

CITY COUNCIL MEETING

CITY OF DAVENPORT, IOWA

Wednesday, February 12, 2025; 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 January 29, 2025.

- VI. City Administrator Update
- VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for February 5, 2025.

- VIII. Petitions and Communications from Council Members and the Mayor

- IX. Individual Approval of Items on the Discussion Agenda

- 1. First Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto restrictions on the use of motorcycles and motorized bicycles on public sidewalks. [All Wards]
- 2. First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by adding thereto a new section with definitions and to include restrictions for electric bikes (e-bikes) on public sidewalks. [All Wards]
- 3. Resolution approving a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber. [All Wards]

- X. 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. Second Consideration: Ordinance amending Schedule II One-Way Streets of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing

Cedar Street from 4th Street to 5th Street. [Ward 3]

2. First Consideration: Ordinance for Case REZ25-01 being the request of Woda Cooper Development, Inc to rezone approximately .39 acres of land located on Lot 21 of Sheffield Square 1st Addition from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]
3. First Consideration: Ordinance repealing and replacing Chapter 5.15 entitled "Cigarette, Tobacco, Alternative Nicotine or Vapor Products" of the Municipal Code of Davenport, Iowa to include recent legislation enacted by the General Assembly of the State of Iowa regarding regulation of certain tobacco products. [All Wards]
4. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 11:00 a.m. - 4:00 p.m. Sunday, February 23, 2025; **Closures (only one lane of each street, Police controlled)**: East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]

Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 27, 2025; **Closure**: northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

Center for Active Seniors, Inc; 43rd Annual St. Patrick's Day Race; Downtown; Saturday, March 15, 2025; **Closures: 4:00 a.m. - 12:00 p.m.** 2nd Street from Harrison Street to Brady Street; **7:00 a.m. - 11:00 a.m.** 2nd Street from Harrison Street to Ripley Street; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady Street to Gaines Street; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines Street to Division Street; **9:50 a.m. - 10:10 a.m.** all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]

St. Patrick's Society; Grand Parade XXXIX; Downtown; Saturday, March 15, 2025 12:00 p.m. - 2:00 p.m.; **Closures**: Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [Ward 3]

5. Resolution accepting work completed under the Colony Drive (Brown Street to Gaines Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$388,892.29, CIP #35062. [Ward 7]
6. Resolution of partial acceptance covering an assessment for the 2024 Residential Alley Resurfacing Program in accordance with the Alley Resurfacing Program, CIP #35038. [Wards 3 & 5]

7. Resolution awarding a contract for engineering services for the Goose and Caterpillar Sanitary Sewer Basin Evaluation Study to Strand Associates, Inc of Madison, Wisconsin in the amount of \$535,000, CIP #30066. [Ward 8]
8. Resolution awarding a contract for engineering services for the Private Sanitary Sewer System Evaluation Pilot Study to Bolton & Menk, Inc of Cedar Rapids, Iowa in the amount of \$166,200, CIP #30056. [Ward 6]
9. Resolution awarding a contract for the Davenport Parking Ramp Repairs project to Bi-State Masonry, Inc of Rock Island, Illinois in the amount of \$109,442, CIP #23062. [Ward 3]
10. Resolution approving the specifications, form of contract, and estimate of cost for the CY 2025 Contract Milling Program, CIP #35041. [All Wards]
11. Resolution approving the specifications, form of contract, and estimate of cost for the CY 2025 Pedestrian Curb Ramp Retrofit Program, CIP #35066. [All Wards]
12. Resolution approving a Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$554,350 for the West Loop Trail Phase II project, CIP #28033. [Ward 1]
13. Resolution authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-away and temporary construction easements associated with the East 53rd Street and Utica Ridge Road Intersection Improvement project, CIP #35065. [Ward 6]
14. Resolution adopting the fine schedule for violations under Chapter 15.08 entitled "Construction Code Enforcement Administrative Regulations" of the Municipal Code of Davenport, Iowa. [All Wards]
15. Motion approving noise variance requests on the listed dates and times for outdoor events.

St. Patrick's Society; Grand Parade XXXIX; Downtown (see attached parade route); 12:00 p.m. - 2:00 p.m. Saturday, March 15, 2025; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2025 Events; Mississippi Valley Fairgrounds | 2815 West Locust Street; various dates April through October 2025 (see attached list); Outdoor music/races, over 50 dBA. [Ward 4]

16. Motion approving beer and liquor license applications.

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

Ward 3

El Tikal Guatemalan Restaurant (Juan E Cedillo Raymundo) - 114 Myrtle Street Unit E/F - New License - License Type: Class C Liquor (On-Premises)

Ward 5

Rodriguezhope (Alfredo Rodriguez) - 1113 Mound Street - Permanent Premises Transfer - License Type: Class C Liquor (On-Premises)

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

Ward 1

LPT #5523 (L.P.T. Retail Management Services, LLC) - 3624 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

LPT #5524 (L.P.T. Retail Management Services, LLC) - 2805 Telegraph Road - License Type: Class B Beer/Wine (Carry-Out)

Sub Express & Gas (Keya Food Mart, Inc) - 4307 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 2

California Pho (Binh Van Nguyen) - 3559 West Kimberly Road #4,5,6 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 3

KCBrothers (KC 2 Brothers, Inc) - 214 Myrtle Street - License Type: Class E Liquor (Carry-Out)

Ward 4

LPT #5522 (L.P.T. Retail Management Services, LLC) - 1732 North Marquette Street - License Type: Class B Beer/Wine (Carry-Out)

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

Brew in the Village (3 Blessings, Inc) - 1104 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

LPT #5519 (L.P.T. Retail Management Services, LLC) - 1136 East Locust Street - License Type: Class B Beer/Wine (Carry-Out)

LPT #5521 (L.P.T. Retail Management Services, LLC) - 303 West Locust Street -
License Type: Class B Beer/Wine (Carry-Out)

Ward 6

Izumi Japanese Steak House (Izumi Steakhouse, LLC) - 4901 Utica Ridge Road -
License Type: Class C Liquor (On-Premises)

Mart Stop1 (Mart Stop #1) - 3527 Spring Street - License Type: Class E Liquor (Carry-Out)

Ward 7

LPT #5517 (L.P.T. Retail Management Services, LLC) - 201 West 53rd Street - License
Type: Class B Beer/Wine (Carry-Out)

LPT #5518 (L.P.T. Retail Management Services, LLC) - 1670 West Kimberly Road -
License Type: Class B Beer/Wine (Carry-Out)

Ward 8

Big 10 Mart #24 (Molo Oil Company) - 5310 North Brady Street - License Type: Class
B Beer/Wine (Carry-Out)

Super Market (Super Market, Inc) - 6723 Northwest Boulevard - License Type: Class E
Liquor (Carry-Out)

XI. Other Ordinances, Resolutions and Motions

XII. 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 cannot take action on any complaint or suggestions tonight and cannot 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.

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the City Council Meeting minutes for January 29, 2025.

Action / Date

2/12/2025

Attachments:

1. 012925 City Council Meeting Minutes

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, January 29, 2025

The City Council of Davenport, Iowa met in regular session on Wednesday, January 29, 2025 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 except Alderman Reinartz (Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Gripp, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman R. Dunn

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for January 15, 2025.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for January 22, 2025.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, January 22, 2025 -- 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 Alderwoman Burkholder. Upon the roll being called, all Aldermen were present except Alderman Jobgen (In person: Alderman R. Dunn, Alderman Kelly, Alderwoman Meginnis, Alderman Reinartz, Alderwoman Newton, Alderwoman Lynch, Alderman T. Dunn, and Alderwoman Burkholder; Via telephone: Alderman Gripp).

There were no Public Hearings scheduled.

*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 all items listed. On motion by Alderwoman Meginnis, second by Alderman R. Dunn all items moved to the Consent Agenda. **Public Safety:** Alderman T. Dunn reviewed all items listed. On motion by Alderwoman Burkholder, second by Alderman Reinartz all three beer and liquor license applications for 405 East Locust Street (two listed under Section A and one listed under Section B) moved to the Discussion Agenda and all other items moved to the Consent Agenda. **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 Lynch, second by Alderman R. Dunn all items moved to the Consent Agenda.*

*Council adjourned at **6:02 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2025-32

1. Affirmative Action Advisory Commission

-Ruby Batimana (re-appointment)

2. Citizens Advisory Committee

-Paula Arnold (new appointment | At-Large Gripp)

3. Zoning Board of Adjustment

-Kristin Crawford (new appointment)

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

The below Motion was moved by Alderman Gripp and seconded by Alderwoman Meginnis. Alderman Kelly moved a motion to table the two items under section A for two cycles, seconded by Alderman Gripp. Upon the roll being called, all Aldermen present voted aye and the two applications under section A were tabled for two cycles.

A motion to table the one item under section B was moved by Alderwoman Meginnis and seconded by Alderman R. Dunn. Upon the roll being called, all Aldermen present voted aye and the one application under section B was tabled for two cycles.

1. Motion approving beer and liquor license applications.

TABLED TWO CYCLES

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

Ward 5

Ace Spades (Guru Nanak Food Mart, Inc) – 405 East Locust Street – New License – License Type: Class C Liquor (On-Premises)

Save More (Guru Kirpa, LLC) – 405 East Locust Street – New License/Owners – License Type: Class E Liquor (Carry-Out)

B. Request for exemption:

Ward 5

Ace Spades (Guru Nanak Food Mart, Inc) – 405 East Locust Street – New License – License Type: Class C Liquor (On-Premises) **Request for waiver to 5.10.105(B) 600-foot separation from child care providers*

XI. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance amending Chapter 3.34 entitled "Village of East Davenport Self-Supported Municipal Improvement District" of the Municipal Code of Davenport, Iowa to extend the term for twenty additional years pursuant to Iowa Code Chapter 386. [Ward 5]

ADOPTED 2025-33

ORDINANCE NO. **2025-33**

ORDINANCE AMENDING CHAPTER 3.34 ENTITLED "VILLAGE OF EAST DAVENPORT SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO EXTEND THE TERM FOR TWENTY ADDITIONAL YEARS PURSUANT TO IOWA CODE CHAPTER 386.

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

WHEREAS, Chapter 386 of Iowa Code allows for the establishment and amendment of Self-Supporting Municipal Improvement Districts (SSMIDs) to improve and/or maintain said districts; and

WHEREAS, the Village of East Davenport SSMID was created in the early 1990's; and

WHEREAS, at least twenty-five percent (25%) of all owners of property within the Village of East Davenport Self-Supporting Municipal Improvement District and being owners of property within the Village of East Davenport SSMID having an assessed value of at least twenty-five percent (25%) of the property, pursuant to Iowa Code Chapter 386; and

WHEREAS, the Village of East Davenport SSMID desires to continue the request to the City Council of Davenport, Iowa provide by Ordinance that the taxes described below shall be levied for a period of twenty (20) calendar years, with the levy of taxes to begin in the fiscal year beginning July 2025 and continue for twenty (20) additional fiscal years, unless extended by amendment; and

WHEREAS, the Village of East Davenport SSMID desires to continue a self-supported improvement district operation fund to be known as the "Village of East Davenport Self-Supported Municipal Improvement District Capital Improvement Fund" and annually levy a tax known as the Village of East Davenport Self-Supported Municipal Improvement District Capital Improvement Fund Tax" (hereinafter the Capital Tax), which shall not exceed One Dollar and Seventy-Five Cents (\$1.75) per Thousand Dollars of taxable value of the property within the Village of East Davenport Self-Supported Municipal Improvement District. The Capital Tax shall fund the Village of East Davenport Self-Supported Municipal Improvement District Capital Improvement Fund.

WHEREAS, the Village of East Davenport SSMID desires to continue a self-supported improvement district operation fund to be known as the "Village of East Davenport Self-Supported Municipal Improvement District Operation Fund" and annually levy a tax known as the Village of East Davenport Self-Supported Municipal Improvement District Capital Improvement Fund Tax" (hereinafter the Operation Tax), which shall not exceed One Dollar and Seventy-Five Cents (\$1.75) per Thousand Dollars of taxable value of the property within the Village of East Davenport Self-Supported Municipal Improvement District. The Operation Tax shall fund the Village of East Davenport Self-Supported Municipal Improvement District Operation Fund.

NOW THEREFORE, the Davenport Municipal Code Chapter 3.34.040 is hereby amended to extend the period for the levy of operation fund taxes in the amount of One Dollar and Seventy-Five Cents (\$1.75) per Thousand Dollars of taxable value of the property for the Village of East Davenport Self-Supported Municipal Improvement District beginning July 1, 2025 for twenty additional fiscal years as defined in Section 3.34.020.

NOW THEREFORE, the Davenport Municipal Code Section 3.34.060 is hereby amended to extend the period for the levy of capital improvement fund taxes in the amount of One Dollar and Seventy-Five Cents (\$1.75) per Thousand Dollars of taxable value of the property for the Village of East Davenport Self-Supported Municipal Improvement District beginning July 1, 2025 for twenty additional fiscal years as defined in Section 3.34.020.

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 1/29/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance to repeal and replace Section 10.16.070 entitled "Automated Traffic Enforcement" of the Municipal Code of Davenport, Iowa to incorporate updates outlined in State of Iowa Code § 321P. [All Wards] **ADOPTED 2025-34**

ORDINANCE NO. **2025-34**

AN ORDINANCE TO REPEAL AND REPLACE SECTION 10.16.070 ENTITLED "AUTOMATED TRAFFIC ENFORCEMENT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO INCORPORATE UPDATES OUTLINED

IN STATE OF IOWA CODE § 321P.

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

Section 1. That Chapter 10.16.070 of the Municipal Code of Davenport, Iowa is hereby repealed and replaced with the following:

A. General.

1. The City of Davenport's Automated Traffic Enforcement Program will comply with all requirements outlined in the State of Iowa Code § 321P.
2. The City of Davenport, in accordance with the police powers authorized it by the state of Iowa for governing safe traffic flow, may deploy, erect or cause to have erected an automated traffic enforcement system for making video images of vehicles that fail to obey red light traffic signals or speed regulations at intersections or other locations in the city that result in critical traffic safety issues such as traffic collisions, or crashes resulting in serious injury or death. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the City's police department. Video images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the City's traffic control ordinances and are to receive a notice of violation for the offense.

B. Definitions.

1. AUTOMATED TRAFFIC CITATION – Shall mean a notice of a traffic violation generated and affirmed through the automated traffic enforcement system.
2. AUTOMATED TRAFFIC ENFORCEMENT SYSTEM – Shall mean an electronic system consisting of a camera or other optical device to work in conjunction with a vehicle sensor or speed measuring device to produce a video or photograph that is then reviewed and approved by an officer from the local police department and/or a trained department employee to affirm a traffic violation occurred.
3. VEHICLE OWNER – Shall mean the person who holds the legal title to a motor vehicle. However, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor is deemed the owner, or if the motor vehicle is leased as defined in Iowa Code § 321.493, the lessee is deemed the owner for this section.

C. Vehicle Owner Subject to Civil Fine for Automated Traffic Citations.

1. The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or red arrow.
2. The vehicle owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the posted speed limit.
3. A list of non-exclusive exemptions from liability under this Section are set forth below and shall not be considered violations for purposes of the Automated Traffic Enforcement System.
 - a. The violation occurred after the vehicle in question or its state registration plates were reported to a law enforcement agency as stolen and were not yet recovered.
 - b. The vehicle operator was issued a uniform traffic citation for the violation at issue pursuant to Davenport Municipal Code.
 - c. The vehicle in question was an authorized emergency vehicle and/or otherwise was conducting official business.
 - d. The officer or employee reviewing the image determines that the vehicle in question entered the intersection to yield the right-of-way to an emergency vehicle.
 - e. The officer or employee reviewing the image determines that the vehicle in question was lawfully participating in a funeral procession.

- f. The officer or employee reviewing the image determines that the image, in whole or in part, is unclear due to weather, obstruction, or poor image quality to such extent that rejection of the detected violation is warranted.
 - g. The officer or employee reviewing the image is unable to determine which vehicle in the image triggered the automated system when more than one vehicle is present in the image.
 - h. The foregoing list of exemptions shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction.
4. The Iowa Department of Transportation or similar department of any other state shall not consider the violation for purposes of driver's license sanctions, and an insurer shall not consider the violation for determination of an individual's automobile insurance rates.

D. Notice of Automated Traffic Citations.

1. After review and affirmation by a police officer or employee of the violation detected by the Automated Traffic Enforcement System, a notice will be mailed to the Vehicle Owner for each detected violation.
2. The notice will be mailed within 30 days after receiving the Vehicle Owner's information.
3. The notice shall include the name and address of the Vehicle Owner, the vehicle make, the violation alleged, the time, date, and location of the alleged violation, the applicable fine, information pertaining to how the citation may be challenged, and notification that the citation is based upon an image generated by an Automatic Traffic Enforcement System.

E. Penalty for Violations.

1. A civil fine of \$100 shall be imposed for any violation of subsection C1, which shall be payable to the City of Davenport at the City's finance department.
2. A civil fine, as listed in the table below, shall be imposed for any violation of subsection C2, which shall be payable to the City of Davenport at the City's finance department. Violations occurring in Construction Zones shall incur greater fines as indicated below.

Speed Over Limit	Civil Fine	If in Construction Zone
11 through 20 MPH	\$75	\$150
21 through 25 MPH	\$100	\$200
26 through 30 MPH	\$200	\$500
Over 30 MPH	\$500	\$1000

F. Challenging an Automated Traffic Citation.

1. The vehicle owner who receives a citation for a violation detected by the automated traffic enforcement system may appeal the violation through the Davenport Police Department and submit clear and convincing evidence that the vehicle owner was not operating the motor vehicle at the time of the violation.
 - a. As part of the appeal, the owner shall provide the name and address of the person who was operating the motor vehicle at the time of the violation.
 - b. If the appeal determines the vehicle owner was not operating the vehicle at the time of the violation, the citation issued to the vehicle owner may be amended and issued to the person identified as operating the vehicle.

2. A recipient of an automated traffic citation may dispute the citation by requesting an issuance of a municipal infraction citation by the police department.
 - a. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Scott County Courthouse.
 - b. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs which are added to the amount of the violation if the court finds the recipient guilty.

G. Failure to Timely Pay or Challenge.

1. A recipient of a notice of violation who does not request the issuance of a municipal infraction citation to dispute the alleged violation by contested proceedings before a judge or magistrate within the time specified by the notice of violation, will be deemed to have waived his right to dispute the violation, and the violation will be admitted with the civil penalty being due and owing to the City.
2. A notice of intent to default will be mailed to the recipient at least **10 days prior** to the deadline for contesting.
3. If the recipient of an automated traffic citation does not either pay the fine by the due date stated on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the vehicle owner in accordance with City of Davenport Municipal Code Chapter 1.30.020 and Iowa Code § 364.22 , seeking judgment for the applicable civil fine plus state-mandated filing fees, court costs, and any other administrative fees associated to the collection of the fine.
4. If judgment is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgment, together with interest as permitted by law.
5. Collection of that judgment may include referral to the debt collection program as administered by the Iowa Department of Revenue.
6. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the vehicle owner and/or referring the matter to a private service agent to conduct collection in accordance with all applicable law.

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 1/29/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance amending Section 13.16.107 entitled "Rates – Amount" of the Municipal Code of Davenport, Iowa from \$6.31 to \$6.44 to \$6.56 per one hundred cubic feet of water use as determined by water meter readings, per bill rates for monthly commercial bills from \$24.08 to \$24.56 to \$25.05, per bill rates for monthly residential bills from \$12.96 to \$13.18 to \$13.40, per bill rates for quarterly residential bills from \$32.88 to \$33.53 to \$34.19, and per bill rates for quarterly commercial bills from \$32.38 to \$33.03 to \$33.69. [All Wards]

ADOPTED 2025-35

ORDINANCE NO. **2025-35**

ORDINANCE AMENDING SECTION 13.16.107 ENTITLED "RATES – AMOUNT" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA FROM \$6.31 TO \$6.44 TO \$6.56 PER ONE HUNDRED CUBIC FEET OF WATER USE AS DETERMINED BY WATER METER READINGS, PER BILL RATES FOR MONTHLY COMMERCIAL BILLS FROM \$24.08

TO \$24.56 TO \$25.05, PER BILL RATES FOR MONTHLY RESIDENTIAL BILLS FROM \$12.96 TO \$13.18 TO \$13.40, PER BILL RATES FOR QUARTERLY RESIDENTIAL BILLS FROM \$32.88 TO \$33.53 TO \$34.19, AND PER BILL RATES FOR QUARTERLY COMMERCIAL BILLS FROM \$32.38 TO \$33.03 TO \$33.69.

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

Section 1. That Subsection 13.16.107(A) be and the same is hereby amended to read as follows:

4. Effective July 1, 2025: 644.00 cents per one hundred cubic feet of water use as determined by water meter readings.

Section 2. That Subsection 13.16.107(B) be and the same is hereby amended to read as follows:

4. Effective July 1, 2025
 - a. 2456.00 cents per bill for monthly billed commercial customers,
 - b. 1318.00 cents per bill for monthly billed residential customers,
 - c. 3353.00 cents per bill for quarterly commercial billed customers,
 - d. 3303.00 cents per bill for quarterly residential billed customers.

Section 3. That Subsection 13.16.107(A) be and the same is hereby amended to read as follows:

5. Effective July 1, 2027: 656.00 cents per one hundred cubic feet of water use as determined by water meter readings.

Section 4. That Subsection 13.16.107(B) be and the same is hereby amended to read as follows:

5. Effective July 1, 2027
 - a. 2505.00 cents per bill for monthly billed commercial customers,
 - b. 1340.00 cents per bill for monthly billed residential customers,
 - c. 3369.00 cents per bill for quarterly billed commercial customers,
 - d. 3419.00 cents per bill for quarterly billed residential customers.

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 not illegal or void provisions.

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

EFFECTIVE DATE. Sections 1 and 2 of this ordinance shall be in full force and effective on July 1, 2025, and Sections 3 and 4 shall be in full force and effective on July 1, 2027 after its final passage and publication as by law provided.

Adopted 1/29/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. First Consideration: Ordinance amending Schedule II One-Way Streets of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Cedar Street from 4th Street to 5th Street. [Ward 3] **MOVED TO SECOND CONSIDERATION**

5. Resolution approving Case P25-01 being the request of D&D Property Holding, LLC for a preliminary plat of Northside Industrial Park, a 5-lot subdivision on 28.3 acres located on Lot 1 of Iowa Research Commerce & Technology Park Third Addition. [Ward 8] **ADOPTED 2025-36**

6. Resolution awarding a contract for engineering services for the Water Pollution Control Plant Bar Screen Replacement project to HR Green, Inc of Cedar Rapids, Iowa in the amount of \$523,900. [All Wards] **ADOPTED 2025-37**

7. Resolution awarding a contract for engineering services for the West Central Park Avenue (Fairmount Street to Lincoln Avenue) Reconstruction project to Shive Hattery, Inc of Bettendorf, Iowa in the amount of \$194,500, CIP #35064. [Wards 1, 2, & 4] **ADOPTED 2025-38**

8. Resolution awarding a blanket contract for the purchase of asphalt oils for the 2025 construction season to Bituminous Materials & Supply of Des Moines, Iowa as the primary supplier in the amount of \$2.595 per gallon for emulsion oil and \$565 per ton for asphalt binder, and Manatts, Inc - Eastern Iowa Division of Camanche, Iowa as the backup supplier in the amount of \$2.63 per gallon for emulsion oil and \$625 per ton for asphalt binder. [All Wards] **ADOPTED 2025-39**

9. Resolution awarding a blanket contract for the purchase of hot mix asphalt for the 2025 construction season to RiverStone Group, Inc of Davenport, Iowa in the amount of \$59.75/\$62.75 per ton and Manatts, Inc - Eastern Iowa Division of Camanche, Iowa in the amount of \$64.99 per ton, CIP #35063. [All Wards] **ADOPTED 2025-40**

10. Resolution adopting the Internal Revenue Service mileage rate to reimburse employees for use of a personal vehicle for City business. [All Wards] **ADOPTED 2025-41**

11. Motion approving an amendment to the Year 50 Annual Plan to reflect the reallocation of Community Development Block Grant (CDBG) funds for Year 50 (July 1, 2024 – June 30, 2025). [All Wards] **PASSED 2025-42**

12. Motion approving the Citizens Advisory Committee's recommendations for the reprogramming of the unspent and unobligated Community Development Block Grant (CDBG) funds from Program Year 49 ending June 30, 2024. [All Wards] **PASSED 2025-43**

13. Motion approving beer and liquor license applications. **PASSED 2025-44**

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

Ward 3

Micky's Irish Pub Davenport (MIPQC, LLC) – 429 East 3rd Street – New License/Owners – License Type: Class C Liquor (On-Premises)

14. Motion approving the purchase of UV lamps for the Water Pollution Control Plant from Xylem Water Solutions USA, Inc of Charlotte, North Carolina in the amount of \$91,166. [Ward 1] **PASSED 2025-45**

15. Motion approving a ten-year lease agreement renewal between Izaak Walton League of America and the Davenport Municipal Airport. [Ward 8] **PASSED 2025-46**

16. Motion approving a ten-year interdepartmental land lease agreement between the Davenport Police Department and the Davenport Municipal Airport for the continued use of the Police Weapons Training Facility. [Ward 8] **PASSED 2025-47**

17. Motion approving a ten-year interdepartmental land lease agreement between the Davenport Community and Economic Development (CED) Department and the Davenport Municipal Airport

for the continued use of the land in which the railroad extension spur crosses Airport property.
[Ward 8] **PASSED 2025-48**

18. Motion approving a ten-year interdepartmental land lease agreement between the Davenport Parks and Recreation Department and the Davenport Municipal Airport for continued use of the Davenport Soccer Complex. [Ward 8] **PASSED 2025-49**

19. Motion approving the 2025 Davenport Municipal Airport Disadvantaged Business Enterprise (DBE) Program. [Ward 8] **PASSED 2025-50**

20. Motion approving a three-year collective bargaining agreement between the City of Davenport and the Amalgamated Transit Union, Local No. 312 for the term July 1, 2025 through June 30, 2028. [All Wards] **PASSED 2025-51**

XII. Other Ordinances, Resolutions and Motions

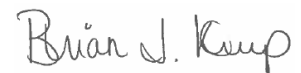
XIII. Public with Business

XIV. Reports of City Officials

The following is revenue received for the month of December 2024:

Property Taxes	\$2,652,535
Other City Taxes	\$2,126,118
Licenses & Permits	\$117,942
Intergovernmental	\$3,255,613
Charges of Services	\$4,064,777
Use of Monies & Property	\$2,687,292
Fines & Forfeits	\$112,435
Bonds/Loan Proceeds	\$37,515
Miscellaneous	\$378,057

XV. Adjourn **6:03 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 February 5, 2025.

Action / Date
2/12/2025

Attachments:

1. 020525 Committee of the Whole Report

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, February 5, 2025 -- 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 Mayor Matson. Upon the roll being called, all Aldermen were present except Alderwoman Lynch (Alderman R. Dunn, Alderman Kelly*, Alderwoman Meginnis, Alderman Reinartz, Alderman Gripp, Alderwoman Newton, Alderman T. Dunn, Alderman Jobgen, and Alderwoman Burkholder).

** Arrived at 5:31 p.m. after roll call.*

The following Public Hearings were held: **Community Development:** 1. for Case REZ25-01 being the request of Woda Cooper Development, Inc to rezone approximately .39 acres of land located on Lot 21 of Sheffield Square 1st Addition from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. **Public Works:** 1. on the proposed Resolution of Necessity covering the 2025 Alley Resurfacing Program, CIP #35038; 2. on the specifications, form of contract, and estimate of cost for the CY 2025 Contract Milling Program, CIP #35041; and 3. on the specifications, form of contract, and estimate of cost for the CY 2025 Pedestrian Curb Ramp Retrofit Program, CIP #35066.

The following Proclamation was issued: Black History Month | February 2025, **2025-52**.

The following Presentation was held: Quad Cities Chamber Update.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all the two items listed. On motion by Alderman Reinartz, second by Alderman Jobgen item #2, Resolution approving a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber, moved to the Discussion item and the other 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 items #2, First Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto restrictions on the use of motorcycles and motorized bicycles on public sidewalks, and #3, First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by adding thereto a new section with definitions and to include restrictions for electric bikes (e-bikes) on public sidewalks, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Jobgen all items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed the one item listed. On motion by Alderwoman Burkholder, second by Alderman Jobgen the item moved to the Consent Agenda.

Council adjourned at **6:27 p.m.**

City of Davenport

Department: Legal

Contact Info: Samuel Huff | 563-326-7752 |

Action / Date

2/12/2025

Subject:

First Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto restrictions on the use of motorcycles and motorized bicycles on public sidewalks. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

The Legal Department, in collaboration with the Police Department, is proposing an amendment to the Municipal Code of Davenport, Iowa to address the use of motorcycles and motorized bicycles on City-owned sidewalks. This proposal aligns with the proposed ordinance change regarding e-bike restrictions on public sidewalks. The primary objectives of this amendment are to enhance pedestrian safety on City sidewalks, establish consistency within the Municipal Code of Davenport, Iowa, regarding permissible uses of sidewalks, and clarify and extend restrictions on motorized vehicles using City-owned sidewalks. This amendment aims to create a comprehensive and uniform approach to regulating various types of vehicles on sidewalks, ensuring the safety of pedestrians while maintaining clear guidelines for vehicle users.

Attachments:

1. Ordinance
2. 10.68.240 Red Line

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.68 ENTITLED "MISCELLANEOUS RULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING THERETO RESTRICTIONS ON THE USE OF MOTORCYCLES AND MOTORIZED BICYCLES ON PUBLIC SIDEWALKS.

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

Section 1. That Section 10.68.240 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.68.240 Motorcycles and motorized bicycles.

- J. No person shall ride a motorized bicycle or motorcycle upon the sidewalk or walkway within the City, unless signs authorized by the traffic engineer specifically designate a sidewalk or walkway for this use.
- K. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating motorized bicycles or motorcycles upon any sidewalk and any person using or operating motorized bicycles or motorcycles upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians and shall give an appropriate warning of their approach, either by bell, horn, or oral warning.

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

10.68.240. Motorcycles and motorized bicycles. [Ord. 91-374 § 1; Ord. 90-212 § 8]

- A. General. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.
- B. Riders.
 - 1. Motorized Bicycles. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.
 - 2. Motorcycles. A person shall not operate or ride on a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.
- C. Sitting Position. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.
- D. Use of Traffic Lanes. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.
- E. Headlights On. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted head lamp of the type required by state law. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.
- F. Packages. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.
- G. Handlebars. A person shall not operate a motorcycle or motorized bicycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.
- H. Parades. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from the City.
- I. Bicycle Safety Flags Required on Motorized Bicycles. When operated on a highway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be

triangular in shape with an area of not less than 30 square inches, and be Day-Glo in color.

- J. No person shall ride a motorized bicycle or motorcycle upon the sidewalk or walkway within the City, unless signs authorized by the traffic engineer specifically designate a sidewalk or walkway for this use.
- K. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating motorized bicycles or motorcycles upon any sidewalk and any person using or operating motorized bicycles or motorcycles upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians and shall give an appropriate warning of their approach, either by bell, horn, or oral warning.

City of Davenport

Department: Legal

Contact Info: Samuel Huff | 563-326-7752 |

Action / Date

2/12/2025

Subject:

First Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by adding thereto a new section with definitions and to include restrictions for electric bikes (e-bikes) on public sidewalks. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

In response to the increasing prevalence of electric bicycles (E-Bikes) within the City, the Legal Department, in collaboration with the Police Department, proposes to amend the existing bicycle ordinance to include clear definitions and regulations for E-Bikes. This amendment aims to address safety concerns, particularly regarding the use of E-Bikes on public sidewalks.

Currently, the City of Davenport prohibits bicycle riding on sidewalks or walkways in commercial districts. The proposed amendment seeks to extend this restriction to include E-Bikes on all sidewalks and walkways within the City, unless specifically authorized. This measure is intended to enhance pedestrian safety and clarify regulations for both traditional bicycles and E-Bikes.

Attachments:

1. Ordinance
2. Chapter 10.84 Red Line

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.84 ENTITLED "BICYCLES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING THERETO A NEW SECTION WITH DEFINITIONS AND TO INCLUDE RESTRICTIONS FOR ELECTRIC BIKES (E-BIKES) ON PUBLIC SIDEWALKS.

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

Section 1. That Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding thereto a new Section 10.84.010 to read as follows and renumbering all subsequent sections accordingly:

10.84.010 Definitions.

"Bicycle" is defined as either of the following:

- A. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
- B. A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour (i.e. electric bike, or e-bike).

Section 2. That Section 10.84.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.060 Riding on sidewalks.

- C. At no location or place within the city will electric bikes (e-bikes) be allowed to operate upon the sidewalk or walkway, unless signs authorized by the traffic engineer specifically designate a sidewalk or walkway for this use.

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

Chapter 10.84 BICYCLES

10.84.010. Definitions.

"Bicycle" is defined as either of the following:

- A. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
- B. A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour (i.e. e-bike).

10.84.02010. Registration and license — Required. [Ord. 2016-543 (part); Ord. 77-986 (part); prior code § 8-1]

No person, being a resident of the City, shall operate any bicycle upon any street, sidewalk or other public place within the City and no person shall, within the City, let out bicycles for hire, unless the ownership of each bicycle so operated or let out for hire is registered and has a license sticker placed thereon as provided in this chapter; provided, that nothing in this section shall apply to a bicycle licensed pursuant to state law as a motor vehicle.

10.84.03020. Registration and licensing — Procedure. [Ord. 2016-543 (part); Ord. 88-69 §§ 2-4; Ord. 82-52 § 1; Ord. 77-986 (part); prior code § 8-2]

The registration and licensing of bicycles shall be accomplished as follows:

- A. **Application for Registration; Fee.** The owner of each bicycle to be licensed shall file in the office of the City Clerk an application for registration on forms provided by the City Clerk, which application shall as a minimum state the applicant's name, address and telephone number and the bicycle's make, model, serial number, frame size, number of speeds and type of brakes. A registration fee set by resolution establishing licensing fees shall be paid at time of application. If the manufacturer's serial number of any bicycle is effaced or illegible, the police department shall, on request of the owner, stamp the bicycle with a permanent distinctive number, which number shall be stated on application in lieu of the manufacturer's serial number. The Clerk may furnish application forms and license stickers to any person willing to assist in the distribution thereof, in order that applicants for license may more conveniently secure such forms.
- B. **Application for Registration; Retailers to Furnish.** Any person, firm, association, corporation, or other entity engaged in the business of retailing bicycles to residents of the City shall, prior to the removal of the bicycles from the retail premises, require the prospective owner of the bicycle to fill out an application for registration on forms provided by the City Clerk. The retailer shall issue the appropriate license sticker, as provided by the City Clerk, and collect the registration fee set by resolution establishing licensing fees. All such completed forms shall be delivered by the retailer to the City Clerk within 14 days of their completion, along with the registration fees collected.

- C. Issuance of License. Upon the filing of application and the payment of fees, the Clerk shall issue a license sticker bearing a distinctive serial number, which number shall be recorded on the application. The Clerk shall keep a record of the licenses issued conveniently cross-indexed for the purpose of aiding in the recovery of bicycles lost or stolen.
- D. Attachment of License Sticker. The license sticker shall be attached to the tubular frame below the seat of each registered bicycle and shall remain attached thereto until ownership of the bicycle shall change.
- E. Duplicate License Stickers. In the event that any license sticker shall be lost, stolen, destroyed or mutilated, a duplicate or substitute sticker shall be applied for and be issued by the Clerk upon the submission of a written statement of such loss, theft, destruction or mutilation and payment of a fee set by resolution establishing licensing fees. Such statement may be in such form and such reasonable proof of loss, destruction or mutilation shall be made as the Clerk may require. The Clerk shall make entries on the index kept by the Clerk of any change in license number so effected.
- F. Nontransferability of License. Whenever ownership of a bicycle is transferred, the license therefor shall become invalid in 15 days. It shall be the duty of the purchaser or transferee of a bicycle to apply for a new license within 15 days of the transfer. No license or registration shall be transferred from one bicycle to another.
- G. Term of License. All licenses issued prior to March 31, 1988 shall expire as of that date. Owners of bicycles on April 1, 1988 shall obtain a valid license sticker.

10.84.0~~4030~~. Alteration of stickers or numbers. [Ord. 77-986 (part); prior code § 8-3]

- A. It is unlawful for any person to remove, counterfeit, alter, destroy, mutilate, or tamper with any license sticker during the time in which such license sticker is valid, or to attach any license sticker to any bicycle other than the bicycle for which it is issued.
- B. It is unlawful to alter, mutilate, or destroy the serial number on the frame or other parts of a bicycle.

10.84.0~~5040~~. Lamps required. [Ord. 79-1202 § 1; prior code § 8-4]

Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified for lighting motor vehicles visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear; except, that a red reflector meeting the requirements of this section may be used in lieu of a rear light.

10.84.0~~6050~~. Riding on sidewalks. [Ord. 77-986 (part); prior code § 8-5]

- A. No person shall ride a bicycle upon the sidewalk or walkway in the commercial district within the City, unless signs authorized by the traffic engineer specifically designate a sidewalk or walkway for bicycle use.
- B. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles upon any sidewalk and any person using or operating bicycles upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians and shall give an appropriate warning of their approach, either by bell, horn, or oral warning.

B-C. At no location or place within the City will e-bikes be allowed to operate upon the sidewalk

or walkway, unless signs authorized by the traffic engineer specifically designate a sidewalk or walkway for this use.

10.84.07060. Clinging to moving vehicles prohibited. [Ord. 77-986 (part); prior code § 8-6]

No person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall cling to or attach their vehicle to any other moving vehicle upon any roadway or bikeway.

10.84.08070. Carrying excessive number of passengers unlawful. [Ord. 77-986 (part); prior code § 8-7]

It is unlawful for passengers in excess of that number for which the bicycle was patently designed to ride a bicycle; except, that infants may be carried in a suitable and proper seat if such seat allows the operator to have both hands free to operate the bicycle.

10.84.09080. Careless riding prohibited. [Ord. 77-986 (part); prior code § 8-8]

No person shall, within the City, ride a bicycle in a zigzagging manner or by weaving in and out through traffic or by stunting, or at such speed that he shall not be able to bring the same to a stop within the assured clear distance ahead, or otherwise with disregard of his safety or the safety of others.

10.84.10090. Single-file riding. [Ord. 77-986 (part); prior code § 8-9]

Bicycles shall be ridden single file in business districts and upon sidewalks where permitted, but may be ridden not over two abreast elsewhere. Said bicycles shall be operated as near the right curb as is safely practicable, except for turning movements or where bike lanes designate otherwise.

10.84.110100. Observance of traffic rules required. [Ord. 77-986 (part); prior code § 8-10]

- A. All persons riding bicycles upon any street or sidewalk within the City shall observe all traffic ordinances and rules as to traffic lights and highway stop signs and shall signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use by motor vehicles, and shall not turn to the right or left in traffic except at regular intersections of streets, alleys, or driveways.
- B. All persons riding bicycles upon any street, sidewalk, or bike lane within the City shall observe all ordinances and rules as to traffic limits and shall make full and complete stops at official stop signs.
- C. In addition said bicycles shall be subject to the provisions of ordinances applicable to the driver of a motor vehicle except as to those provisions which by their very nature can have no application.

10.84.120110. Vehicles in bicycle lanes, paths, and parking areas unlawful. [Ord. 77-986 (part); prior code § 8-11]

It is unlawful for any person to drive any type of motorized bicycle or vehicle in a designated bicycle path, lane, or parking area or park any motorized bicycle or vehicle in such a path, lane, or parking area. No person shall cross a bicycle lane except after giving the right-of-way to all bicycles within the lane.

10.84.~~130~~~~120~~. Manner of parking restricted. [Ord. 77-986 (part); prior code § 8-12]

It is unlawful for any person to park a bicycle in such a manner as to unreasonably obstruct pedestrian or motor vehicle traffic.

10.84.~~140~~~~130~~. Violation — Penalty. [Ord. 77-986 (part); prior code § 8-13]

If any person operates a bicycle in violation of any of the provisions of this chapter or in violation of any of the provisions of the traffic laws of the state applicable to the operation of bicycles, then the license for the bicycle so operated shall be suspended, without regard to ownership of such bicycle, and such bicycle shall be impounded by the police department of the City, both such suspension and impounding to be for any period of days not to exceed 30 under orders of the chief of police. If any person violates any of the provisions of this chapter or of the traffic laws of the state applicable to the operation of bicycles, he shall, upon conviction thereof, be punished by imprisonment not to exceed 30 days or by a fine not to exceed \$100.

City of Davenport

Department: Community & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
2/12/2025

Subject:

Resolution approving a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

In 2016, the Quad Cities Chamber combined the economic development functions of attraction, regional marketing, and business retention and expansion into a new affiliated entity called Quad Cities First with a Board of Directors. Shortly thereafter, in 2018, a three-year Service Level Agreement with that entity was approved and went into effect.

In 2020, the QC Chamber absorbed the QC First Board in an effort to streamline the Chamber functions with tangentially related-economic development functions. A new four-year Service Level Agreement was approved and went into effect in July 2021 and will expire at the end of June this year.

In early 2024, Peter Tokar was hired as the new CEO of the QC Chamber. After vetting the matter with the business community and Quad City government organizations, the QC Chamber is transitioning back to a similar separation of duties as started under the former QC First. Toward that end, Grow Quad Cities was formed in late 2024 as an affiliate of the QC Chamber, with a separate Board of Directors and with a focus on the attraction, marketing, and business retention and expansion for the Quad Cities member organizations. A copy of the Grow Quad Cities By-Laws and the proposed new Service Level Agreement are included in this agenda packet. The new Board will be comprised of members from the Public Sector membership, including the five major cities, two counties, and an ex-urban municipality from both the Iowa and Illinois side, as well as representatives from the Private Sector.

The proposed new Service Level Agreement has a one-year term and would renew annually unless either party provides a notice of intent to terminate the agreement at least 120-days prior to the expiration of the current term. The Grow Quad Cities funding plan includes a per capita formula that starts at \$1.69 and builds with an annual escalator of \$0.20 per capita per year. For comparison purposes, the current year agreement calls for an annual payment of roughly \$148,321 from the City and, if approved, the annual payment next year would increase to \$171,447. In addition to escalation from inflation and cost of living adjustments, the new agreement with area governments adds additional services not previously included such as retail, mixed-use, and sports tourism.

Approval of this action item will authorize the Mayor to sign the new agreement and staff to take any other actions necessary to implement these changes.

Attachments:

1. Resolution
2. Service Level Agreement
3. Grow Quad Cities Bylaws

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION approving a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber.

WHEREAS, the City and the Quad Cities Chamber have a long history of partnering on economic development activities, including a Service Level Agreement over the past seven years detailing roles and costs of these services; and

WHEREAS, the Quad Cities Chamber has formed a new organization, Grow Quad Cities, to help delineate roles and governance of the three key economic development functions that have been part of the Chamber's role in the past four years; and

WHEREAS, the three key roles are business attraction, regional marketing, and business retention and expansion, which are planned to be governed by the newly formed Grow Quad Cities Board of Directors that will have representatives from the public sector and the private sector; and

WHEREAS, as the existing four-year Service Level Agreement is set to expire in June 2025, a new one-year Service Level Agreement is proposed, which would automatically renew unless the City or Grow Quad Cities notifies the other party of an intent to not renew at least 120-days in advance of the expiration date each term; and

WHEREAS, the proposed new Agreement includes an increase in the annual cost and an escalator for future years as well as adding additional economic development roles including retail, mixed-use, and sports tourism.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a new Service Level Agreement with Grow Quad Cities, an affiliate of the Quad Cities Chamber, is hereby approved.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Grow Quad Cities Service Level Agreement

July 2025

This Economic Development and Business Growth Partnership Agreement is effective on the 1st day of July 2025 by and between Grow Quad Cities and the signatories to this Agreement.

1. **Purpose:** The purpose of this Agreement is to outline the delivery and funding of economic development priorities to be provided by Grow Quad Cities on behalf of the Quad Cities Region (defined by the marketing service area of Henry, Mercer and Rock Island Counties in Illinois; Clinton, Muscatine and Scott Counties in Iowa). Services provided by Grow Quad Cities will supplement, support and be distinct from local economic development efforts by focusing on marketing, lead generation, prospect management and business growth support that will stimulate economic activity and investment across the bi-state region. The Parties recognize and agree, to the extent applicable to each party, that Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) and Iowa Code Chapter 28E authorize intergovernmental cooperation among units of local government and grants authority to contract or otherwise associate in any manner not prohibited by law or by ordinance. Grow Quad Cities shall file this Agreement with the Iowa Secretary of State in the manner set forth at Iowa Code § 28E.8.
2. **Scope of Work:** Grow Quad Cities shall complete the services outlined in the Scope of Work attached as Exhibit “A” and incorporated herein by the reference.
3. **Term of Agreement:** The Term of this Agreement shall commence on July 1, 2025, and continue until June 30, 2026; thereafter, the Agreement shall renew for successive one (1) year terms unless either party has provided written notice of its intention to terminate the Agreement at the end of a Term at least one-hundred and twenty (120) days prior to the expiration of the current Term.
4. **Funding:** The parties agree to provide funding to Grow Quad Cities in accordance with Exhibit B, Financial Support for Regional Services.
5. **Termination / Amendment:** This Agreement may be terminated with the intention to terminate at the end of the Term at least one-hundred and twenty (120) days prior to the expiration of the current Term, or amended prior to June 30, 2026, by mutual written consent of all parties to this Agreement and upon completion of the obligations of any contracted services made under this Agreement.
6. **Accountability:** Grow Quad Cities shall share quarterly programmatic progress reports with each participating partner. A Code of Ethics representing the standards that Grow Quad Cities and local government partners will adhere to under this agreement is part of this agreement and is attached as Exhibit “D”.
7. **Cooperation:** Grow Quad Cities and cooperating local governments will adhere to and agree to the memorandum of understanding outlined in Exhibit “E”.
8. **Liaisons:** Individuals appointed or elected to the Grow Quad Cities Board of Directors shall have the authority to represent and make decisions on performance of the Agreement. The Board of Directors operates under the current Grow Quad Cities bylaws.
9. **Severability:** Should any portion of this Agreement be judicially determined to be illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.

10. **Process of Adoption:** A binding Resolution in support of the economic development services in this Service Level Agreement shall be adopted by each governing body party to the Agreement.
11. **Assignment:** No party to this Agreement may assign, sell or transfer any part thereof to any other firm or entity without Grow Quad Cities obtaining the written permission of the Grow Quad Cities Board of Directors.
12. **Dissolution:** Upon any dissolution, the process for payment of all liabilities shall follow those procedures outlined in the Grow Quad Cities bylaws.
13. **Notices:** All notices, requests, demands, or other communications, provided for by this Agreement shall be in writing and be either hand-delivered or mailed to the other party at the address noted below the signature.
14. **Waiver:** No action or forbearance on the part of either party shall constitute a waiver of any of the covenants or conditions set forth herein, unless given in writing, and no such waiver shall constitute a waiver of future strict compliance with the same or any covenants or conditions of this Agreement.
15. **No Third-Party Rights:** Nothing in this Agreement shall be construed as creating or giving rise to any rights in any third party or any person other than the parties hereto.
16. **Entire Agreement:** This instrument contains the entire Agreement of the parties and supersedes all previous agreements between the parties, either oral or written. This Agreement may only be amended by an agreement in writing signed by the party against whom enforcement of any waiver change, modification, extension or discharge is sought.

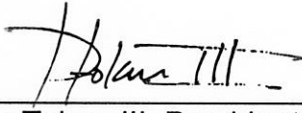
IN WITNESS WHEREOF, the parties hereto have executed this Grow Quad Cities Service Level Agreement effective as of the date first written above.

Signature Page Attached Hereto

SIGNATURE PAGE TO GROW QUAD CITIES SERVICE LEVEL AGREEMENT

The undersigned agree with the terms of the Agreement as written above:

Grow Quad Cities, Inc.

By: 
Peter Tokar, III, President & CEO

City of East Moline, Illinois
912 16th Avenue, East Moline, IL 61244
Attn: Mayor

By: _____
Reggie Freeman, Mayor

Dated: _____

City of Moline, Illinois
619 16th Street, Moline, IL 61265
Attn: Mayor

By: _____
Sangeetha Rayapati, Mayor

Dated: _____

City of Rock Island, Illinois
1528 Third Avenue, Rock Island, IL 61201
Attn: Mayor

By: _____
Mike Thoms, Mayor

Dated: _____

City of Eldridge, Iowa
305 North 3rd Street, Eldridge, IA 52748
Attn: Mayor

By: _____
Frank King, Mayor

Dated: _____

City of Bettendorf, Iowa
1609 State Street, Bettendorf, IA 52722
Attn: Mayor

By: _____
Bob Gallagher, Mayor

Dated: _____

City of Davenport, Iowa
226 West 4th Street, Davenport, IA 52801
Attn: Mayor

By: _____
Mike Matson, Mayor

Dated: _____

Scott County, Iowa
600 West 4th Street, Davenport, IA 52801
Attn: Board Chair

By: _____
John Maxwell, County Board Chairman

Dated: _____

Rock Island County, Illinois
1504 Third Avenue, Rock Island, IL 61201
Attn: Board Chair

By: _____
Richard Brunk, County Board Chairman

Dated: _____

EXHIBIT A – SCOPE OF WORK

1. **Mission:** The purpose of Grow Quad Cities is to promote the growth of the greater Quad Cities by showcasing the region as a premier business destination, serving as an expert resource for companies making location and expansion decisions and acting as a business advocate to align the region's public and private sector resources for the benefit of residents in the six-county region.
2. **Staff:** Grow Quad Cities economic development professionals conduct the Services defined in this Agreement and serve as the lead contacts for business representatives hoping to locate in or to expand in the Quad Cities region.
3. **Geography:** The Grow Quad Cities marketing service area includes a six-county region: Henry, Mercer and Rock Island Counties in Illinois and Clinton, Muscatine, and Scott Counties in Iowa.
4. **Economic Development Priorities:** Grow Quad Cities shall target industries that align with public sector priorities for investment and growth, and the region's economic and physical assets, including retail, mixed use and our region's industrial targets of Advanced Metals & Materials; Agricultural Innovation; Corporate Operation & Support Services; Defense; Logistics, and Sports Tourism.
5. **Scope of Services/Work Plan:** The Grow Quad Cities Board of Directors shall inform and approve an annual work plan and budget that outlines specific activities to achieve the objectives identified in this Agreement for services. The core economic development and business growth programs ("Services to be provided by the Grow Quad Cities staff include regional marketing, business attraction, and business retention and expansion. At a high level, the Grow Quad Cities staff, with oversight from the Grow Quad Cities Board of Directors will:
 - a. Execute a comprehensive sales and marketing plan to attract new investment and business opportunities to the Quad Cities region.
 - b. Execute a comprehensive existing business retention, expansion and workforce plan that stimulates growth of existing companies in the Quad Cities region.
 - c. Leverage data analytics and research capabilities to shape attraction and business growth opportunities in the region.
 - d. Advise market segments on available financial assistance options.

6. Outcomes and Deliverables

The Grow Quad Cities annual work plan will be informed and approved by the Grow Quad Cities Board of Directors on an annual basis to ensure continuing relevance of the economic development and business growth needs of the region. Grow Quad Cities shall share quarterly programmatic progress with each participating partner.

EXHIBIT B – FINANCIAL SUPPORT FOR REGIONAL SERVICES

1. Funding Plan: Public sector investments are based on a population ratio and per capita structure developed and agreed upon by city and county officials. Public sector payments for services are to be made to Grow Quad Cities on an annual schedule. The estimated amount of public funding for the five-year agreement will be based on an annual per capita formula, which reflects a \$0.20 increase yearly through FY 30. Scott and Rock Island County's investment is calculated per capita of total county population minus city population actively funding the agreement. Exurban counties investment is \$10,000, with a 3% adjustment every year until population reaches more than 50,000 people, which would then move to a per capita basis less any municipal participation population. If a city declines investment but their local economic development organization or local Chamber invests instead, they can be exchanged in the agreement if they contribute the required amount. For communities new to the partnership or where an increase is scheduled based on population changes, arrangements can be made to step in with 50% of the total increase due by the end of the first year, and the total amount due by the end of the second year. Per capita is determined by the US Census and Community Survey Population estimates, whichever is most recent.

Year One = \$1.69 per capita; \$0.54 exurban per capita
Year Two = \$1.89 per capita; \$0.74 exurban per capita
Year Three = \$2.09 per capita; \$0.94 exurban per capita
Year Four = \$2.29 per capita; \$1.14 exurban per capita
Year Five = \$2.49 per capita; \$1.34 exurban per capita

- 2. Financial Accounting and Administration:** All monies dispersed to Grow Quad Cities will be deposited into an account under the Grow Quad Cities name. All costs associated with regional economic development and business growth functions in the work plan and budget shall be supported by documentation showing the details of the nature and priority of the charges. All checks or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified as such and readily accessible for examination and audit by any participating entity's Chief Financial Officer or authorized representative. All records shall be maintained in accordance with procedures and requirements established by the Grow Quad Cities Board of Directors. All members of the Grow Quad Cities Board of Directors will receive a copy of the annual audit.
- 3. Payment Terms:** Payment is due 30 days after invoiced. Accounts must be current and good standing.

EXHIBIT C – ECONOMIC DEVELOPMENT PARTNERS

- 1. Description of Roles and Responsibilities:** This Agreement is designed to help better define roles and responsibilities, facilitate coordination of services among stakeholders and providers, and avoid duplication of efforts. The following list identifies primary responsibilities and secondary supportive roles for various functions in the regional economic development process.

ECONOMIC DEVELOPMENT FUNCTION	PRIMARY RESPONSIBILITY	SECONDARY SUPPORTIVE ROLE
BUSINESS ATTRACTION		
Business Attraction Lead Generation	Grow Quad Cities	States, Site Consultants, Companies, Economic Development Partners
Regional Marketing	Grow Quad Cities	Visit Quad Cities, Bi-State
Strategic Travel Planning/Sales Trips/Trade Shows	Grow Quad Cities	Economic Development Directors Input on Plan
Coordinate RFP Response	Grow Quad Cities	Community/Local Economic Development Organizations
Coordinate Site Visit	Grow Quad Cities	Community/Local Economic Development Organizations
Project Management	Grow Quad Cities	Community/Local Economic Development Organizations
Technical Assistance/Coordination of resources and referral	Grow Quad Cities	Community/EDPs/Local Economic Development Organizations
Incentive Packaging/Deal Structuring	Community/Funding Entity/Grow Quad Cities	Grow Quad Cities
Deal Closure	Community/Funding Entity/Brokers	Grow Quad Cities Communication Support
BUSINESS EXPANSION AND RETENTION		
BRE Lead Generation	Grow Quad Cities	EDPs, Site Consultants, Companies
Existing BRE Industry Outreach	Grow Quad Cities	Community/EDPs
Existing BRE Outreach	Grow Quad Cities /Community/LEDO	Brokers
Rock Island Arsenal	RIADA/Grow Quad Cities	

Project Management	Grow Quad Cities lead generation, facilitation, coordination	Local Community
Technical Assistance/Coordination of Resources and Referral	Grow Quad Cities	Community/EDPs/Local Economic Development Organizations
Incentive Packaging/Deal Structuring	Community/Funding Entity/Grow Quad Cities	Grow Quad Cities
Deal Closure	Community/Funding Entity/Brokers	Grow Quad Cities Communications Support
PRODUCT/ASSET DEVELOPMENT		
Community Development	Community/Local Economic Development Organizations	Grow Quad Cities (regional assets)
Downtown Development	Community/Local Economic Development Organizations	Contractual relationship with Quad Cities Chamber
Site/Building Development	Brokers/Developers/Local Economic Development Organizations/Community	Grow Quad Cities (facilitation; needs identification)
LOIS, Data Sets	Grow Quad Cities	Broker Community/Economic Development Partners
Product/Asset Promotion	Grow Quad Cities /Local Economic Development Organizations/Community	Economic Development Partners, Brokers
Infrastructure/Utility Development	Utilities/Community	Regional Infrastructure Groups/Local Economic Development Organizations/Grow Quad Cities (regional facilitation)
Manage Inventory/Asset	Local Economic Development organizations/Community	Broker; EDPs
BUSINESS CREATION/INNOVATION		
Identification and Recruitment of Startup/Entrepreneurs	SCORE/SBDCs/Grow Quad Cities/Quad Cities Chamber	Higher Education
Access to market research resources	Grow Quad Cities	Bi-State

Resource Assists and Technical Support for Business Development and Growth	SBDCs/CIRAS/IMEC/Grow Quad Cities	Higher Education
Financial Assistance Options for business growth	Grow Quad Cities SBDCs/SCORE	Economic Development Partners/Private Sector
Tech/Innovation Programs	Higher Education CIRAS/IMEC	Sector Boards
WORKFORCE DEVELOPMENT		
Workforce development/skill training	Community Colleges	Workforce Development Boards/Higher Education/K-12
Manage Laborshed/Graduate Inventory Report	Grow Quad Cities	Bi-State Regional Commission
Workforce recruitment	Private Sector EICC/BHC/Grow Quad Cities	Higher Education
Talent attraction	Grow Quad Cities/Visit Quad Cities (VQC)	Private Sector/Higher Education
Pre-Employment Training	EICC/BHC	Workforce Development Center/Colleges
Quality of Place Amenities	Grow Quad Cities/VQC/Downtown Organizations	Community/Local Economic Development Organizations
DATA SYSTEMS ANALYSIS/PUBLIC SECTOR SOURCES		
Regional Comprehensive Economic Development Strategy (CEDs)	Bi-State Regional Commission	Input from Economic Development Partners
ED Technical Assistance to local Governments	Bi-State Regional Commission	Federal and State agencies
Demographic, transportation, and planning data analysis	Bi-State Regional Commission	Federal and State agencies
Analysis federal sources	Bi-State Regional Commission	Federal and state agencies
PROJECT AFTERCARE		
Technical Assistance to Company with Community Operations	One Point of Contact within local community	Grow Quad Cities

Celebrations: Ribbon Cuttings, Ground Breakings, coordinated communications	Grow Quad Cities/Quad Cities Chamber /communications (Facilitator of Protocol)	Local community/Local Economic Development Organizations/all partners in the project
Ongoing BRE visits	Grow Quad Cities	Local community/Economic Development Partners
Business Check-In's	Grow Quad Cities	Local Economic Development Organizations/Community

EXHIBIT D – PARTNER CODE OF ETHICS

INTRODUCTION

Grow Quad Cities is committed to the economic development and growth of the Quad Cities region. Grow Quad Cities brings together the interests of a broad range of public, private, and public/private groups to promote the Quad Cities region as a single economic entity. The collaboration of such a variety of groups and interests requires that certain standards of conduct must be developed and adhered to for the Grow Quad Cities to meet its goals. This Code of Ethics represents the standards that each participant in the Grow Quad Cities regional economic development efforts supports and practices in its daily conduct of business.

PREAMBLE

We, the Quad Cities regional economic development partners of Grow Quad Cities, set forth the following principles of behavior and standards of conduct to guide efforts in promoting the long-term economic health of the Quad Cities region. We realize that no Code of Ethics is of value without an inherent level of trust in the integrity of one another and a commitment from each of us to conduct ourselves at the highest levels of professional conduct. The Grow Quad Cities was founded on the respect and trust of its members. In that spirit, we set forth this Code of Ethics.

We are committed to the promotion of the Quad Cities region as a desirable business location for new and expanding companies. When representing Grow Quad Cities, we shall endeavor to sell “Quad Cities Region” and our individual communities and projects second.

We shall honor the confidentiality requested by both our fellow partners of Grow Quad Cities and our prospects. Information shared with our fellow partners in confidence shall remain in confidence. Transactions are to be driven by the client. In the event a company chooses to relocate from one community to another, every effort will be made to contact the affected community to let them know of the potential move as outlined in the Regional Economic Development Cooperation resolution, adopted annually through the regional Comprehensive Economic Development Strategy process. Violation of this commitment shall be viewed as the single most serious breach of our commitment and partnership in the Grow Quad Cities Agreement.

We are committed to sharing among our partnership as much information as is necessary and prudent on any activity undertaken by or in the name of Grow Quad Cities. Our guiding principle shall be that “more information is better than less.”

At no time shall any economic development organization partner of Grow Quad Cities advertise or promote its respective area to companies within another member’s geographic area in a manner that is derogatory or insulting to the other geographic area. “Selling against” another partner of Grow Quad Cities or direct solicitation of intrastate relocations, is strongly discouraged.

We are committed to locating prospects in the Quad Cities region. If our local jurisdictions cannot meet the needs of a particular prospect we shall communicate with our fellow partners in an effort to meet the company’s needs elsewhere in the Quad Cities region.

Economic development organizations shall hold all responses to confidential requests for information pertaining to site and building information provided to the Grow Quad Cities by member real estate brokerage firms in the strictest confidence. Said information shall not be printed, copied, or shown in any manner to any entity other than prospects or their direct representatives without prior permission.

We are committed to the concept of competition for locations and expansions among our Individual communities and projects provided that the prospect has asked for specific proposals or has settled on a Quad Cities regional location. At no time shall any partner of the Grow Quad Cities solicit a fellow member's prospects.

We are committed to working together with the real estate community and are in no way in direct competition with them. Economic developers are a resource and facilitator in the site selection process.

CONFIDENTIALITY OF PROSPECTS

Partners of Grow Quad Cities shall honor the confidentiality of individual prospects. Whenever possible, specific information on transactions shall be shared within the realm of Grow Quad Cities and partner state organizations. In those instances where prospects are dealing with individual communities, information will only be shared by Grow Quad Cities staff and the local Economic Development representatives involved.

In instances, where a prospect wishes to remain completely confidential with an individual community, the remaining partners of Grow Quad Cities shall honor that confidentiality and shall in no way attempt to intervene in the relationship. The prospect will remain confidential until the prospect chooses to announce.

MARKETING

Any member of Grow Quad Cities that develops a prospect generated from national advertising and trade shows sponsored by Grow Quad Cities shall utilize the "Prospect Tracking System" of Grow Quad Cities in all contacts with the respective prospect.

Partners are strongly discouraged from advertising in local media outside of their own market area.

EXHIBIT E – REGIONAL ECONOMIC DEVELOPMENT COOPERATION RESOLUTION

The partners agree to practice the principles of the Regional Economic Development Cooperation Memorandum of Understanding:

WHEREAS, the Quad Cities economy functions as a single unit with many common interests and resources, where growth and development anywhere within the Quad Cities region enhances the overall vitality for all people and localities; and

WHEREAS, the best way to promote economic development is for local governments and private/nonprofit economic development entities to join forces, working and communicating together to attract new business and retain and expand existing business; and

WHEREAS, businesses seek to maximize their private economic gains and local governments seek to maximize jobs and tax base within their communities, creating competition among governments to offer various financial and other incentives to business to entice the development within their community; and

WHEREAS, local government may provide expansion resources and assistance to businesses, however, there is no net gain to the total Quad Cities region economy if limited resources are committed to assisting businesses to move within the area with no increase in jobs; and

WHEREAS, private and nonprofit entities are similarly involved in economic development projects and should also follow the policy set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the participant local governments to the agreement that:

- Section 1. All elected officials and staff of signatory local governments or private/nonprofit economic development organizations in the Quad Cities region will work together to promote and facilitate economic development.
- Section 2. Local governments and private/nonprofit economic development organizations, within the Quad Cities region, will not initiate contact with existing local businesses in an effort to entice these businesses to leave one local government for another local government within the region.
- Section 3. When a local government or private/nonprofit economic development organizations is contacted by a business that currently has facilities elsewhere in the Quad Cities region and the business intends to vacate or downsize its current facilities as part of a move within the Quad Cities region, the contacted local government is obligated to inform the government that currently houses the business of the proposed relocation. This contact may be made directly between the two governments. Alternatively, the involved business may make the contact and provide a letter documenting their conversation with the local government in which they are currently located.
- Section 4. If a business decides to relocate from one local government to another, within the Quad Cities region, only previously existing incentives may be offered by the receiving local government. No new incentives may be developed for the purpose of facilitating the relocation of a business from one local government to another in the Quad Cities region.

Section 5. The provisions of this resolution cannot be superseded by agreements for confidentiality or other contracts between a local government or nonprofit economic development organizations and a business. Local business will be made aware of this resolution immediately upon contacting the local government about relocating within the region.

**BYLAWS
OF
GROW QUAD CITIES, INC.**

**ARTICLE I
PURPOSES**

Section 1. Purposes. The Corporation is being organized for the following objects and purposes:

A. To advance the economic, civic, commercial, cultural, industrial, professional, agricultural and educational interests, and general welfare and prosperity throughout the Quad Cities area through all necessary means of promotion so that its citizens and all areas of its business and professional community shall prosper. Without limiting the foregoing, the Corporation shall recognize the unique interests and needs of the small business community and shall develop appropriate programs and services for members designed to address those interests and needs in the communities the Corporation serves. The Corporation shall work through all necessary means of promotion and with like-minded people to advance the economic, civic, commercial, cultural, industrial and educational interests of the area.

B. To do any other lawful thing incidental to, connected with or useful, suitable or proper for the furtherance or accomplishment of the foregoing purposes or any other purposes for which Delaware corporations exempt from federal income taxes under Section 501(c)(6) of the Internal Revenue Code of 1986, as amended, or corresponding successor federal tax law may be organized.

Section 2. Limitations. The foregoing powers shall be subject to the following limitations and conditions:

A. The Corporation shall be operated exclusively for those purposes allowed an exempt organization under Section 501(c)(6) of the Internal Revenue Code and Reg. 1-501(c)(6)-1 as they now exist (or the corresponding provisions of any future United States Internal Revenue Tax Law).

B. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its directors, officers, shareholders or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered. Notwithstanding the above, net earnings may be distributed to the Corporation's sole member as identified in Article III.

C. No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, provided that this restriction will not apply to lobbying related to the Corporation's exempt purpose.

D. The Corporation shall not participate in or intervene in (including the publishing or distribution of statement) any political campaign on behalf of any candidate for

public office, if such participation or intervention would constitute the Corporation's primary activity.

E. Notwithstanding any other provisions of these Bylaws, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue law).

ARTICLE II **OFFICES**

Section 1. Principal Office. The principal office of the Corporation shall be located in the States of Iowa or Illinois as may be designated by its Governing Board (the "Board"). The Corporation may have other offices, either within or without the States of Iowa or Illinois, as the Board may designate or as the business of the Corporation may require from time to time.

Section 2. Registered Office and Agent. The registered office of the Corporation to be maintained in the State of Delaware shall be 1209 Orange Street, Wilmington, DE 19801, and the address of the registered office may be changed from time to time by the Board. The registered agent shall be The Corporation Trust Company.

ARTICLE III **MEMBER**

Section 1. Eligibility. The sole member of the Corporation shall be the Quad Cities Chamber of Commerce, Inc. (the "Chamber").

Section 2. Annual Meeting. The annual meeting of the member of the Corporation shall be held each year in the month of October at such time and place as the Board or its Chairman may designate. Such meeting may be adjourned to any subsequent date. The annual meeting shall be held for the purpose of electing directors and the transaction of such other business as may come before the meeting. If the election of directors shall not be held on the day designated herein for any annual meeting of the member, or at any adjournment thereof, the Board shall cause the election to be held at a special meeting of the member as soon thereafter as conveniently may be.

Section 3. Special Meetings. Special meetings of the member, for any purpose or purposes, may be called by the Chairman, the Board, or by the Member.

Section 4. Place of Meeting. The Board or Chairman may designate any place as the place of meeting for any regular or special meeting. Waiver of notice signed by both Members may designate any place as the place for the holding of such meeting. If no designation is made, or if a special meeting is otherwise called, the place of meeting shall be the principal office of the Corporation.

Section 5. Notice of Meetings. Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which called, shall be delivered no less than twenty-four (24) hours, nor more than sixty (60) days before the date of the meeting, either personally, by ordinary mail, email, fax, courier or other reliable delivery method, by or at the direction of the Chairman, the Secretary, or the person calling the meeting, to the Member of the Corporation. When delivery of notice occurs shall be the same as for notice to members of the Board under Article IV, Section 8.

Section 6. Voting. Every Member entitled to vote may vote on any question or in any election in person or by proxy. All proxies shall be in writing and filed with the Secretary. No proxy shall extend beyond a period of eleven months, and every proxy shall automatically terminate when the grantor thereof shall cease to be a Member. Voting on any question or in any election may be by oral roll call unless the presiding officer shall order, or any Member shall demand that voting be by ballot.

Section 7. Action by the Member. Any action required to be taken at a meeting of the Member, or any other action which may be taken at a meeting of the Members, may be taken without a meeting and without a vote if a consent in writing, setting forth the action so taken, shall be authorized by the Member.

ARTICLE IV **GOVERNING BOARD**

Section 1. General Powers. The business and affairs of the Corporation shall be managed by its Board. The members of the governing board are referenced herein as the "Directors."

Section 2. Number and Classes of Directors. The number of Directors of the Corporation shall be twenty-one (21) and shall be comprised of two (2) classes of directors: the Chamber Class and the Public Sector Class. The Chamber Class shall consist of twelve (12) directors and the Public Sector Class shall consist of nine (9) directors.

Section 3. Election or Designation of Directors; Term Limits.

A. Prior to the effective date of these Bylaws, the Board was nominated and elected or designated as follows:

- i) Twelve (12) individuals from the private sector nominated by the Member for the Initial Board and thereafter as determined by the Board, (with the Chamber Chief Executive Officer and the Chamber Vice Chair as voting directors);
- ii) Nine (9) members from the Public Sector, each of whom serves as the Chief Administrative Professional, or a designee from the following municipalities in the Quad Cities region:

1. Bettendorf, Iowa
2. Davenport, Iowa
3. East Moline, Illinois
4. Moline, Illinois
5. Rock Island, Illinois
6. Rock Island County, Illinois
7. Scott County, Iowa
8. an Illinois ex-urban municipality, and
9. an Iowa ex-urban municipality

(Each a “Public Official” and collectively the “Public Officials”);

The Board may, from time to time, increase or decrease the number of directors of the Chamber by resolution. A director shall meet such qualifications as may be prescribed by resolution of the Board.

Each elected Director shall serve for a three (3) year term of office and the Board shall divide the initial members of the Board into three (3) classes, as nearly equal in number as possible, with the term of one class expiring on June 30 of each year and until their respective successors are duly elected and qualified. During the month of June, the Directors whose terms are not expiring shall select the individuals to fill the office of the class of elected directors whose terms are to expire the following June 30 and any vacancies existing as a consequence of the resignation, removal, death or incapacity of a director.

An elected Director who has served for two (2) full three (3) year terms is eligible to be re-elected to the Board after one (1) year has elapsed from the expiration of the previous term. In the event a sitting Vice Chairman has served two (2) full three (3) year terms at the time he/she is scheduled to be nominated as Chairman of the Board, his/her term will be extended by two (2) years to permit serving as Chairman and Past Chairman of the Board.

C. Beginning with the annual meeting of the Member, Directors may be designated or elected or re-elected as follows:

1. The Corporation shall recognize a six (6) member Board Nominating Committee. This Committee shall consist of the following:

- (a) The Board will appoint four (4) directors from the Chamber class (whose terms are not expiring) to serve on the Committee; and
- (b) The Chairperson of the Chamber will designate two (2) people to serve on the Committee, which may include the Chairperson.

2. The Board Nominating Committee shall, based upon the vacancy, direct the Chamber or Public Official to submit nominees or designees, as applicable, for consideration for election or re-election (if eligible) to the Board.

3. The Board Nominating Committee shall prepare and submit a slate of candidate(s) for election or re-election as the Chamber Class directors (Public Sector Class directors shall be designated by the corresponding Public Official and shall be elected upon submission to the Board Nominating Committee) and the list of Chamber Class nominees will be submitted to the member for election. The Chamber Class nominees will be elected upon approval of the list by the member (except Public Sector Class directors which do not require approval of the member and are elected upon submission of a name by the Public Officials to the Board Nominating Committee).

C. No Chamber Class Director shall serve more than two (2) consecutive full terms of office.

Section 4. Removal.

A. Any member of the Board may be removed at any time, with or without cause, by a vote of three-quarters (3/4) of the other Directors. A Chamber Class Director may be also removed by the request of the Member, upon providing written notice to the Chairman and the Secretary at least thirty (30) days prior to the effective date of the removal. A Public Sector Class Director may also be removed by the Public Sector Official who (or whose predecessor in office) designated that Director, upon providing written notice to the Chairman and the Secretary at least thirty (30) days prior to the effective date of the removal.

B. Chamber Class Directors may serve only so long as they (or an entity in which they are employed) are members in good standing in the Chamber. If a Chamber Class Director is not a member or not a member in good standing in the Chamber, such director shall be deemed to have resigned upon notification to the Board by the Chamber of that member's status in the organization. Public Sector Class directors may serve only so long as the city or county which selected that Director continues to financially support regional economic development initiatives through the Corporation.

C. Any Director who does not attend at least seventy-five percent (75%) of the Board meetings in any twelve (12) month period of time shall be automatically deemed to have resigned from the Board unless waived by the affirmative vote of three quarters (3/4) of the remaining Directors in office.

Section 5. Vacancies. In the event of a Chamber Class Director's resignation, removal or inability to serve, a new director shall be elected to fill the unexpired term by the Chamber. In the event of a Public Sector Class Director's resignation, removal or inability to serve, a new director shall be designated to fill the unexpired term by the appropriate Public Official who (or whose predecessor in office) designated the departing Director. In no event shall a vacancy be filled by individual who had been removed as a director or resigned as a director at any time within the twelve (12) month period prior to his or her nomination or designation of a director unless approved by the vote of two-thirds (2/3) of the remaining Directors in office.

Section 6. Regular Meetings. Regular meetings of the Board shall be held at least monthly at such time and place as may be designated by the Board by resolution. Such

meeting may, by vote of the Directors present, be adjourned to any subsequent date. The regular meeting shall be held for the transaction of such business as may come before the meeting.

Section 7. Special Meetings. Special meetings of the Board may be called by or at the request of the Chairman, a President or by action of any three (3) Directors. The person or persons authorized to call special meetings of the Board may fix any place as the place in Rock Island County, Illinois or Scott County, Iowa for holding any special meetings of the Board.

Section 8. Notice. Notice of any special meeting shall be given at least twenty-four (24) hours prior thereto by written notice delivered personally, mailed, emailed, faxed, couriered or given by other reliable delivery method to each director at his or her business address, fax number and/or email address. If mailed, such notice shall be deemed to be delivered three (3) days after deposited in the United States mail so addressed, with postage thereon prepaid. If notice be given by courier, such notice shall be deemed to be delivered when the notice is delivered to the courier for delivery to the designated recipient. If notice is given by fax, the fax is delivered upon confirmation that the fax was transmitted. If notice is given by email, the email is delivered upon sending. Any Director may waive notice of any meeting. The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meetings of the Board need be specified in the notice or waiver of notice of such meeting.

Section 9. Quorum. A majority of the number of Directors fixed by Section 2 of this Article IV shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than such majority is present at a meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

Section 10. Manner of Acting. The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board, unless a vote of a higher percentage of the Directors are required to be the act of the Board by these Bylaws or applicable law.

Section 11. Presumption of Assent. A Director of the Corporation who is present at a meeting of the Board at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her dissent shall be entered in the minutes of the meeting or unless he or she shall file his or her written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

Section 12. Committees. A majority of the Directors may create one or more committees and appoint members of the Board to serve on the committee or committees. Each committee shall have two (2) or more members, who serve at the pleasure of the Board.

A. Unless the appointment by the Board requires a greater number, a majority of any committee shall constitute a quorum and a majority of a quorum is necessary for committee action. A committee may act by unanimous consent in writing without a meeting and, subject to the provisions of the Bylaws or action by the Board, the committee by majority vote of its members shall determine the time and place of meeting and the notice required therefor.

B. To the extent specified by the Board or in the certificate of incorporation or Bylaws, each committee may exercise the authority of the Board provided, however, a committee may not (1) authorize distributions; (2) approve or recommend to members any act the General Corporation Law of Delaware requires to be approved by members; (3) fill vacancies on the board or on any of its committees; (4) elect or remove officers or fix the compensation of any member of the committee; (5) adopt, amend or repeal the Bylaws; (6) approve a plan of merger not requiring member approval; (7) authorize or approve reacquisition of membership interests, except according to a general formula or method prescribed by the Board; (8) authorize or approve the issuance or sale, or contract for sale, of membership interests; or (9) amend, alter, repeal, or take action inconsistent with any resolution or action of the Board when the resolution or action of the Board provides by its terms that it shall not be amended, altered or repealed by action of a committee.

Section 13. Informal Action by Directors. Any action required to be taken at a meeting of the Directors, or any other action which may be taken at a meeting of the Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors entitled to vote with respect to the subject matter thereof.

Section 14. Telephone Conference Meetings. Subject to other applicable provisions contained in these Bylaws, any action required to be taken at a meeting of Directors of the Corporation, or any action which may be taken at a meeting of the Directors, or a committee of directors, may be taken by means of conference telephone or similar communications equipment through which all persons participating in the meeting can hear each other, and the participation in a meeting pursuant to this provision shall constitute presence of a person at such a meeting.

ARTICLE V **OFFICERS**

Section 1. Designation and Election. The officers of the Corporation shall be a Chairman, a Vice Chairman, a President, a Secretary, and a Treasurer, and such other officers and assistant officers deemed necessary as may be elected by the Board. The Chief Executive Officer of the Member of the Corporation (or his or her designee) shall each serve as a President of the Corporation. All other officers shall be elected annually by the Board provided that the director serving as Chairman shall be a member of a Chamber Class. Any two or more offices may be held by the same person.

Section 2. Term of Office. The officers of the Corporation to be elected by the Board shall be elected annually by the Board at the first meeting of the Board held after each annual meeting of the Members. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office

until his or her successor shall have been duly elected and shall have qualified or until his or her death or until he or she shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal. Any officer or agent elected by the Board, except the President may be removed by the Board whenever in its judgment the best interest of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Section 4. Vacancies. A vacancy in any office other than the President because of death, resignation, removal, disqualification or otherwise, may be filled by the Board for the unexpired portion of the term.

Section 5. Chairman. At each annual meeting, the Board shall elect a Chairman from among the Directors who will be in office following the close of the meeting. A Chairman shall be eligible for re-election for one (1) additional term. The Chairman shall preside at all meetings of the Board during the year and may attend the meetings of all committees of the Board.

Section 6. Vice Chairman. At each annual meeting, the Board shall elect a Vice Chairman from among the Directors who will be in office following the close of the meeting. The Vice Chairman shall act as Chairman in the absence of the Chairman and when so acting, shall have the power and authority of the Chairman.

Section 7. The President. The President shall be the principal executive officer of the Corporation, and, subject to the control of the Board, shall in general supervise and control all of the business and affairs of the Corporation. The President may sign, with the Secretary or any other proper officer of the Corporation thereunto authorized by the Board, certificates for membership interests of the Corporation, any deeds, mortgages, bonds, contracts, government applications or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws to a specific officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed; and in general shall, individually if one and collectively if more than one, perform all duties incident to the President and such other duties as may be prescribed by the Board from time to time.

Section 8. The Secretary. The Secretary shall (a) keep the minutes of the meetings of the membership and the Board meeting in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records; (d) keep a register of the post-office address of each Member which shall be furnished to the Secretary by such member; (e) sign with the President or Co-Presidents, certificates for membership interests of the Corporation, the issuance of which shall have been authorized by resolution of the Board; (f) have general charge of the membership interest records of the Corporation; and (g) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board.

Section 9. The Treasurer. If required by the Board, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Board shall determine. The Treasurer shall: (a) have charge and custody of and be responsible for all funds of the Corporation; receive and give receipts for moneys due and payable to the Corporation from any source whatsoever, and deposit all such moneys in the name of the Corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VI of these Bylaws; and (b) in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board.

Section 10. Assistant Secretaries and Assistant Treasurers. The Assistant Secretaries, when authorized by the Board, may sign with the President certificates for membership interests of the Corporation the issuance of which shall have been authorized by a resolution of the Board. The Assistant Treasurers shall respectively, if required by the Board, give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board shall determine. The Assistant Secretaries and Assistant Treasurers, in general, shall perform such duties as shall be assigned to them by the Secretary or the Treasurer, respectively, or by the President, the Chairman or the Board.

ARTICLE VI

CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. Contracts. The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument (including, but not limited to, applications for government permits) in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 2. Loans. No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board. Such authority may be general or confined to specific instances.

Section 3. Checks, Drafts, etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board.

Section 4. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select.

ARTICLE VII

FISCAL YEAR

The fiscal year of the Corporation shall commence on July 1 of each year.

ARTICLE VIII
SEAL

The Corporation shall not have a corporate seal.

ARTICLE IX
WAIVER OF NOTICE

Whenever any notice is required to be given to any member or director of the Corporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE X
AMENDMENTS

These Bylaws may be altered, amended or repealed and new bylaws may be adopted only by action of the member.

ARTICLE XI
DISSOLUTION

Upon any dissolution of the Corporation, the Board shall, after paying or making provisions for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation, in such manner, or to such organization or organizations as shall at the time qualify as an exempt organization or organizations under Sections 501(c)(3) or 501(c)(6) of the Internal Revenue Code (or the corresponding provisions of any future United States Internal Revenue law), as the Board shall determine, or by a court of competent jurisdiction if the Board fails to make the selection within a reasonable time. The Corporation's assets shall not be distributed to any corporation or organization operated for profit and shall not be distributed to one or more Directors, officers, donors, or other persons. Upon dissolution, the Corporation's assets shall be distributed to the Corporation's sole member as identified in Article III.

ARTICLE XII
LIMITATION OF LIABILITY

Unless otherwise provided by law, directors, officers, members and employees of the Corporation, shall not, as such, be liable for corporate debts and obligations; directors, officers, members, employees and any volunteers shall not be personally liable for any claim based upon an act or omission of such person performed in the reasonable discharge of his or her lawful corporate duties. The Corporation shall indemnify and defend such Directors, officers, members and employees for any claims asserted against them in their capacity as such, so long as said persons were acting in good faith and in reasonable discharge of his or her lawful corporate duties, as provided in the bylaws of the Corporation.

Effective _____, 2024

City of Davenport

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

Action / Date
2/12/2025

Subject:

Second Consideration: Ordinance amending Schedule II One-Way Streets of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Cedar Street from 4th Street to 5th Street. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

With the construction of the new Smart Middle School, converting Cedar Street between West 4th Street and West 5th Street from one-way to two-way traffic will improve traffic flow. The street is sufficiently wide enough to support two-way traffic while maintaining resident parking on the west side. Additionally, the Davenport Community School District will modify the traffic signal at the intersection of West 4th Street and Cedar Street to accommodate the new two-way traffic pattern.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE II ONE-WAY STREETS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REMOVING CEDAR STREET FROM 4TH STREET TO 5TH STREET.

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

Section 1. That Schedule II One-Way Streets of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by removing the following:

Cedar Street from 4th Street to 5th Street

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
2/12/2025

Subject:

First Consideration: Ordinance for Case REZ25-01 being the request of Woda Cooper Development, Inc to rezone approximately .39 acres of land located on Lot 21 of Sheffield Square 1st Addition from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]

Recommendation:

Consider the Ordinance.

Background:

The subject property is zoned C-1 Neighborhood Commercial District. The site is currently vacant and will be combined with the abutting lots, zoned C-T Commercial Transitional District, to the west to form a larger developable property. The purpose is to construct Timber Ridge Apartments, a planned 52-unit rental community for independent living seniors 62 years of age or older. All units will be located within one 3-story fully accessible building spanning across 5 properties. Community amenities will include a gathering place and dog park.

At its January 21, 2025 meeting, the Plan and Zoning Commission recommended Case REZ25-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with the zoning and uses of nearby property.
3. The zoning map amendment will enable the area 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 amendment does not create nonconformities.

The staff report from the January 21, 2025 Plan and Zoning Commission meeting is attached.

Attachments:

1. Ordinance
2. Staff Report
3. Application
4. Maps
5. Zoning Ordinance

6. Public Notice: Committee of the Whole
7. Public Notice: Plan & Zoning Commission

ORDINANCE NO. 2025-

AN ORDINANCE FOR CASE REZ25-01 BEING THE REQUEST OF WODA COOPER DEVELOPMENT, INC. TO REZONE LOT 21 OF SHEFFIELD SQUARE 1ST ADDITION, BEING APPROXIMATELY .39 ACRES OF LAND, FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-T COMMERCIAL TRANSITIONAL DISTRICT. [WARD 2]

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

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

Lot 21 in Sheffield Square 1st Addition, an Addition to the City of Davenport, Iowa. Subject to easements and restrictions of record.

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 Residential General.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with the zoning and uses of nearby property.
3. The zoning map amendment will enable the area 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 amendment does not create nonconformities.

Section 3. At its January 21, 2025 meeting, the City Plan and Zoning Commission voted to forward Case REZ25-01 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.

First Consideration _____

Second Consideration _____

Approved _____

Mike Matson
Mayor

Attest: _____

Brian Krup
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

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

Action / Date
1/21/2025

Subject:

Case REZ25-01: Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]

Recommendation:

Staff recommends Case REZ25-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with the zoning and uses of nearby property.
3. The zoning map amendment will enable the area 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 amendment does not create nonconformities.

Background:

The subject property is zoned C-1 Neighborhood Commercial District. The site is currently vacant and will be combined with the abutting lots, zoned C-T Commercial Transitional District, to the west to form a larger developable property. The purpose is to construct Timber Ridge Apartments, a planned 52-unit rental community for independent living seniors 62 years of age or older. All units will be located within one 3-story fully accessible building spanning across 5 properties. Community amenities will include a gathering place and dog park.

Why is a Zoning Map Amendment Required?

'Dwelling-Multi-Family' is a permitted use in both the C-1 Neighborhood Commercial District and the C-T Commercial Transitional District. However, there are different district dimensional standards for lot area, building height, gross floor area of nonresidential, and setbacks. The two districts also have separate design standards for fenestration. Since the applicant intends to construct the footprint of the senior living facility across zoning designations, a map amendment is required to facilitate the development.

Comprehensive Plan:

1. Within Existing Urban Service Area: Yes
2. Within Urban Service Area 2035: Yes

Future Land Use Designation:

The subject property is currently designated as Residential General in the Davenport +2035 Future Land Use Map.

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

Zoning:

The applicant is petitioning a rezoning from C-1 Neighborhood Commercial District to C-T Commercial Transitional District.

1. **C-1 Neighborhood Commercial District:** This zoning district is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.
2. **C-T Commercial Transitional District:** This zoning district is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed.

Technical Review:

City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems. Additional review will occur upon development of the property.

Approval Standards for Map Amendments (Chapter 17.14.040)

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

- **The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.**

Staff Response: The property is designated as Residential General (RG) in the Davenport +2035 Land Use Plan. Since the Comprehensive Plan designated areas as a whole, the neighborhood surrounding Truman Elementary School is classified as Residential General. Established neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, except for edges and transition areas, where higher intensity

may be considered.

Rezoning the property to C-T Commercial Transitional District does not require an amendment to the Future Land Use Map. With the exception of Green Acres Park, the intersection of Pine Street and West 53rd Street is designated as a Commercial Node. It is generally encouraged to have higher density near commercial corridors, such as West 53rd Street. The subject property serves as the transition between these two land use designations.

It is staff's opinion that the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

- **The compatibility with the zoning of nearby property.**

Staff Response: The subject property is located on a block that serves as a transition between a commercial corridor and residential neighborhood. Given the higher traffic volumes, properties along West 53rd Street and Pine Street are zoned C-1 Neighborhood Commercial District. This facilitates commercial development that is compatible with nearby residential neighborhoods.

The lots on this block fronting West 54th Street and Linwood Avenue are zoned C-T Commercial Transitional District. This is the lowest intensity commercial district in Davenport, which is designed to promote moderate density residential development with limited commercial uses. The request to downzone the property to a lower intensity district will further protect the adjacent residential areas from incompatible commercial development. A rezoning creates consistency with the immediately adjacent vacant lots to the west, which are intended to be combined for the development of a senior living facility. Furthermore, the maximum building height in the C-T Commercial Transitional District is 35 feet, which is consistent with the surrounding residentially zoned properties.

The properties north of 54th Street are zoned R-4 Single-Family and Two-Family Residential District. This moderately dense urban development pattern is suitable adjacent to commercial corridors. Preserving a limited commercial zoning designation on the southside of the street may create a beneficial mix of land uses in the area.

It is staff's opinion the proposed zoning amendment to C-T Commercial Transitional District is compatible with the zoning of nearby property.

- **The compatibility with established neighborhood character.**

Staff Response: The established neighborhood character consists of a diversity of residential, commercial, and civic uses. The neighborhood contains a mixture of housing types, including single-family homes along Linwood Avenue, duplexes on the northside of 54th Street, townhomes, and a 12-unit multi-family building at 2413 54th Street. Truman Elementary School is also within close proximity and has an entrance directly across the street from the subject property. Commercial businesses within the vicinity include Choice Automotive, Big 10 Mart, Lawnscape, and a shopping center at the southeast corner of Pine Street and 53rd Street.

The subject property is a vacant lot, which will be combined with the adjacent parcels to the west to form a larger developable site. Compatibility with the established neighborhood character depends on the development of the property. The Zoning Ordinance implements design standards to ensure new construction is cohesive with the surrounding neighborhood. These standards regulate building materials, façade design, fenestration, and roof design.

Both the C-1 Neighborhood District and C-T Commercial Transitional District have the same design standards for residential development. These standards will be applicable to the proposed senior living facility. However, there are minor differences for new commercial construction. A rezoning to C-T Commercial Transitional District would eliminate a ground floor transparency requirement of 50% for public facing facades. Otherwise, standards for façade design and roof design remain unchanged between zoning districts.

It is staff's opinion the proposed zoning district is compatible with the established neighborhood character.

- **The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.**

Staff Response: The applicant is requesting a map amendment to a more restrictive zoning designation. The proposed zoning map amendment will allow for similar uses as those already existing in the neighborhood. However, the C-T Commercial Transitional District limits the maximum gross floor area of nonresidential uses to 5,000 square feet. This is a unique requirement that does not apply to Davenport's other commercial zoning districts. The purpose is to ensure existing residential neighborhoods are protected from more intense commercial uses.

It is staff's opinion that the proposed zoning map amendment will promote the public health, safety, and welfare of the City.

- **The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.**

Staff Response: The existing and proposed zoning designations accommodate low intensity office and retail uses that serve the needs of nearby residential areas. Dwellings are also considered a permitted use in both the C-1 Neighborhood Commercial District and the C-T Commercial Transitional District. The purpose of the rezoning is specific to the proposed development. The applicant intends to combine the subject lot, zoned C-1 District, with the adjacent properties to the west, zoned C-T District. Since the proposed apartment building will span across zoning boundaries, a map amendment is required to facilitate the development. Otherwise, a standalone multi-family building could be built on the site without a rezoning.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.

- **The extent to which the proposed amendment creates nonconformities.**

Staff Response: There are no structures on the subject property, which has been used as a community garden in recent years. If rezoned to C-T Commercial Transitional District, the property will comply with district dimensional standards for minimum lot area (10,000 square feet) and width (60 feet) requirements. Any development of the site shall be in accordance with applicable city codes and meet the standards of the C-T Commercial Transitional District.

It is staff's opinion that the proposed amendment will not create any nonconformities.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the December 18th neighborhood meeting and the January 7th Plan and Zoning Commission Public Hearing.

The neighborhood meeting was held at the Red Hawk Golf Course Clubhouse. Those in attendance included the applicant, planning staff, several elected officials, and two members of the public. To date, no written comments or formal protest petitions have been submitted. Staff will apprise the Commission of any additional correspondence at the January 21st Plan and Zoning Commission meeting.

Attachments:

1. Application
2. Maps
3. Public Notice
4. Zoning Ordinance



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
REZONING
(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE
Timber Ridge Apartments

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION
Vacant lot across from 2350 W 54th Street.

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

--	--	--

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA
	C1	CT	16,830

COMPLETE SUBMITTALS SHALL INCLUDE: **SUBMITTED**

Concept/Development Plan ☒

Authorization to Act as Applicant* ☒
*only needed if the Applicant is different than the owner

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

Legal Description Dimensioned Sketch ☒

Application Fee* (REQUIRED) ☐
* (check payable to 'City of Davenport')

Rezoning Fee Schedule

Land Area	Fee
Less than 1 acre	\$400
1 to less than 10 acres	\$750 plus \$25/acre
10 acres or more	\$1,000 plus \$25/acre

1 to 3 site notice signs are required based on lot size; \$10 each

PROJECT NARRATIVE: (submit separate sheet if needed)

Timber Ridge Apartments is a planned 52-unit rental community for independent living seniors 62 years of age or older. The project will feature 32 one-bedrooms and 20 two-bedroom apartments. Units will feature energy efficient appliances including in-unit washers and dryers. All units will be located in one 3-story fully accessible building. Community amenities will include a community gathering place and a dog park.

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

APPLICANT INFORMATION

Applicant Name | Company Name

Woda Cooper Development, Inc.

Address

500 S Front Street, 10th fl.

City | State | Zip

Columbus, Ohio 43215

Phone

(614) 935-5466

Secondary Phone

E-Mail Address

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.

Barry Accountius

Type Applicant's Name



Applicant's Signature

Date

1-8-25

DEVELOPMENT TEAM

Property Owner

Steven Josvanger

Address

6732 Cresthill Drive, Davenport, IA 52806

Phone

(563) 579-0266

Secondary Phone

E-Mail Address

Project Manager/Other

Barry Accountius

Address

500 S Front Street, 10th fl., Columbus, OH 43215

Phone

(614) 935-5466

Secondary Phone

E-Mail Address

Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS
revised Jan. 2024

Authorization to Act as Applicant

I/We, Steven Josvanger

[as property owner(s)]

authorize Barry Accountius and/or Nick Pack and/or Karen Bernick

[the above person(s)]

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

for the property located at across from 2350 W 54th Street

Steven J. Josvanger

Signature(s)*

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

Notarization:

11-19-24
Date

State of Iowa

County of Scott

Sworn and subscribed before me

this 19th day of Nov, 2024

Latasha M Brotherton

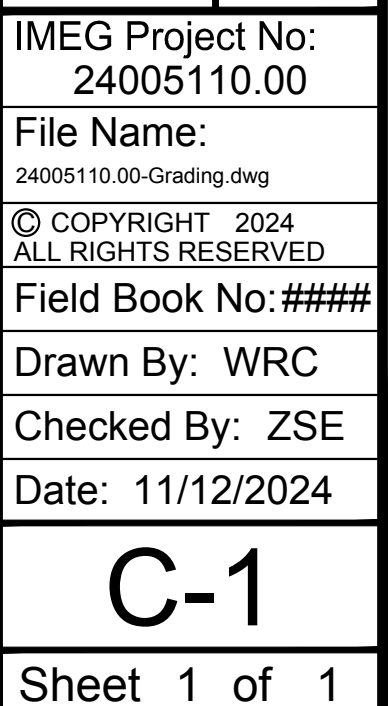
Notary Public

My Commission Expires:

July 7 2026



[identification type]



Tuesday, November 12, 2024 4:59:01 PM
C:\24005110.00\DESIGN\CIVIL\C3D\SOURCE\24005110.00-GRADING.DWG



BUILDING AREA CALCULATIONS				
	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTAL
NEW RESIDENTIAL AREA	11,816 SF	12,234 SF	12,234 SF	36,284 SF
NET COMMON AREA	3,429 SF	3,011 SF	3,011 SF	9,451 SF
NEW BUILDING AREA	15,245 SF	15,245 SF	15,245 SF	45,735 SF
GROSS BUILDING AREA	16,237 SF	16,237 SF	16,237 SF	48,713 SF

UNIT QUANTITIES AND AREAS					
UNIT TYPE	1ST FLOOR	2ND FLOOR	3RD FLOOR	TOTALS	UNIT TYPE NET SF
1BR-1 - ACCESSIBLE	3	0	0	3	627
1BR-2 - TYPE B	7	11	11	29	627
2BR-1 - ACCESSIBLE	3	0	0	3	811
2BR-2 - TYPE B	3	6	6	15	811
2BR-3 - TYPE B	0	1	1	2	844
TOTALS	16	18	18	52	

DEVELOPMENT UNIT MIX:
(32) 1 BEDROOM APARTMENTS
(20) 2 BEDROOM APARTMENTS
(52) TOTAL UNITS

DEVELOPMENT ACCESSIBILITY MIX:
TOTAL TYPE A UNITS: 6 (10%)
TOTAL AUDIO / VISUAL UNITS: 2 (2%)

PARKING SPACES
(52) PARKING SPACES - REQUIRED
(52) PARKING SPACES - PROVIDED
(3 ACCESSIBLE / 49 STANDARD)



Neighborhood Meeting Attendance List

Date: 12/18/2024

Time: 6:00 am

Location: Red Hawk Golf Course Clubhouse

Case:

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]

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

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Dwain Kilburg	[REDACTED]	[REDACTED]	2316-18
2				2322-24
3	Cole Kilburg			2340-42
4				2356-58
5				
6				
7				
8				
9				
10				
11				
12				
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17				
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23				
24				
25				



Vicinity Map | Case REZ25-01

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]



LINWOOD AVE

TRUMAN ELEMENTARY SCHOOL

W 54TH ST

CHOICE
AUTOMOTIVE

PINE ST

GREEN
ACRES
PARK

LAWNSCAPERS

BIG 10 MART

W 53RD ST

SHOPPING CENTER



Subject Property

0 100 200 Feet

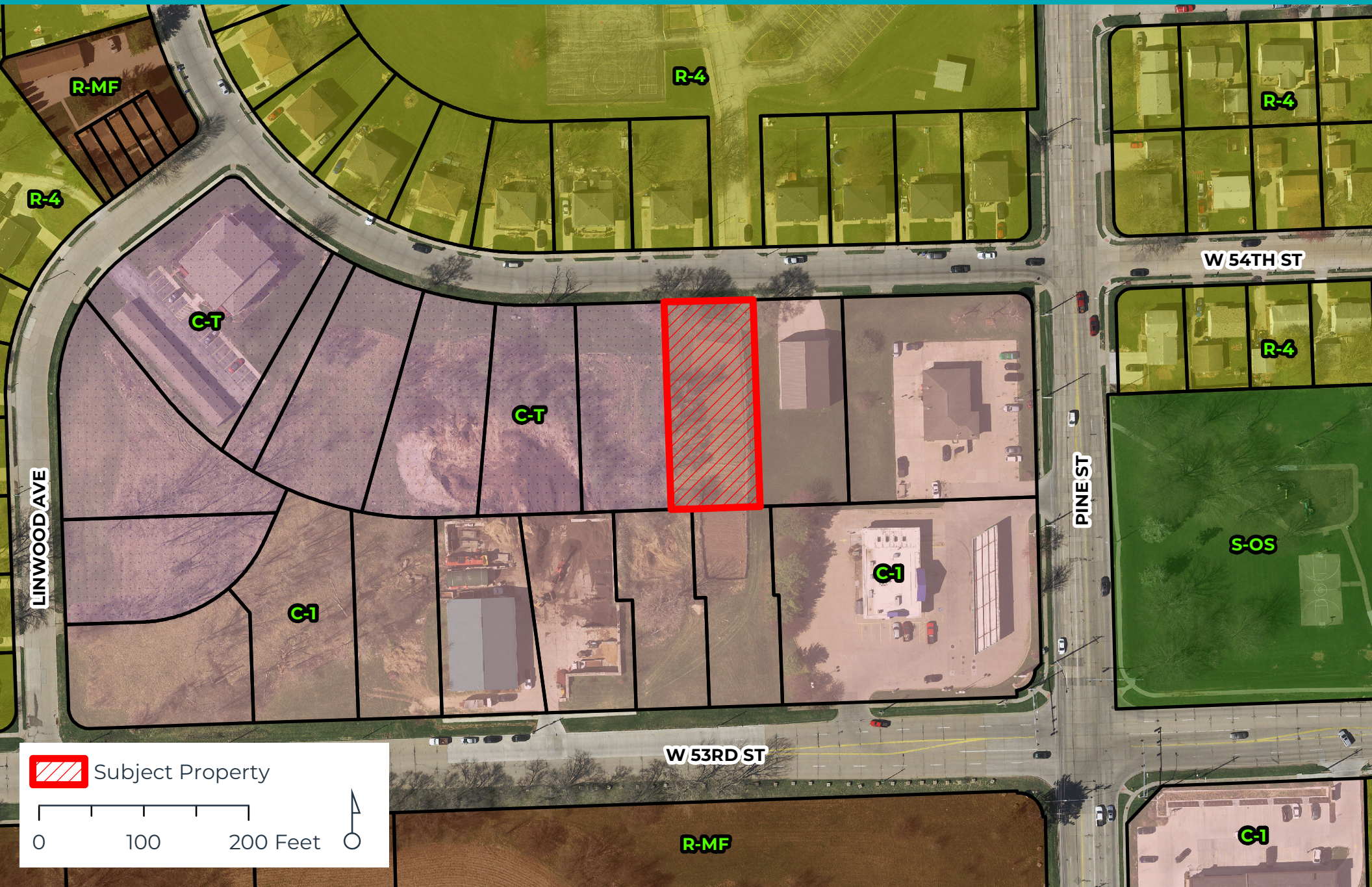




THE CITY OF
DAVENPORT
IOWA | USA

Zoning Map | Case REZ25-01

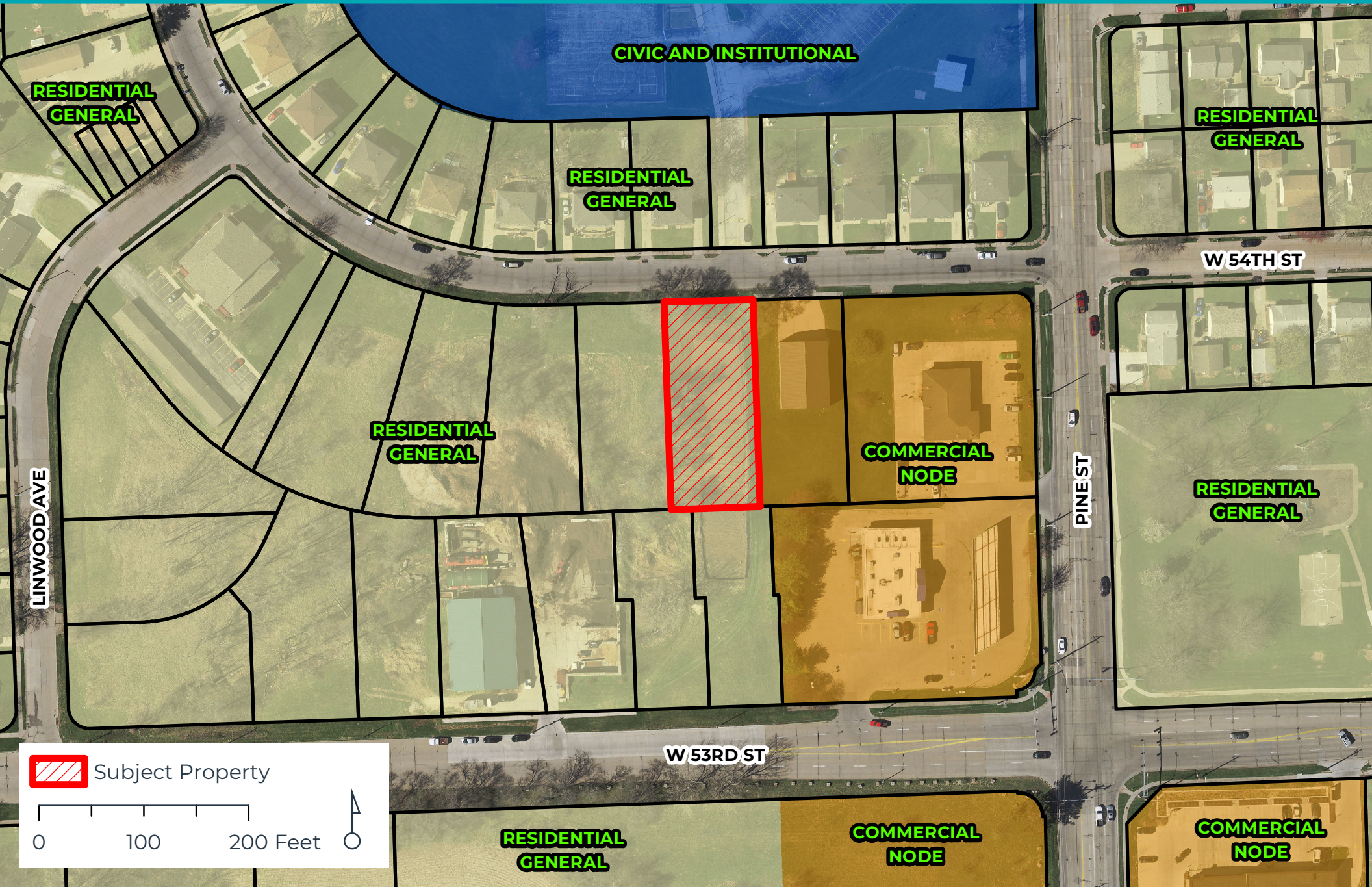
Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]





Future Land Use Map | Case REZ25-01

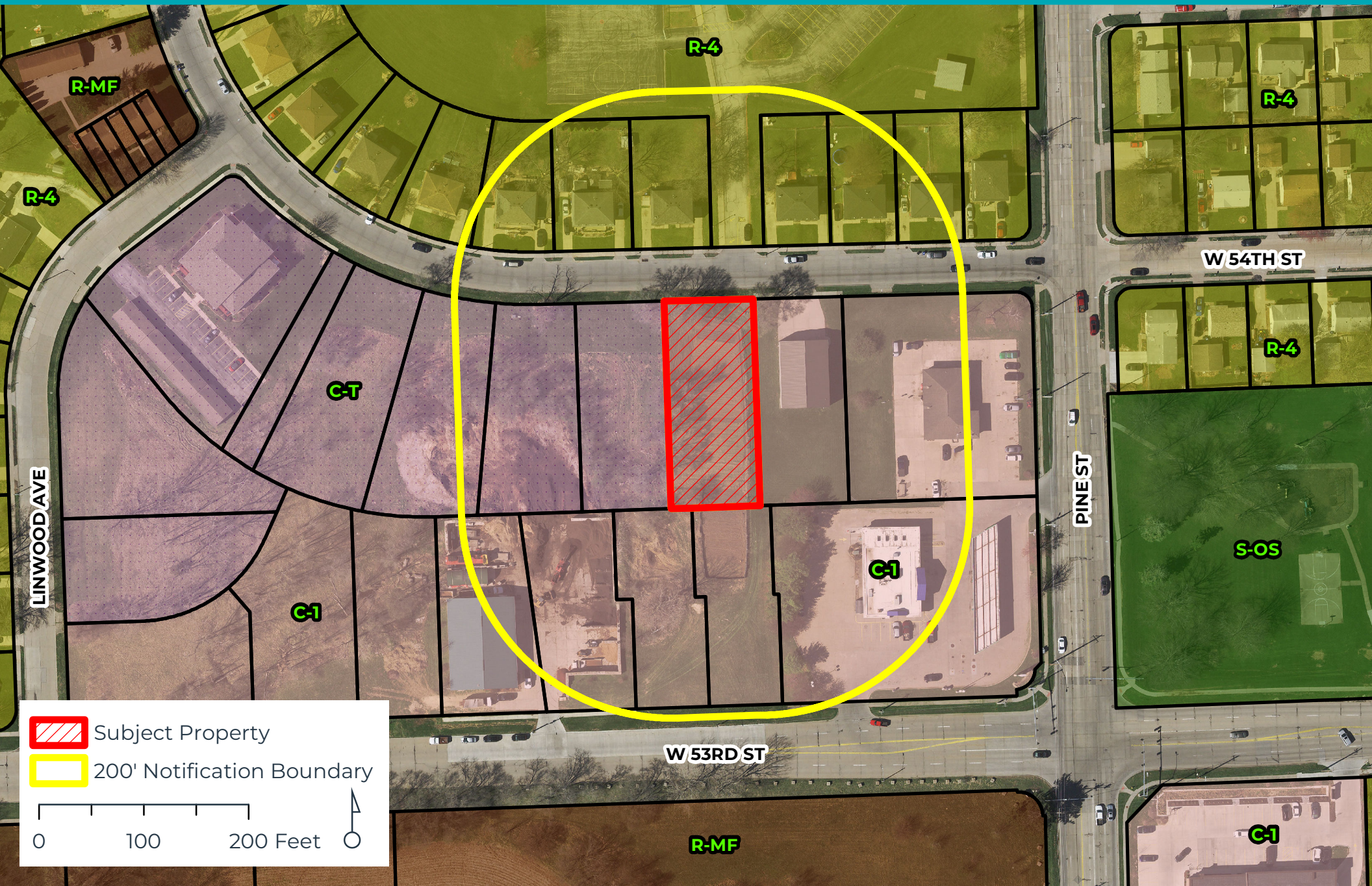
Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]





Public Notice Map | Case REZ25-01

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]



Subject Property



200' Notification Boundary

0 100 200 Feet



CHAPTER 17.05. COMMERCIAL DISTRICTS

Section 17.05.010	Purpose Statements
Section 17.05.020	Uses
Section 17.05.030	Dimensional Standards
Section 17.05.040	Design Standards
Section 17.05.050	C-D District Standards
Section 17.05.060	C-V District Standards
Section 17.05.070	C-E District Standards
Section 17.05.080	General Standards of Applicability

Section 17.05.010 Purpose Statements

A. C-T Commercial Transitional Zoning District

The C-T Commercial Transitional Zoning District is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed.

B. C-1 Neighborhood Commercial Zoning District

The C-1 Neighborhood Commercial Zoning District is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

C. C-2 Corridor Commercial Zoning District

The C-2 Corridor Commercial Zoning District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport’s commercial corridors.

D. C-3 General Commercial Zoning District

The C-3 General Commercial Zoning District is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

E. C-C City Centre Zoning District

The C-C City Centre Zoning District is intended to position the central part of the city for revitalization oriented toward a regional mix of commercial, high-density residential, and entertainment that encourages compatible development and redevelopment while promoting local reinvestment.

F. C-OP Commercial Office Park Zoning District

The C-OP Commercial Office Park Zoning District is intended to accommodate larger office developments, office parks, and research and development facilities, which may include limited indoor light industrial uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of campus-like environments, and include provisions for orientation of structures around plazas or public spaces, and the creation of a cohesive appearance.

G. C-D Downtown Zoning District

The C-D Downtown Zoning District is intended to accommodate the unique development environment of downtown Davenport. The District is intended to reinforce and enhance the existing character of downtown as a point of regional focus, a destination for culture, sports, and entertainment, and a vibrant, pedestrian-friendly mixed-use environment.

H. C-V Village of East Davenport Zoning District

The C-V Village of East Davenport Zoning District is intended to preserve and enhance the smaller-scale, historic character of the Village of East Davenport, and to ensure future development is compatible with the unique historic and architectural character of the area.

I. C-E Elmore Corners Zoning District

The C-E Elmore Corners Zoning District is intended to implement the vision contained in the Elmore Corners Area Plan through the application of site and building design standards that ensure quality, compatible, and coordinated development within the area.

Section 17.05.020 Uses

A. Chapter 17.08 lists permitted, special, and temporary uses for the commercial districts.

B. In the C-V District, only 35% of a blockface can be in the use “bar.” This is calculated as a percentage of the number of buildings along a blockface. Where a structure maintains an outdoor seating area, such seating area is counted as part of the building.

Section 17.05.030 Dimensional Standards

A. Table 17.05-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts, with the exception of the C-D, C-V, and C-E Districts. The dimensional standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. In the C-T District, new non-residential development is limited to the maximum gross floor area indicated in Table 17.05-1. Any structures existing as of the effective date of this Ordinance are exempt from this limitation. Additional gross floor area may be permitted if, during site plan review, it is found that the development meets the following standards:

1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
3. The design of the site’s circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design minimizes potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

C. In the C-1 District where 70% of a block face has been developed, new construction may exceed the Build-to-Zone limits by no more than the average setback of structures on said blockface.

D. See Section 17.02.040 for measurement methodologies.

Table 17.05-1: Commercial Districts Dimensional Standards

	C-T	C-1	C-2	C-3	C-C	C-OP
Bulk						
Lot Area (minimum)	10,000sf	None	None	20,000sf	None	20,000sf
Lot Width (minimum)	60'	None	None	80'	None	70'
Gross Floor Area of Nonresidential (maximum)	5,000sf unless Sec.17.05.030.B	None	None	None	None	None
Building Height (maximum)	35'	45'	45'	Nonresidential: 55' Mixed-Use: 75'	None unless within 75' of a 'R' District, then 35'	45'
Setbacks						
Front (minimum)	BTZ of 0' to 20'	BTZ of 0' to 15'	None	25'	None	20'
Front Build-To %	70%	70%	None	None	None	None
Interior Side (minimum)	None, unless abutting a 'R' District then 20'	None, unless abutting a 'R' District then 10'	None, unless abutting a 'R' District then 10'	10', unless abutting a 'R' District then 20'	None, unless abutting a 'R' District then 20'	15'
Corner Side (minimum)	BTZ of 0' to 15'	BTZ of 0' to 10'	10'	20'	None	BTZ of 0' to 20'
Corner Side Build-To %	60%	60%	None	None	None	60%
Rear (minimum)	15';unless abutting a 'R' District then 25' or 20% of lot depth, whichever is less	None, unless abutting a 'R' District then 15' or 20% of lot depth, whichever is less	None, unless abutting a 'R' District then 15'	10', unless abutting a 'R' District then 25'	None, unless abutting a 'R' District, then 25'	25'

Section 17.05.040 Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

New construction of any new dwelling shall meet either the Design Standards in Table 17.05-2 or the Use Standards for the applicable dwelling type in Section 17.080.030.

A. Commercial Districts Design Standards

Table 17.05-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

Table 17.05-2: Commercial Districts Design Standards						
	C-T	C-1	C-2	C-3	C-C	C-OP
Façade Design						
Building façades that face a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.	•	•	•	•	•	
Building façades in excess of 100 linear feet that face a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•	•	•	•	
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.						•
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.	•	•	•	•	•	
Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that face a public right-of-way (excluding alleys) and/or the lot line of a residential district.	•	•	•	•	•	
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	•	•	•	•	•	•
Fenestration Design	C-T	C-1	C-2	C-3	C-C	C-OP
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•			
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.				•	•	
Upper floors of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.	•	•	•			
Roof Design						
Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.	•	•	•	•	•	
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•	•	
Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.	•	•	•	•	•	
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•	•	•
Entrance Design						
Public entrances and primary building elevations must be oriented toward a public street. Main entrances to the buildings must be well defined.						•
Entrances to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas						•

Table 17.05-2: Commercial Districts Design Standards

	C-T	C-1	C-2	C-3	C-C	C-OP
Multi-Tenant Commercial Center and Office Park Site Design						
Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.		•	•	•	•	
A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.		•	•	•	•	
Commercial centers may provide definition along the street frontage by locating part of the center or outlot buildings within 0' to 25' of the front lot line. The center or any outlot buildings may be placed within a required setback to comply with this standard.				•	•	
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.					•	•
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.						•

B. Building Material Restrictions

In commercial districts (excluding the C-D, C-V, and C-E Districts), the following building materials are prohibited on any façade facing a public right-of-way (excluding alleys) or any façade that abuts the lot line of a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to C-1 and C-2 Districts)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

C-1 DISTRICT DESIGN STANDARD



- | | |
|--|--|
| <p>A. Blank wall area 40 linear feet or less, measured parallel to the street</p> <p>B. Repeating pattern of two elements at an interval of no more than 40 linear feet</p> <p>C. A visually distinct public entrance from the sidewalk along the primary building frontage</p> <p>D. First floor transparency of 50% measured between two and ten feet in height from grade</p> | <p>E. Upper floor transparency of 15% of the wall area of the story</p> <p>F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet</p> <p>G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details</p> |
|--|--|

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

Section 17.08.010 General Use Regulations

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

Section 17.08.020 Use Matrix

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

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

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

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

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

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

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

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

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

Section 17.08.030 Principal Use Standards

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

O. Dwelling - Multi-Family

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. There must be a unifying architectural theme for the entire multi-family development, utilizing a common vocabulary of architectural forms or elements.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. A 12% minimum transparency requirement applies to any façade facing a street and is calculated on the basis of the entire area of the façade below the roofline.
4. For residential structures with more than twelve (12) dwelling units, the following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.
 - a. The following building materials are prohibited on any part of any façade:
 - i. Plain concrete block
 - ii. Plastic
 - iii. Exterior insulating finish systems (EIFS)
 - b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:
 - i. Corrugated metal
 - ii. Exposed aggregate (rough finish) concrete wall panels
 - iii. T-111 composite plywood siding
3. Setbacks for accessory structures like garages, carports and sheds shall meet required accessory structure setbacks; ancillary buildings such as offices or community rooms shall meet principal use setbacks.



PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the subject property located at Lot 21 of Sheffield Square 1st Addition

Committee of the Whole Public Hearing Meeting

Date: 2/5/2025

Time: 5:30 PM

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

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned C-1 Neighborhood Commercial District. The request is to rezone the property to C-T Commercial Transitional District. The purpose is to construct Timber Ridge Apartments, a planned 52-unit rental community for independent living seniors 62 years of age or older. All units will be located within one 3-story fully accessible building spanning across 5 properties. (See attached map.)

Request/Case Description

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]

At its January 21, 2025 meeting, the Plan and Zoning Commission recommended Case REZ25-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with the zoning and uses of nearby property.
3. The zoning map amendment will enable the area 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 amendment does not create nonconformities.

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

The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, February 5, 2025 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.

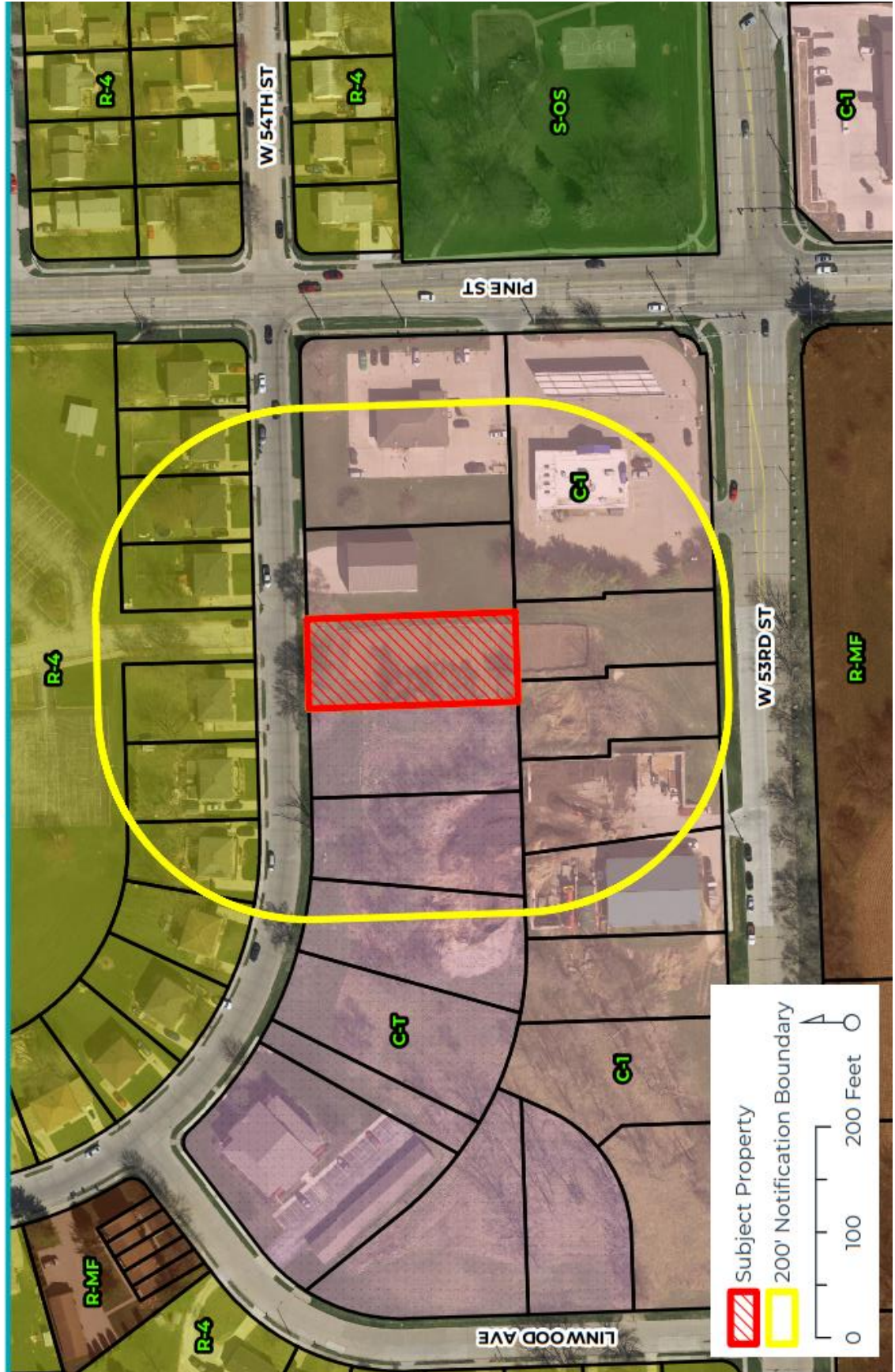
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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



Public Notice Map | Case REZ25-01

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at Lot 21 of Sheffield Square 1st Addition

Neighborhood Meeting

Date: 12/18/2024

Time: 6:00 PM

Location: Red Hawk Clubhouse | 6364 Northwest Boulevard

Plan & Zoning Commission Public Hearing Meeting

Date: 1/7/2025

Time: 5:00 PM

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

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned C-1 Neighborhood Commercial District. The request is to rezone the property to C-T Commercial Transitional District. The purpose is to construct Timber Ridge Apartments, a planned 52-unit rental community for independent living seniors 62 years of age or older. All units will be located within one 3-story fully accessible building spanning across 5 properties. (See attached map.)

Request/Case Description

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]

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 January 7, 2025. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on January 21, 2025. 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 "Meeting Minutes & Agendas": https://www.davenportiowa.com/government/meeting_minutes_agendas

Do You Have Any Questions?

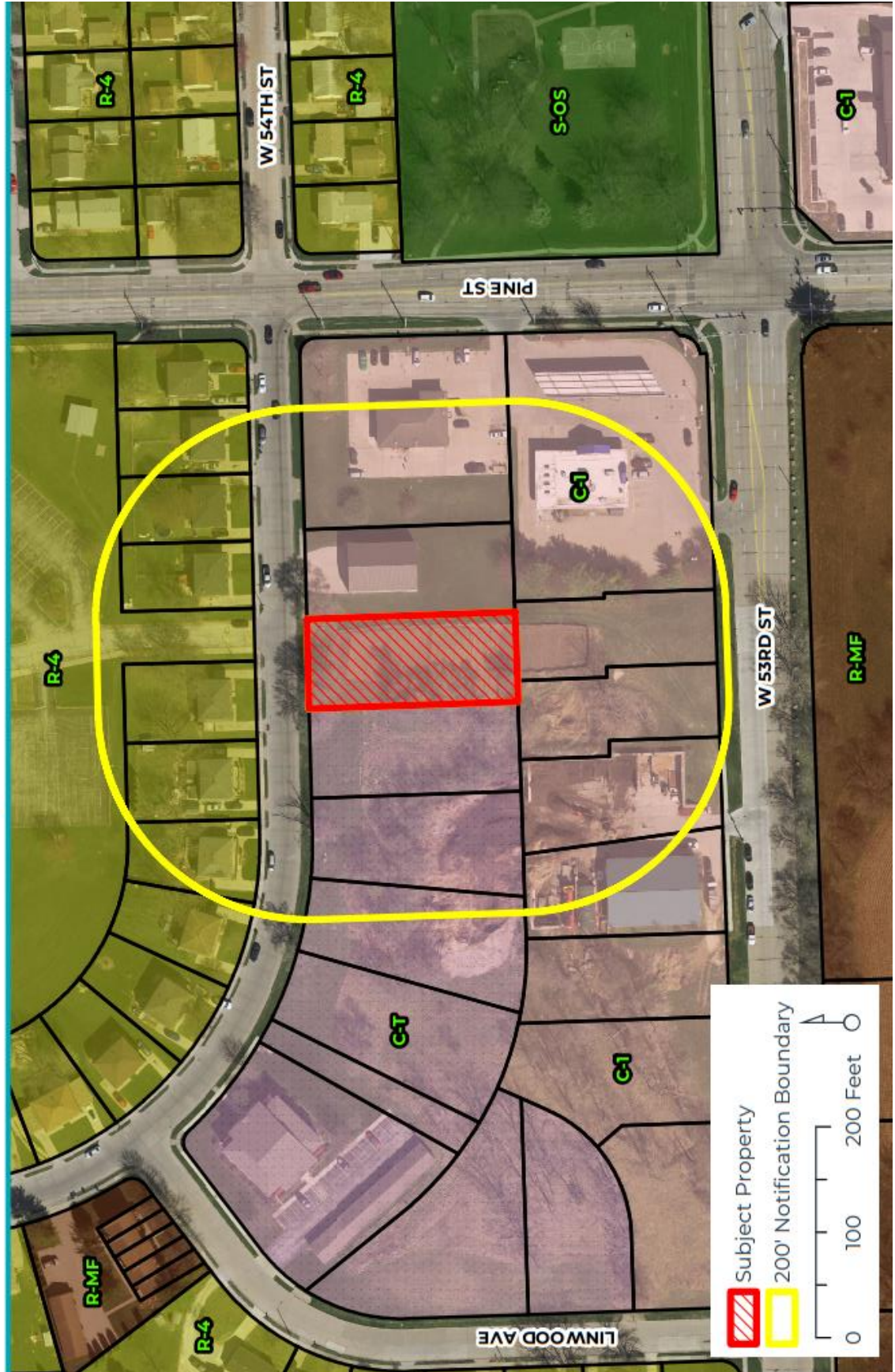
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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



Public Notice Map | Case REZ25-01

Request of Woda Cooper Development, Inc. to rezone Lot 21 of Sheffield Square 1st Addition, being approximately .39 acres of land, from C-1 Neighborhood Commercial District to C-T Commercial Transitional District. [Ward 2]



City of Davenport

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

Action / Date
2/12/2025

Subject:

First Consideration: Ordinance repealing and replacing Chapter 5.15 entitled "Cigarette, Tobacco, Alternative Nicotine or Vapor Products" of the Municipal Code of Davenport, Iowa to include recent legislation enacted by the General Assembly of the State of Iowa regarding regulation of certain tobacco products. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Under Iowa Code §453A.47A, a retail permit is required to sell tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business or through delivery sales. All permits provided for in Iowa Code §453A.47A expire on June 30 of each year and require payment of the applicable fee established in Iowa Code §453A.47A(7). The Iowa Department of Revenue implements the retail Tobacco permit requirements of Iowa Code §453A.47A. The City of Davenport Revenue Division issues all permits for retailers located within city limits. As part of the retail permit process, the Iowa Department of Revenue requires applications to be approved by the city once the city receives the completed application and appropriate fee.

During the 2024 legislative session, the Iowa legislature enacted Senate File 345, which regulates and taxes the sale of devices effective January 1, 2025. Per the legislation, a "device" is defined as any equipment or product made in whole or in part of glass or metal, designed for inhaling through the combustion of tobacco, hemp, other plant materials, or a controlled substance. The legislation established a Device Retailer Permit and a Delivery Sale of Devices Permit in conjunction with a permit for tobacco, tobacco products, alternative nicotine products, or vapor products.

Attachments:

1. Ordinance
2. Current Chapter 5.15

ORDINANCE NO. _____

ORDINANCE REPEALING AND REPLACING CHAPTER 5.15 ENTITLED "CIGARETTE, TOBACCO, ALTERNATIVE NICOTINE OR VAPOR PRODUCTS" OF THE MUNICIPAL CODE OF DAVENPORT IOWA TO INCLUDE RECENT LEGISLATION ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA RELATING TO THE REGULATION OF CERTAIN TOBACCO PRODUCTS.

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

Section 1. That Chapter 5.15 of the Municipal Code of Davenport, Iowa is hereby repealed and replaced with the following:

5.15.010 Permits.

All Permits under this section shall expire on June 30 each year.

5.15.020 Applications.

Applications for all tobacco, tobacco products, alternative nicotine products, vapor products, and device permits, as required by Iowa Code Chapter 453, must be submitted to the State of Iowa Department of Revenue using the GovConnect.Iowa.gov website and fee paid to the State of Iowa.

5.15.030 Sales and Excise Taxes.

A sale or delivery sale of a device within this state shall be subject to sales tax and an excise tax as defined by Iowa Code Chapter 453E.5, payable to the State of Iowa.

5.15.040 Cigarette, Tobacco, Alternative Nicotine, and Vapor Product Permits.

The City of Davenport administers cigarette, tobacco, alternative nicotine, and vapor product permits on behalf of the State of Iowa. No person shall engage in the business of a retailer of cigarette, tobacco, alternative nicotine, and vapor products at any place or business without first having received a permit as a cigarette, tobacco, alternative nicotine, and vapor products retailer. No permit shall be issued for the sale of cigarette, tobacco, alternative nicotine, and vapor products at retail in the City except to applicants who shall be engaged in one or more of the following listed occupations and shall be so engaged otherwise than incidentally or as an adjunct to some other occupation not so listed:

1. The retail grocery or convenience business;
2. The retail drug store business.
3. The retail cigarette, tobacco, alternative nicotine, and vapor products business;
4. The bar, brewery, or restaurant business;

5. The hotel business;
6. The operation of a private club;
7. The operation of a gasoline filling or service station.

It shall be provided, nevertheless, that nothing contained in this chapter shall prevent the issuance of a permit for the sale of cigarette, tobacco, alternative nicotine, and vapor products at retail to any applicant who is now the holder of any such permit or who shall purchase the goodwill of any business conducted by any person who is the present holder of such a permit.

5.15.050 Device Retailer Permit.

1. Permit Requirement

No person shall engage in the business of a device retailer at any place of business or through delivery sales unless they comply with Iowa Code § 453E.3 and meet one of the following conditions:

- a. The person holds a valid tobacco retailer permit under Iowa Code § 453A.47A, is in compliance with all applicable provisions of Chapter 453A and sells both tobacco products and devices at the retail outlet or through delivery sales; or
- b. The person holds a valid device retailer permit issued pursuant to this section and is in compliance with all provisions of Iowa Code § 453E.3.

2. Prohibition on Sales Without a Permit

A device retailer shall not sell devices until an application has been filed, the required fee has been paid, and a permit has been obtained. Sales are only permitted while the retailer's permit is active and not suspended, revoked, or expired.

3. Permit Requirement for Each Business Location

A separate permit must be obtained for each place of business owned or operated by a device retailer within the state. Out-of-state device retailers making delivery sales to Iowa residents must apply for a permit through the Iowa Department of Revenue for their principal place of business.

4. Compliance Obligations for Permit Holders

A device retailer permit holder must comply with all requirements established by the Iowa Department of Revenue, including:

- a. **Permit Issuance:** Applications must be submitted electronically through the department's portal, with all required fees paid.
- b. **Application Requirements:** Applications must include detailed business information, transaction methods, business locations, and relevant personnel
- c. **Record-Keeping and Reporting:** Retailers must maintain uniform transaction records, submit reports upon request, and provide sales data, including the number of devices sold.
- d. **Sales Restrictions:** No device may be sold to individuals under 21 years of age. Age and identity verification are required at the time of purchase for both in-person and delivery sales.
- e. **Display and Access Restrictions:** Devices must be displayed in a manner that prevents access by individuals under 21 years of age and should only be visible in restricted areas where minors are prohibited.

5.15.060 Delivery Sale of Devices Permit

1. Permit Requirement

No person shall mail, ship, or otherwise deliver a device in connection with a delivery sale within this state unless they hold a valid device delivery sale permit under Iowa Code § 453E.4.

2. Delivery Sale Requirements

- a. Only permit holders may engage in the delivery sale of devices.
- b. Devices may only be delivered to Iowa residents age 21 or older for personal use and not for resale.
- c. All shipments must be labeled with: "CONTAINS DEVICE: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or other department-approved language.
- d. The seller must verify the recipient's identity and age prior to delivery. The recipient must be 21 years or older and must sign for the delivery.
- e. Retailers must maintain delivery sale records for a minimum of five years, including details on the manufacturer, quantity sold, recipient information, age verification, and taxes paid. Reports must be submitted monthly to the director.

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 not illegal or void provisions.

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

5.15.010. Permits. [Ord. 2016-541; Ord. 2012-332 (part); prior code § 2-44]

The City of Davenport administers cigarette, tobacco, alternative nicotine and vapor products permits on the behalf of the State of Iowa. No person shall engage in the business of a retailer of cigarette, tobacco, alternative nicotine and vapor products at any place or business without first having received a permit as a cigarette, tobacco, alternative nicotine and vapor products retailer. No permit shall be issued for the sale of cigarette, tobacco, alternative nicotine and vapor products at retail in the City except to applicants who shall be engaged in one or more of the following listed occupations and shall be so engaged otherwise than incidentally or as an adjunct to some other occupation not so listed:

- A. The retail grocery business;
- B. The retail drug store business;
- C. The retail cigarette, tobacco, alternative nicotine and vapor products business;
- D. The sale of malt beverages under a class B license;
- E. The restaurant business;
- F. The hotel business;
- G. The operation of a private club;
- H. The operation of a gasoline filling or service station;

It shall be provided, nevertheless, that nothing contained in this chapter shall prevent the issuance of a permit for the sale of cigarette, tobacco, alternative nicotine and vapor products at retail to any applicant who is now the holder of any such permit or who shall purchase the goodwill of any business conducted by any person who is the present holder of such a permit.

City of Davenport

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

Action / Date
2/12/2025

Subject:

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

Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 11:00 a.m. - 4:00 p.m. Sunday, February 23, 2025; **Closures (only one lane of each street, Police controlled):** East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]

Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 27, 2025; **Closure:** northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

Center for Active Seniors, Inc; 43rd Annual St. Patrick's Day Race; Downtown; Saturday, March 15, 2025; **Closures: 4:00 a.m. - 12:00 p.m.** 2nd Street from Harrison Street to Brady Street; **7:00 a.m. - 11:00 a.m.** 2nd Street from Harrison Street to Ripley Street; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady Street to Gaines Street; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines Street to Division Street; **9:50 a.m. - 10:10 a.m.** all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]

St. Patrick's Society; Grand Parade XXXIX; Downtown; Saturday, March 15, 2025 12:00 p.m. - 2:00 p.m.; **Closures:** Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [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.

Attachments:

1. Resolution
2. Chili Chase Map
3. Chili Chase Letter to Residents
4. QCSO Symphony Day Map
5. St. Patrick's Day Race Map
6. St. Patrick's Day Parade Map

Resolution No. _____

Resolution offered by Alderman Jobgen.

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

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

*Cornbelt Running Club; Chili Chase 4-Mile Run/Walk; 11:00 a.m. - 4:00 p.m. Sunday, February 23, 2025; **Closures (only one lane of each street, Police controlled):** East Pleasant Street from Fernwood Avenue to Forest Road; Forest Road from East Pleasant Street to East George Washington Boulevard; East George Washington Boulevard from Forest Road to Jersey Ridge Road. [Ward 6]*

*Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 27, 2025; **Closure:** northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]*

*Center for Active Seniors, Inc; 43rd Annual St. Patrick's Day Race; Downtown; Saturday, March 15, 2025; **Closures: 4:00 a.m. - 12:00 p.m.** 2nd Street from Harrison Street to Brady Street; **7:00 a.m. - 11:00 a.m.** 2nd Street from Harrison Street to Ripley Street; **8:30 a.m. - 11:00 a.m.** two westernmost travel lanes and parking lane on Brady Street from 2nd Street to 3rd Street; **8:30 a.m. - 11:00 a.m.** 3rd Street from Brady Street to Gaines Street; **9:30 a.m. - 11:00 a.m.** 3rd Street from Gaines Street to Division Street; **9:50 a.m. - 10:10 a.m.** all lanes of Brady Street from River Drive to 3rd Street. [Ward 3]*

*St. Patrick's Society; Grand Parade XXXIX; Downtown; Saturday, March 15, 2025 12:00 p.m. - 2:00 p.m.; **Closures:** Gaines Street from the Centennial Bridge to 3rd Street; 3rd Street from Gaines Street to the RiverCenter where the parade disbands. [Ward 3]*

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

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

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

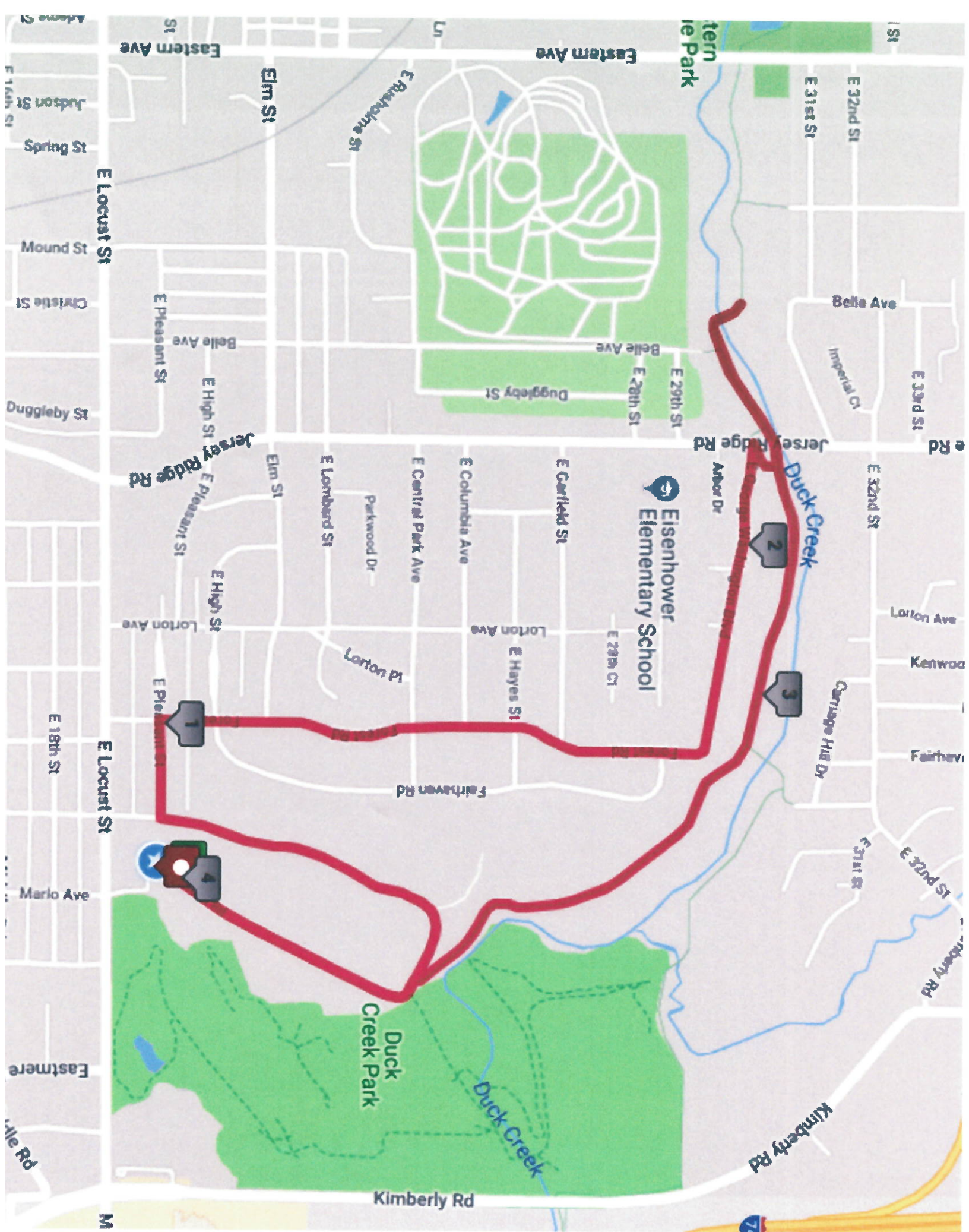
Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



Cornbelt Running Club
315 E. George Washington Blvd.
Davenport, IA 52803
563-326-1942

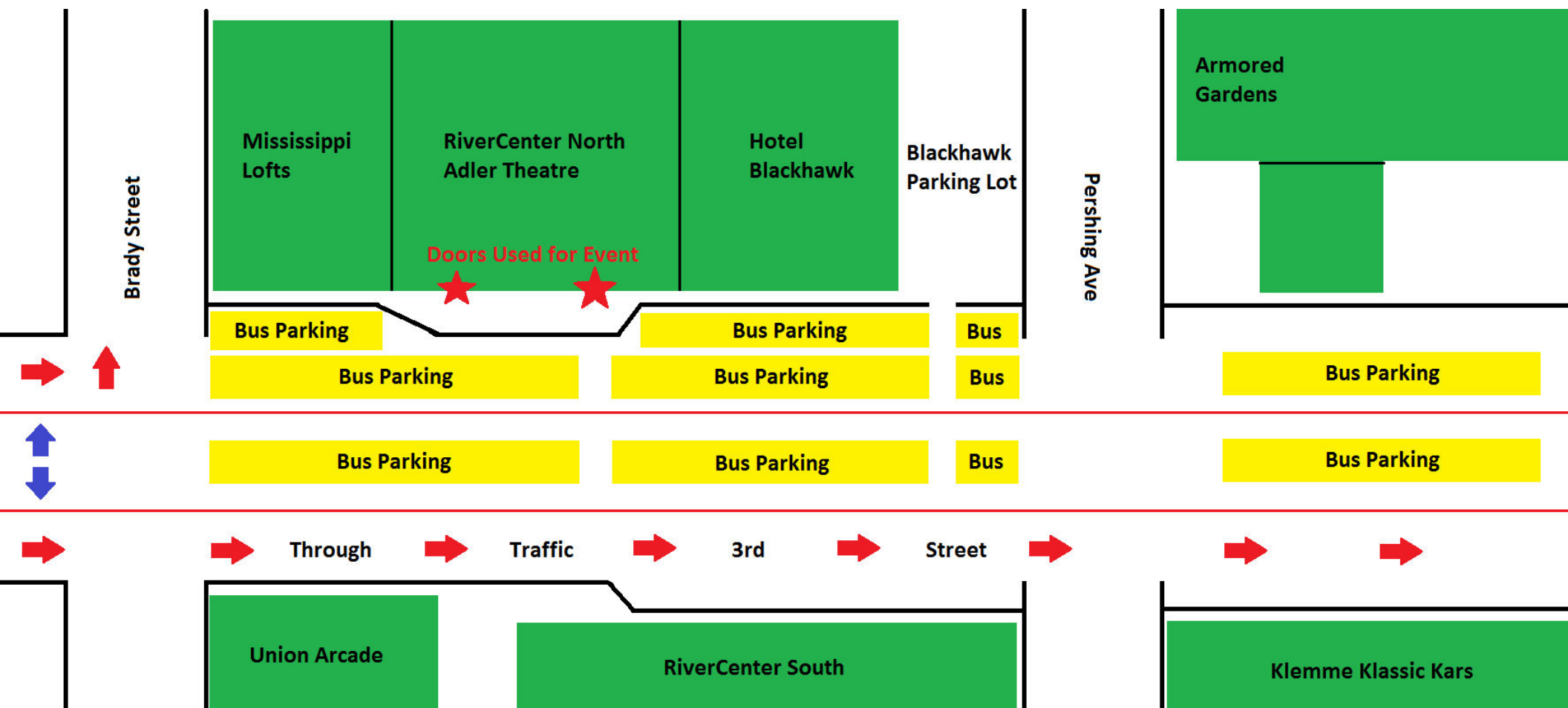
Feb 05, 2025

Dear Residents,

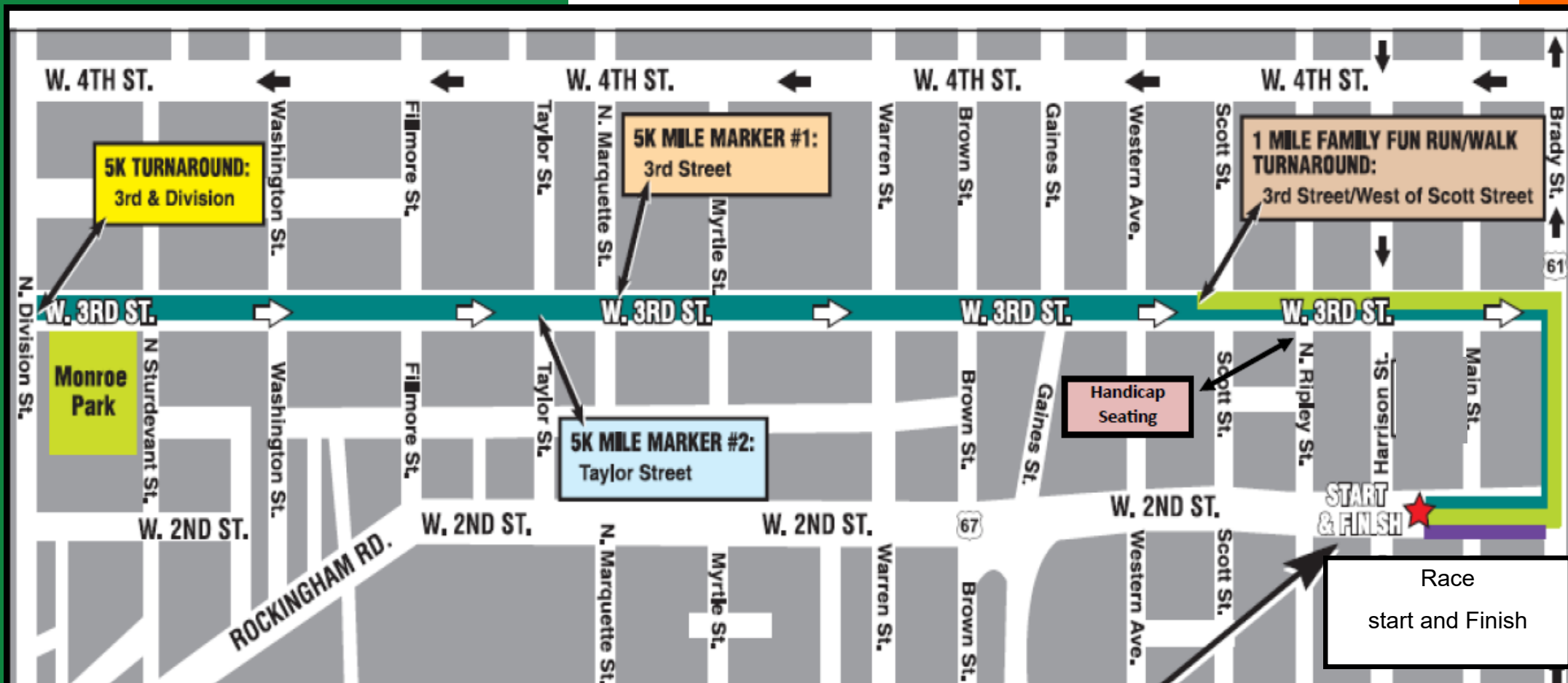
On February 23, 2025 we will be having our 22nd Annual CBRC Chili Chase 4 mile run/walk from Duck Creek Park. We will be using the streets of East Pleasant, Forest Road, and George Washington Blvd. We will be using one lane of roadway between 1 and 2 pm. Residents should be able to cut across or use one lane to get around. You may experience temporary delays and we will get you thru once safe. If you have any questions please feel free to contact the Cornbelt Running Club office at 563-326-1942 or by email info@cornbelt.org.

Thank you,

John Parker
CBRC



CASI's 43rd Annual St. Patrick's Day Race



TOT TROT - 9 AM
CASI 1 MILE - 9:30 AM
CASI 5K RACE - 10 AM
(USATF Certified)

All Races

Start & Finish On 2nd St. Between Harrison & Main

9:00am — Sears Seating 1/4 Mile Tot Trot

9:30am — 1 Mile Family Run/Walk

10:00am — 5k Race

Friday, March 14th
CASI-1035 W. Kimberly Rd.,
Davenport

Noon—6:00pm

Packet Pick-up Late Registration

Saturday, March 15th
DoubleTree Hotel-Downtown
Davenport

7:00am—9:59am

Packet Pick-up Late Registration

9:00am

1/4 mile Tot Trot Presented by Sears Seating

9:30am

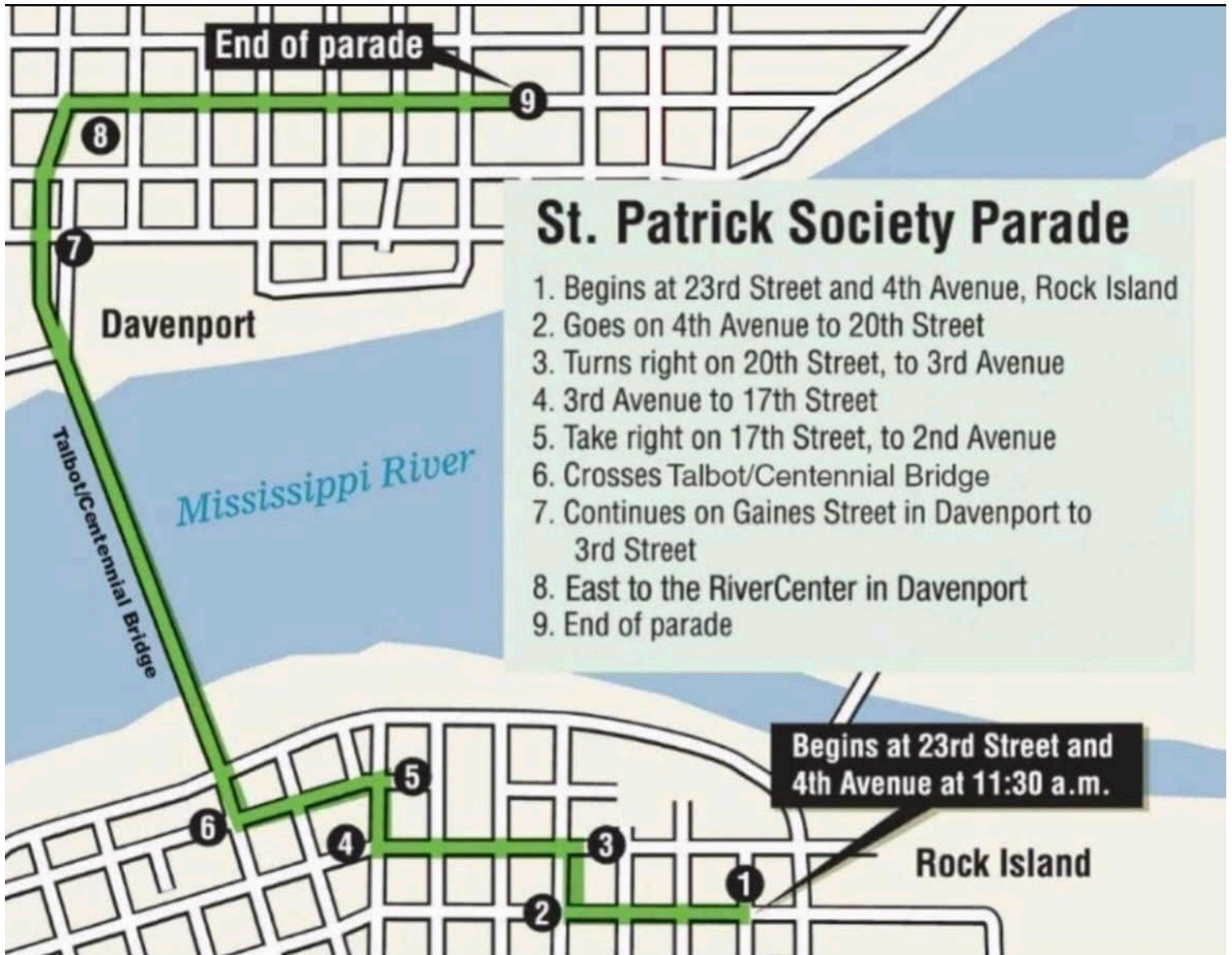
1 Mile Family Run/Walk Presented by Eaton

10:00am-5K Presented by

5K Race Presented by Vibrant Credit Union

11:00am

Awards/Post Race Party Presented by RME



City of Davenport

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

Action / Date
2/12/2025

Subject:

Resolution accepting work completed under the Colony Drive (Brown Street to Gaines Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$388,892.29, CIP #35062. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

The stretch of Colony Drive from Brown Street to Gaines Street was selected for reconstruction due to the poor condition of the roadway and the following were reconstructed. Improvements included new PCC pavement; replacing curbs, gutters, and driveway approaches; installing ADA-compliant sidewalk ramps; and signage.

The total project cost was \$388,892.29 which was funded in CIP #35062 using a combination of Road Use Tax, Local Option Sales Tax and General Obligation Bond proceeds.

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 Colony Drive (Brown Street to Gaines Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$388,892.29, CIP #35062.

WHEREAS, the City of Davenport entered into a contract with Five Cities Construction Company for the Colony Drive (Brown Street to Gaines Street) Reconstruction project; and

WHEREAS, the work of reconstructing 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 for the project was \$388,892.29.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Colony Drive (Brown Street to Gaines Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of \$388,892.29 is hereby accepted.

Passed and approved this 12th day of February, 2025.

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
2/12/2025

Subject:

Resolution of partial acceptance covering an assessment for the 2024 Residential Alley Resurfacing Program in accordance with the Alley Resurfacing Program, CIP #35038. [Wards 3 & 5]

Recommendation:

Adopt the Resolution.

Background:

The Residential Alley Resurfacing Program is a cost share between the City (75%) and property owners (25%). Asphalt milling and overlay work was completed at the following two alleys:

- East-west alley from Gaines Street to Western Avenue between West 5th and West 6th Streets
- East-west alley from Farnam Street to Grand Avenue between Kirkwood Boulevard and East 15th Street.

Additionally, reconstruction in full depth asphalt was completed at the following two alleys:

- North-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue
- East-west alley from Forest Road to its terminus between East River Drive and Wood Lane.

Alley-related work on this project has been satisfactorily completed by Emery Construction Group, Inc and an Engineer's Certificate of Completion will be filed with the Deputy City Clerk as required by the Code of Iowa. The final cost of this partial work was \$384,781.93 of which the sum of \$94,445.93 shall be assessed against private property within the assessable district. Additional work is scheduled for the spring under this contract, which is why only partial acceptance for the purpose of assessment is requested at this time.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION of partial acceptance covering an assessment for the 2024 Residential Alley Resurfacing Program in accordance with the Alley Resurfacing program.

WHEREAS, the engineers have duly filed a certificate in accordance with Section 384.58 of the Code of Iowa, 2025, as amended, showing that they have inspected the completed alley work for the 2024 Residential Alley Resurfacing Program, CIP #35038 and that the same has been performed in compliance with the terms of the 2024 Residential Alley Resurfacing Program plans and specifications and showing the total cost thereof.

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

Section 1. It is hereby found and determined that the total construction cost of said alley work completed under the 2024 Residential Alley Resurfacing Program is in the total amount of \$384,781.93 of which the sum of \$94,445.93 shall be assessed against private property within the assessable district.

Section 2. The engineers are hereby instructed to prepare the final schedule of assessments, as provided in Section 384.59 of the Code of Iowa, 2025, as amended.

Section 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 12th day of February, 2025.

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
2/12/2025

Subject:

Resolution awarding a contract for engineering services for the Goose and Caterpillar Sanitary Sewer Basin Evaluation Study to Strand Associates, Inc of Madison, Wisconsin in the amount of \$535,000, CIP #30066. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

The scope of this contract is to provide a conditions assessment for the sanitary sewer collection system within the Goose and Caterpillar Basins. This assessment will help evaluate the presence and severity of inflow and infiltration, review the structural condition of sewer manholes and pipe segments, and update the City's GIS database.

Once the field investigations are complete, an assessment report outlining recommended improvements and preliminary cost estimates will be delivered to Engineering and Capital Projects staff to review and plan for future sewer rehabilitation projects.

This assessment and the resulting reports satisfy requirements within Davenport's current Administrative Order with the Iowa Department of Natural Resources to identify and reduce inflow and infiltration in the sanitary sewer collection system.

Attachments:

1. Resolution
2. Goose and Caterpillar Project Area

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for engineering services for the Goose and Caterpillar Sanitary Sewer Basin Evaluation Study to Strand Associates, Inc of Madison, Wisconsin in the amount of \$535,000.

WHEREAS, the City needs to contract for a conditions assessment for the sanitary sewer collection system within the Goose and Caterpillar Basins; and

WHEREAS, Strand Associates, Inc of Madison, Wisconsin will conduct a conditions assessment which will help evaluate the presence and severity of inflow and infiltration, review the structural condition of sewer manholes and pipe segments, and update the City's GIS database; and

WHEREAS, this assessment and the resulting reports satisfy requirements within Davenport's current Administrative Order with the Iowa Department of Natural Resources to identify and reduce inflow and infiltration in the sanitary sewer collection system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for engineering services for the Goose and Caterpillar Sanitary Sewer Basin Evaluation Study is hereby awarded to Strand Associates, Inc of Madison, Wisconsin in the amount of \$535,000.

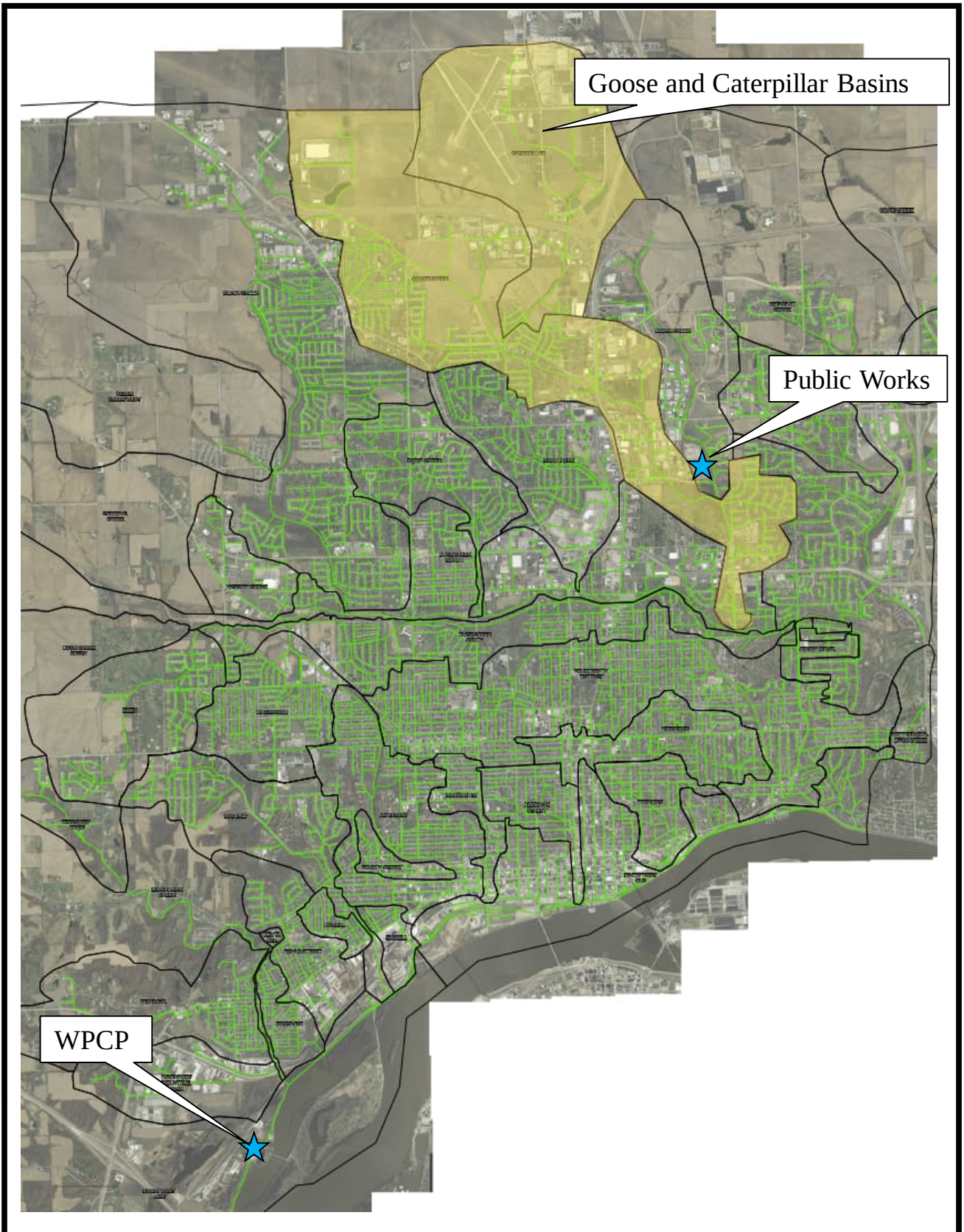
Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



**PROJECT AREA
GOOSE AND CATERPILLAR SSES
CITY OF DAVENPORT
SCOTT COUNTY, IOWA**



**FIGURE
3618.032**

City of Davenport

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

Action / Date
2/12/2025

Subject:

Resolution awarding a contract for engineering services for the Private Sanitary Sewer System Evaluation Pilot Study to Bolton & Menk, Inc of Cedar Rapids, Iowa in the amount of \$166,200, CIP #30056. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

The scope of this pitot study is to provide a conditions assessment for the private infrastructure connected to the public sanitary sewer collection system within the East 18th Street and Marlo Avenue area. The public sanitary sewer pipe and manholes in the subbasin have been rehabilitated during previous capital improvement programs. The downstream pump station continues to show evidence of high inflow and infiltration during storm events. This assessment will evaluate the sources of inflow and infiltration, which will include leaking private lateral pipes, foundation drains, gutter and sump pump connections. Bolton & Menk, along with City staff, will engage the neighborhood within this study area regarding the need for the project and any coordination of interior property inspections.

Once the field investigations are complete, an assessment report outlining recommended improvements and preliminary cost estimates will be delivered to Engineering and Capital Projects staff for review. A project summary report will be shared with the City Council along with recommendations for future rehabilitation projects.

This assessment and the resulting reports satisfy requirements within Davenport's current Administrative Order with the Iowa Department of Natural Resources to identify and reduce inflow and infiltration in the sanitary sewer collection system.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for engineering services for the Private Sanitary Sewer System Evaluation Pilot Study to Bolton & Menk, Inc of Cedar Rapids, Iowa in the amount of \$166,200.

WHEREAS, the City needs to contract for a conditions assessment of the private infrastructure connected to the public sanitary sewer collection system within the East 18th Street and Marlo Avenue area; and

WHEREAS, Bolton & Menk, Inc of Cedar Rapids, Iowa will conduct a conditions assessment which will evaluate the sources of inflow and infiltration which will include leaking private lateral pipes, foundation drains, gutter, and sump pump connections; and

WHEREAS, this assessment and the resulting reports satisfy requirements within Davenport's current Administrative Order with the Iowa Department of Natural Resources to identify and reduce inflow and infiltration in the sanitary sewer collection system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for engineering services for the Private Sanitary Sewer System Evaluation Pilot Study is hereby awarded to Bolton & Menk, Inc of Cedar Rapids, Iowa in the amount of \$166,200.

Passed and approved this 12th day of February, 2025.

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
2/12/2025

Subject:

Resolution awarding a contract for the Davenport Parking Ramp Repairs project to Bi-State Masonry, Inc of Rock Island, Illinois in the amount of \$109,442, CIP #23062. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on January 6, 2025, and sent to contractors. On January 28, 2025, the Purchasing Division opened and read five (5) responsive and responsible bids. Bi-State Masonry of Rock Island, Illinois was the lowest responsive and responsible bidder and is recommended for contract award.

This project is for maintenance to various City-owned parking ramps. Maintenance activities include rail, slab, and sealant replacement, along with cable barrier, spall, and crack repair. Various combinations of these maintenance tasks will occur at each of the parking ramps. Much of this work requires specialty materials, equipment, knowledge, and experience. Maintenance will take place within three parking ramps in Downtown Davenport:

- Harrison Street Ramp | 202 Harrison Street.
- Redstone Ramp | 101 Main Street
- RiverCenter Ramp | 102 East 2nd Street

This project is funded through CIP #23062 | FY 25 Redstone Exterior Repair.

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 Davenport Parking Ramp Repairs project to Bi-State Masonry Inc, of Rock Island, Illinois in the amount of \$109,442, CIP #23062.

WHEREAS, the City needs to contract for the Davenport Parking Ramp Repairs project; and

WHEREAS, Bi-State Masonry, Inc of Rock Island, Illinois 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 Davenport Parking Ramp Repairs project is hereby awarded to Bi-State Masonry, Inc of Rock Island, Illinois in the amount of \$109,442.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Davenport Parking Ramp Repairs

BID NUMBER: 25-52

OPENING DATE: January 28, 2025

FUNDING: CIP 23062 | FY 25 REDSTONE EXTERIOR REPAIR

RECOMMENDATION: Award the contract to Bi-State Masonry, Inc. of Rock Island, Illinois in the amount of \$109,442.

<u>VENDOR NAME</u>	<u>Bid Price</u>
Bi-State Masonry, Inc. of Rock Island, IL	\$109,442.00
Paragon Restoration II, Inc. of Prior Lake, MN	\$143,791.00
Fisher Building Services, Inc. of Omaha, NE	\$202,608.00
Restoration Systems Inc. of Chaska, MN	\$239,287.50
General Constructors, Inc. of Bettendorf, IA	\$258,793.00

Approved By

Purchasing

Date

Approved

Dept Director

Date

Approved By

Budget/CIP

Date

Approved By

Interim Finance Director

Date

City of Davenport

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

Action / Date
2/12/2025

Subject:

Resolution approving the specifications, form of contract, and estimate of cost for the CY 2025 Contract Milling Program, CIP #35041. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This program is a partnership effort with local contractors to provide pavement scarification ahead of the City's in-house asphalt resurfacing crew. The expectation is that this work will reduce costs and increase efficiency, allowing more neighborhood streets to be resurfaced in a given year.

Funds for the CY2025 Contract Milling Program are projected to be budgeted in CIP #35041.

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 CY 2025 Contract Milling Program, CIP #35041.

WHEREAS, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the CY 2025 Contract Milling 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 CY 2025 Contract Milling Program.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
2/12/2025

Subject:

Resolution approving the specifications, form of contract, and estimate of cost for the CY 2025 Pedestrian Curb Ramp Retrofit Program, CIP #35066. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Sidewalks at intersections altered by the City's in-house asphalt resurfacing crew must be retrofitted to bring them into compliance with the Americans with Disabilities Act and Public Right-of-Way Accessibility Guidelines. This program will retrofit pedestrian curb ramps by contract.

Funds for the CY 2025 Pedestrian Curb Ramp Retrofit Program are budgeted in CIP #35066.

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 CY 2025 Pedestrian Curb Ramp Retrofit Program, CIP #35066.

WHEREAS, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the CY 2025 Pedestrian Curb Ramp Retrofit 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 CY 2025 Pedestrian Curb Ramp Retrofit Program.

Passed and approved this 12th day of February, 2025.

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
2/12/2025

Subject:

Resolution approving a Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$554,350 for the West Loop Trail Phase II project, CIP #28033. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport has been awarded a federal grant through the Transportation Alternatives Program (TAP), which is funded by the Transportation Alternatives Set-aside of the Surface Transportation Block Grant Program (TA Set-aside). The funding for this program is through the Federal Highway Administration (FHWA). The West Loop Trail Phase II project proposes the construction of a ten-foot concrete path along Wisconsin Street, south of West Locust Street, until it terminates at West 11th Street. This project will build off of the West Loop Trail Phase I project which extends the Duck Creek Trail system, from its current westernmost terminus in Emeis Park, north of Central Park Avenue, and continue it south to West Locust Street and to Wisconsin Avenue. The proposed Phase II project will provide a much-needed connection for the two neighborhoods located along Wisconsin Street to the Duck Creek Trail system, as well as a safe walking path for users to Jackson Elementary School.

This Funding Agreement is between the City of Davenport and the Iowa Department of Transportation (IDOT). It delegates IDOT as the administrative agency of the federal grant and that the City will utilize its established procedures for federally funded projects.

Attachments:

1. Resolution
2. Agreement
3. Concept Map

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving a Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$554,350 for the West Loop Trail Phase II project, CIP #28033.

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, the City of Davenport has applied for and received a \$554,350 Transportation Alternatives Program (TAP) grant from the State for the West Loop Trail Phase II project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Funding Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$554,350 for the West Loop Trail Phase II Project is hereby approved.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**IOWA DEPARTMENT OF TRANSPORTATION
Federal-Aid Agreement for a
Transportation Alternatives Program (TAP) Project**

Subrecipient: **City of Davenport**

Subrecipient Unique Entity Identifier: **WJCNAUXKNRL7**

Project Number(s): **TAP-T-1827(697)--8V-82**

Iowa DOT Agreement Number: **25-TAP-102**

This agreement, made as of the date of the last party's signature below, is between the city of Davenport (hereinafter referred to as Subrecipient) and the Iowa Department of Transportation, the federal pass-through entity (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44 provide for the Subrecipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects in Iowa with federal funds. Federal regulations require federal funds to be administered by the Department. The federal-aid highway funds included in this agreement are jointly implemented by the Federal Highway Administration (FHWA) and the Department.

The Subrecipient has received federal funding through the Transportation Alternatives Program (TAP), which is funded by the Transportation Alternatives Set-aside of the Surface Transportation Block Grant Program (TA Set-aside), as codified in Section 133(h) of Title 23, United States Code (U.S.C.), which are hereinafter referred to as TA Set-aside funds. The Catalog of Federal Domestic Assistance (CFDA) number and title for this funding is 20.205 Highway Planning and Construction.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide the funding named above to the Subrecipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Subrecipient shall be responsible for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact person shall be Troy Schroeder, Systems Planning Bureau, 800 Lincoln Way, Ames, Iowa 50010, 515-239-1861. The Subrecipient's contact person shall be Nichole Kuzniewicz, Civil Engineer I, 1200 E 46th Street, Davenport, Iowa 52807, 563-326-7784.

3. The Subrecipient shall be responsible for the development and completion of the following described project:

West Loop Phase II: In the city of Davenport, Multiuse Path on WISCONSIN AVE, from Locust Street S to 11th Street

4. The Subrecipient shall receive reimbursement for costs of authorized and approved eligible project activities under the TAP program from TA Set-aside funds. The portion of the project costs

reimbursed with TA Set-aside funds shall be limited to a maximum of either **80 percent** of eligible costs (other than those reimbursed with other federal funds) or the amount listed (**\$554,350**) in the Bi-State Regional Commission's current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less. Eligible project activities will be as described in Section 133(h) of Title 23, United States Code (U.S.C.), and determined by the Department to be eligible.

5. Eligible project costs in excess of the amount reimbursed by the Department above will be considered the local contribution and may include cash, non-cash or approved state fund contributions, subject to Department approval. The local contribution must equal a minimum of 20 percent of eligible project costs. The subrecipient shall certify to the Department the value of any non-cash contribution to the project prior to it being incurred and in accordance with the procedures outlined in the applicable Instructional Memorandum to Local Public Agencies (I.M.s). The Department retains the sole authority to determine the eligibility and value of the Subrecipient's non-cash contribution for the purposes of this agreement. If the Subrecipient's total cash and non-cash contribution is determined by the Department to be less than that required by this agreement, the Subrecipient shall increase its cash contribution or the grant amount associated with this project shall be reduced accordingly.
6. The Subrecipient must have let the contract or have construction started within two years of October 1, 2024. If the Subrecipient does not do this, they will be in default for which the Department can revoke funding commitments. The Department may approve extensions of this agreement for periods up to six months upon receipt of a written request from the Subrecipient at least sixty (60) days prior to the deadline.
7. If the Subrecipient fails to perform any obligation under this agreement, the Department shall have the right, after first giving thirty (30) days written notice to the Subrecipient by certified mail return receipt requested, to declare any part or all of this agreement in default. The Subrecipient shall have thirty (30) days from date of mailing of the notice to cure the default. If the Recipient cures the default, the Subrecipient shall notify Department no later than five (5) days after cure or before the end of said thirty (30) day period given to cure the default. The Department may thereafter determine whether the default has, in fact, been cured, or whether the Subrecipient remains in default.
8. This agreement may be declared to be in default by the Department if the Department determines that the Subrecipient's application for funding contained inaccuracies, omissions, errors or misrepresentations; or if the Department determines that the project is not developed as described in the application and according to the requirements of this agreement.
9. In the event a default is not cured the Department may do any of the following: a) revoke funding commitments of funds loaned or granted by this agreement; b) seek repayment of funds loaned or granted by this agreement; or c) revoke funding commitments of funds loaned or granted by this agreement and also seek repayment of funds loaned or granted by this agreement. By signing this agreement the Subrecipient agrees to repay said funding if they are found to be in default. Repayment methods may include cash repayment, installment repayments with negotiable interest rates, or other methods as approved by the Department.

10. The Subrecipient shall comply with Exhibit 1, General Agreement Provisions for use of Federal Highway Funds on Non-primary Highways, which is attached hereto and by this reference is incorporated into this agreement.
11. The Subrecipient shall maintain, or cause to be maintained for the intended public use, the improvement for twenty (20) years from the completion date in a manner acceptable to the Department.
12. This agreement is not assignable without the prior written consent of the Department.
13. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
14. It is the intent of both parties that no third-party beneficiaries be created by this agreement.
15. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same agreement.
16. This agreement and the attached exhibit constitute the entire agreement between the Department and the Subrecipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written approval of the Department and the Subrecipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

SUBRECIPIENT: City of Davenport

By: _____ Date _____, _____

Title: _____

CERTIFICATION:

I, _____, certify that I am the Clerk of the city, and that
(Name of City Clerk)

_____, who signed said Agreement for and on behalf of
(Name of Mayor/Signer Above)

the city was duly authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city, on the ____ day of _____, _____.

Signed: _____

City Clerk of Davenport, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION

Transportation Development Division
800 Lincoln Way, Ames, Iowa 50010
Tel. 515-239-1664

By: _____ Date _____, _____

Debra Arp
Grant Program Administration Team Leader
Systems Planning Bureau

EXHIBIT 1

General Agreement Provisions for use of Federal Highway Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Subrecipient shall be responsible for the following:

1. General Requirements.

- a. The Subrecipient shall take the necessary actions to comply with applicable state and federal laws and regulations. To assist the Subrecipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: https://iowadot.gov/local_systems/im/lpa-ims. The Subrecipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.
- b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Subrecipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Subrecipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Subrecipient agrees to comply with the requirements outlined in [I.M. 1.070](#), Title VI and Nondiscrimination Requirements which includes the requirement to provide a copy of the Subrecipient's Title VI Plan or Agreement and Standard DOT Title VI Assurances to the Department.
- c. The Subrecipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in [I.M. 1.080](#), ADA Requirements. When bicycle and/or pedestrian facilities are constructed, reconstructed, or altered, the Subrecipient shall make such facilities compliant with the ADA and Section 504, which includes following the requirements set forth in Chapter 12A for sidewalks and Chapter 12B for Bicycle Facilities of the Iowa DOT Design Manual.
- d. To the extent allowable by law, the Subrecipient agrees to indemnify, defend, and hold the Department harmless from any claim, action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
- e. As required by 2 CFR 200.501 "Audit Requirements," a non-federal entity expending \$750,000 or more in federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in Subpart F of 2 CFR 200. The federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal

Domestic Assistance (CFDA) number and title as shown in this agreement. If the Subrecipient will pay initial project costs and request reimbursement from the Department, the Subrecipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Subrecipient shall not report this project on its SEFA.

- f. The Subrecipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170.
- g. The Subrecipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:
 - i. The Subrecipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any Department-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subrecipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Department-assisted contracts.
 - ii. The Subrecipient shall comply with the requirements of [I.M. 5.010](#), DBE Guidelines.
 - iii. The Department's DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subrecipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Subrecipient with written notice of termination pursuant to this section.

2. Programming and Federal Authorization.

- a. The Subrecipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Subrecipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, federal funds cannot be authorized.
- b. Before beginning any work for which federal funding reimbursement will be requested, the Subrecipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Subrecipient shall submit a written request for FHWA authorization to the Department. After reviewing the Subrecipient's request, the Department will forward the request to the FHWA for authorization and obligation of federal funds. The Department will notify the Subrecipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with federal funds.
- c. Upon receiving FHWA authorization, the Subrecipient must show federal aid funding activity to receive the programmed amount authorized for the project. If there is no funding activity for nine or more months after the previous activity, the remaining unused programmed amount will be de-obligated from the project and there will be no further federal aid reimbursement issued for the project. If the Subrecipient knows in advance that funding activity will not occur for the nine months, the Contract Administrator needs to be notified to determine if programming of funds can be adjusted or other options can be explored.
- d. Upon receipt of Federal Highway Administration (FHWA) authorization a Federal Award Identification Number (FAIN) will be assigned to this project by the FHWA based on a methodology that incorporates identifying information about the federal award such as the federal funding program code and the federal project number. This FAIN will be used to identify this project and award on the federal government's listing of financial assistance awards consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA) at usaspending.gov.
- e. A period of performance for this federal funding award will be established at the time of FHWA authorization. The start date of the period of performance will be the FHWA authorization date. The project end date (PED) will be determined according to the methodology in [I.M. 1.200](#), Federal Funds Management. Costs incurred before the start date or after the PED of the period of performance will not be eligible for reimbursement.

3. Federal Participation in Work Performed by Subrecipient Employees.

- a. If federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Subrecipient, the Subrecipient shall follow the procedures in [I.M. 3.330](#), Federal-aid Participation in In-House Services.

- b. If federal reimbursement will be requested for construction performed by employees of the Subrecipient, the Subrecipient shall follow the procedures in [I.M. 6.010](#), Federal-aid Construction by Local Agency Forces.
- c. If the Subrecipient desires to claim indirect costs associated with work performed by its employees, the Subrecipient shall prepare and submit to the Department an indirect cost rate proposal and related documentation in accordance with the requirements of 2 CFR 200. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the federal agency providing the largest amount of federal funds to the Subrecipient. If approved, the approved indirect cost rate shall be incorporated by means of an addendum to this agreement.

4. Design and Consultant Services

- a. The Subrecipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.
- b. If the Subrecipient requests federal funds for consultant services, the Subrecipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Subrecipient shall follow the procedures for selecting and using consultants outlined in [I.M. 3.310](#), Federal-aid Participation in Consultant Costs.

5. Environmental Requirements and other Agreements or Permits.

- a. The Subrecipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Subrecipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in [I.M. 3.020](#), Concept Statement Instructions; [4.020](#), NEPA Process; [4.110](#), Threatened and Endangered Species; and [4.120](#), Cultural Resource Regulations.
- b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Subrecipient shall follow the procedures in [I.M. 4.170](#), Farmland Protection Policy Act.
- c. The Subrecipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Subrecipient shall follow the procedures in [I.M. 4.130](#), 404 Permit Process; [4.140](#), Storm Water Permits; [4.150](#), Iowa DNR Floodplain Permits and Regulations; [4.160](#), Asbestos Inspection, Removal and Notification Requirements; and [4.190](#), Highway Improvements in the Vicinity of Airports or Heliports.
- d. In all contracts entered into by the Subrecipient, and all subcontracts, in connection with this project that exceed \$100,000, the Subrecipient shall comply with the requirements of Section

114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Subrecipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

6. Right-of-Way, Railroads and Utilities.

- a. The Subrecipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in [I.M. 3.600](#), Right-of-Way Acquisition, and the Department's Right of Way Bureau Local Public Agency Manual. The Subrecipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no federal funds are used for right-of-way activities. The Subrecipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Subrecipient requests federal funding for right-of-way acquisition, the Subrecipient shall also obtain FHWA authorization before purchasing any needed right-of-way.
- b. If the project right-of-way is federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the federal funds were authorized, the Subrecipient shall repay the amount of federal funds reimbursed for right-of-way costs to the Department.
- c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Subrecipient shall obtain agreements, easements, or permits as needed from the railroad. The Subrecipient shall follow the procedures in [I.M. 3.670](#), Work on Railroad Right-of-Way, and [I.M. 3.680](#), Federal-aid Projects Involving Railroads.
- d. The Subrecipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Subrecipient shall follow the Department's Policy for Accommodating Utilities on Primary Road System. Certain utility relocation, alteration, adjustment, or removal costs to the Subrecipient for the project may be eligible for federal funding reimbursement. The Subrecipient should also use the procedures outlined in [I.M. 3.640](#), Utility Accommodation and Coordination, as a guide to coordinating with utilities.
- e. If the Subrecipient desires federal reimbursement for utility costs, it shall submit a request for FHWA authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in [I.M. 3.650](#), Federal-aid Participation in Utility Relocations.

7. Construction Contract Procurement.

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

- a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer, architect, or landscape architect, as applicable, licensed in the State of Iowa.
- b. For projects let through the Department, the Subrecipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with [I.M. 3.700](#), Check and Final Plans and [I.M. 3.500](#), Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Subrecipient for individual construction items shall be approved by the Department.
 - iii. Follow the procedures in [I.M. 5.030](#), Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents in Doc Express.
- c. For projects that are let locally by the Subrecipient, the Subrecipient shall follow the procedures in [I.M. 5.120](#), Local Letting Process, Federal-aid.
- d. The Subrecipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with [I.M. 5.050](#), Project Development Certification Instructions. The project shall not receive FHWA authorization for construction or be advertised for bids until after the Department has reviewed and approved the Project Development Certification.
- e. If the Subrecipient is a city, the Subrecipient shall comply with the public hearing requirements of the Iowa Code section 26.12.
- f. The Subrecipient shall not provide the contractor with notice to proceed until after receiving notice in Doc Express that the Department has concurred in the contract award.

8. Construction.

- a. A full-time employee of the Subrecipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full-time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
- c. For projects let through the Department, the project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Subrecipient shall comply with the procedures and responsibilities for materials testing according to the

Department's Materials I.M.s applicable to the letting. Available on-line at:
<https://www.iowadot.gov/erl/index.html>.

- d. For projects let locally, the Subrecipient shall provide materials testing and certifications as required by the approved specifications.
- e. If the Department provides any materials testing services to the Subrecipient, the Department will bill the Subrecipient for such testing services according to its normal policy as per Materials I.M. 103, Inspection Services Provided to Counties, Cities, and Other State Agencies.
- f. The Subrecipient shall follow the procedures in [I.M. 6.000](#), Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

9. Reimbursements.

- a. After costs have been incurred, the Subrecipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least once every six months but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Subrecipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. Reimbursement claims shall be submitted on forms identified by the Department along with all required supporting documentation. The Department will reimburse the Subrecipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the federal share of construction costs or 5% of the total federal funds available for the project, whichever is less. Reimbursement will be made either by state warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Subrecipient has been overpaid, the Subrecipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Subrecipient has provided all required paperwork, the Department will release the federal funds withheld.
- e. The total funds collected by the Subrecipient for this project shall not exceed the total project costs. The total funds collected shall include any federal or state funds received, any special assessments made by the Subrecipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total

funds collected by the Subrecipient do exceed the total project costs, the Subrecipient shall either:

- i. in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
- ii. Refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate state fund account in the amount of refunds received from the Subrecipient.

10. Project Close-out.

- a. Within 30 days of completion of construction or other activities authorized by this agreement, the Subrecipient shall provide written notification to the Department and request a final audit, in accordance with the procedures in [I.M. 6.110](#), Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects. Failure to comply with the procedures will result in loss of federal funds remaining to be reimbursed and the repayment of funds already reimbursed. The Subrecipient may be suspended from receiving federal funds on future projects.
- b. For construction projects, the Subrecipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of federal funds shall be made only after the Department accepts the project as complete.
- d. The Subrecipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Subrecipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the federal government. Copies of these materials shall be furnished by the Subrecipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Subrecipient of the record retention date.
- e. The Subrecipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.



THE CITY OF
DAVENPORT
IOWA | USA

Transportation Alternatives Program



City of Davenport

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

Action / Date
2/12/2025

Subject:

Resolution authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-away and temporary construction easements associated with the East 53rd Street and Utica Ridge Road Intersection Improvement project, CIP #35065. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

The project intends to improve vehicular safety at the intersection of East 53rd Street and Utica Ridge Road, which includes the construction of additional turn lanes, upgrading existing traffic signals, and adding a new median on Utica Ridge Road. The work also includes, but is not limited to, survey, sidewalk, and ADA ramp improvements, driveway approaches, and sodding. To install these safety measures, the City will need to obtain right-of-way and/or construction easements from five adjoining commercial properties. Historically, negotiations with commercial businesses that may be part of a larger nationwide corporation have been difficult from a communication standpoint. This measure is a proactive approach that provides staff with the approval to proceed with condemnation if negotiations with adjoining property owners are not successful.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and temporary construction easements associated with East 53rd Street and Utica Ridge Road Intersection Improvement project, CIP #35065.

WHEREAS, City Council has authorized the East 53rd Street and Utica Ridge Road Intersection Improvement project in the Capital Improvements Program and budgeted money for said project; and

WHEREAS, this project requires that additional rights-of-way and temporary construction easements be acquired in accordance with the design plans and the associated construction for said project; and

WHEREAS, Section 6B.2C of the Code of Iowa requires that a governing body specifically provide and confer prior authority and approval to the acquiring agency to condemn and/or commence with the condemnation proceedings associated with such public improvement project; and

WHEREAS, by passing this Resolution, in accordance with Section 6A.5 of the Code of Iowa, authority and approval is automatically conferred, unless otherwise declared, upon the acquiring agency to also purchase property at its fair market value for rights-of-way and/or easements necessary for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the City Engineer, or designee, is hereby authorized to use condemnation and commence condemnation proceedings, if necessary, for rights-of-way and temporary construction easements associated with the East 53rd Street and Utica Ridge Road Intersection Improvement project.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works

Contact Info: Rich Oswald | 563-326-7923 |

Action / Date

2/12/2025

Subject:

Resolution adopting the fine schedule for violations under Chapter 15.08 entitled "Construction Code Enforcement Administrative Regulations" of the Municipal Code of Davenport, Iowa. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Section 15.08.340 of the Building Code provides that the fines for each violation shall be set by Resolution of City Council. The previous existing schedule under this section was approved by ordinance in 2002 as \$30 for a first offense, \$100 for a second offense, and \$200 for every offense thereafter. The 2024 third-party building code evaluation recommended more severe penalties for violations to act as a deterrent. The proposed updated fines are consistent with violations in Section 8.15.160(E) of the Property Maintenance Code and are as follows:

- First offense | \$100
- Second offense | \$200
- Subsequent offenses | \$500

Attachments:

1. Resolution
2. Fine Schedule
3. Section 15.08.340

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION adopting the fine schedule for violations under Chapter 15.08 entitled "Construction Code Enforcement Administrative Regulations" of the Municipal Code of Davenport, Iowa.

WHEREAS, the Municipal Code of Davenport, Iowa sets fines for administrative code violations; and

WHEREAS, the Davenport City Council is directed by Section 15.08.340 of the Code to adopt a schedule of fines by resolution for any such violation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the fine schedule for violations under Chapter 15.08 entitled "Construction Code Enforcement Administrative Regulations" of the Municipal Code of Davenport, Iowa is hereby adopted in accordance with the attached fine schedule.

Passed and approved this 12th day of February, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



DAVENPORT
PUBLIC WORKS

Chapter 15.08 Fine Schedule

Per Section 15.08.340(B) of the Municipal Code of Davenport, Iowa, "Any person, firm, or corporation violating any of the provisions of the administrative code shall be deemed guilty of a municipal infraction; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the administrative code is committed, continued, or permitted; and upon conviction of any such violation such person shall be fined an amount to be established by resolution by the City Council."

15.08.340(B) Violations Schedule

First offense	\$100
Second offense	\$200
Every offense thereafter	\$500

Title 15. Buildings and Construction

Chapter 15.08. CONSTRUCTION CODE ENFORCEMENT ADMINISTRATIVE REGULATIONS

Subchapter III. PERMITS AND INSPECTIONS

15.08.340. Violations — Penalty.

[Amended 11-13-2024 by Ord. No. 2024-465; Ord. 2002-180 § 1 (part)]

- A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of the administrative code and the technical codes.
- B. Any person, firm, or corporation violating any of the provisions of the administrative code shall be deemed guilty of a municipal infraction; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the administrative code is committed, continued, or permitted; and upon conviction of any such violation such person shall be fined an amount to be established by resolution by the City Council.

City of Davenport

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

Action / Date
2/12/2025

Subject:

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

St. Patrick's Society; Grand Parade XXXIX; Downtown (see attached parade route); 12:00 p.m. - 2:00 p.m. Saturday, March 15, 2025; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2025 Events; Mississippi Valley Fairgrounds | 2815 West Locust Street; various dates April through October 2025 (see attached list); Outdoor music/races, over 50 dBA. [Ward 4]

Recommendation:

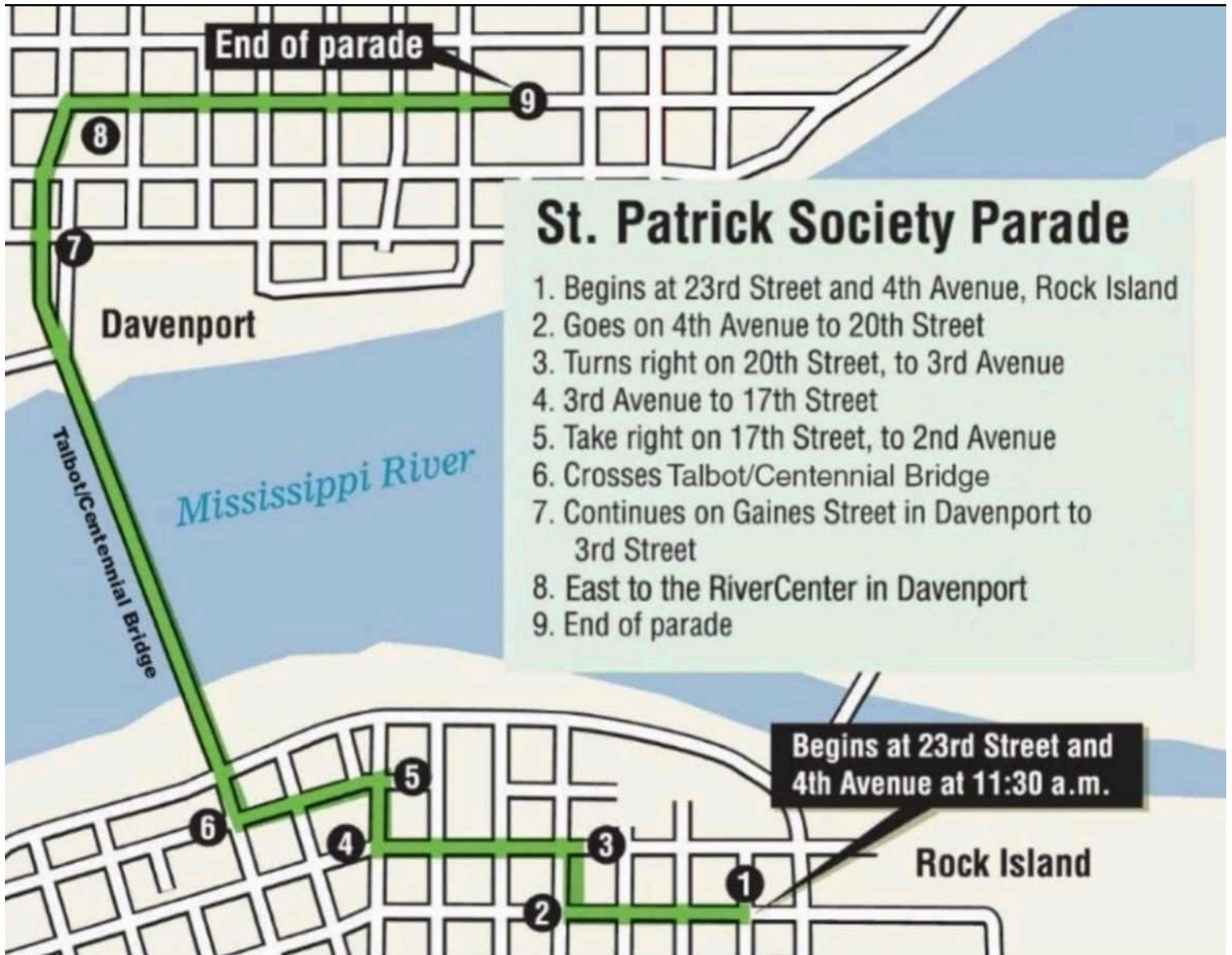
Pass the Motion.

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.

Attachments:

1. St. Patrick's Day Parade Map
2. MVF Noise Variance Request





Shawn Loter
General Manager

Mississippi Valley Fair, Inc.

2815 West Locust Street • Davenport, IA 52804

(563) 326-5338

www.mvfair.com

January 8, 2025

Brian Krup
City Administration
226 West Fourth Street
Davenport, Iowa 52801

Dear Brian,

On behalf of the Mississippi Valley Fair, I would like to request our 2025 noise variance for summer activities for the attached tentative dates.

I am requesting a variance until 11:00 p.m. for our quarter mile track events, and a variance that allows us to finish the feature race as long as the race starts before 10:00 p.m..

I am enclosing a list of events scheduled to date and will update you on any new events or changes to the schedule.

Please feel free to call me if you have any questions. I will look forward to your written reply. I will also be happy to attend a council meeting to answer questions if you would like.

Regards,

Shawn Loter
General Manager
Mississippi Valley Fair

CC: Mayor Mike Matson

Mississippi Valley Fair

July 30th - August 4th, 2024



Shawn Loter
General Manager

Mississippi Valley Fair, Inc.

2815 West Locust Street • Davenport, IA 52804

(563) 326-5338

www.mvfair.com

2025 tentative Mississippi Valley Fair event dates

March 30	Race Practice
April 6	Race Practice
April 11-18-25	Weekly races
May 2-9-16-30	Weekly races
May 17	Demo Derby
May 23	Super Late Model races
June 6-13-21-27	Weekly Races
June 17	Governor's Cup races
June 14	Tractor Pull
July 5-11-18	Weekly Races
July 29-August 3	FAIR
August 8-22	Weekly Races
August 15-16	NSRA car show
August 29	Motorcycle races
August 30	Vintage Races
August 27-30	Antique Motorcycle Swap Meet
September 6	Night of Destruction
September 11	Practice
September 12-13	Mars Corn State Races
September 20	Demo Derby
September 26-27	Dirt Stars Race
October 10-11	Punk in the Corn Concert

All dates are subject to change.

Mississippi Valley Fair

July 30th - August 4th, 2024

City of Davenport

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

Action / Date
2/12/2025

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

El Tikal Guatemalan Restaurant (Juan E Cedillo Raymundo) - 114 Myrtle Street Unit E/F - New License - License Type: Class C Liquor (On-Premises)

Ward 5

Rodriguezhope (Alfredo Rodriguez) - 1113 Mound Street - Permanent Premises Transfer - License Type: Class C Liquor (On-Premises)

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

Ward 1

LPT #5523 (L.P.T. Retail Management Services, LLC) - 3624 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

LPT #5524 (L.P.T. Retail Management Services, LLC) - 2805 Telegraph Road - License Type: Class B Beer/Wine (Carry-Out)

Sub Express & Gas (Keya Food Mart, Inc) - 4307 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 2

California Pho (Binh Van Nguyen) - 3559 West Kimberly Road #4,5,6 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 3

KCBrothers (KC 2 Brothers, Inc) - 214 Myrtle Street - License Type: Class E Liquor (Carry-Out)

Ward 4

LPT #5522 (L.P.T. Retail Management Services, LLC) - 1732 North Marquette Street - License Type: Class B Beer/Wine (Carry-Out)

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

Brew in the Village (3 Blessings, Inc) - 1104 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

LPT #5519 (L.P.T. Retail Management Services, LLC) - 1136 East Locust Street - License Type: Class B Beer/Wine (Carry-Out)

LPT #5521 (L.P.T. Retail Management Services, LLC) - 303 West Locust Street - License Type: Class B Beer/Wine (Carry-Out)

Ward 6

Izumi Japanese Steak House (Izumi Steakhouse, LLC) - 4901 Utica Ridge Road - License Type: Class C Liquor (On-Premises)

Mart Stop1 (Mart Stop #1) - 3527 Spring Street - License Type: Class E Liquor (Carry-Out)

Ward 7

LPT #5517 (L.P.T. Retail Management Services, LLC) - 201 West 53rd Street - License Type: Class B Beer/Wine (Carry-Out)

LPT #5518 (L.P.T. Retail Management Services, LLC) - 1670 West Kimberly Road - License Type: Class B Beer/Wine (Carry-Out)

Ward 8

Big 10 Mart #24 (Molo Oil Company) - 5310 North Brady Street - License Type: Class B Beer/Wine (Carry-Out)

Super Market (Super Market, Inc) - 6723 Northwest Boulevard - License Type: Class E Liquor (Carry-Out)

Recommendation:
Pass the Motion.

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

Attachments:
None