard along the frontage of 707 and 708 Spalding Boulevard thereto. [Ward 4]

Recommendation:

Adopt the Ordinance.

Background:

Students from St. Ambrose are parking on Spalding Boulevard. The residents at 707 and 708 Spalding Boulevard are the only residents on the street without access to off-street parking and have requested resident parking only. The resident parking only zone will be 50 feet in front of each residence.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE XI RESIDENT PARKING ONLY OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING SPALDING BOULEVARD ALONG THE FRONTAGE OF 707 AND 708 SPALDING BOULEVARD THERETO.

Section 1. That Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

Spalding Boulevard along the frontage of 707 and 708 Spalding Boulevard.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Brian Schadt | 563-326-7923

Action / Date
7/24/2024

Subject:

First Consideration: Ordinance amending Schedule XIII Seven Ton Weight Limit of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 5th Street from Western Avenue to Gaines Street thereto. [Ward 3]

Recommendation:

Adopt the ordinance.

Background:

The 7-ton designation is typically used on streets that can't handle heavy traffic or shouldn't be used as a cut-through to avoid a nearby collector or arterial street. 5th Street is the alternate route for truck drivers who turn to avoid hitting the bridge while traveling down Harrison Street.

There is a sign at 5th Street and Western Avenue directing those drivers to turn left onto Western Avenue in order to get back on Highway 61. 5th Street between Western and Gaines is a brick street that is much narrower than it is east of Western so we want to encourage truck drivers to use Western rather than go all the way to Gaines.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE XIII SEVEN TON WEIGHT LIMIT OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 5TH STREET FROM WESTERN AVENUE TO GAINES STREET THERETO.

Section 1. That Schedule XIII Seven Ton Weight Limit of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following:

5th Street from Western Avenue to Gaines Street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Amy Kay | 563-327-5160

Action / Date
7/24/2024

Subject:

First Consideration: Ordinance amending various sections of Chapter 13.34 entitled "Stormwater Management" of the Municipal Code of Davenport, Iowa to clearly convey intent and to ensure compliance with recent state legislation regarding regulation of topsoil and stormwater at construction sites. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Senate File 455 (SF455), an Act relating to the regulation of topsoil and stormwater at construction sites, has laid out regulations that affect stormwater management ordinances. The Act states that cities cannot adopt or enforce an ordinance, or other mechanism, that relates to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than the requirements in the National Pollutant Discharge Elimination System General Permit No. 2 (GP2), as issued by the IDNR.

SF455 also includes regulations that allow cities to adopt or enforce an ordinance for stormwater management, as long as the release rate from the 100-year storm does not require a post-construction release rate that is more restrictive than the existing flow rate from a 5-year storm. If a city wants to impose a stormwater runoff requirement that is more restrictive than the 5-year existing storm release rate, that is only allowed if the city pays for all study, design and engineering costs, and easement costs that would be required for the more restrictive release rate.

Changes in the ordinance reflect the new legislation and process updates to ensure compliance.

Attachments:

1. Ordinance
2. Chapter 13.34 Current Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 13.34 ENTITLED "STORMWATER MANAGEMENT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO CLEARLY CONVEY INTENT AND TO ENSURE COMPLIANCE WITH RECENT STATE LEGISLATION REGARDING REGULATION OF TOPSOIL AND STORMWATER AT CONSTRUCTION SITES.

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

Section 1. That Subsection 13.34.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.060 Requirements for Stormwater Management Plans

- A. No application for development will be approved unless it includes a Storm Water Management Plan (SWMP) detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of Davenport, typically the applicants engineer, and must indicate whether stormwater will be managed on-site or off-site and the location and type of practices.
- B. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed before approval of the stormwater management plan. This plan must be signed by a professional engineer licensed in the state of Iowa, who will verify that the design of all stormwater management practices meets the submittal requirements outlined in the Davenport Stormwater Manual. No building, or COSESCO permits shall be issued until a satisfactory final stormwater management plan, or a waiver, shall have undergone a review and been approved by the City Engineer or their designee after determining that the plan or waiver is consistent with the requirements of this ordinance.
- C. A stormwater management plan shall be required with all permit applications seeking approval under Chapter 13.34 of the Davenport Municipal Code and will include sufficient information (e.g. maps, hydrologic calculations, site topography, soils, aquatic resources, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater runoff generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project and ensure adequate planning for management of

stormwater runoff from future development. The information required in the plan can be found in the Davenport Stormwater Manual.

- D. In conjunction with the requirements above, a landscaping plan must be submitted as part of the civil construction plan set to describe the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be approved prior to issuance of a permit for construction of the project. Stormwater management practice landscaping may be combined with the Zoning Code, Chapter 17 landscaping requirements, provided it meets all code requirements.
- E. Review and modifications to the stormwater management plan and the Maintenance & Repair Agreement, as deemed necessary by the City of Davenport, shall be completed prior to approval. The stormwater management plan shall include all the information required in the Stormwater Management Plan outline found in the Davenport Stormwater Design Manual. In addition, the originally signed and notarized, approved Maintenance & Repair Agreement shall be submitted to the City for signature prior to recording at the Records Office of Scott County. No permits shall be issued until this document has been received by the Natural Resources Division. The City will record the document and return the original to the person or company designated on the agreement.

Section 2. That Subsection 13.34.080 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.080 Construction Inspections

- B. All applicants are required to submit "as built" plans for any stormwater management practices constructed prior to a final inspection of the site if any city-approved field adjustments were required during project installation that result in discrepancies from existing approved plans. The plans must show all final construction and must be certified by a professional engineer licensed in the state of Iowa. A final inspection by the City of Davenport is required before the release of any performance securities or issuance of certificate of occupancy for the building(s) on the property for which the stormwater system was constructed.

Section 3. That Subsection 13.34.100 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.100 Waivers

- A. Factors that may generate a waiver:
 - 1. Shallow Bedrock
 - 2. High Groundwater
 - 3. Hotspots or Contaminated Soils
 - 4. Existing Infrastructure Elevation Conflicts

Section 4. That Subsection 13.34.120 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.120 Runoff calculation.

- A. Design flows shall normally be calculated using the procedures outlined in the Soil Conservation Services, Technical Release No. 55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said Technical Release No. 55. For drainage basins of twenty acres or less, the Modified Rational Method may be used. For drainage basins greater than twenty acres, TR-55 may be used, or other method approved by the City Engineer. For drainage areas larger than 2,000 acres or for situations where the methods described above are not appropriate, TR-20, HEC-1, HEC- HMS or other approved alternatives may be used.

Section 5. That Subsection 13.34.130 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.130 Storm sewers.

- B. An acceptable method of determining the flooded width of the street shall be the use of width-discharge curves.
- C. An acceptable method of determining catch basin capacity for various conditions shall be the use of capacity charts.
- E. For culvert and ditch conveyance frequencies, guidance per ISWMM Chapter 2 must be used.
- F. Prior to acceptance of storm sewer installed by private contractor, all storm sewers and structures must be cleaned and televised to ensure that they meet acceptable City standards. Televising will be completed as detailed by the City standards, and inspection files shall be provided to the City Engineer or their representative for review and acceptance. Fees for this service shall be set from time to time by City Council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

Section 6. That Subsection 13.34.140 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.140 Excess stormwater passageway.

- B. Where specifically approved by the City Engineer, the excess stormwater passageway may consist of a conduit. In such cases, the capacity of the conduit shall be twice the capacity necessary to convey the one-hundred-year stormwater flow.
- G. Spot elevations should be listed on the final grading plan at each rear lot corner, at the mid-point of the side yard line, and along the proposed drainage ways and easements.

Section 7. That Subsection 13.34.150 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.150 Open channels.

- A. The size and shape of open channels shall be designed to meet the requirements of runoff, depth, side slopes, gradient, and velocity limitations in accordance with the site conditions. Channel capacity shall be based on one-hundred-year storm frequency. Manning's Formula as cited in most civil engineering handbooks, shall be used in hydraulic design of open channels. A minimum cleaning velocity of 3 ft/s should be used for the design storm per the ISWMM Chapter 2, Design Frequencies for Conveyance Facilities. Channel banks shall be protected by use of low vegetation, rip-rap, or paving as design velocity dictates subject to the approval of the City engineer.

Section 8. That Subsection 13.34.210 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.210 Applicability.

- A. There is no statute of limitations that would exempt multiple impervious area additions that cumulatively create over 5,000 square feet, unless granted a waiver per Section 13.34.100.

Section 9. That Subsection 13.34.210(C) of the Municipal Code of Davenport, Iowa is hereby deleted and all subsequent items be re-lettered accordingly.

Section 10. That Subsection 13.34.220 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.220 Release rate.

- A. The release rate of stormwater from any detention basin required under this chapter for new development and redevelopment shall not exceed the stormwater runoff rate from the drainage area from a five-year frequency storm using a runoff coefficient commensurate with actual existing conditions. The Modified rational method may be used for areas under twenty acres. Utilize the S.C.S. TR-55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said TR_55 for areas over twenty acres.
- B. All release rates shall not exceed permissible velocities per the ISWMM Design Standards Chapter for Open Channel Flow or the Iowa SUDAS Design Chapter for Grass Channels. Information pertaining to the maximum permissible velocities for channels must be included in the submitted SWMP.

Section 11. That Subsection 13.34.220(D) of the Municipal Code of Davenport, Iowa is hereby deleted and all subsequent items be re-lettered accordingly.

Section 12. That Subsection 13.34.230 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.230 Detention requirements.

- A. Utilize the Unified Sizing Criteria (USC) from the Recharge Volume (Rev) up to Extreme Flood Protection (Qf) for the required volume of stormwater detention. The Recharge Volume can be used to help meet the WQv. The WQv shall provide 100% retention, infiltration or abstraction (where soils do not allow full infiltration) of the 1.25-inch-in- a-twenty-four-hour rainfall event per Section 13.34.310.
- B. City standards that are to be used in conjunction with the USC are:
 - 1. The Modified Rational method may only be used for small catchments less than twenty acres.
- C. For sites greater than twenty acres, the method of sizing of the detention storage volume must be approved by the City engineer. The TR-55 method is an approved method.
- E. (1)(c) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Utilize the Unified Sizing Criteria for staged outlet design. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the one-hundred-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the excess stormwater passageway described in Section 13.34.140. Hydraulic calculations shall be submitted to substantiate all design features and shall comply with ISWMM design standards.
- E. (1)(e) Outlet control structures shall not direct flows over sidewalks, through curb sections or onto the roadway; nor shall they be constructed or put in a location that will cause icing issues within the right of way.

Section 13. That Section 13.34.250 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.250 Procedure.

- D. In the event weather prohibits the completion of stormwater management facilities or any associated landscape at the time subdivision acceptance or certificate of occupancy is applied for, a security bond for 125% in favor of the city of the estimated amount of construction and landscape materials with installation cost may be submitted. The cost of construction and landscape materials with installation must be determined by a landscape architect, construction estimator or other landscape business professional.

Section 14. That Section 13.34.250 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.300 Applicability.

- C. The Recharge Volume can be used to help meet the WQv. The WQv shall provide 100% retention, infiltration or abstraction (where soils do not allow full infiltration) of the 1.25-inch-in-a-twenty-four-hour rainfall event per Section 13.34.310.

Section 15. That Section 13.34.310 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.310 General Performance Criteria for Stormwater Quality Management.

- F. The calculations for determining small storm flows as found in the Iowa Stormwater Management Manual shall be used for sizing all stormwater quality management practices.
- G. If utilizing infiltration-based practices to comply with water quality management, soil boring information will need to be provided to ensure the practice will function. Additional information can be found in the Davenport Stormwater Management Manual.

Section 16. That Subsection 13.34.320 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows.

13.34.320 Soil Quality Restoration.

- A. Soil retention. Soil shall be retained on site per requirements of the NPDES GP#2 and as outlined in the Davenport Stormwater Manual. Topsoil verification measures pre and post-construction are described more fully in the Davenport Stormwater Manual.
- F. The City Engineer or their designee will approve the source of off-site topsoil or compost, if utilized. Surface soils from ditch bottoms, drained ponds, and eroded areas, or soils that are supporting growth of noxious weeds or other undesirable vegetation, will not be accepted. The Engineer will determine if testing is necessary. The Contractor will be responsible for payment of the testing if the off-site topsoil does not meet the above requirements, regardless of testing outcome.

Section 17. That Section 13.34.340 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

13.34.340 Procedure.

- D. In the event weather prohibits the completion of stormwater management facilities or any associated landscape at the time subdivision acceptance or certificate of occupancy is applied for, a security bond for 125% in favor of the city of the estimated amount of construction and landscape materials with installation cost may be submitted. The cost of construction and landscape materials with installation must be determined by a landscape architect, construction estimator or other landscape business professional.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Title 13. Public Systems

Chapter 13.34. STORMWATER MANAGEMENT

SUBCHAPTER I.. General Provisions

13.34.060. Requirements for stormwater management plans.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-28-2020 by Ord. No. 2020-439; 10-23-2019 by Ord. No. 2019-446]

- A. No application for development will be approved unless it includes a stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of Davenport, typically the applicant's engineer, and must indicate whether stormwater will be managed on-site or off-site and the location and type of practices.
- B. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a professional engineer licensed in the state of Iowa, who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the Davenport Stormwater Manual. No building, or COSESCO permits shall be issued until a satisfactory final stormwater management plan, or a waiver, shall have undergone a review and been approved by the City Engineer or their designee after determining that the plan or waiver is consistent with the requirements of this chapter and recording of any applicable documents. .
- C. A stormwater management plan shall be required with all permit applications seeking approval under this Chapter 13.34 of the Davenport Municipal Code and will include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater runoff generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project and ensure adequate planning for management of stormwater runoff from future development. The information required in the plan can be found in the Davenport Stormwater Manual. For development or redevelopment occurring on a previously developed site, an applicant shall include within the stormwater plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this chapter to the maximum extent practicable.
- D. In addition to the requirements above, a landscaping plan must be submitted as part of the stormwater management concept plan to describe the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be approved prior to issuance of a permit for construction of the project. Stormwater management practice landscaping may be combined with the Zoning Code, Chapter 17 landscaping requirements, provided it meets all code requirements.

- E. After review of and modifications to the stormwater management plan and the Maintenance & Repair Agreement, as deemed necessary by the City of Davenport, the final stormwater management plan must be submitted for approval. The final stormwater management plan shall include all of the information required in the Final Stormwater Management Plan outline found in the Davenport Stormwater Design Manual. In addition, the originally signed and notarized, approved Maintenance & Repair Agreement shall be submitted to the City for signature prior to recording at the Records Office of Scott County. No permits shall be issued until the originally signed and notarized document has been received by the Natural Resources Division. The City will record the document and return the original to the person or company designated on the agreement
- F. The City of Davenport may, at its discretion, require the submittal of a performance security or bond prior to issuance of a building or COSESCO permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed in the State of Iowa that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this chapter. The City of Davenport will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this chapter.

13.34.080. Construction inspections.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. The applicant must notify the City of Davenport Public Works Department 24 hours in advance of the commencement of construction of stormwater systems. Regular inspections of the stormwater management system construction shall be conducted by City staff from the Engineering Division of Public Works and the Natural Resources Division of Public Works. If any construction is found to not comply with the plans, the contractor and/or property owner shall be notified of the nature of the discrepancy and the actions required for correcting the construction. No added work shall proceed until any corrective actions are completed and pass reinspection.
- B. All applicants are required to submit as-built plans for any stormwater management practices constructed prior to a final inspection of the site. The plans must show all final construction and must be certified by a professional engineer licensed in the State of Iowa. A final inspection by the City of Davenport is required before the release of any performance securities or issuance of a certificate of occupancy for the building(s) on the property for which the stormwater system was constructed.
- C. If seasonal weather prohibits the installation of stormwater management facilities or any associated landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued with provision of a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional. The installation of stormwater management facilities or any associated landscape must begin as soon as seasonal weather allows.

13.34.100. Waivers.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. Every development or redevelopment meeting the requirements of Sections 13.34.210 and 13.34.300 shall provide for stormwater management as required by this chapter unless a waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted in writing

to the Natural Resources Division of Public Works and include a nonfeasibility study or combination of studies or reports presented as supporting documents along with the submitted engineering plans and specifications to be reviewed and approved by the City.

B. Partial waivers.

1. A partial waiver of BMPs required by this chapter may be granted, provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to the City of Davenport Natural Resources Division:
 - a. Alternative on-site management of stormwater quality or quantity has been established in a stormwater management plan that has been approved by the City and fully implemented.
 - b. Provisions are made to manage stormwater quality or quantity by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater quality control that is equal to or greater than that which would be afforded by on-site practices and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.
2. In instances where one of the above conditions is established, the applicant must further establish, by professional study and reports, written evidence satisfactory to the City that the partial waiver will not result in any of the following impacts to downstream waterways:
 - a. Deterioration of existing culverts, bridges, dams, and other structures; or
 - b. Degradation of biological functions or habitat; or
 - c. Accelerated streambank or streambed erosion or siltation; or
 - d. Increased threat of flood damage to public health, life, or property.

C. General waivers.

1. Where compliance with minimum requirements for stormwater quality or quantity management is not practical in the opinion of the Public Works Director or their designee, a general waiver may be granted. The applicant will then satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Davenport. Mitigation measures may include, but are not limited to, the following:
 - a. The creation of one or more stormwater BMPs on previously developed properties, public or private, in the same watershed as the proposed project, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver.
 - b. Construction of an off-site stormwater quality management facility sufficient to achieve City stormwater quality requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater quality requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and the City prior to the recording of plats or, if no record plat is required, prior to approval of a final development plan, or if no plat or final development plan is required, prior to the issuance of any building permit.
 - c. Monetary contributions (fee-in-lieu) for detention for redevelopment – to fund stormwater related work on lands strategically located in the watersheds consistent with the purposes of this chapter. The fee-in-lieu of waiver for detention, as outlined in Sections 13.34.220 and 13.34.230, is intended only for redevelopment sites when detention, in whole or in

part, is not practical in the opinion of the Public Works Director or their designee based on the procedure outlined in Section 13.34.100 Waivers.

- d. Monetary contributions (fee-in-lieu) for water quality – to fund stormwater quality management activities on lands strategically located in the watersheds consistent with the purposes of this chapter. The monetary contributions required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by the City based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to the City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project or program and shall be made by the developer prior to the issuance of any construction permit for the development. The fee-in-lieu procedure has been established and is as follows:
 - i. The City and the property owner shall agree on the best stormwater management practice available for the proposed project site assuming no limitations to the site layout, soil conditions, topography, or any other conditions which are currently limiting installation of a practice. The City will make the final determination on what constitutes a limitation. Once the management practice has been agreed upon, the property owner will provide a cost estimate to construct the practice assuming no limitations. The City shall also create a cost estimate based on past projects and cost estimates. These estimates shall be discussed and averaged based on input from the owner and City representatives. If no agreement can be reached between the City and the owner, the owner must proceed with meeting the full requirements of Section 13.34.300 unless a partial waiver is granted by the City.
 - ii. At such a time as the estimate is agreed upon by both parties, the City shall assess an additional 20% administration fee to cover costs associated with actual installation of practices in the watershed at a future time. In addition, three years of maintenance costs for the agreed upon fee-in-lieu practice shall also be included in the final fee amount. The maintenance costs shall be determined by using the current contract prices for maintenance of stormwater practices by the City's hired contractor. In the event that maintenance is done by the City in-house, the current labor and equipment rate to provide said maintenance shall be the cost used.
 - iii. These amounts shall be totaled, and the final amount shall be considered the fee-in-lieu for the proposed project. All fees shall be paid to the City of Davenport, and funds received shall be placed in an account in the City Clean Water Fund for future stormwater projects in the affected watershed as delineated by the Natural Resources Division.
- e. Monetary contributions (fee-in-lieu) for the Commercial Downtown (CD) Zoning District and congruently adjacent Light Industrial (I-1), Heavy Industrial (I-2) and Industrial Mixed-Use (I-MU) to the CD District shall be made available in lieu of stormwater detention and water quality practice installation. These fee-in-lieu dollars will be utilized to fund stormwater-related work on lands strategically located in the watersheds consistent with the purposes of this chapter. These districts shall be as defined per the Official Zoning Map. This fee-in-lieu waiver may only be used within the defined zoning districts listed above and shall be assessed as a flat rate fee per square foot of redevelopment within a project area. The fee shall be as defined in the Davenport Stormwater Manual, Site Evaluation section. All fees shall be paid to the City of Davenport, and funds received shall be placed in an account in the City Clean Water Fund for future streambank projects as delineated by the Natural Resources Division.
- f. Substantial Hardship Waiver. If none of the above mitigation measures can be met to resolve the condition that causes the impracticability of compliance with a minimum

requirement for stormwater quality or quantity management and the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties and substantial hardships or injustice, the City's Public Works Director, or their designee, may waive, vary, or modify such requirements so that the subdivider or developer is allowed to develop their property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

SUBCHAPTER II.. Storm Sewers and Stormwater Routing

13.34.120. Runoff calculation.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. Design flows shall normally be calculated using the procedures outlined in the Soil Conservation Services, Technical Release No. 55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said Technical Release No. 55. For drainage basins of twenty acres or less, the Modified Rational Method may be used. For drainage areas larger than 2,000 acres or for situations where the methods described above are not appropriate, TR-20, HEC-1, HEC-HMS or other approved alternatives may be used.
- B. Stormwater management documents shall be submitted following the format of ISWMM 9.03-3 Storm Water Management Plan formatting.
- C. For those storm sewers that will handle footing drains, added Q values per house per ISWMM Chapter 2 must be used.
- D. For culvert and ditch conveyance frequencies, guidance per ISWMM Chapter 2 must be used.

13.34.130. Storm sewers.

[10-23-2019 by Ord. No. 2019-446]

- A. Storm sewers and intakes shall be designed for a ten-year frequency storm in such a manner that the flooded street width shall not exceed:

Street Width (feet)	Allowable Flooded Width Each Side (feet)	Required Nonflood Lanes
27	8	1 10-foot lane
31	10	1 10-foot lane
35	9	2 8-foot lanes
41	10	2 10-foot lanes
45	11	2 11-foot lanes
49 and wider	12	2 12-foot lanes

- B. An acceptable method of determining the flooded width of the street shall be the use of width-discharge curves provided by the City.
- C. An acceptable method of determining catch basin capacity for various conditions shall be the use of capacity charts provided by the City.

- D. Prior to acceptance of storm sewers installed by a private contractor, the City of Davenport Sewer Division must televise the lines to ensure that they meet acceptable City standards. Fees for this service shall be set from time to time by City Council resolution and will be billed to the developer or property owner and must be paid before the system will be accepted and released for further development.

13.34.140. Excess stormwater passageway.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. An excess stormwater passageway easement shall be provided for all developments. Such passage shall have the capacity to convey through the proposed development the excess stormwater from the tributary watershed. The capacity of such excess stormwater passage shall be constructed in such a manner as to transport the peak rate of runoff from a 100-year return frequency storm, assuming all storm sewers are inoperative, all upstream areas are fully developed in accordance with the City's current land use plan, and that antecedent rainfall has saturated the tributary watershed.
- B. No buildings or structures shall be constructed within such passage; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements and other open space uses shall be considered compatible uses. In the event such passageway is reshaped or its capacity to transport excess stormwater otherwise restricted, the City Engineer shall notify the agency, party or parties causing said restriction to remove the same and set a reasonable time for its removal. If said persons refuse to or are unable to comply with said order, the City Engineer shall cause said restrictions to be removed at the expense of said persons.
- C. Where specifically approved by the City Engineer, the excess stormwater passageway may consist of a conduit. In such cases, the inlet capacity shall be twice the capacity necessary to convey the 100-year stormwater flow.
- D. Where a proposed development contains existing natural drainage, appropriate land planning shall be undertaken to preserve said natural drainage as part of the excess stormwater passage.
- E. Individual lot grading in a subdivision or other larger common plan of development must comply with the City approved final grading plan and the lowest entry elevation of the approved plat or construction plans. Final grading shall maintain the original intent and function of final grading plan, drainage areas, stormwater overland flow design and storm sewer system design. Lot drainage slopes will not be less than 1.5% to minimize ponding, and not excessive to cause uncontrollable erosion. Final grading shall also maintain positive drainage away from structures; must not direct water directly toward any down-grade structure foundations; and must comply with Chapter 12.28 Driveway and Approaches, SUDAS Section 7030, International Residential Code (IRC) for frost protection of footing, and the City of Davenport SUDAS Supplemental Specifications;
- F. Water entry levels for structures adjacent to the excess stormwater passageway shall be established one foot above the 100-year flood elevation.
- G. Spot elevations should be listed at each rear lot corner, at the mid-point of the side yard line, and along the proposed drainage ways and easements.

13.34.150. Open channels.

[10-23-2019 by Ord. No. 2019-446]

- A. The size and shape of open channels shall be designed to meet the requirements of runoff, depth, side slopes, gradient, and velocity limitations in accordance with the site conditions. Runoff shall be based on the 100-year storm frequency. Manning's Formula, as cited in most civil engineering handbooks, shall be used in hydraulic design of open channels. Channel banks shall be protected

by use of low vegetation, rip-rap, or paving as design velocity dictates, subject to the approval of the City Engineer.

SUBCHAPTER III.. Stormwater Detention Facilities

13.34.210. Applicability.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

The provisions of Sections 13.34.220 through 13.34.250, inclusive, shall apply to the following areas under development:

- A. All residential development of two acres or more and all commercial and industrial development or redevelopment which cumulatively creates 5,000 square feet or more of impervious area located within the Davenport City limits.
 - 1. There is no statute of limitations that would exempt multiple impervious area additions over 5,000 square feet, unless granted a waiver per Section 13.34.100.
- B. Any development which, in the opinion of the City Engineer, lacks an adequate external or internal system for the passage of stormwaters as to not exceed the capacity of the receiving storm sewer system.
- C. For circumstances where an existing structure is demolished and the area is graded and seeded, there shall be a three-year time frame from the demolition date where any new development may be considered as redevelopment. Projects within this three-year time frame may follow the release rate as outlined in Section 13.34.220C.
- D. The following activities are exempt from this chapter:
 - 1. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area, regardless of previous condition, provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Subsection 13.34.300B.
 - 2. The subdivision of a property with the intent of removing excess land from a homestead.
 - 3. The replatting of one or more properties with the intent of constructing one single-family residence.
- E. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.030 of this chapter, appropriate on-site management practices will be required and shall be guided by the latest editions of the Iowa Stormwater Management Manual, the Iowa Rain Garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.
- F. Any development or redevelopment within the floodplain must comply with Chapter 15.44, Flood Damage Prevention. Stormwater detention is not permitted within the floodway or within special flood hazard (100-year floodplain) areas as delineated as areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for Scott County, Iowa, No. 19163CV000A, dated February 18, 2011," with accompanying Flood Insurance Rate Maps, and any revision thereto are adopted by reference as part of Chapter 15.44.

13.34.220. Release rate.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. The release rate of stormwater from any detention basin required under this chapter for new development shall not exceed the stormwater runoff rate from the drainage area from a pre-developed two-year frequency storm using a runoff coefficient "c" of 0.15, when using the Modified rational method for areas under twenty acres or a curve number of sixty when using the S.C.S. TR-55 "Urban Hydrology for Small Watersheds" and the "Iowa Users Guide and Supplement" for said TR-55 for areas over twenty acres.
- B. The City may require a lesser release rate when the downstream outlet is insufficient to safely convey the release rate as determined in Subsection A above.
- C. The planning and design of drainage systems should be such that problems are not transferred from one location to another. Outfall points and velocities should be designed in such a manner that will not create flooding hazards downstream; or deterioration of existing structures; or degradation of biological functions or habitat; or increased stream bank erosion.
- D. Restrictor (orifice) plates to control release rates placed within a pipe section or at the outlet of a pipe will not be accepted. Only orifice plates integrated into a staged release design structure that cannot be removed will be accepted.
- E. The single-stage outlet (i.e., one culvert pipe) is not recommended because of its inability to detain post-developed runoff from storms less than the five-year interval (i.e., channel protection volume storm event). In many cases, runoff from storm events less than the five-year recurrence interval has created erosion and sedimentation problems downstream of a detention basin.
- F. Reserved.
[Deleted 8-23-2023 by Ord. No. 2023-357]
- G. The minimum orifice size shall be 4 inches in diameter when located on the outside wall of a structure, where one side of the orifice is not accessible. Otherwise, the minimum orifice size may be smaller. In both cases of a 4 inch or smaller orifice to meet release rate requirements, the orifice shall possess protections to minimize plugging.

13.34.230. Detention requirements.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. Utilize the Unified Sizing Criteria (USC) or the Water Quality Volume (WQ_v) up to Extreme Flood Protection (Q_f) for the required volume of stormwater detention. The WQ_v shall provide 100% retention or infiltration of the 1.25-inch-in-a-twenty-four-hour rainfall event per Section 13.34.310.
- B. City standards that are to be used in conjunction with the USC are:
 - 1. Rainfall greater than the WQ_v up to the Q_f, or 100-year event, shall be released at the two-year, undeveloped, state (as opposed to the USC stated five-year).
 - 2. The recharge volume (Rev) need not be included in detention calculations.
 - 3. The Modified Rational Method may only be used for small catchments < 20 acres.
- C. For sites greater than 20 acres, the method of sizing of the detention storage volume must be approved by the City Engineer. The TR-55 Method is an approved method.
 - 1. For drainage areas larger than 2,000 acres, or for situations where the methods described above are not appropriate, TR-20, HEC-1, HEC-HMS, or other approved alternatives may be used.
- D. For redevelopment sites, utilize the USC detention requirements from the WQ_v up to Q_f unless a partial waiver or general waiver has been granted per Section 13.34.100, Waivers.
- E. Detention storage may be provided as a dry bottom or wet bottom storage area.

1. Dry bottom stormwater storage areas may be designed to serve a secondary purpose for recreation, open space, parking, or other types of uses that will not be adversely affected by intermittent flooding.
 - a. A method of carrying the low flow or a system of drains to prevent soggy areas shall be provided.
 - b. Concrete or otherwise paved swales to carry low flow shall only be permitted if stormwater has already been passed through a water quality treatment facility.
 - c. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Stormwater runoff velocities shall be kept at a minimum, and turbulent conditions at an outlet control structure will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only as a last resort when no other method of protection is feasible.
 - d. Paved surfaces that are to serve as stormwater storage areas and rooftop storage shall be designed with permanent-type control outlets. Emergency overflow areas shall be provided.
2. Wet bottom stormwater storage areas shall be designed with all of the items required for dry bottom stormwater storage areas, except that the provisions of Subsection E1a of this Section shall not be required. Utilize the Iowa Storm Water Management Manual.
 - a. Restrictor (orifice) plates to control release rates placed within a pipe section or at the outlet of a pipe will not be accepted. Only orifice plates integrated into a staged release design structure that cannot be removed will be accepted.

13.34.250. Procedure.

[10-23-2019 by Ord. No. 2019-446]

- A. Plans, specifications, and all calculations for stormwater runoff control(s) shall be submitted in accordance with the Davenport Stormwater Manual for review and approval, prior to the approval of a final plat (in the case of a subdivision or planned unit development), approval of a final development plan, or issuance of a building permit (in the case of commercial or industrial construction).
- B. Comply with 13.34.080, Inspections.
- C. No certificate of occupancy for any building in the development will be issued until the stormwater facilities are constructed, inspected and approved.

SUBCHAPTER IV.. Stormwater Quality Management

13.34.300. Applicability.

[10-23-2019 by Ord. No. 2019-446]

- A. The provisions of Sections 13.34.300 through 13.34.320, inclusive, shall apply to the following areas under development:
 1. Any development or redevelopment which cumulatively creates 5,000 square feet or more of impervious surface area, regardless of previous condition, unless granted a waiver under Section 13.34.320 of this chapter.

2. Development and redevelopment projects located within 50 feet of a natural waterway, modified natural waterway, or constructed channel or which include a new storm drain outfall to such waterway, regardless of project size or impervious surface. This requirement is intended to protect environmentally sensitive areas.
- B. The following activities are exempt from this chapter:
1. Additions or modifications to existing single-family structures that do not meet the requirement of Section 13.34.300A2.
 2. Interior remodels and routine maintenance or repair, including roof or exterior surface replacement and resurfacing.
 3. Development or redevelopment projects that do not create more than 5,000 square feet of impervious area, provided they are not part of a larger common development plan that does create more than 5,000 square feet of impervious area, or that do not meet the requirement of Section 13.34.300A2.
- C. When a site development or redevelopment plan is submitted that qualifies as a development or redevelopment as defined in Section 13.34.030 of this chapter, appropriate on-site management practices will be required and shall be guided by the latest editions of the Iowa Stormwater Management Manual, the Iowa Rain Garden Manual, the Davenport Stormwater Manual, or approved equal. Final authorization of all development and redevelopment projects will be determined after review and approval by the City of Davenport.
- D. Any development or redevelopment within the floodplain must comply with Chapter 15.44, Flood Damage Prevention. Stormwater quality treatment is not permitted within the floodway. Stormwater quality treatment may be considered within special flood hazard (100- or 500-year floodplain) areas, provided that the treatment practice provides a net ecological benefit and is able to be maintained per Section 13.34.060, Requirements for stormwater management plans.

13.34.310. General performance criteria for stormwater quality management.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

Unless judged by the City of Davenport to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

- A. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater runoff.
- B. The City of Davenport reserves the right to require superseding and additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or total maximum daily load (TMDL) program, as may be directed by the State of Iowa or United States Environmental Protection Agency.
- C. For new development and redevelopment, structural best management practices shall be designed to provide 80% bacteria reduction, based on current research accepted by the Natural Resources Division of Public Works, and 100% retention or infiltration of the 1.25-inch-in-twenty-four-hour rainfall event. A best management practice complies with this standard if it is:
 1. Sized to capture the prescribed water quality volume (WQv);
 2. Designed according to the specific performance criteria outlined in the Iowa Stormwater Management Manual, Iowa Rain Garden Manual, or approved equal;
 3. Constructed properly; and

4. Maintained regularly.
- D. Stormwater discharges from land uses or activities with higher potential pollutant loadings may require the use of specific structural treatment and pollution prevention practices.
- E. Prior to design, applicants are encouraged to consult with the Natural Resources Division of Public Works to determine if they are subject to additional stormwater design requirements.
- F. The calculations for determining peak flows as found in the Iowa Stormwater Management Manual shall be used for sizing all stormwater quality management practices.

13.34.320. Soil quality restoration.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

Healthy soil provides important stormwater management functions, including efficient water infiltration and storage, adsorption of excess nutrients, filtration of sediments, biological decomposition of pollutants, and moderation of peak stream flows and temperatures. In addition, healthy soils support vigorous plant growth which intercepts rainfall, reducing runoff by increasing evaporation and transpiration. Urbanization and development severely diminish a soil's capacity to absorb, filter and store rainwater. Common development practices, including clearing and removal of topsoil during grading, compaction of remaining soil, and planting into unimproved soil or poor quality imported topsoil, produce unhealthy plants and lawns that require excessive fertilizers and pesticides, which can lead to polluted stormwater runoff. All areas subject to clearing and grading that have not been covered by impervious surfaces, incorporated into a stormwater management practice, or engineered as structural fill or slopes shall, at project completion, use one or more of the following practices to improve soil structure and water quality:

- A. Soil retention. Native topsoil shall be retained in an undisturbed state to the maximum extent practicable. In any areas requiring grading, remove and stockpile the topsoil on site in a designated controlled area where it will not be compacted, and not adjacent to stormwater management areas. Before stockpiled topsoil can be reapplied to other portions of the site, it must be tested, and amended if needed, to meet the organic matter or depth requirements specified in the Davenport Stormwater Manual. When topsoil is replaced, it shall be uncompacted to a depth of four inches. Subsoils below the topsoil layer should be scarified with some incorporation of the upper material to avoid stratified layers.
- B. Soil quality restoration. Amend existing site topsoil or subsoil to a minimum rate of 5% organic matter content and a pH from 6.0 to 8.0 or matching the pH of the original undisturbed soil using methods specified in the Iowa Storm Water Management Manual. Soil that already meets the depth and organic matter quality standards, and is not compacted, does not need to be amended. Upon completion of the project the soil restoration layer shall have a minimum depth of eight inches, per the method utilized in the Iowa Stormwater Management Manual except where tree roots limit the depth of incorporation of amendments needed to meet the criteria. Subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers.
- C. Maintenance. Soil quality and depth should be established toward the end of construction and, once established, shall be protected from compaction and erosion. The Davenport Stormwater Manual and Iowa Storm Water Management Manual contain additional recommendations for maintenance of soil quality restoration areas.
- D. Inspection. Areas where soil retention or soil quality restoration are implemented must meet the inspection requirements of Section 13.34.080 and the Davenport Stormwater Manual and be inspected prior to seeding or turf placement.
- E. The City Engineer or their designee will approve the source of off-site topsoil. Surface soils from ditch bottoms, drained ponds, and eroded areas, or soils that are supporting growth of noxious weeds or other undesirable vegetation, will not be accepted. The Engineer will determine if testing

is necessary. The contractor will be responsible for payment of the testing if the off-site topsoil does not meet the above requirements, regardless of testing outcome.

13.34.340. Procedure.

[Amended 8-23-2023 by Ord. No. 2023-357; 10-23-2019 by Ord. No. 2019-446]

- A. Plans, specifications, and all calculations for stormwater quality management features shall be submitted in accordance with the most recent versions of the Iowa Storm Water Management Manual, SUDAS and the Davenport Stormwater Manual for review and approval, prior to the approval of a final plat (in the case of a subdivision or planned unit development), approval of a final development plan, or issuance of a building permit (in the case of commercial or industrial construction).
- B. Comply with Section 13.34.080, Inspections.
- C. No certificate of final occupancy for any building in the development will be issued until the stormwater facilities are constructed, inspected and approved.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
7/24/2024

Subject:

Resolution authorizing the conveyance of vacated alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC, Petitioners. [Ward 4]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport vacated the alley west of North Division Street between West Pleasant Street and Hickory Grove Road in the spring of 2023. The property owners on each side of the alley have expressed a desire to obtain their respective half of the alley. The property has the following legal description:

The former 20 foot alleyway within Block 1 of J.M.D. Burrow's Subdivision of a part of the East Half of the Southwest Quarter of Section 22, Township 78 North, Range 3 East of the P.M., from the North ROW of Hickory Grove Road to the South ROW of W Pleasant Street in Davenport, Scott County, Iowa. The above-described property is 0.89 acres.

The proposal is to convey the west 10 feet of the former alley to Wallicks Auto Service LLC and the east 10 feet of the former alley to IA12 Davenport LLC.

A Public Hearing on this matter was held on July 17, 2024 in accordance with Iowa law. Adoption of this Resolution will authorize the Mayor and staff to execute closing documents and convey the property to the petitioner.

Attachments:

1. Resolution
2. Alley Vacation Location Map

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION authorizing the conveyance of vacated alley right-of-way located west of North Division Street between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC, petitioners.

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

The former 20 foot alleyway within Block 1 of J.M.D. Burrow's Subdivision of a part of the East Half of the Southwest Quarter of Section 22, Township 78 North, Range 3 East of the P.M., from the North ROW of Hickory Grove Road to the South ROW of W Pleasant Street in Davenport, Scott County, Iowa. The above-described property is 0.89 acres.; and

WHEREAS, the City desires to sell its interest in the aforementioned real estate; and

WHEREAS, Wallicks Auto Service LLC desires to obtain the west half of the aforementioned real estate, and IA12 Davenport LLC desires to obtain the east half of the aforementioned real estate; and

WHEREAS, per State requirements, notification of the Public Hearing was published and the Public Hearing was held on July 17, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the conveyance of the vacated alley right-of-way located west of North Division between West Pleasant Street and Hickory Grove Road to Wallicks Auto Service LLC and IA12 Davenport LLC for their respective half of the property is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized to execute the conveyance on behalf of the City.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



THE CITY OF
DAVENPORT
IOWA | USA

Alley Vacation



City of Davenport

Department: Administration
Contact Info: Brian Krup | 563-326-6163

Action / Date
7/24/2024

Subject:

Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Cornbelt Running Club; Quad-City Times Bix 7 Flood Contingency Plan; 1:00 p.m. Friday, July 26, 2024 - 12:00 p.m. Saturday, July 27, 2024; **Closure:** West 4th Street from Brady Street to Gaines Street. [Ward 3]

Freight House Farmers' Market; Temporary Market due to flooding; Scott County Administrative Center | 600 West 4th Street; 4:00 a.m. Saturday, July 27, 2024 - 3:00 p.m. Sunday, July 28, 2024; **Closure:** Western Avenue from West 4th Street to West 5th Street. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 7:30 a.m. - 7:00 p.m. Saturday, August 10, 2024; **Closure:** West 14th Street from Harrison Street to Main Street. [Wards 3 & 5]

Top-Notch Productions, Inc; Riverfront Pops 2024; LeClaire Park | 400 Beiderbecke Drive; 8:00 a.m. Thursday, August 15, 2024 - 4:00 p.m. Sunday, August 18, 2024; **Closure:** Harrison and Ripley Streets south of River Drive. [Ward 3]

Village of East Davenport Business Association; Village of East Davenport; Farm Days in the Village; 8:00 a.m. Saturday, August 24, 2024 - 6:00 p.m. Sunday, August 25, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2205 East 11th Street; 8:00 a.m. Friday, September 20, 2024 - 7:00 p.m. Sunday, September 22, 2024; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

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

Farmers' Market | The Freight House Farmers' Market is currently displaced from its normal location along the riverfront due to flooding. They have received approval from Scott County to use the Administrative Center parking lot at 600 West 4th Street as a temporary location. The closure is necessary for vendor and visitor safety.

Bix 7 Contingency Plan | This contingency plan is in the event East 3rd Street is not usable as

the normal finish line due to flooding. Forecasted river levels are indicating the river will be close to or back in its banks, and staff is optimistic the original plan can be used, but organizers of the Bix would like to have something in place in the event they are unable to use 3rd Street. Police, Fire, and Traffic Engineering have all been advised of the contingency plan and proper accommodations will be made to ensure public safety response time is not affected. The sponsor will work with Public Works to develop a traffic pattern into and out of the Courthouse parking lot that will work for everyone.

Third Missionary Baptist Church | The street closure petition will be turned in prior to the Committee of the Whole Meeting and will be added to the agenda item when it is received. There have never been any concerns from the neighbors in the past.

Attachments:

1. Resolution
2. Bix Flood Contingency Plan Map
3. Farmers' Market Temporary Market Closure Map
4. Gospel Explosion Weekend Closure Map
5. QCSO Riverfront Pops Closure Map
6. Farm Days in the Village Street Closure Map
7. Farm Days in the Village Street Closure Petition
8. Riverssance Festival of Fine Arts Closure Map
9. Riverssance Festival of Fine Arts Letter to Neighbors

Resolution No. _____

Resolution offered by Alderman Jobgen.

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

RESOLUTION approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

*Cornbelt Running Club; Quad-City Times Bix 7 Flood Contingency Plan; 1:00 p.m. Friday, July 26, 2024 - 12:00 p.m. Saturday, July 27, 2024; **Closure:** West 4th Street from Brady Street to Gaines Street. [Ward 3]*

*Freight House Farmers' Market; Temporary Market due to flooding; Scott County Administrative Center / 600 West 4th Street; 4:00 a.m. Saturday, July 27, 2024 - 3:00 p.m. Sunday, July 28, 2024; **Closure:** Western Avenue from West 4th Street to West 5th Street. [Ward 3]*

*Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 7:30 a.m. - 7:00 p.m. Saturday, August 10, 2024; **Closure:** West 14th Street from Harrison Street to Main Street. [Wards 3 & 5]*

*Top-Notch Productions, Inc; Riverfront Pops 2024; LeClaire Park / 400 Beiderbecke Drive; 8:00 a.m. Thursday, August 15, 2024 - 4:00 p.m. Sunday, August 18, 2024; **Closure:** Harrison and Ripley Streets south of River Drive. [Ward 3]*

*Village of East Davenport Business Association; Village of East Davenport; Farm Days in the Village; 8:00 a.m. Saturday, August 24, 2024 - 6:00 p.m. Sunday, August 25, 2024; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]*

*Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park / 2205 East 11th Street; 8:00 a.m. Friday, September 20, 2024 - 7:00 p.m. Sunday, September 22, 2024; **Closure:** East 11th Street from Jersey Ridge Road to Hillcrest Avenue. [Ward 5]*

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

WHEREAS, upon review of the applications, it has been determined that streets, lanes, or public grounds will need to be closed.

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

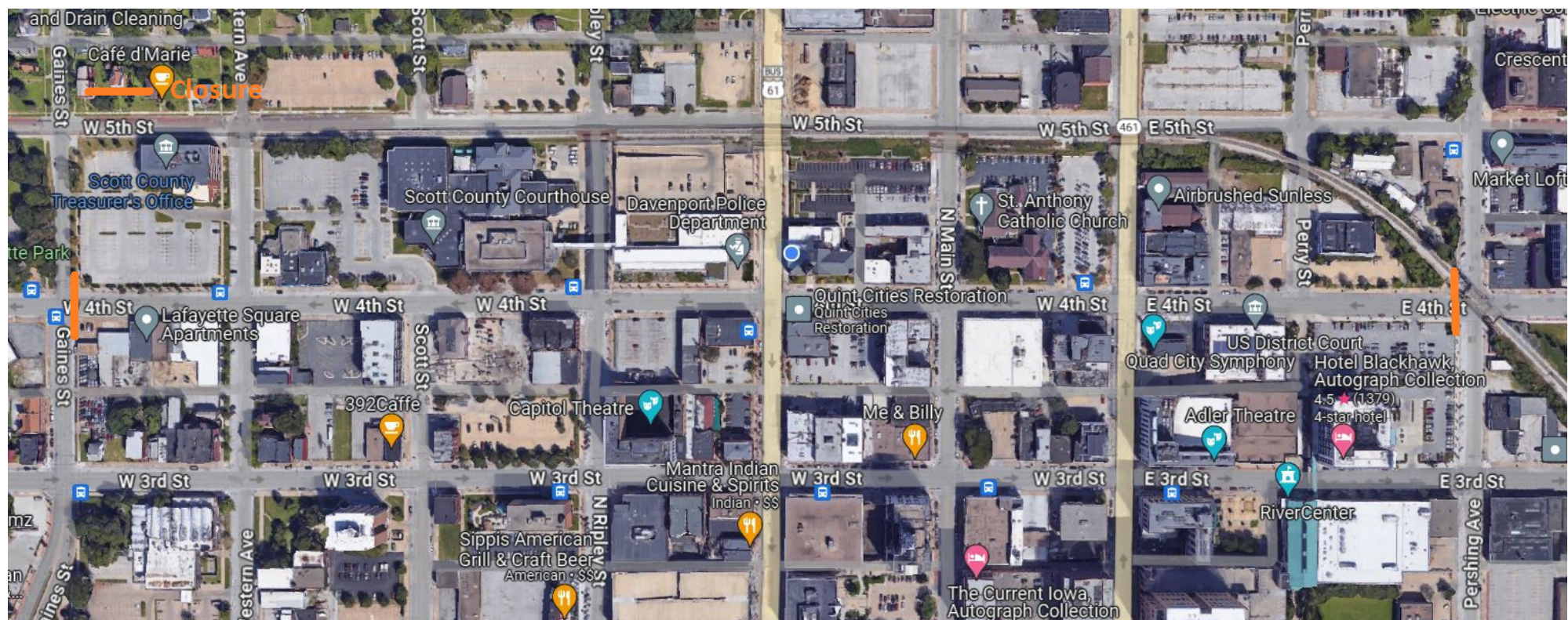
Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



Closure

W 5th St

W 5th St

W 5th St

Gaines St

Iowa Department of
Health and Human...

Scott County
Auditor's Office

Scott County
Treasurer's Office

Western Ave

IH Mississippi
Valley Credit Union

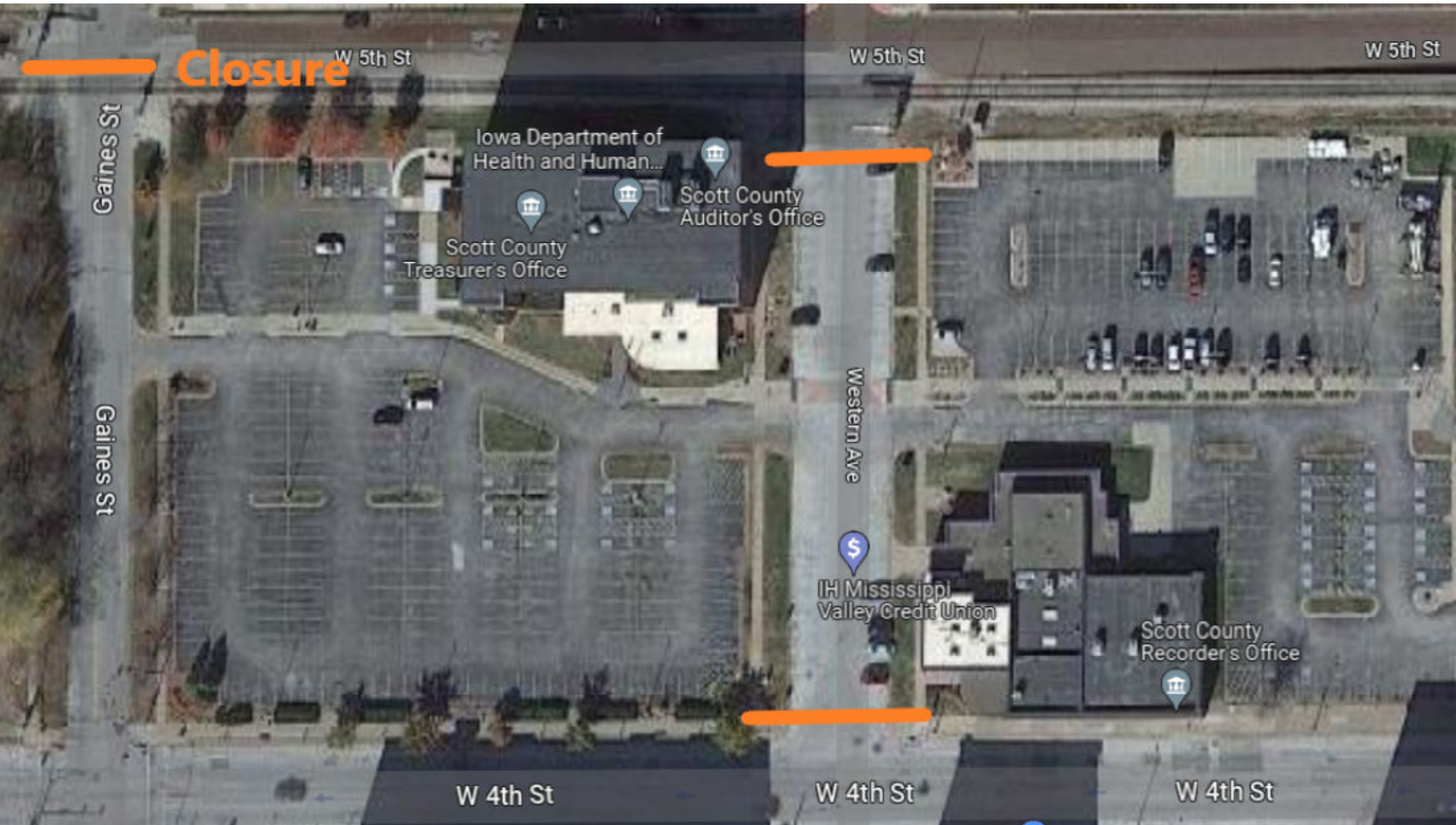
Scott County
Recorder's Office

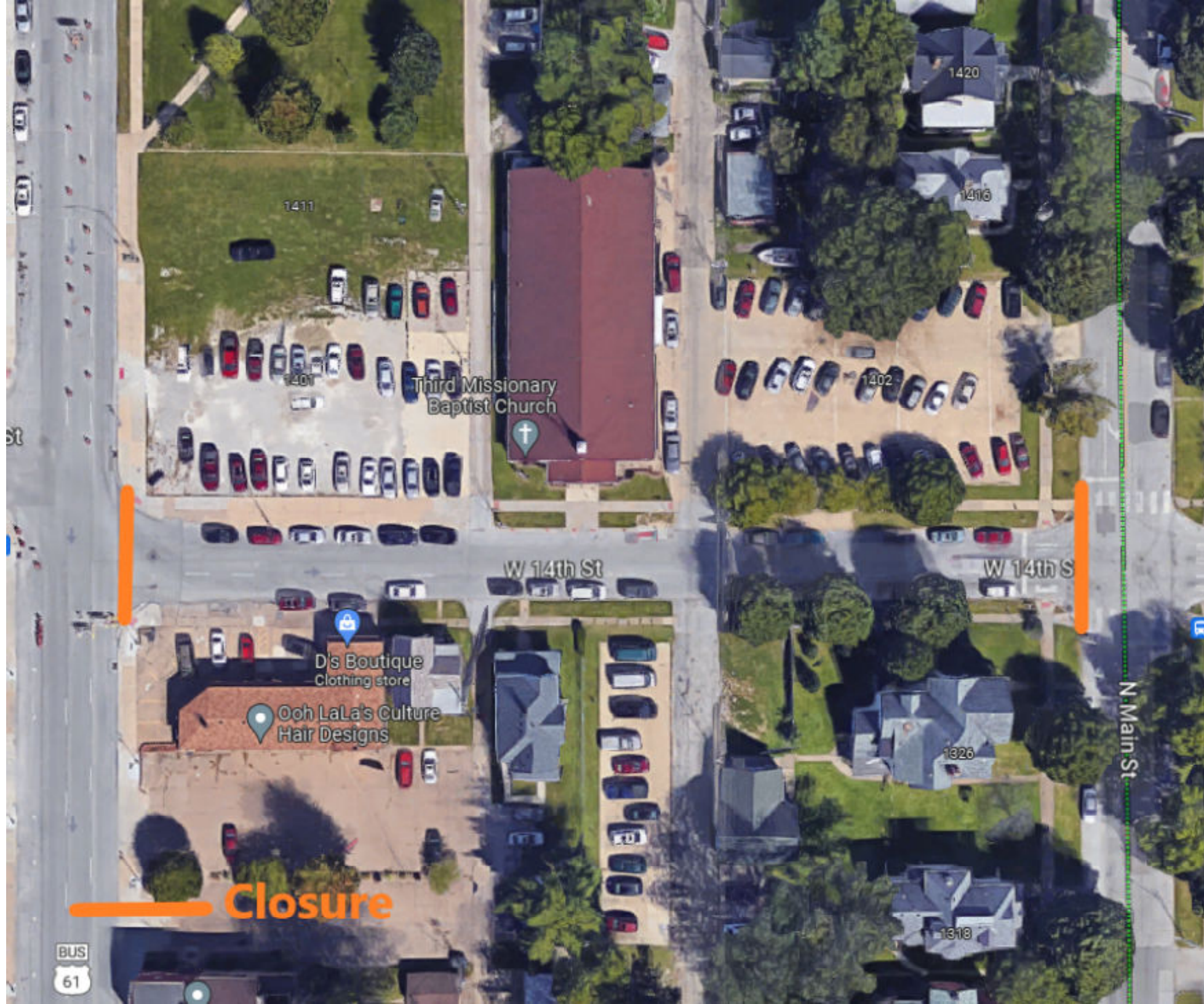
Gaines St

W 4th St

W 4th St

W 4th St





St

1411

1401

Third Missionary Baptist Church



1420

1416

1402

1326

1318

W 14th St

W 14th St

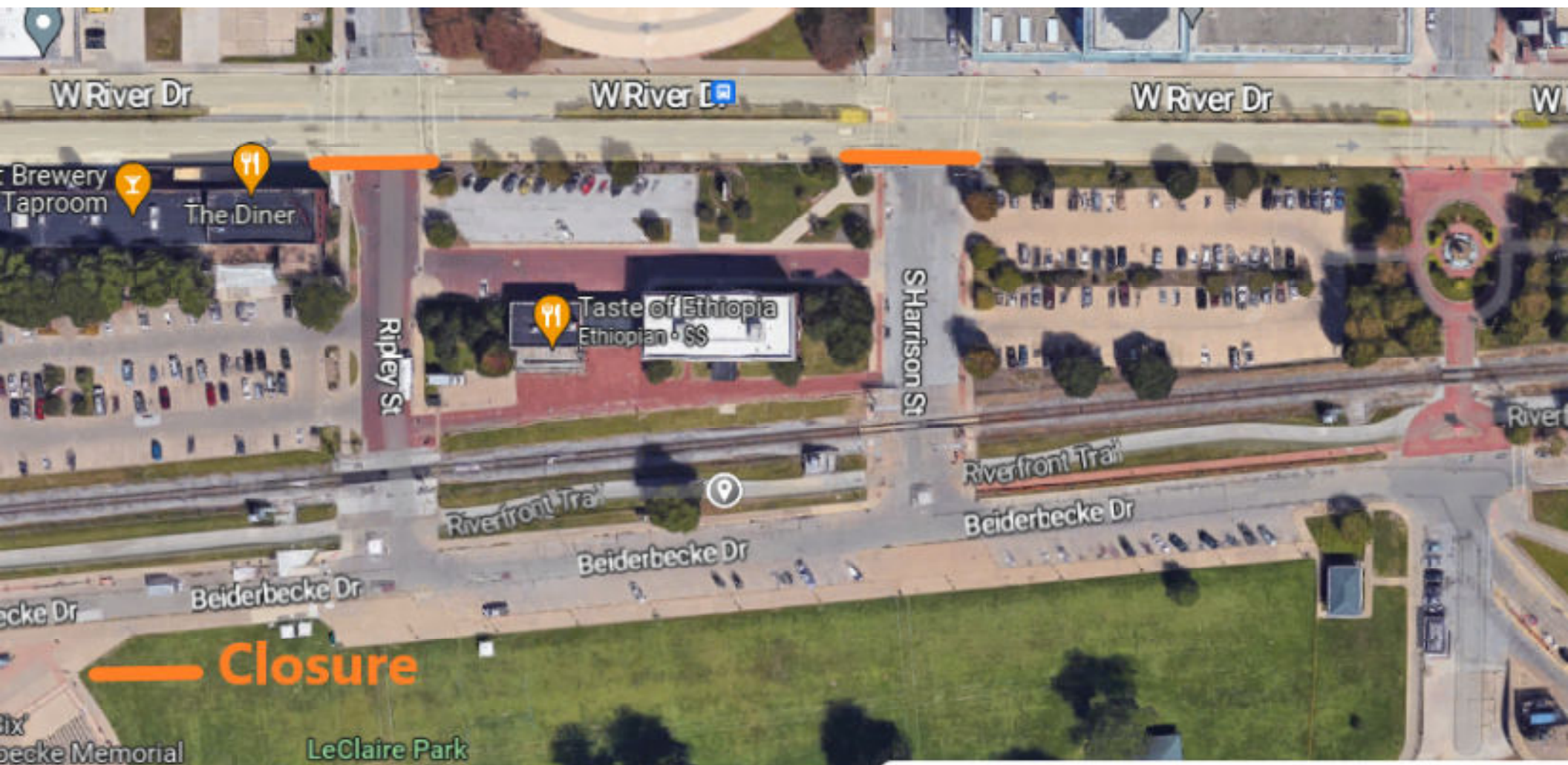
N Main St

D's Boutique
Clothing store

Ooh LaLa's Culture
Hair Designs

Closure







CITY OF DAVENPORT

VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

NAME & ADDRESS

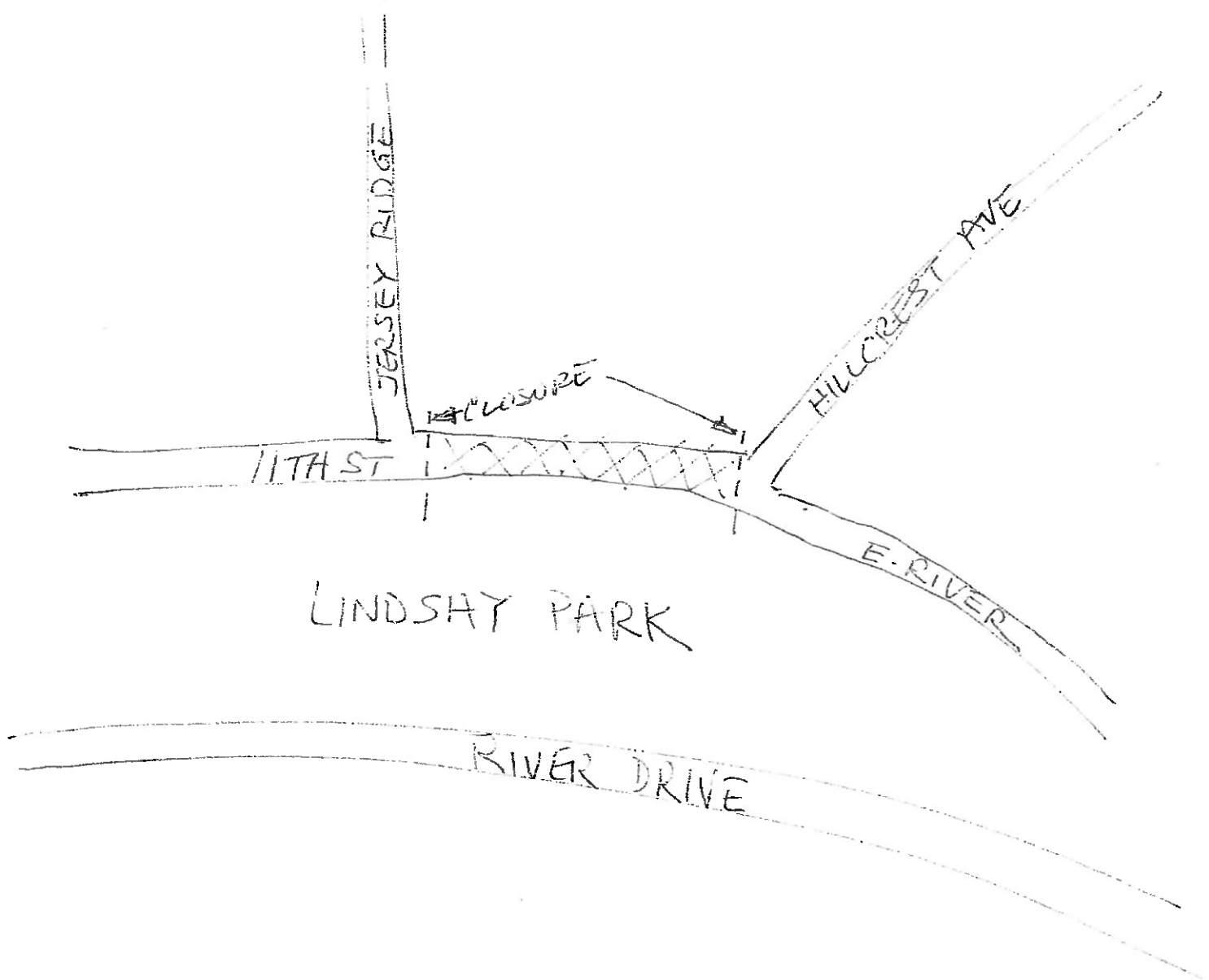
- #1 11th Street Precinct, 1107 Mound Street
- #2 Winddancer Boutique, 2114 East 11th Street
- #3 Grumpy's Village Saloon, 2120 East 11th Street
- #4 McClellan Stockade, 2124 East 11th Street
- #5 Lagomarcino's, 2132 East 11th Street
- #6 Vacant, 2200 East 11th Street
- #7 Vacant, 1105 Christie Street
- #8 Mint Green, 2208 East 11th Street
- #9 Rudy's Cantina, 2214 East 11th Street
- #10 Bubble Tea Company, 2218 East 11th Street
- #11 D'Ville, 2228 East 11th Street
- #12 Brew, 1104 Jersey Ridge Road
- #13 Edward Jones, 2107 East 11th Street
- #14 Camp McClellan Cellars, 2302 East 11th Street
- #15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road
- #16 Royal T's, 1114 Jersey Ridge Road
- #17 Kaleidoscope Artworks, 2302 East 11th Street
- #18 Freddy's Fritters, 1111 Jersey Ridge Road
- #19 Sunlight Yoga Studio

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS - FARM DAYS

On the **24th and 25th day of August, 2024** there is proposed a street closing, requested by **The Village of East Davenport Business Association** , which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road and & Christie Street** between **East 11th Street** and **the alley**, during the hours of **8:00 a.m. to 6:00 p.m.**

SIGNATURE	FAVOR	OPPOSED	NOT
			CON- CERNED
#1 per email—wisor1@hotmail.com_____	<u> X </u>	_____	_____
#2 per email - mhisho@lynchheatingandplumbing.com _____	<u> X </u>	_____	_____
#3 per email - carxp@mchsi.com _____	<u> X </u>	_____	_____
#4____Did not respond to email_____	_____	_____	_____
#5 per email - lisa.ambrose5@icloud.com _____	<u> X </u>	_____	_____
#6____VACANT_____	_____	_____	_____
#7____VACANT_____	_____	_____	_____
#8 per email - aimeewinslow@yahoo.com _____	<u> X </u>	_____	_____
#9 per email - btquijas@msn.com _____	<u> X </u>	_____	_____
#10 per email - bubbleteacompanyia@gmail.com____	<u> X </u>	_____	_____
#11 per email - dvilleeastvillage@gmail.com _____	<u> X </u>	_____	_____
#12 per email - tallmom2@aol.com _____	<u> X </u>	_____	_____
#13 per email - paul.schnell@edwardjones.com____	<u> X </u>	_____	_____
#14____ <i>Julie Keehn</i> _____	<u> X </u>	_____	_____
#15__Did not respond to email_____	_____	_____	_____
#16 per email - taylorjarrin@me.com _____	_____	_____	<u> X </u>
#17 per email - matt@artwithscopes.com_____	<u> X </u>	_____	_____
#18 per email - tamberg63@aol.com _____	<u> X </u>	_____	_____
#19 per email - rebecca@sunlightyogatherapy.com _____	<u> X </u>	_____	_____



Riverssance Festival of Fine Arts
36th Annual Show
September 21 & 22
Saturday 10-5
Sunday 10-4

Quad City Arts' Riverssance Festival of Fine Arts will be celebrating its' 36th year in 2024 as the premier fine arts festival of the Quad Cities, showcasing top artist from throughout North America. The Riverssance Festival is located in Upper Lindsay Park on a scenic hill overlooking the Mississippi River in the historic Village of East Davenport. Riverssance will feature a free children's art tent, wine tasting, gourmet food and live regional music.

As in the past 11th Street will be closed between Jersey Ridge and Hillcrest Ave beginning Friday morning September 20 through Sunday evening September 22. We apologize for the inconvenience this may cause you. Please accept these two entry passes as our thank you for your support and join us in this celebration of the arts.

If you have any questions or concerns please contact me:

Jim Cronk, Riverssance Committee

jecronk01@aol.com

563-650-6814

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution accepting work completed under the Centennial Bridge Seawall Repair project by McCarthy Improvement Company of Davenport, Iowa in the amount of \$258,437.78, CIP #68015. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project is located at 209 South Gaines Street along the Centennial Bridge Seawall access. Work included stone masonry reconstruction, temporary excavation protection, excavation and backfill, revetment stone, steel railing repairs, PCC sidewalk removal and replacement, and other related items.

Funding for this project was from CIP #68015 | Flood Resiliency Program.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION accepting work completed under the Centennial Bridge Seawall Repair project by McCarthy Improvement Company of Davenport, Iowa in the amount of \$258,437.78, CIP #68015.

WHEREAS, the City entered into a contract with McCarthy Improvement Company of Davenport, Iowa for the Centennial Bridge Seawall Repair project; and

WHEREAS, work included stone masonry reconstruction, temporary excavation protection, excavation and backfill, revetment stone, steel railing repairs, PCC sidewalk removal and replacement, and other related items

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

WHEREAS, the final cost of the contract was \$258,437.78.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Centennial Bridge Seawall Repair project by McCarthy Improvement Company of Davenport, Iowa in the amount of \$258,437.78 is hereby accepted.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution accepting work completed under the Dillon Fountain Electrical Upgrades project by Shaw Electric, Inc of Davenport, Iowa in the amount of \$127,290, CIP #64102. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project eliminated two existing racks of electrical equipment in the southwest quadrant of the Dillon Fountain area, and replaced them with a single panel located atop the elevated platform located to the east of the park. The electrical equipment is now elevated out of the floodplain improving safety and sustainability of the components. This electrical equipment serves Dillon Fountain, surrounding ornamental lighting, Harrison surface parking lot lighting, and electrical services for the Levee Inn and restrooms.

The total project cost was \$127,290 funded in CIP #64102.

Attachments:

1. Resolution
2. Location Map

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION accepting work completed under the Dillon Fountain Electrical Upgrades project by Shaw Electric, Inc of Davenport, Iowa in the amount of \$127,290, CIP #64102.

WHEREAS, the City entered into a contract with Shaw Electric, Inc of Davenport, Iowa for the Dillon Fountain Electrical Upgrades project; and

WHEREAS, new electrical equipment was installed atop the elevated platform which is elevated out of the floodplain; and

WHEREAS, this electrical equipment serves Dillon Fountain, surrounding ornamental lighting, Harrison surface parking lot lighting, and electrical services for the Levee Inn and restrooms; and

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

WHEREAS, the final cost of the contract was \$127,290.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Dillon Fountain Electrical Upgrades project by Shaw Electric, Inc of Davenport, Iowa in the amount of \$127,290 is hereby accepted.

Passed and approved this 24th day of July, 2024.

Approved:

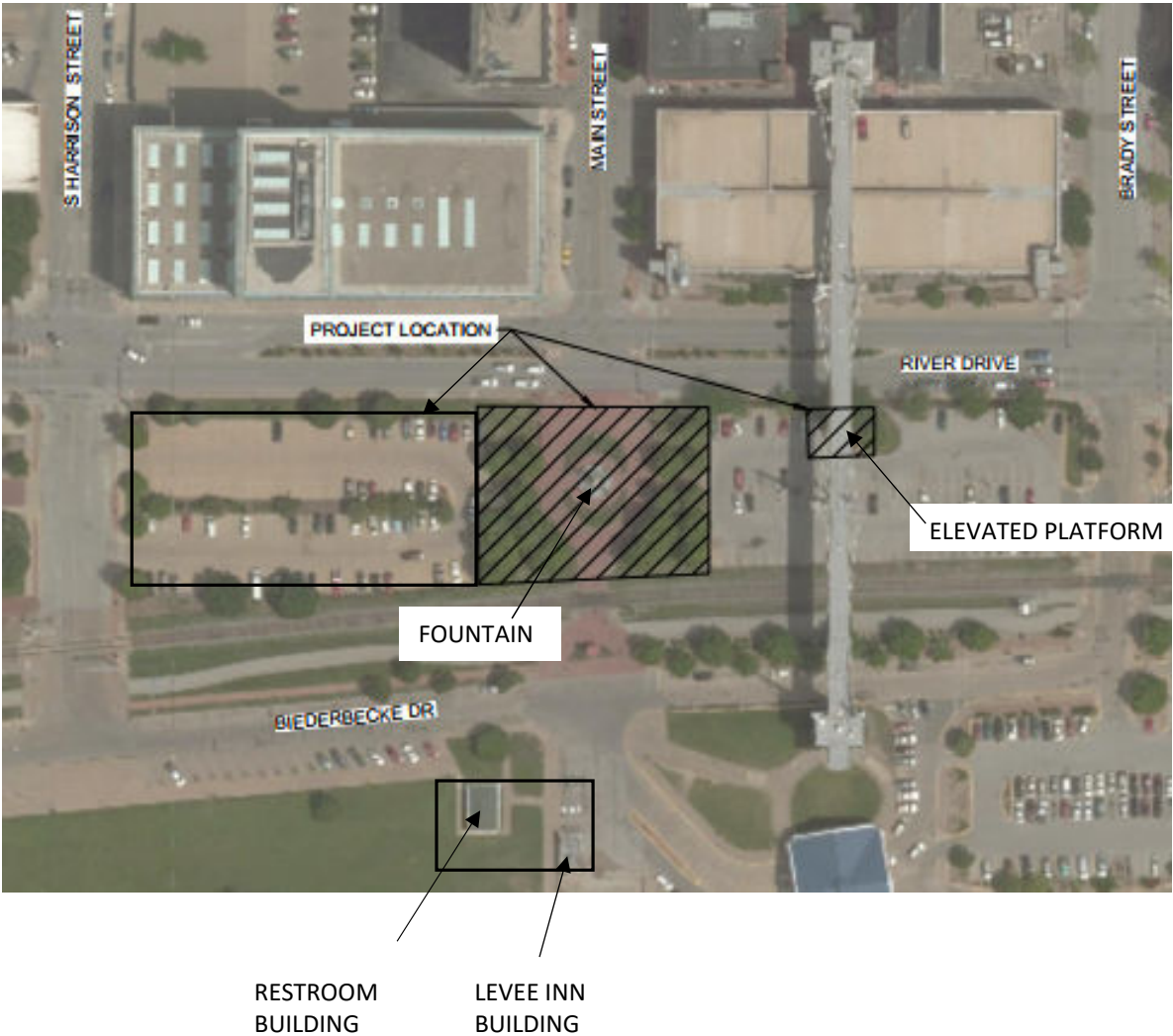
Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Dillon Fountain Electrical Upgrades

Location Map



City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution awarding a contract for the City Hall Air Handling Unit Upgrades project to Schebler Company of Bettendorf, Iowa in the amount of \$295,300, CIP #23028. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on June 13, 2024, and sent to contractors. On July 8, 2024, the Purchasing Division opened and read one (1) responsive and responsible bid. See attached bid tab. Schebler Company of Bettendorf, Iowa was the lowest responsive and responsible bidder.

This is an HVAC upgrade of the air handling units at City Hall, 226 West 4th Street. The proposed upgrade includes, but is not limited to, the furnishing of all labor, materials, and equipment necessary to provide demolition of the existing air handling unit (AHU) supply and return fans, pneumatic control dampers, roll filter, and pleated filters. Work also includes a new supply and return fan array, electric motor operated dampers, filter racks for new pleated filters, and incorporation of controls for the fans and dampers into the existing Trane system.

Funding for this project is from CIP #23028 | City Hall - Air Handler & Roof.

Attachments:

1. Resolution
2. Bid Tabulation 24-109

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for the City Hall Air Handling Unit Upgrades project to Schebler Company of Bettendorf, Iowa in the amount of \$295,300, CIP #23028.

WHEREAS, the City needs to contract for the City Hall Air Handling Unit Upgrades project; and

WHEREAS, Schebler Company of Bettendorf, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the City Hall Air Handling Unit Upgrades project is hereby awarded to Schebler Company of Bettendorf, Iowa in the amount of \$295,300.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: City Hall Air Handler Improvement Project

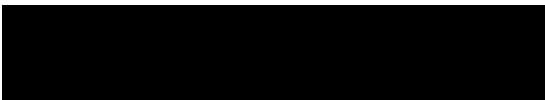
BID NUMBER: 24-109

OPENING DATE: July 8, 2024

FUNDING: 77106684 530350 23083 | City Hall Air Handler & Roof

RECOMMENDATION: Award the contract to Schebler Company of Bettendorf, Iowa in the amount of \$295,300.

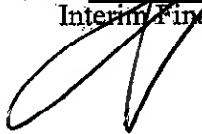
<u>VENDOR NAME</u>	<u>PRICE</u>
Schebler Company of Bettendorf, IA	\$295,300.00

Approved By  7/10/24
Purchasing Date

Approved By  7-10-24
Dept. Director Date

Approved By  7-10-24
Budget/CIP Date

Approved By  7/10/24
Interim Finance Director Date



City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution awarding a contract for the Adler Theater Box Office Remodel project to Estes Construction of Davenport, Iowa in the amount of \$110,500, CIP #69014. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on June 18, 2024, and sent to contractors. On July 8, 2024, the Purchasing Division opened and read six (6) responsive and responsible bids. See attached bid tab. Estes Construction of Davenport, Iowa was the lowest responsive and responsible bidder.

This is a remodeling project of the Adler Theater Box Office located at 136 East 3rd Street. The proposed remodel includes, but is not limited to, the furnishing of all labor, materials and equipment necessary to update the ticket window and office space finishes and function. Work includes painting, flooring, countertops, ceiling tile, shelving, doors, ticket windows, case trim, lighting, electrical wiring, data wiring, telecommunications, mechanical components, voice communications, and a new ADA accessible window.

Funding for this project is from CIP #69014 | RiverCenter Renovation.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for the Adler Theater Box Office Remodel project to Estes Construction of Davenport, Iowa in the amount of \$110,500, CIP #69014.

WHEREAS, the City needs to contract for the Adler Theater Box Office Remodel; and

WHEREAS, Estes Construction of Davenport, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Adler Theater Box Office Remodel project is hereby awarded to Estes Construction of Davenport, Iowa in the amount of \$110,500.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Adler Theatre Box Office Remodel

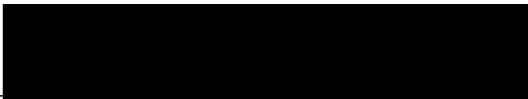
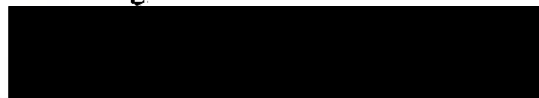
BID NUMBER: 24-103

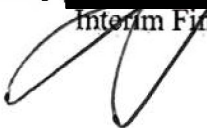
OPENING DATE: July 8, 2024

FUNDING: 76024675 530350 69014 | RiverCenter Renovation

RECOMMENDATION: Award the contract to Estes Construction of Davenport, Iowa in the amount of \$110,500.

<u>VENDOR NAME</u>	<u>PRICE</u>
Estes Construction of Davenport, IA	\$110,500.00
Valley Construction Company of Rock Island, IL	\$129,900.00
Tricon General Construction of Dubuque, IA	\$132,000.00
Reed Construction of Dewitt, IA	\$133,692.00
Precision Builders, Inc. of Bettendorf, IA	\$143,427.00
Swanson Construction Co. of Bettendorf, IA	\$164,851.00

Approved By		7/10/24
	Purchasing	Date
Approved By		7-10-24
	Dept. Director	Date
Approved By		7-10-24
	Budget/CIP	Date
Approved By		7/10/24
	Interim Finance Director	Date



City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Field Rehabilitation project, CIP #23049. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

The playing field that serves Modern Woodmen Park is nearing the end of its useful life and is in need of rehabilitation. The proposed project will ensure that the field meets all Major League Baseball (MLB) compliance standards and requirements as identified in the MLB Facility Standards. These improvements include, but are not limited to, site regrading, correcting slope percentages in both the infield and outfield, removing defects and trip hazards, revising bullpen dimensions, inserting padding in deficient areas, and addressing irrigation issues.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Field Rehabilitation project, CIP #23049.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Modern Woodmen Park Field Rehabilitation project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Field Rehabilitation project.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Resolution of acceptance covering an assessment for the 2023 Residential Alley Resurfacing Program in accordance with the Alley Resurfacing program. [Wards 3, 5, & 6]

Recommendation:

Adopt the Resolution

Background:

Work for this included full depth HMA reconstruction and HMA resurfacing of the alleys, and PCC alley approaches were also replaced for the following alleys:

- east-west residential alley between Elm Street and East High Street from Lorton Avenue to alley end
- east-west residential alley from Kenwood Avenue to Forest Road between East Locust Street and East 18th Street
- north-south residential alley between Bridge Avenue and College Avenue from East Locust Street to Kirkwood Boulevard
- east-west residential alley from Kenwood Avenue to Forest Road between East 18th Street and Middle Road.

Work has been satisfactorily completed by Langman Construction Inc of Rock Island, Illinois, and an Engineer's Certificate of Completion will be filed with the Deputy City Clerk as required by the Code of Iowa. The final cost of the work was \$390,950.30 of which the sum of \$87,335.58 shall be assessed against private property within the assessable district.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION of acceptance covering an assessment for the 2023 Residential Alley Resurfacing Program in accordance with the Alley Resurfacing Program.

WHEREAS, the engineers have duly filed a certificate in accordance with Section 384.58 of the Code of Iowa, 2024, as amended, showing that they have inspected the completed work for the 2023 Residential Alley Resurfacing Program, CIP #35038, and that the same has been performed in compliance with the terms of the 2023 Residential Alley Resurfacing Program plans and specifications and showing the total cost thereof.

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

Section 1. It is hereby found and determined that the work of constructing the above-named 2023 Residential Alley Resurfacing Program has been duly and fully completed by Langman Construction Inc. in accordance with the terms of the 2023 Residential Alley Resurfacing Program plans and specifications, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the total construction cost of said 2023 Residential Alley Resurfacing Program is in the total amount of \$390,950.30 of which the sum of \$87,335.58 shall be assessed against private property within the assessable district.

Section 3. The amount due to Langman Construction Inc is hereby ordered paid by the issuance to Langman Construction Inc of anticipatory warrant or warrants, in accordance with Section 384.57 of the Code of Iowa, 2024, as amended, or from such other fund or funds as may be available for that purpose, such warrant or warrants and amounts paid from any such fund or funds to be paid and replaced to the extent possible from the proceeds of special assessments and the sale of special assessment bonds.

Section 4. The engineers are hereby instructed to prepare the final schedule of assessments, as provided in Section 384.59 of the Code of Iowa, 2024, as amended.

Section 5. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Brian Schadt | 563-326-7923

Action / Date
7/24/2024

Subject:

Resolution of support for the Iowa American Floodwall Modification project to be completed and financed by Canadian Pacific Kansas City (CPKC) Railway. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

The main rail line for Canadian Pacific Kansas City (CPKC) travels through the middle of the Iowa American water treatment plant. Pending Mississippi River water levels, removable gates are positioned to close off the openings in the floodwall at the rail location. CPKC has requested to raise the elevation of the rail line at the gate locations to improve freight transport during Mississippi River flood events. The proposed changes to the floodwall, as well as any ancillary changes to pavement or other items, would be funded entirely by CPKC. Plans for the changes would be reviewed by City staff and must be approved by the U.S. Army Corps of Engineers prior to implementation.

As the elevation changes would impact the Mound Street railroad crossing, staff will coordinate design and implementation of both the quiet zone project and the PROTECT-funded flood mitigation project proposed at Mound Street and River Drive.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION of support for the Iowa American Floodwall Modification project to be completed and financed by Canadian Pacific Kansas City (CPKC) Railway.

WHEREAS, the main rail line for Canadian Pacific Kansas City (CPKC) travels through the middle of the Iowa American water treatment plant; and

WHEREAS, pending Mississippi River water levels, removable gates are positioned to close off the openings in the floodwall at the rail location; and

WHEREAS, CPKC has requested to raise the elevation of the rail line at the gate locations to improve freight transport during Mississippi River flood events, and the proposed changes to the floodwall, as well as any ancillary changes to pavement or other items would be funded entirely by CPKC; and

WHEREAS, plans for the changes would be reviewed by City staff and must be approved by the U.S. Army Corps of Engineers prior to implementation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Iowa American Floodwall Modification project to be completed and financed by Canadian Pacific Kansas City (CPKC) Railway is hereby supported by the City Council.

Passed and approved this 24th day of July, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Administration
Contact Info: Brian Krup | 563-326-6163

Action / Date
7/24/2024

Subject:

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

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 West 14th Street; 6:00 p.m. - 9:00 p.m. Friday, August 9, 2024 and 10:00 a.m. - 6:00 p.m. Saturday, August 10, 2024; Outdoor music, over 50 dBA. [Wards 3 & 5]

Top-Notch Productions, Inc; Riverfront Pops; LeClaire Park | 400 Beiderbecke Drive; 9:00 a.m. - 9:45 p.m. Saturday, August 17, 2024; Outdoor music and fireworks, over 50 dBA. [Ward 3]

Quad City Arts; Riverssance Festival of Fine Art; Lindsay Park | 2205 East 11th Street; 10:00 a.m. - 5:00 p.m. Saturday, September 21, 2024 and 10:00 a.m. - 4:00 p.m. Sunday, September 22, 2024; Outdoor music/band, over 50 dBA. [Ward 5]

Recommendation:

Pass the Motion.

Background:

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

Third Missionary Baptist Church | The noise variance petition will be turned in prior to the Committee of the Whole Meeting and will be added to the agenda item when it is received. There have never been any concerns from the neighbors in the past.

Riverfront Pops | Rehearsals begin at 9:00 a.m. and will continue throughout the day until 6:00 p.m. The main show will end at 9:30 p.m. followed by a 15-minute fireworks show.

Attachments:

1. Riverssance Festival of Fine Arts Letter to Neighbors

Riverssance Festival of Fine Arts
36th Annual Show
September 21 & 22
Saturday 10-5
Sunday 10-4

Quad City Arts' Riverssance Festival of Fine Arts will be celebrating its' 36th year in 2024 as the premier fine arts festival of the Quad Cities, showcasing top artist from throughout North America. The Riverssance Festival is located in Upper Lindsay Park on a scenic hill overlooking the Mississippi River in the historic Village of East Davenport. Riverssance will feature a free children's art tent, wine tasting, gourmet food and live regional music.

As in the past 11th Street will be closed between Jersey Ridge and Hillcrest Ave beginning Friday morning September 20 through Sunday evening September 22. We apologize for the inconvenience this may cause you. Please accept these two entry passes as our thank you for your support and join us in this celebration of the arts.

If you have any questions or concerns please contact me:

Jim Cronk, Riverssance Committee

jecronk01@aol.com

563-650-6814

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
7/24/2024

Subject:
Motion approving beer and liquor license applications.

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes, LLC) - 2735 Telegraph Road - Temporary Extended Outdoor Area September 21 - License Type: Class C Liquor (On-Premises)

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Temporary Extended Outdoor Area July 26-28 - License Type: Class C Liquor (On-Premises)

RiverCenter/Adler Theatre (VenuWorks of Davenport) - 119 East 3rd Street - Temporary Extended Outdoor Area (Kaiserslautern Square) July 26 - License Type: Class C Liquor (On-Premises)

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

Ward 6

California Burritos Mexican Grill (Burrito Enterprises #2, LLC) - 2930 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premise)

Barrel House Three, LLC (Barrel House Three, LLC) - 5141 Utica Ridge Rd - Outdoor Area - License Type: Class C Liquor (On-Premise)

Ward 7

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 Brady Street - License Type: Class C Liquor (On-Premise)

Famous Dave's (Elmore Foods, LLC) - 1110 East Kimberly Road - License Type: Class C Liquor (On-Premise)

Hi Ho Mongolian Grill (Hi Ho Mongolian Grill, Inc) - 901 East Kimberly Road #15 - License Type: Special Class C Beer/Wine (On-Premise)

Kwik Star #280 (Kwik Trip, Inc) - 301 West Kimberly Road - License Type: Class B Beer (Carry-Out)

Ward 8

Kwik Star #215 (Kwik Trip, Inc) - 100 West 65th Street - License Type: Class B Beer (Carry-Out)

Recommendation:
Pass the Motion.

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

Attachments:
None

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
7/24/2024

Subject:

Motion approving a 22905 Agreement with Canadian Pacific Kansas City (CPKC) Railway for the South Concord Grade Separation project, CIP #21013. [Ward 1]

Recommendation:

Pass the Motion.

Background:

The city has secured a grant through the Federal Railroad Administration's Railroad Crossing Elimination (RCE) program for the South Concord Grade Separation project. A requirement of that program is for the applicant and the railroad that owns rights-of-way to be used by a project funded by a grant subject to sign an agreement that specifies the assurances as identified in section 22905(c)(1) of title 49 of the United States Code.

This project will eliminate two highway-rail grade crossings along South Concord Street and Wapello Avenue in Davenport, Iowa, and provide access to critical infrastructure, including a shared Water Pollution Control Plant (WPCP) and the Davenport Compost Facility. Operations at the rail yard often block the crossings, limiting access to these facilities for employees, residents, businesses, customers, and emergency response. Located in the Mississippi River floodplain, these facilities also face increasing risk of road closures due to flood water overtaking the road during high water events. The proposed project will eliminate the crossing at Wapello Avenue, construct a bridge overpass at the South Concord Street crossing, and construct an elevated roadway that aligns with the bridge to ensure its operation during flood events.

Attachments:

None

City of Davenport

Department: Public Works
Contact Info: Ron Hocker | 563-327-5169

Action / Date
7/24/2024

Subject:

Motion approving the purchase of 75 four-foot HESCO barrier units and 40 three-foot HESCO barrier units from Flood Defense Group LLC of Boise, Idaho in the amount of \$73,600 using State of Iowa Department of Administrative Services Contract #21316A. [Ward 3]

Recommendation:

Pass the Motion.

Background:

This purchase of HESCO barriers will replenish existing stock which will be unable to be reused following the dismantling of the protective flood wall in place for the current flood event. It is vital to replace the stock as soon as possible to ensure a sufficient inventory is available and ready to deploy in future flood events.

Funding for this purchase is from 50312060 520231 | Flood Damages.

Attachments:

None

City of Davenport

Department: Public Works
Contact Info: Jim Erwin | 563-326-7922

Action / Date
7/24/2024

Subject:

Motion approving the purchase of automatic passenger counters (APC) for the Transit Division bus fleet from ETA Transit of Boca Raton, Florida in the amount of \$55,999. [All Wards]

Recommendation:

Pass the Motion.

Background:

Davenport CitiBus currently uses computer-aided dispatch, real-time global positioning services, vehicle announcements, and front door passenger counting services provided through ETA Transit. The bus fleet is equipped with APCs on the front doors providing simple passenger counting when boarding. The installation of APCs on the rear doors will cover both passenger entrance/exit points and allow increased metric reporting to the Federal Transit Administration (FTA) regarding passenger trip duration and length. This increased metric tracking capability will enable Davenport CitiBus to become a Full Reporter for the FTA's National Transit Database. The goal of becoming a Full Reporter is to gain eligibility for additional FTA grant opportunities.

Funding for this purchase will come from the Transit Division's Professional Services account.

Attachments:

1. Davenport APC Rear Door Quote

Quotation #: 20240528
Date: 05.28.2024



Agency: Davenport RFP Price Breakdown
Name: Jeff Wolf
Email: jeff.wolf@davenportiowa.com
Payment terms: See milestone payment schedule

etatransit.com

Received by:

Date:

AUTOMATIC PASSENGER COUNTING (APC)

PRODUCT	ITEM#	QTY.	PRICE	TAX	TOTAL	MILE
Stereoscopic automatic passenger counter (APC) • Priced per bus/door Assumes 1 door per bus- Rear door	1	21	\$ 1,540	\$ -	\$ 32,347	1
5 port Ethernet switch • Connects multiple APCs • required for 2 door bus	2	21	\$ 230	\$ -	\$ 4,829	1
Ethernet switch installation • Professional installation	3	21	\$ 263	\$ -	\$ 5,523	3
APC installation • Professional installation • Vehicle testing and commissioning	4	21	\$ 300	\$ -	\$ 6,300	3
Implementation • System setup • Project management • Manufacturing • Training • Testing • Documentation • Travel	5	1	\$ 7,000		\$ 7,000	3

NTD Certification support •One week of NTD sampling support	6	0	\$ 25,000		\$ -	5
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Tax exempt certificate required for sales tax to be waived.

SUBTOTAL	\$55,999
SALES TAX	INCLUDED
APC TOTAL	\$55,999
ANNUAL SaaS (BEYOND YEAR 1)	\$0

PACKAGE OPTIONS

Package	Qty.	Total
Automatic passenger counting package	1	\$ 55,999
YEAR 1 PROJECT TOTAL		\$55,999

MILESTONE SCHEDULE

Mile	Description	Total	Deliverables
1	System design (50% Implementation costs)	\$ 9,412	Pre-installation site visit and documentation
2	Software licenses	\$ -	Delivery of SPOT Console portal
3	Hardware components	\$ 37,176	Hardware delivery to customer location
4	Installation and vehicle static test (25% Implementation costs)	\$ 4,706	Hardware installation on first vehicle (by bus type) and static test report
5	Dynamic testing and training (25% implementation)	\$ 4,706	Dynamic test procedure report, training and manuals

6	Recurring items: Year 1	\$	-	After 2 week burn-in (from customer-witnessed test) warranty; SaaS anniversary begins
7, 8, 9, 10	Recurring items: Years 2-5	\$	-	Each SaaS anniversary

GRAND TOTAL 5 YEARS

\$55,999

PREPARED BY:

NAME: Jose Mostajo
TITLE: Senior Sales Representative Central Region
ADDRESS: 7700 Congress Avenue, Suite 2201
 Boca Raton, FL 33487
PHONE: (561) 288-1930
EMAIL: jmostajo@etatransit.com



Terms and conditions of sale

Unit prices are valid only for the total number of units quoted. Lesser quantities (or years) may require a higher price per unit cost because of certain fixed costs.

Prices in this quotation are valid for ninety (90) days from the date of quotation or proposal and are applicable to the quantities herein. Changes to packages and/or quantities may require a revised quotation.

No refund shall be provided for returned parts without written authorization from authorized ETA representatives.

Estimated lead time for delivery is 6 weeks. A formal lead time estimate shall be provided by ETA ARO.

Delivery is F.O.B. ETA Transit Systems, Inc. 7700 Congress Avenue #2201 Boca Raton, FL 33487

ETA TRANSIT SYSTEMS (ETA) WARRANTY POLICY

ETA guarantees that each product is free from defects in material and workmanship. ETA's warranty is in effect for two (2) years from the original ship date from ETA. ETA will furnish to customer its Warranty and Support agreement ARO or upon request

REVIEWED BY:

Nicole M Castonguay, CEO
 ETA Transit Systems

Date:

ACCEPTED BY:

Signature: _____

Name and title: _____

Date: _____

City of Davenport

Department: Library
Contact Info: Jeff Collins | 563-328-6850

Action / Date
7/24/2024

Subject:

Motion awarding a one-year contract with two possible two-year renewals for unarmed security services at Main Library to Citadel Security USA of Nixa, Missouri. [Ward 3]

Recommendation:

Pass the Motion.

Background:

A Request for Proposals was issued and sent to vendors on June 5, 2024. On June 26, 2024 the Purchasing Division opened and announced six (6) proposals. A committee evaluated the proposals on the following criteria set forth in the RFP:

- Experience and Qualifications | 25%
- Verification of Performance | 25%
- Pricing | 40%
- References | 10%

Citadel Security was ranked highest by the evaluation committee and is recommended for award.

This contract will provide unarmed security services at Main Library roughly 40 hours a week at a rate of \$28.18 per hour and will be funded by the Library operating budget.

Attachments:

1. RFP Tab

CITY OF DAVENPORT, IOWA
RFP TABULATION

DESCRIPTION: Main Library Security Services

BID NUMBER: 24-114

OPENING DATE: June 26, 2024

FUNDING: 50105021-520217 | Library Professional Services

RECOMMENDATION: Award the contract to Citadel Security USA of Nixa, Missouri.

<u>VENDOR NAME</u>	<u>LOCATION</u>
Citadel Security USA	Nixa, Mo
Securitas Security Services USA, Inc	Bettendorf, IA
Per Mar Security Services	Davenport, IA
Whelan Security of Illinois, Inc	Merriam, KS
Global Security Services	Davenport, IA
Digital Security Solutions	Rock Island, IL

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Interim City Administrator

Date

City of Davenport

Department: Finance
Contact Info: Cory Smith | 563-888-2162

Action / Date
7/24/2024

Subject:

Motion awarding a contract for the support of the legacy HP-UX server conversion and historical record access to MultiValue Central of Denver, Colorado in the amount of \$64,700. [All Wards]

Recommendation:

Pass the Motion.

Background:

This is a sole source provider. Experience in this code language is very limited in the industry, and MultiValue Central is knowledgeable in this area.

The City of Davenport currently has an HP/UX server that hosts an application for our legacy financial systems. There are several projects planned to enhance the functionality of the application. This contract will allow MultiValue Central to convert our legacy HP-UX server to a Linux server, allowing for long-term historical record access to our legacy financial systems. MultiValue Central will also provide engineering support, database migration assistance, and spearhead the conversion to the Linux system.

Attachments:

None