

CITY COUNCIL MEETING

CITY OF DAVENPORT, IOWA

Wednesday, September 25, 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 September 11, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for September 18, 2024.

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Civil Service Commission
 - Paul Sikorski (new appointment)
 - Rachel Pitchford (new appointment)

B. Proclamations

1. Fire Prevention Week | October 6-12, 2024
2. Good Neighbor Day | September 28, 2024
3. Metrocom NAACP Unit #4019 Day | September 28, 2024

IX. Presentations

1. Police Officer Swearing-In Ceremony
 - Misty Murray
 - Nathaniel Haire
 - Sebastian Villanueva

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. Resolution adopting a Code of Conduct for members of the Davenport City Council and the Mayor. [All Wards]

XII. Approval of All Items on the Consent Agenda

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

1. First Consideration: Ordinance for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley. [Ward 3]
2. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Scott Searle; Yo-Yo Man Neighborhood Block Party; 519 West 16th Street; 11:00 a.m. - 6:00 p.m. Sunday, September 29, 2024; **Closure:** West 16th Street from Gaines Street to Scott Street. [Ward 4]

Davenport Community Schools; North High School Homecoming Parade; Thursday, October 3, 2024 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Trunk or Treat; 1007 East Rusholme Street; 3:30 p.m. - 8:00 p.m. Friday, October 25, 2024; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 26, 2024; **Closures:** (beginning at 6:00 a.m.) East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street; Mound Street from the alley to East 12th Street until 12:30 p.m.; (beginning at 8:30 a.m.) Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 27, 2024; **Closures:** East 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street; 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; (beginning at 2:00 p.m.) Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

3. Resolution accepting work completed under the Veterans Memorial Park Phase II | Overlook Package 5 - Landscaping project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$334,504, CIP #68016. [Ward 3]
4. Resolution awarding a contract for the Main Library Renovation | Phase II project to Swanson Construction Co of Bettendorf, Iowa in the amount of \$271,125, CIP #23063. [Ward 3]
5. Resolution approving the plans, specifications, form of contract, and estimate of cost for Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018. [Ward 5]
6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project, CIP #69014. [Ward 3]
7. Resolution approving the specifications, form of contract, and estimate of cost for the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057. [All Wards]
8. Resolution awarding a professional services agreement for engineering services for the design of the Water Pollution Control Plant Digester Improvements project to Stanley Consultants, Inc of Muscatine, Iowa in an amount not to exceed \$1,506,000, CIP #39017. [Ward 1]
9. Resolution authorizing submission of grant applications to the Iowa Department of Transportation's FY 2026 Iowa Clean Air Attainment Program and State Transit Assistance Special Projects Program for financial assistance to conduct a transit planning study of Scott County. [All Wards]
10. Resolution appointing Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator and approving a related employment agreement. [All Wards]
11. Motion approving noise variance requests on the listed dates and times for outdoor events.

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; Thursday, October 3, 2024 5:30 p.m. - 6:30 p.m.; Outdoor music, over 50 dBA. [Wards 7 & 8]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 2:00

p.m. - 3:30 p.m. Sunday, October 27, 2024; Outdoor music, over 50 dBA. [Ward 3]

12. Motion approving beer and liquor license applications.

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

Ward 1

Veterans Of Foreign Wars, F.W. Galbraith Post 828 Canteen (Veterans Of Foreign Wars, F.W. Galbraith Post 828) - 101 South Linwood Avenue - Outdoor Area - New License - License Type: Class F Liquor (On-Premises)

Ward 3

The Wandering Crowd (The Wandering Crowd, LLC) - 101 West River Drive - Temporary Outdoor Event - License Type: Class C Liquor

Ward 4

Wise Guys Pizza and Pub (Christa Rae, LLC) - 2824 West Locust Street #3A - New License/Ownership - License Type Class C Liquor

Ward 6

Dave & Buster's (Dave & Buster's of Iowa, LLC) - 5248 Elmore Avenue - New License - License Type: Class C Liquor

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

Ward 2

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Raw Bar (RawBar) - 136 East 3rd Street Unit A - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Texas Roadhouse (Texas Roadhouse Holdings, LLC) - 4005 East 53rd Street - License Type: Class C Liquor (On-Premises)

13. Motion approving Change Order #1 with Jim Schroeder Construction, Inc of Bellevue, Iowa for the Utah Avenue Bridge over Duck Creek Replacement project in the amount of \$62,155.72, CIP #21011. [Wards 1 & 2]

14. Motion awarding a professional services agreement for engineering services for the 2025 High Volume Roadway Resurfacing project to Willett, Hofmann and Associates, Inc of Moline, Illinois in the amount of \$91,000, CIP #35061. [Wards 1, 2, 3, 5, & 8]
15. Motion awarding a professional services agreement for engineering services for the Grand Avenue Resurfacing project to Shive-Hattery, Inc of Bettendorf, Iowa in the amount of \$86,700, CIP #35061. [Ward 5]
16. Motion awarding a professional services agreement for engineering services for the Main Street Resurfacing project to MSA Professional Services, Inc of Bettendorf, Iowa in the amount of \$84,010, CIP #35061. [Wards 3 & 5]
17. Motion approving the City of Davenport's continued participation in the U.S. Bank Iowa Card Consortium. [All Wards]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business 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.

XV. Reports of City Officials

XVI. Executive Session

1. To discuss a real estate transaction pursuant to Iowa Code Section 21.5(1)(j).

XVII. Adjourn

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the City Council Meeting minutes for September 11, 2024.

Action / Date
9/25/2024

Attachments:

1. 091124 City Council Meeting Minutes

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, September 11, 2024

The City Council of Davenport, Iowa met in regular session on Wednesday, September 11, 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 Newton

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for August 28, 2024.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for September 4, 2024.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 4, 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 Gripp. Upon the roll being called, all Aldermen were present (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

*The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Goose Creek Trail Phase III project, CIP #ARP17; 2. on the plans, specifications, form of contract, and estimate of cost for the Emeis Park Phase II | Adaptive and Inclusive Playground project, CIP #ARP10; and 3. on the plans, specifications, form of contract, and estimate of cost for the Main Street Landing project, CIP #ARP12.*

*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 the one item listed. On motion by Alderman Reinartz, second by Alderman Jobgen the item, Second Consideration: Ordinance for Case REZ24-03 being the request of Davenport Community School District to rezone approximately 12.71 acres of land located at 715-909 East 36th Street from R-3 Single-Family and Two-Family Residential District to S-IC Institutional Campus District, moved to the Discussion Agenda with a recommendation by the Community Development Chair for suspension of the rules and passage of third consideration. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderman Gripp all items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis item #10, Resolution approving the plans, specifications, form of contract, and estimate of cost for the Main Street Landing project, CIP #ARP12, moved to the Discussion Agenda and all other items*

*moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed all items listed. On motion by Alderwoman Lynch, second by Alderman Jobgen all items moved to the Consent Agenda.*

*Council adjourned at **7:16 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2024-379

1. Hispanic Heritage Month | September 15 - October 15, 2024

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Kelly, the below Ordinance moved to third consideration.*

On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye except Alderman Kelly and Alderwoman Burkholder, the rules were suspended to consider passage of third consideration at the recommendation of the Community Development Chair.

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

Second Consideration: Ordinance for Case REZ24-03 being the request of Davenport Community School District to rezone approximately 12.71 acres of land located at 715-909 East 36th Street from R-3 Single-Family and Two-Family Residential District to S-IC Institutional Campus District.
[Ward 7]

ADOPTED 2024-380

ORDINANCE NO. **2024-380**

AN ORDINANCE FOR CASE REZ24-03 BEING THE REQUEST OF DAVENPORT COMMUNITY SCHOOL DISTRICT TO REZONE APPROXIMATELY 12.71 ACRES OF LAND LOCATED AT 715-909 EAST 36TH STREET FROM R-3 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT TO S-IC INSTITUTIONAL CAMPUS DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "S-IC Institutional Campus District."

LOTS 1-6 IN J.G. BAKER SECOND ADDITION, AN ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

AND

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4, SECTION 13, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, THE PARCEL IS DESCRIBED MORE PARTICULARLY AS:

A PARCEL OF REAL ESTATE ALL IN DAVENPORT, SCOTT COUNTY, IOWA TO WIT: PART OF THE SOUTHEAST 1/4, SECTION 13, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 1020.08 FEET EAST & 1377.7 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13. SAID POINT IS THE NORTHWEST CORNER OF THE TRACT CONVEYED TO THE IOWA-ILLINOIS GAS & ELECTRIC COMPANY BY STATE OF IOWA UNDER PATENT NO. 345 DATED JULY 13, 1953. THENCE WESTERLY AND NORTHWESTERLY ON THE SOUTHERLY RIGHT OF WAY LINE OF KIMBERLY ROAD TO THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE AND THE SOUTHERLY RIGHT OF WAY LINE OF 36TH STREET; THENCE WEST ON SAID SOUTH RIGHT OF WAY LINE OF 36TH STREET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE SOUTH ON THE WEST LINE SOUTHEAST 1/4 SECTION 13 TO A POINT 1020.08 FEET WEST AND 400 FEET SOUTH OF THE POINT

OF BEGINNING; THENCE 1020.08 FEET TO A POINT 400 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 400 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE TRACT CONVEYED TO TYLER ENTERPRISES, INCORPORATED AND GLENN L. SEYDEL BY THE STATE OF IOWA UNDER PATENT NO. 749 DATED SEPTEMBER 28, 1964, AND RECORDED IN THE SCOTT COUNTY, IOWA, RECORDER'S OFFICE ON OCTOBER 15, 1964 IN BOOK 282, PAGE 114.

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

Findings

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Civic and Institutional.
2. The proposed zoning map amendment to S-IC Institutional Campus District is compatible with the zoning of nearby property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed zoning map amendment eliminates nonconformities following the development of the site.

Section 3. At its August 6, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ24-03 to the City Council with a recommendation for approval subject to the listed findings.

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

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

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

Adopted 9/11/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. On motion by Alderman Gripp, second by Alderwoman Meginnis and all Alderman present voting aye except Alderman Kelly and Alderwoman Burkholder, the following Resolution was adopted.

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Main Street Landing project, CIP #ARP12. [Ward 3]

ADOPTED 2024-381

XI. Approval of All Items on the Consent Agenda

On motion by Alderwoman Meginnis, second by Alderman Gripp and all Aldermen present voting aye, the Consent Agenda was approved as follows.

1. Third Consideration: Ordinance amending various sections of Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport, Iowa, and to update language regarding fees and roles. [All Wards]

ADOPTED 2024-382

ORDINANCE NO. **2024-382**

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 6.04 ENTITLED "ANIMALS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO INCORPORATE RECOMMENDATIONS FROM THE JOINT TASK FORCE BETWEEN THE HUMANE SOCIETY OF SCOTT COUNTY AND THE CITY OF DAVENPORT, IOWA, AND TO UPDATE LANGUAGE REGARDING FEES AND ROLES.

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

Section 1. That Subsection 6.04.020 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.020 **License required**

- B. Licenses shall be purchased from the humane society, veterinarians practicing in the Quad Cities area, or online with evidence of a current rabies vaccination signed by a licensed veterinarian. Veterinarians who inoculate a dog or cat shall be required to share rabies vaccination documentation with the City of Davenport or its designee on a minimum of a monthly basis. Established fees collected by veterinarians shall be submitted to the county animal control facility in a manner agreed upon by the humane society and the individual veterinarians. Veterinary offices may charge an administration fee not to exceed \$5 per tag.

Dangerous and vicious animals require a special license that must be purchased annually from the City of Davenport or its designee.
- D. Annual license fees shall be set by resolution of the City Council:
 - 1. Neutered/spayed dog or cat (altered)
 - 2. Non-altered dog or cat
 - 3. Dog declared dangerous
 - 4. Dog declared vicious
- H. Upon proof of loss, a duplicate license tag may be obtained upon payment of a replacement fee not to exceed \$5.

Section 2. That Subsection 06.04.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.060 **Animal running at large**

- B. Notwithstanding any provision to the contrary, animals injured on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter. Dead animals on or along public streets shall be removed by city operations staff.
- D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within three days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees shall be set by resolution of the City Council:
 - 1. First violation
 - 2. Second violation
 - 3. Third violation
 - 4. Fourth violation will result in the revocation of the license to keep the animal.

Section 3. That Subsection 6.04.140 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.140 **Impoundment**

- B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

All at large and impounded dogs and cats shall have an electronic identification device, otherwise known as a microchip, placed under the animal's skin after 72 hours in impound, unless waived by the executive director of the humane society or their designee for good cause. The microchip

identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration in the amount set by Animal Control.

- C. Notice. Every dog or cat found without a license, collar, microchip, rabies tag, or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article.
- D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be set by resolution of the City Council:

- 1. For each dog, cat, ferret or similar animal a per day fee for the animal's care, food, water and shelter.
- 2. For each domestic fowl, chicken, goose, duck or waterfowl a per day fee for the animal's care, food, water and shelter.
- 3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
- 4. For any animal not specified herein, a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.

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

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

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

Adopted 9/11/2024: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

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

ADOPTED 2024-383

Jason DeNoyer; TBK Quad Cities Marathon; 5:00 a.m. - 1:00 p.m. Sunday, September 22, 2024; **Closures:** Riverfront Trail from east City Limits to Gaines Street; Beiderbecke Drive from Gaines Street to Marquette Street; Gaines Street south of River Drive; River Drive from Brown Street to Scott Street; Western Avenue from West 2nd Street to River Drive; eastbound West 2nd Street from Centennial Bridge/Gaines Street to Western Avenue. [Wards 3 & 5]

Tiphany Cannon; Motor Row Fall Festival; Downtown; 12:00 p.m. - 8:00 p.m. Sunday, September 22, 2024; **Closure:** East 2nd Street from Perry Street to Iowa Street. [Ward 3]

Davenport Community School District; Central High School Homecoming Parade; 6:00 p.m. - 7:00 p.m. Thursday, September 26, 2024; **Closures (Police controlled):** East 18th Street from Woodland Avenue to Fernwood Avenue; Fernwood Avenue from East 18th Street to Forest Road; Forest Road from Fernwood Avenue to Middle Road; Middle Road from Forest Road to Woodland Avenue. [Wards 5 & 6]

St. Paul the Apostle; Back to School Block Party; 1007 East Rusholme Street; 12:00 p.m. - 10:30 p.m. Saturday, September 28, 2024; **Closure:** East Rusholme Street from Carey Avenue to Arlington Avenue. [Ward 5]

Samantha Denkmann; Halloween Party; 3300 block of Adams Street; 5:00 p.m. - 9:00 p.m. Saturday, October 12, 2024; **Closure:** Adams Street from East 33rd Street to 3326/3327 Adams Street. [Ward 7]

Laura Lade; Hey, MS, Take a Walk!; Bechtel Park | 499 East 2nd Street; 11:00 a.m. - 5:00 p.m. Sunday, October 13, 2024; **Closure:** Iowa Street from River Drive to East 2nd Street. [Ward 3]

3. Resolution accepting sanitary sewer and manholes associated with the Saint Ambrose University Cosgrove Hall building addition. [Ward 4] **ADOPTED 2024-384**

4. Resolution accepting sanitary sewer and manholes associated with Corporate Park Townhomes development. [Ward 6] **ADOPTED 2024-385**

5. Resolution accepting work completed under the Tremont Sanitary Sewer Interceptor Replacement project by Langman Construction, Inc of Rock Island, Illinois in the amount of \$2,896,814.35, CIP #30048. [Ward 3] **ADOPTED 2024-386**

6. Resolution accepting work completed under the Dohse Splash and Play project by The Henley Group of Muscatine, Iowa in the amount of \$535,610, CIP #ARP10. [Ward 1] **ADOPTED 2024-387**

7. Resolution accepting work completed under the Village of East Davenport Lighting project by Davenport Electric Contract Company of Davenport, Iowa in the amount of \$262,810.52, CIP #60037. [Ward 5] **ADOPTED 2024-388**

8. Resolution accepting work completed under the Multi-Sport Court Installation project by Langman Construction of Rock Island, Illinois in the amount of \$257,663.05, CIP #ARP10. [Wards 1 & 3] **ADOPTED 2024-389**

9. Resolution approving Change Order #2 in the amount of \$150,000 to Langman Construction of Rock Island, Illinois for the 2023-2024 Sewer and Manhole Rehabilitation Program, CIP #30057. [All Wards] **ADOPTED 2024-390**

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Goose Creek Trail Phase III project, CIP #ARP17. [Ward 7] **ADOPTED 2024-391**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Emeis Park Phase II | Adaptive and Inclusive Playground project, CIP #ARP 10. [Ward 1] **ADOPTED 2024-392**

12. Resolution setting claim fees, annual license fees, and redemption fees under Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa. [All Wards] **ADOPTED 2024-393**

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

PASSED 2024-394

Palmer College of Chiropractic; Homecoming; 1000 Brady Street; approximately 8:30 p.m. for 20 minutes Saturday, September 21, 2024; Fireworks, over 50 dBA. [Ward 3]

Tiphonie Cannon; Motor Row Fall Festival; Downtown; 2:00 p.m. - 7:00 p.m. Sunday, September 22, 2024; Outdoor music/band, over 50 dBA. [Ward 3]

Davenport Community School District; Central High School Homecoming Parade; see attached parade route; 6:00 p.m. - 7:00 p.m. Thursday, September 26, 2024; Outdoor music/band, over 50 dBA. [Wards 5 & 6]

14. Motion approving beer and liquor license applications.

PASSED 2024-395

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

Ward 1

Midwest Festivals (Midwest Festivals, LLC) - 2200 West River Drive - Temporary Event September 28-29 - License Type: Class C Liquor (On-Premises)

Ward 5

Quad City Arts (Quad City Arts) - 2205 East 11th Street - Temporary Outdoor Event September 20-21 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

Crown Smoke & Vape (Crown Smoke & Vape, Inc) - 4810 Elmore Ave E-F – New License - License Type: Class E Liquor (Carry-Out)

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

Ward 1

Holy Name Society (St. Alphonsus Church of Davenport, Iowa) - 2618 Boies Ave - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Malwa, LLC (Malwa, LLC) - 4425 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Capitol Theatre (Capitol Theatre Group, LLC) - 330 West 3rd Street - License Type: Class C Liquor (On-Premises)

Cathedral Ale (Sacred Heart Cathedral of Davenport, Iowa) - 422 East 10th Street - License Type: Special Class C Beer/Wine (On-Premises)

M Lounge (Alleyah, LLC) - 217 Brady Street - License Type: Class C Liquor (On-Premises)

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) – 318 East 2nd Street - License Type: Class C Liquor (On-Premises)

Nally's Kitchen, Inc (Nally's Kitchen, Inc) - 1622 Rockingham Road - License Type: Class C Liquor (On-Premises)

Ruby's (Infamous, LLC) - 429 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

The Putnam (Putnam Museum and Science Center) - 1717 West 12th Street – License Type: Class C Liquor (On-Premises)

St. Ambrose University (Sodexo America, LLC) - 518 West Locust Street – License Type: Class C Liquor (On-Premises)

Ward 5

Bicycle Rack Sports Grill (Sports Station, Inc) - 3303 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Bowlmor Lanes (Davenport Bowlers, Inc) - 2952 Brady Street - License Type: Class C Liquor (On-Premises)

Locust Street Tavern (Locust Street Tavern, Inc) - 331 East Locust Street – License Type: Class C Liquor (On-Premises)

Players (Players, LLC) - 2218 East 11th Street - License Type: Class C Liquor (On-Premises)

The Outing Club (The Outing Club, Inc) - 2109 Brady Street - Outdoor Area – License Type: Class C Liquor

Ward 6

Cabos Cantina and Grill 2, LLC (Cabos Cantina and Grill 2, LLC) - 5717 Elmore Avenue Unit E - License Type: Class C Liquor (On-Premises)

Costco Wholesale #1325 (Costco Wholesale Corporation) - 2790 East 53rd Street - License Type: Class E Liquor (Carry-Out)

Monarch Kitchen + Bar (LCMR, Inc) - 4750 East 53rd Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

Ward 7

Ridhi Rose Mart, LLC (Ridhi Rose Mart, LLC) - 3417 Harrison Street - License Type: Class B Beer/Wine (Carry-Out)

15. Motion awarding a three-year contract for fire sprinkler system inspections and maintenance to Tri-State Automatic Sprinkler of Davenport, Iowa. [All Wards] **PASSED 2024-396**

16. Motion terminating the CY 2024 City Sidewalk Program contract with C-2 Creative Concrete of DeKalb, Illinois, CIP #28028. [All Wards] **PASSED 2024-397**

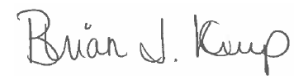
XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

XIV. Reports of City Officials

XV. Executive Session

*On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **7:26 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 **7:35 p.m.** with Mayor Matson and all Aldermen present (Alderwoman Burkholder, Alderman R. Dunn, Alderman T. Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Lynch, Alderwoman Meginnis, Alderwoman Newton, and Alderman Reinartz). Others present included Acting City Administrator Nicole Gleason and Corporation Counsel Sam Huff, and Human Resources Director Alison Fleming and Scott Krim from Colin Baenziger & Associates for the competency evaluation only. On motion by Alderwoman Meginnis, second by Alderman R. Dunn Council went back into open session at **10:16 p.m.** On motion by Alderwoman Newton, second by Alderwoman Meginnis Council adjourned at **10:16 p.m.***



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 September 18, 2024.

Action / Date

9/25/2024

Attachments:

1. 091824 Committee of the Whole Report

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, September 18, 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 (*In person*: Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderwoman Newton*, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder; *Via telephone*: Alderman Gripp and Alderwoman Lynch).

**Arrived at 5:32 p.m. after the roll call*

The following Public Hearings were held: **Community Development**: 1. for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley; and 2. on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2024. **Public Works**: 1. on the plans, specifications, form of contract, and estimate of cost for the Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018; 2. on the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project, CIP #69014; and 3. on the specifications, form of contract, and estimate of cost of the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development**: Alderman Reinartz reviewed the item listed. On motion by Alderwoman Meginnis, second by Alderman Jobgen the item 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 and noise variance requests for the West High School Homecoming Parade which would appear later on the agenda to be voted on. **Public Works**: Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Finance**: Alderwoman Newton reviewed all items listed. On motion by Alderwoman Burkholder, second by Alderwoman Meginnis item #1, Resolution adopting a Code of Conduct for members of the Davenport City Council and the Mayor, moved to the Discussion Agenda and all other items moved to the Consent Agenda.

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

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

Resolution approving a street closure request on the listed date and time for an outdoor event.

ADOPTED 2024-398

Davenport Community School District; West High School Homecoming Parade; 3505 West Locust Street; 4:30 p.m. - 7:00 p.m. Tuesday, September 24, 2024; **Closures (Police controlled):** North Clark Street from West 15th Street to West 18th Street; West 18th Street from North Clark Street to North Elsie Avenue; North Elsie Avenue from West 18th Street to West Lombard Street; West Lombard Street from North Elsie Avenue to North Nevada Avenue; North Nevada Avenue from West Lombard Street south to West High School. [Wards 1 & 4]

On motion by Alderman R. Dunn, second by Alderwoman Meginnis 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 2024-399

Davenport Community Schools; West High School Homecoming Parade; see attached parade route; Tuesday, September 24, 2024 4:30 p.m. - 6:30 p.m.; Outdoor music, over 50 dBA. [Wards 1 & 4]

Council adjourned at **6:19 p.m.**

City of Davenport

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

Action / Date
9/25/2024

Subject:

Civil Service Commission

-Paul Sikorski (new appointment)

-Rachel Pitchford (new appointment)

Background:

Paul Sikorski and Rachel Pitchford are new appointments to the Civil Service Commission.

Paul Sikorski is filling a vacancy created by the resignation of Barbara Robinson-Lagarde in 2023. Term dates for this appointment are September 26, 2024 - March 31, 2026.

Rachel Pitchford is filling a vacancy created by the resignation of Toby Paone. Term dates for this appointment are September 26, 2024 - March 31, 2028.

Public notice, as required by Iowa State Code 400.1, was published in *The Quad-City Times* one time for both appointments on August 15, 2024.

Attachments:

1. Sikorski CSC Publication Affidavit
2. Pitchford CSC Publication Affidavit

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Alison Farmwald, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Quad-City Times, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made part of this affidavit, was published in said The Quad-City Times, on the dates listed below.
August. 15 2024

NOTICE ID: TpQv0YbD1EBCEXpln2fN
PUBLISHER ID: COL-IA-200766
NOTICE NAME: Sikorski CSC Appointment
Publication Fee: \$17.87

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

(Signed) Alison Farmwald

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 08/15/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF PROPOSED APPOINTMENT OF PAUL SIKORSKI TO THE POSITION OF CIVIL SERVICE COMMISSIONER THE CITY OF DAVENPORT, IOWA

NOTICE is hereby given that there is pending in the Office of the Mayor, City Hall, Davenport, Iowa, a nomination to appoint Paul Sikorski to the position of Civil Service Commissioner for the City of Davenport. Comments may be submitted to the Office of the Mayor.

This nomination will come on for approval by the Davenport City Council, City Hall, 226 West 4th Street, Davenport, Iowa on Wednesday, September 25, 2024 commencing at 5:30 p.m. local time, or as soon thereafter as the matter can be considered.

City of Davenport
Mike Matson, Mayor
563-326-7701
COL-IA-200766

AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Alison Farmwald, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Quad-City Times, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made part of this affidavit, was published in said The Quad-City Times, on the dates listed below.

August. 15 2024

NOTICE ID: U57Hs3SJ6rXZyxRo8Ysw

PUBLISHER ID: COL-IA-200765

NOTICE NAME: Pitchford CSC Appointment

Publication Fee: \$18.54

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Alison Farmwald

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 08/15/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PROPOSED APPOINTMENT OF RACHEL PITCHFORD TO THE POSITION OF CIVIL SERVICE COMMISSIONER THE CITY OF DAVENPORT, IOWA

NOTICE is hereby given that there is pending in the Office of the Mayor, City Hall, Davenport, Iowa, a nomination to appoint Rachel Pitchford to the position of Civil Service Commissioner for the City of Davenport. Comments may be submitted to the Office of the Mayor.

This nomination will come on for approval by the Davenport City Council, City Hall, 226 West 4th Street, Davenport, Iowa on Wednesday, September 25, 2024 commencing at 5:30 p.m. local time, or as soon thereafter as the matter can be considered.

City of Davenport
Mike Matson, Mayor
563-326-7701
COL-IA-200765

City of Davenport

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

Action / Date
9/25/2024

Subject:
Fire Prevention Week | October 6-12, 2024

City of Davenport

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

Action / Date
9/25/2024

Subject:
Good Neighbor Day | September 28, 2024

City of Davenport

Department: Office of the Mayor

Contact Info: Brian Krup | 563-326-6163

Action / Date

9/25/2024

Subject:

Metrocom NAACP Unit #4019 Day | September 28, 2024

City of Davenport

Department: City Council

Contact Info: City Council | 563-888-2066 |

Action / Date

9/25/2024

Subject:

Resolution adopting a Code of Conduct for members of the Davenport City Council and the Mayor. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The City Council of the City of Davenport, Iowa deems it advisable to adopt a Code of Conduct for elected officials. The citizens of Davenport are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence for integrity.

Attachments:

1. Resolution
2. Code of Conduct

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION adopting a Code of Conduct for members of the Davenport City Council and the Mayor.

WHEREAS, the City Council of the City of Davenport, Iowa deems it advisable to adopt a Code of Conduct for elected officials; and

WHEREAS, the citizens of Davenport are entitled to have fair, ethical, and accountable local government, which has earned the public's full confidence for integrity.

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

Section 1. That the Code of Conduct set forth in Exhibit "A" attached hereto and made a part hereof, be in full force and effect immediately upon its adoption and approval, as provided by law.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Exhibit A

Sec. 1. Purpose of Code of Conduct

This Code of Conduct is designed to describe and maintain the manner in which Elected Officials should treat one another, City staff, constituents, and others they come into contact with in representing the City of Davenport. This code of conduct does not supersede or relieve Elected Officials of their responsibilities under the City of Davenport Administrative Policies

Elected Officials shall comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials shall be independent, impartial, and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The City Council hereby adopts this Code of Conduct to establish standards for uniform conduct in order to uphold the integrity of the Office of the Mayor and City Council and to assure taxpayers and citizens of the propriety of Elected Officials' actions.

Sec. 2. Conflicts of Interest Prohibiting Elected Official's Action

To assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions for their own private gain or the gain of persons or organizations with which they are associated personally, which may give the appearance of a conflict of interest. This does not preclude a member acting in their official capacity from serving on a board.

When a conflict of interest, apparent conflict of interest, appearances of conflict of interest, or potential conflict of interest occurs as described in this document or by operation of Iowa law with respect to an elected official on a matter before the City Council, the member is required to recuse himself, or herself, and is prohibited from deliberation, voting, or participating in any way on the matter under consideration. Participation includes, without limitation, a member making known his or her preferences on the matter or discussing the matter with other members or City staff, whether prior to, during or after the meeting where matter comes before the City Council.

In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes of this section "interested" means any direct or indirect financial or personal interest held by a member or member of his/her immediate family in accordance with Iowa Code 68B.2(11). Before any matter is considered by the City Council, a member having an interest shall disclose the existence of a conflict of interest and withdraw from participation on the matter; alternatively, he/she may disclose the facts involved and request a determination by the entire City Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a member from participating in the consideration any matter, when the member has not already recused him/herself, shall be decided by a majority vote, six (6), of the other members of the City Council. A question regarding the existence of a conflict of interest of a member may be placed on the agenda, of either a regular scheduled or special meeting, by any two members of the City Council.

Sec. 3. Gifts

Members shall not take any special advantage of services or opportunities for personal gain that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises

of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised. Members, at all times, shall act in accordance with Iowa Code 68B.22.

Sec. 4. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Davenport, and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Davenport City Council.

Sec. 5. Comply with the Law

Members shall comply with the laws of the nation, the State of Iowa, and the City of Davenport in the performance of their public duties. These laws include, but are not limited to, the United States and Iowa constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances, resolutions, and policies.

Sec. 6. Conduct of Members

The professional and personal conduct of members must be above reproach, and uphold the highest standards of integrity, civility, and decorum, as well as avoid even the appearance of impropriety. Members shall refrain from inappropriate or abusive conduct, harassment, personal charges, or verbal attacks upon the character or motives of other members of City Council, boards and commissions, City employees, or the public. This may include, but is not limited to, racial slurs, derogatory slang terms, discriminatory behavior, or sexual innuendos.

Sec. 7. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council through the City Administrator.

Sec. 8. Conduct of Public Meetings

Members shall endeavor to prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. They shall adhere to any and all rules of decorum and procedure.

Sec. 9. Confidential Information

Members shall respect the confidentiality of information concerning pending legal matters, as well as the property, personnel, or affairs of the City. They shall neither disclose confidential or privileged information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests. Individual Council members are not authorized to waive attorney-client privilege on behalf of the City.

Sec. 10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes. When using these resources, members agree to follow the applicable Administrative Policies governing their usage.

Sec. 11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission, or proceeding of the City.

Sec. 12. Advocacy

Members shall represent the official policies or positions of the Mayor and City Council to the best of their ability when designated as the City's representative for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the City of Davenport, nor will they allow the inference that they do.

Sec. 13. Policy Role of Members

Members shall respect and adhere to the Mayor-Council structure of Davenport city government as outlined by the Code of Iowa, City of Davenport Charter, and City of Davenport Code of Ordinances. In this structure, the City Council determines the policies of the city with the advice, information, and analysis provided by the public, boards and commissions, and City employees. The Council does not take an active role in day-to-day operations or administration of the city.

The City Administrator shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the body by the City Administrator, and all Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

Sec. 14. Independence of City Boards and Commissions

Because of the value of the independent advice of city boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of city boards and commissions proceedings.

Sec. 15. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for City employees, citizens, and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

Sec. 16. Implementation

As an expression of the standards of conduct for members expected by the City, the Davenport Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for all Elected Officials at the beginning of each term. Members, at the beginning of each term, shall sign a statement, which will be maintained on file with the City.

Sec. 17. Council Attendance

Appropriate governance of the city requires all of the Council members to attend all regular meetings and work sessions of the Council in order to fulfill each member's obligation to the residents of the city to fully participate in the process of government. Each member of the Council has an obligation to his or her constituents and other Council members to be informed by attending all meetings and work sessions. If physical presence is not possible, then the Council member shall endeavor to attend meetings electronically as allowed by law. As a courtesy and when time permits, before a scheduled meeting, the Council member shall notify the Mayor, City Administrator, and one member of the Code of Conduct Committee, that he or she will not be or able to attend a particular meeting. Such notice

of absence for health, business, or personal reasons shall be considered an excused absence. An unexcused absence includes not notifying any of those identified previously of an expected absence, and the failure to demonstrate the reasons for an absence. If an excessive number of excused absences occurs, the Council member may be required to provide written documentation corroborating the excused absences (at least greater than the frequency of unexcused absences listed within this section). Unexcused absences by a Council member at four (4) consecutive meetings, or six (6) total meetings in a rolling three-month time period, may result in sanctions pursuant to Section 19 of this code. Further, all members acknowledge that electronic attendance at closed meetings will not be permitted for any reason.

Sec. 18. Council Code of Conduct Committee

Upon the beginning of each Council term, a committee of four current Davenport City Council members shall be selected as the Code of Conduct Committee. Nominations of members shall occur at a work session or Management Update meeting and vote of a simple majority of the entire council, six (6), will be conducted during a regularly scheduled City Council meeting within the first three cycles of a new two-year term.

Sec. 19. Determination of Sanction

Consideration of a violation of this code must be submitted in writing to the Code of Conduct Committee. The Committee may act by proposing a motion to the City Council, or any two members of the Committee may place the item on the agenda for the next Committee of the Whole of the City Council and shall be posted as part of the agenda at least 24 hours before the scheduled meeting as required by law. At the following regular City Council meeting, if the motion finding that a Council member has violated this code is passed by a simple majority vote of the city council, six (6), the Council member may be sanctioned as herein provided. If the motion fails or a motion is passed stating that there has been no violation of this code, then the member shall be deemed not to have been in violation of this code. Upon a finding that a member has violated this code, the City Council may then act at the next Council meeting to sanction the Council member by any of the following actions, which may be cumulative:

- (a) A formal resolution of reprimand which shall identify the improper conduct and express council's disapproval of said conduct.
- (b) A formal resolution of censure, which shall identify the improper conduct and express Council's strong and continuing disapproval of said conduct.
- (c) For conduct that does not comply with Section 17 concerning the member's lack of regular attendance, in addition to any other provision of this code or state statute, Council may compel the attendance of the absent member by written notice to the absent member, delivered by registered or certified mail or by any person authorized to serve process that is not an interested party, and ordering the member's attendance. Any member who, when so notified of such compulsion for his or her attendance, who then fails to attend such meetings for reasons other than illness or absence from the city shall be deemed guilty of misconduct in office unless excused by a majority, six (6), of the City Council.
- (d) For conduct that does not comply with Section 17, and when deemed guilty of misconduct per subsection (c), listed above, the member may have pay withheld equal to the number of meetings deemed unexcused, if so, determined by a majority, six (6), of the City Council.

- (e) For conduct that does not comply with Section 17 concerning member lack of regular attendance, in addition to any other provision of this code or state statute, Council may find that such behavior has been willful or habitual and that the office has been constructively abandoned and may seek recourse under state statutes.
- (f) A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

Sec. 20. Davenport City Enforcement Responsibility and City Attorney Opinions Binding

- (a) The city ethics officers shall be those elected to the Code of Conduct Committee and shall be responsible for education and enforcement of this code, including determination of apparent conflicts of interest, the appearance of conflicts, potential conflicts, and conflicts of interests under this code. To discharge such responsibilities, the Code of Conduct Committee may request advice and opinions from the city attorney.
- (b) Council members may also request an opinion from the city attorney, and/or any other retained counsel of the city, authorized by the Davenport City Council Code of Conduct Committee, on any issue regarding this code. In addition to the City's normal records retention procedures, the Code of Conduct Committee shall also retain copies of all such attorney opinions and to make them available to the City Council upon request.

Elected Official Statement

As a member of the Davenport City Council, and Mayor's Office, I agree to uphold the Code of Conduct for Elected Officials adopted by the City, and to conduct myself using the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions.
- Help create an atmosphere of respect and civility where individual members, City employees and the public are free to express their ideas and work to their full potential.
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others.
- Respect the dignity of all individuals and organizations who come before the City Council.
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.
- Avoid and discourage conduct which is divisive or harmful to the best interests of the City of Davenport.
- Treat all people with dignity and respect.

I affirm that I have read, understand, and will adhere to the Davenport City Council Code of Conduct.

Signature

Date

Witness/Deputy City Clerk

Date

City of Davenport

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

Action / Date
9/25/2024

Subject:

First Consideration: Ordinance for Case ROW24-04 being the request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street between West 7th Street and the mid-block alley. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

The City received a request to vacate an unimproved portion of public right-of-way within a residential block. The existing north-south alley, extending from West 7th Street to the mid-block alley, was dedicated but never constructed by the City. There is a driveway approach along West 7th Street that serves as a parking space for the single-family home at 1214 West 7th Street. The remainder of the right-of-way is grass, which is being maintained by the petitioner.

The applicant owns three properties abutting the subject right-of-way. The purpose of the request is to provide off-street parking, prevent traffic from driving over the lawn, and to minimize nuisance activity. The area petitioned for vacation is approximately 1,500 square feet (10 feet wide by 150 feet in length). If vacated, the land will be conveyed to abutting property owners.

At its September 3, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

The staff report from the September 3, 2024 Plan and Zoning Commission meeting is attached.

Attachments:

1. Ordinance
2. Plan & Zoning Commission Staff Report
3. Application
4. Legal Description
5. Maps
6. Photos of Alley
7. Public Hearing Notice-Committee of the Whole
8. Public Hearing Notice-Plan & Zoning Commission

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW24-04 BEING THE REQUEST OF JACKS HOME IMPROVEMENTS COMPANY TO VACATE THE UNIMPROVED RIGHT-OF-WAY LOCATED WEST OF MARQUETTE STREET BETWEEN WEST 7TH STREET AND THE MID-BLOCK ALLEY.

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:

A public alley that is ten (10') feet wide by approximately one hundred fifty (150') feet long located in Davenport, Scott County Iowa, and described as follows: commencing at the northwest corner of a Lot in Mitchells Third Addition to City of Davenport Iowa that is described in a Real Estate Contract dated May 21, 1986, filed with the Scott County Iowa Recorder on May 27, 1986 at document no # 8703-86 (which Lot is described as "The North 40 feet of the East 118 feet of Lots 5 and Lot 6 in Block 16 of Mitchell's Third Addition to the City of Davenport, Scott County Iowa") and continuing in a southerly direction along a line that is one hundred eighteen (118') feet west of and parallel to Marguette St ., Davenport Iowa a distance of approximately one hundred fifty (150') feet south to a point on the north side of a public street, now known as West 7th St, in Davenport Iowa, which point is adjacent to the southwest corner of a Lot described in a Deed dated November 10, 1987 and filed of record with the Scott County Recorder on December 29, 1987 as document no #24198-97, and thence West a distance of ten (10') feet along the north side of West 7th St, and thence in a northerly direction approximately one hundred fifty (150') feet to a point in the south side of public alley, and thence East a distance of ten (10') feet to the point of beginning.

Section 2. At its September 3, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/3/2024

Subject:

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley, in Case ROW24-04 to the City Council with a recommendation for approval, subject to the following finding:

Finding: The existing public right-of-way is not required for city purposes.

Background:

The City received a request to vacate an unimproved portion of public right-of-way within a residential block. The existing north-south alley, extending from West 7th Street to the mid-block alley, was dedicated but never constructed by the City. There is a driveway approach along West 7th Street that serves as a parking space for the single-family home at 1214 West 7th Street. The remainder of the right-of-way is grass, which is being maintained by the petitioner.

The applicant owns three properties abutting the subject right-of-way. The purpose of the request is to provide off-street parking, prevent traffic from driving over the lawn, and to minimize nuisance activity.

The area petitioned for vacation is approximately 1,500 square feet (10 feet wide by 150 feet in length). If vacated, the land will be conveyed to abutting property owners.

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 properties abutting the subject right-of-way are designated as Residential General in the Davenport +2035 Future Land Use Map. The properties with frontage along Marquette Street

are also within an Urban Corridor Overlay.

1. **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.
2. **Urban Corridor:** Generally established corridors along major streets marked by mixed use development with commercial uses generally clustered at major intersections and/or transit stops. Urban corridors are mostly fully built-out and redevelopment occurs slowly. Commercial uses in UC generally serve adjacent neighborhoods with goods and services. The character and intensity of Urban Corridors can vary due to street and surrounding neighborhood characteristics. Therefore, specific corridor and neighborhood plans, and supporting zoning provisions, should be developed to help guide future development decisions.

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: If vacated, all abutting properties will have frontage along a public street.
2. Solid Waste: The properties at 1214 West 7th Street and 702 Marquette Street currently have trash collected from the alley. Should the right-of-way be vacated, accommodations can be made for properties without direct access to the alley to have trash collected along West 7th Street or Marquette Street.
3. Forestry: The City is in the process of having the large tree located near the midpoint of the right-of-way trimmed.
4. Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Sanitary sewer lines are within the West 7th Street and Marquette Street rights-of-way.
5. Other Utilities: All utility services located in the alley shall be granted a blanket utility and access easement for the maintenance of such utilities as conditioned in this report. Overhead utility poles span the length of the east-west alley in the center of the block.
6. Parks/Open Space: The proposed right-of-way vacation does not impact any parks or open space.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 20, 2024 Plan and Zoning Commission Public Hearing.

Staff have had conversations with the property owner at 1218 West 7th Street, whose land abuts the northwest corner of the subject right-of-way. The owner did not object to the vacation or express interest in acquiring the land. However, there was concern raised about the large tree near the midpoint of the right-of-way. It is unclear whether the tree is within the alley or on private property. The owner inquired about the responsibility for having the tree removed.

Staff will apprise the Commission of any additional correspondence at the meeting.

Attachments:

1. Application
2. Legal Description
3. Maps
4. Photos of Alley
5. Public Notice



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)

APPLICANT INFORMATION	
Applicant Name Company Name keith jacks / Jacks Home Improvement	
Address 702 N Marquette street	
City State Zip Davenport, Iowa 52802	
Phone 323-6111	
Secondary Phone 529-1113	
E-Mail Address keithkjacks@mchsi.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. Keith k Jacks Type Applicant's Name Applicant's Signature 06/24/2024 Date	
DEVELOPMENT TEAM	
Surveyor Address Phone Secondary Phone E-Mail Address	
Attorney/Other Address Phone Secondary Phone E-Mail Address	
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.	

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING	
07/16/2024	07/25/2024	08/20/2024	
PROJECT TITLE Vacate Alley			
GENERAL LOCATION DESCRIPTION Alley North of W 7th St. & West of Marquette St.			
NEIGHBORHOOD MEETING DATE / TIME / LOCATION			
AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	R-4C	R-4C	1,500 SF
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)

Request to vacate the north-south alley located north of West 7th Street and west of Marquette Street. The alley is approximately 10 feet wide by 150 feet in length.

Authorization to Act as Applicant

I/We, Keith k Jacks
[as property owner(s)]

authorize Keith k Jacks
[the above person(s)]

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

for the property located at _____.

Signature(s)*

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

Notarization: _____

Date

State of _____,

County of _____,

Sworn and subscribed before me

this _____ day of _____, _____.

[identification type]

Notary Public

My Commission Expires:

CONVEYANCE PROCEDURE:
CITY COUNCIL POLICY ON SALE OF PUBLIC PROPERTY

P&Z STAFF SHALL HOLD A PUBLIC HEARING AND PREPARE A REPORT BEFORE THE
PLAN AND ZONING COMMISSION REGARDING REQUESTS FOR R.O.W VACATION;
THE COMMISSION SHALL PROVIDE A RECOMMENDATION TO CITY COUNCIL.

SHOULD CITY COUNCIL APPROVE THE R.O.W. VACATION
THE FOLLOWING PROCEDURE WILL COMMENCE FOR THE CONVEYANCE (SALE)
OF LAND TO ADJACENT PROPERTY OWNERS NEAR THE VACATED R.O.W.

APPLICANTS SHALL WORK WITH THE CITY LEGAL DEPARTMENT AT 563.326.7735
TO COMPLETE THE LAND CONVEYANCE OF VACATED R.O.W. PRIOR TO USE OF THE LAND

WHEREAS, THE Davenport City Council wishes to establish an orderly and efficient process for the conveyance and disposal of real property, including lots and abandoned streets and alleys, the following procedures are hereby established to facilitate the sale of real property:

1. The Petitioner files an application for conveyance and pays a one-time, non-refundable \$400.00 filing fee. The application shall include a statement of intended use, a legal description and location of the property, the square feet of the land, plat drawing of the property and must be signed by the Petitioner.
2. If the petition involves public right-of-way, the matter shall be referred to the City Plan and Zoning Commission.
3. Staff shall review the following factors in determining what constitutes fair market value for the property:
 - a. the location, size, shape, grade and zoning of the land;
 - b. the assessed valuation of adjacent or contiguous property;
 - c. recent sales of land in the same area.
4. In the event staff deems it advisable or necessary, the City shall request the Petitioner, at Petitioner's expense, to provide a fair market value appraisal of the property.
5. Staff shall determine a price per square foot based upon the above stated factors. In any event, the minimal fee on any land conveyed shall be \$400.00.
6. Council may approve, by motion, a request from staff to proceed to dispose of parcels of real property either by offer or at auction. If the property is offered and accepted by the purchaser, the price will be as agreed between City and purchaser. In the event the auction process is used, the sale price of these properties shall be determined solely by the auction's bidding procedures. In either case, there shall also be no application fee assessed to the purchaser.

Keith Jacks Petition to have public alley vacated and described as:

A public alley that is ten (10') feet wide by approximately one hundred fifty (150') feet long located in Davenport, Scott County Iowa, and described as follows: commencing at the northwest corner of a Lot in Mitchells Third Addition to City of Davenport Iowa that is described in a Real Estate Contract dated May 21, 1986, filed with the Scott County Iowa Recorder on May 27, 1986 at document no # 8703-86 (which Lot is described as "The North 40 feet of the East 118 feet of Lots 5 and Lot 6 in Block 16 of Mitchell's Third Addition to the City of Davenport, Scott County Iowa") and continuing in a southerly direction along a line that is one hundred eighteen (118') feet west of and parallel to Marguette St., Davenport Iowa a distance of approximately one hundred fifty (150') feet south to a point on the north side of a public street, now known as West 7th St, in Davenport Iowa, which point is adjacent to the southwest corner of a Lot described in a Deed dated November 10, 1987 and filed of record with the Scott County Recorder on December 29, 1987 as document no #24198-97, and thence West a distance of ten (10') feet along the north side of West 7th St, and thence in a northerly direction approximately one hundred fifty (150') feet to a point in the south side of public alley, and thence East a distance of ten (10') feet to the point of beginning.

8.2.2024



Vicinity Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



ROW Vacation

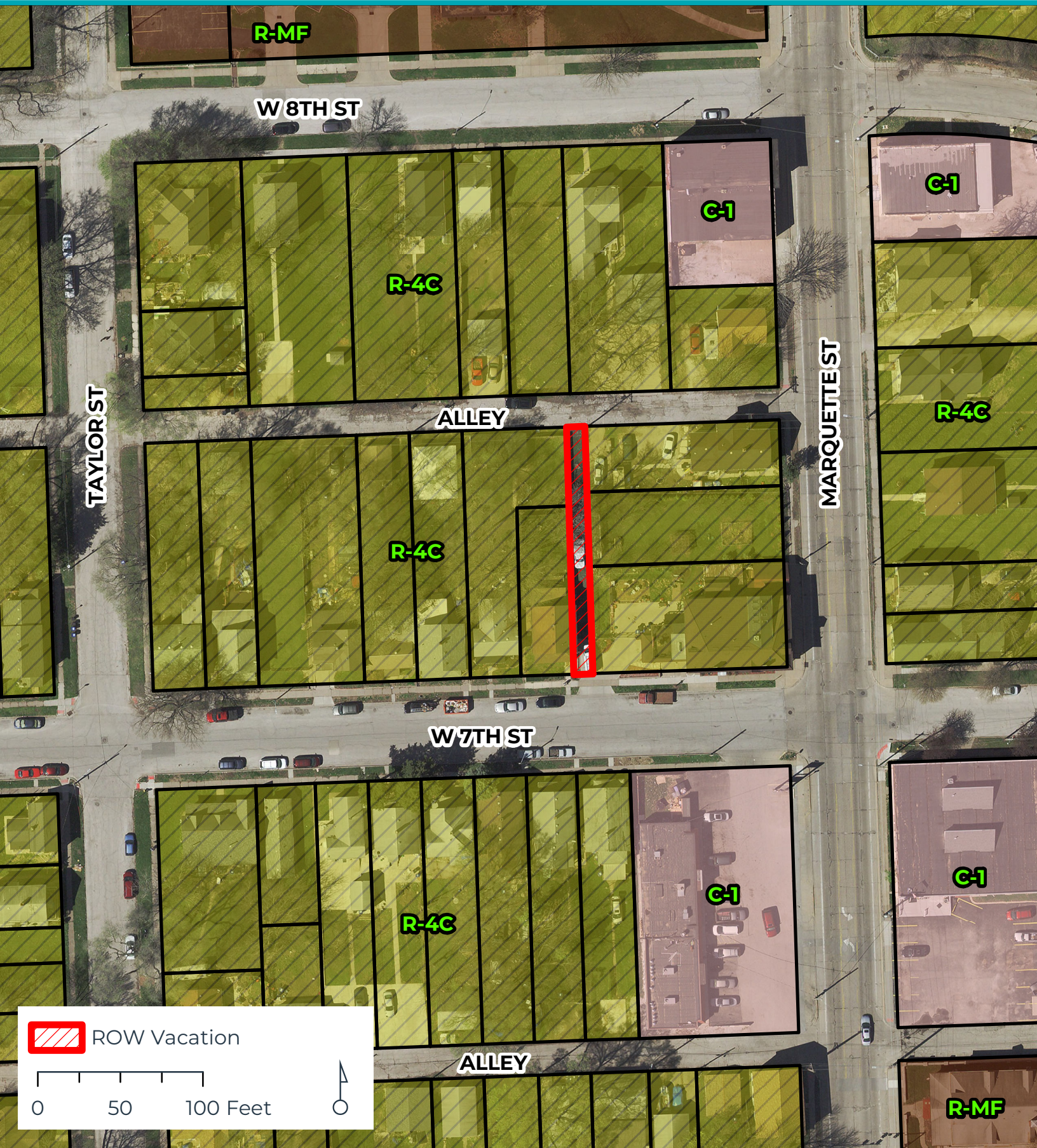
0 50 100 Feet





Zoning Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



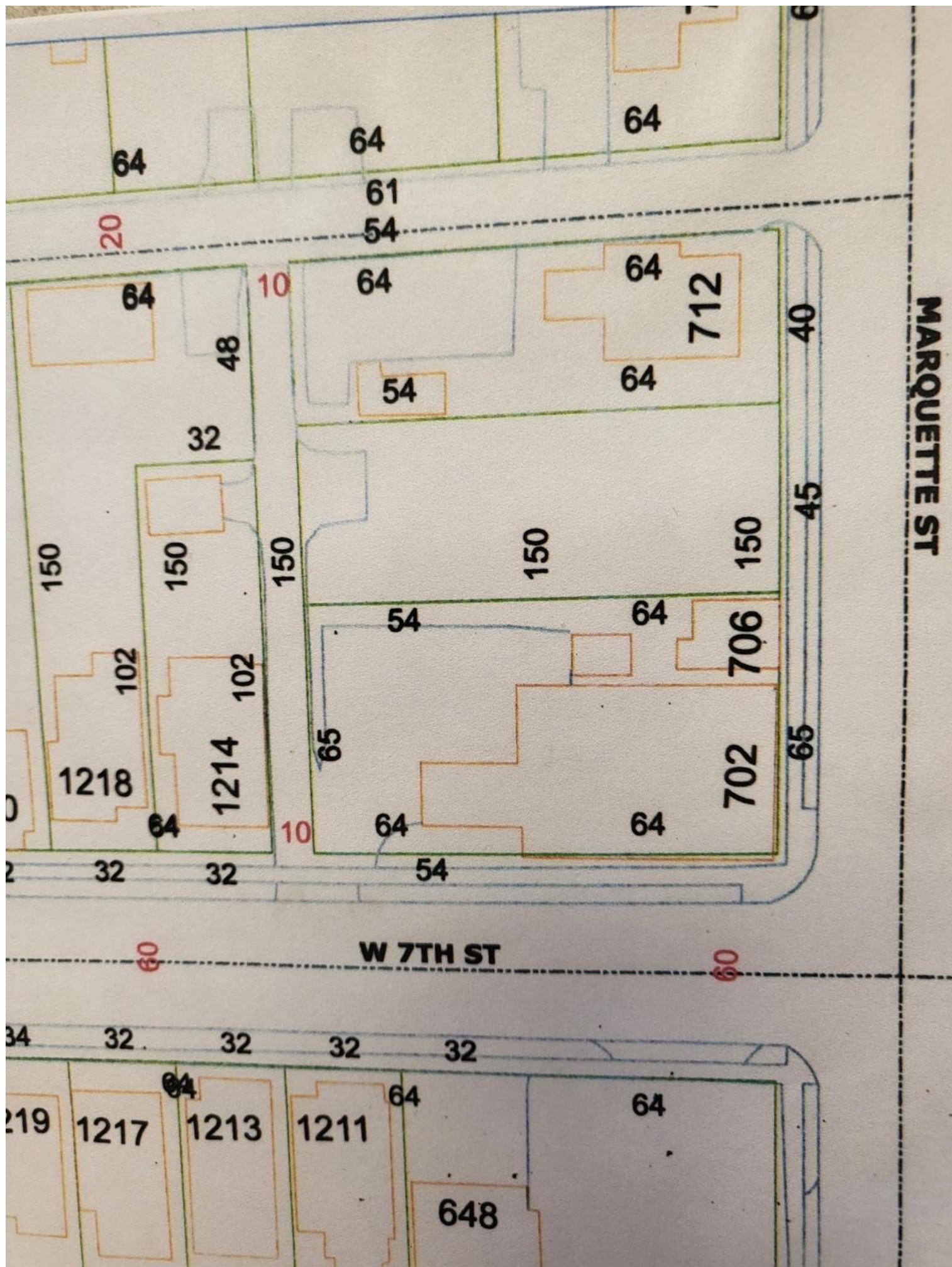


Future Land Use Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



MARQUETTE ST















PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley.

Committee of the Whole Public Hearing Meeting

Date: 9/18/2024

Time: 5:30 PM

Location: Council Chambers | City Hall | 226 West 4th St.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate public right-of-way. The existing north-south alley, extending from West 7th Street to the mid-block alley, is unimproved. If vacated, the land will be conveyed to abutting property owners.

Request/Case Description

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

Plan & Zoning Commission Recommendation

At its September 3, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-04 be forwarded to the City Council with a recommendation for approval subject to the following finding: The existing public right-of-way is not required for city purposes.

What are the Next Steps?

The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, September 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.

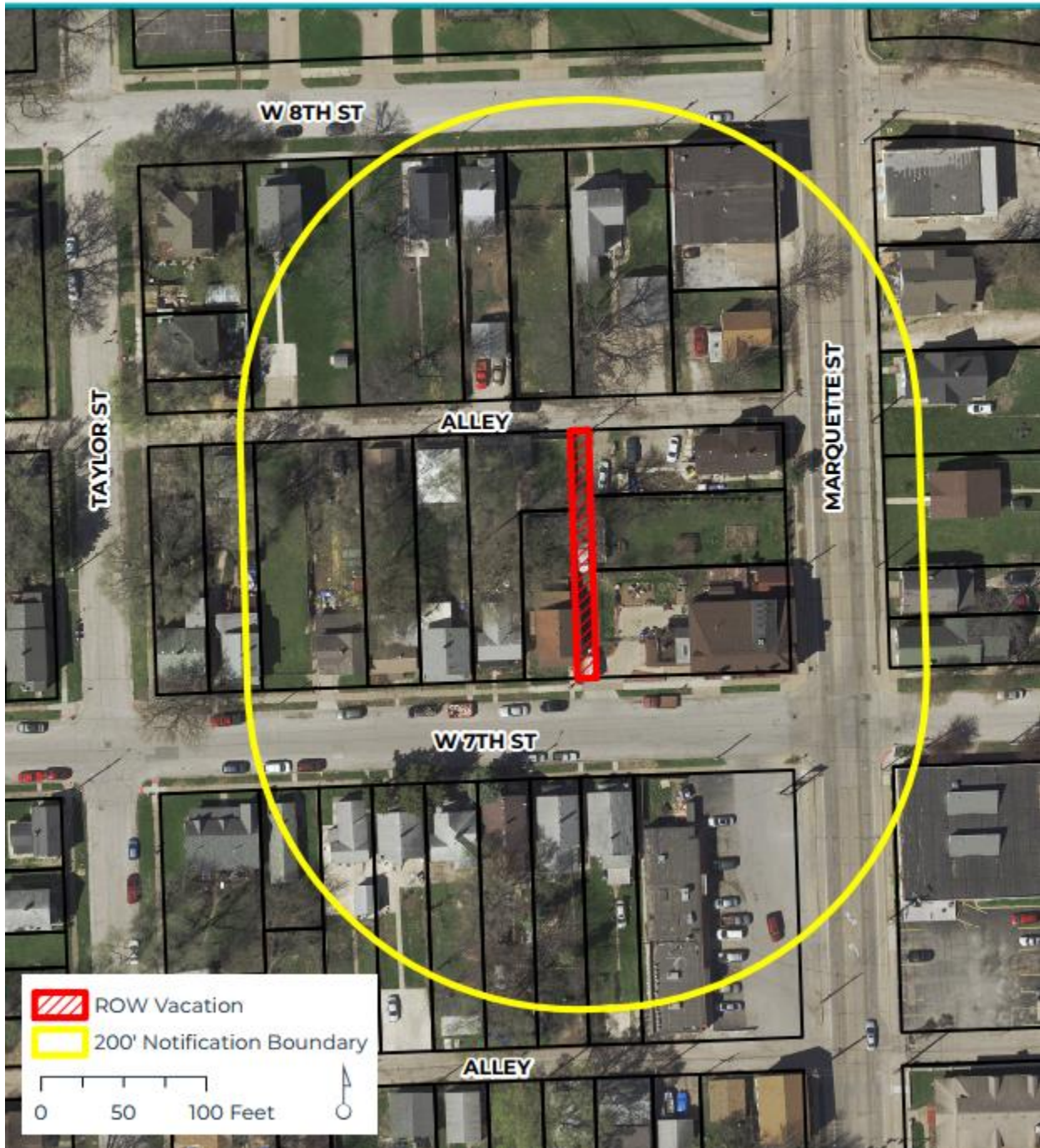
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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



Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley.

Plan & Zoning Commission Public Hearing Meeting

Date: 8/20/2024

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th St.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate public right-of-way. The existing north-south alley, extending from West 7th Street to the mid-block alley, is unimproved. If vacated, the land will be conveyed to abutting property owners.

Request/Case Description

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [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 August 20, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 3, 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?

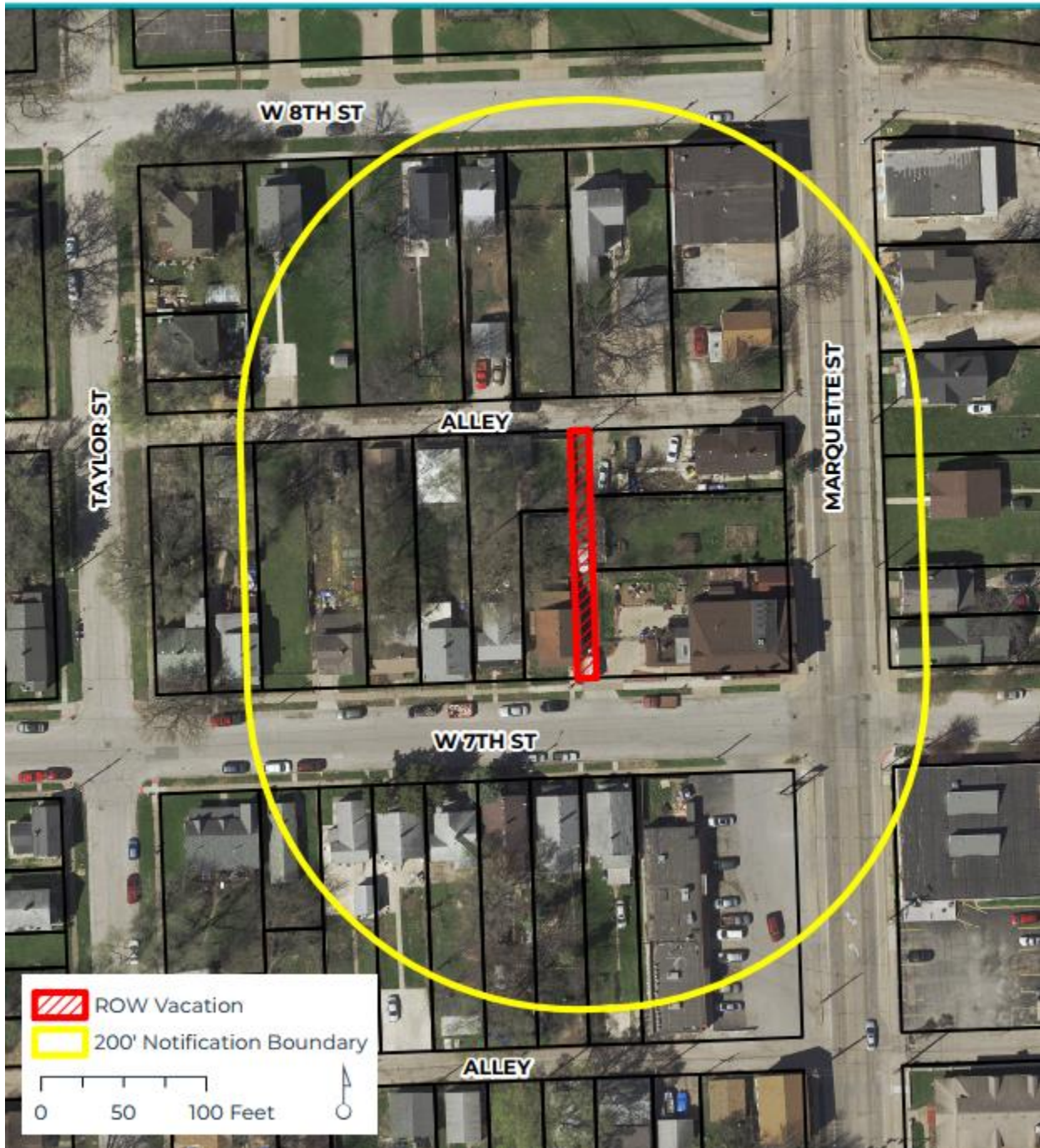
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (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 ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



City of Davenport

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

Action / Date
9/25/2024

Subject:

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

Scott Searle; Yo-Yo Man Neighborhood Block Party; 519 West 16th Street; 11:00 a.m. - 6:00 p.m. Sunday, September 29, 2024; **Closure:** West 16th Street from Gaines Street to Scott Street. [Ward 4]

Davenport Community Schools; North High School Homecoming Parade; Thursday, October 3, 2024 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]

St. Paul the Apostle; Trunk or Treat; 1007 East Rusholme Street; 3:30 p.m. - 8:00 p.m. Friday, October 25, 2024; **Closure:** East Rusholme Street from Arlington Avenue to Carey Avenue. [Ward 5]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 26, 2024; **Closures:** (beginning at 6:00 a.m.) East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street; Mound Street from the alley to East 12th Street until 12:30 p.m.; (beginning at 8:30 a.m.) Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 27, 2024; **Closures:** East 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street; 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; (beginning at 2:00 p.m.) Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:

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

West High School Homecoming Parade | The special events application was being handled by an individual who is on maternity leave and did not get everything submitted before leaving. These are all very short closures and are opened as soon as the final float has cleared. Attached you will find the flier that was distributed to the properties along the parade route early the week of September 9.

Attachments:

1. Resolution
2. Yo-Yo Man Block Party Closure Map
3. Yo-Yo Man Block Party Street Closure Petition
4. North Homecoming Parade Flyer to Residents
5. St. Paul the Apostle Trunk or Treat Closure Map
6. Zombie Run Map
7. Zombie Run Neighbor Notification
8. Halloween Parade Map

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.

*Scott Searle; Yo-Yo Man Neighborhood Block Party; 519 West 16th Street; 11:00 a.m. - 6:00 p.m. Sunday, September 29, 2024; **Closure:** West 16th Street from Gaines Street to Scott Street. [Ward 4]*

*Davenport Community Schools; North High School Homecoming Parade; Thursday, October 3, 2024 5:30 p.m. - 7:00 p.m.; **Closures (Police controlled):** Northbound Division Street from Wood Intermediate (5701 North Division Street) to Northwest Boulevard; Northwest Boulevard from Division Street to West 56th Street; West 56th Street to Oakbrook Road; Oakbrook Road to West 57th Street; West 57th Street to Marquette Street; Marquette Street to West 60th Street; West 60th Street to Myrtle Street; Myrtle Street to West 59th Street; West 59th Street to Vine Street; Vine Street to West 58th Street; West 58th Street to Gaines Street; Gaines Street to the finish at North High School (626 West 53rd Street). [Wards 7 & 8]*

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*City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 27, 2024; **Closures:** East 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street; 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; (beginning at 2:00 p.m.) Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed dates and times 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 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



Neighbor Block Party Agreement



Event Details:

- Date: September 29, 2024
- Time: 11 AM - 6 PM
- Location: 519 West 16th St. Davenport, Iowa 52803

We, the undersigned neighbors, agree to the following terms for the Neighbor Block Party hosted by Scott Searle of Yo-Yo Man Painting:

1. Street Closure:

- We understand that a portion of Close street at Gaines and Scott St. will be temporarily closed during the event.
- This closure is necessary to ensure the safety of our children and allow them to ride bikes, scooters, and play freely.
- We commit to cooperating with the street closure and adhering to any traffic redirection.

2. Event Activities:

- We look forward to participating in the festivities, including the bounce house and delicious food provided by Scott.
- We will contribute by bringing a dish or dessert to share with our neighbors.

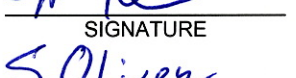
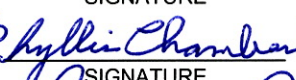
3. Clean-Up:

- We agree to help keep the area clean during and after the event.
- Trash bins will be provided, and we will dispose of our waste responsibly.

4. Emergency Contact:

- In case of any emergencies during the block party, we will follow safety protocols and assist each other as needed.

By signing below, we acknowledge our commitment to making this Neighbor Block Party a memorable and enjoyable experience for everyone in our community.

Willie Cooper		515 W 16th
NAME	SIGNATURE	ADDRESS
Arshel Oliver		511 W 16th
NAME	SIGNATURE	ADDRESS
S Oliver		511 W 16th
NAME	SIGNATURE	ADDRESS
Phyllis Chamberlin		514 16th
NAME	SIGNATURE	ADDRESS
Brittnee Deacon		521 W 16th St
NAME	SIGNATURE	ADDRESS
LINDA GREENMAN		527 W 16th
NAME	SIGNATURE	ADDRESS
Jessica Barnhart		530 W 16th
NAME	SIGNATURE	ADDRESS
Chayenne Tyler		527 W 16th
NAME	SIGNATURE	ADDRESS

Neighbor Block Party Agreement



Event Details:

- Date: September 29, 2024
- Time: 11 AM - 6 PM
- Location: 519 West 16th St. Davenport, Iowa 52803

We, the undersigned neighbors, agree to the following terms for the Neighbor Block Party hosted by Scott Searle of Yo-Yo Man Painting:

1. Street Closure:

- We understand that a portion of Close street at Gaines and Scott St. will be temporarily closed during the event.
- This closure is necessary to ensure the safety of our children and allow them to ride bikes, scooters, and play freely.
- We commit to cooperating with the street closure and adhering to any traffic redirection.

2. Event Activities:

- We look forward to participating in the festivities, including the bounce house and delicious food provided by Scott.
- We will contribute by bringing a dish or dessert to share with our neighbors.

3. Clean-Up:

- We agree to help keep the area clean during and after the event.
- Trash bins will be provided, and we will dispose of our waste responsibly.

4. Emergency Contact:

- In case of any emergencies during the block party, we will follow safety protocols and assist each other as needed.

By signing below, we acknowledge our commitment to making this Neighbor Block Party a memorable and enjoyable experience for everyone in our community.

Fred / Teresa Holcombe Verbal OK 508 W 16th

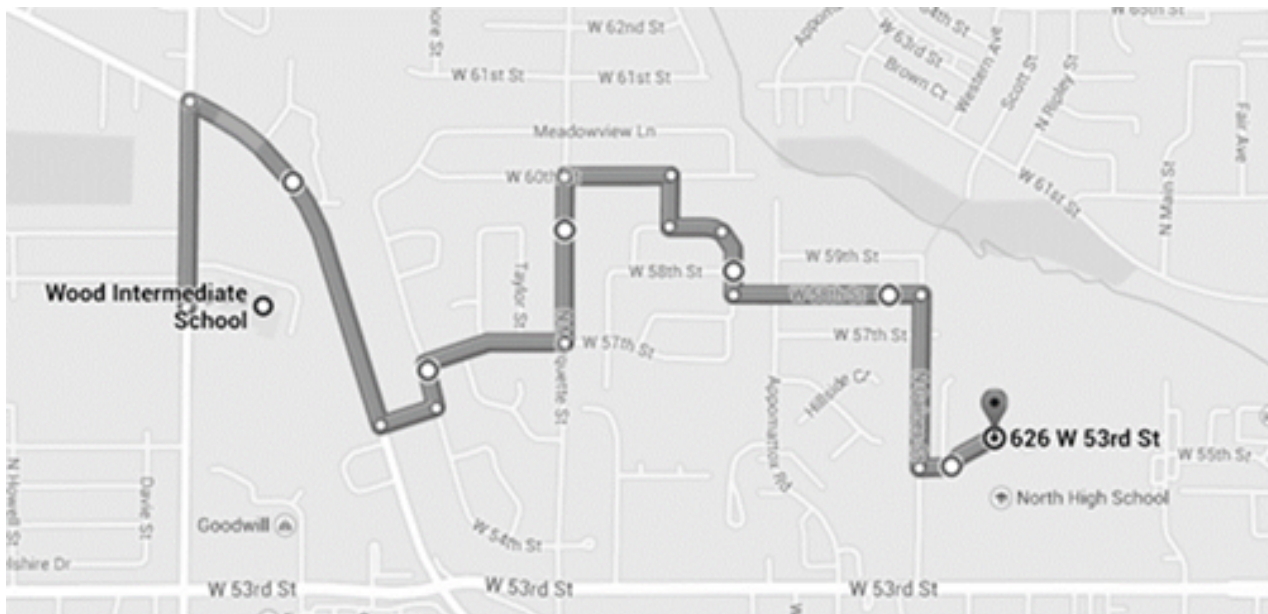
David H. Darg		536 W 16th
NAME	SIGNATURE	ADDRESS
11	11	536 1/2 W 16th
NAME	SIGNATURE	ADDRESS
Never Home		540 W 16th NA 9/11
NAME	SIGNATURE	ADDRESS
Never Home		406 WA 9/11
NAME	SIGNATURE	ADDRESS
Bob Matthys		614 W. 16th St
NAME	SIGNATURE	ADDRESS
Toby Offs		619 W 16th St
NAME	SIGNATURE	ADDRESS
N/A	N/A	609 W 16th Secured Door
NAME	SIGNATURE	ADDRESS
Andres Hernandez		520 W 16th
NAME	SIGNATURE	ADDRESS

! NOTICE !

2024 North HOMECOMING PARADE

The North Homecoming parade will be crossing past your house with our band playing.

See route below



When: Thursday, Oct 3, 2024

Time: 5:30-6:30pm

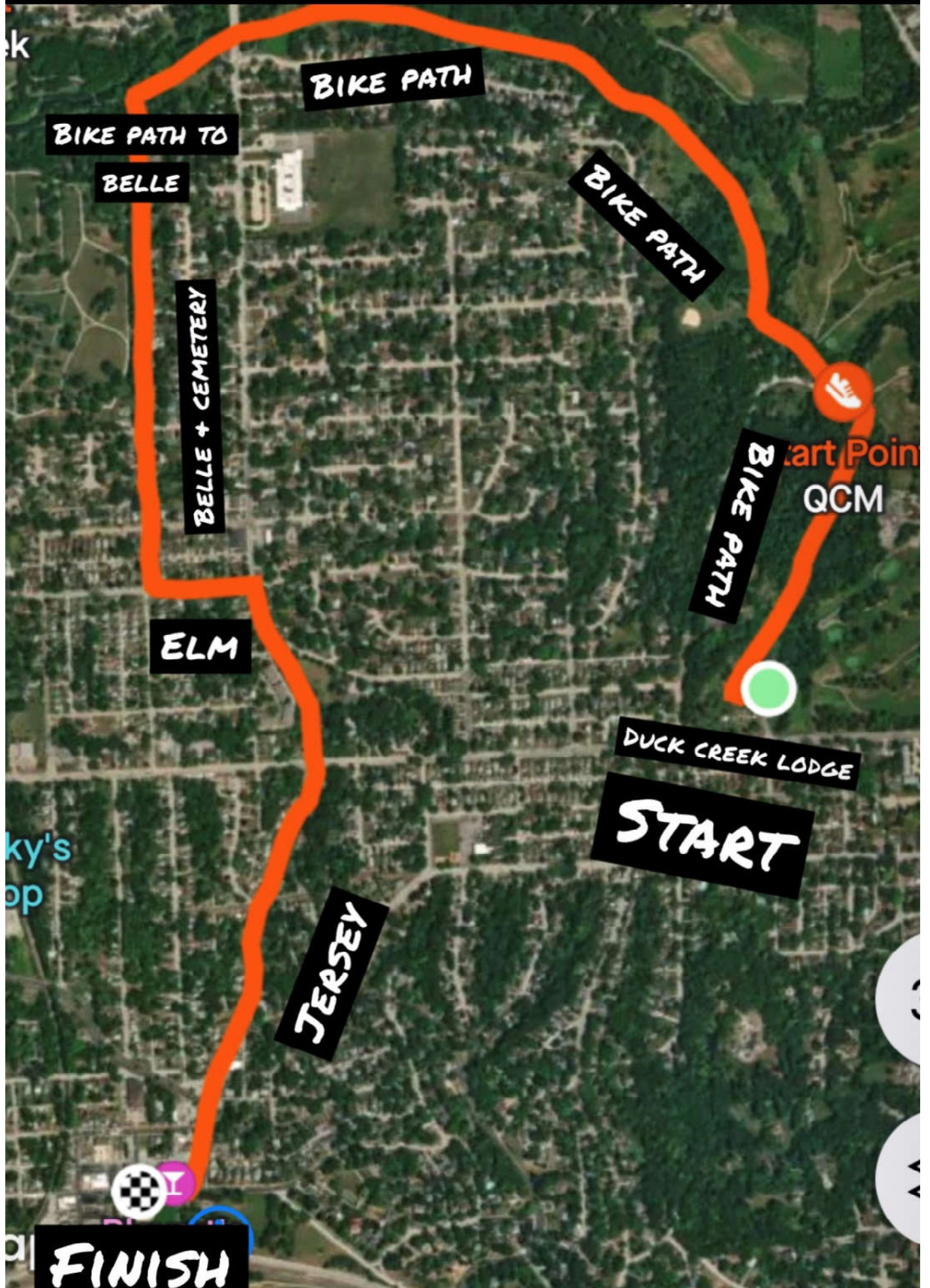
To submit an objection to this temporary closure, please contact
Brian Krup, Deputy City Clerk
Brian.Krup@davenportiowa.com

!NOTICE!

St. Paul the Apostle Back to School Block Party



— Closure





THE VILLAGE ZOMBIE RUN

On Saturday, October 26th a Halloween Themed 5K called The Village Zombie Run will be running by your house from the approximate time of 10-10:45am.

This is a family-friendly, community-centric event ending in the Village of East Davenport. Part of the proceeds will support the 3D Breast Cancer Screening Fund by Trinity Health Foundation.

We would love your help to bring some spooky fanfare to the runners that morning. Any Halloween decor on your house or simply being outside cheering the runners on would be greatly appreciated. FYI: Volunteers will be present at each intersection to get people in and out when it is safe to do so.

For any questions please email the Race Director: Brian Doerrfeld @ bdoerrfeld@yahoo.com.

Estimated Timing: 10/26 • 10-10:45am

Written objections to this temporary closure can be submitted to Brian Krup, Deputy City Clerk, at Brian.Krup@davenportiowa.com.





October 27th, 2024 at 2:00p.m.



City of Davenport

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

Action / Date
9/25/2024

Subject:

Resolution accepting work completed under the Veterans Memorial Park Phase II | Overlook Package 5 - Landscaping project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$334,504, CIP #68016. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project consisted of landscape-related improvements to Veterans Memorial Park | Phase II. Construction activities as part of this initiative included project stonework, flatwork, planting, and seeding.

This project was a combined effort by City of Davenport Public Works and Davenport Parks and Recreation. City of Davenport provided construction inspections for the project per City of Davenport permit requirements.

Work has been satisfactorily completed by Hawkeye Paving Corporation of Davenport, Iowa. The final cost for the project was \$334,504.

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 Veterans Memorial Park Phase II | Overlook Package 5 – Landscaping project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$334,504, CIP #68016.

WHEREAS, the City entered into a contract with Hawkeye Paving Corporation of Davenport, Iowa for the Veterans Memorial Park Phase II | Overlook Package 5 – Landscaping project; and

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

WHEREAS, the final cost of the project was \$334,504.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Veterans Memorial Park Phase II | Overlook Package 5 – Landscaping project by Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$334,504 is hereby accepted.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/25/2024

Subject:

Resolution awarding a contract for the Main Library Renovation | Phase II project to Swanson Construction Co of Bettendorf, Iowa in the amount of \$271,125, CIP #23063. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on August 19, 2024, and sent to contractors. On September 9, 2024, the Purchasing Division opened and read four (4) responsive and responsible bids. Swanson Construction Co of Bettendorf, Iowa was the lowest responsive and responsible bidder and is recommended for award.

The overall project consists of several improvements to various dedicated functions of the Library. Interior improvements include adding partition walls to create a dedicated Maker Space area along with similar separation and reconfiguration of the Special Collections area to provide environments suitable to those functions. Exterior improvements include more prominent signage along Main Street as well as the reconfiguration of the ADA ramp servicing the building, placing the ramp at the main entrance rather than accessing the ramp near 4th Street.

This project is funded through CIP #23063 | Main Library Renovations Phase 2.

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 Main Library Renovation | Phase II project to Swanson Construction Co of Bettendorf, Iowa in the amount of \$271,125, CIP #23063.

WHEREAS, the City needs to contract for the Main Library Renovation | Phase II project; and

WHEREAS, Swanson Construction Co 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 Main Library Renovation | Phase II project is hereby awarded to Swanson Construction Co of Bettendorf, Iowa in the amount of \$271,125.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: 2024 Renovations to Main Library

BID NUMBER: 25-11

OPENING DATE: September 9, 2024

FUNDING: CIP 23063 | Main Library Renovations Phase 2

RECOMMENDATION: Award the contract to Swanson Construction Co. of Bettendorf, Iowa in the amount of \$271,125.

<u>VENDOR NAME</u>	<u>PRICE</u>
Swanson Construction Co. of Bettendorf, IA	\$271,125
Tricon General Construction of Dubuque, IA	\$290,000
Bill Bruce Builders Inc of Eldridge, IA	\$315,000
Estes Construction of Davenport, IA	\$349,000

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Interim Finance Director

Date

City of Davenport

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

Action / Date
9/25/2024

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018. [Ward 5]

Recommendation:

Adopt the Resolution

Background:

The existing traffic signal at the intersection of Harrison Street and 15th Street is in poor shape and needs replacing. This project will include removal of the existing traffic signal equipment and installation of a new traffic signal.

There is an alternate bid item to remove the existing traffic signal equipment at the intersection of Harrison Street and 16th Street. One of the existing traffic signal poles was blown down by wind over two years ago and the traffic signal has been inoperable since the damage occurred. Traffic Engineering reviewed the traffic and pedestrian counts and consulted with the Iowa DOT to confirm that a traffic signal is not warranted at this location.

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 Harrison Street and 15th Street Traffic Signal Replacement project, CIP #38018.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Harrison Street and 15th Street Traffic Signal Replacement project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Harrison Street and 15th Street Traffic Signal Replacement project.

Passed and approved this 25th day of September, 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
9/25/2024

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project, CIP #69014. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project will upgrade the HVAC System at the Adler Theatre. The proposed upgrades include, but are not limited to, the removal and replacement of the existing pneumatic and electric controls and the air-cooled, roof-mounted condensing units. Work also includes the installation of a new air-cooled chiller with modifications to the existing platform and new chilled water system, pumps, chilled water coils, piping, insulation, and controls.

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 Adler Theatre HVAC Upgrades project, CIP #69014.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Adler Theatre HVAC Upgrades project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Adler Theatre HVAC Upgrades project.

Passed and approved this 25th day of September, 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
9/25/2024

Subject:

Resolution approving the specifications, form of contract, and estimate of cost for the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057. [All Wards]

Recommendation:

Adopt the Resolution

Background:

Design of the sewer repairs and program management will be completed by the Sewers Division with quality assurance inspections being completed by Department of Engineering and Capital Projects staff.

This project is being bid as an Indefinite Quantity, Indefinite Delivery Task Order Contract. The lowest bidder(s) will be offered annual contract(s) with the City with an option for a one-year contract extension, subject to approved funding. Work will be assigned to the successful bidders on a rotating basis. No work will begin prior to July 1 of the fiscal year for which funding has been allocated.

Funds for the first year of the FY 2025-2026 Contract Sewer Repair Program are budgeted in CIP #30064 and #33057 at \$1,550,000.

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 specifications, form of contract, and estimate of cost for the FY 2025-2026 Contract Sewer Repair Program, CIP #30064 and #33057.

WHEREAS, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the FY 2025-2026 Contract Sewer Repair Program; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said specifications, form of contract, and estimate of cost are hereby approved as the specifications, form of contract, and estimate of cost for the FY 2025-2026 Contract Sewer Repair Program.

Passed and approved this 25th day of September, 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
9/25/2024

Subject:

Resolution awarding a professional services agreement for engineering services for the design of the Water Pollution Control Plant Digester Improvements project to Stanley Consultants, Inc of Muscatine, Iowa in an amount not to exceed \$1,506,000, CIP #39017. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

A Request for Qualifications (RFQ) for these services was issued on June 10, 2024, and sent to consultants. On July 9, 2024, the Purchasing Division opened and announced five (5) submissions. A selection committee evaluated the submissions on the following criteria set forth in the RFQ:

- Key Personnel Qualifications | 30%
- Firm experience with similar projects | 30%
- Ability to meet time schedule and project budget requirements | 20%
- Present and Project workloads | 10%
- Consistent Communication | 10%

The four highest evaluated firms were invited to interview. Following the interview process, the selection committee deemed Stanley Consultants, Inc of Muscatine, Iowa the most qualified firm to provide the City with design services for this project.

The project generally consists of replacement digester covers, mixing systems, addition of hot water boiler and heat exchangers, high strength waste receiving facilities and feed system, renovated and repurposed gravity thickener for high strength waste storage, and various other modifications including building modifications to update spaces to current National Fire Protection Association (NFPA) requirements.

This project is funded through CIP #39017 | Digester Cleaning & Repair Program.

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 professional services agreement for engineering services for the design of the Water Pollution Control Plant Digester Improvements project to Stanley Consultants, Inc of Muscatine, Iowa in an amount not to exceed \$1,506,000, CIP #39017.

WHEREAS, the City needs to contract for engineering services for the design of the Water Pollution Control Plant Digester Improvements project; and

WHEREAS, Stanley Consultants, Inc of Muscatine, Iowa was deemed to be the most qualified firm to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a professional services agreement for engineering services for the design of the Water Pollution Control Plant Digester Improvements project is hereby awarded to Stanley Consultants, Inc of Muscatine, Iowa in an amount not to exceed \$1,506,000.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
RFQ TABULATION

DESCRIPTION: Professional Services for Design of the WPCP Digester Improvements project

BID NUMBER: 24-115

OPENING DATE: July 7, 2024

FUNDING: CIP 39017 | Digester Cleaning & Repair Program

RECOMMENDATION: Award the contract to Stanley Consultants, Inc. of Muscatine, Iowa.

<u>VENDOR NAME</u>	<u>LOCATION</u>
Stanley Consultants, Inc.	Muscatine, IA
HDR Inc.	Omaha, NE
HR Green, Inc.	Cedar Rapids, IA
McClure Engineering Company	Coralville, IA
Fehr Graham	Cedar Rapids, IA

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Interim City Finance Director

Date

City of Davenport

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

Action / Date
9/25/2024

Subject:

Resolution authorizing submission of grant applications to the Iowa Department of Transportation's FY 2026 Iowa Clean Air Attainment Program and State Transit Assistance Special Projects Program for financial assistance to conduct a transit planning study of Scott County. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This grant would serve to source funding to conduct a transit planning study of Scott County by the City of Davenport. The last transit study was conducted in 2016 and was focused solely on Davenport. Since that time, the City of Davenport has experienced significant growth along with the neighboring communities of Bettendorf, LeClaire, and Eldridge. This transit study would focus on each community, both individually and collectively, to evaluate options for improved efficiency, service area needs, and interconnectedness for customers. The goal of this study is to improve the current public transportation network to create a more effective, accessible, and seamless system while reducing traffic congestion and improving air quality across the region.

The Iowa Clean Air Attainment Program (ICAAP) is a competitive grant program used to award federal funds to projects with the potential to reduce transportation related congestion and air pollution. The ICAAP grant has an 80/20 funding formula with 20% local match. With a \$200,000 grant, the local match would be \$50,000. The local match burden of each community would be based on population levels using 2020 census data. Funding percentages and amounts would be as follows:

- Davenport - 67% / \$33,388
- Bettendorf - 26% / \$12,853
- Eldridge - 4% / \$2,211
- LeClaire - 3% / \$1,548

The Iowa DOT State Transit Assistance Special Projects grant submission would be submitted concurrently to the Iowa Department of Transportation's Special Transit Assistance (STA) Program as a backup funding option. The funding available under the STA program is limited to \$185,000, which would require additional locally matched funds of approximately \$65,000. This grant would only be accepted in the event of an ICAAP grant denial. Just like the ICAAP grant, the local match funding formula would be based on population levels using 2020 census data. Funding percentages and amounts would be as follows:

- Davenport - 67% / \$43,405
- Bettendorf - 26% / \$16,710
- Eldridge - 4% / \$2,873

- LeClaire - 3% / \$2,012

Attachments:

1. Resolution
2. ICAAP Narrative - Draft

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION authorizing submission of grant applications to the Iowa Department of Transportation's FY 2026 Iowa Clean Air Attainment Program and State Transit Assistance Special Projects Program for financial assistance to conduct a transit planning study of Scott County.

WHEREAS, the City of Davenport (the "City") is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, for FY 2026 the City is requesting financial assistance to complete a transit planning study of Scott County; and

WHEREAS, the local match committed for the FY 2026 Iowa Clean Air Attainment Program (ICAAP) is \$50,000 shared among Davenport, Bettendorf, Eldridge, and LeClaire based on population from the 2020 Census, with a grant request of \$200,000; and

WHEREAS, the local match committed for the State Transit Assistance Special Projects Program is \$65,000 shared among Davenport, Bettendorf, Eldridge, and LeClaire based on population from the 2020 Census, with a grant request of \$185,000, and will only be accepted in the event of an ICAAP grant denial.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that staff is hereby authorized to submit grant applications to the Iowa Department of Transportation's FY 2026 Iowa Clean Air Attainment Program and State Transit Assistance Special Projects Program for financial assistance to conduct a transit planning study of Scott County.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



Scott County Municipal Area Passenger Transportation Study ICAAP Grant Application Narrative – FY 2026

The Iowa side of the Quad Cities, Iowa/Illinois has experienced significant growth since 2016 in every major municipality. Davenport and Eldridge now border each other and residential development is bringing more desired connectivity between Bettendorf and LeClaire. Many large employers, both industrial and commercial, have moved from locations in the down or mid-towns of Davenport and Bettendorf to the outer fringe of the metropolitan planning area and are not well served by existing public transportation service. There are many smaller retail and commercial employers in all the municipalities that are having trouble getting employees to and from work due to these development shifts to new location. Additionally, the location of medical providers, especially outpatient providers like those who provide physical therapy, have moved away from locations currently well-served by public transit. This results in many employees and patients that may have utilized transit previously having to shift to taking Single Occupancy Vehicles (SOVs) and to take regular, repeated, and fixed trips to and from work to these new employment centers and medical providers.

The Cities of Davenport, Bettendorf, LeClaire, and Eldridge recognize the new demand from these land use decisions, and employees and employers' desire to consistently and reliably get to and from work, as well as patients to get to and from treatment. The Cities also recognize that the public transportation route systems in the Iowa Quad Cities are not currently suited to these changed land use patterns. Therefore, the four cities are jointly submitting an application to secure funds to conduct a comprehensive route study to determine what the best layout for transit would be in the Iowa Quad Cities, without confining each city to its own boundaries. Instead, the goal will be to look at commuter patterns in the area holistically, including interconnectivity with the Illinois Quad Cities and determine where and how to expand service to ensure that employees can get to work and employers can reliably retain employees, to ensure that patients can get to and from medical appointments, and that public transportation can remove SOVs from the road and by extension reduce pollutants in the air.

By enhancing and expanding public transportation, the Iowa Cities hope to improve air quality by reducing the number of SOVs on the road. This will have a positive impact not only on-air quality but on traffic congestion as well. As a significant number of trips of the trips eliminated would be to locations that have peak traffic demands, such as the start or end of a shift, the amount of time idling waiting to pull in or out or find a parking spot should decrease.

The Cities hope that once the service recommendations have been implemented the metro area should start to see decreases in the number of Single Occupancy Trips by 90,000 annually. Combined annual trips for Bettendorf Transit and CitiBus in the Iowa Quad Cities is 849,572 compared to 2018 at 707,573. This will result in fewer emissions from automobiles not driven and cleaner air for the Quad City Metro Area.

Timeline

Upon receiving notification of a successful application, Davenport, as the Lead Public Agency (LPA), would put together a Scope of Work (SOW), Disadvantaged Business Enterprise (DBE) Goal, if applicable, and Independent Cost Estimate (ICE). This is expected to take a week.

As this project is expected to cost close to or greater than \$250,000 then a selection committee would be formed representing all public agencies on the application and submit that to the Administering Bureau (AB). Once the AB has given its approval Davenport would draft a Request for Proposals (RFP) and submit that to the AB with the DBE goal and ICE. The AB and Civil Rights Bureau will review the submitted material and work with the LPA to resolve any deficiencies. This is expected to take approximately 45 days.

Upon receiving approval to release the RFP, Davenport will have the RFP open for 30 days, will advertise the RFP in industry and local media and notify vendors who have performed this type of work in the area in the past. This will take one month.

After 30 days the RFP will be closed and the selection committee will rank the bids separately and then meet to discuss them. Then the selection committee will schedule interviews with the top candidates. After conducting the interviews Davenport will request approval from the AB to begin negotiations with the highest ranked firm and upon receiving approval will do so. After coming to an agreement with the highest ranked consultant Davenport will prepare a draft contract and submit it to the AB. Once Davenport has received approval from the AB and all other agencies that must approve the contract, Davenport will execute the contract. This is expected to take 2 months.

At this point, the winning vendor will start their extensive data collection efforts. This will include interviews with local elected officials, city staff, current riders, through surveys and public meetings, local employers, and other stakeholders. They will also collect data on passenger activity, travel time, on-time performance. This data will serve as the foundation for a market assessment and service evaluation reports that will be used to develop service allocation policies and network recommendations for the metro areas. The data collection step will take approximately 3-4 months.

Then the vendor will begin reviewing the data, the service area, and city staff to make determinations about what would be service allocations would be desirable. They will also develop a plan to assist the cities in implementing the recommendations in a reasonable timetable. This will take approximately 8-9 months.

Finally, the vendor will present their findings to the various cities and their staffs. This will conclude the work done by the vendor. This will take approximately 1 month.

At this point, the cities will begin to implement the specific recommendations of the plan. This will depend on certain variables such as providing enough public notice of the changes as well as ensuring that all collective bargaining agreements, local, state, and federal laws are followed as well. This will take anywhere from 1-4 months.

The whole process will take approximately a year and a half from the time that we are notified of a successful application.

City of Davenport

Department: Human Resources
Contact Info: Alison Fleming | 563-326-7750

Action / Date
9/25/2024

Subject:

Resolution appointing Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator and approving a related employment agreement. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

In February 2024, an RFP was released for an executive search firm for both the City Administrator and Corporation Counsel recruitments. In March 2024, the Purchasing Division received eight (8) proposals. The proposals were evaluated based on the firms' experience, qualifications, and expertise, business process, pricing, references, and the quality and thoroughness of proposals. In April 2024, the City Council formally approved a contract with Colin Baenziger & Associates to conduct both recruitments.

The recruiting firm conducted inquiries with elected officials and the special committee to build the ideal candidate profile for the City Administrator recruitment and developed the related recruitment brochure. The recruiter also conducted a compensation analysis that was shared with the City Council. In mid-June, the City Council approved procedures, qualifications, criteria, and budget for the City Administrator recruitment process. The position was posted in early July by the recruiting firm.

All applicants applied directly to the recruiting firm, and the initial applicant review was conducted by the same. In late August, the special committee reviewed applicants as presented by the recruiting firm and determined the 5 finalists to be interviewed. Multi-panel interviews were conducted on September 9 and 10, 2024 and included elected officials, community stakeholders, union leadership, and staff.

Following the interviews, the special committee provided a list of the three candidates considered by the committee to be the best qualified for the position of City Administrator. Chapter 2.30 of the Davenport Municipal Code provides that the Mayor shall appoint the City Administrator from said list of three candidates subject to confirmation by a two-thirds vote of the entire membership of the City Council. The Mayor has appointed Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator to perform the functions and duties specified in the Municipal Code of Davenport, Iowa, and to perform other duties and functions of the City Administrator and as head of the Administration Department, subject to Council confirmation as outlined above.

Attachments:

1. Resolution
2. CA Employment Agreement

Resolution No. _____

Resolution offered by the City Council of the City of Davenport, Iowa.

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

RESOLUTION appointing Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator and approving a related employment agreement.

WHEREAS, a national search was conducted, after which the special committee submitted to the Mayor a list of the three candidates considered by the committee to be the best qualified for the position of City Administrator; and

WHEREAS, Chapter 2.30 of the Municipal Code of Davenport, Iowa provides that the Mayor shall appoint the City Administrator from said list of three candidates subject to confirmation by a two-thirds vote of the entire membership of the City Council; and

WHEREAS, the Mayor has appointed Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator to perform the functions and duties specified in the Municipal Code of Davenport, Iowa, and to perform other duties and functions of the City Administrator and as head of the Administration Department; and

WHEREAS, the City Council wishes to confirm Mr. Douglas K. Maxeiner as the City of Davenport's City Administrator; and

WHEREAS, the City Council has authorized the terms set forth in the related employment agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that Mr. Douglas K. Maxeiner is hereby appointed as the City of Davenport's City Administrator, and the related employment agreement is approved in accordance with the terms set forth.

Passed and approved this 25th day of September, 2024.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

EMPLOYMENT AGREEMENT

This Employment Agreement, made and entered into as of September ____, 2024 by and between the CITY OF DAVENPORT, IOWA, a municipal corporation (hereinafter called "Employer"), and DOUGLAS MAXEINER (hereinafter called "Employee"), an individual who has education, training and experience in local government management and who is, or will become, a member of ICMA and shall conduct himself in accordance with the ICMA Code of Ethics.

WHEREAS, Employer wishes to retain Employee based upon his qualities and qualifications for the position of City Administrator;

WHEREAS, Employee wishes to be employed in the capacity of City Administrator;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, Employer and Employee agree as follows:

Section 1: Term

This agreement shall remain in full force in effect starting October 28, 2024, for three (3) years, with an Employer option to renew annually. Employer must give written notice to Employee ninety (90) days prior to the expiration of the contract.

Section 2: Duties and Authority

Employer agrees to employ DOUGLAS MAXEINER as CITY ADMINISTRATOR to perform the functions and duties specified in the City Code of Davenport, Iowa and to perform other legally permissible and proper duties and functions of the City Administrator.

Section 3: Compensation

Employee's compensation shall be as follows:

- A. Employee shall be paid an annual base salary of \$220,000. Employee will be afforded general wage increases offered to other department director level employees.
- B. Employee's base salary may be increased as determined by the City Council and in connection with the Employee's annual review conducted by the same.
- C. Employee shall be paid a \$500 per month car allowance.
- D. Employer shall provide Employee with a City cell phone and laptop.

Section 4: Dues, Subscriptions and Professional Development.

Employer shall budget and pay for:

- A. Professional dues, subscriptions, and reasonable professional development costs for his full participation in the Credentialed Manager program.

- B. Travel and subsistence expenses, as governed by the administrative policies, of Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official functions for Employer, including, but not limited to, the ICMA Annual Conference, the Iowa City Management Association State Conference, and such other national, regional, state, and local governmental groups and committees thereof which Employee serves as a member; and
- C. Reasonable travel and subsistence expenses, as governed by the administrative policies, of Employee for short courses, institutes, and seminars that are necessary for his professional development and for the good of the Employer; and
- D. Up to two memberships plus expenses incurred by Employee of such local civic clubs or organizations chosen by Employee.

Section 5: Deferred Compensation, Health, Disability, Life Insurance, IPERS & Other Benefits

Employee shall be provided the employment benefits afforded to other non-bargaining department director level employees by administrative policies, including, but not limited to, holidays, health insurance, disability insurance, life insurance, deferred compensation, and retirement health savings contributions. In lieu of participation in Iowa Public Employee Retirement System (IPERS), Employee shall receive additional deferred compensation at the rate of 5% of his base salary into a deferred compensation account of Employee's choosing.

Section 6: Vacation and Sick Leave

Employee's paid leave accruals shall be as follows:

- A. Employee shall receive the same vacation, sick, and other leave benefits afforded to other non-bargaining department director level employees by administrative policies. However, annual vacation accrual shall not be less than 160 hours (four weeks).
- B. Employee shall be credited with eighty (80) hours of banked accrued vacation leave and eighty (80) hours of banked sick leave upon commencement of employment

Section 7: Termination Attributable to Employer

For the purpose of this Agreement, "termination" shall occur when:

- A. A two-thirds majority of the entire City Council vote to terminate the Employee at a duly authorized City Council meeting, regular or special, provided that a related agenda item appears on the posted agenda.
- B. The Employer reduces the Employee's base salary or other compensation or other benefits described in Sections 3, 4, 5 or 6 above, unless it is

reduced in no greater percentage than the average reduction of all department directors. Employee must elect in writing to treat this occurrence as termination within thirty (30) days of the effective date of the action.

- C. The citizens or Iowa General Assembly amend any provisions of the city charter or other "form of government" enabling legislation pertaining to the role and authority of the Employee's position that substantially changes the form of government. The Employee shall have the right to declare that such amendments constitute termination. He must make this election within thirty (30) days of the effective date of any such change.
- D. A material breach by Employer of the express terms of this Agreement declared by Employee within thirty (30) days of its occurrence. Employer shall have sixty (60) days to cure any breach after receiving written notice from Employee declaring and specifying the breach.
- E. A standing request by at least five (5) Davenport City Council members that the Employee resign. Employee must elect in writing to treat this occurrence as termination within thirty (30) days of the request to resign being made that brings the aggregate total to five (5) Council Members.

Section 8: Severance

Severance shall be paid to the employee only when employment is terminated as set forth in Section 7 above. However, Employee is not entitled to any severance when "good cause" exists for the termination. "Good cause" is defined as: 1.) conviction – regardless of whether judgment is deferred – of a felony of aggravated misdemeanor or any public offense regardless of classification indicating moral turpitude or that is similarly injurious to the image of the City of Davenport as determined by the City Council; 2.) corruption; 3.) willful misconduct – generally, intentionally and knowingly doing something that is wrongful and/or against City policy or Council directives; intentionally and knowingly refraining from taking lawful action as directed by the Council, and/or intentionally engaging in behavior that violates the standard of conduct that Employer can rightfully expect from Employee; 4.) habitual non-performance of duties following notice to correct; or, 5.) expulsion from ICMA membership.

Except when "good cause" exists, if the Employee is terminated as set forth in Section 7 above, the Employer shall provide severance pay by continuing to pay Employee his base salary in an amount up to six (6) month's base salary as Severance on the terms and conditions set forth immediately below. Severance will be paid in up to two (2) equal, lump sum installments each representing three (3) months' worth of base salary. The first installment will be paid within three (3) weeks after the date of termination. The second installment will be paid within one (1) week after the 3-month anniversary of the termination, but only if Employee has not secured substantially similar employment elsewhere.

Employer will cover Employee's COBRA premium to continue his prescription, dental, vision, and medical insurance coverage (subject to changes in coverage for all department directors) for up to 6 months on a monthly basis so long as Employee has not begun substantially similar employment elsewhere.

In the case of termination as specified in Section 7(D) above, Employee's damages shall be limited to the Severance paid pursuant to this section.

Section 9: Resignation

Employee has the right to resign without the Employer seeking damages for early termination. In the event that the Employee voluntarily resigns his position with the Employer, the Employee shall provide a minimum of sixty (60) days' written notice of termination of employment. In the case of resignation, Employee shall not be entitled to any severance unless the circumstances are as described in Section 7(E) above.

Section 10: Performance Evaluation

Employer (City Council and Mayor) shall conduct an annual performance review of the Employee each June – subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employee, Mayor, Human Resources Director, and two (2) City Council Members (if more than two Council Members volunteer to help design the process, they will be chosen by drawing straws with the longer straws winning.) At a minimum, the process shall include the opportunity for all City Council members, Mayor and Employee to meet and discuss the evaluation. Employee shall evaluate department directors on at least an annual basis. Employer shall conduct a final evaluation, for the purposes determine whether to exercise its renewal rights, 6 months prior to the end of this contract's initial 3-year term.

Section 11: Hours of Work

It is recognized that the Employee must devote a great deal of time outside normal office hours on business for the Employer and, to that end, Employee shall enjoy reasonable flexibility in setting his own work hours.

Section 12: Residency

Employee shall permanently reside with the City of Davenport within one (1) year of commencement of employment. Upon relocation within the City of Davenport, Employee shall be reimbursed for moving and relocation expenses up to \$15,000.

Section 13: Outside Activities

The employment provided for by this Agreement shall be the Employee's sole employment. In recognition that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee, with the Mayor's or two (2) City Council members' written consent, may elect to accept limited paid teaching, paid consulting, or other business

opportunities with the understanding that such arrangements shall not constitute interference with, a conflict of interest to, or be detrimental to his responsibilities under this Agreement or to the Employer.

Section 14: Indemnification

Employer will defend and indemnify Employee in accordance with Iowa Code Chapter 670.

Section 15: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 16: Other Terms

Employer, in consultation with Employee, shall fix any other such terms and conditions of employment as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with this Agreement or any federal, state or local law.

Section 17: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

EMPLOYER: Corporation Counsel
City of Davenport
226 W. 4th Street
Davenport, IA 52801

EMPLOYEE: Douglas Maxeiner
Address on record with Employer at time Notice given

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of the transmission in the United States Postal Service.

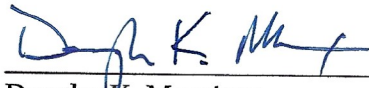
Section 18: General Provisions

- A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties, by mutual written agreement, may amend any provision of this Agreement during the life of the Agreement. Such amendments shall be incorporated into and made a part of this Agreement.

- B. Binding Effect. This Agreement shall be binding on the Employer and Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
- C. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.
- D. Governing Law. This Agreement will be governed and construed in accordance with the laws of the State of Iowa. This provision shall not be construed as waiving any immunity to suit or liability including, without limitation, sovereign immunity in State or Federal court, which may be available to the Employer.
- E. Waiver. Except as specifically provided for in a waiver signed by duly authorized representatives of a party, failure or delay by either party at any time to require performance by the other party or to claim a breach of any provision of the contract shall not be construed as affecting any subsequently obtained right to require performance or to claim a breach.
- F. Breach by Employee. A material breach of this Agreement by Employee that goes uncured for sixty (60) days after the date of receipt of a declaration of said breach, in addition to any other remedy Employer may have, allows the Employer the option to cancel this Agreement without any compensation or payment of severance to Employee.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above.

EMPLOYEE:



Douglas K. Maxeiner

EMPLOYER:

CITY OF DAVENPORT

By _____
Michael Matson, Mayor

Action Item #: _____

Attest:

Deputy City Clerk

City of Davenport

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

Action / Date
9/25/2024

Subject:

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

Davenport Community Schools; North High School Homecoming Parade; see attached parade route; Thursday, October 3, 2024 5:30 p.m. - 6:30 p.m.; Outdoor music, over 50 dBA. [Wards 7 & 8]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 2:00 p.m. - 3:30 p.m. Sunday, October 27, 2024; Outdoor music, over 50 dBA. [Ward 3]

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.

West High School Homecoming Parade | The special events application was being handled by an individual who is on maternity leave and did not get everything submitted before leaving. Attached you will find the flier that was distributed to the properties along the parade route early the week of September 9.

Attachments:

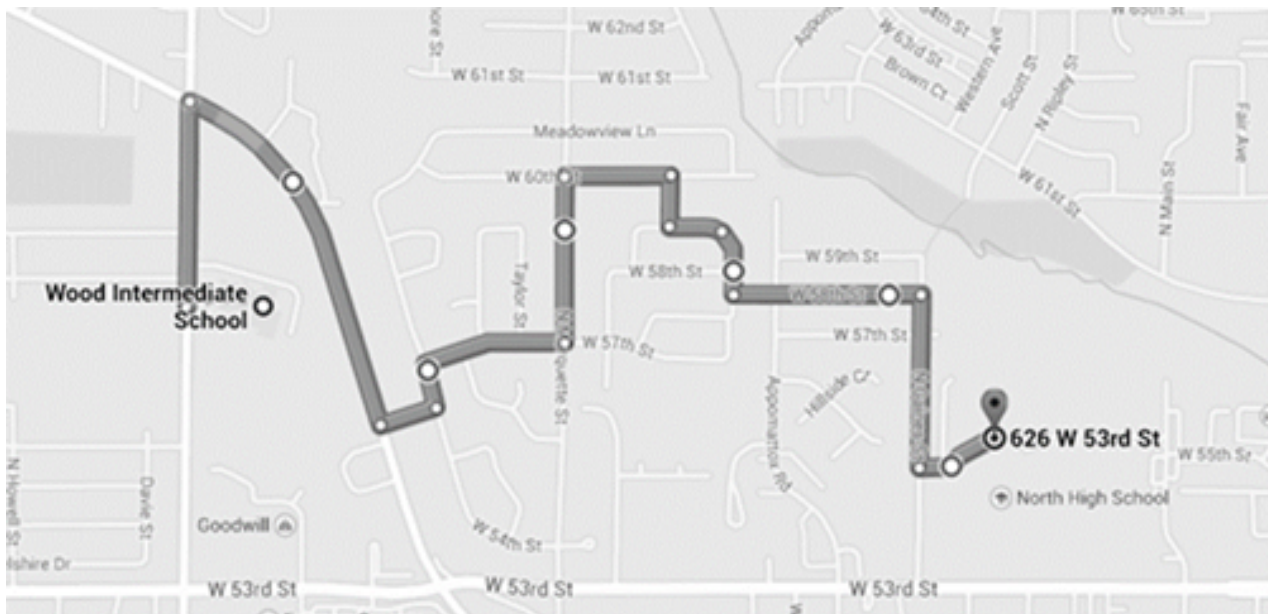
1. North Homecoming Parade Flyer to Residents
2. Halloween Parade Route

! NOTICE !

2024 North HOMECOMING PARADE

The North Homecoming parade will be crossing past your house with our band playing.

See route below



When: Thursday, Oct 3, 2024

Time: 5:30-6:30pm

To submit an objection to this temporary closure, please contact
Brian Krup, Deputy City Clerk
Brian.Krup@davenportiowa.com

!NOTICE!



THE CITY OF
DAVENPORT
IOWA | USA

Halloween Parade

October 27th, 2024 at 2:00p.m.



Parking Ramps accessible from 11:30a.m. until 1:30p.m. via Brady St. & after conclusion of the parade.

No parking on parade route and staging area (identified in gold) beginning 6:00a.m., October 27th until parade conclusion. Vehicles parked on the parade route and/or staging area will be towed.

More parking located west of Modern Woodmen.

- Halloween Parade Route
- L** Parking Lot
- P** Parking Ramp, Free 8a.m.-5p.m.
- Road Closures**
- 11:30a.m. - End of Parade
 - 2:00p.m. - End of Parade

City of Davenport

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

Action / Date
9/25/2024

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

Veterans Of Foreign Wars, F.W. Galbraith Post 828 Canteen (Veterans Of Foreign Wars, F.W. Galbraith Post 828) - 101 South Linwood Avenue - Outdoor Area - New License - License Type: Class F Liquor (On-Premises)

Ward 3

The Wandering Crowd (The Wandering Crowd, LLC) - 101 West River Drive - Temporary Outdoor Event - License Type: Class C Liquor

Ward 4

Wise Guys Pizza and Pub (Christa Rae, LLC) - 2824 West Locust Street #3A - New License/Ownership - License Type Class C Liquor

Ward 6

Dave & Buster's (Dave & Buster's of Iowa, LLC) - 5248 Elmore Avenue - New License - License Type: Class C Liquor

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

Ward 2

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Raw Bar (RawBar) - 136 East 3rd Street Unit A - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Texas Roadhouse (Texas Roadhouse Holdings, LLC) - 4005 East 53rd Street - License Type: Class C Liquor (On-Premises)

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
9/25/2024

Subject:

Motion approving Change Order #1 with Jim Schroeder Construction, Inc of Bellevue, Iowa for the Utah Avenue Bridge over Duck Creek Replacement project in the amount of \$62,155.72, CIP #21011. [Wards 1 & 2]

Recommendation:

Pass the Motion.

Background:

The purpose of this project is to replace the Utah Avenue Bridge over Duck Creek. The project consists of removal and disposal of all existing bridge components and will be replaced with a new slab bridge meeting modern design requirements. These requirements raise the overall elevation of the northern portion of the bridge structure requiring the existing roadway that ties into the bridge approach to be removed and regraded for blending purposes. This change order provides the necessary funds for this work, and for the new section of road to be placed as an HMA surface.

Summary of Contract

Original Contract	\$1,409,816.95
Change Order #1	\$62,155.72
Total Amended Contract	\$1,471,972.67

Attachments:

None

City of Davenport

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

Action / Date
9/25/2024

Subject:

Motion awarding a professional services agreement for engineering services for the 2025 High Volume Roadway Resurfacing project to Willett, Hofmann and Associates, Inc of Moline, Illinois in the amount of \$91,000, CIP #35061. [Wards 1, 2, 3, 5, & 8]

Recommendation:

Pass the Motion.

Background:

The pavement on four roadway segments identified as in need of rehabilitation and part of this project include:

1. Bridge Avenue from East High Street to East Rusholme Street
2. North Lincoln Avenue from 1038 North Lincoln Avenue to North Thornwood Avenue
3. Indian Road from South Concord Street to May Lane
4. North Pine Street from 6254 North Pine Street to 6377 North Pine Street.

This project will generally include the asphalt mill and overlay, select curb and gutter replacement, new alley approaches, and sidewalk curb ramp updates for ADA compliance. In addition, this may include minor storm sewer and sanitary sewer improvements if investigations conclude they are needed within the defined project limits.

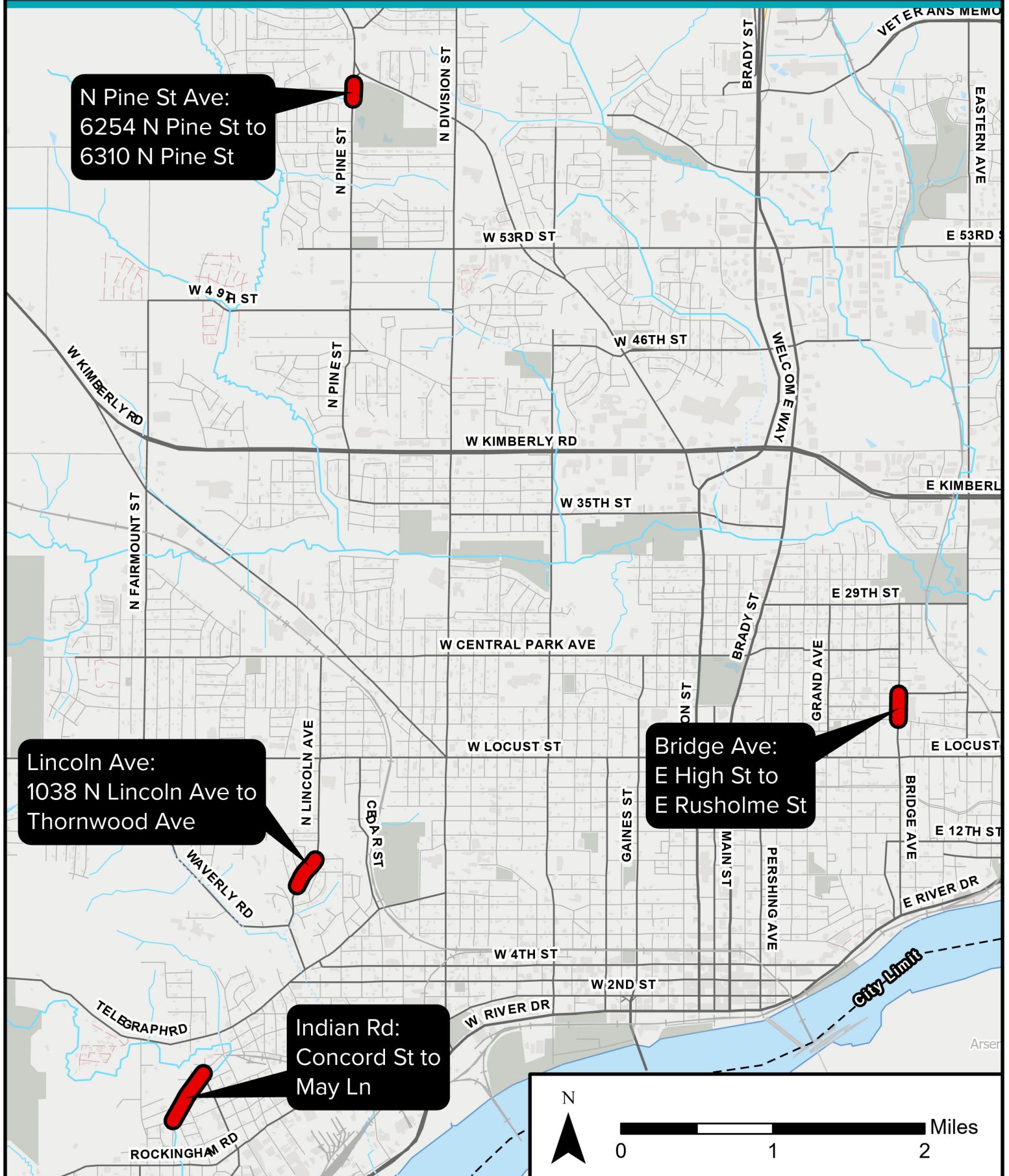
This project design is inclusive of obtaining a topographic survey and engineering plans for bidding. Engineering services are required in order to create necessary drawings and specifications prior to going out to bid for construction for this project.

Attachments:

1. High Volume Resurfacing Map



2025 High Volume Roadway Resurfacing Project (PRJ-4767)



City of Davenport

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

Action / Date
9/25/2024

Subject:

Motion awarding a professional services agreement for engineering services for the Grand Avenue Resurfacing project to Shive-Hattery, Inc of Bettendorf, Iowa in the amount of \$86,700, CIP #35061. [Ward 5]

Recommendation:

Pass the Motion.

Background:

Portions of pavement on Grand Avenue from Locust Street to East 29th Street are in need of rehabilitation. This project will generally include the asphalt mill and overlay, select curb and gutter replacement, new radius returns on alleys, and sidewalk curb ramp updates for ADA compliance. In addition, this may include minor storm sewer and sanitary sewer improvements if investigations conclude they are needed within the defined project limits. The portion of Grand Avenue from East Columbia Avenue to East Garfield Street will not be milled and overlaid as this section has recently been improved during City maintenance operations.

This project design is inclusive of obtaining a topographic survey and engineering plans for bidding. Engineering services are required in order to create necessary drawings and specifications prior to going out to bid for construction for this project.

Attachments:

None

City of Davenport

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

Action / Date
9/25/2024

Subject:

Motion awarding a professional services agreement for engineering services for the Main Street Resurfacing project to MSA Professional Services, Inc of Bettendorf, Iowa in the amount of \$84,010, CIP #35061. [Wards 3 & 5]

Recommendation:

Pass the Motion.

Background:

The pavement on Main Street from Palmer Drive to Locust Street is in need of rehabilitation. This project will generally include the asphalt mill and overlay, select curb and gutter replacement, and sidewalk curb ramp updates for ADA compliance. In addition, this may include minor storm sewer and sanitary sewer improvements if investigations conclude they are needed within the defined project limits. The project will terminate short of the Locust Street Intersection to the north.

This project design is inclusive of obtaining a topographic survey and engineering plans for bidding. Engineering services are required in order to create necessary drawings and specifications prior to going out to bid for construction for this project.

Attachments:

None

City of Davenport

Department: Finance
Contact Info: Jim Odean | 563-326-7739

Action / Date
9/25/2024

Subject:

Motion approving the City of Davenport's continued participation in the U.S. Bank Iowa Card Consortium. [All Wards]

Recommendation:

Pass the Motion.

Background:

In 2017, City Council approved the City of Davenport to sign a Participating Entry Agreement for the Iowa Purchasing Card Consortium. The current contract between the consortium and US Bank (UI Contract# 3-3398) expired on August 31, 2024. The University of Iowa issued RFP #18151 for Banking and Card Services and has successfully executed a new agreement with U.S. Bank. Approval of this Motion allows the City of Davenport to sign a Program Member Agreement allowing for continued participation in the consortium under the new agreement.

Attachments:

None