

COMMITTEE OF THE WHOLE MEETING

CITY OF DAVENPORT, IOWA

Wednesday, April 2, 2025; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

REVISED APRIL 1, 2025

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Public Works

1. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project, CIP #64130. [Ward 7]
2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project. [Ward 1]
3. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project, CIP #35062. [Ward 7]
4. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project, CIP #35062. [Ward 3]

VII. Petitions and Communications from Council Members and the Mayor

VIII. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Paul Reinartz, Vice Chair

IX. COMMUNITY DEVELOPMENT

1. Second Consideration: Ordinance for Case ROW25-01 being the request of the City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street,

between Belle Avenue and Duggleby Street. [Ward 5]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL

2. Resolution approving Case F25-04 being the request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a final plat of Hose Station 7 Parking, a 2-lot subdivision on 1.78 acres located at 430 Taylor Street. [Ward 3]
3. Motion approving the appeal to overturn the Historic Preservation Commission's decision to deny Case COA24-20, a request for exterior alteration at the Paul and Mina Jannssen House, located within the Hamburg Local Landmark Historic District at 418 West 7th Street, Matthew Bevirt, Petitioner. [Ward 3]

***YES VOTE OVERTURNS HISTORIC PRESERVATION COMMISSION
DECISION; NO VOTE UPHOLDS HISTORIC PRESERVATION COMMISSION
DECISION***

- X. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Tim Dunn, Vice Chair

XI. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto definitions and restrictions on the use of motorcycles and motorized bicycles on public sidewalks. [All Wards]
2. Third Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by changing the title to "Bicycles and Motorized Micromobility Devices", adding thereto a new section with definitions and a new section regarding riding on multi-use paths/trails, and including regulations and restrictions for electric bikes (e-bikes) on public sidewalks. [All Wards]
3. First Consideration: Ordinance amending Schedule XV Pedestrian Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Fairmount Street at Buchanan School. [Ward 2]
4. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Village of East Davenport Business Association; Village Hops; Village of East Davenport; 12:00 p.m. - 8:00 p.m. Saturday, June 14, 2025; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Ward 5]

Cornbelt Running Club; Arconic Jr Bix; Downtown; 12:00 p.m. - 9:00 p.m. Friday, July 25, 2025; **Closures:** East 4th Street from Pershing Avenue to River Drive; East 3rd Street from Iowa Street to River Drive; Iowa and LeClaire Streets from 3rd Street to 4th Street. [Ward 3]

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

Village of East Davenport Business Association; Village Hops; Village of East Davenport; 2:00 p.m. - 6:00 p.m. Saturday, June 14, 2025; Outdoor music/band, over 50 dBA. [Ward 5]

City of Davenport; Party in the Park; various locations; 5:30 p.m. - 7:30 p.m. Thursday, June 12, 2025 | Cork Hill; Thursday, June 26, 2025 | Goose Creek; Thursday, July 17, 2025 | Fejervary; and Thursday, August 7, 2025 | Credit Island; Outdoor music, over 50 dBA. [Wards 1, 3, 4, & 8]

6. Motion approving beer and liquor license applications.

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

Ward 2

SNS Mart (Sleesha Mini Mart, LLC) - 1715 West Kimberly Road – New License/Owner - License Type: Class B Beer/Wine (Carry-Out)

Ward 4

California Burritos (Prime Partners, LLC) - 2618 West Locust Street – New License with Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) – 5320 Corporate Park Drive – Temporary Outdoor Area May 14, June 11, July 9, August 13 – License Type: Special Class C Beer/Wine (On-Premises)

Ward 7

Assumption High School (Assumption High School) - 1020 West Central Park Avenue – Temporary License April 25 - License Type: Class C Retail Alcohol License

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

Ward 1

QC Marts (Bethany Enterprises, Inc) - 2747 Rockingham Road - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Cru 221 (Cru 221, LLC) - 221 Brady Street - License Type: Class C Liquor (On-Premises)

Golden Mart (Golden Mart, Inc) - 1026 West River Drive - License Type: Class E Liquor (Carry-Out)

Ward 5

11th St Precinct Bar and Grill, The (Carpe Diem I, LLC) - 2108 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Lotus Asian Bistro (Double Chen Holdings, Inc) - 589 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

QC Marts (Bethany Enterprises, Inc) - 6807 Northwest Boulevard - License Type: Class B Beer/Wine (Carry-Out)

XII. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

XIII. PUBLIC WORKS

1. First Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" of the Municipal Code of Davenport, Iowa to revise local discharge limits. [All Wards]
2. Resolution accepting work completed under the CY 2024 ADA Ramp Program project by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$307,034.12, CIP #28024. [All Wards]
3. Resolution accepting work completed under the CY 2024 Sidewalk Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$146,955.13, CIP #28028. [All Wards]
4. Resolution awarding a contract for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$868,500.54, CIP #35061. [Ward 5]

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project, CIP #64130. [Ward 7]
6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project. [Ward 1]
7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project, CIP #35062. [Ward 7]
8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project, CIP #35062. [Ward 3]
9. Resolution setting a Public Hearing on granting an underground electric easement on City-owned property located along the west side of Harrison Street south of West 35th Street (Parcels P1414-04A and P1414A12) to MidAmerican Energy Company. [Ward 7]
10. Motion awarding a contract for the East 32nd Street (Fernwood Avenue to Fernwood Court) PCC Patching project to Americore LLC of Muscatine, Iowa in the amount of \$93,358, CIP #35062. [Ward 6]

XIV. Motion recommending discussion or consent for Public Works items

FINANCE

Jazmin Newton, Chair; Mhisho Lynch, Vice Chair

XV. FINANCE

1. First Consideration: Ordinance providing for the sale and issuance of \$28,385,000 General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same. [All Wards]

***STAFF RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE OF
SECOND AND THIRD CONSIDERATIONS***

2. Resolution setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 - FY 2031 Capital Improvement Program. [All Wards]

TO BE VOTED ON LATER ON THIS AGENDA

3. Resolution setting a Public Hearing on amending the FY 2025 Operating and Capital Improvement Budgets. [All Wards]

4. Resolution approving the allocation of the remaining American Rescue Plan Act (ARPA) Interest monies. [All Wards]
5. Resolution approving nine 2025 Open Prairie/Forest Cover property tax exemptions. [Wards 1, 2, 6, & 8]
6. Resolution approving a Memorandum of Understanding between the Downtown Davenport Partnership, City of Davenport, and City of Rock Island to allow for the continuation of an effective event model for Red, White & Boom through a collaborative policy, programming, and funding approach. [Ward 3]

XVI. Motion recommending discussion or consent for Finance items

XVII. PURCHASES OF \$10,000 TO \$50,000 (For Information Only)

1. HDR Engineering Inc | Dubuque Street Mill & Overlay engineering services | Amount: \$10,430
2. Lane & Waterman LLP | professional services | Amount: \$10,520
3. Lafayette Instrument Co Inc | polygraph machine | Amount: \$10,525
4. Traffic & Parking Control Inc | intersection conflict warning system parts | Amount: \$12,073.58
5. HDR Engineering Inc | Newberry Street reconstruction engineering services | Amount: \$14,100
6. Werner Restoration Services Inc | RM25-127 burst pipe cleanup at Modern Woodmen Park | Amount: \$14,532.45
7. Alex Cripe | nuisance snow removal | Amount: \$16,160.34
8. Shive-Hattery Inc | Modern Woodmen Park/Union Station flood engineering services | Amount: \$19,088.60
9. Western Waterproofing Co Inc | parking ramp shoring | Amount: \$23,860
10. Keltek Inc | Fire Department vehicle upfit | Amount: 24,160.85
11. CDB Utility Contractors Inc | fiber optic cable pull | Amount: \$33,638
12. Carroll Seating Company Inc | Modern Woodmen Park Fusion seat assembly | Amount: \$40,864.08

XVIII. Other Ordinances, Resolutions and Motions

1. Motion for suspension of the rules to vote on the listed item.
2. Resolution setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 - FY 2031 Capital Improvement Program. [All Wards]

XIX. 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.

XX. Reports of City Officials

XXI. Adjourn

City of Davenport

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

Action / Date
4/2/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project, CIP #64130. [Ward 7]

Recommendation:

Hold the Hearing.

Background:

The City of Davenport has partnered with the Davenport Community School District (DCSD) to lease The Kimberly Center to provide programming space for the Performing Arts Division (Junior Theatre) of the Parks and Recreation Department. In these specific areas, a range of light to major renovations is needed to accommodate the various needs. Work will generally focus on the replacement of damaged ceiling tiles, patching existing flooring, replacement of flooring in rooms designated for dance/activity, replacement of lights (where needed), painting of walls, and the demolition of ceiling/walls where spaces are required for programming of large class sizes.

Attachments:

None

City of Davenport

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

Action / Date
4/2/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project. [Ward 1]

Recommendation:

Hold the Hearing.

Background:

This project will repair the Credit Island causeway pavement damaged during the 2023 and 2024 flood events. Work will include removal of the existing damaged pavement and proposed to be replaced with full-depth hot mix asphalt.

The project is scheduled to be bid this spring with construction to begin this spring. Funding for the Credit Island Causeway Repair Project is established within account 50101620-520217. A portion of the cost will be reimbursed by FEMA.

Attachments:

None

City of Davenport

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

Action / Date
4/2/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project, CIP #35062. [Ward 7]

Recommendation:

Hold the Hearing.

Background:

This project will rehabilitate Dubuque Street from East 29th Street to East 32nd Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project will be funded in CIP #35062 for streets projects.

Attachments:

None

City of Davenport

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

Action / Date
4/2/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project, CIP #35062. [Ward 3]

Recommendation:

Hold the Hearing.

Background:

This project will reconstruct Newberry Street from Lincoln Court to North Pine Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project will be funded in CIP #35062 for streets projects.

Attachments:

None

City of Davenport

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

Action / Date
4/2/2025

Subject:

Second Consideration: Ordinance for Case ROW25-01 being the request of the City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL

Recommendation:

Consider the Ordinance.

Background:

The City of Davenport is requesting a partial vacation of the east-west alley connecting Belle Avenue to Duggleby Street. The existing 20-foot-wide alley is unimproved. A legal description has been submitted for review. The area for proposed vacation is approximately 8,840 square feet (.2 acres).

At its February 18, 2025 meeting, the Plan and Zoning Commission recommended Case ROW25-01 be forwarded to the City Council with a recommendation for denial. The motion to approve Case ROW25-01 failed by a roll call vote (1-8).

The staff report from the February 18, 2025 Plan and Zoning Commission meeting is attached.

Attachments:

1. Ordinance
2. Staff Report-Plan & Zoning Commission
3. Application
4. Maps
5. Public Notice-Committee of the Whole
6. Public Notice-Plan & Zoning Commission
7. Public Comments in Favor of Request 2-3-25
8. Public Comments in Opposition of Request 2-3-25

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ROW25-01 BEING THE REQUEST OF THE CITY OF DAVENPORT, IOWA TO VACATE A PORTION OF THE ALLEY RIGHT-OF-WAY LOCATED NORTH OF LOCUST STREET BETWEEN BELLE AVENUE AND DUGGLEBY STREET.

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

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

Part of Block 2, J.S. Thomas Subdivision, City of Davenport, Scott County, Iowa, more particularly described as follows:

The eastern 442.00 feet of the 20.00 foot wide alley in Block 2 of said subdivision, containing 8,840 square feet, more or less.

Section 2. At its February 18, 2025 meeting, the Plan and Zoning Commission recommended Case ROW25-01 be forwarded to the City Council with a recommendation for denial. The motion to approve Case ROW25-01 failed by a roll call vote (1-8).

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
2/18/2025

Subject:

Case ROW25-01: Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street in Case ROW25-01 to the City Council with a recommendation for approval, subject to the following condition:

Findings:

1. Alley right-of-way is not needed for a public purpose.
2. The City of Davenport did not improve the alley. The City has no intention to improve the public alley.
3. There are multiple property owners that may have an interest in the vacated right-of-way.
4. Careful consideration is necessary for the conveyance of the vacated right-of-way.
5. Easements are in place to access existing sewer infrastructure.
6. Accident history from 2014 to present for the immediate area does not show a safety issue.

Condition:

1. Upon vacation of the subject right-of-way, the land shall continue to function in its current state until the conveyance process is completed.

Background:

At the February 4, 2025 Plan & Zoning Commission meeting, the Commission voted to table Case ROW25-01 until the February 18, 2025 meeting to allow City Staff time to answer questions related to visibility at the driveway of 2342 E Locust Street due to the retaining wall and pedestrian and vehicular traffic on Locust Street. Items 1-4 under Technical Review have been updated with additional information.

The City of Davenport is requesting a partial vacation of the east-west alley connecting Belle Avenue to Duggleby Street. The existing 20 foot wide alley is unimproved.

A legal description has been submitted for review. The area for proposed vacation is approximately 8,840 square feet (.2 acres).

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

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

Comprehensive Plan:

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

Abutting Future Land Use Designation:

The abutting properties are designated Residential General in the Davenport +2035 Future Land Use Map. The properties along Locust Street are also located within the Urban Corridor Overlay.

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

Abutting Zoning:

The abutting properties are zoned R-4C Single-Family and Two-Family Central Residential District and R-MF Multi-Family Residential District.

1. The **R-4C Single-Family and Two-Family Central Residential Zoning District** is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.
2. The **R-MF Multi-Family Residential Zoning District** is intended to accommodate a high density neighborhood environment characterized by a mixture of housing types including semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding

residential neighborhoods may be permitted in the R-MF District.

Technical Review:

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

1. Streets: If vacated, all abutting properties will maintain frontage along a public street. A review of traffic accident reports from 2014 to present did not indicate a safety hazard. According to the Iowa Department of Transportation, there are 17,800 annual average daily traffic trips on East Locust Street, 1,200 trips on Belle Avenue, and 200 trips on Duggleby Street. The speed limit on Locust Street is 35 mph.
2. Visibility Review: According to the City Engineer, the retaining wall adjacent to the driveway at 2342 East Locust Street does not meet today's standards for sight distance. Current City Code prohibits structures within a 10 foot triangle from a roadway, alley, or driveway intersection.
3. Pedestrian Counts: The City Engineer is reviewing pedestrian counts taken and will provide additional information ahead of or at the Commission meeting. Please note, counts will only reflect current winter conditions.
4. Traffic Accidents: Staff looked at all of the crash reports from the past 10 years along Locust Street between Mound Street and Duggleby Street. There were a total of 43 crashes with the major causes being rear-end (17) and right-angle (9). All of the right-angle crashes were at Belle Avenue, with 6 involving a southbound driver and 3 involving a northbound driver. All of the vehicles on Locust in these crashes were in the nearest adjacent lane, which would have made them the most difficult to see. Therefore all of the southbound drivers were hit by westbound traffic and all of the northbound drivers were hit by eastbound traffic. Only 4 of the reports specifically mentioned the hill or wall as a reason for the crash, but it appears likely that poor visibility played a role in most of them. There were 2 incidents of hit and run and 1 of DWI. One report said the southbound driver "rolled the stop sign." All the other reports said the driver came to a complete stop and simply didn't see the vehicle on Locust. None of the other side streets or alleys had a reported right-angle crash.
5. Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Sanitary sewer lines are within the Locust Street, Pleasant Street, and Belle Avenue rights-of-way.
6. Storm Sewer: There is a north-south storm sewer extending from Pleasant Street to Locust Street. The sewer line extends to the west of 2317 Pleasant Street and extends south through the block, exiting underneath the driveway of the apartment complex. Easements are in place to access this infrastructure if vacated.
7. Transit: Route 7 (Brown Line) and Route 8 (Green Line) have stops at the corner of Belle Avenue and Locust Street.
8. Solid Waste: Abutting properties receive trash collection from the adjacent street. No garbage collection is taken from the alley.
9. Parks/Open Space: The proposed right-of-way vacation does not impact any parks or open space.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of

the January 21, 2025 Plan and Zoning Commission Public Hearing.

The property owner at 2356 East Locust Street spoke in favor of the request at the Public Hearing. Vacating the alley would eliminate an otherwise unimproved and underutilized alley.

Several members of the public spoke in opposition to the request at the January 21, 2025 meeting. The following issues were cited: the alley enables safe access to property, there are existing utilities within the right-of-way, vacating the right-of-way negatively impacts property values, and concerns for public safety.

Staff received a phone call from an abutting property owner at 2317 East Pleasant Street. The resident stated opposition to the vacation due to a lack of off-street parking and access to the rear yard.

Staff will apprise the Commission of any additional correspondence at the February 18, 2025 Plan and Zoning Commission meeting.

Attachments:

1. Application
2. Maps
3. Public Notice
4. Public Comments in Favor of Request 2-3-25
5. Public Comments in Opposition of Request 2-3-25



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

Office 563.326.6198
planning@davenportiowa.com

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

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
	12/26/2024	01/21/2025

PROJECT TITLE
Alley Vacation Between Belle and Duggleby North of

GENERAL LOCATION DESCRIPTION
Alley located north of Locust St., between Belle Ave. and Duggleby St.

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	Unimproved ROW	N/A	8,840

COMPLETE SUBMITTALS SHALL INCLUDE:	SUBMITTED
Concept/Development Plan, if applicable	☐
Authorization to Act as Applicant	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☒
Legal Description Dimensioned Sketch	☒
Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'	☐

PROJECT NARRATIVE: (submit separate sheet if needed)

To Vacate alley between the east property line of
2312 East Locust Street and Duggleby Street north of
Locust Street.

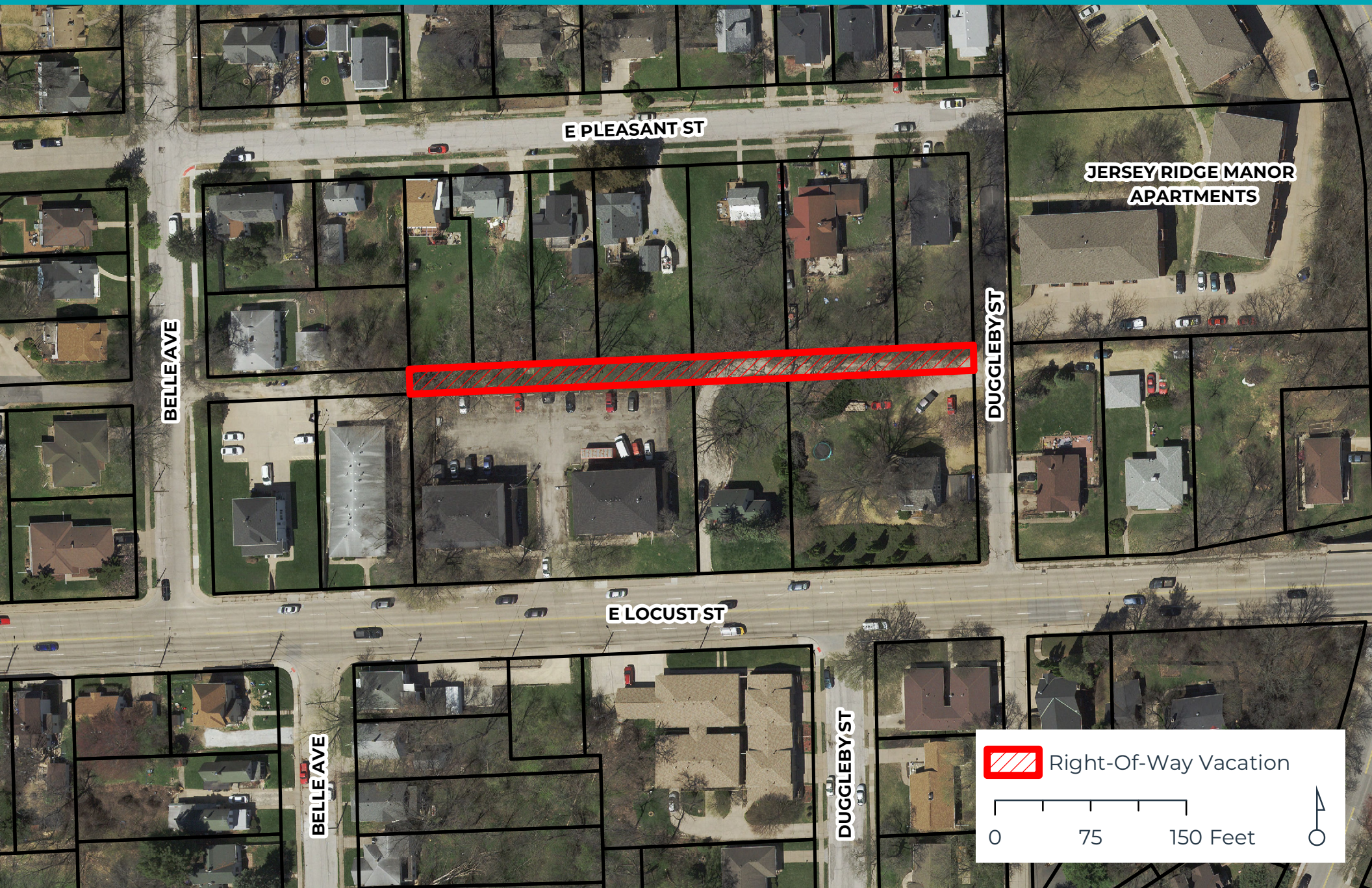
APPLICANT INFORMATION	
APPLICANT NAME Brian Schadt	
ADDRESS 226 W 4th Street	
CITY, STATE, ZIP Davenport, IA, 52801	
PHONE (563) 326-7923	
SECONDARY PHONE	
E-MAIL ADDRESS	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true 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.	
Brian Schadt Type Applicant's Name	
 Applicant's Signature	12/26/2024 Date
DEVELOPMENT TEAM	
Surveyor Klingner & Associates, P.C.	
Address 4111 East 60th Street	
Phone (563) 359-1348	Secondary Phone
E-Mail Address lmiller@klingner.com	
Attorney/Other N/A	
Address	
Phone	Secondary Phone
E-Mail Address	

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



Vicinity Map | Case ROW25-01

Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]



Right-Of-Way Vacation

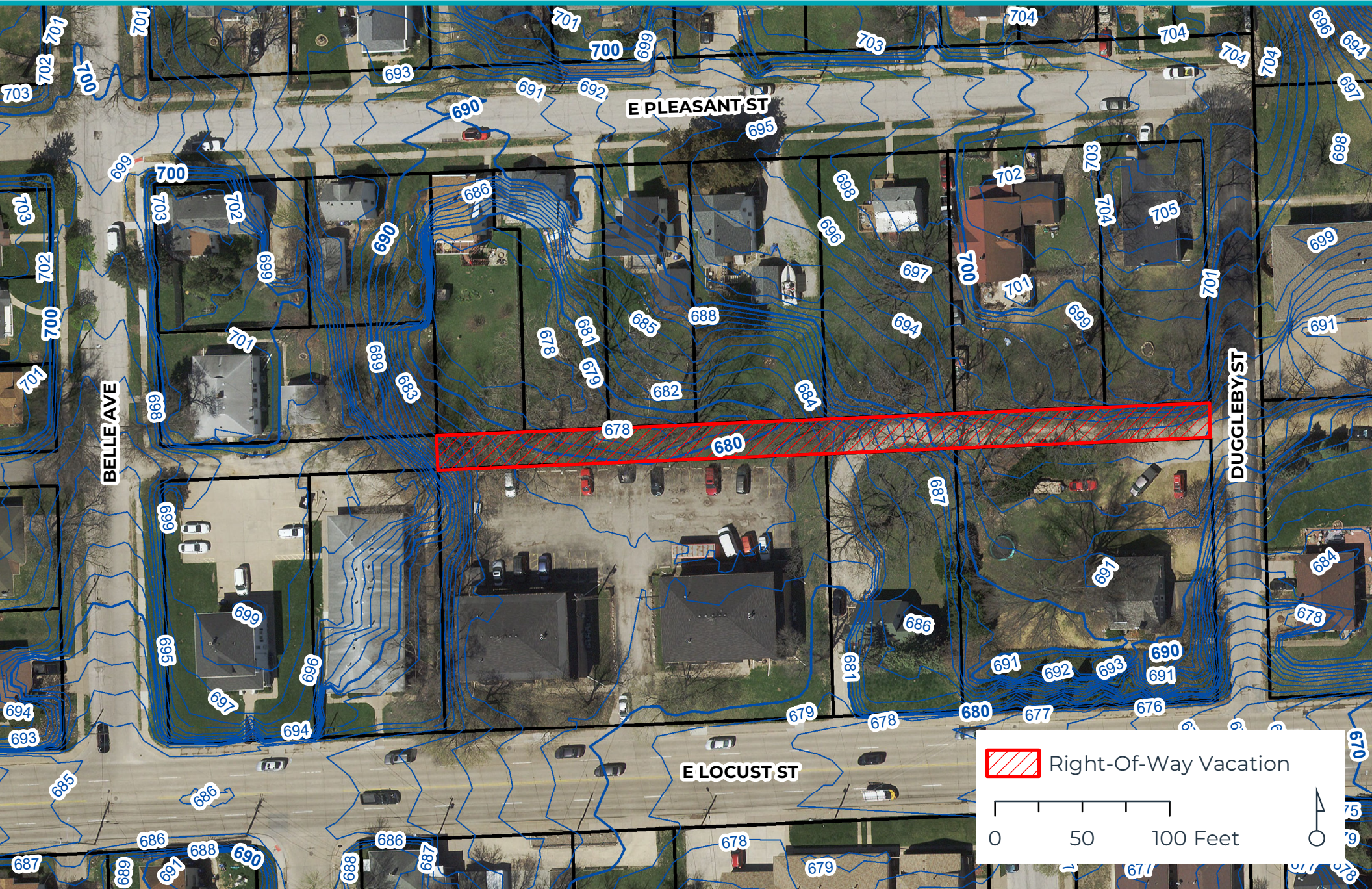
0 75 150 Feet





Topographic Map | Case ROW25-01

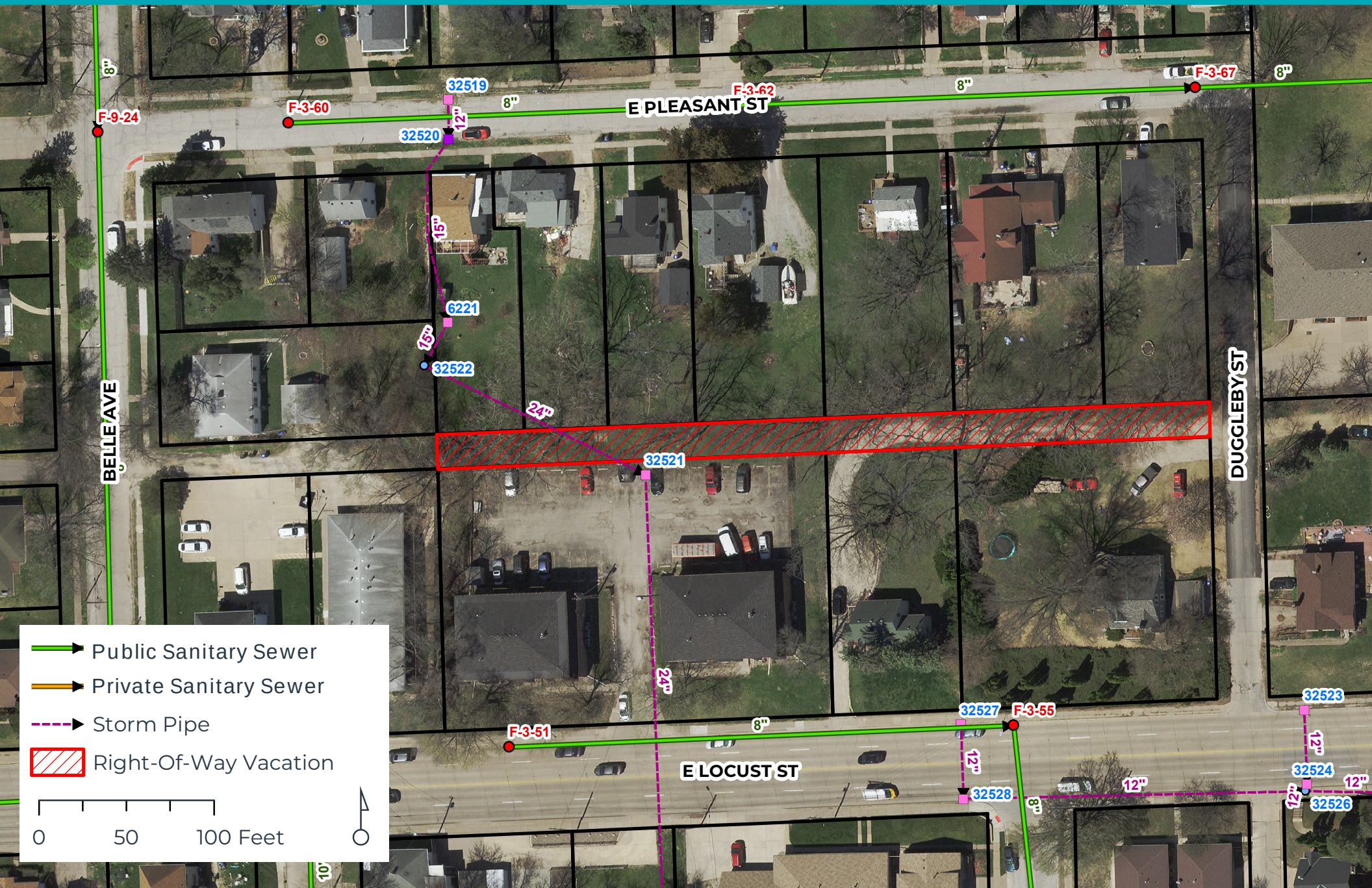
Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]





Sewer Map | Case ROW25-01

Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Dugleby Street. [Ward 5]





THE CITY OF
DAVENPORT
IOWA | USA

Zoning Map | Case ROW25-01

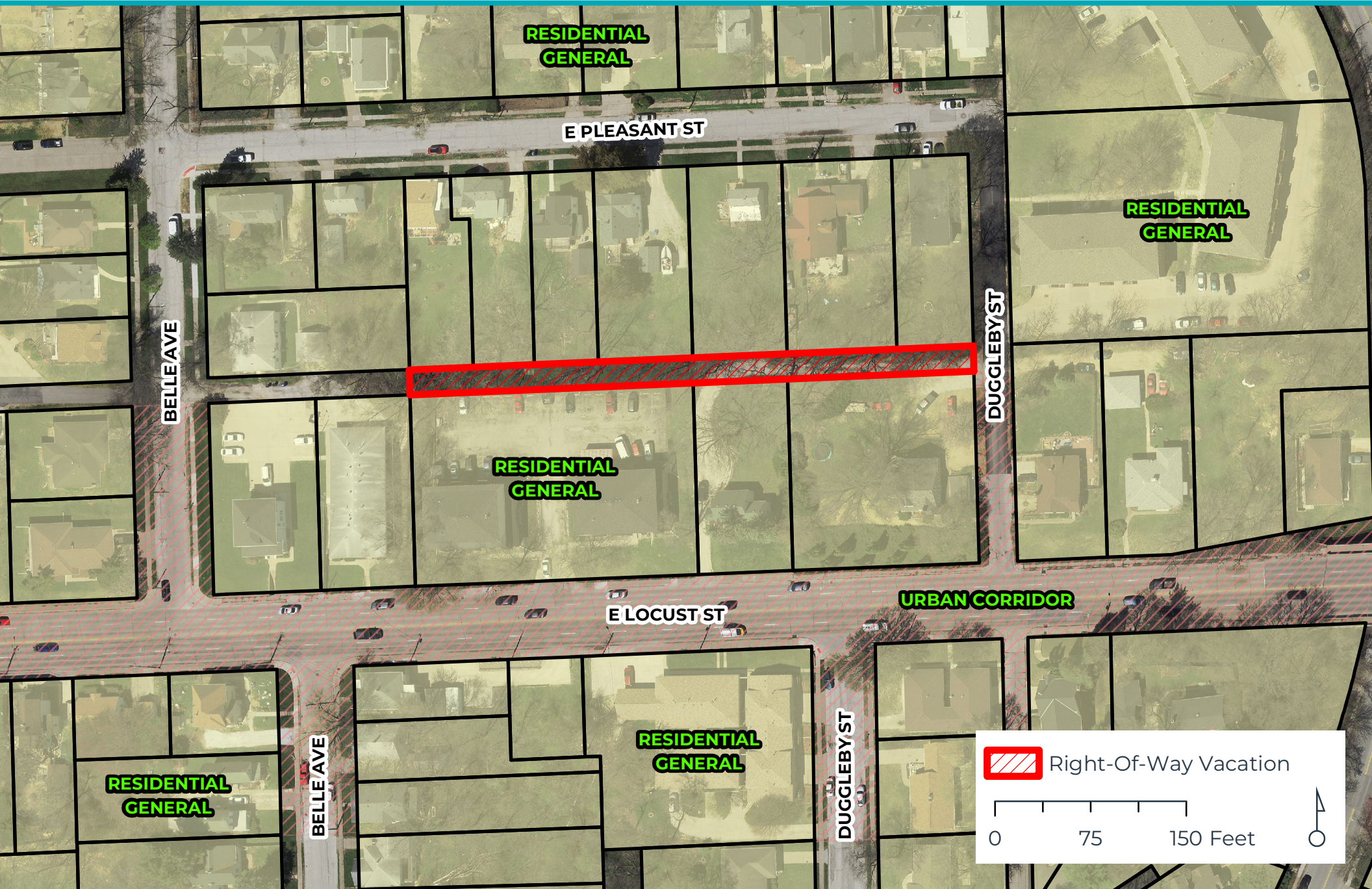
Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]





Future Land Use Map | Case ROW25-01

Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]





PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the subject public right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street.

Committee of the Whole Public Hearing Meeting

Date: 3/19/2025

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 public hearing will be held for a request to vacate a portion of alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. The existing 20-foot-wide alley is unimproved.

Request/Case Description:

Case ROW25-01: Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

Plan & Zoning Commission Recommendation

At its February 18, 2025 meeting, the Plan and Zoning Commission recommended Case ROW25-01 be forwarded to the City Council with a recommendation for denial. The motion to approve Case ROW25-01 failed by a roll call vote (1-8).

What are the Next Steps?

The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, March 19, 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



THE CITY OF
DAVENPORT
IOWA | USA

Public Notice Map | Case ROW25-01

Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Dugleby Street. [Ward 5]





PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject public right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street.

Plan & Zoning Commission Public Hearing Meeting

Date: 1/21/2025

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 public hearing will be held for a request to vacate a portion of alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. The existing 20-foot-wide alley is unimproved.

Request/Case Description:

Case ROW25-01: Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Duggleby Street. [Ward 5]

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 21, 2025. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 4, 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.

The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. 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.



THE CITY OF
DAVENPORT
IOWA | USA

Public Notice Map | Case ROW25-01

Request of The City of Davenport to vacate a portion of the alley right-of-way located north of Locust Street, between Belle Avenue and Dugleby Street. [Ward 5]



Werderitch, Matt

From: Steve May <driftfc88@gmail.com>
Sent: Tuesday, January 21, 2025 7:58 PM
To: Werderitch, Matt
Cc: Kelly, Tim; Oswald, Richard; Berkley, Laura; lily may
Subject: [EXT] Case ROW25-01
Attachments: Screenshot_20250121-180421.png; Screenshot_20250121-180303~2.png

ATTENTION: This is an external email.

Hey Matt I wanted to submit some follow up information for this to be entered.

To whom it may concern,

I'm in strong favor of the vacation of this unmaintained easement.

I wanted to make clear I'm only interested in the section of the easement abutting my property and would work with the neighbors to the north if they would like to split the 20' section equally.

I also wanted to clear up that I do not rely on or need the alley to access my garage.

I also wanted to reiterate that this was NEVER a public right of way and in its current form only benefits the owner of 2342 E Locust and his tenants. I've included a screenshot from August 2017 and you can see there was never a public right of way. It was a grass backyard with no gravel or public right of way.

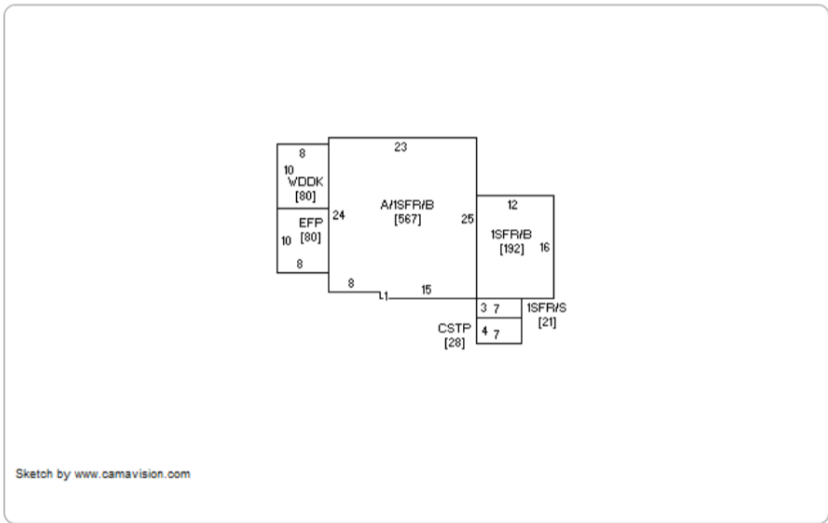
Up until October 2017 the Dray's owned the property at 2342 E. Locust St and they only had access to and from Locust St. I've included a picture showing the Dray's owned that property since 1988. You can see from the information I included this was never a public safety concern for nearly 30 years.

In closing if you take the time and look at all the protest letters you will be able to see it's only being protested by one property, clearly showing this unmaintained easement only benefits the property of 2342 E. Locust St and no one else.

Thank you for your time.



Sketches - Assessor's Office



Permits - Assessor's Office

Permit #	Date	Description	Amount
B030661	12/18/2017	Deck/Patio	1,000
E011310	12/11/2017	Plumb/Elec	1,000
191845	07/14/2003	Roof	2,200

Sales - Assessor's Office

Columns

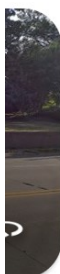
Date	Seller	Buyer	Recording	Amount
➤ 10/13/2017	DRAY, DAVID L	AGAN, SHAWN L	2017-028201	\$52,500.00
➤ 4/8/2015	DRAY BETTY L	DRAY, DAVID L	2015-008015	\$0.00
➤ 1/1/1993	DRAY, BETTY L	DRAY, LEON	237-000264	\$0.00
➤ 3/28/1988		DRAY, BETTY L	1988-001491	\$0.00



Google
© 2025 Google



2327 E Locust St



Nov 2018

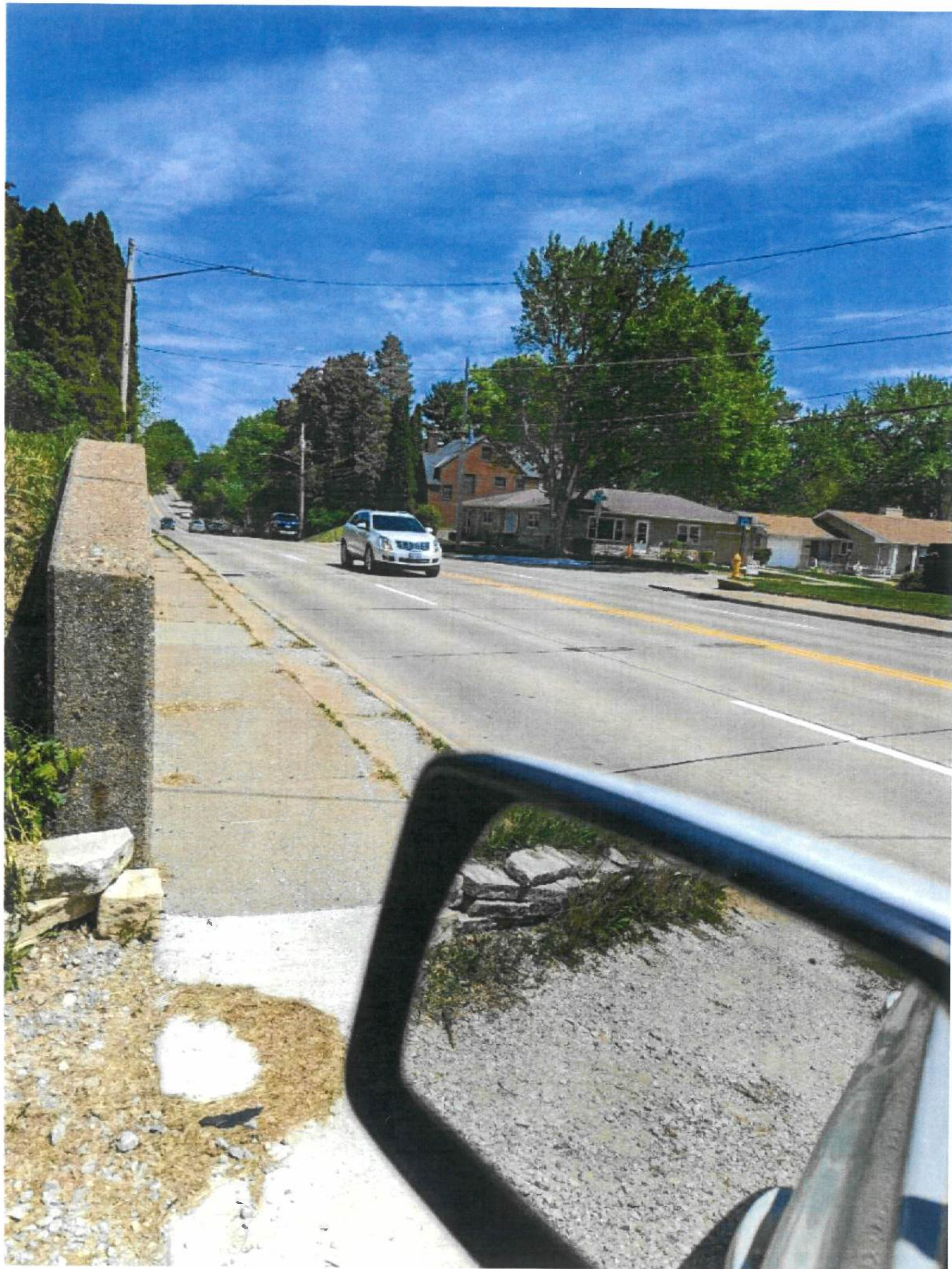


Aug 2017



Sept 20





To Whom It May Concern:

ROW25-01

I am for the vacating of this property. This right of way only serves one property-2342 E Locust St. If you pull in from Duggleby, it only goes to that property. Due to trees and terrain you cannot go any farther than that. (Pictures attached) None of the other properties along Locust and Pleasant have any access so it is not a public right of way. If the sewer needs any maintenance, they cannot access it though Duggleby-they have to go behind the apartment complex that is there.

This alley is gravel that was put in by the owner of 2342. There were never any permits to do this and this is not up to city code. As long as this is not developed by the city to bring it up to code and to make it accessible for everyone and not just one property, it is of no use to the city. We want to get it cleaned up to help improve our neighborhood.

When we purchased our property in 2018, that alley was full of trees and foliage and not driveable. So up until 2018, the only access for 2342 was Locust St. and it has never been open so it was never a safety concern before then by any of the previous owners. There was a previously submitted photo of the retaining wall at 2342 stating it was a 6 ft wall, but attached are pictures of the actual measurements of 5' 1.5" and 3' 8" at it's highest and lowest points which is closest to that driveway. Also, there has been a new tenant at that property every year and I have seen every one of them use Locust Street to get out.

As far as safety is concerned, there are so many streets along Locust that are unsafe-Belle and Woodland (pictures attached) are just a couple of examples. What about in front of Mckinley Elementary where people speed by there every day when kids go to and get out of school or when they run the stoplight on Locust where kids have to cross. Also, when it snows or is icy, Duggleby is dangerous since it is a hill. How safe is it for my family when they speed through there behind my house? Safety should not be a factor in this decision since there are so many other public streets that are unsafe to drive that a lot of people have to travel. Why is this one property for one owner more important than all those other public access streets?

Thank You
Jodi May
2356 E Locust St
Davenport, IA 52803







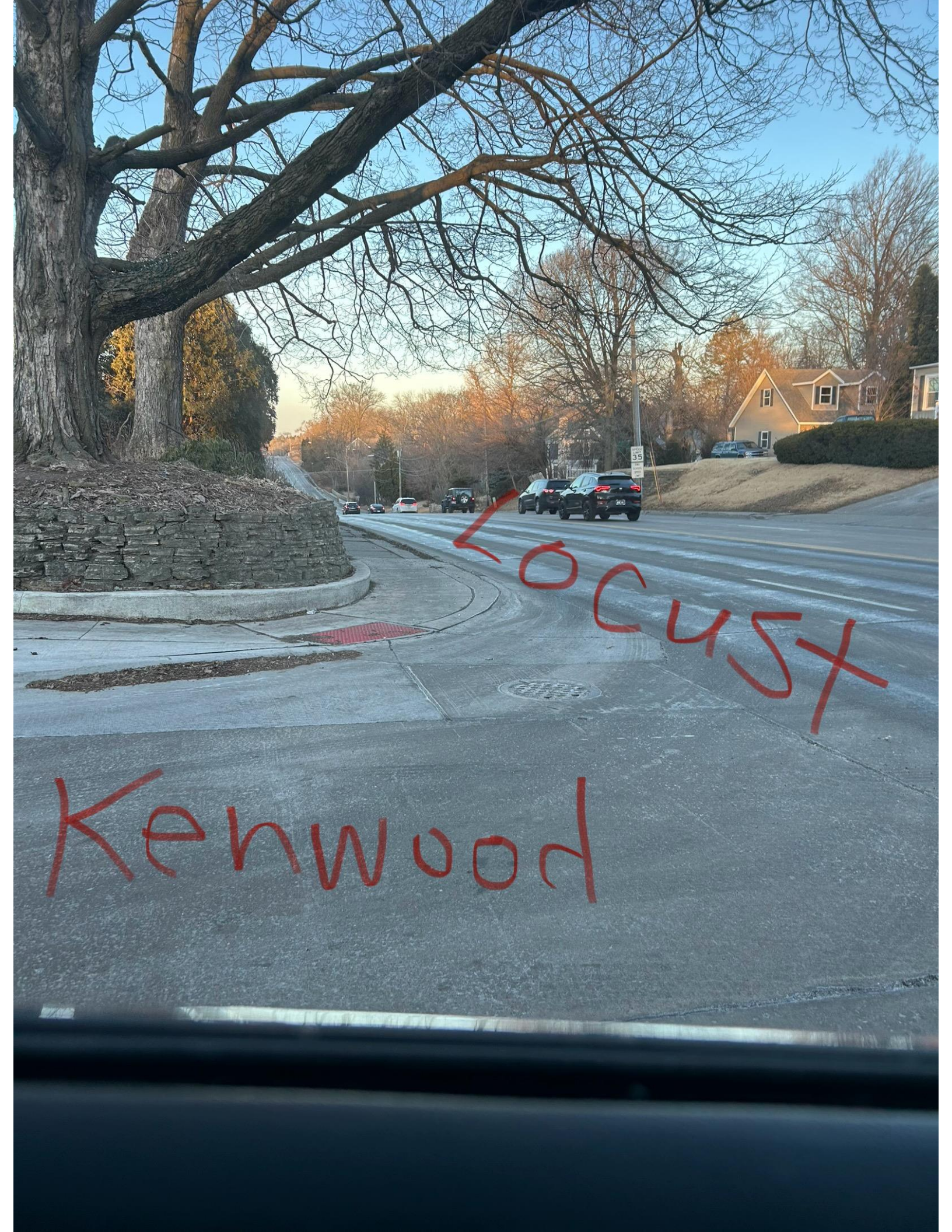












Locust

Kenwood



Belle

Handwritten red squiggly line with a circle and arrows pointing to a spot on the road.

Handwritten red 'X' in the side-view mirror.

Shawn Agan
828 Waverly Road
Davenport, IA 52804

City of Davenport
Planning
1200 E 46th St
Davenport, IA 52807

To whom it may concern:

I do hereby want to object the City's proposal to vacate the alley right-of-way located north of Locust St, between Belle Ave and Duggleby St. CASE ROW23-02

Vacating this alley way will leave 2342 E Locust St with only E Locust St as access to the property. The property of 2342 E Locust was impaired visual when trying to turn onto E Locust St. This is an overall safety concern to not only other drivers but pedestrians that might be walking down the sidewalk if the alley right-of-way were to be vacated.

Please take into concertation the access this will leave if the alley is no longer able to be of use. I would encourage everyone responsible in deciding on this matter to drive down this alley way and try to turn out onto E Locust St from 2342 E Locust and feel for yourself if you would like to have to be in this position daily when trying to commute.

Thank you for your consideration,

Shawn Agan





1/20/2025

RE: Shawn Agan
2342 E. Locust Street
Davenport, IA 52803

TO WHOM IT MAY CONCERN:

My Client, Mr. Shawn Agan has asked me to state the impact of a proposed alleyway vacating to the rear of the home he owns at 2342 E. Locust Street, Davenport.

I am a forty-nine year Real Estate Agent with MEL FOSTER CO. I SOLD him this property in 2017 and have experienced first-hand the difficulty and danger of making ingress or egress from his home onto E. Locust Street.

If the City of Davenport were to vacate this alley, it is my professional opinion that it would have a detrimental impact on the saleability of this home. Having secondary access via the alley is a critical feature affecting the value and use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Kelling'.

Scott Kelling
Mel FOSTER CO.

3211 E. 35th St. Ct. at I-74 & Kimberly Rd., Davenport, Iowa 52807-2585
PHONE (563) 359-4663
www.melfosterco.com



ARTHUR R. EDWARDS and
MELBA G. E. EDWARDS,

To

CITY OF DAVENPORT.

SEWER EASEMENT.

Dated: Oct. 19, 1965.
Ack'd: Oct. 19, 1965.
Filed: Oct. 20, 1965.
Rec'd: 178 Misc., 112.
Cons.: \$1.00 & O.V.C.

Recites that grantors, as owner of a tract of land described as Lot 14 and the West 24 feet of Lot 13, all in Block 2 of Joseph S. Thomas Subdivision in the City of Davenport, Iowa, do hereby grant, bargain and convey unto grantee a perpetual easement and right-of-way for construction and repair of a storm sewer across, through and under a tract of land described as:

following is a correct description of the centerline of a storm sewer easement 20 feet in width in Lot 14 and in the West 24 feet of Lot 13, all in Block 2 of Joseph S. Thomas Subdivision in the City of Davenport, Iowa, to-wit: Beginning in the South line of said Lot 13 at a point which is 24 feet East of the S.W. corner of said Lot 13; thence N. 61° 55' W. 88.90 feet to a point in said Lot 14; thence N. 18° 23' W. 52.18 feet in said Lot 14 to an existing 15 inch diameter concrete storm sewer,

and also grants, bargains and conveys the right to maintain, renew, enlarge, extend or reconstruct said sewer.

Also grants an encroachment for the purpose of cutting and filling that shall extend 10 feet from the center of the above described easement.

Grantors agree not to erect, construct or maintain any permanent structure on said easement without the written permission of grantee.

Grantee agrees to allow the encroachment of a minimum of 4 feet onto the above described easement for the purpose of erecting a garage.

----- // // // // // -----

1/17/25

City of Davenport
Council Members

Re: Property at 2342 E Locust St, Davenport, IA 52803

Dear Council Members

I'm writing to you in hope that Davenport will consider the Safety to General Public and Owners/Renters at the property listed as 2342 E. Locust St, Davenport, IA 52803. I personally do not have any bias or gain to my request other than safety concerns and protection of lives and property. I am here tonight to purely speak on my firsthand knowledge of the property on East Locust and my concerns.

My daughter recently started renting this property. The viability of the back entrance to this particular property is invaluable due to the safety concerns at the front entrance along Locust. There is no way to exit this property without endangering yourself and/or the public. This includes both pedestrian and vehicle traffic along East Locust. The speed limit is 35 mph and as you can imagine is frequently faster than that. It is a narrow two-way stretch. If you had to exit the property at the drive it is next to impossible to view oncoming traffic from the east without partially creeping into Locust due to the large retaining wall and proximity of the street. You certainly cannot view cyclists or people on the sidewalk either. If you creep out and a vehicle is traveling, there is nowhere to even swerve to avoid an impact if there is another vehicle in the second lane next to you, which is all the time with the traffic on Locust. This is why we never exit this way. We always drive through the back drive and exit either north or south off Duggleby St. for safety concerns. In my opinion it is imperative for the property to continue to secure this option. Without it you would endanger not only yourself but the public every time you try to exit.

Thank you for considering this request and safety of the Community,

Jacki Foley

1/19/25

City of Davenport

Council Members

Re: Property at 2342 E Locust St, Davenport, IA 52803

City Council Members,

I am the current resident at 2342 E. Locust St. Davenport, IA 52803. This letter has been written to you in hopes of expressing my concerns on the potential loss of access to the back alley attached to Duggleby St. Having lived on this property since the fall of 2024, I have first-hand experience with the dangers of leaving the property directly onto Locust St. Thank you all for being here today and considering the dangers of this proposed alteration.

Since living at this property, I have been utilizing the back entrance to my property daily in order to safely leave my home. As we all know, Locust Street is a heavily trafficked street at all hours of the day. The property is also less than 1 mile away from Genesis East Campus hospital, which means this part of Locust Street is populated by people going to receive care, police officers, and ambulances. As you can imagine, majority of the drivers on the street are not obeying the 35mph speed limit. At the front of the property lies a retention wall that almost completely blocks the view of oncoming traffic and pedestrians. I drive a small sedan, and in order to achieve a proper view of the street I have to creep out so far that the front end of my car is in oncoming traffic. Visualizing anything on the left side is impossible unless done so. This poses an exceedingly dangerous threat to anyone in the car, pedestrians that could be walking/biking on the sidewalk, and any oncoming vehicles. In the small amount of time that it takes to creep out and see what is coming from the left, there is always the possibility of hitting another car or a pedestrian. Due to how narrow the driveway is set there is nowhere to swerve out of the way if that situation were to arise. This is why it is absolutely imperative that myself, and anyone who visits the property exit through the back alley of the home.

Your consideration for this matter of safety in the community is greatly appreciated.

Sydney Foley

To whom it may concern,
I'm the tenant, Brian Long, at, 2342 E. Locust st, Davenport, Ia. I'm writing to voice my concern of shutting down the alley way. As we are all aware, Locust st is a very busy road. Pulling out, onto Locust, from my drive is very difficult. Do to the facts, vehicles are coming up hill, most exceeding the speed limit, and have a concrete wall impeding your view, until your vehicle's front end is in traffic.

I use the alley way to exit safely from my drive. I would greatly appreciate, the alley remain open. I have 3 boys of driving age, and know how difficult it is to exit onto Locust. I, as a parent, feel safer with them exiting through the alley way.

Thank,
Brian Long

Werderitch, Matt

From: Monica Gish <monica@meloylaw.com>
Sent: Wednesday, January 22, 2025 11:19 AM
To: Werderitch, Matt
Cc: mike meloylaw.com
Subject: [EXT] Case ROW 25-01

ATTENTION: This is an external email.

Mr. Werdertich,

Re: Case **ROW 25-01**--Request of the City of Davenport to vacate right of way located north of Locust Street, between Belle Avenue and Duggleby Street.

I represent Shawn Agan, the title holder and owner of real property located at 2342 East Locust Street, Davenport, Iowa.

This is legal notice to the City of Davenport that Mr. Agan **Opposes** the vacation of this long- standing public right of way.

The proposed vacation will Negatively impact Mr. Agan's real property value. It will limit access to and from 2342 Locust Street to one off street access point on East Locust Street.

Exiting the property at this point west of Mr. Agan's real property and turning east or west onto East Locust Street is a **Safety Hazard**, because of the lack of visibility, due to the existing **five-foot high** cement wall running adjacent to East Locust Street.

There appears to be only one property owner, located at the intersection of Duggleelby Street and East Locust Street who is making this request. That property owner would be able to block access from the alleyway to any person entering the alleyway from Duggleby Street.

A public alleyway should **NOT** be vacated and conveyed, which then becomes detrimental to other property Owners adjacent to that same alleyway.

We request that this request be **Denied** by the Plan and Zone Commission as detrimental to the Public Interest.

Thank you.

Michael J. Meloy

Sincerely,

Monica Gish

Paralegal for Michael J. Meloy

Meloy Law Office
2535 Tech Drive, Ste. 206
Bettendorf, Iowa 52722
(563) 359-3959
Fax: (563) 359-3953
monica@meloylaw.com

Congratulations on starting your petition!
Take steps to strengthen it.

Petition Strength

7

Good

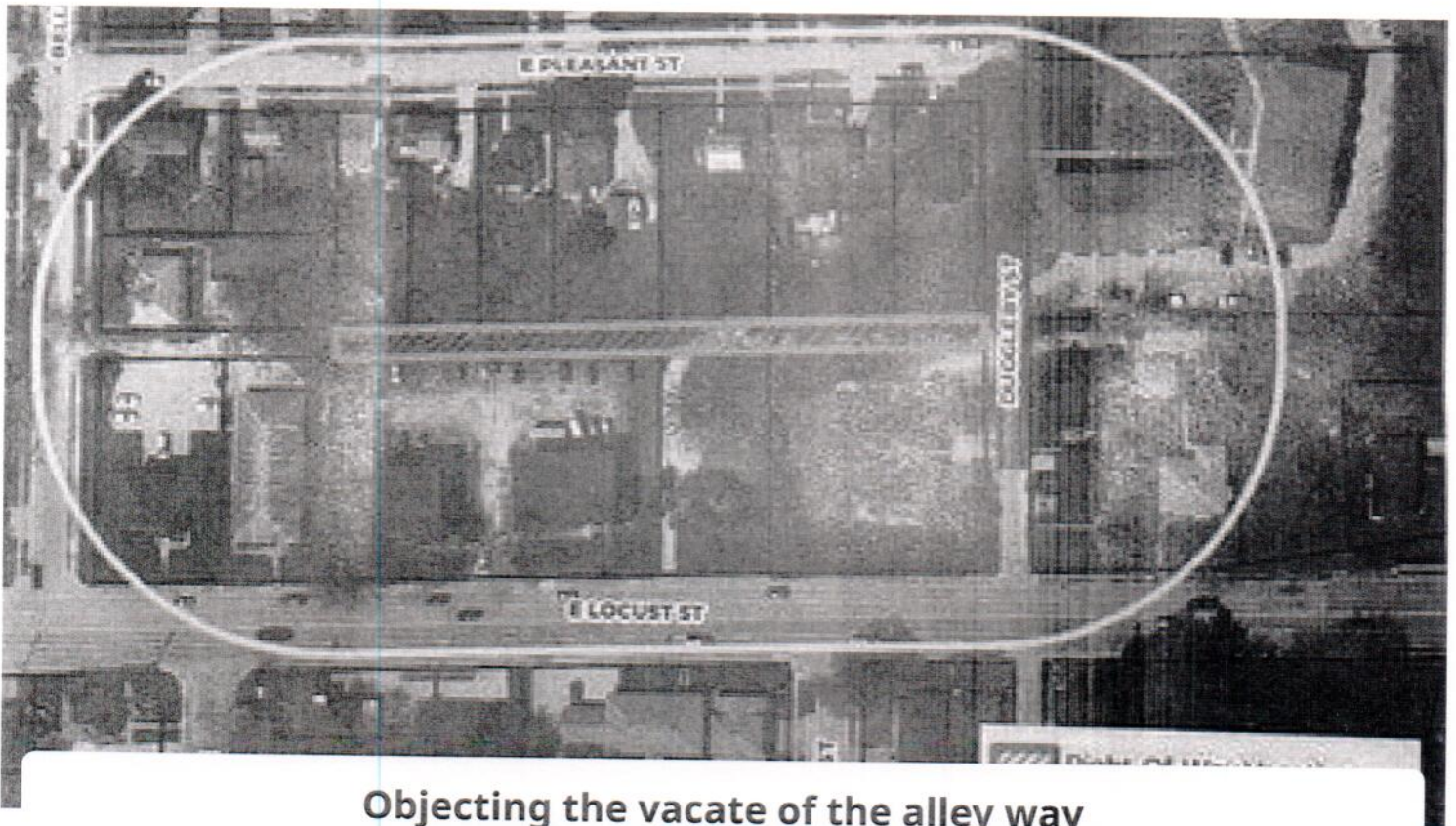
Write a longer description

Add a personal story, as well as relevant facts and statistics.

[Edit description](#)

Start an image test

Upload a few images and we'll find the one driving the most signatures.

[Start Smart Image test](#)

Objecting the vacate of the alley way

[Share this petition](#)120⁰

Verified signatures ▾

Christopher Cox • 5 hours ago

Madison Hancock • 7 hours ago

Deb Jones • 16 hours ago

Kayla fielder • 21 hours ago

DeWayne Taylor • 1 day ago



Decision Makers: Tim Dunn +2



1 Update

The Issue

We petition the City of Davenport, we object to vacating the alley right-of-way located north of Locust, between Belle Avenue and Duggleby St. Wade 5. CASE ROW25-01.

Vacating this alley way will leave 2342 E Locust with only access to E Locust. The property 2342 E Locust has impaired visual when trying to turn onto E Locust. This is an overall SAFTY concern to not only other drivers but pedestrians walking or cycling on side walk if the alley right-of-way is vacated.

I invite everyone that is responsible for making this decision and signing this petition to drive from Duggelby down alley way turn into property and see the difficulty of turning onto E Locust from 2342 E Locust to see if you personally would like to have this position on your daily commute?

The Supporters

Featured Comments



Jacki, Davenport

4 days ago

"There is no reason to endanger the people exiting this property or the public. This exit makes east bound traffic and pedestrian impossible to see with the retaining wall in place. Vote this down first public safety reasons"

Name	City	State	Postal Code	Country
Shawn Agan	Davenport	IA	52804	United States
Scott Forrest	Davenport	IA	52804	United States
Cindy Agan	Davenport	IA	52804	United States
Chanda Tague	Saint Paul	MN	55130	United States
Jen Walcher	Davenport	IA	52807	United States
Sara Nystrom	Bettendorf	IA	52722	United States
Matthew zogg	Davenport	IA	52806	United States
Tami Dennis	Davenport	IA	52802	United States
Mackenzie Chandler	Davenport	IA	52807	United States
Rhonda DEBRUYN	Davenport	IA	52803	United States
Nancy Barton	Davenport	IA	52807	United States
Dennis Williamson	Davenport	IA	52807	United States
Alice Cameron	Davenport	IA	52807	United States
Aubrey Sennett	Saint Paul	MN	55104	United States
Jason Franklin	Carpentersville	IL	60110	United States
Kortney Hudson	Davenport	IA	52804	United States
Melinda Starling	Davenport	IA	52803	United States
Shawn Loter	Davenport	IA	52802	United States
Venita Carlstrom Gatheright				United States
Susan Anderson	Cedar Rapids	IA	52405	United States
Sherry O'Neill	Davenport	IA	52807	United States
Ben Cook	Davenport	IA	52804	United States
Michael Hulsing	Madison	WI	53704	United States
David H		IA	52804	United States
Katrina Masakowski	Island Lake	IL	60042	United States
Elizabeth Berry-Chandler	Bettendorf	IA	52722	United States
Jen Quandt	Milwaukee	WI	53221	United States
ADAM MCWILLIAMS	Bettendorf	IA	52722	United States
Sam Foley	Tampa	FL	33609	United States
RYAN LINCOLN	Minneapolis	MN	55409	United States
Sharon Cox	Davenport	IA	52807	United States
Cyndi Reza	Davenport	IA	52804	United States
Tanya Hayes	Davenport	IA	52804	United States
Alicia Goossens	Davenport	IA	52806	United States
mike townley	Bettendorf	IA	52722	United States
Rob Brick	Davenport	IA	52803	United States
Austin Fielder	Bettendorf	IA	52722	United States
Christopher Boyd	Davenport	IA	52804	United States
Sharon Cox	Davenport	IA	52807	United States
Collin Ammerman	Moline	IL	61265	United States
Michael Keim	Davenport	IA	52802	United States
Darren Chandler	Buffalo	IA	52728	United States
Kelly Howes	Franklin	TN	37067	United States
Kristi SCHLEETER	Davenport	IA	52804-3052	United States
Theodore Priester	Davenport	IA	52803	United States
Brad Jones	Mount Prospect	IL	60056	United States

Kirk Wulff	Davenport	IA	52804 United States
Michael Osborn	Davenport	IA	52807 United States
Tami Stombaugh	Madison	WI	53704 United States
Dean Anderson	Des Moines	IA	50317 United States
Kimber Miller-Monty	Davenport	IA	52806 United States
Cynthia Rhodes	Davenport	IA	52806 United States
Rhonda Elskamp	Davenport	IA	52807 United States
David Monty	Davenport	IA	52806 United States
Tracy Mervine	Clinton	IA	52732 United States
Steve Stombaugh	Davenport	IA	52753 United States
Tracy Ludtke	Streamwood	IL	60107 United States
Vicky Speth	Davenport	IA	52804 United States
Mike Jones	Milwaukee	WI	53215 United States
Kelli Meyer	Davenport	IA	52804 United States
Andrea Brown	Davenport	IA	52806 United States
John Bedford	Davenport	IA	52804 United States
Tom Hansen	Davenport	IA	52806 United States
Lisa Stanton	Davenport	IA	53803 United States
Barbara Swift	Davenport	IA	52804 United States
Ahrin Hulsing	Davenport	IA	52807 United States
Becki Webb	Davenport	IA	52804 United States
Michael Hulsing	Davenport	IA	52807 United States
Trenton Jussila	Clinton	IA	52732 United States
Mike Warren	Palatine	IA	52802-1115 United States
Mary Sammon	Chicago	IL	60614 United States
John Paustian	Davenport	IA	52806 United States
Ashlee Myers-Smith			United States
barbara williams	Minneapolis	MN	55410 United States
Anthony Baker	Davenport	IA	52807 United States
Michael Morris	Davenport	IA	52807 United States
Evan Evans	Crystal Lake	IL	60014 United States
Jeffrey Stormer	Mount Prospect	IL	60056 United States
Sydney Foley	Davenport	IA	52722 United States
Jacki Foley	Davenport	IA	52803 United States
Steve Foley	Davenport	IA	52807 United States
Delores Goossens	Davenport	IA	52804 United States
Jim Carr	Davenport	IA	52806 United States
Debbie Mead	Eldridge	IA	52748 United States
Brooke Grubbs	Davenport	IA	52807 United States
Danny Caldwell	Davenport	IA	52806 United States
Jeff Jones	Davenport	IA	52802 United States
Chantel Mowery	Davenport	IA	52807 United States
Eric Berst	Davenport	IA	52806 United States
Tina Hoefer	Davenport	IA	52806 United States
Richard McGarry	Davenport	IA	52807 United States
jan goacher	Davenport	IA	52807 United States
Casondra Hilboldt	Lee's Summit	MO	64064 United States

Robert Saul	Davenport	IA	52804 United States
Julia Wulff	Davenport	IA	52804 United States
Tatiana Howell	Kewanee	IL	61443 United States
Jamie rentfro	Davenport	IA	52804 United States
Holland Slyter	Davenport	IA	52804 United States
Cindy Smith	Davenport	IA	52804 United States
John Marston	Davenport	IA	52804 United States
Brennan Griffin	Stoney Creek		L8G Canada
Mary Bird	Davenport	IA	52806 United States
GinaG Murphy	Davenport	IA	52807 United States
Gordon Poston	Kingstree	SC	29556 United States
Lynette Lennon	Davenport	IA	52803 United States
Eryn Smith-Ramos	Davenport	IA	52804 United States
Scott Boyer	DAVENPORT	IA	52806 United States
Cheryl Johnson	Wayland	IA	52654 United States
Alyssa Leutzinger	Rock island	IL	61201 United States
Jenna Foley	Cedar Rapids	IA	52403 United States
Dylan Ambrosy	Farley	IA	52046 United States
Eric McIllece	Wayland	IA	52654 United States
DeWayne Taylor			United States
Cindy Leonard	Bettendorf	IA	52722 United States

CASE

ROW 25-01

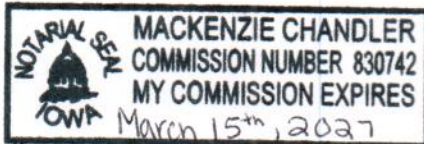
CITY OF DAVENPORT,

I Barbara Williams LIVE AT 2355 E Pleasant

OBJECT TO VACATE THE ALLEY RIGHT AWAY CASE ROW 25- 01

SIGN Barbara Williams

DATE 1-26-25



Mackenzie Chandler



A2



→ ↺ 📏 ortho.gis.iastate.edu/client_nhd.cgi?zoom=1&x0=704825&y0=4601389&layer=ortho_1960&action=pan&pwidth=600&pheight=600

Iowa Geographic Map Server - Iowa State University Geographic Information Systems Support & Research Facility

[Home](#) [Map Search](#) [ArcGIS Viewer](#) [Leaflet Viewer](#)

1960s Aerial Photos - USDA [Full extent](#)



ortho.gis.iastate.edu/client_nhd.cgi?zoom=1&x0=704825&y0=4601389&layer=ortho_1990&action=layerortho_1980&pwidth=600&pheight=600

Iowa Geographic Map Server - Iowa State University Geographic Information Systems Support & Research Facility

[Home](#) [Map Search](#) [ArcGIS Viewer](#) [Leaflet Viewer](#)

1980s Aerial Photos - NHAP [Full extent](#)



City of Davenport

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

Action / Date
4/2/2025

Subject:

Resolution approving Case F25-04 being the request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a final plat of Hose Station 7 Parking, a 2-lot subdivision on 1.78 acres located at 430 Taylor Street. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

The purpose of the subdivision is to facilitate the sale of property from Roederer Transfer & Storage Company to the owner of the historic Hose Station No. 7, located on the northeast corner of West 4th Street and Fillmore Street. Hose Station No. 7 is being renovated for a bar and event space. Lot 1 of the subdivision will function as a parking lot for the new business.

Plan and Zoning Commission Recommendation

The Plan and Zoning Commission reviewed Case F25-04 at its March 18, 2025, meeting and unanimously recommended approval subject to the listed findings and conditions:

Findings

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Provide a 15' utility easement along the north and south plat lines.
4. Subdivision shall be tied to either two government corners or two corners of a recorded subdivision.

Comprehensive Plan

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Future Land Use Designation

The subject property is designated as **Residential General** in the Davenport +2035 Land Use Plan. This land use category designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.
The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning

The subject property is zoned **I-MU Industrial Mixed-Use District**. This district is intended to provide for a mix of light industrial uses, as well as compatible commercial uses such as recreation, entertainment, and retail establishments to promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The I-MU District may also function as a transition district between the C-D Downtown District and surrounding areas. Higher density residential is also permitted in the I-MU District.

Technical Review

1. Zoning: Lots 1 and 2 meet the I-MU Industrial Mixed-Use District dimensional standards. There is no minimum lot area or width requirements. Future development of the property shall comply with setback requirements.
2. Streets: Public right-of-way will not be dedicated as part of this plat. Lots will maintain existing access to Fillmore Street, Taylor Street, and the city right-of-way directly to the south.
3. Stormwater: Stormwater detention and water quality are not required with this subdivision, but will be required upon further development of the site. There is a 48-inch storm pipe spanning the length of the alley from Fillmore Street to Taylor Street. An easement is required along the south boundary of the subdivision to ensure future access to this infrastructure.
4. Sanitary Sewer: Both Fillmore Street and Taylor Street have public sanitary sewer lines that are accessible for any future development on Lots 1 and 2.
5. Other Utilities: Normal utility services are available on this site.
6. Parks/Open Space: There are no impacts on parks/open space.

Public Input:

Public notification is not required for a final plat.

Attachments:

1. Resolution
2. Final Plat
3. Maps
4. Application

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION approving Case F25-04 being the request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a final plat of Hose Station 7 Parking, a 2-lot subdivision on 1.78 acres located at 430 Taylor Street.

WHEREAS, the Plan & Zoning Commission reviewed Case F25-04 at the March 18, 2025 regularly scheduled meeting with a recommendation for approval subject to the following conditions:

1. The surveyor signs the plat;
2. The utility providers sign the plat when their easement needs have been met;
3. Provide a 15' utility easement along the north and south plat lines;
4. Subdivision shall be tied to either two government corners or two corners of a recorded subdivision; and

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of Hose Station 7 Parking, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by Des Moines Restorations LLC on behalf of Roederer Holdings LLC, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 9th day of April, 2025.

Approved:

Attest:

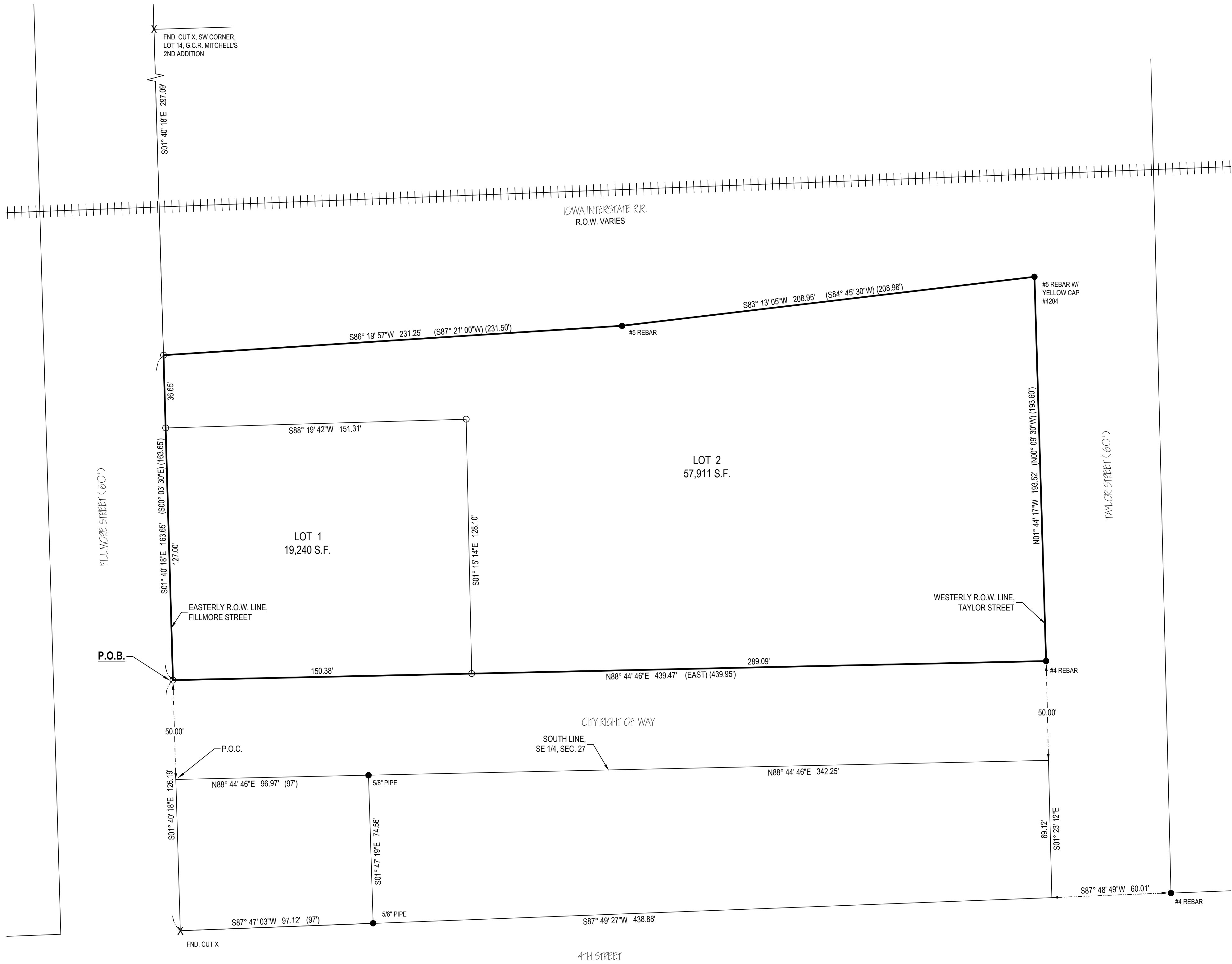
Mike Matson
Mayor

Brian Krup
Deputy City Clerk

FINAL PLAT

HOSE STATION 7 PARKING

AN ADDITION TO THE CITY OF DAVENPORT,
LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 27, TOWNSHIP 78 NORTH, RANGE 3 EAST
OF THE 5TH P.M., SCOTT COUNTY, IOWA.



- NOTES:**
- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
 - ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
 - COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
 - THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
 - ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.
 - BLANKET EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
 - THE SUBJECT PROPERTY IS ZONED I-MU DISTRICT.
 - NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAPS #19163C0365 H EFFECTIVE DATE MARCH 11, 2025.
 - NO SITE DEVELOPMENT IS PROPOSED WITH THIS SUBDIVISION.
 - STORMWATER DETENTION AND WATER QUALITY TREATMENT WILL NOT BE REQUIRED FOR THIS SUBDIVISION BUT WILL BE REQUIRED UPON FURTHER DEVELOPMENT OF THE PROPERTY.

APPROVAL SIGNATURES:	
MAYOR	DATE:
CITY CLERK	DATE:
CHAIRMAN PLAN & ZONE	DATE:
CENTURY LINK	DATE:
IOWA - AMERICAN WATER COMPANY	DATE:
MEDIACOM	DATE:
MIDAMERICAN ENERGY	DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.	
METRONET	DATE:

THE MEASURED BEARINGS SHOWN
HEREON ARE BASED ON THE US STATE
PLANE COORDINATE SYSTEM, IOWA
SOUTH ZONE (1402) GEOID 12A, NAD 83
(2011) EPOCH 2010.00.

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED =
MONUMENTS SET:
#5 REBAR W/ PINK CAP #8860 =
BOUNDARY LINE =
FENCE LINE =
EASEMENT LINE =
SETBACK LINE =
SECTION LINE =

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1" = 30' (24x36)

1. **Owner:**
Roederer Holdings LLC
513 Fillmore Street
Davenport, Iowa 52808

2. **Engineer:**
Christopher R. Townsend, P.E.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236
3. **Surveyor:**
Jerry D. Rogers, P.L.S.
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386 - 4236

4. **Attorney:**
Michael Gorsline
5119 Utica Ridge Road
Davenport, Ia 52807
Ph: (563) 324-0441

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

JERRY D. ROGERS
Iowa License Number: 8860
My license renewal date is December 31, 2025
Pages or sheets covered by this seal: 1

Date

CIVIL • STRUCTURAL • LAND DEVELOPMENT	DATE: 1/5/2025	DRAWN BY: KLC	CHECKED BY: JDR	NO.	REVISIONS:	DATE	PROJECT FINAL PLAT HOSE STATION 7 PARKING DAVENPORT, IOWA	PREPARED FOR CHRIS ROGERS 1234 E. RIVER DRIVE DAVENPORT, IOWA	SHEET NO. 1 of 1
					DESCRIPTION				



THE CITY OF
DAVENPORT
IOWA | USA

Vicinity Map | Case F25-04

Request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a Final Plat of Hose Station 7 Parking. The 2-lot subdivision is located at 430 Taylor Street on 1.78 acres. [Ward 3]



**ROEDERER TRANSFER
& STORAGE CO.**

**ROEDERER TRANSFER
& STORAGE CO.**

FILLMORE ST

TAYLOR ST

RIGHT-OF-WAY

**HOSE
STATION
NO. 7**

**J&J LOCKS, SAFES
& ALARMS, INC.**

W 4TH ST



Subject Property

0

75

150 Feet

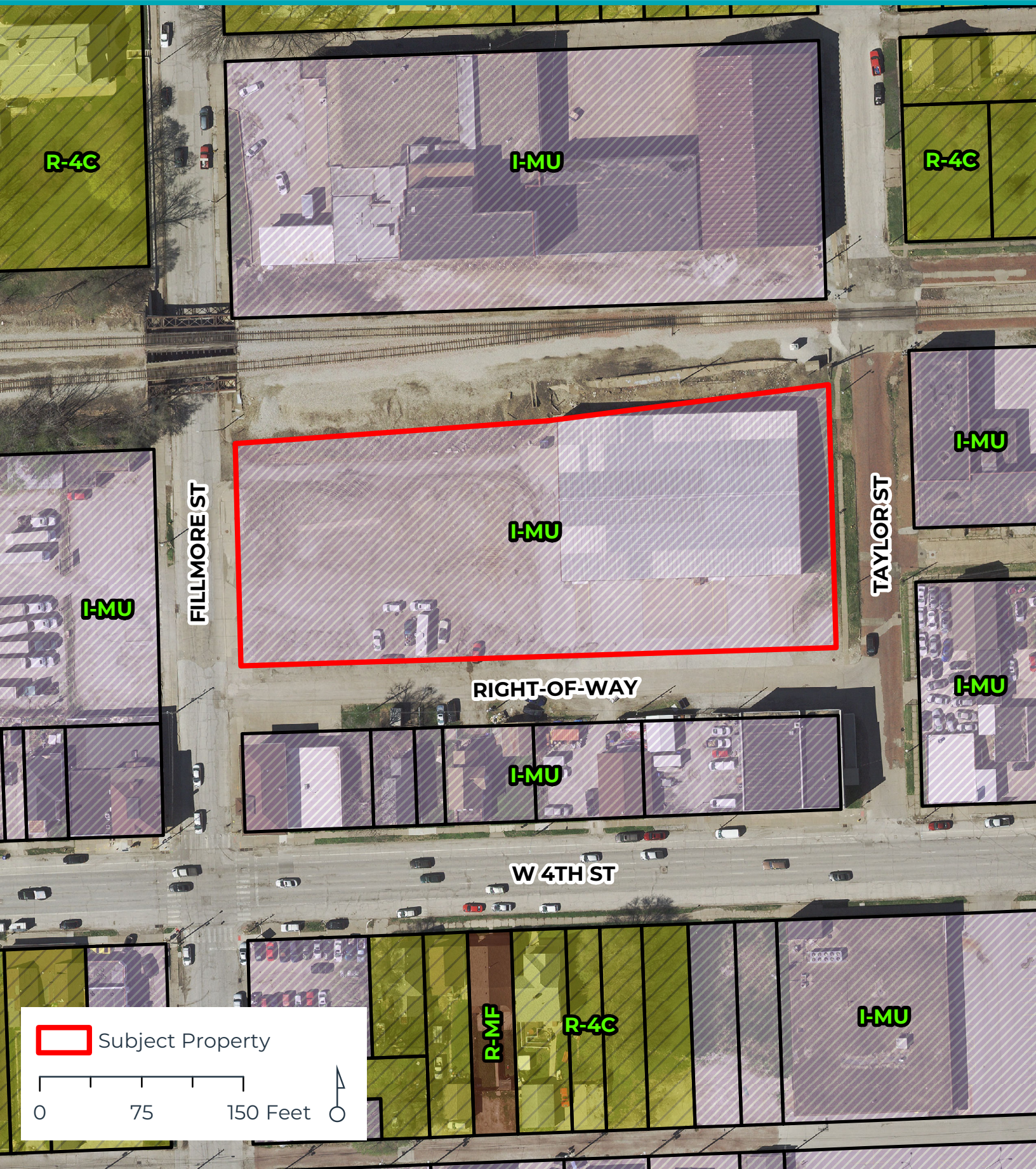




THE CITY OF
DAVENPORT
IOWA | USA

Zoning Map | Case F25-04

Request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a Final Plat of Hose Station 7 Parking. The 2-lot subdivision is located at 430 Taylor Street on 1.78 acres. [Ward 3]

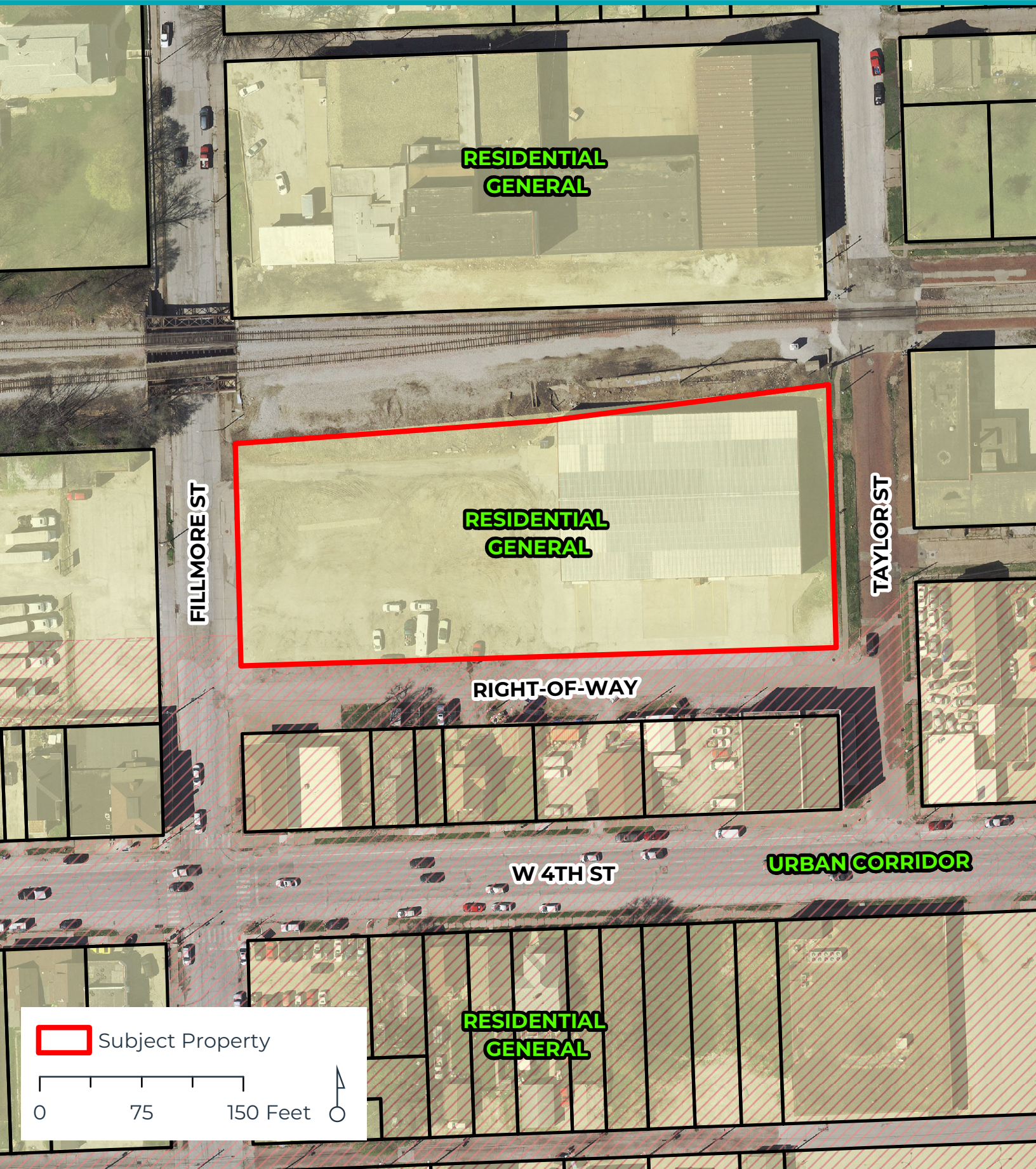




THE CITY OF
DAVENPORT
IOWA | USA

Future Land Use Map | Case F25-04

Request of Des Moines Restorations LLC on behalf of Roederer Holdings LLC for a Final Plat of Hose Station 7 Parking. The 2-lot subdivision is located at 430 Taylor Street on 1.78 acres. [Ward 3]





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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

APPLICANT INFORMATION

Applicant Name

Des Moines Restorations LLC

Address

1234 E River Drive

City | State | Zip

Davenport, IA 52803

Phone

(515) 635-1464

Secondary Phone

(563) 940-1313

E-Mail Address

chris@quadcityrestorations.com

Acceptance of Applicant

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

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

Christopher Rogers

Print Applicant's Name

01/07/2025

Applicant's Signature

Date

SUBDIVISION NAME

Hose Station 7 Parking

LOCATION DESCRIPTION

430 Taylor Street

SUBMITTED

NUMBER OF LOTS BY USE TYPE

2 lots as I-MU

ACRES

1.78

STREETS ADDED

0

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☐

FINAL PLAT: \$16.20 Requirements ☒

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☒

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at planning@davenportiowa.com.

DEVELOPMENT TEAM

Developer / Project Manager

Chris Rogers of Des Moines Restorations LLC

Address

1234 E River Drive, Davenport, IA 52803

Phone

(515) 635-1464

Secondary Phone

(563) 940-1313

E-Mail Address

chris@quadcityrestorations.com

Owner

Roederer Holdings LLC

Address

513 Fillmore Street, Davenport, IA 52803

Phone

Secondary Phone

E-Mail Address

Engineer

Chris Townsend of Townsend Engineering

Address

2224 E 12th Street, Davenport, IA 52803

Phone

(563) 386-4236

Secondary Phone

E-Mail Address

chris@townsendengineering.net

Attorney

Michael Gorsline, 5119 Utica Ridge Rd., Dav. 52807

Address

Michael Gorsline, 5119 Utica Ridge Rd., Dav. 52807

Phone

(563) 324-0441

Secondary Phone

E-Mail Address



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

APPLICANT INFORMATION

Applicant Name / Company Name

DES MOINES RESTORATIONS LLC

Address

1234 E. RIVER DR.

City / State / Zip

DAVENPORT, IOWA 52803

Phone

515-635-1464

Secondary Phone

563-940-1313

E-Mail Address

CHRIS @ QUAD CITY RESTORATIONS.COM

Acceptance of Applicant

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

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

CHRISTOPHER ROGERS

Print Applicant's Name

Applicant's Signature

Date

1/7/2025

SUBDIVISION NAME (& PRJ-NUMBER if assigned)

LOCATION DESCRIPTION

SUBMITTAL DATE

NUMBER OF LOTS BY USE TYPE

ACRES

STREET DISTANCE

SELECT PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☐

FINAL PLAT: \$16.20 Requirements ☐

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☐

Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☐

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at
planning@davenportiowa.com

DEVELOPMENT TEAM

Developer / Project Manager

Address

Phone

Secondary Phone

E-Mail Address

Engineer

Address

Phone

Secondary Phone

E-Mail Address

Owner

Address

Phone

Secondary Phone

E-Mail Address

Attorney

Address

Phone

Secondary Phone

E-Mail Address

Authorization to Act as Applicant

I/We, TOM KOEDERER (KOEDERER HOLDINGS)
[as property owner(s)]

authorize CHRISTOPHER ROGERS (DES MOINES RESTORATIONS LLC)
[the above person(s)]

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

for the property located at 430 TAYLOR ST. DAVENPORT, IOWA 52802.

[Signature]
Signature(s)*

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

Notarization: _____

2/7/25
Date

State of IOWA,

County of SCOTT,

Sworn and subscribed before me

this 7 day of FEBRUARY, 2025

Known
[Identification type]

[Signature]
Notary Public

My Commission Expires: 12/29/2025



City of Davenport

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

Action / Date
4/2/2025

Subject:

Motion approving the appeal to overturn the Historic Preservation Commission's decision to deny Case COA24-20, a request for exterior alteration at the Paul and Mina Jannssen House, located within the Hamburg Local Landmark Historic District at 418 West 7th Street, Matthew Bevirt, Petitioner. [Ward 3]

YES VOTE OVERTURNS HISTORIC PRESERVATION COMMISSION DECISION; NO VOTE UPHOLDS HISTORIC PRESERVATION COMMISSION DECISION

Recommendation:

Consider the Motion.

Background:

On November 27, 2024 the City of Davenport Historic Preservation Commission received an application for a Certificate of Appropriateness regarding the following scope of work at 418 West 7th Street:

1. Remove the exterior staircase on the north side of the home (facing the alley). Install a new 8' x 16' composite deck.
2. Remove first floor kitchen door and window. Replace with a new Marvin door.
3. Install first floor dining room window.

The City of Davenport Historic Preservation Commission reviewed the following case at its December 10, 2024 meeting:

Case COA24-20: Request for exterior alteration at 418 West 7th Street. The Paul and Mina Jannssen House is located within the Hamburg Local Landmark Historic District. Matthew Bevirt, petitioner. [Ward 3]

The Historic Preservation Commission granted a Certificate of Appropriateness for the following project components as submitted in Case COA24-20:

1. Removal of the exterior staircase on the north elevation of the home.
2. Construction of a new 8' x 16' composite deck and staircase.
3. Installation of a first-floor dining room window on the north façade.

The Historic Preservation Commission voted to table the following project components:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

City staff sent a review determination letter to the property owner on December 11, 2024, outlining the actions of the Commission and the process for proceeding forward. The purpose of tabling was to provide the property owner with additional time to explore window and door designs that are more compatible with the size, massing, scale, and character of the historic home. The general feedback from the Commission was that the 12' x 7' opening is out of scale with the proportions of the Queen Anne structure.

In response to the Commission's feedback, a letter dated December 13, 2024, was submitted to city staff containing the following material:

1. Written request to re-examine the original Marvin Elevate Sliding French Door design.
2. Additional photos of the exterior of the home.
3. Measurements of other large-scale windows on the home.
4. A mock-up of the rear elevation depicting the Marvin Elevate Sliding French Doors.
5. A mock-up of the rear elevation depicting a traditional double French door.

To expedite the review process, a Special Meeting of the Historic Preservation Commission was scheduled for January 2, 2025, at the request of the property owner. The Special Meeting packet was published on December 20, 2024. The morning of January 2, 2025, City staff discovered the removal of the first-floor kitchen door and window and installation of a sliding French door was completed without an approved building permit, inspection, and Certificate of Appropriateness. The property owner notified City staff later that afternoon that they were unable to attend the Special Meeting scheduled for 5pm. Staff notified the applicant that the item would appear at the next regularly scheduled meeting on January 14, 2025.

A Notice of Violation was sent on January 9, 2025.

The Historic Preservation Commission reviewed the supplemental documents and photos of the completed work at its January 14, 2025, meeting. The motion to approve the project as presented failed by a roll call vote (2-4). Therefore, the Certificate of Appropriateness was denied for the following items:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060(C) of the Davenport Municipal Code. The Commission determined the Certificate of Appropriateness did not meet the below standard for review:

1. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.

Pursuant to Section 14.01.060(F) of the Municipal Code of Davenport, Iowa, staff sent a letter

to the property owner serving as the official notification of the Historic Preservation Commission's Determination from the January 14, 2025, meeting. The letter outlined the history of the project, appeal rights and process, and applicable penalties as outlined in Davenport's Municipal Code.

Appeal of Historic Preservation Commission Determination

The Petitioner is appealing the Commission's decision to the City Council, pursuant to Section 14.01.060(G) of the Davenport Municipal Code.

Appeal Criteria: The City Council, after hearing all the evidence, shall review the Commission's decision and base its ruling on the following criteria:

1. Whether the commission has exercised its powers and followed the guidelines established by law and ordinance; and
2. Whether the commission's actions were patently arbitrary and capricious.

The City Council shall, by simple majority of the members present, approve or disapprove the issuance of the Certificate of Appropriateness based upon the appeal criteria described in Section 14.01.060(I) of the Municipal Code of Davenport, Iowa.

Attachments:

1. Appeal to City Council
2. Building Permits
3. Certificate of Appropriateness Application for 12-10-24 Meeting
4. Staff Report: 12-10-24 HPC Meeting
5. Review Determination Letter: 12-10-24 HPC Meeting
6. Request for Reconsideration
7. Notice of Violation
8. Staff Report: 1-14-25 HPC Meeting
9. Review Determination Letter: 1-14-25 HPC Meeting
10. Section 14.01.060. Certificate of Appropriateness Review Process
11. Historic Property Inventory Sheet

February 25, 2025

City of Davenport, IA City Council – local city municipality in the County of Scott
Attn: Brian Krup, Deputy City Clerk - Administration
City of Davenport
226 West 4th Street, Davenport, IA 52801

Re: APPEAL RESPONSE 418 W 7TH ST BLDG Permit & Request That CITY of DAVENPORT Approve APPEAL - BEVIRT/DEINES– Case COA24-20

To whom it may concern:

Request APPEAL in response to letter sent January 27, 2025 regarding the Historic Preservation Commission (HPC) tabled response and ultimate HPC commissioners denial of the below project components of 418 W. 7TH ST, Davenport, IA 52803:

1. Removal of the first-floor non-original kitchen door and non-original window.
2. Installation of a Marvin Elevate Signature French Door.

APPEAL property owners seek project approval. HPC denied project component unjustly and whose actions were an overreach of power WHICH WERE ARBITRARY AND CAPRICIOUS; AS COMMISSIONERS VOTED ON THEIR EMOTIONAL PERSONAL BIAS'.

Property Owners proven to be in compliance As evidenced by:

1. Building permit secured and obtained.
2. In accordance with uniform code and therein Passed COVERUP INSPECTION and COVERUP INSPECTION signed off by BUILDING PERMIT INSPECTOR.

Property owners have enhanced and continue to contribute and enhance their neighborhood and property.

Property Owners Appeal as well as their original HPC application sought and continues to seek similar goals and outcomes of the City of Davenport by serving the purpose of historical preservation wherein the homeowners have created economic development and prosperity by contributing to the community and neighborhood through continued restoration and renovation of their old home.

Request to provide link on this date 2/25/205 to PAY required APPEAL \$75.00 fee.

Matthew Bevirt
Christine Deines
418 W. 7TH ST
Davenport IA 52803



BUILDING PERMIT
Public Works Department
Building Inspection Division
Davenport, Iowa
563-326-7745

Permit Number: 24-68080

Issue Date: 11/13/2024

Job Address: 418 W 7TH ST

Expiration Date: 11/25/2025

Permission is hereby given to:

Contractor: OWNER

To be used as: SINGLE FAMILY DWELLING

Class of work: REMODEL

Valuation: \$ 19,000.00

Parcel # G0043-03

Legal Description: LENGTHY

Owner Name: MATTHEW BEVIRT
418 W 7TH ST
DAVENPORT IA 52803-5109

Constr. Type/ Sq. Ft:
Occupancy Load:
Sprinkler: Y/N? N

Comments: Interior remodel. 1/2 bath in lower level. Upstairs bath in upper level. New shower in master bath. New closet in master bedroom - maintain 21" clearance from front of toilet in toilet room. Make repairs to cut floor joists from bearing to bearing. OTHER TRADES REQUIRE SEPARATE PERMITS. SMOKE AND CARBON MONOXIDE DETECTORS REQUIRED PER CODE. ALL PER CITY CODE.

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport, Iowa and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read understood the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

Total Fees: \$220.25

OWNER



BUILDING PERMIT
Public Works Department
Building Inspection Division
Davenport, Iowa
563-326-7745

Permit Number: 24-75158

Issue Date: 12/16/2024

Job Address: 418 W 7TH ST

Expiration Date: 6/16/2025

Permission is hereby given to:

Contractor: HOMEOWNER

To be used as: SINGLE FAMILY DWELLING

Class of work: DECK

Valuation: \$ 2,000.00

Parcel # G0043-03

Legal Description: LENGTHY

Owner Name: MATTHEW BEVIRT
418 W 7TH ST
DAVENPORT IA 52803-5109

Constr. Type/ Sq. Ft:
Occupancy Load:
Sprinkler: Y/N? N

Comments: Per HPC approval; remove rear exterior staircase and construct an 8x16 single level uncovered deck with new stairs to grade. 2x10 joists 16" on center supported by a double 2x10 beam and minimum 2x8 ledger directly fastened to house framing and properly flashed. Compliant guard rails, handrails, stair rise, and stair run. All subject to field inspection and approval. All beams per code - no split beams or sandwich beams will be allowed. **Patio door from house to deck has not been yet approved and is not part of this permit.** 12 X 42 POST FOOTINGS REQUIRED BY CODE- MUST BE INSPECTED BEFORE CONCRETE IS POURED. ALL PER CITY CODE. 2015 IBC/IRC

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, land use, excavating, plumbing and mechanical ordinances of the City of Davenport, Iowa and the State of Iowa. FAILURE TO IDENTIFY A CODE DEFICIENCY DURING THIS REVIEW OF THE APPLICATION FOR A BUILDING PERMIT DOES NOT GIVE THE PERMIT APPLICANT THE RIGHT TO VIOLATE THE CODE. THE FINAL INSTALLATION MUST BE IN CONFORMANCE WITH THE CODE. I or we further certify that we have read understood the requirements of this permit and that all statements made by us in securing this permit are true and complete to the best of our knowledge.

Total Fees: \$98.50

HOMEOWNER



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

HISTORIC PRESERVATION COMMISSION

APPLICANT INFORMATION	
Application Name Matthew Bevirt	BRIEF OVERVIEW OF THE PROJECT (not a scope of work) 1. Remove exterior stairway; Build 1st floor rear deck 8'x16' 2. Remove first floor non original door and small window; replace with historical Marvin door. 3. Restore original 1st floor dining room large window at later date APPLICABILITY PRIOR to any work on applicable Historic Resources: A Certificate of Appropriateness must be submitted & approved PRIOR to the commencement of the following: - Any Building or Sign Permit changing the exterior (except demo) - New construction/Addition or exterior alteration of a structure - Sign installation or alteration Demolition of any local or national historic resources shall require a Historic Demolition Request Application
Address 418 W 7th St	
City State Zip Davenport IA 52803	
Phone [REDACTED]	
Secondary Phone [REDACTED]	
E-Mail Address [REDACTED]	
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. X I understand I am responsible for attendance at the meeting as shown on the historic preservation commission calendar. The City reserves the right to require further site studies as necessary. By checking this box and typing my name below, ☐ I am electronically signing this application. Matthew Bevirt 11/4/2024 Type Applicant's Name here to serve as a signature Date	
DEVELOPMENT TEAM	
Property Owner Homeowners	
Address [REDACTED]	
Phone [REDACTED]	Secondary Phone [REDACTED]
E-Mail Address [REDACTED]	
Project Manager/Other Homeowners	
Address [REDACTED]	
Phone [REDACTED]	Secondary Phone [REDACTED]
E-Mail Address [REDACTED]	
Formal Procedure (1) Application: - Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process. - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. <u>Inaccurate or incomplete applications may result in delay of applicant's scheduled meetings.</u> (2) Scope of Commission's Consideration: - Only work described in the application may be approved. - If insufficient information exists to make a proper judgment on the application, the Commission may continue the consideration a maximum of 60 days, excluding applicant's continuances. (3) Post Commission Ruling: - An approved Cert. of Appropriateness does not constitute a City permit or license and does vest against any other land development regulation or regulatory approval. Applicant must contact necessary development authorities. - Appeals to determinations are \$75 made to City Council and shall be in writing submitted to the Zoning Administrator within 30 calendar days of Commission's decision.	
Application Fee: NONE	
Submit this form with attachments to: planning@davenportiowa.com	

**MATTHEW BEVIRT
CHRISTINE DEINES
418 WEST 7TH ST
DAVENPORT, IA 52803**

SUBMITTED: NOVEMBER 22, 2024

HISTORIC PRESERVATION COMMISSION

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1. REMOVE EXTERIOR STAIRWAY; BUILD FIRST FLOOR 8' X 16' DECK – ALLEY FACING REAR NORTH SIDE OF PROPERTY
2. REMOVE FIRST FLOOR NON-ORIGINAL KITCHEN DOOR/WINDOW – REPLACE WITH NEW MARVIN HISTORICAL DOOR – ALLEY FACING REAR NORTH SIDE OF PROPERTY
3. RESTORE ORIGINAL FIRST FLOOR DINING ROOM LARGE WINDOW

1.REMOVE EXTERIOR STAIRWAY; BUILD 8' X 16' DECK

Remove entire existing exterior stairway structure and replace with an 8'x16' [Composite Deck](#) and single staircase from first floor to basement ground level (Decking -Fibron composite, Cottage color, decking is 5-1/4" wide) and Single Staircase with [Metal Railing](#) (Railing: Westbury Tuscan railing, aluminum construction, powder-coated in black. The existing structure covers a certain 105 square feet and the new structure, (deck and stairs) covers an area that is less than the existing structure. Railing height per code compliance and will wrap around west and north side stairs descending to east similar to existing exterior stairway. The current non original obtrusive exterior stairway structure measures over 105 SF. Overall structure H 22' x W 30'. First and Second Floor deck landings measure 3' x 2.5'.



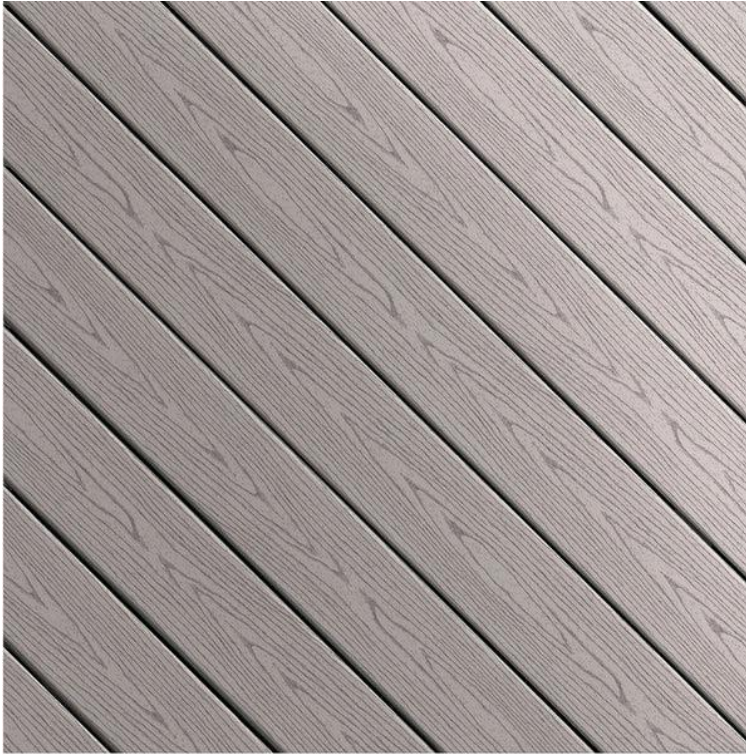
Subject Rear

NORTH EXTERIOR

NORTH SIDE ALLEY FACING SUBJECT REAR

Top Down

- SECOND FLOOR
- FIRST FLOOR
- WALK OUT BASEMENT



PROPOSED DECK AND RAILING MATERIAL

	Christine Deines & Matthew Bevirt				
Property Address	418 W 7th St				
City	Davenport	County	Scott	State	IA Zip Code 52803



East Exterior



North & West exterior



PHOTO REPRESENTS WHERE ORIGINAL DOOR AND WINDOW WOULD HAVE BEEN.

The original Back Porch and Back Door - Westside and West facing are no longer a porch or an exit.

**2. REMOVE FIRST FLOOR NON-ORIGINAL KITCHEN DOOR & WINDOW NORTH ALLEY FACING REAR
REPLACE WITH NEW MARVIN HISTORICAL DOOR**





Subject Rear

REAR ALLEY FACING NORTH SIDE OF PROPERTY

In addition to removing the current obtrusive non original EXTERIOR STAIRWAY structure and building an 8' x 16' deck, the homeowners seek to remove and replace the non-original first floor back door and non-original small window with a Marvin historical door. The door interior is wood, and exterior composed of a wood-look-alike fiberglass. The aesthetic of the rear north facing door will match the front facing south side living room window in size and composition including both Craftsman and Queen Anne features with clean lines that balance out the aesthetic of this historical home. The congruous lines of the trim will follow suit matching the east dining room windows on the same first floor level.

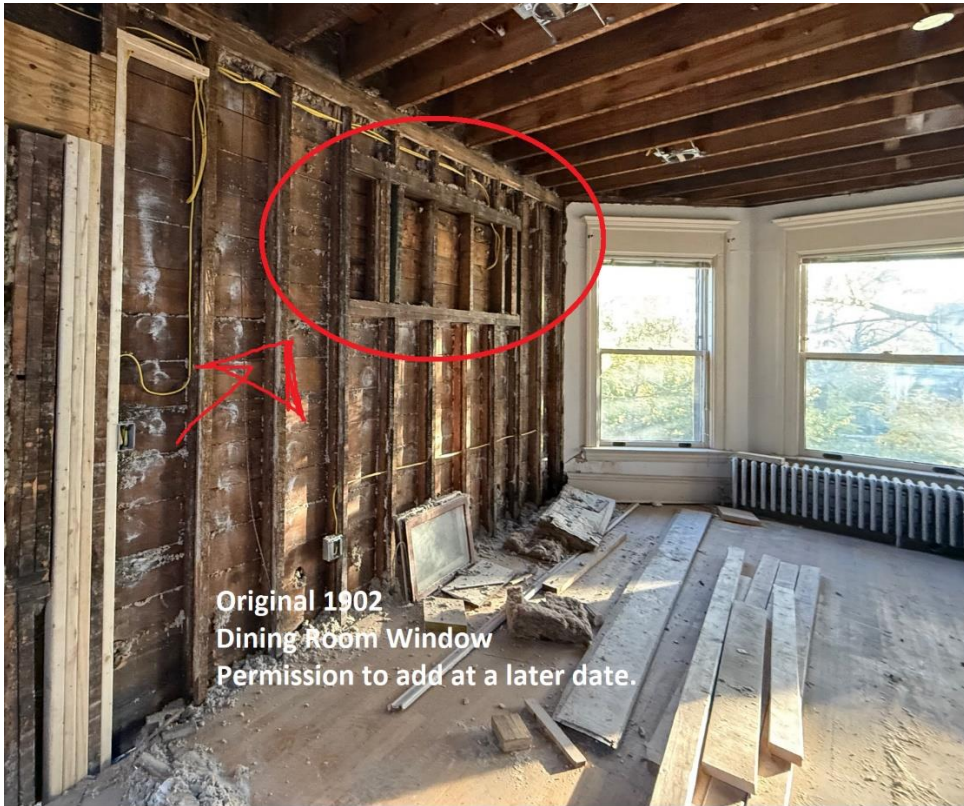


Dual pane glass in each door panel 144" W x 84" H

Exterior paint trim and framing to match existing exterior windows in size and historical aesthetic. The trim will be congruous with the same matching exterior outer white trim color scheme of brick red inner trim of existing windows/doors. Dual pane glass in door panels with interior wood – exterior wood look alike – fiberglass. <https://www.marvin.com/products/doors/sliding/elevate-sliding-french-door> Marvin's Historical doors and windows are not in and of themselves historic. But they are suitable for use on historic buildings and environments.

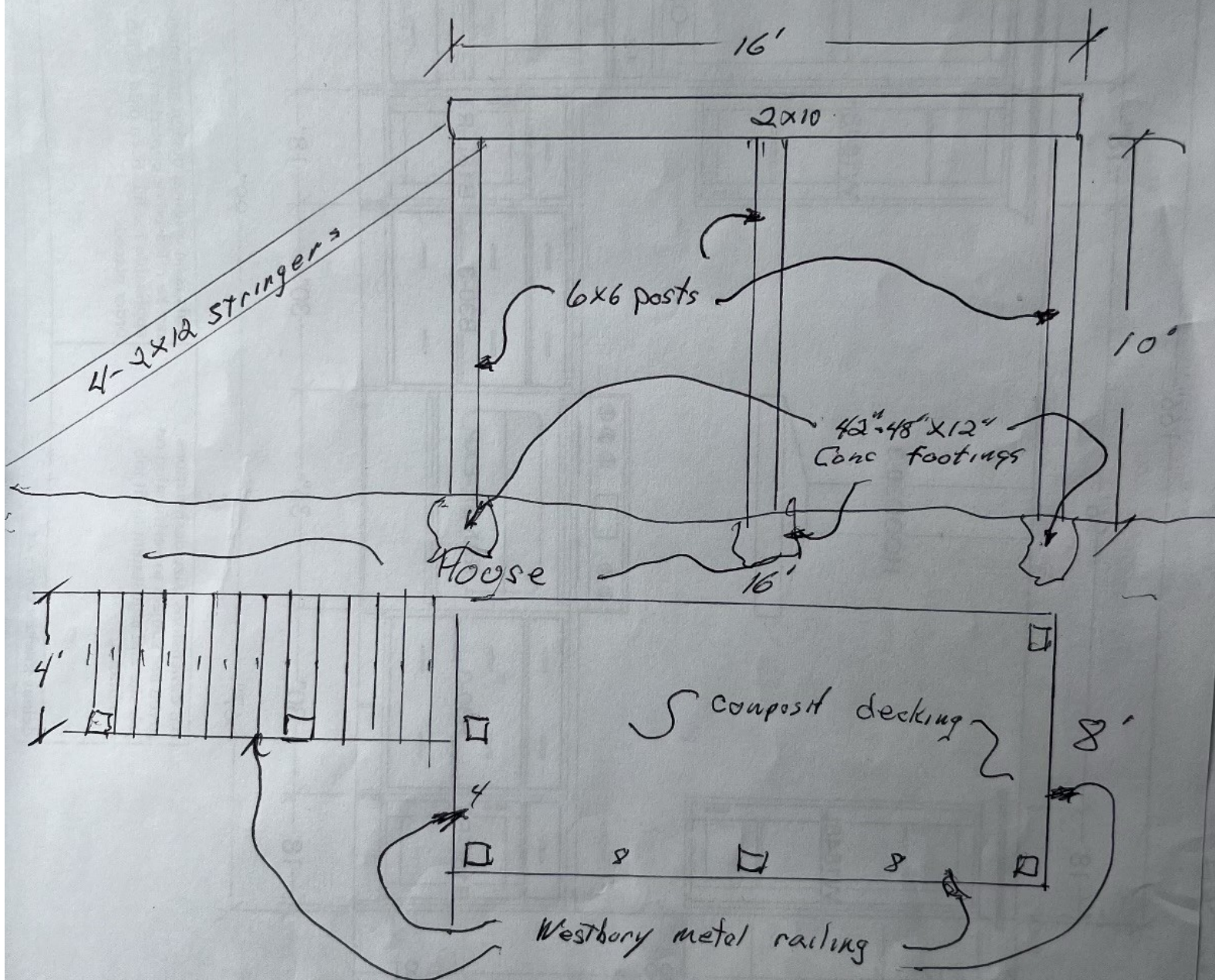
3.RESTORE ORIGINAL DINING ROOM LARGE WINDOW

Replace the missing dining room window on the north wall to fit existing rough-in framing that remains hidden within the wall. The original 1902 home had a large window 7'x3' on the north side of the dining room. This was common in homes of this period installing a large window above the furniture line in order that furniture could be used under the window e.g., a buffet. Dining Room Additional Window – Exterior Additional large dining room window jam and sash would be constructed of wood using translucent glass, leaded glass, or stained glass, yet to be determined and to be incorporated at a later date.



NORTH INTERIOR WALL DINING ROOM HIDDEN ORIGINAL EXISTING WINDOW ROUGH-IN FRAMING

Christina Deines
418 W 7TH ST
DAR



City of Davenport

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

Action / Date
12/10/2024

Subject:

Case COA24-20: Request for exterior alteration at 418 West 7th Street. The Paul and Mina Jannssen House is located within the Hamburg Local Landmark Historic District. Matthew Bevirt, petitioner. [Ward 3]

Recommendation:

A recommendation is made to approve the following project components outlined in the Certificate of Appropriateness at 418 West 7th Street in accordance with the submitted material:

1. Removal of the existing rear exterior staircase.
2. Installation of a first floor dining room window on the north elevation.

Staff cannot technically recommend approval of the replacement composite deck and sliding glass doors on the rear facade. However, the north elevation is not considered the primary facade of the structure. Since the south facade, abutting West 7th Street, has greater visibility within the historic district, the preservation of this elevation is a higher priority. Therefore, greater consideration is merited by the Commission.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060 C of the Davenport Municipal Code. The replacement composite deck and rear sliding glass door do not meet the following standard:

1. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.

Background:

The Paul and Mina Jannssen House is a classic 2-story Queen Anne residence constructed in 1902. The single-family home is considered a contributing structure within the Hamburg Historic District. Building materials consist of a stucco foundation, wood siding on the first floor, wood shingles on the second floor, and a combination of hip and gable roofs with asphalt shingles. Prominent architectural details include a full porch with round wood columns, bay windows, and gable roof sections.

The residence was originally constructed as a single-family dwelling, but was later converted into four apartment units in 1938. The home has since been converted back into a single residence.

Request:

1. Remove the exterior staircase on the north side of the home (facing the alley). Install a new 8' x 16' deck.
2. Remove first floor kitchen door and window. Replace with a new Marvin door.
3. Install first floor dining room window.

Project Review:

According to a permit on file with the Building Department, the existing exterior staircase in the rear of the home was constructed in 2003. This was a replacement staircase. Staff believe an exterior staircase was added when the residence was converted into four apartment units. Since there is no longer an apartment unit on the upper floor, this staircase is no longer required per building and fire code. The existing staircase holds no historical merit. Therefore, staff do not object to its removal.

Following the demolition of the existing staircase, the homeowner intends to construct a new 8' x 16' composite deck and staircase, extending from the first floor to ground level. While the design will have less of a vertical impact on the home's rear elevation, it will project further from the facade and into the rear yard. The proposed materials are composite deck boards and aluminum railings. While these are modern materials, the Commission has approved composite decking on other porches in the Hamburg District.

The applicant intends to remove and replace the rear door and window with a 12' wide by 7' tall Marvin sliding glass door. The replacement sliding glass doors will have a wood interior and fiberglass exterior. The owner's intent is to match the aesthetic with the front-facing living room windows by incorporating both Craftsman and Queen Anne features. However, images of the front living windows were not provided in the application. It is unclear the extent that the sliding glass doors replicate the front windows. The proportions of the trim will match the balance of the home's exterior. Staff generally do not discourage new additions. However, the design must be compatible with the size, massing, scale, color, materials, and character of the property. The combination of a large composite deck and modern sliding glass doors is inconsistent with the overall aesthetic of the 1902 home.

The final project component involves the installation of a dining room window on the north elevation. Photos of the interior framing indicate a 7' wide by 3' tall section where a window likely existed when the home was originally built in 1902. The replacement window will be constructed using wood materials for the jamb and sash. Based on this evidence, staff is supportive of this request.

The Historic Preservation Ordinance recommends new construction be compatible with the size, massing, scale, color, materials, and character of the property and district. The addition of the composite deck and sliding glass doors generally does not match the character of the residence and historic district. However, staff believe the front facade, facing West 7th Street, is the defining feature of the home. Therefore, the proposed alterations will have minimal impact on the characteristics of the district.

Attachments:

1. Application
2. Historic Property Inventory Sheet
3. Historic Preservation Ordinance Review Standards



December 11, 2024

Matthew Bevirt
418 West 7th Street
Davenport, IA 52803

Re: Historic Preservation Commission Review Determination – Case COA24-20

To Whom It May Concern,

The City of Davenport Historic Preservation Commission reviewed the following case at its December 10, 2024 meeting:

Case COA24-20: Request for exterior alteration at 418 West 7th Street. The Paul and Mina Jannssen House is located within the Hamburg Local Landmark Historic District. Matthew Bevirt, petitioner. [Ward 3]

The Historic Preservation Commission granted a Certificate of Appropriateness for the following project components as submitted in Case COA24-20:

1. Removal of the exterior staircase on the north elevation of the home.
2. Construction of a new 8' x 16' composite deck and staircase.
3. Installation of a first-floor dining room window on the north façade.

The Historic Preservation Commission voted to table the following project components:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The purpose is to provide you with additional time to explore window and door designs that are more compatible with the size, massing, scale, and character of the historic home. The general feedback from the Commission is that the 12' x 7' opening is out of scale with the proportions of the Queen Anne structure.

When additional window and door options have been explored and submitted to staff, this item can be brought before the Commission for formal review and approval. The intent is to find an option that will better fit the size, scale, and massing of the home. The submittal deadline for the January 14, 2025 meeting is Friday, January 3rd.

Please contact the Building Department at 563-326-7745 to obtain applicable permits.

If you have any questions, please contact me directly at (563) 888-2221 or matt.werderitch@davenportiowa.com.

Sincerely,

A handwritten signature in dark ink that reads "m werderitch". The signature is written in a cursive, lowercase style.

Matt Werderitch | AICP
Planner III

December 13, 2024

Historic Preservation Commission – Davenport, Iowa
Attn: Matt Werdertich
1200 East 46TH ST
Davenport IA 52807

Re: Historic Preservation Commission Review Determination – Case COA24-20

To whom it may concern:

In response to the letter sent via email on December 11, 2024, regarding the Historic Preservation Commission (HPC) tabled response around the below project components of 418 W. 7TH ST, Davenport, IA 52803:

1. Removal of the first-floor non-original kitchen door and non-original window.
2. Installation of a Marvin Elevate Gliding French Door.

After careful and thoughtful consideration and planning over the last seven and a half years the homeowners wish to move forward with their original proposal. Please find provided per request the rendering of the north façade with the proposed 144” W door as well as other options which were thoughtfully weighed, calculated, and methodically planned. After much deliberation, the homeowners have chosen to proceed with their original proposal and plan as it is still the best option overall.

The homeowners emphasize that the size and scale of the door as proposed is cohesive to the other large-scale windows of the house and is cohesive in the overall look, aesthetic, and existence of the property.

This is evidenced by:

1. The front living room window facing south measures 126" W and 84" H. The front of the house measures 37' = 444". This proportion is equal to the proposed back north alley facing façade measuring 40' = 480" and the proposed Marvin door measuring 144" W and 84" H. $126"/444" = .28$; $144"/480" = .30$. The proposed door is essentially equivalent to the scale of the front and off by a margin of less than 1% a difference of .02. Therefore, certain HPC members analysis was incorrect rendering their point as moot. The **scale being $\leq 1\%$ is excellent** and creates a balance mass between the front and back façades of the house.
2. In addition, the east façade of the house also includes three large dining room windows facing east and measuring 163"W and 84"H and the east façade of the home measure 34.32' = 411.84"; $163"/411.84" = .39 \geq$ which is a scale greater than the proposed 144" Marvin door AGAIN arguing the point that the scale of the **Marvin door is IN proportion** to scale of the existing structure.
3. As pointed out in points 1 & 2 the design of the proposed historical Marvin exterior door is compatible with size, scale, and massing as well as aesthetic of the house whilst bringing elements of Craftsman Architectural features existing throughout the façade of the house which highlights clean lines and minimalistic bespoke aesthetic.
4. The Marvin door with interior wood and exterior clad follows national preservation historic conservation standards and code.
5. The proposed exterior door design aligns alongside its neighboring historic properties of the Gold Coast Historic District.

As the proposed door to be installed is in the rear alley facing north side of the property the homeowners emphasize that removing the north first floor non-original door and non-original small window are insignificant changes and in fact are following historic preservation conservation standards as stated on the City of Davenport Iowa website... "Most importantly the alterations shall have minimal impact on characteristics of the district and the historic house". And per city staff: "The Historic Preservation Ordinance recommends new construction be compatible with the size, massing, scale, color, materials, and character of the property and district... However, staff believe the front facade, facing West 7th Street, is the defining feature of the home. **Therefore, the proposed alterations will have minimal impact on the characteristics of the district.**"

The homeowners seek **support** vs. confrontation and combative attitudes, **solutions** vs. HPC members "feelings" and "opinions" vs. **fact**, and **positive feedback** vs. the negative overall tone of the meeting and format presented thereby HPC commissioners.

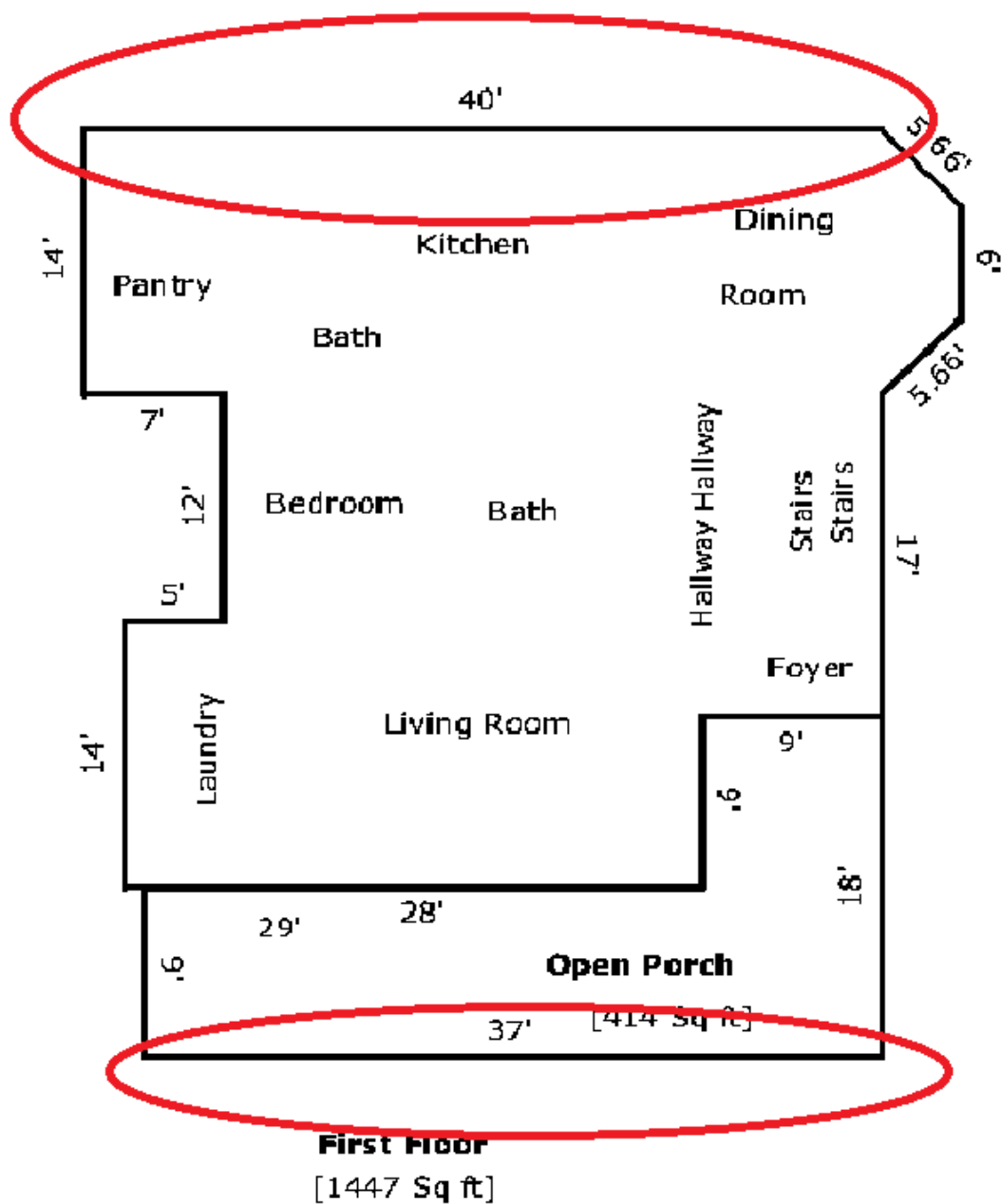
Making improvements to one's home, property, and residence is a fundamental homeowner's prerogative. The homeowners recommend a more supportive role for local and challenging

neighborhoods. The neighborhood and community wish to see the HPC as a support versus a hindrance.

Property/homeowners propose moving forward at once. Further detainment creates both a financial and physical burden and shall be viewed as such as it creates more work and unnecessary due process wasting both taxpayer dollars and the homeowners' time, resources and energy.

As conservation, restoration, work, budget, timeline and financial investments of the house are of the homeowner's UTMOST priority and concern, the homeowners seek immediate approval.

Matthew Bevirt
Christine Deines
418 W 7TH ST
Davenport IA 52803



**MATTHEW BEVIRT
CHRISTINE DEINES
418 WEST 7TH ST
DAVENPORT, IA 52803**

**SUBMITTED: NOVEMBER 22, 2024
EDITED: DECEMBER 13, 2024**

HISTORIC PRESERVATION COMMISSION

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1. REMOVE EXTERIOR STAIRWAY; BUILD FIRST FLOOR 8' X 16' DECK – ALLEY FACING REAR NORTH SIDE OF PROPERTY
2. REMOVE FIRST FLOOR NON-ORIGINAL KITCHEN DOOR/WINDOW – REPLACE WITH NEW MARVIN HISTORICAL DOOR – ALLEY FACING REAR NORTH SIDE OF PROPERTY
3. RESTORE ORIGINAL FIRST FLOOR DINING ROOM LARGE WINDOW

1.REMOVE EXTERIOR STAIRWAY; BUILD 8' X 16' DECK

Remove entire existing exterior stairway structure and replace with an 8'x16' [Composite Deck](#) and single staircase from first floor to basement ground level (Decking -Fibron composite, Cottage color, decking is 5-1/4" wide) and Single Staircase with [Metal Railing](#) (Railing: Westbury Tuscan railing, aluminum construction, powder-coated in black. The existing structure covers a certain 105 square feet and the new structure, (deck and stairs) covers an area that is less than the existing structure. Railing height per code compliance and will wrap around west and north side stairs descending to east similar to existing exterior stairway. The current non original obtrusive exterior stairway structure measures over 105 SF. Overall structure H 22' x W 30'. First and Second Floor deck landings measure 3' x 2.5'.



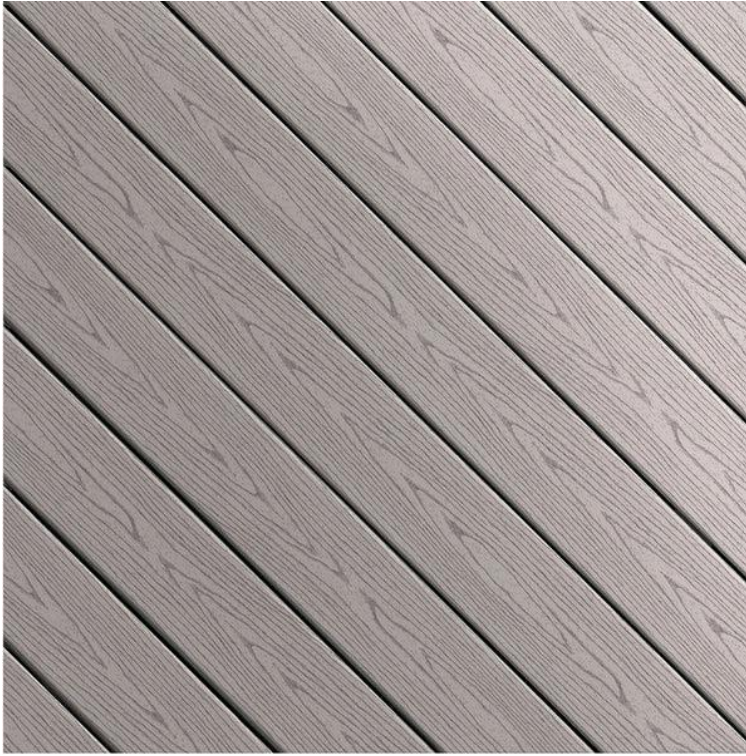
Subject Rear

NORTH EXTERIOR

NORTH SIDE ALLEY FACING SUBJECT REAR

Top Down

- SECOND FLOOR
- FIRST FLOOR
- WALK OUT BASEMENT



PROPOSED DECK AND RAILING MATERIAL

	Christine Deines & Matthew Bevirt				
Property Address	418 W 7th St				
City	Davenport	County	Scott	State	IA Zip Code 52803



East Exterior



North & West exterior



East Exterior

The east façade of the house also includes three large dining room windows facing east and measuring 163"W and 84"H and the east façade of the home measure 34.32'= 411.84"; $163"/411.84" = .39 \geq$ which is a scale greater than the proposed 144" Marvin door making it in proportion to the scale and the mass scale of structure.



PHOTO REPRESENTS WHERE ORIGINAL DOOR AND WINDOW WOULD HAVE BEEN.

The original Back Porch and Back Door - Westside and West facing are no longer a porch or an exit.

**2. REMOVE FIRST FLOOR NON-ORIGINAL KITCHEN DOOR & WINDOW NORTH ALLEY FACING REAR
REPLACE WITH NEW MARVIN HISTORICAL DOOR**





Subject Rear

REAR ALLEY FACING NORTH SIDE OF PROPERTY

In addition to removing the current obtrusive non original EXTERIOR STAIRWAY structure and building an 8' x 16' deck, the homeowners seek to remove and replace the non-original first floor back door and non-original small window with a Marvin historical door. The door interior is wood, and exterior composed of a wood-look-alike fiberglass. The aesthetic of the rear north facing door will match the front facing south side living room window in size and composition including both Craftsman and Queen Anne features with clean lines that balance out the aesthetic of this historical home. The congruous lines of the trim will follow suit matching the east dining room windows on the same first floor level.



The front living room window facing south measures 126" W and 84" H. The front of the house measures 37' (linear feet) = 444". This proportion is equal to the proposed back north alley facing façade measuring 40' = 480" and the proposed Marvin door measuring 144" W and 84" H. $126"/444" = .28$; $144"/480" = .30$. The proposed door is essentially equivalent to the scale of the front and off by a margin of less than 1% a difference of .02. The scale being $\leq 1\%$ is excellent and creates a balance mass between the front and back façades of the house.



The front living room window facing south measures 126" W and 84" H. The front of the house measures 37' (linear feet) = 444". This proportion is equal to the proposed back north alley facing façade measuring 40' = 480" and the proposed Marvin door measuring 144" W and 84" H. $126"/444" = .28$; $144"/480" = .30$. The proposed door is essentially equivalent to the scale of the front and off by a margin of less than 1% a difference of .02. The scale being $\leq 1\%$ is excellent and creates a balance mass between the front and back façades of the house.

The design of the proposed historical Marvin exterior door is compatible with size, scale, and massing as well as aesthetic of the house whilst bringing elements of Craftsman Architectural features existing throughout the façade of the house which highlights clean lines and minimalistic bespoke aesthetic. The Marvin door with interior wood and exterior clad follows national preservation historic conservation standards and code.

THIS IS A MOCKUP AND NOT HOW ACTUAL PAINT AND TRIM WILL LOOK.

THE DOOR WILL BE TRIMMED OUT IN WHITE CLADING AND MATCH THE BRICK RED INNER SEAL AND CASING OF ALL OTHER WINDOWS AND DOORS ON THE HOUSE.



Dual pane glass in each door panel 144" W x 84" H

Exterior paint trim and framing to match existing exterior windows in size and historical aesthetic. The trim will be congruous with the same matching exterior outer white trim color scheme of brick red inner trim of existing windows/doors. Dual pane glass in door panels with interior wood – exterior wood look alike – fiberglass. <https://www.marvin.com/products/doors/sliding/elevate-sliding-french-door> Marvin's Historical doors and windows are not in and of themselves historic. But they are suitable for use on historic buildings and environments.

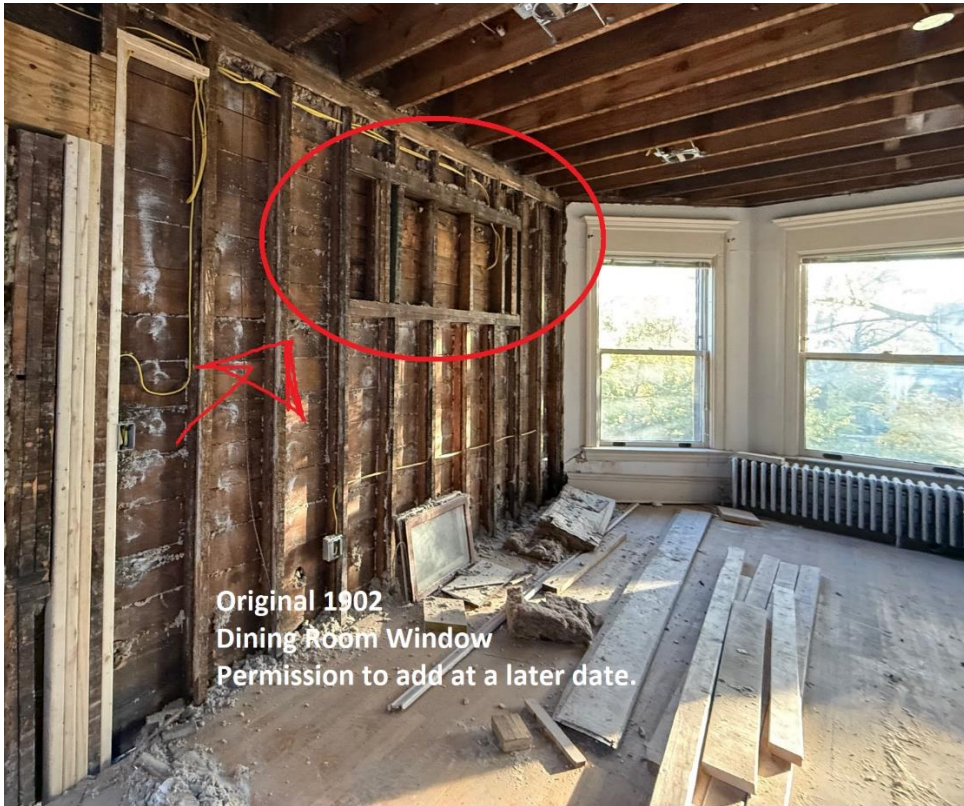
ALTERNATIVE DESIGN NORTH FAÇADE



Double French door DOES NOT balance out mass, scale, overall aesthetic and look of exterior north façade alley facing rear of property.

3.RESTORE ORIGINAL DINING ROOM LARGE WINDOW

Replace the missing dining room window on the north wall to fit existing rough-in framing that remains hidden within the wall. The original 1902 home had a large window 7'x3' on the north side of the dining room. This was common in homes of this period installing a large window above the furniture line in order that furniture could be used under the window e.g., a buffet. Dining Room Additional Window – Exterior Additional large dining room window jam and sash would be constructed of wood using translucent glass, leaded glass, or stained glass, yet to be determined and to be incorporated at a later date.



NORTH INTERIOR WALL DINING ROOM HIDDEN ORIGINAL EXISTING WINDOW ROUGH-IN FRAMING



January 9, 2025

Matthew Bevirt & Christine Deines
418 West 7th Street
Davenport, IA 52803

NOTICE OF VIOLATION

Property Address: 418 West 7th Street (Parcel: G0043-03)

Description of Violation: Work Completed on North Elevation without City Approvals

Dear Property Owner,

City officials observed the violation at the property on January 2, 2025. The removal of the first-floor kitchen door and window and installation of a sliding French door was completed without an approved building permit, inspection, and Certificate of Appropriateness (Case COA24-20).

A Certificate of Appropriateness must be obtained by the Historic Preservation Commission prior to the completion of work Per Davenport Municipal Code [§ 14.01.060](#). Completing work without the required Certificate of Appropriateness is subject to penalty as outlined under Davenport Municipal Code [§ 14.01.110](#). The owner and the person(s) performing the work can both be subject to penalties, which may include a misdemeanor or municipal infraction. Every day each such violation shall continue to exist shall constitute a separate violation.

Per Davenport Municipal Code [§ 15.08.300](#) this listed work requires building permits and inspections. You are advised that under Davenport Municipal Code [§ 15.08.340](#) any act performed in violation of the building code is also subject to penalties as provided by law. Building permits will not be issued until a Certificate of Appropriateness is approved by the Historic Preservation Commission.

Case COA24-20 is scheduled for review at the January 14, 2024 Historic Preservation Commission meeting. Please have a representative of the project in attendance to answer questions.

If you have any questions, please contact me directly at (563) 888-2221 or matt.werderitch@davenportiowa.com.

Sincerely,

A handwritten signature in dark ink that reads "m werderitch". The signature is written in a cursive, lowercase style.

Matt Werderitch | AICP
Planner III
Development & Neighborhood Services Department
563.888.2221

Enclosure:
Photos of Violation
Historic Preservation Commission Review Determination – Case COA24-20

Sent via: Regular mail, certified mail, and email.

Observed Violation: January 2, 2025:



Observed Violation: January 2, 2025





DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

December 11, 2024

Matthew Bevirt
418 West 7th Street
Davenport, IA 52803

Re: Historic Preservation Commission Review Determination – Case COA24-20

To Whom It May Concern,

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The Historic Preservation Commission granted a Certificate of Appropriateness for the following project components as submitted in Case COA24-20:

1. Removal of the exterior staircase on the north elevation of the home.
2. Construction of a new 8' x 16' composite deck and staircase.
3. Installation of a first-floor dining room window on the north façade.

The Historic Preservation Commission voted to table the following project components:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The purpose is to provide you with additional time to explore window and door designs that are more compatible with the size, massing, scale, and character of the historic home. The general feedback from the Commission is that the 12' x 7' opening is out of scale with the proportions of the Queen Anne structure.

When additional window and door options have been explored and submitted to staff, this item can be brought before the Commission for formal review and approval. The intent is to find an option that will better fit the size, scale, and massing of the home. The submittal deadline for the January 14, 2025 meeting is Friday, January 3rd.

Please contact the Building Department at 563-326-7745 to obtain applicable permits.

If you have any questions, please contact me directly at (563) 888-2221 or matt.werderitch@davenportiowa.com.

Sincerely,

A handwritten signature in dark ink that reads "m werderitch". The signature is written in a cursive, lowercase style.

Matt Werderitch | AICP
Planner III

City of Davenport

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

Action / Date
1/14/2025

Subject:

Case COA24-20: Request for exterior alteration at 418 West 7th Street. The Paul and Mina Jannssen House is located within the Hamburg Local Landmark Historic District. Matthew Bevirt, petitioner. [Ward 3]

Recommendation:

Staff's recommendation remains unchanged from the December 10, 2024 meeting.

Staff cannot technically recommend approval of the proposed sliding glass doors on the north elevation. However, the proposed alterations to the rear facade will have a minimal impact on the characteristics of the historic district. Therefore, greater consideration is merited by the Commission.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060 C of the Davenport Municipal Code. The rear sliding glass doors do not meet the following standard:

1. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.

Background:

The City of Davenport Historic Preservation Commission reviewed Case COA24-20 at its December 10, 2024 meeting. The Commission granted a Certificate of Appropriateness for the following project components:

1. Removal of the exterior staircase on the north elevation of the home.
2. Construction of a new 8' x 16' composite deck and staircase.
3. Installation of a first-floor dining room window on the north façade.

The Historic Preservation Commission voted to table the following project components:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The purpose of the table was to provide the applicant with additional time to explore window and door designs that are more compatible with the size, massing, scale, and character of the historic home. The general feedback from the Commission is that the 12' x 7' opening is out of scale with the proportions of the Queen Anne structure. When additional window and door

options have been explored and submitted to staff, this item can be brought before the Commission for formal review and approval.

Petitioner's Updated Request:

Based on feedback from the Commission, the applicant submitted the following supplemental information:

1. Written request to re-examine the original Marvin Elevate Sliding French Door design.
2. Additional photos of the exterior of the home.
3. Measurements of other large scale windows on the home.
4. A mockup of the rear elevation depicting the Marvin Elevate Sliding French Doors.
5. A mockup of the rear elevation depicting a traditional double French door.

Project Review-Sliding Glass Doors:

The applicant intends to remove and replace the rear door and window with a 12' wide by 7' tall Marvin sliding glass door. The replacement sliding glass doors will have a wood interior and fiberglass exterior. The owner's intent is to match the aesthetic with the front-facing living room windows by incorporating both Craftsman and Queen Anne features. The proportions of the trim will match the balance of the home's exterior. Staff generally do not discourage new additions. However, the design must be compatible with the size, massing, scale, color, materials, and character of the property. The combination of a large composite deck and modern sliding glass doors is inconsistent with the overall aesthetic of the 1902 home.

The Historic Preservation Ordinance recommends new construction be compatible with the size, massing, scale, color, materials, and character of the property and district. The addition of the composite deck and sliding glass doors generally does not match the character of the residence and historic district. However, staff believe the front façade, facing West 7th Street, is the defining feature of the home. Therefore, the proposed alterations will have minimal impact on the characteristics of the district.

Work Completed without a Certificate of Appropriateness:

City officials were notified of completed work on January 2, 2025. The removal of the first-floor kitchen door and window and installation of a sliding French door was completed without an approved building permit, inspection, and Certificate of Appropriateness. A Notice of Violation has been sent to the property owner.

Completing work without the required Certificate of Appropriateness is subject to penalty as outlined under Davenport Municipal Code § 14.01.110. The owner and the person(s) performing the work can both be subject to penalties, which may include a misdemeanor or municipal infraction. Every day each such violation shall continue to exist shall constitute a separate violation.

The Historic Preservation Commission shall review the Certificate of Appropriateness based upon the merits of the request. The City's director of community and economic development department, or his/her designee, are responsible for the enforcement of the provisions of the Davenport Municipal Code.

Attachments:

1. Notice of Violation & Review Determination Letter
2. Petitioner's Updated Request
3. Historic Property Inventory Sheet
4. Historic Preservation Ordinance Review Standards
5. Staff Report: 12-10-24 HPC Meeting
6. Application: 12-10-24 HPC Meeting



January 27, 2025

Matthew Bevirt & Christine Deines
418 West 7th Street
Davenport, IA 52803

Re: Historic Preservation Commission Review Determination – Case COA24-20

Dear Mr. Bevirt and Ms. Deines,

Pursuant to Section 14.01.060F of the Davenport Municipal Code, this letter serves as the official notification of the Historic Preservation Commission's Determination from the January 14, 2025 meeting.

On November 27, 2024 the City of Davenport Historic Preservation Commission received an application for a Certificate of Appropriateness regarding the following scope of work at 418 West 7th Street:

1. Remove the exterior staircase on the north side of the home (facing the alley). Install a new 8' x 16' composite deck.
2. Remove first floor kitchen door and window. Replace with a new Marvin door.
3. Install first floor dining room window.

The City of Davenport Historic Preservation Commission reviewed the following case at its December 10, 2024 meeting:

Case COA24-20: Request for exterior alteration at 418 West 7th Street. The Paul and Mina Jannssen House is located within the Hamburg Local Landmark Historic District. Matthew Bevirt, petitioner. [Ward 3]

The Historic Preservation Commission granted a Certificate of Appropriateness for the following project components as submitted in Case COA24-20:

1. Removal of the exterior staircase on the north elevation of the home.
2. Construction of a new 8' x 16' composite deck and staircase.
3. Installation of a first-floor dining room window on the north façade.

The Historic Preservation Commission voted to table the following project components:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The purpose of tabling was to provide you with additional time to explore window and door designs that are more compatible with the size, massing, scale, and character of the historic home. The general

feedback from the Commission was that the 12' x 7' opening is out of scale with the proportions of the Queen Anne structure. When additional window and door options have been explored and submitted to staff, this item can be brought before the Commission for formal review and approval.

In response to the Commission's feedback, a letter dated December 13, 2024 was submitted to city staff containing the following material:

1. Written request to re-examine the original Marvin Elevate Sliding French Door design.
2. Additional photos of the exterior of the home.
3. Measurements of other large-scale windows on the home.
4. A mockup of the rear elevation depicting the Marvin Elevate Sliding French Doors.
5. A mockup of the rear elevation depicting a traditional double French door.

City officials were notified of completed work on January 2, 2025. The removal of the first-floor kitchen door and window and installation of a sliding French door was completed without an approved building permit, inspection, and Certificate of Appropriateness. A Notice of Violation was sent on January 9, 2025.

The Historic Preservation Commission reviewed the supplemental documents and photos of the completed work at its January 14, 2025 meeting. The motion to approve the project as presented failed by a roll call vote (2-4). Therefore, the Certificate of Appropriateness was denied for the following items:

1. Removal of the first-floor kitchen door and window.
2. Installation of a Marvin Elevate Sliding French Door.

The project was reviewed for conformance with the Standards for Review, Chapter 14.01.060 C of the Davenport Municipal Code. The Commission determined the Certificate of Appropriateness did not meet the below standard for review:

1. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.

Pursuant to Section 14.01.060G-J: Appeal Rights and Process

As the property owner, you may appeal the Commission's decision to the City Council by filing a written appeal with the City Clerk's office (City Hall, 226 W 4th Street, Davenport) within 30 calendar days of the postmark date of this notification letter. A fee of \$75 shall be paid at the time of filing a written appeal with the City Clerk. If no written appeals are submitted with the City Clerk's office within 30 calendar days of the postmark date of this notification, the Commission's determination shall be the final action by the City.

After hearing all of the evidence presented at a public meeting, the City Council shall review the Commission's decision and base its ruling on the following criteria:

1. Whether the commission has exercised its powers and followed the guidelines established by law and ordinance; and
2. Whether the commission's actions were patently arbitrary and capricious.

The City Council shall, by simple majority of the members present, approve or disapprove the issuance of the certificate of appropriateness based upon the appeal criteria described above.

Advisory:

If you decide not to appeal the Commission's determination to City Council, please be aware that the work performed is subject to penalties as outlined under Davenport Municipal Code § 14.01.110. This ordinance applies to both the property owner and any individual who performed the work. Under Davenport Municipal Code § 14.01.110 the city may choose to file any violation as a simple misdemeanor or municipal infraction. The penalty for a municipal infraction cannot exceed a civil penalty of \$750 for a first offense, or \$1,000 for each repeat offense. The penalties for a simple misdemeanor are a fine between \$105-\$855 and up to 30 days in jail. Each day the violation continues could result in an additional penalty.

Furthermore, as outlined in Davenport Municipal Code § 15.08.300, the work planned and completed in this matter required building permits and inspections for a designated property under Davenport Municipal Code § 14.01.030(N). As such, the work required a Certificate of Appropriateness in order for the building permit to be issued. Under Davenport Municipal Code § 15.08.340, any violation of the building code could be subject to a municipal infraction penalty as outlined above.

If you have any questions about the appeal process, please contact me directly at (563) 888-2221 or matt.werderitch@davenportiowa.com.

Sincerely,



Matt Werderitch | AICP
Planner III

Sent via: Regular mail, certified mail, and email.

City of Davenport, IA
Tuesday, March 25, 2025

Title 14. Historic Preservation

Chapter 14.01. HISTORIC PRESERVATION

14.01.060. Certificate of appropriateness review process.

[Ord. No. 2019-02 § 4]

- A. Application for certificate of appropriateness. Upon application for a building or sign permit that involves a designated property, the office of construction code enforcement shall direct the applicant to the commission secretary to begin the certificate of appropriateness application process. A certificate of appropriateness must be obtained from the commission for any activity requiring a building or sign permit, except demolition, that would change the exterior architectural appearance of a structure designated as a local landmark or a structure located within a designated historic district. The activities covered shall include new construction, exterior alterations, relocations, reconstructions and infill development within designated historic districts. This approval must be obtained prior to the commencement of work and does not relieve the applicant from obtaining the other approvals required by the City.
- B. Notification about application. The commission secretary shall inform the owner(s) of record of the date, time and location of the commission meeting at which the application will be considered. The commission secretary shall also post the commission's agenda on the first floor City hall bulletin board used for such purposes no less than one business day prior to the scheduled time of the meeting.
- C. Commission review process - Standards for review. In considering an application for a certificate of appropriateness, the commission shall be guided by the following general standards in addition to any other standards or guidelines established by ordinance for a local landmark or historic district. In all cases, these standards are to be applied in a reasonable manner, taking into full consideration the issue of economic feasibility and other technical considerations.
 - 1. Every reasonable effort shall be made to make the minimal number of changes necessary to maintain a designated property in a good state of repair, thereby minimizing the impact of the proposed alteration; and
 - 2. The removal, alteration or concealing of distinguishing exterior architectural features and historic material of a designated property should be avoided when possible; and
 - 3. All designated property shall be recognized as a product and physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural architectural features shall be discouraged; and
 - 4. Most properties change over time, and those changes that have acquired architectural and/or historical significance in their own right shall be recognized, respected and retained; and
 - 5. Distinctive architectural features, construction techniques and/or examples of craftsmanship that characterize a designated property shall be treated with due consideration; and
 - 6. Deteriorated architectural features should, where possible, be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature shall match the old

in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence; and

7. Activities that cause deterioration of a designated property and its architectural features shall be discouraged. In those cases where the damage would be irreversible, such as sand-blasting and wetblasting fire-hardened bricks, the activities shall be prohibited. If cleaning is to be done, the gentlest means possible shall be encouraged; and
 8. Known significant archeological resources possibly affected by a proposed activity shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken; and
 9. New additions and related new construction shall not be discouraged when such improvements do not destroy historic material and such design is compatible with the size, massing, scale, color, materials and character of the property, neighborhood and district, if applicable.
- D. Design criteria to implement review standards. When the commission is considering an application for a certificate of appropriateness, it shall consider the following architectural design criteria, or elements of design as they relate to the standards for review prescribed in Section **14.01.040C**.
1. Height. The height of any proposed addition, construction or reconstruction should be compatible with the designated property and the surrounding structures, if located within a designated historic district; and
 2. Proportions. The proportions (width versus height relationship) between doors and windows should be compatible, if not replicated, with the architectural design and character of the designated property; and
 3. Scale. A proposed alteration, construction, reconstruction or addition should not negatively impact the scale of the designated property or district; and
 4. Materials. Historic or original architectural features, or replacement elements which in all ways replicated the original, should be repaired whenever possible; and
 5. Relationship of building masses and spaces. The relationship of a structure within a designated historic district to the rear, side and front yards between it and surrounding structures should be compatible; and
 6. Roof shape. The roof design and shape should remain consistent with its original configuration and character; and
 7. Site improvements. Landscaping and other site improvements, including off-street parking, should have as minimal of an impact as possible to the designated property's original plan/layout and its visual character.
- E. Determination by the commission. The commission shall review a completed application for a certificate of appropriateness within 60 calendar days to determine if the proposed activity will change any exterior architectural features of the designated property. The commission shall accept, review and request additional evidence and testimony from the applicant during the public hearing. The commission shall work closely with the applicant and recognize the importance of finding an appropriate way to meet the current needs of the applicant. In addition, the commission shall recognize the importance of approving plans that will be reasonable for the applicant to carry out. The applicant may modify his/her plans as a result of the discussions with the commission and resubmit them for approval. If the commission finds, by a simple majority, that the proposed activity conforms to the standards for review, as defined herein, then a certificate of appropriateness shall be issued approving said activity. If the commission fails to decide on an application within the specified time period, the application shall be deemed approved. If the commission denies the certificate of appropriateness, the applicant shall have the right of appeal to the City Council pursuant to Section **14.01.040I**.

- F. Notification of determination. The commission secretary shall notify the owner(s) of record within 15 business days of the commission's action. If the commission denies the certificate of appropriateness, the notification letter shall contain the reasons for denial and inform the applicant of his/her right to appeal.

The commission secretary shall also notify the office of construction code enforcement within three business days of the commission's action. If the commission issues the certificate of appropriateness, the commission secretary shall inform the chief building official of said approval and that the proposed work satisfies the intent of this chapter. However, if the commission denies the certificate of appropriateness, the commission secretary shall ask that the building or sign permit not be issued for said work unless an appeal to the City Council results in a reversal of the commission's denial.

- G. Appeal of commission determination. The owner(s) of record may appeal the commission's decision to the City Council by filing a written appeal with the City Clerk's office within 30 calendar days of the postmark date of the notification of determination.

If no written appeals are submitted with the City Clerk's office within 30 calendar days, the commission's determination shall be the final action by the City.

- H. Appeal fee. A fee of \$75 shall be paid by the petitioner at the time of filing a written appeal to said determination with the City Clerk.
- I. Appeal criteria. The City Council, after hearing all of the evidence, shall review the commission's decision and base its ruling on the following criteria:
1. Whether the commission has exercised its powers and followed the guidelines established by law and ordinance; and
 2. Whether the commission's actions were patently arbitrary and capricious.
- J. Appeal — Public meeting. The City Council shall, by simple majority of the members present, approve or disapprove the issuance of the certificate of appropriateness based upon the appeal criteria described in Section **14.01.040I**.

Hamburg Historic District (amended)

Name of Property

Scott County, Iowa

County and State

Address State #, Map #, FS # 2016 district status 1983 district status	Historic Name	significant date/s architectural style/type	Materials of walls, foundations, roof
	History of property (owners/residents, census data including birthplace of self (and parents), Sanborn map info), Current use		Architectural data (architect/builder, features, modifications), Garage data
625 Western Ave State #82-02710 Map #074 Field Site #C-22 Parcel #G0053-01 Updated district status: 1 contributing building (A, C) 1983 NRHP status: Contributing	Gustav A. and Emily (Lerchen) Schlegel House	c.1867 Gothic Revival / Italianate (2 story)	Walls: frame - wood Foundation: stone Roof: side gable - asphalt shingles
	1867-1915 - Gustav and Emilie Schlegel (druggist); 1900s - also son-in-law William B. Stark (after Paula Schlegel Stark died in 1900) 1880 census: Schlegel, Gustav (36, druggist) - born in Germany - Saxony (Germany - Saxony, Germany - Saxony); wife: Emilie (29) - born in Germany - Prussia (Germany - Prussia, Germany - Prussia) 1915-1919 - Gustav Schlegel (widower, retired), also daughter Hedwig Lischer and her son Henry; 1919-1922 - owned by heirs 1910 Sanborn map: house - 2 story - extant 1910 census: Schlegel, Gust (77, own income) - born in Germany (Germany, Germany); wife: Emilie (68) - born in Germany (Germany, Germany) 1922-1956 - Jasper P. and Rose Watson, also second unit by 1925 1956-1976 - Rose Watson (widow) 1956 Sanborn map: duplex - 2 story - extant Current use: single family house - owner occupied		Architect/builder: - Porch: full porch on south - Italianate wood columns/detail Windows: 1/1 wood windows Architectural details: entry with transom, bay window, dormers, brackets, bargeboard Modifications: Historic: -; Non-historic: - Garage: none Other site features: concrete retaining wall along alley
716 Ripley St <i>Alt: A Ripley St</i> State #82-02503 Map #075 Field Site #E-01 Parcel #G0043-06 Updated district status: 1 contributing building (A) 1983 NRHP status: Contributing	Hoersch Rental House	c.1897 (c.1867?) Side gable - 2 story, 3 bay (2 story)	Walls: frame - asbestos shingles Foundation: stone (stucco) Roof: side gable - asphalt shingles
	may be c.1867 house of John and Catherine Carroll originally on south part of lot at 402 W. 7th St - may have been moved to north part of lot c.1892 for construction of new William and Amelia (Petersen) Hoersch house (demo in 1987) by 1898 - used as rental property for William and Amelia Hoersch (owned all of lot, lived in house at 402 W. 7th St until 1922) - various tenants listed from 1898-1922 while Hoersch's owned it 1910 Sanborn map: house - 2 story - extant 1910 census: rented - appears vacant at time - born in - 1923-1933 - owned by William Spengler - used as rental; 1933-1941 - owned by Herbert E. Sitz - used as rental 1941-1945 - owned by Daniel E. and Dorothy Carolus - used as rental; 1945-1952 - series of four owners: Don Farley, Catherine Skelly, William Walters, Matthew Hart; 1951-1956 - owned by James and Mildred Dinneen - used as rental 1956 Sanborn map: house - 2 story - extant Current use: single family house - owner occupied		Architect/builder: - Porch: entry hood - gable-roof, simple braces, wood steps Windows: 1/1 windows Architectural details: - Modifications: Historic: 1941 - asbestos siding; Non-historic: - Garage: none Other site features: -
418 W 7th St <i>Alt: 414 W 7th St</i> State #82-00612 Map #076 Field Site #E-02 Parcel #G0043-03 Updated district status: 1 contributing building (A, C) 1983 NRHP status: Contributing	Paul and Mina Jannssen House	c.1902 Queen Anne (2 story)	Walls: frame - wood siding on 1st, wood shingles on 2nd Foundation: stucco Roof: combination hip/gable - asphalt shingles?
	(earlier house on lot) 1901-02 - lot owned by Peter F. Jannssen - house likely built for sale 1910 Sanborn map: house - 2 story - extant 1910 census: Radenhausen, Paul (chemist) - born in Germany (Germany, Germany); wife: Mina (46) - born in Germany (Germany, Germany) 1902-1933 - Dr. Paul and Mina Radenhausen (chemist - teacher, Hygienic Laboratory); 1933-1936 - Mina Radenhausen (widow) (address was 414 W. 7th St in 1900s-10s, then 418 in 1920s-30s) 1933-1960s - owned by August Steffen / Henry Mattney - used as rental; 1938 - permit to convert from single family to four apartments by Mattney; by 1945 - four apartments listed, 1956 map - 4 apts 1956 Sanborn map: flats (apartments) (4 units) - 2 story - extant Current use: apartments (4 units)		Architect/builder: - Porch: full porch - round wood columns on low frame wall (wood siding) Windows: 1/1 wood windows Architectural details: wood siding/shingles on walls/gables, bay windows, gable roof sections, decorative windows Modifications: Historic: -; Non-historic: - Garage: none Other site features: concrete retaining wall at rear of lot

City of Davenport

Department: Legal

Contact Info: Sam Huff | 563-326-7761 |

Action / Date

4/2/2025

Subject:

Third Consideration: Ordinance amending Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa by adding thereto definitions and 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. 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.

A similar agenda item originally appeared on the February 12, 2025, Council agenda. Council voted to table the item while City staff worked to update the ordinance and address citizen and council concerns regarding restrictions on motorized devices on public sidewalks. The definition of a motorized bicycle has been updated, and unnecessary language has been removed to allow for a better comprehension of the updated code.

Attachments:

1. Ordinance
2. Ordinance | Redline
3. Current Chapter 10.68

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.68 ENTITLED "MISCELLANEOUS RULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING THERETO DEFINITIONS AND 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 Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add thereto a new Subsection 10.68.240(B) to read as follows and re-letter subsequent items accordingly (beginning with the current Subsection B. Riders.):

10.68.240 Motorcycles and motorized bicycles.

B. Definitions

1. Motorcycle - An unenclosed motor vehicle having a saddle for the use of the operator and with two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and dirt bikes.
2. Motorized bicycle - A bicycle that is equipped with a gas-powered engine, or a Class 4 electric bicycle (a bicycle equipped with a motor that is over 750 Watts, has pedal assist or throttle only capabilities, and can exceed 28 mph while either pedal assist or throttle are engaged).

Section 2. That Chapter 10.68 entitled "Miscellaneous Rules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add thereto a new Subsection 10.68.240(K) to read as follows:

10.68.240 Motorcycles and motorized bicycles.

K. No person shall ride a motorized bicycle or motorcycle upon the sidewalk within the City.

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. Definitions

1. Motorcycle – An unenclosed motor vehicle having a saddle for the use of the operator and with two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and dirt bikes.

1.2. Motorized bicycle – A bicycle equipped with a gas-powered engine, or a Class 4 electric bicycle (a bicycle equipped with a motor that is over 750 Watts, has pedal assist or throttle only capabilities, and can exceed 28 mph while either pedal assist or throttle are engaged).-

B.C. 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.D. 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.E. 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.F. 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.G. 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.H. 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.I. 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

DRAFT

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

K. No person shall ride a motorized bicycle or motorcycle upon the sidewalk within the City.

DRAFT

Chapter 10.68 MISCELLANEOUS RULES

10.68.010. Unattended motor vehicle. [Ord. 84-247 § 19.1]

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the street.

10.68.020. Driving upon boulevard. [Ord. 84-247 § 19.2]

No person shall operate any vehicle upon a boulevard except upon a duly authorized permanent or temporary driveway.

10.68.030. Obstruction to driver's view or driving mechanism. [Ord. 84-247 § 19.3]

- A. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

10.68.040. Following fire apparatus prohibited. [Ord. 84-247 § 19.4]

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

10.68.050. Crossing fire hose. [Ord. 84-247 § 19.5]

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

10.68.060. Driving past barricades. [Ord. 96-154 § 1; Ord. 84-247 § 19.6]

- A. No person shall drive any vehicle past barricades placed upon public streets by authority of the City with the intention of closing such streets to traffic except where specifically authorized by an appropriate sign.
- B. No person shall move or remove such barricades without proper authority from the City.
- C. A person who violates any of the provisions of this subsection shall be deemed guilty of a simple misdemeanor and, upon conviction, shall be subject to a fine of \$20.

10.68.070. Driving on private property. [Ord. 84-247 § 19.7]

No person shall drive a vehicle across or upon the lawn or private property of any person except in an emergency situation when a vehicle is disabled and the driver is attempting to move same from the traveled portion of a public street.

10.68.080. Use of driveways and parking lots. [Ord. 96-154 § 2; Ord. 84-247 § 19.8]

No person shall drive a vehicle across or upon a driveway, parking lot or similar type area whether such be public or private, in an attempt to use the same as a thoroughfare. Any person who violates the provisions of this section shall be deemed guilty of a simple misdemeanor and, upon conviction, shall be subject to a fine of \$20.

10.68.090. Putting debris on street. [Ord. 84-247 § 19.9]

No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. No substance likely to injure any person, animal or vehicle upon such street shall be thrown or deposited by any person upon any street.

10.68.100. Removing injurious material. [Ord. 84-247 § 19.10]

Any person who drops or permits to be dropped or thrown, upon any street any destructive or injurious material and other material as defined in Section 10.68.090 shall immediately remove the same or cause it to be removed.

10.68.110. Clearing up wrecks. [Ord. 84-247 § 19.11]

Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

10.68.120. Clinging to vehicles. [Ord. 90-212 § 7; Ord. 84-247 § 19.12]

No person riding upon any bicycle, motorcycle, moped, sled or any other device shall be attached to any moving vehicle upon a roadway.

10.68.130. Spilling loads on street. [New; Ord. 84-247 § 19.13]

A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in Section 321.466, unnumbered paragraphs 5 and 6, of the Code of Iowa.

10.68.140. Funerals. [Ord. 97-513 § 1; Ord. 84-247 § 19.14]

A. For the purposes of this section, "funeral procession" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours which is being escorted

by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted head lamps and identifying flags, and keeping all other motor vehicles with lighted head lamps in close formation.

- B. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.
- C. No driver of a motor vehicle shall drive between the vehicles comprising a funeral procession.
- D. Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is safe.

10.68.150. Boarding or alighting from vehicles. [Ord. 84-247 § 19.15]

No person shall board or alight from any vehicles while such vehicle is in motion.

10.68.160. Unlawful riding. [Ord. 2000-444 § 1; Ord. 84-247 § 19.6]

No person shall ride in or on any portion of a vehicle that was not primarily designed, manufactured and intended for use by motor vehicle passengers. This section shall preclude persons from riding within truck bodies in space designed, manufactured or intended for hauling goods or merchandise, enclosed or unenclosed pick up truck beds, luggage racks and similar devices or areas. This section shall not apply to employees, 18 years of age or older, actively engaged in the necessary discharge of a duty that requires the employee to ride within the enclosed body of a truck or an enclosed or unenclosed bed of a pick up truck; or upon private property within the City; or while such vehicle is participating in an organized and permitted parade or special event within the City.

10.68.170. Reckless driving. [Ord. 2000-444 § 2; Ord. 84-247 § 19.17]

No person shall drive any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property. This prohibition shall apply to private property except for those proscriptions concerning unlawful riding.

A driver who operates a motor vehicle while any passenger of said vehicle is riding the vehicle in violation of Section 10.68.160 is guilty of reckless driving.

10.68.175. Careless driving. [Ord. 97-513 § 3]

A person commits careless driving if the person intentionally operates a motor vehicle on a street or highway in this City in any of the following ways:

- A. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.
- B. Simulates a temporary race.

- C. Causes any wheel or wheels to unnecessarily lose contact with the ground.
- D. Causes the vehicle to unnecessarily turn abruptly or sway.

10.68.180. Drag racing prohibited. [Ord. 84-247 § 19.18]

No person shall engage in any motor vehicle speed contest or exhibition of speed on any street and no person shall aid or abet any motor vehicle speed contest or speed exhibition on any street, except that a passenger shall not be considered as aiding and abetting. Motor vehicle speed contest or exhibition of speed are defined as one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets.

10.68.190. Eluding law enforcement vehicle. [Ord. 2006-93; Ord. 84-247 § 19.19]

- A. It shall be unlawful for any driver of a motor vehicle to willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed police officer after being given a visual or audible signal to stop. The signal given by the police officer shall be by flashing red light and/or siren. The penalty for such offense shall be that as set by the state for simple misdemeanors.
- B. If a police officer cannot apprehend or identify the driver of a vehicle that has eluded or otherwise attempted to elude a marked law enforcement vehicle giving a visual or audible signal to stop, but can identify the license plate number and provide a brief description of the vehicle, then the registered owner of said vehicle shall be guilty of a municipal infraction. The penalty shall be civil in nature, and as such, will not be reported to the State Department of Transportation. The fine to be assessed shall be \$250 for a first offense, \$500 for a second offense, and \$700 for third and subsequent offenses.

10.68.200. Seven ton weight limit. [Ord. 84-247 § 19.20]

No vehicle with a licensed weight in excess of seven tons shall be operated on any of the streets designated by the City Council by ordinance. However, commercial vehicles engaged in the making of deliveries or the furnishing of services at premises fronting on the prescribed streets, or portions of streets, or at premises reasonably contiguous to said streets may be operated on said streets for such limited purposes only where it is necessary to travel over all or portions of said streets to make deliveries or furnish services to said contiguous premises.

10.68.210. Vehicles prohibited on certain bridges. [Ord. 84-247 § 19.21]

When signs are erected giving notice that a bridge has a specific weight limit, no person shall operate a vehicle with a gross weight in excess of that posted for the bridge.

10.68.220. Roller skates, skateboards, coasters, etc., restricted. [Ord. 98-242; Ord. 84-247 § 19.22]

- A. "Non-motorized device" means roller skates, in-line skates, skateboards, coasters, and other similar devices, including unicycles, but excluding bicycles, wheelchairs, baby strollers, baby carriages, and small wagons.

- B. No person upon a non-motorized vehicle shall go upon any street except while crossing a street within a crosswalk and when so crossing such person shall be granted all the rights and be subject to all of the duties applicable to pedestrians.
- C. No person shall travel upon or operate a non-motorized vehicle on any City-owned facilities and grounds, including but not limited to parks, parking lots and parking ramps. However, the use of a non-motorized vehicle is permitted on recreational pathways and in other areas within City parks which have been designated for such use by the director of leisure facilities and services or his designee.
- D. No person shall travel upon or operate a non-motorized device anywhere within the following areas which include the referenced streets:
 - 1. Downtown Davenport: Beginning where Marquette Street would intersect the Mississippi River, thence north along Marquette Street to River Drive, thence easterly along River Drive to Brown Street, thence north along Brown Street to 5th Street, thence east along 5th Street to Iowa Street, thence north along Iowa Street to Federal Street, thence easterly along Federal Street to River Drive; thence directly south from the intersection of Federal Street and River Drive to the Mississippi River; thence westerly along the banks of the Mississippi River to the point of beginning.
- E. Subsection D notwithstanding, a private property owner within an area set forth in subsection D may allow the use of a non-motorized device upon his property by registering the property with the deputy City Clerk.

10.68.230. All-terrain vehicles. [Ord. 88-273 § 1]

- A. An all-terrain vehicle means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road use but not including farm tractors, construction equipment, forestry vehicles or lawn and grounds maintenance vehicles.
- B. No person shall operate an all-terrain vehicle in any of the following places:
 - 1. On a street, highway or alley, except when permitted by state law and only under those specified conditions;
 - 2. On a sidewalk, bike path or lane;
 - 3. On any public property or park;
 - 4. On any parking lot or area;
 - 5. Across or upon the lawn or private property of any other person;
 - 6. At any other location within the City between the period from 10:00 p.m. until 7:00 a.m.
- C. The provisions of this section do not apply to all-terrain vehicles used in a properly-authorized parade.

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.

10.68.250. Acts prohibited on fully controlled-access facilities. [Ord. 90-212 § 9]

It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

- A. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation of dividing line.
- B. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.
- C. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
- D. Drive a vehicle into the facility from a local service road.
- E. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.
- F. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity.

For the purpose of this section, fully controlled-access facility is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

10.68.260. Offenses by owners. [Ord. 94-334 § 1]

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly permit the operation of such vehicle upon a public street or highway in any manner contrary to law.

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or any other chapter within Title X, if the owner establishes that at the time of the violation the vehicle was in custody of an identified person other than the owner pursuant to a lease as defined in Chapter 321F of the Iowa Code.

If a peace officer as defined in Section 10.04.110 has reasonable cause to believe the driver of a motor vehicle has violated Sections 10.36.010, 10.36.040, 10.36.060, 10.60.010, 10.60.020, and 10.60.040, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

10.68.270. Loud radios prohibited. [Ord. 2003-436 § 2; Ord. 2002-533 § 1; Ord. 97-382; Ord. 94-631 § 1]

This section is declared necessary for the preservation of the public peace, health, safety and

welfare of the people of the City, and is intended to address a public nuisance created by individuals operating motor vehicles upon the streets and highways of the City.

It is unlawful for any person owning or operating a motor vehicle to create, cause, permit, produce, or play a radio, stereo, or similar device which produces or amplifies sound in such a manner as to create or cause a noise disturbance outside the vehicle, which shall be defined as any sound which annoys or disturbs a reasonable person of normal sensitivities or which can be heard at a distance of 50 feet or more from the source, when such motor vehicle is operated or parked on a public right-of-way or public property.

Any person in violation of this section commits a simple misdemeanor and upon conviction shall be assessed a fine in the sum of \$75.

This section shall not apply to loudspeakers/public address systems and emergency signaling services, including car alarms.

10.68.280. Motor vehicle radio — Offense by owner. [Ord. 2003-436 § 1]

The registered owner of any motor vehicle that creates, causes, or produces sound in such a manner as to create or cause a noise disturbance, by means of a radio, stereo, or similar device which produces or amplifies sound is subject to civil sanction as owner regardless of absence or presence at the time of infraction. "Noise disturbance" means any sound which annoys or disturbs a reasonable person of normal sensitivities or which can be heard at a distance of 50 feet or more from the source.

This section shall not apply to loudspeakers/public address systems and emergency signaling devices, including car alarms.

The owner is subjected to civil sanction as follows:

- A. First reported complaint within a twelve-month period. The registered owner shall receive a notification of the time, date, and location stated in the complaint.
- B. Second or subsequent violation reported by a peace officer within a twelve-month period. The registered owner shall be subject to a civil fine of up to \$500, and the prosecuting attorney shall ask the court to order the removal of the radio, stereo, amplifier, or other similar device for the period of one year.

The enforcement procedures provided for herein are in addition to, and not in lieu of, other sanctions provided elsewhere within the City code. Further, any convictions under Section 10.68.270 may be counted and recorded as violations for the purposes of this section.

10.68.290. Use of electronic communication device for texting while driving prohibited. [Ord. 2017-333 § 3]

No person shall use a hand-held electronic communication device to write, send or view an electronic message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This prohibition does not apply to a member of a public safety agency as defined in Iowa Code section 34.1 while performing official duties, a health

care professional in the course of an emergency situation or a person receiving safety-related information including emergency traffic or weather alerts. A person violating this section shall be guilty of committing a simple misdemeanor offense subject to a scheduled fine as set by Iowa law.

For purposes of this section a "hand-held electronic communication device" means a mobile telephone or other portable electronic communication device capable of being used to write, send or view an electronic message; but does not include a voice-operated or hands-free device which allows the user to write, send or listen to an electronic message without the use of either hand except to activate or deactivate a feature or function. Hand-held electronic communication device does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. Hand-held electronic communication device includes a device that is temporarily mounted inside a motor vehicle unless the device is a voice-operated or hands-free device.

For purposes of this section an "electronic message" means images visible on the screen of a hand-held electronic communication device including, but not limited to, a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, a game or similar content viewable on a hand-held electronic communication device.

For purpose of this section the terms "write", "send", or "view" with respect to an electronic message means the manual entry, transmission or retrieval of an electronic message including the playing, browsing or accessing of an electronic message.

Nothing in this section shall be construed to authorize a peace officer to confiscate a hand-held electronic communication device from the driver or occupant of a motor vehicle as evidence.

City of Davenport

Department: Legal

Contact Info: Sam Huff | 563-326-7761 |

Action / Date

4/2/2025

Subject:

Third Consideration: Ordinance amending Chapter 10.84 entitled "Bicycles" of the Municipal Code of Davenport, Iowa by changing the title to "Bicycles and Motorized Micromobility Devices", adding thereto a new section with definitions and a new section regarding riding on multi-use paths/trails, and including regulations and 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.

A similar agenda item originally appeared on the February 12, 2025 Council agenda. Council voted to table the item while City staff worked to update the ordinance and address citizen and council concerns regarding restrictions of motorized devices on public sidewalks.

Currently, the City of Davenport prohibits riding bicycles on sidewalks in commercial districts. The proposed amendment seeks to mirror this restriction for those riding E-bikes. This ordinance defines the three (3) classes of e-bikes and outlines the regulations associated with each class. This measure is intended to enhance pedestrian safety and clarify regulations for both traditional bicycles and E-Bikes.

Attachments:

1. Ordinance
2. Ordinance | Redline
3. Current Chapter 10.84

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.84 ENTITLED "BICYCLES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY CHANGING THE TITLE TO "BICYCLES AND MOTORIZED MICROMOBILITY DEVICES", ADDING THERETO A NEW SECTION WITH DEFINITIONS AND A NEW SECTION REGARDING RIDING ON MULTI-USE PATHS/TRAILS, AND INCLUDING REGULATIONS AND 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 to be retitled "Bicycles and Motorized Micromobility Devices".

Section 2. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" 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.

- A. "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).
- B. "Motorized Micromobility Device" means any device meant to carry one rider or operator and that is not required to be licensed or registered by the State of Iowa. Motorized micromobility devices are propelled by an electric motor of less than seven hundred and 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. Motorized micromobility devices include, but are not limited to, electric unicycles, electric stand-up scooters, Segways, or motorized skateboards. This definition does not include the use of ADA compliant power assisted devices intended for personal transport.
- C. "Sidewalk" under this Chapter is defined any paved or unpaved path designated for pedestrian use that runs parallel to a roadway or through a public space and is less than 8ft. in width.
- D. "Multi-use Path" also known as a "Trail" under this Chapter is defined as a path designed for shared use by pedestrians, cyclists, and other non-motorized users, which includes e-bikes and motorized micromobility devices.

Section 3. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.060 Riding on sidewalks.

- A. No person shall ride a bicycle or motorized micro mobility device upon the sidewalk in the commercial district within the City, unless signs authorized by the traffic engineer specifically designate a sidewalk for bicycle use.
- B. Outside of the Commercial District, Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles or motorized micromobility device upon any sidewalk. Any person using or operating bicycles or motorized micromobility device 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.
- C. All bicycles or micromobility devices allowed on sidewalks outside of the commercial district shall not exceed 10 mph and Class 1, 2, and 3 E-bikes must be ridden in pedal assist mode when upon a sidewalk.
- D. Class 4 E-bikes, as defined in Section 10.68.240, are not permitted on any City sidewalk.

Section 4. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding thereto a new Section 10.84.065 to read as follows:

10.84.065. Riding on Multi-Use Paths/Trails

- A. Yielding to Pedestrians:
 - a. All bicycles and motorized micromobility device operators must yield the right-of-way to pedestrians on multi-use paths.
 - b. When approaching a pedestrian from behind, the operator must slow to a reasonable and safe speed to prevent startling or endangering the pedestrian.
- B. Audible Warning Requirement:
 - a. Bicycle and motorized micromobility device operators must provide an audible signal, such as a bell or verbal warning (e.g., "On your left"), when overtaking and passing a pedestrian.
 - b. The warning must be given at a sufficient distance to allow the pedestrian time to react.
- C. Safe Passing Distance:
 - a. Bicycle and motorized micromobility device operators must maintain a minimum safe distance of **three feet** when passing a pedestrian or come to a near stop if such a distance is not feasible.
- D. Speed Limit When Near Pedestrians:
 - a. Bicycle and motorized micromobility device must reduce their speed to **no more than 10 mph** when within **30 feet** of a pedestrian.
 - b. If the multi-use path is congested or visibility is limited, operators must travel at walking speed until it is safe to pass.
- E. Prohibited Behavior:
 - a. Bicycle and motorized micromobility device operators may not weave between pedestrians in a reckless manner.

- b. Sudden braking or acceleration near pedestrians that could cause alarm or a hazardous situation is prohibited.

F. Lights and Visibility:

- a. During low-light conditions or nighttime, bicycle and motorized micromobility device operators must use front and rear lights or reflectors to ensure visibility to pedestrians.

Section 5. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.070 Clinging to moving vehicles prohibited.

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

Section 6. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.080 Carrying excessive number of passengers unlawful.

It is unlawful for passengers in excess of that number for which the bicycle or motorized micromobility device 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 or motorized micromobility device.

Section 7. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.090 Careless riding prohibited.

No person shall, within the City, ride a bicycle or motorized micromobility device, 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.

Section 8. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.100 Single-file riding.

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

Section 9. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.110 Observance of traffic rules required.

- A. All persons riding bicycles or motorized micromobility device, 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 a bicycle or motorized micromobility device 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 and motorized micromobility devices 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.

Section 10. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.120 Motor vehicles in bicycle lanes, paths, and parking areas unlawful.

It is unlawful for any person to drive any type of motorized bicycle or motor vehicle in a designated bicycle path, lane, or parking area or park any motorized bicycle or motor 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 and motorized micromobility devices within the lane.

Section 11. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.130 Manner of parking restricted.

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

Section 12. That Chapter 10.84 entitled "Bicycles and Motorized Micromobility Devices" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

10.84.140 Violation — Penalty.

If any person operates a bicycle or motorized micromobility device 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 or motorized micromobility devices, then the license for the bicycle so operated shall be suspended, without regard to ownership of such bicycle, and such bicycle or motorized micromobility device 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 or motorized micromobility devices he shall, upon conviction thereof, be punished by imprisonment not to exceed 30 days or by a fine not to exceed \$100.

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 AND
MOTORIZED
MICROMOBILITY
DEVICES

10.84.010. Definitions.

A. "Bicycle" is defined as either of the following:

A.

a.—

b.—A device having two or three wheels which may have a saddle or seat or multiple saddles or seats for the use of a rider or riders which is propelled by human power.

a.—

c.—

b. A device having two or three wheels with an integrated electric motor used to assist propulsion, this includes Class 1 e-bikes (a pedal assist bike equipped with a motor which provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 20 mph), Class 2 e bikes (a bicycle equipped with a motor that can be used exclusively to propel the bicycle with the use of a throttle, and has a top assist speed of 20 mph), and Class 3 e-bikes (A pedal assist bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 mph).

B. "Motorized Micromobility Device" means any device meant to carry one rider or operator and that is not required to be licensed or registered by the State of Iowa. Motorized micromobility devices are propelled by an electric motor of less than seven hundred and 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. Motorized micromobility devices include, but are not limited to, electric unicycles, electric stand-up scooters, Segways, or motorized skateboards. This definition does not include the use of ADA compliant power assisted devices intended for personal transport.

C. "Sidewalk" under this Chapter is defined any paved or unpaved path designated for pedestrian use that runs parallel to a roadway or through a public space and is less than 8ft. in width.

D. "Multi-use Path" also known as a "Trail" under this Chapter is defined as a path designed for shared use by pedestrians, cyclists, and other non-motorized users, which includes e-bikes and motorized micromobility devices.

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.

10.84.04030. 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.

10.84.05040. 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.

10.84.06050. Riding on sidewalks. [Ord. 77-986 (part); prior code § 8-5]

- ~~A.—No person shall ride a bicycle or motorized micro mobility device 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.~~

~~A. 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. Outside of the Commercial District, Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles or motorized micromobility device upon any sidewalk. Any person using or operating bicycles or motorized micromobility device 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.~~

- ~~C. All bicycles or micromobility devices allowed on sidewalks outside of the commercial district shall not exceed 10 mph and Class 1, 2, and 3 E-bikes must be ridden in pedal assist mode when upon a sidewalk.~~

- ~~D. Class 4 E-bikes, as defined in Section 10.68.240, are not permitted on any City sidewalk.~~

10.84.065. Riding on Multi-Use Paths/Trails

A. Yielding to Pedestrians:

1. All bicycles and motorized micromobility device operators must yield the right-of-way to pedestrians on multi-use paths.
2. When approaching a pedestrian from behind, the operator must slow to a reasonable and safe speed to prevent startling or endangering the pedestrian.

B. Audible Warning Requirement:

1. Bicycle and motorized micromobility device operators must provide an audible signal, such as a bell or verbal warning (e.g., "On your left"), when overtaking and passing a pedestrian.
2. The warning must be given at a sufficient distance to allow the pedestrian time to

react.

C. Safe Passing Distance:

1. Bicycle and motorized micromobility device operators must maintain a minimum safe distance of **three feet** when passing a pedestrian or come to a near stop if such a distance is not feasible.

D. Speed Limit When Near Pedestrians:

1. Bicycle and motorized micromobility device must reduce their speed to **no more than 10 mph** when within **30 feet** of a pedestrian.
2. If the multi-use path is congested or visibility is limited, operators must travel at walking speed until it is safe to pass.

E. Prohibited Behavior:

1. Bicycle and motorized micromobility device operators may not weave between pedestrians in a reckless manner.
2. Sudden braking or acceleration near pedestrians that could cause alarm or a hazardous situation is prohibited.

F. Lights and Visibility:

1. During low-light conditions or nighttime, bicycle and motorized micromobility device operators must use front and rear lights or reflectors to ensure visibility to pedestrians.

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, motorized micromobility device, 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 or motorized micromobility device 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 or motorized micromobility device.

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

No person shall, within the City, ride a bicycle or motorized micromobility device, 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 and motorized micromobility devices, shall be ridden single file in business districts and upon sidewalks where permitted, but may be ridden not over two abreast elsewhere. ~~Said bicycles~~ Bicycles and motorized micromobility devices 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 or motorized micromobility device, 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~~ a bicycle or motorized micromobility device 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 and motorized micromobility devices 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~~. Motor 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 motor vehicle in a designated bicycle path, lane, or parking area or park any motorized bicycle or motor 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 and motorized micromobility devices within the lane.

10.84.~~130120~~. Manner of parking restricted. [Ord. 77-986 (part); prior code § 8-12]

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

10.84.~~140130~~. Violation — Penalty. [Ord. 77-986 (part); prior code § 8-13]

If any person operates a bicycle or motorized micromobility device 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 or motorized micromobility devices, then the license for the bicycle so operated shall be suspended, without regard to ownership of such bicycle, and such bicycle or motorized micromobility device 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 or motorized micromobility devices, he shall, upon conviction thereof, be punished by imprisonment not to exceed 30 days or by a fine not to exceed \$100.

Chapter 10.84 BICYCLES

10.84.010. 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.

10.84.020. 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.

10.84.030. 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.

10.84.040. 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.

10.84.050. 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.

10.84.060. 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.

10.84.070. 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.

10.84.080. 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.

10.84.090. 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.

10.84.100. 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.

10.84.110. 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.

10.84.120. 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.

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

Action / Date
4/2/2025

Subject:

First Consideration: Ordinance amending Schedule XV Pedestrian Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Fairmount Street at Buchanan School. [Ward 2]

Recommendation:

Adopt the Ordinance.

Background:

The pedestrian signal has remained active on Fairmount Street at Buchanan School even after the school closed in 2023. The signal is no longer needed. Removal will conserve energy and future maintenance. Much of the existing equipment can be salvaged to use as replacement supplies at other intersections.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE XV PEDESTRIAN TRAFFIC SIGNALS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REMOVING FAIRMOUNT STREET AT BUCHANAN SCHOOL.

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

Section 1. That Schedule XV Pedestrian Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport Iowa, be and the same is hereby amended by removing the following.

Fairmount Street at Buchanan School

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

Action / Date
4/2/2025

Subject:

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

Village of East Davenport Business Association; Village Hops; Village of East Davenport; 12:00 p.m. - 8:00 p.m. Saturday, June 14, 2025; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Ward 5]

Cornbelt Running Club; Arconic Jr Bix; Downtown; 12:00 p.m. - 9:00 p.m. Friday, July 25, 2025; **Closures:** East 4th Street from Pershing Avenue to River Drive; East 3rd Street from Iowa Street to River Drive; Iowa and LeClaire Streets from 3rd Street to 4th Street. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

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

Attachments:

1. Resolution
2. Village Hops Closure Petition
3. Village Hops Closure Map
4. Jr Bix Info
5. Jr Bix Maps

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 on the listed dates and times for outdoor events.

*Village of East Davenport Business Association; Village Hops; Village of East Davenport; 12:00 p.m. - 8:00 p.m. Saturday, June 14, 2025; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Ward 5]*

*Cornbelt Running Club; Arconic Jr Bix; Downtown; 12:00 p.m. - 9:00 p.m. Friday, July 25, 2025; **Closures:** East 4th Street from Pershing Avenue to River Drive; East 3rd Street from Iowa Street to River Drive; Iowa and LeClaire Streets from 3rd Street to 4th Street. [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 9th day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT

VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

NAME & ADDRESS

- #1 11th Street Precinct, 1107 Mound Street
- #2 Winddancer Boutique, 2114 East 11th Street
- #3 Grumpy's Village Saloon, 2120 East 11th Street
- #4 McClellan Stockade, 2124 East 11th Street
- #5 Lagomarcino's, 2132 East 11th Street
- #6 Vacant, 2200 East 11th Street
- #7 Vacant, 1105 Christie Street
- #8 Mint Green, 2208 East 11th Street
- #9 Rudy's Cantina, 2214 East 11th Street
- #10 Players, 2218 East 11th Street
- #11 D'Ville, 2228 East 11th Street
- #12 Brew, 1104 Jersey Ridge Road
- #13 Edward Jones, 2107 East 11th Street
- #14 Camp McClellan Cellars, 2302 East 11th Street
- #15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road
- #16 Freddy's Fritters, 1114 Jersey Ridge Road
- #17 Kaleidoscope Artworks, 2302 East 11th Street
- #18 Freddy's Fritters, 1111 Jersey Ridge Road
- #19 Sunlight Yoga Studio

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS - VILLAGE HOPS

On **June 14, 2025** there is proposed a street closing, requested by **The Village of East Davenport Association**, which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road and Jersey Ridge Road** between **East 11th Street** and **the alley**, during the hours of **2:00 p.m. to 6:00 p.m.**

SIGNATURE	NOT		
	FAVOR	OPPOSED	CONCERNED
#1_____Per email - John Wisor_____	__X__	_____	_____
#2_____No Response_____	_____	_____	_____
#3_____Per email - Carrie Peterman_____	__X__	_____	_____
#4_____Per email - Kate Hanstrom_____	__X__	_____	_____
#5_____Per email - Lisa Ambrose_____	__X__	_____	_____
#6_____Vacant_____	_____	_____	_____
#7_____Vacant_____	_____	_____	_____
#8_____Per email – Aimee Winslow_____	__X__	_____	_____
#9_____Per email - Kevin Quijas_____	__X__	_____	_____
#10_____Per email - Jeff Krager_____	__X__	_____	_____
#11_____No Response_____	_____	_____	_____
#12_____Per email - Tracy Cameron_____	__X__	_____	_____
#13_____Per email - Paul Schnell_____	__X__	_____	_____
#14_____Julie Keefn_____	__X__	_____	_____
#15_____No Response_____	_____	_____	_____
#16_____Per email - Tami Grady_____	__X__	_____	_____
#17_____Per email - Matthew Chouteau_____	__X__	_____	_____
#18_____Per email - Tami Grady _____	__X__	_____	_____
#19_____Per email - Rebecca Sebastian_____	__X__	_____	_____



2025 "Arconic Jr. Bix 7"

Children's fun run for kids 12 & under:

The Cornbelt Running Club is requesting to have 4th Street closed to traffic from River Dr. to Pershing St. The hours of the closing would be from 12 noon until 9:00 pm. on Friday, July 25, 2025. Also, we request to have 3rd St. from Iowa St. to River Dr. closed for the same period.

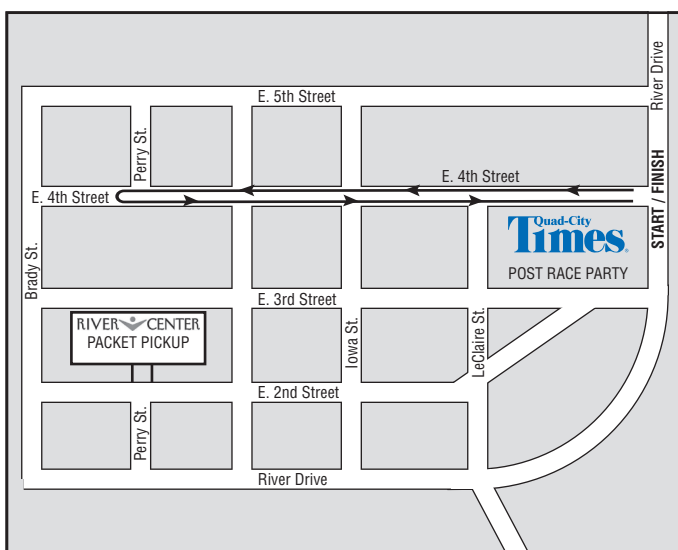
We also request to have no parking on 4th St. from River Dr. to Pershing St. and on 3rd St., Iowa St to River Dr. on that day (7/25/25).

The event is a children's fun run. The ages would be from 12 yrs. and under. The distances would range from 7/10 of a mile to 70 yards.

Each age would have a separate race, so there will be several races going on.

We are requesting the proper police support to maintain a safe environment.

7/10 MILE

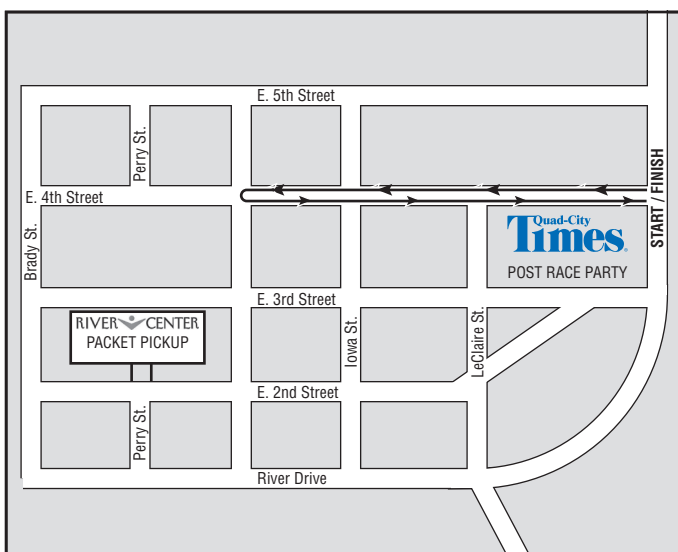


CHILDREN AGES 8-12 - 7/10 MILE COURSE

8, 9, 10, 11 & 12 year olds - **6:00 PM**

Age groups will start approximately 10 minutes apart. Please be ready by 6 PM.

1/2 MILE

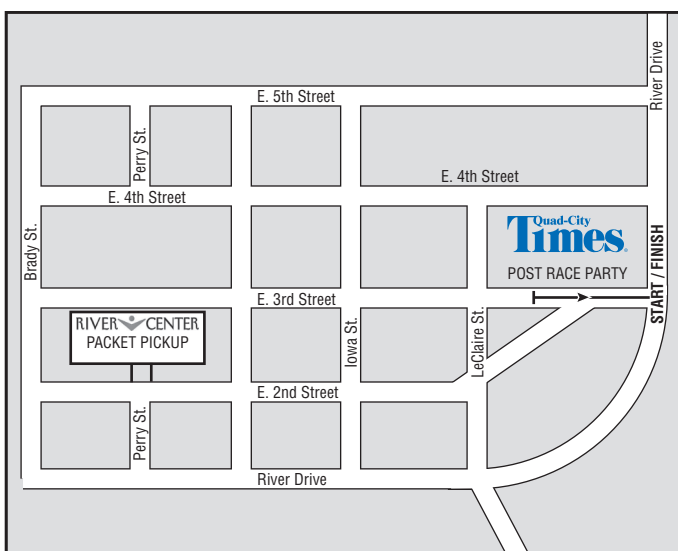


CHILDREN AGES 6-7 - 1/2 MILE COURSE

6 & 7 year olds - **6:00 PM**

Age groups will start approximately 10 minutes apart. Please be ready by 6 PM.

70 YARDS



CHILDREN 5 & UNDER - 70 YARDS

Diaper Dash (at the Finish Line) - **6:00 PM**

2, 3, 4 & 5 YEAR OLD age groups will start approximately 10 minutes apart. There will be multiple heats for each age division. Please be ready by 6 PM.

City of Davenport

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

Action / Date
4/2/2025

Subject:

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

Village of East Davenport Business Association; Village Hops; Village of East Davenport; 2:00 p.m. - 6:00 p.m. Saturday, June 14, 2025; Outdoor music/band, over 50 dBA. [Ward 5]

City of Davenport; Party in the Park; various locations; 5:30 p.m. - 7:30 p.m. Thursday, June 12, 2025 | Cork Hill; Thursday, June 26, 2025 | Goose Creek; Thursday, July 17, 2025 | Fejervary; and Thursday, August 7, 2025 | Credit Island; Outdoor music, over 50 dBA. [Wards 1, 3, 4, & 8]

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. 2025 Party in the Park



Join the City of Davenport this summer for Party in the Park! The two-hour events run from 5:30 p.m. - 7:30 p.m. on select Thursdays during June, July, and August.

Party in the Park attendees can enjoy food, entertainment, and a variety of activities for the kids! These events are a great opportunity to meet fellow residents, learn more about surrounding neighborhoods, and engage with local elected officials. Members from city staff will be in attendance to discuss concerns and opportunities facing the community and how to can get involved in your neighborhood.

2025 DATES AND LOCATIONS

Thursday, June 12, 2025 | Cork Hill Park | 5:30 p.m. – 7:30 p.m.

Thursday, June 26, 2025 | Goose Creek Park | 5:30 p.m. – 7:30 p.m.

Thursday, July 17, 2025 | Fejervary Park | 5:30 p.m. – 7:30 p.m.

Thursday, August 7, 2025 | Credit Island Park | 5:30 p.m. – 7:30 p.m.



THE CITY OF
DAVENPORT
IOWA | USA

Party in the Park 2025

Locations



City of Davenport

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

Action / Date
4/2/2025

Subject:
Motion approving beer and liquor license applications.

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

Ward 2

SNS Mart (Sleesha Mini Mart, LLC) - 1715 West Kimberly Road – New License/Owner - License Type: Class B Beer/Wine (Carry-Out)

Ward 4

California Burritos (Prime Partners, LLC) - 2618 West Locust Street – New License with Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) – 5320 Corporate Park Drive – Temporary Outdoor Area May 14, June 11, July 9, August 13 – License Type: Special Class C Beer/Wine (On-Premises)

Ward 7

Assumption High School (Assumption High School) - 1020 West Central Park Avenue – Temporary License April 25 - License Type: Class C Retail Alcohol License

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

Ward 1

QC Marts (Bethany Enterprises, Inc) - 2747 Rockingham Road - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Cru 221 (Cru 221, LLC) - 221 Brady Street - License Type: Class C Liquor (On-Premises)

Golden Mart (Golden Mart, Inc) - 1026 West River Drive - License Type: Class E Liquor (Carry-Out)

Ward 5

11th St Precinct Bar and Grill, The (Carpe Diem I, LLC) - 2108 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Lotus Asian Bistro (Double Chen Holdings, Inc) - 589 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

QC Marts (Bethany Enterprises, Inc) - 6807 Northwest Boulevard - License Type: Class B Beer/Wine (Carry-Out)

Recommendation:
Pass the Motion.

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

Attachments:
None

City of Davenport

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

Action / Date
4/2/2025

Subject:

First Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" of the Municipal Code of Davenport, Iowa to revise local discharge limits. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

This Ordinance will amend Chapter 13.16 of the Municipal Code of Davenport, Iowa to add maximum permissible mass limits for specific pollutants. Revised local discharge limits shall regulate the amounts of certain pollutants that may be discharged to the sanitary sewer system from industrial and hauled waste sources from Davenport. This change has been tentatively approved by DNR representatives and is projected to finish the required public notice period on April 4, 2025.

Attachments:

1. Ordinance
2. Current Chapter 13.16
3. Proposed Limits for BOD

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 13.16 ENTITLED "WASTEWATER FACILITIES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO REVISE LOCAL DISCHARGE LIMITS.

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

Section 1. That Subsection 13.16.080(A)(3) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

(c) Beginning with the issuance of permits on and after July 1 2028, limits for daily maximum & monthly average BOD & TSS pounds will be capped. This limit shall apply to all existing and new SIUs. Limits for monthly average lbs BOD & TSS shall be issued per the following schedule:

Effective Date	Daily Maximum Limit	Monthly Average Limit
7/1/2028	7,000 lbs/day	6,000 lbs/day
7/1/2030	6,000 lbs/day	5,000 lbs/day
7/1/2035	5,000 lbs/day	4,000 lbs/day

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Title 13. Public Systems

Chapter 13.16. WASTEWATER FACILITIES

[1] *Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 99-147, 96-310, 94-263, 93-266, 92-506, 92-316, 89-74, 87-4, 86-111, 85-340, 85-275, 83-320, 83-287, 83-201, 83-111, 82-197, 81-335, 79-1167, 77-1013, 76-124, prior code Sections 33-26 through 33-57 and 33-63 through 33-66, Ordinance Nos. 2003-27, 2007-91, 2008-155, 2010-60, 2011-117, 2012-49, 2013-277, 2014-85, 2016-160, 2017-22, 2018-87, amended in entirety by 2018-354. Ordinance 92-603 abolished the departments of construction and engineering, the department of public services, the department of transportation and the department of water pollution control. All duties and references found in this chapter to these departments are now under the jurisdiction of the department of public works.*

Article I.. GENERAL PROVISIONS

13.16.010. General adoption.

[Ord. 2018-354]

The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth herein and may be placed in a separate portion of the municipal code of any Joint Contract Sewerage Committee (JCSC) constituent community. Each Joint Contract Sewerage Committee (JCSC) constituent community designates the City of Davenport as the enforcement agency under this chapter. Employees, agents and officers of the City of Davenport while acting to enforce the provisions of this chapter for the Joint Contract Sewerage Committee are empowered to make such inspections, issue such orders or permits and take such actions within the boundaries of the JCSC as are authorized by this chapter.

No unauthorized person shall in any manner break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater facilities or the public sanitary sewer system.

13.16.015. Intent and construction.

[Ord. 2018-354]

This chapter seeks to implement provisions of the Act, the General Pretreatment Regulations, and the Iowa Administrative Code, Chapter 567, Sections 62.4 and 62.8. This chapter is to be construed and applied in accordance with the Clean Water Act Amendments, the General Pretreatment Regulations, the Iowa Administrative Code and the purpose and policy provision set forth in Section **13.16.020** below.

13.16.020. Purpose and policy.

[Ord. 2018-354]

- A. This chapter regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the sewers and drains of the JCSC system, the discharge of water and waste into the sewers and drains of the Davenport Sewage System systems, and the discharge to the Davenport JCSC POTW. This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of Davenport and the JCSC constituents.

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal;
- (2) To prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere, or otherwise be incompatible with the system;
- (3) To protect workers' safety and health and to protect against damage to the POTW;
- (4) To provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.
- (5) To enable the POTW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

13.16.025. Jurisdiction.

[Ord. 2018-354]

The provisions of this chapter are applicable in their entirety to all users and contributors of wastewater, directly or indirectly, into the wastewater treatment works of the City of Davenport or into the wastewater collection and treatment system of the City of Davenport or the JCSC without regard to whether the physical facilities of such contributors, or the physical portion of the wastewater collection system is situated within or outside the corporate limits of the City of Davenport.

Unless otherwise expressly provided by contract providing for extension of service by the City outside of the City, such City extended services and each particular thereof shall be subject to the provisions of this chapter.

The City of Davenport requests each municipality in which users or contributors to the Davenport POTW are located adopt this chapter in its entirety. Failure of any contributing municipalities to so act shall not diminish the jurisdiction of the City of Davenport under this chapter.

13.16.030. Severability.

[Ord. 2018-354]

If any provision of this chapter or the application thereof to any particular person or particular circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application. To this end the provisions of this chapter are severable.

13.16.031. Discharge of sewage prohibited — Exception.

[Ord. 2018-354]

It is unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

13.16.032. Construction of privies, etc. — Prohibited.

[Ord. 2018-354]

Except as provided in this chapter, it is unlawful to construct, use, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

13.16.033. Discharge of surface waters.

[12-4-2019 by Ord. No. 2019-530; Ord. 2018-354]

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

13.16.034. Discharge of storm water and unpolluted drainage.

[Ord. 2018-354]

Storm water, industrial cooling water, unpolluted process waters and all other unpolluted drainage shall be discharged to such sewers or natural outlets as are specifically designated and approved by the Water Pollution Control Plant Manager.

13.16.035. Abbreviations.

[Ord. 2018-354]

The following abbreviations shall have the designated meanings:

BETX	Benzene, Ethylbenzene, Toluene, and Xylene
BOD/CBOD	Biochemical Oxygen Demand/Carbonaceous BOD
BMR	Baseline Monitoring Report
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
F	Fahrenheit
GPD	Gallons per day
IDNR	Iowa Department of Natural Resources
lb/day	Pounds per day
MGD	Million Gallons per Day
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards or Categorical Standards
NH3N	Ammonia Nitrogen

NPDES	National Pollution Discharge Elimination System
O&G	Oil and Grease
POTW	Publicly Owned Treatment Works
SCP	Spill Control Plan
SIC	Standard Industrial Classification
SNC	Significant Non compliance
RCRA	Resource Conservation & Recovery Act
TCLP	Toxicity Characteristic Leaching Procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl Nitrogen
TOH	Total Organic Hydrocarbons
TPH	Total Purgeable Hydrocarbons
TRC	Technical Review Criteria
TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

13.16.040. Interpretation.

[Ord. 2018-354]

This chapter shall be construed and interpreted to conform with 40 CFR Chapter I and it is the intent of this chapter that it comply with said federal regulations.

13.16.045. Definitions.

[Ord. 2018-354]

ACT OR CLEAN WATER ACT

Means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.

APPROVAL AUTHORITY

Means the Iowa Department of Natural Resources.

AUTHORIZED REPRESENTATIVE OR DULY AUTHORIZED REPRESENTATIVE OF THE USER

Means:

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer or a vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Davenport Pretreatment Office.

BASELINE MONITORING REPORT

Means the report required by 40 CFR Part 403.12(b)(1 7).

BIOCHEMICAL OXYGEN DEMAND (BOD)

Means the analysis of BOD as described in EPA Methods or other methods approved by 40 CFR 136.

BUILDING DRAIN

Means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning five feet outside the building wall.

BUILDING LATERAL

Means the extension from the building sewer, beginning five feet (one and one-half meters) out-side the inner face of the building wall and extending to the public sewer or other place of disposal.

BUILDING SEWER

Means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building lateral or other approved point of discharge.

BYPASS

Means the intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

CATEGORICAL USER

Means a user subject to NCPS.

CHEMICAL OXYGEN DEMAND (COD)

Means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CITY

Means the City of Davenport as operating agency and enforcement agency of the JCSC both within its own corporate boundaries and within all territory encompassed by the JCSC.

CITY COUNCIL

Means the City of Davenport City Council.

CITY OF DAVENPORT POTW TREATMENT PLANT

Means that portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

CITY WATER POLLUTION CONTROL PLANT MANAGER

Means the Davenport City Water Pollution Control Plant Manager.

COMBINED SEWER

Means a sewer which is designed and intended to receive wastewater, storm water, surface water and ground water drainage.

COMBINED WASTE STREAM FORMULA

Means the formula as found in 40 CFR Part 403.6 (e).

COMPOSITE SAMPLE

Means a representative sample using a minimum of four grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.

COMPREHENSIVE SEWER SERVICE CHARGE

Means the charge per quarter or month levied on all users of the waste-water system.

CONVENTIONAL POLLUTANT

Means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total kjeldahl nitrogen and fecal coliform bacteria.

DISCHARGE OR INDIRECT DISCHARGE

Means the introduction of treated or untreated wastewater into the POTW.

DISSOLVED SOLIDS

Means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using EPA methods or other methods approved in 40 CFR 136.

DOMESTIC SEWAGE

Shall mean all household type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste.

DOMESTIC STRENGTH

Is a term used to evaluate the strength of wastewater and equals a strength of BOD of 250 mg/l and TSS of 300 mg/l.

DOMESTIC USER

Means all users discharging only domestic sewage from premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings, flats and apartment buildings.

EPA METHODS

Means the USEPA approved standard procedures for wastewater analysis as prescribed in 40 CFR Part 136 and shall include alternate methods approved by the approval authority.

FECAL COLIFORM

Means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.

GARBAGE

Means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

GRAB SAMPLE

Means a single aliquot sample collected, either directly or by means of a mechanical device, without regard to the flow in the waste stream.

HEADWORKS

Means the main wet well at the POTW treatment plant prior to any treatment process.

INDUSTRIAL USER

See "User".

INDUSTRIAL WASTE

Means the liquid waste from industrial users as distinct from domestic sewage.

INTERFERENCE

Means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

JCSC

Means the Joint Contract Sewerage Committee consisting of the JCSC constituent communities who are by joint government action, as defined in the JCSC 28E agreements as from time to time amended, are committed to utilize the wastewater treatment plant (POTW) and certain outfall and interception sewers of the wastewater treatment system and to support the operating and capital costs thereof through payments to the City of Davenport.

LIMIT

Means the maximum allowable discharge of a given pollutant as in the following definitions:

- (1) "Daily Maximum Limit" means the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (2) "Monthly Average Limit" means The maximum allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

LOCAL LIMIT

Means a specific discharge limit developed and enforced by the City upon industrial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

MAY

Confers a power (permissive).

MUST

States a requirement.

NATIONAL CATEGORICAL PRETREATMENT STANDARDS (NCPS) OR CATEGORICAL STANDARDS

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, 405-471.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Means a permit issued pursuant to the Act.

NEW SOURCE

Shall be as defined by 40 CFR 403.3(k).

NH3 N

Means the ammonia nitrogen concentration in mg/l as determined using EPA methods.

NONCONVENTIONAL POLLUTANTS

Means all pollutants, which are not included in the definition of conventional pollutants.

OIL AND GREASE (O&G)

Means any material recovered as a substance that is soluble in n-Hexane and which may further be divided into a mineral and non mineral fraction using EPA approved methods or standard methods.

PASS THROUGH

Means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an

increase in the magnitude or duration of a violation) or other permit issued to the POTW by IDNR or USEPA.

PERSON

Means any individual, partnership, copartnership, firm, company, association, joint stock company, society, corporation trust, estate, municipality, governmental entity, group, or any other legal entity, or their legal representatives, agents, or assigns.

PH

Means A measure of the acidity or alkalinity of a solution, expressed in standard units (su). The measurement used is the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTION

Means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

PRETREATMENT

Means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

PRETREATMENT FACILITY

Means the equipment used to accomplish pretreatment.

PRETREATMENT REQUIREMENTS

Means any substantive or procedural requirement related to pretreatment imposed on an industrial user.

PRETREATMENT STANDARDS

Means for any specified pollutant, the City of Davenport prohibitive discharge standards as set forth in section **13.16.055**, the City's local limits for specific pollutants as set forth in section **13.16.060** of this chapter, the State of Iowa pretreatment standards or the NCPS. The most stringent standard will be applied per pollutant.

PROPERLY SHREDDED GARBAGE

Means the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW)

Means a treatment works as defined by Section 212 of the Act, and shall include the POTW owned by the JCSC and operated by the City of Davenport as operating agency pursuant to the JCSC Agreement, and shall include all waste water treatment facilities of the City of Davenport and of the JCSC constituent communities. This definition includes any devices and systems used in the storage, treatment, conveying, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or that convey wastewater to a POTW, regardless of ownership.

RADIOLOGICAL WASTE

Means any prohibited radiological waste as defined in IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III.

SAMPLING CHAMBER OR SAMPLING MAINTENANCE HOLE

Means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this ordinance.

SEVERE PROPERTY DAMAGE

Means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

SEWAGE

Means and includes wastewater.

SEWAGE SYSTEM

Means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.

SHALL

Imposes a duty.

SIGNIFICANT INDUSTRIAL USER/SIGNIFICANT USER

Except as provided in paragraphs (4) of this Section

- (1) An Industrial User subject to categorical pretreatment standards:
- (2) All waste haulers
- (3) An industrial user that:
 - (a) Discharges an average of 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling water and boiler blowdown water);
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant or;

- (c) Is designated as such by the City on the basis that it contributes a discharge that has a reasonable potential to adversely affect any of the POTW operations by causing interference or pass through at the POTW, violates any pretreatment standard, or violates any pretreatment requirements.
- (4) The City may determine that an Industrial user subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The industrial user, prior to the City finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (b) The industrial user annually submits the certification statement required in Section **13.16.170** of this chapter or 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
 - (c) The industrial user never discharges any untreated concentrated wastewater.

SLUDGE

Means the solids separated from the liquids during the wastewater treatment process.

SLUG OR SLUG LOAD

Means any discharge of water or wastewater which in concentration of any pollutant, measured using a grab or composite sample, is more than five (5.0) times the allowable concentration as set forth in sections **13.16.055** and **13.16.060** of this chapter or in a user's most recent wastewater discharge permit or exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two (2.0) times the maximum flow limit established in a wastewater discharge permit shall also be a slug.

STANDARD INDUSTRIAL CLASSIFICATION (SIC)

Means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

STANDARD METHODS

Means the laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

STATE

Means State of Iowa.

STORM SEWER

Means a sewer, which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

T

When used as a portion of a chemical name, shall designate "total" such as in "cyanide T" where "T" means "total" cyanide.

TKN

Shall mean the total kjeldahl nitrogen concentration expressed in mg/l as determined using EPA methods or standard methods.

TOTAL METALS

Means the sum of the concentration of metals specified in a wastewater discharge permit.

TOTAL SUSPENDED SOLIDS (TSS)

Shall mean the portion of total solids retained by a filter using EPA methods or standard methods.

TOTAL TOXIC ORGANICS

Means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

TOXIC POLLUTANT

Means any pollutant or combination of pollutants listed in 40 CFR Part 403 Appendix B.

UNPOLLUTED WATER

Shall mean water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. Such water shall not contain more than 25 mg/l of suspended solids, and not more than 25 mg/l of BOD.

UPSET

Shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An Upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

USER OR INDUSTRIAL USER

Shall mean a source of discharge into a POTW from any source other than a domestic user.

WASTE HAULER

Means a private contractor licensed by the State of Iowa and permitted by the City to deliver wastewater to the POTW.

WASTEWATER DISCHARGE PERMIT

Means the document or documents issued to a user by the City in accordance with the terms of this chapter.

WASTEWATER, ALSO TERMED SEWAGE

Means a combination of the liquid and water carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATER OF THE STATE

Shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Iowa or any portion thereof.

WATER POLLUTION CONTROL PLANT MANAGER

Means the Water Pollution Control Plant Manager of the Davenport Wastewater Facilities or his or her authorized deputy, agent, or representative.

Article II.. WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS.

13.16.050. User requirements.

[Ord. 2018-354]

a. The following requirements shall apply to all users of the POTW:

- (1) All users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
- (2) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the Water Pollution Control Plant Manager.
- (3) Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p)
- (4) Introduction or contribution of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section the Water Pollution Control Plant Manager shall within 180 days or less approve the discharge if he finds the proposed discharge meets applicable pretreatment standards and requirements and would not cause the POTW to violate its NPDES permit. The Water Pollution Control Plant Manager shall deny permission for the discharge if he finds applicable pretreatment standards and requirements are not met or the discharge would cause the POTW to violate its NPDES permit. In lieu of denial of permission the Water Pollution Control Plant Manager may allow such contribution or discharge upon conditions, which would not violate applicable pretreatment standards or requirements and would not cause the POTW to violate its NPDES permit.

Any part of this section notwithstanding, upon receipt of the notice required by this section the Water Pollution Control Plant Manager may require, in addition to the requirements of this section, that an industrial user obtain a permit under this chapter.

13.16.055. Discharge prohibitions.

[Ord. 2018-354]

The following prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive NCPS, IDNR, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

- A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
- B. Specific prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 1. Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° F. (60° C.) using test methods referenced in 40 CFR 261.21. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW, or at any point in the POTW be more than 5% nor any single reading greater than 10%;
 2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or greater than 12;

3. Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include, but are not limited to: grease, garbage with particles greater than one-half inch any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and de burring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 650° C.);
4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the POTW or which constitutes a slug load as defined in this chapter;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150° F. (65° C.) at the point of introduction into the POTW; and in no case waste water or vapor which alone or in concert with other discharges produces a temperature at the POTW treatment plant greater than 104° F. (40° C.);
6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance;
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
9. Radioactive wastes unless they comply with IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III,
10. Pollutants causing excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions);

13.16.060. Local limits for specific pollutants.

[Amended 5-8-2024 by Ord. No. 2024-193; 11-9-2022 by Ord. No. 2022-528; Ord. 2018-354]

A. General provisions.

1. Dilution. Users shall not increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant specific limitation developed by the City.
2. Sample location. Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Water Pollution Control Plant Manager. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined waste stream formula.

- B. Headworks limits - average mass. The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non- industrial sources may be adjusted by the Water Pollution Control Plant Manager provided that allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

Table 1	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	5405.653
As	3.229
Ba	NA
Cd	4.892
Total Cr	86.373
Cu	61.823
Fe	682.836
Pb	17.432
Hg	1.004
Mo	44.749
Ni	34.532
Se	3.828
Ag	14.771
Zn	125.628
Total Phenols	3018.538

Table 1	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Total Cyanide	8.408

Table 2	
Davenport Water Pollution Control Lagoon	
West Locust Street	
Head Works Allowable Loading	
Pollutant	30 Day Average (lbs)
Al	NA
As	NA
Ba	NA
Cd	0.002
Total Cr	0.062
Cu	0.084
Fe	NA
Pb	0.011
Hg	NA
Mo	NA
Ni	0.072
Se	NA
Ag	0.002
Zn	8.338
Total Phenols	NA
Total Cyanide	0.002

Table 3			
Davenport Water Pollution Control Plant			
2606 South Concord Street			
Tier 1 Significant Industrial User Local Limits			
	PB Leiner USA	Nestle Purina	Kraft Heinz
Pollutant	30 Day Average	30 Day Average	30 Day Average
Al	NA	NA	NA
As	0.17 Pounds	0.04 Pounds	0.10 Pounds
Ba	NA	NA	NA
Cd	0.080 Pounds	0.02 Pounds	0.05 Pounds
Total Cr	0.080 Pounds	0.07 Pounds	0.05 Pounds
Cu	0.17 Pounds	0.33 Pounds	0.10 Pounds
Fe	NA	NA	NA
Pb	0.17 Pounds	0.04 Pounds	0.10 Pounds
Hg	NA	NA	NA
Mo	NA	NA	NA
Ni	0.090 Pounds	0.04 Pounds	0.05 Pounds
Se	0.17 Pounds	0.04 Pounds	0.10 Pounds
Ag	0.08 Pounds	0.02 Pounds	0.05 Pounds
Zn	1.07 Pounds	1.63 Pounds	0.34 Pounds
Total Phenols	0.51 Pounds	0.06 Pounds	0.20 Pounds
Total Cyanide	0.10 Pounds	0.03 Pounds	0.06 Pounds

Table 4	
Davenport Water Pollution Control Plant	
2606 South Concord Street	
Tier 2 Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	0.141 mg/L
Ba	NA
Cd	0.242 mg/L
Total Cr	4.441 mg/L
Cu	2.989 mg/L
Fe	NA
Pb	0.629 mg/L
Hg	NA
Mo	NA
Ni	1.770 mg/L
Se	0.121 mg/L
Ag	0.776 mg/L
Zn	5.636 mg/L
Total Phenols	115.828 mg/L
Total Cyanide	0.448 mg/L

Table 5	
Davenport Water Pollution Control Lagoon	
West Locust Street	
Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	NA
Ba	NA
Cd	0.024 mg/L
Total Cr	0.924 mg/L
Cu	1.282 mg/L
Fe	NA
Pb	0.173 mg/L
Hg	NA
Mo	NA
Ni	1.099 mg/L
Se	NA
Ag	0.029 mg/L
Zn	5.00 mg/L
Total Phenols	NA mg/L
Total Cyanide	0.027 mg/L

C. Discharge concentration limits and review criteria.

1. The admission into the POTW of any materials, water or waste having a pollutant concentration or poundage greater than the limits in Tables 1 through 5 above, or containing pollutants not listed herein, shall be subject to the review and approval of the Water Pollution Control Plant Manager. After review of the proposed discharges, the Water Pollution Control Plant Manager may:
 - a. Reject the waste for reasons consistent with Section **13.16.020**.
 - b. Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.
 - c. Require control of the quantities and rates of discharge of the water or waste.
 - d. Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
 - e. Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.

- f. Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.
 - g. Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.
 - h. Initiate enforcement action in response to any non-compliance with this ordinance using the enforcement procedures outlined in this ordinance.
 - i. Take any combination of steps a through h as appropriate.
2. Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the limits in Table 8 shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the Water Pollution Control Plant Manager as appropriate:

Table 8	
Domestic Pollutant Levels	
Pollutant	Domestic Limit
BOD	250 mg/L
TSS	300 mg/L

- D. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

13.16.065. National categorical pretreatment standards.

[Ord. 2018-354]

- A. Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR Chapter I, Subchapter N, Parts 405 471 or future promulgated regulations shall comply with the standards and applicable reporting requirements under 40 CFR 403.12.
- B. New sources of categorical discharge shall meet NCPS in the shortest feasible time but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this ordinance and subject the user to enforcement action.
- C. The POTW shall notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the POTW to notify the User shall not relieve the user of the duty, if any, to comply with NCPS.
- D. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Water Pollution Control Plant Manager may impose equivalent concentrations or mass limits in accordance with 40 CFR 403.6 (c).
- E. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Water Pollution Control Plant Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6 (c) (3) and (4).
- F. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Water Pollution Control Plant Manager shall impose an alternate limit in accordance with 40 CFR 403.6 (e).
- G. A Categorical User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with 40 CFR 403.15

13.16.070. State requirements.

[Ord. 2018-354]

State requirements and limitations on discharges shall apply in any case where they are more stringent than USEPA or City requirements and limitations unless allowed by the state.

13.16.075. City's right of revision.

[Ord. 2018-354]

The City reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this chapter if deemed necessary to comply with the purpose and policy objectives presented in section **13.16.020**.

13.16.080. Pretreatment.

[Ord. 2018-354]

- A. A user discharging, or with potential to discharge, any waste into the POTW as set forth in section **13.16.055**, **13.16.060**, **13.16.065**, **13.16.070** or **13.16.075** shall be required by the Water Pollution Control Plant Manager to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

1. Reduce the objectionable characteristics or constituents to within the maximum limits provided for in sections **13.16.055**, **13.16.060**, **13.16.065**, and **13.16.070**;
 2. Control the quantities and rates of discharge of such wastewater;
 3. Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;
 - (a) New industrial users discharging into the POTW will be required to design and operate their pretreatment facilities to meet the domestic pollutant limits in Table 8.
 - (b) Existing industrial users planning significant modifications to their facility or discharge to the POTW will be required to install and operate pretreatment facilities to meet the domestic pollutant limits in Table 8.
 4. Prevent the discharge of liquid waste containing O&G, sand in excessive amounts, any flammable waste, or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the POTW treatment plant unless specifically approved by the Water Pollution Control Plant Manager.
- B. All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the Water Pollution Control Plant Manager prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Water Pollution Control Plant Manager under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Water Pollution Control Plant Manager prior to the user's initiations of the changes.
- C. Users shall continuously maintain all pretreatment facilities required by this chapter in satisfactory and effective operating condition at the sole expense of such user.
- D. No provision contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the City and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted by the City for treatment, subject to additional payment by such user; provided however, that such agreement shall have the prior approval of the Water Pollution Control Plant Manager, shall not conflict with IDNR and USEPA requirements, and shall be consistent with sections 13.16.060(b), 13.16.065, 13.16.070 and 13.16.080(f) of this chapter.
- E. The Water Pollution Control Plant Manager may reject any waste, which, in the opinion of the Water Pollution Control Plant Manager, may cause interference or pass through.
- F. Users shall obtain the specific approval of the Water Pollution Control Plant Manager prior to discharging any waste resulting from a pretreatment facility to the POTW. The Water Pollution Control Plant Manager may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this paragraph shall include waste generated as a result of pretreatment processes used to comply with NPDES permits, air pollution permits, wastewater discharge permits, soil/groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the clean up of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by IDNR.

13.16.085. Dilution prohibited.

[Ord. 2018-354]

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant specific limitation developed by the City.

13.16.090. Slug/spill control.

[Ord. 2018-354]

- A. Users, who upon internal review by the user personnel or upon review by the Water Pollution Control Plant Manager, are determined to have the ability to cause interference or pass through at the POTW or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be at the user's cost and expense.
- B. Slug/Spill Control Plan (SCP). Users meeting the criteria in subsection A thereof shall develop a SCP and implement the plan after approval by the Water Pollution Control Plant Manager. The plan shall contain the following:
1. A description of discharge practices, including non-routine batch discharges;
 2. A description of stored chemicals;
 3. Procedures for immediately notifying the POTW of slug discharges, including any that would violate the discharge prohibitions in section **13.16.055** of this chapter. Notification procedures shall comply with paragraphs (c) and (d) of this subsection;
 4. A description of procedures and structures necessary to prevent adverse POTW impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

5. A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule but in no case longer than one year. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify and operate its facility as necessary to meet the requirements of this chapter.
- C. Users shall immediately telephone and notify the POTW in the case of
 1. Any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug discharge that may cause potential problems for the POTW.
 2. Any discharge, which violates section **13.16.055** of this chapter.
 3. Any discharge into the POTW of a substance which is a listed or characteristic waste under 40 CFR 261. This type of discharge will also be require additional immediate reporting to the USEPA Regional Director and IDNR.
 - D. Immediate notification requirements shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.
 - E. Users shall submit a written report to the Water Pollution Control Plant Manager within five days following such an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow up reports as may be required by the Water Pollution Control Plant Manager. Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the City, result in the revocation of the discharger's wastewater discharge permit.
 - F. Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.
 - G. Users required to have a SCP must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call should a prohibited discharge occur. Users shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

13.16.095. Treatment upsets.

[Ord. 2018-354]

- A. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.
- C. An User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An Upset occurred and the User can identify the cause(s) of the Upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 3. The User has submitted the following information to the POTW within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
 - (a) A description of the Indirect Discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only if an enforcement action brought for noncompliance with categorical pretreatment.
- F. The User shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13.16.100. Treatment bypass.

[Ord. 2018-354]

- A. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime.
- B. The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to assure efficient operation.
- C. Notification of Bypass:
 - 1. Anticipated Bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least 10 days before the date of the bypass, to the Water Pollution Control Plant Manager.
 - 2. Unanticipated Bypass. The user shall immediately notify the Water Pollution Control Plant Manager and submit a written notice to the POTW within five days. This report shall specify:
 - (a) A description of the bypass, its cause, and the duration;
 - (b) Whether the bypass has been corrected;
 - (c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
- D. Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in Section **13.16.080**.

13.16.105. Comprehensive sewer service charges - Enumerated.

[Ord. 2018-354]

Every person whose premises are served by connection to the sanitary sewer system of the City either directly or indirectly, shall pay to the City a comprehensive sewer service charge for the use of and for services supplied by the wastewater facilities of the City, which charges shall consist of:

- (1) A basic user charge;
- (2) A surcharge for the O & M of the wastewater treatment plant for wastes contributed of strengths greater than domestic wastewater. All users contributing wastewater in excess of the concentrations hereafter listed shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

Table 10 Surcharged Pollutants	
Pollutant	
BOD	
TSS	

- (3) A customer charge.

13.16.106. Rates.

[Amended 5-24-2023 by Ord. No. 2023-229; Ord. 2018-354]

The rates for the comprehensive sewer service charges shall be reviewed annually and established from time to time by City Council ordinance and shall be as follows:

- A. For Basic User Charge. The basic user charge shall be based on the quantity of flow estimated or actual flow of wastewater recorded by meters. The unit charge for wastewater measured in 100 cubic feet shall be computed as follows:
 - 1. Unit Cost. The unit cost per 100 cubic feet shall be determined by dividing the anticipated budget for operation and maintenance of the wastewater treatment plant and the sanitary sewer system including debt service and anticipated, current year capital improvements by the estimated quantity of flow billed to all users of the sanitary sewer system.
- B. For Surcharge. The surcharge for the O & M cost of the wastewater treatment plant shall be collected from those users who contribute wastes which strengths are greater than domestic wastewater. These users shall be sampled, and the sample analyzed at least once per month.
 - 1. Monthly Excess BOD. The monthly excess BOD, expressed in milligrams per liter, shall be calculated by subtracting the BOD of domestic wastewater (250 milligrams per liter) from the monthly average BOD of a user. If the value is less than zero, zero shall be used to compute the average of excess BOD.
 - 2. BOD Surcharge Amount. The surcharge for BOD shall be calculated by multiplying the excess BOD value by the unit BOD cost per pound.
 - 3. Monthly Excess SS. The monthly excess SS, expressed in milligrams per liter, shall be calculated by subtracting the SS of domestic wastewater (300 milligrams per liter) from the monthly average SS of a user. If the value is less than zero, zero shall be used to compute the average of excess SS.

4. SS Surcharge Amount. The surcharge for SS shall be calculated by multiplying the excess SS value by the unit SS cost per pound. The total surcharge shall then be a summation of the surcharge for BOD and the surcharge for SS.
- C. For the Customer Charge.
1. The cost of determining the amount due from each user and the collecting of same shall be borne by the user. Each user shall be billed on a regular basis, i.e., monthly or quarterly, for the amount of the comprehensive sewer service charges.
 2. Each regular bill shall be increased by a charge to defray the cost of computing and mailing the bill. The cost per bill will be determined by dividing the anticipated budget, including the portion of the debt service and the anticipated current year capital improvements, by the total number of bills mailed to the users.
- D. For single-family detached residential customers who are billed quarterly, the basic user charge shall be computed using the rate as determined in subsection A of this section, multiplied by the actual amount of water supplied by the water company (Iowa-American Water Company) as shown by the water meter readings of that company or 35 ccf, whichever is less. All other customers shall pay a basic user charge based upon the amount of water supplied by the water company as shown by the water meter readings of that company.
- E. Special Rates. Grounds; Approval. Where, in the judgment of the Council, special conditions surround the use of water to the extent that the application of the comprehensive sewer user charge or method of measurement would be inequitable or unfair to either the City or the user, a special rate or method of measurement shall be established by the City. Such rates or methods of measurement shall be subject to approval by resolution of the Council. In such cases, the City Council may require that water consumed on the premises concerned shall be separately metered at the expense of the user, who shall also pay the cost of the reading resulting therefrom. In all cases, the comprehensive sewer user charge resulting shall be on an equal basis as nearly as may be with charges which would apply to an equal quantity and character of waste of other users of the wastewater system.
- F. Replacement Component. Calculation; Use. The replacement component shall be 15% of the operation and maintenance (O & M) budget approved for the wastewater treatment plant in each fiscal year. The replacement component shall be calculated in each fiscal year and shall be added to the total O & M budget for the wastewater treatment plant for such year. Any portion of a replacement component which has not been used in a fiscal year shall not lapse but shall be retained, together with any interest accrued thereon; shall be carried forward and combined with any unused portion of any other replacement component for the current fiscal year, to be used to replace equipment at the wastewater treatment plant. A replacement component and any unused portion of a prior replacement component, plus any interest thereon, which has been carried forward as herein provided, shall be used only to replace equipment at the wastewater treatment plant. The O & M budget for the wastewater treatment plant plus the replacement component for the current fiscal year shall be used as the anticipated budget for calculating comprehensive sewer service charges for the use of the wastewater treatment plant.
- G. All sewer fees billed after the ordinance effective date will use the revised rate schedule.

13.16.107. Rates - Amount.

[3-9-2022 by Ord. No. 2022-126; Ord. 2018-354; Ord. 2018-87 §§ 1-9; Ord. 2016-160 §§ 1-3; Ord. 2014-85 §§ 1 — 4; Ord. 2013-277; Ord. 2012-49 §§ 1 — 4; Ord. 2010-60 § 1-4; Ord. 2008-155 § 1; Ord. 2007-91 § 1; 2003-27 § 1 (part)]

The rates for comprehensive sewer service supplied by the wastewater facilities of the City shall be as follows:

- A.
1. Effective July 1, 2022: 572.00 cents per one hundred cubic feet of water use as determined by water meter readings.
 2. Effective July 1, 2023: 601.00 cents per one hundred cubic feet of water use as determined by water meter readings.
 3. Effective July 1, 2024: 631.00 cents per one hundred cubic feet of water use as determined by water meter readings.
- B.
1. Effective July 1, 2022:
 - a. 2184.00 cents per bill for monthly billed commercial customers,
 - b. 1196.00 cents per bill for monthly billed residential customers,
 - c. 2937.00 cents per bill for quarterly commercial billed customers,
 - d. 2987.00 cents per bill for quarterly residential billed customers.
 2. Effective July 1, 2023:
 - a. 2293.00 cents per bill for monthly billed commercial customers,
 - b. 1245.00 cents per bill for monthly billed residential customers,
 - c. 3084.00 cents per bill for quarterly billed commercial customers,
 - d. 3134.00 cents per bill for quarterly billed residential customers.
 3. Effective July 1, 2024:
 - a. 2408.00 cents per bill for monthly billed commercial customers, .
 - b. 1296.00 cents per bill for monthly billed residential customers,

- c. 3238.00 cents per bill for quarterly commercial billed customers,
- d. 3288.00 cents per bill for quarterly residential billed customers
- C. 8.08 cents per pound of excess "BOD" over domestic strength wastewater.
- D. 17.61 cents per pound of excess suspended solids over domestic strength wastewater.
- E. 15,000 CCF Maximum Flow Per Day. The average flow shall be determined by dividing the total flow in the billing period by the number of days in the billing period. If the average flow exceeds 15,000 ccf per day, the quantity of 15,000 ccf multiplied by the number of days in the billing period shall be substituted in the calculation.
- F.
 - 1. Effective July 1, 2018, \$0.50 of rates established in Section B for residential customers per quarter to fund the no-fault sewer backup reimbursement program.
[Ord. 2018-87 § 9]

13.16.108. Unpaid fees.

[Amended 5-11-2022 by Ord. No. 2022-245; Ord. 2018-354]

- A. Unpaid sewer fees will be handled by one or a combination of the following collection methods:
 - 1. The City Treasurer shall certify to the County Treasurer any comprehensive sewer user charge which is owed 60 days after the invoice is issued. All certified charges constitute a lien upon the premises served by the sanitary sewer system for which the charges were made and shall be collected in the same manner as taxes. Failure to send or receive a bill for comprehensive sewer user charges is not a defense to the collection of the charges.
 - 2. Add a collection fee to customer balances and turn accounts over to a collection agency.
 - 3. Turn accounts over to the State of Iowa to participate in the Iowa Income Offset program which is covered under Chapter 8A.504 of the Iowa Code.
 - 4. City staff may order suspension of utility services to those premises for which the comprehensive sewer and/or clean water user charge is delinquent including but not limited to notifying Iowa American Water (IAW) to suspend water service as allowed by State of Iowa Code §476.20(I)(b) and 199 IAC 21.4(7).
 - a. Disconnection of service shall be permitted according to the conditions:
 - i. The City must enter into an agreement with Iowa American Water.
 - ii. The City shall notify the person promptly of the reason for refusal to serve and the person's right to file a complaint with the Iowa Utilities Board.
 - iii. The customer must have a combined delinquent balance of sewer and clean water fees in excess of an amount to be established by the Finance Director after notice is provided to the Mayor and City Council.
 - iv. The City must send a letter to the customer notifying the customer of the delinquent balance, allow the customer 12 days to respond excluding Sundays and holidays.
 - v. Allow the customer to enter up to two written agreements for the duration of 12 months to pay off the delinquent balance.
 - vi. Reconnect fees must be consistent with the water utilities approved tariff.
 - 5. Collection fees shall be established by and additional collection methods may be initiated by the Finance Director.

13.16.109. Fees.

[Added 3-22-2023 by Ord. No. 2023-130; Ord. 2018-354]

Fees for Compost tipping, Water Pollution Control Plant hauled waste, Water Pollution Control Plant permits for hauled waste, and the sale of Compost goods shall be set by resolution of the City Council.

Article III.. WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS

13.16.110. Class of Permit.

[Ord. 2018-354]
(Reserved)

13.16.115. Permit requirements.

[Ord. 2018-354]

All new industrial users shall notify the Water Pollution Control Plant Manager of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the City shall be used for this purpose.

Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the Water Pollution Control Plant Manager. Obtaining a wastewater discharge permit does not relieve a User of the obligation to obtain other permits required by federal, state, or local law.

Other Users, including waste haulers, shall obtain permits as required by the Water Pollution Control Plant Manager.

13.16.120. Permit applications - Baseline monitoring reports.

[Ord. 2018-354]

Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the Water Pollution Control Plant Manager:

- A. Users applying for a wastewater discharge permit must submit an application form prescribed by the City and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new NCPS must, within 180 days after the effective date of the standard, submit such an application. The following information is required:
 1. Name, address, and location of facility (if different from the mailing address);
 2. Name of a person or agent authorized to accept legal service of process;
 3. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility;
 4. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards with sampling and analysis performed in accordance with EPA approved methods, and meeting the following requirements:
 - (a) The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.
 - (b) All samples shall be representative of daily operations.
 - (c) A minimum of six (6) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, twenty-four- hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The Water Pollution Control Plant Manager may waive flow proportional composite sampling for any user that demonstrates that flow proportional sampling is not feasible. In such cases, samples may be obtained through time proportional techniques or through a minimum of four (4) grab samples where the User demonstrates that such sampling will provide a representative sample of the effluent being discharged.
 - (d) Where the flow of the stream being sampled is less than or equal to 250,000 gpd, the User must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gpd, the user must analyze six samples within a two-week period.
 - (e) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If non regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentrations or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Water Pollution Control Plant Manager. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.
 - (f) The Water Pollution Control Plant Manager may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.
 - (g) A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analysis was performed by the City.
 5. Time and duration of all discharges;
 6. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 7. Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
 8. The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the state of Iowa;
 9. Each product produced by type, amount, process or processes and rate of production;
 10. Type and amount of raw materials processed (average and maximum per day);
 11. Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment facility;

12. A statement, reviewed by an authorized representative of the user (as defined in section **13.16.170**) and certified to by a professional engineer registered in the state of Iowa, indicating whether pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet pretreatment standards and requirements;
 13. If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, then the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such schedule shall include, where applicable, but not limited to, dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations);
 - (b) No increment referred to in paragraph (A) above, shall exceed nine months, nor shall the total compliance period exceed 18 months;
 - (c) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Water Pollution Control Plant Manager, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Water Pollution Control Plant Manager.
 14. Any additional information required by the Water Pollution Control Plant Manager to evaluate a permit application;
- B. All applications and reports must contain the certification statement and be signed in accordance with section **13.16.170**.
- C. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).

13.16.125. Categorical industries - Report on compliance.

[Ord. 2018-354]

Users subject to NCPS shall submit a report to the Water Pollution Control Plant Manager containing the information described in section **13.16.120** subsections (1)(iii),(iv), (v) and (xi) within 90 days following the date for final compliance with applicable NCPS or, in the case of a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long term production rate. For all other users subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with Section **13.16.170** of this chapter.

13.16.130. Permit contents.

[Ord. 2018-354]

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Water Pollution Control Plant Manager to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant.

- A. The conditions may include, but need not be limited to, the following:
1. Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
 2. Limits on the average or maximum concentration, mass, or other measure of identified wastewater constituents or properties;
 3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 4. Requirements for the development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or prohibited discharges;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection, sampling, and flow monitoring facilities and equipment for each separate discharge into the POTW;
 7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
 8. Compliance schedules;
 9. Requirements for submission of technical reports or discharge reports and which may include production data;
 10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Water Pollution Control Plant Manager and affording the Water Pollution Control Plant Manager or the Water Pollution Control Plant Manager's

representatives, access thereto;

11. Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The Water Pollution Control Plant Manager shall approve, deny or condition a changed discharge prior to a change occurring in accordance with the provisions of section 13.16.050(4) of this chapter;
12. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.
13. Other conditions as deemed appropriate by the Water Pollution Control Plant Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations;

13.16.135. Permit duration and renewal.

[Ord. 2018-354]

Permits shall be issued for a specified time period, not to exceed five (5) years. Permitted users shall apply for a new permit by submitting a completed permit application a minimum of 90 days prior to the expiration of the user's existing permit.

13.16.140. Continuation of expired permits.

[Ord. 2018-354]

Expired permits shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the City.

13.16.145. Permit modifications.

[Ord. 2018-354]

The Water Pollution Control Plant Manager may modify the permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state, or local pretreatment standard or requirement (after becoming aware of more stringent standards or requirements, the POTW will update permits within 90 days);
- (2) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- (3) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving water;
- (5) Violation of any terms or conditions of the permit;
- (6) Misrepresentation of or grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- (7) To correct typographical or other errors in the permit;
- (8) To reflect transfer of the facility ownership or operation to a new owner/operator;
- (9) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for permit modification, revocation and re issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

13.16.150. Permit transfer.

[Ord. 2018-354]

Users shall not reassign or transfer a wastewater discharge permit to a new owner. New owners must apply for a new wastewater discharge permit 30 days prior to a change in ownership.

13.16.155. Denial of permit.

[Ord. 2018-354]

The Water Pollution Control Plant Manager may deny a permit to any user whose discharge of material to POTW, whether shown upon application or determined after inspection and testing conducted by the City, is not in conformity with this chapter or whose application is incomplete or does not comply with the requirements of Section **13.16.120**.

13.16.160. Permit violations.

[Ord. 2018-354]

Any violations of the terms, conditions, or limits of a user's wastewater discharge permit shall be deemed a violation of this chapter and subject the User to all enforcement procedures outlined in this chapter.

13.16.165. Periodic compliance reports.

[Ord. 2018-354]

A. Periodic compliance reports are required as follows:

1. Significant users shall submit to the Water Pollution Control Plant Manager no less than twice per year, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the reporting period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the Water Pollution Control Plant Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Water Pollution Control Plant Manager may agree to alter the months during which the above reports are to be submitted.
 2. The Water Pollution Control Plant Manager may impose mass limitations on users. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analysis shall be performed using EPA approved methods using sampling techniques approved by IDNR.
 3. Users shall meet the certification and signatory requirements in section **13.16.170** for each report submitted under this section. Where the City itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.
 4. Users must notify the POTW of all violations identified as a result of self monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the User becomes aware of such violation. The user must also submit the results of repeat analyses to the POTW within 30 days after becoming aware of the violation together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:
 - (a) The POTW performs sampling of the industrial user at a frequency of at least once per month, or
 - (b) The POTW performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling; or
 - (c) The POTW has performed the sampling and analysis in lieu of the user, the POTW will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis, [per 40 CFR 403.12(g) (2)]
 5. If the user monitors any pollutant more frequently than required, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified by the Water Pollution Control Plant Manager, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report.
 6. If the user utilizes a laboratory other than the Davenport Water Pollution Control Plant Laboratory to sample or analyze any pollutant, the Davenport Water Pollution Control Plant Manager must be informed in writing. All external sampling plans must be approved prior to uses of the third-party data in the monitoring reports.
 7. The Davenport Water Pollution Control Plant manager has selected the Davenport Water Pollution Control Plant Laboratory as the primary laboratory for all Biochemical Oxygen Demand, Total Suspended Solids and pH sample analyses for regulatory compliance and Combined Sewer Service Charge billing. The user can request a different laboratory be used by writing the Davenport Water Pollution Control Pretreatment Office listing the reasons for the request and the alternatives the permittee would like. The permittee will be notified in writing within 30 calendar days of receipt if the request or parts of the request was approved.
- B. The Water Pollution Control Plant Manager may authorize a user subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user. This authorization is subject to the conditions set forth in 40 CFR 403.12(e)(2).
- C. The Water Pollution Control Plant Manager may reduce the requirements for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State for those users determined to be a Non-Significant Categorical Industrial User per 40 CFR 403.3(v)(2).
1. Reduced reporting is not available to users that have in the last two years been in Significant Noncompliance.
 2. Reduced reporting is not available to a user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Water Pollution Control Manager, decreasing the reporting requirements for this user would result in data that are not representative of conditions occurring during the reporting period.

13.16.170. Certification and signatory requirements.

[Ord. 2018-354]

All applications and reports shall be signed by an authorized representative of the user as defined in section **13.16.045**. Users shall maintain a current and accurate authorization on file with the Water Pollution Control Plant Manager.

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver

All permit applications, baseline monitoring reports, reports on compliance with the categorical Pretreatment Standard deadlines, periodic compliance reports and initial requests to forego sampling of a pollutant not present submitted by a user shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Water Pollution Control Plant Manager must annually submit the following certification statement signed in accordance with the signatory requirements in 40 CFR 403.120(l). This certification must accompany an alternative report required by the City:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR_____, I certify that, to the best of my knowledge and belief that during the period from_____,_____to_____,_____ (months, days, year):

- (a) The facility described as _____ (facility name) met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR 403.3(v)(2);
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information. _____".

C. Certification of Pollutants Not Present Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR_____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 13.16.165."

13.16.175. Monitoring facilities.

[Ord. 2018-354]

- A. Permitted Users, when required by the Water Pollution Control Plant Manager, shall provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer, or internal drainage systems at their own expense. The Water Pollution Control Plant Manager may require the placement of such monitoring facilities at the end of each process where pollutants are used, produced, or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.
- B. When required by permit and within 90 days of written notification, Users shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the City. Users shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Users shall maintain all sampling and measuring equipment in a safe and proper operating condition at all times and at the expense of the user which shall be safely, easily and independently accessible to authorized representatives of the City. Users shall certify all flow measuring devices to be in proper working condition once per year using a qualified technician acceptable to the Water Pollution Control Plant Manager.
 1. Each sampling chamber shall contain a flume unless another device is approved by the City, with a recording and totalizing device for measurement of the liquid quantity.
 2. At the discretion of the Water Pollution Control Plant Manager, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Water Pollution Control Plant Manager is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water which is not discharged to the POTW or is discharged to a sewer other than the sampled location.
 3. Samples shall be taken at a frequency and volume determined by the Water Pollution Control Plant Manager, and shall be properly refrigerated and preserved in accordance with EPA approved methods. The sample shall be composited in proportion to the flow for a representative 24 hour sample. A time proportioned 24 hour sample may be used if flow proportioned sampling is determined by the City to be impractical. Grab samples shall be used where appropriate.
- C. Users must inform the Water Pollution Control Plant Manager prior to breaking a sampler seal, used by the City to detect sample tampering, unless necessary to prevent loss of life, personal injury, or severe property damage. Users must not place additional seals or locks upon a sampler which may be used by the City without first obtaining approval from the Water Pollution Control Plant Manager.

13.16.180. Inspection, sampling, and record keeping authority.

[Ord. 2018-354]

A. Users shall give the following authorities to the City:

1. Users shall permit authorized representatives or agents of the City to enter upon all properties and all parts of the premises within the corporate limits of the City, within the extended jurisdiction of the City, or upon properties of users with wastewater discharge permits for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.
2. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
3. All users subject to any of the reporting requirements of this chapter shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this chapter for a minimum of five years and shall make such records available for inspection and copying by the City. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

13.16.185. Confidential information.

[Ord. 2018-354]

- A. Except as herein provided, information and data obtained from user reports, questionnaires, permit applications and inspections, shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the User or would give advantage to competitors and serve no public purpose the Water Pollution Control Plant Manager shall not make such information available to the public but such information shall be available to the USEPA or IDNR.
- B. In determining whether information is confidential, the provision of 561-2 of the Iowa Administrative Code shall prevail.
- C. Effluent data and City enforcement actions will not be considered confidential records or information.

Article IV.. BUILDING SEWERS AND CONNECTIONS

13.16.190. Permits Required.

[Ord. 2018-354]

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City engineer.

13.16.195. Classes of permits and fees.

[Ord. 2018-354]

- A. There shall be two classes of building lateral permits, namely:
1. For nonindustrial users, residential, and commercial service; and
 2. For industrial users.
- B. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer.
- C. A permit and inspection fee of \$10 for nonindustrial building lateral permit and \$15 for an industrial building lateral permit shall be paid to the City at the time the application is filed.

13.16.200. Building lateral permit — When granted.

[Ord. 2018-354]

A building lateral permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream wastewater facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

13.16.205. Building lateral permit — Industrial user — Nontransferability.

[Ord. 2018-354]

A building lateral permit for an industrial user shall not be transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without the approval of the City engineer.

13.16.210. Bond — Required.

[Ord. 2018-354]

Every person, company, or corporation to whom a permit is granted, shall, at the time of receiving the same, file a bond approved by the City engineer in the sum of \$5,000, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or the excavations therefore or by any carelessness, negligence, or unskillfulness in making the same.

13.16.215. Permit — Revocation.

[Ord. 2018-354]

All permits to connect with sewers shall be given upon the express condition that the City engineer may at any time before the work is completed revoke and annul the same and no party interested shall have the right to claim damages in consequence of any such permits being revoked or annulled. At no time shall a person connect a sewer lateral into a manhole, unless a special permit is obtained from the City engineer, stating how work shall be done, if granted.

13.16.220. Specifications.

[Ord. 2018-354]

- A. The size, slope, alignment, materials of construction of a building lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, connection to the public sewer and backfilling the trench, shall all conform to the specifications and regulations of the City engineer.
- B. Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a means which is approved by the City engineer and discharged to the building lateral.
- C. The applicant for the building lateral permit shall notify the City engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City engineer or his representative.
- D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Excavations within public easements and right-of-way shall conform to the requirements of Chapter 12.40. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

13.16.225. Separate laterals.

[Ord. 2018-354]

A separate and independent building lateral shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building lateral from the front building may be extended to the rear building and the whole considered as one building lateral, but the City shall not be liable for any damage caused by or resulting from any such single connection.

13.16.230. Old building laterals.

[Ord. 2018-354]

Old building laterals shall not be used in connection with new buildings unless they are found, on examination and test by the director to meet all requirements of this chapter.

13.16.235. Costs and expenses.

[Ord. 2018-354]

All costs and expenses incident to the installation, ownership, use, operation, maintenance, and connection of the building lateral shall be borne by the owner of the property served thereby. The owner of the property served thereby shall indemnify the City from all loss, cost, or damage that may directly or indirectly be occasioned by the use, ownership, operation, maintenance, or installation of the building lateral.

Article V.. SEWER CONNECTION FEES

13.16.240. Required — Special rate.

[Ord. 2018-354]

- A. For the purpose of providing for the construction, extension, or enlargement of the main sewers of the City for which none or only a portion of the costs thereof, are assessed against the abutting or adjacent property, at the time the application is made for a building lateral permit, the applicant shall pay to the City Treasurer a sewer connection fee as follows:

1. The fee for a sewer connection for one-family or two-family residence, regardless of area of the lot or tract upon which the dwelling is located, shall be \$100.
 2. The fee for all other uses shall be the product of a cent per square foot multiplied by the area of the lot or tract of land occupied by the building, including accessory buildings and related facilities, including parking lots, to be served by the sewer connection, provided the minimum fee shall be \$100. The director is authorized and directed to determine and fix the amount of land to be included in each calculation attributable to the uses of the building for which the sewer connection fee is sought.
 3. In the event any applicant feels the fee as so established is unfair or inequitable, the applicant may appeal to the construction and engineering committee of the City Council and the fee shall then be established as set forth in subsection B of this section.
- B. Where, in the judgement of the construction and engineering committee of the City Council, special conditions make the application of the sewer connection charge inequitable or unfair, either to the City or to the owner of the property, a special rate shall be established by the City. Such charge shall be subject to approval by resolution of the City Council and may be considered inequitable or unfair where the charge would represent an unduly inequitable proportion of the cost of the main sewer to the owner or to the City because of the type of building to be erected or the area involved.

13.16.250. Unpaid sewer connection fees - Property lien.

[Ord. 2018-354]

- A. Any unpaid sewer connection fees shall be certified to the county treasurer after they have been due and owing after the thirty-day payment period. All certified charges constitute a lien upon the premises served and shall be collected in the same manner as taxes.
- B. The City Council may order suspension of service to those premises for which the sewer connection fee is delinquent.

Article VI.. ENFORCEMENT PROCEDURES

13.16.255. Public notification of significant noncompliance.

[Ord. 2018-354]

The City shall at a minimum annually publish, in a newspaper of general circulation that provides meaningful public notice within the JCSC community, a list of users which at any time during the previous calendar year, were in significant noncompliance as defined in section **13.16.260** of this chapter.

13.16.260. Significant noncompliance (SNC).

[Ord. 2018-354]

- A. Any violation of pretreatment requirements (i.e., but not limited to: limits, sampling, analysis, reporting, meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of SNC are user violations which meet one or more of the following criteria:
 1. Violations of wastewater discharge limits.
 - (a) Chronic violations. 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in section **13.16.055** of this chapter.
 - (b) Technical Review Criteria (TRC) violations. 33% or more of the measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous limits as defined in section **13.16.055** of this chapter multiplied by the applicable criteria:
 - (i) BOD, TSS, Fats, Oil and Grease Criteria = 1.4.
 - (ii) All other pollutants except pH Criteria = 1.2.
 - (c) Any other violation(s) of a Pretreatment Standard or Requirement as defined by 40 CFR 43.3(1) (daily maximum, monthly average, instantaneous limit, or narrative Standard) that the Water Pollution Control Plant Manager believes has caused, alone or in combination with other discharges, interference (including slug loads) or pass through; or endangered the health of City personnel or the public.
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.
 - (e) Failure to meet, within 90 days of the scheduled date, any compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, and attaining final compliance.
 - (f) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - (g) Failure to accurately report noncompliance.

- (h) Any other violations or group of violations, which may include a violation of Best Management Practices, which the Water Pollution Control Plant Manager determines will adversely affect the operation or implementation of the local pretreatment program.

B. When a user is in SNC, the Water Pollution Control Plant Manager is directed to:

1. Report the information to IDNR as part of the annual pretreatment performance summary of permitted user non compliance;
2. Include the user in the annual public notification according to section **13.16.255**;
3. Address SNC through appropriate enforcement actions.

13.16.265. Administrative actions.

[Ord. 2018-354]

- A. The Water Pollution Control Plant Manager may issue a written notice to the user giving specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:
 1. An order requiring a plan of action for preventing reoccurrence of the violation;
 2. An order requiring specific action for accomplishing remediation;
 3. An order requiring the User to respond in writing within 30 days.
- B. The Water Pollution Control Plant Manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any non compliance. Such orders will include specific action to be taken by the user to correct non compliance within a time period specified by the order.
- C. The Water Pollution Control Plant Manager may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated into a revised wastewater discharge permit and shall not require the consent of the user.

13.16.270. Actions authorized.

[Ord. 2018-354]

Where there has been noncompliance with any provision of this chapter the Water Pollution Control Plant Manager may request, and Corporation Counsel (or any attorney representing the City) is authorized to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction or both or such other relief as may be appropriate to compel compliance by the user with this chapter. No other authorization from the City Council for the bringing of such action shall be required.

In addition to other remedies provided under this or other provisions of this chapter, in any action brought to enforce the provisions of this chapter the City Council authorizes and directs Corporation Counsel to seek to recover all actual damages suffered by the City including all actual damages and losses related to costs of repair and remediation of the POTW, costs of administration reasonably related to any particular violation and attorneys fees.

13.16.275. Civil penalties.

[Ord. 2018-354]

- A. Each violation of any provision of this chapter or of a permit issued under this chapter is declared to be a municipal infraction. Each day that a violation of a provision of this chapter continues and each day that a violation of permit issued under this chapter continues shall be considered a separate municipal infraction.
- B. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter commits a municipal infraction.
- C. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable for a maximum civil penalty not to exceed \$1,000 of per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation
- D. In addition to the penalties established in this section for municipal infractions, Corporation Counsel shall seek all other appropriate remedies allowed by law in regard to the abating correction or discontinuance of activities which constitute municipal infractions under this chapter.

13.16.280. Criminal penalties.

[Ord. 2018-354]

Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued here under shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$100 per each violation per day or imprisonment for not more than 30 days per violation or both.

Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document files or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$100 per violation per day or imprisonment for not more than 30 days or both.

13.16.285. Performance bonds.

[Ord. 2018-354]

The Water Pollution Control Plant Manager may decline to reissue a permit to any user who has failed to comply with the provision of this chapter or any order or previous permit issued here under unless such user first files a satisfactory bond payable to the City in a sum not to exceed the value determined by the Water Pollution Control Plant Manager to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall said bond be required to be greater than \$25,000. The user shall use a bond form approved by the City.

13.16.290. Revocation of permit.

[Ord. 2018-354]

A. Conditions for Revocation. Any user who violates this chapter, any condition of its wastewater discharge permit, or any of the following, is subject to having its permit revoked in accordance with the procedures of this Section:

1. Failure to accurately report the wastewater constituents and characteristics of its discharge;
2. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being introduced into the POTW at least 90 days prior to such change;
3. Tampering with monitoring equipment;
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
5. Violation of permit conditions;
6. Failure to report an upset, failure, or bypass of user's pretreatment facilities;
7. Failure to pay fines, fees, or sewer User charges;
8. Failure to follow enforcement orders or compliance schedules;
9. Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;

B. Procedures for Revocation.

1. Any permit issued to a user pursuant to this chapter may be revoked for any action which is subject to revocation under section 13.16.290(a). No revocation shall issue except upon notice delivered to the user by mailing the notice in the regular mail addressed to the user at the address listed on the wastewater discharge permit, a minimum of 10 days prior to the date set for hearing before the Water Pollution Control Plant Manager or his or her designee. Such notice shall inform the user of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefore.
2. If, after such a hearing, the Water Pollution Control Plant Manager or his or her designee makes a finding based on substantial evidence that actions subject to revocation under section 13.16.290(a) have occurred as alleged, the Water Pollution Control Plant Manager or his or her designee may continue suspension of or revoke the permit; the determination of whether to revoke such permit shall be in the discretion of the Water Pollution Control Plant Manager or his or her designee and shall be dependent upon the circumstances surrounding violations by the user of section 13.16.290(a) and their severity.
3. A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the Water Pollution Control Plant Manager.

13.16.300. Reinstatement of service.

[Ord. 2018-354]

In the event of severance of service, the service may be reinstated in the following manner:

- (1) Upon payment to the City of any delinquency in full, plus penalties, plus the cost of the disconnection and the \$100 City supervision fee, and an inspection by the Water Pollution Control Plant Manager to determine whether the original cause for termination has been corrected, the City will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs, plus inspection fees for the City in accordance with City chapters, shall be at the sole expense of the user.
- (2) Upon reconnection and payment of all costs described above, the City through its agents, shall remove the red tag from the building and the building shall, so far as the City is concerned, be "fit for human occupancy."

13.16.305. Emergency disconnection of service.

[Ord. 2018-354]

- A. Conditions for Immediate Disconnection of Service: The Water Pollution Control Plant Manager may, after informal notice, suspend the wastewater treatment service or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- B. Procedures for Immediate Disconnection
 - 1. When the Water Pollution Control Plant Manager determines that a discharge as described in paragraph a exists, a verbal order shall be issued (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. Users verbally notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate all discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Water Pollution Control Plant Manager shall take immediate action to eliminate the discharge including disconnection from the POTW. Methods of informal notice to a user shall include, but not be limited to, any of the following; personal conversations between user and City personnel, telephone calls, letters, hand delivered messages or notices posted at the user's premises or point of discharge.
 - 2. Users responsible, in whole or in part, for imminent endangerment shall submit a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence to the Water Pollution Control Plant Manager prior to the hearing described in section 13.16.290(b).

13.16.310. Elimination of discharge/reinstatement.

[Ord. 2018-354]

Users notified of a disconnection of wastewater treatment service under sections **13.16.290** or **13.16.305** shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, the City shall take such steps as are deemed necessary, including immediate severance of the sewer connection. The Water Pollution Control Plant Manager shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the non complying discharge.

13.16.315. Additional remedies.

[Ord. 2018-354]

- A. In addition to remedies available to the City set forth elsewhere in this chapter, if the City is fined by IDNR or USEPA for violations of the City NPDES permit or violations of water quality standards as the result of a discharge of pollutants by identifiable user(s), then the fine, including all City legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible user(s). Such charge shall be in addition to any other remedies the City may have under this chapter, at law or in equity.
- B. If the discharge from any User results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the City for any expense, loss, or damage caused by the violations or discharge. The City may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violations or discharge.
- C. The remedies provided in this chapter shall not be exclusive and the City may seek whatever other remedies are authorized by ordinance, statute, at law or in equity against any persons violating the provisions of this chapter.
- D. In addition to any other remedies provided in this chapter, the City may initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgement for all costs incurred by the City occasioned by the user's violation of any requirements of this chapter.

Proposed Limits for BOD & TSS

January 7th, 2025

Facility Name: Davenport City of STP

Introduction:

The City of Davenport is imposing poundage limits on BOD & TSS to help preserve the capacity of the plant.

Background:

Previously, the City of Davenport distributed conventional pollutants among SIUs at the discretion of the Plant Manager. This led to over-allocation in many cases, limiting availability of capacity for development. Since 2017, we have scaled back conventional pollutant allocations to match what existing facilities were producing, plus a buffer for daily variation.

However, this has led to an unequal distribution of capacity. To prevent future and minimize the effects of past over-allocation, the City of Davenport WPCP would like to institute a limit for BOD & TSS. This will be implemented by adding limits to the Davenport City Code (other cities in the service area are not included at this time). This will begin with permits issued in 2028 and beyond, with the final limit becoming enacted on 7/1/2035 (in order to give existing SIUs time to gather funds if needed to install pretreatment). Currently only one industry may be impacted by this change. The final limit would be 5,000 lbs (daily maximum)/4,000 lbs monthly average. Keeping each industry below 10% of our design maximums of 65,000 lbs BOD & 75,000 lbs TSS will help preserve capacity for future growth.

Ordinance change (highlighted text is new):

13.16.080. Pretreatment. [Ord. 2018-354]

A. A user discharging, or with potential to discharge, any waste into the POTW as set forth in section 13.16.055, 13.16.060, 13.16.065, 13.16.070 or 13.16.075 shall be required by the Water Pollution Control Plant Manager to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

1. Reduce the objectionable characteristics or constituents to within the maximum limits provided for in sections 13.16.055, 13.16.060, 13.16.065, and 13.16.070;
2. Control the quantities and rates of discharge of such wastewater;
3. Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;

(a) New industrial users discharging into the POTW will be required to design and operate their pretreatment facilities to meet the domestic pollutant limits in Table 8.

(b) Existing industrial users planning significant modifications to their facility or discharge to the POTW will be required to install and operate pretreatment facilities to meet the domestic pollutant limits in Table 8.

(c) Beginning with the issuance of permits on and after July 1 2028, limits for daily maximum & monthly average BOD & TSS pounds will be capped. This limit shall apply to all existing and new SIUs. Limits for monthly average lbs BOD & TSS shall be issued per the following schedule:

Effective Date	Daily Maximum Limit	Monthly Average Limit
----------------	---------------------	-----------------------

7/1/2028	7,000 lbs/day	6,000 lbs/day
7/1/2030	6,000 lbs/day	5,000 lbs/day
7/1/2035	5,000 lbs/day	4,000 lbs/day

City of Davenport

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

Action / Date
4/2/2025

Subject:

Resolution accepting work completed under the CY 2024 ADA Ramp Program project by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$307,034.12, CIP #28024. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This project provided for ADA-compliant curb ramps at various locations throughout the city. The project included the construction of curbs, associated sidewalk, sod, erosion controls, and other work required to construct ADA-compliant curb ramps.

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 CY 2024 ADA Ramp Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$307,034.12.

WHEREAS, the City of Davenport entered into a contract with C-2 Creative Concrete of DeKalb, Illinois for the CY 2024 ADA Ramp Program; and

WHEREAS, work on the project has been satisfactorily completed; and

WHEREAS, the final cost for this project was \$307,034.12.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the CY 2024 ADA Ramp Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$307,034.12 is hereby accepted.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution accepting work completed under the CY 2024 Sidewalk Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$146,955.13, CIP #28028. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This program was used to repair existing sidewalks throughout the city. Locations were based upon citizens that had elected to utilize the 50/50 cost share program, areas where City trees had caused problems, and Cartegraph requests. Funding for this contract was from the sale of General Obligation Bonds.

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 CY 2024 Sidewalk Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$146,955.13.

WHEREAS, the City of Davenport entered into a contract with C-2 Creative Concrete of DeKalb, Illinois for the CY 2024 Sidewalk Program; and

WHEREAS, work on the project has been satisfactorily completed; and

WHEREAS, the final cost for this project was \$146,955.13.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the CY 2024 Sidewalk Program by C-2 Creative Concrete of DeKalb, Illinois in the amount of \$146,955.13 is hereby accepted.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution awarding a contract for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$868,500.54, CIP #35061. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on March 6, 2025, and sent to contractors. On March 26, 2025, the Purchasing Division opened and read seven (7) responsive and responsible bids. Hawkeye Paving Corporation of Davenport, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This is a street resurfacing project of portions of Grand Avenue from East Locust Street to East 29th Street. The proposed improvements include, but are not limited to, asphalt mill and overlay of existing pavement sections, full-depth asphalt pavement patching, PCC curb and gutter replacement, sidewalk replacement, ADA curb ramp construction, utility structure adjustments, miscellaneous manhole replacements, and final stabilization.

This project is funded through CIP #35061 | High Volume Street Repair Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION awarding a contract for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$868,500.54, CIP #35061.

WHEREAS, the City needs to contract for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project; and

WHEREAS, Hawkeye Paving Corporation of Davenport, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Grand Avenue (East Locust Street to East 29th Street) Resurfacing project is hereby awarded to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$868,500.54.

Passed and approved this 9th day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Grand Avenue Resurfacing Project - East Locust Street to East 29th Street

BID NUMBER: 25-73

OPENING DATE: March 26, 2025

FUNDING: CIP 35061 | High Volume Street Repair Program

RECOMMENDATION: Award the contract to Hawkeye Paving Corporation of Davenport, Iowa in the amount of \$868,500.54.

<u>VENDOR NAME</u>	<u>Bid Total</u>
Hawkeye Paving Corporation of Davenport, IA	\$868,500.54
Phoenix Corporation of the Quad Cities of Port Byron, IL	\$889,539.31
CDMI Concrete Contractors Inc. of Port Byron, IL	\$890,575.52
Eastern Iowa Excavating & Concrete of Cascade, IA	\$906,058.39
Centennial Contractors of the Quad Cities of Moline, IL	\$1,017,543.22
Langman Construction, Inc. of Rock Island, IL	\$1,080,483.37
Brandt Construction Co of Milan, IL	\$1,112,990.44

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Chief Financial Officer

Date

City of Davenport

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

Action / Date
4/2/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project, CIP #64130. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport has partnered with the Davenport Community School District (DCSD) to lease The Kimberly Center to provide programming space for the Performing Arts Division (Junior Theatre) of the Parks and Recreation Department. In these specific areas, a range of light to major renovations is needed to accommodate the various needs. Work will generally focus on the replacement of damaged ceiling tiles, patching existing flooring, replacement of flooring in rooms designated for dance/activity, replacement of lights (where needed), painting of walls, and the demolition of ceiling/walls where spaces are required for programming of large class sizes.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project, CIP #64130.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Junior Theatre Renovation at Davenport Learning Center project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Junior Theatre Renovation at Davenport Learning Center project.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

This project will repair the Credit Island causeway pavement damaged during the 2023 and 2024 flood events. Work will include removal of the existing damaged pavement and proposed to be replaced with full-depth hot mix asphalt.

The project is scheduled to be bid this spring with construction to begin this spring. Funding for the Credit Island Causeway Repair Project is established within account 50101620-520217. A portion of the cost will be reimbursed by FEMA.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Credit Island Causeway Repair project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Credit Island Causeway Repair project.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project, CIP #35062. [Ward 7]

Recommendation:

Approve the Resolution.

Background:

This project will rehabilitate Dubuque Street from East 29th Street to East 32nd Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project will be funded in CIP #35062 for streets projects.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay Project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay Project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay Project, CIP #35062.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project, CIP #35062. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project will reconstruct Newberry Street from Lincoln Court to North Pine Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project will be funded in CIP #35062 for streets projects.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

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

RESOLUTION approving the plans, specifications, forms of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project.

Passed and approved this 9th day of April, 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
4/2/2025

Subject:

Resolution setting a Public Hearing on granting an underground electric easement on City-owned property located along the west side of Harrison Street south of West 35th Street (Parcels P1414-04A and P1414A12) to MidAmerican Energy Company. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

The purpose of the easement is to allow MidAmerican Energy to reconstruct, attach, replace, or remove line(s) for the transportation of electrical services prior to the Harrison Street over Duck Creek bridge reconstruction project.

Adoption of this Resolution will set the Public Hearing for the April 16, 2025 Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Attachments:

1. Resolution
2. Easement
3. Notice of Hearing
4. 24-6001.024-JUNGLE-PARK-EASEMENT-A
5. 24-6001.024-JUNGLE-PARK-EASEMENT-B
6. Aerial

Resolution No. _____

Resolution offered by Alderman Dunn

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

RESOLUTION setting a Public Hearing on granting an underground electric easement on City-owned property located at the Westside of Harrison St. south of W 35th St. (parcels P1414-04A and P1414A12) to MidAmerican Energy.

WHEREAS, this underground electric easement will allow MidAmerican Energy Company to provide electrical service to the surrounding area and for the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing shall be held on April 16, 2025 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers of Davenport City Hall, 226 West 4th Street to allow public to object or comment on the granting of a gas easement to MidAmerican Energy Company on City-owned parcel P1414-04A and P1414A12.

Passed and approved this 2nd day of April 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Prepared by and return to: Joshua T. Morse 563-333-8520 MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO BOX 4350-DV10, Davenport, IA 52808

**MIDAMERICAN ENERGY COMPANY
ELECTRIC EASEMENT**

Folder No.	<u>128118</u>	State of	<u>Iowa</u>	
Work Req. No.	<u>N/A</u>	County of	<u>Scott</u>	
Project No.	<u>CAPEDS1000000873</u>	Section	<u>14</u>	
		Township	<u>78</u>	North
		Range	<u>3</u>	East of the 5 th P.M.

This MidAmerican Energy Company Electric Easement (this "Easement") is made this ____ day of _____, _____, by and between **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"), and **MIDAMERICAN ENERGY COMPANY**, an Iowa Corporation, its successors and assigns ("Grantee") (individually referred to at times as "Party", or collectively the "Parties").

RECITALS

WHEREAS, Grantor is the owner of the property legally described as:

Part of the SE ¼ of Section 14, all in Township 78 North, Range 3 East of the 5th P.M., in Davenport, Scott County Iowa, more particularly described in the deed recorded as File Number 2007-00005508 and the deed recorded in Book 328 at Page 462 with the Scott County Recorder's Office. (the "Property").

WHEREAS, Grantor desires to grant to Grantee an electric easement to be located on a portion of the Property and Grantee desires to accept the easement on the following terms and conditions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Electric Easement.** Grantor does hereby establish, give, grant, and convey to Grantee a perpetual, non-exclusive easement under, upon, through and across a portion of the Property as described on **Easement Plat-A and Easement Plat-B** attached hereto (the "Easement Area"), to construct, attach, reconstruct, operate, maintain, inspect, replace or remove electric supply line(s) for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary poles, wires, conduit, duct, transformers, switching equipment, measurement and monitoring equipment, guys, guy stubs, anchors, ground rods, and further including other reasonably necessary equipment incident thereto (collectively "Facilities"), together with the right to

survey the Property and the right of ingress and egress to and from same and all the rights and privileges incident and necessary to the enjoyment of this Easement. Additionally, if Grantor provides or installs duct or conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area

2. **Erection and Placement of Structures, Obstructions, Plantings or Materials Prohibited.** Grantor shall not construct or place any permanent or temporary buildings, pavement, hardscape, structures, fences, trees, plants or other objects on or within the Easement Area without prior written permission from Grantee indicating that said construction or placement will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities, nor shall Grantor cause or permit any obstruction or material to be placed on or within the Easement Area which violates the clearance requirements of the National Electrical Safety Code and/or the rules of the Iowa Utilities Board. No brush, vegetation or other flammable materials shall be deposited, placed, accumulated, or burned within the Easement Area. Subject to the rights of Grantee granted in this Easement, Grantor shall have the right to cultivate, use, and occupy the Property.
3. **Change of Grade Prohibited.** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without prior written consent from Grantee, nor shall Grantor place or install any rocking, paving or other hardscape materials in the Easement Area without prior written consent from Grantee. Grantee shall have the right to restore any changes in grade, elevation or contour without prior written consent of Grantor.
4. **Violations by Grantor.** In the event Grantor, its successors, assigns, contractors, employees, or agents violates Section 2 or 3 above or otherwise commits an intentional or negligent act, which results in damage to Grantee's Facilities or the Easement Area, Grantor shall be solely responsible for all costs associated with the repair, reconstruction, replacement, and/or work to the Easement Area and Grantee's Facilities.
5. **Right of Access and Removal.** Grantee shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area from property adjacent thereto. Grantee shall have the right to remove, trim, spray, or cut down any unauthorized fences, hardscape, structures, trees, shrubs, branches, saplings, brush, vegetation, or other obstructions within, upon, across, along, adjacent to and overhanging the Easement Area that may interfere with the proper construction, maintenance, operation or removal of Grantee's Facilities.
6. **Property to be Restored.** Grantee shall repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by Grantee's construction, reconstruction, maintenance, operation, replacement or removal of Grantee's Facilities (except for damage to property placed subsequent to the granting of this easement). For any such repairs required to be made by Grantee hereunder, Grantee agrees to repair such damaged property to the approximate condition of such property existing immediately before being damaged, to the extent reasonably practicable. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.
7. **Easement Runs with the Land.** This Easement shall be deemed perpetual and to run with the land. All provisions of this Easement, including benefits and burdens, shall run with the Property and are binding upon and inure to the heirs, assigns, successors, tenants, and personal representatives of the Parties hereto.
8. **Grantor Certification.** Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless Grantee from and against any and all claims, damages,

losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

9. **Severability, Choice of Law and Waiver.** Each of the provisions of this Easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter or dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.
10. **Dower, Homestead, and Distributive Share.** Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the Easement Area and waives all rights of exemption as to any of the Easement Area. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, Grantor voluntarily gives up any right to this protection for the Easement Area with respect to claims based upon this Easement.
11. **IRS W-9 Form.** Prior to any payments referenced herein being made, Grantor is required to submit a fully executed IRS W-9 form to Grantee. Grantor's failure to submit a fully executed IRS W-9 form shall not impact any other provisions or obligations under this Easement.
12. **Fee Simple.** Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this Easement.
13. **Headings and Captions.** The titles or captions of sections and paragraphs in this Easement are provided for convenience of reference only and shall not be considered a part hereof for purposes for interpreting or applying this Easement, and such titles or captions do not define, limit, extend, explain or describe the scope or extent of this Easement or any of its terms or conditions.
14. **Counterparts.** This Easement may be executed in two (2) or more counterparts, each of which shall be deemed an original for all purposes and all of which together shall constitute one and the same instrument. Parties may sign and deliver this Easement by facsimile, electronic, or PDF signatures, each such signature to be treated as an original.
15. **Entire Agreement.** It is mutually understood and agreed that this Easement covers all of the agreements and stipulations between the parties and that no representations or statements, oral or written, have been made modifying or changing the terms hereof.

Signature Page Follows

IN WITNESS WHEREOF, this Easement is executed as of the date first above written.

The City of Davenport, Iowa, a Municipal Corporation

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2025,

by _____ as _____

of The City of Davenport, Iowa, a Municipal Corporation.

Signature of Notary Public

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcels P1414-04A and P1414A12

Notice is hereby given that at 5:30 P.M., on Wednesday, April 16, 2025, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

EASEMENT A:

PART OF THE SOUTHEAST 1/4 SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HARRISON STREET AND THE SOUTH RIGHT OF WAY LINE OF W. 35TH STREET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 87 DEGREES 26 MINUTES 39 SECONDS WEST, TO THE POINT OF BEGINNING, A DISTANCE OF 38.87 FEET; THENCE, SOUTH 12 DEGREES 00 MINUTES 07 SECONDS EAST, A DISTANCE OF 212.36 FEET; THENCE, SOUTH 22 DEGREES 04 MINUTES 54 SECONDS EAST, A DISTANCE OF 92.54 FEET; THENCE, SOUTH 27 DEGREES 15 MINUTES 39 SECONDS EAST, TO SAID WEST RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 64.38 FEET; THENCE, ALONG SAID WEST LINE, SOUTH 11 DEGREES 10 MINUTES 17 SECONDS EAST TO A RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 5.47 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, SOUTH 78 DEGREES 46 MINUTES 09 SECONDS WEST, A DISTANCE OF 8.83 FEET; THENCE, NORTH 27 DEGREES 15 MINUTES 39 SECONDS WEST, A DISTANCE OF 67.65 FEET; THENCE, NORTH 22 DEGREES 04 MINUTES 54 SECONDS WEST, A DISTANCE OF 93.87 FEET; THENCE, NORTH 12 DEGREES 00 MINUTES 07 SECONDS WEST, TO THE SOUTH RIGHT OF WAY LINE OF W. 35TH STREET, A DISTANCE OF 214.91 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH 87 DEGREES 26 MINUTES 39 SECONDS EAST TO THE POINT OF BEGINNING, A DISTANCE OF 10.15 FEET, CONTAINING 0.09 ACRES, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF HARRISON STREET HAS A BEARING OF NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST.

EASEMENT B:

PART OF THE SOUTHEAST 1/4 SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HARRISON STREET AND THE NORTH LINE OF LOT 1 THOMPSON'S 2ND ADDITION; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST, TO THE POINT OF BEGINNING, A DISTANCE OF 10.11 FEET;

THENCE, SOUTH 88 DEGREES 26 MINUTES 05 SECONDS WEST, A DISTANCE OF 10.11 FEET; THENCE, NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST, A DISTANCE OF 160.00 FEET; THENCE, SOUTH 79DEGREES 50 MINUTES 45 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE, NORTH 10DEGREES 09 MINUTES 15 SECONDS WEST, TO A RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 121.99 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH 78 DEGREES 46 MINUTES 09 SECONDS EAST, TO SAID WEST RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 20.00 FEET; THENCE, SOUTH 10 DEGREES 09 MINUTES 15 SECONDS EAST, TO THE POINT OF BEGINNING, A DISTANCE OF 283.88 FEET, CONTAINING 0.09 ACRES, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF HARRISON STREET HAS A BEARING OF NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST.

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel P1414-04A and P1414A12.

Brian J. Krup
Deputy City Clerk

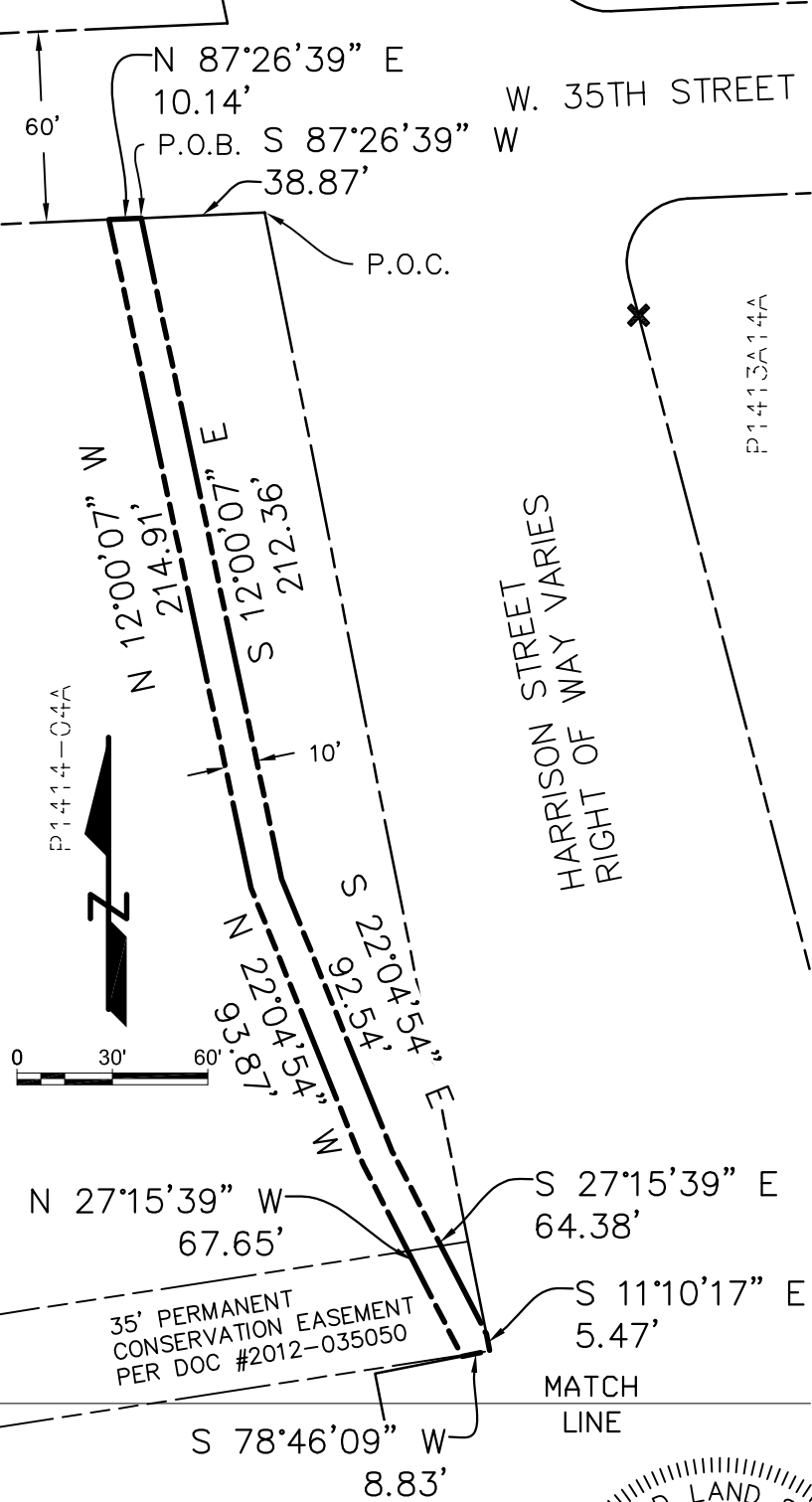
Davenport, Iowa
April 10, 2025

Publish once April 10, 2025
QUAD-CITY TIMES

Description: Part of the Southeast 1/4 Section 14,
Township 78 North, Range 3 East of the 5th P.M.
Requestor: Mid-American Energy
Proprietor: City of Davenport
Surveyor: Luke D. Miller
Survey Company: Klingner & Associates, P.C.
Return To: Klingner & Associates, P.C.
4111 East 60th Street, Davenport, Iowa 52807
lmiller@klingner.com (563) 359-1348

UNDERGROUND ELECTRIC EASEMENT PLAT-A

PART OF THE SE 1/4 SECTION 14, TWP 78 N, R 3 E OF
THE 5TH P.M., DAVENPORT, SCOTT COUNTY, IOWA



LEGAL DESCRIPTION:

PART OF THE SOUTHEAST 1/4 SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HARRISON STREET AND THE SOUTH RIGHT OF WAY LINE OF W. 35TH STREET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 87 DEGREES 26 MINUTES 39 SECONDS WEST, TO THE POINT OF BEGINNING, A DISTANCE OF 38.87 FEET; THENCE, SOUTH 12 DEGREES 00 MINUTES 07 SECONDS EAST, A DISTANCE OF 212.36 FEET; THENCE, SOUTH 22 DEGREES 04 MINUTES 54 SECONDS EAST, A DISTANCE OF 92.54 FEET; THENCE, SOUTH 27 DEGREES 15 MINUTES 39 SECONDS EAST, TO SAID WEST RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 64.38 FEET; THENCE, ALONG SAID WEST LINE, SOUTH 11 DEGREES 10 MINUTES 17 SECONDS EAST TO A RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 5.47 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, SOUTH 78 DEGREES 46 MINUTES 09 SECONDS WEST, A DISTANCE OF 8.83 FEET; THENCE, NORTH 27 DEGREES 15 MINUTES 39 SECONDS WEST, A DISTANCE OF 67.65 FEET; THENCE, NORTH 22 DEGREES 04 MINUTES 54 SECONDS WEST, A DISTANCE OF 93.87 FEET; THENCE, NORTH 12 DEGREES 00 MINUTES 07 SECONDS WEST, TO THE SOUTH RIGHT OF WAY LINE OF W. 35TH STREET, A DISTANCE OF 214.91 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH 87 DEGREES 26 MINUTES 39 SECONDS EAST TO THE POINT OF BEGINNING, A DISTANCE OF 10.15 FEET, CONTAINING 0.09 ACRES, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF HARRISON STREET HAS A BEARING OF NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST.

NOTE: PART OF PARCELS REFERENCE DOCUMENT NUMBERS - BOOK 328, PAGE 462 & 2007-005508 & 2007-006753

LEGEND

- FOUND CHISELED "X" IN CONCRETE
- FOUND 3/4" IRON PIPE
- FOUND 1" IRON PIPE
- EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- MEASURED DISTANCE
- RECORD DISTANCE

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

DO NOT RECORD

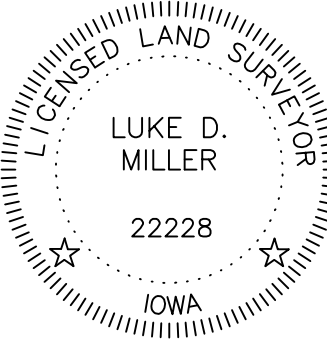
Signature: Luke D. Miller P.L.S., License Number 22228

Date: 3-19-2025

My license renewal date is December 31, 2025

THIS SHEET ONLY

Pages or sheets covered by this seal:

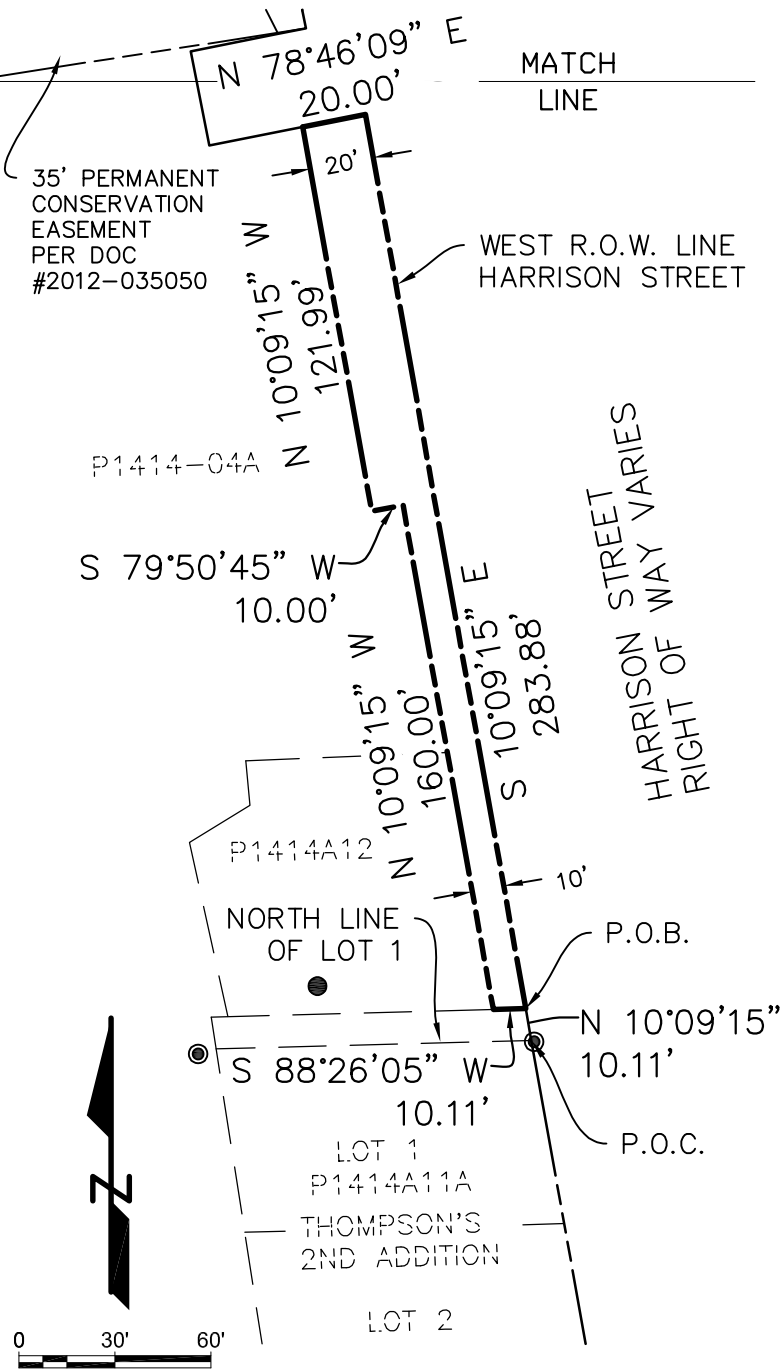


BEARINGS BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 (2011) EPOCH 2010.00

Description: Part of the Southeast 1/4 Section 14,
Township 78 North, Range 3 East of the 5th P.M.
Requestor: Mid-American Energy
Proprietor: City of Davenport
Surveyor: Luke D. Miller
Survey Company: Klingner & Associates, P.C.
Return To: Klingner & Associates, P.C.
4111 East 60th Street, Davenport, Iowa 52807
lmiller@klingner.com (563) 359-1348

UNDERGROUND ELECTRIC EASEMENT PLAT-B

PART OF THE SE 1/4 SECTION 14, TWP 78 N, R 3 E OF
THE 5TH P.M., DAVENPORT, SCOTT COUNTY, IOWA



LEGAL DESCRIPTION:
PART OF THE SOUTHEAST 1/4 SECTION 14, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF HARRISON STREET AND THE NORTH LINE OF LOT 1 THOMPSON'S 2ND ADDITION; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST, TO THE POINT OF BEGINNING, A DISTANCE OF 10.11 FEET; THENCE, SOUTH 88 DEGREES 26 MINUTES 05 SECONDS WEST, A DISTANCE OF 10.11 FEET; THENCE, NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST, A DISTANCE OF 160.00 FEET; THENCE, SOUTH 79 DEGREES 50 MINUTES 45 SECONDS WEST, A DISTANCE OF 10.00 FEET; THENCE, NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST, TO A RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 121.99 FEET; THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH 78 DEGREES 46 MINUTES 09 SECONDS EAST, TO SAID WEST RIGHT OF WAY LINE OF HARRISON STREET, A DISTANCE OF 20.00 FEET; THENCE, SOUTH 10 DEGREES 09 MINUTES 15 SECONDS EAST, TO THE POINT OF BEGINNING, A DISTANCE OF 283.88 FEET, CONTAINING 0.09 ACRES, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF HARRISON STREET HAS A BEARING OF NORTH 10 DEGREES 09 MINUTES 15 SECONDS WEST.

NOTE: PART OF PARCELS REFERENCE DOCUMENT NUMBERS - BOOK 328, PAGE 462 & 2007-005508 & 2007-006753

LEGEND

- FOUND 3/4" IRON PIPE
- FOUND 1" IRON PIPE
- EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- MEASURED DISTANCE
- RECORD DISTANCE

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

DO NOT RECORD

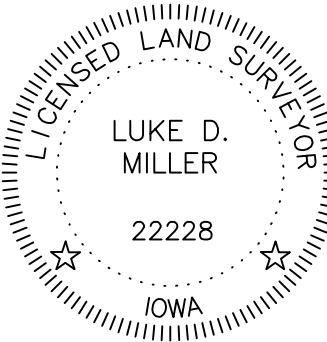
Signature: Luke D. Miller P.L.S., License Number 22228

Date: 3-19-2025

My license renewal date is December 31, 2025

THIS SHEET ONLY

Pages or sheets covered by this seal:



BEARINGS BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 (2011) EPOCH 2010.00

KLINGNER & ASSOCIATES, P.C. Engineers • Architects • Surveyors Davenport, Iowa 4111 East 60th St 563.359.1348 www.klingner.com Quincy, IL Galesburg, IL Burlington, IA Pella, IA Hannibal, MO Columbia, MO									
KLINGNER & ASSOCIATES, P.C. 11111 East 60th Street, Suite 100 Davenport, Iowa 52806 The undersigned hereby certifies that the undersigned is a duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly Licensed Professional Engineer in the State of Iowa, and is duly 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Iowa, and									

Aerial



City of Davenport

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

Action / Date
4/2/2025

Subject:

Motion awarding a contract for the East 32nd Street (Fernwood Avenue to Fernwood Court) PCC Patching project to Americore LLC of Muscatine, Iowa in the amount of \$93,358, CIP #35062. [Ward 6]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on March 4, 2025, and sent to contractors. On March 24, 2025, the Purchasing Division opened and read eight (8) responsive and responsible bids. Americore LLC of Muscatine, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This project will perform full-depth concrete patching on East 32nd Street from Fernwood Avenue to Fernwood Court. Proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the patching of the existing concrete roadway; utility structure adjustment to finish grade; topsoil; sodding; and erosion control.

This project is funded through CIP #35062 | Neighborhood Street Repair Program.

Attachments:

1. Bid Tab

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: E. 32nd St - PCC Patch (Fernwood Ave to Fernwood Ct)

BID NUMBER: 25-68

OPENING DATE: March 24, 2025

FUNDING: CIP 35062 | Neighborhood Street Repair Program

RECOMMENDATION: Award the contract to Americore LLC Muscatine, Iowa in the amount of \$93,358.

<u>VENDOR NAME</u>	<u>Bid Total</u>
Americore LLC of Muscatine, IA	\$93,358
N.J. Miller, Inc of Bettendorf, IA	\$95,405
Five Cities Construction Company of Coal Valley, IL	\$97,103
Eastern Iowa Excavating & Concrete, LLC of Cascade IA	\$98,067.30
Emery Construction Group Inc. of Moline, IL	\$98,314
Centennial Contractors of the Quad Cities of Moline, IL	\$107,992
Hawkeye Paving Corporation of Davenport, IA	\$113,645
Langman Construction, Inc. of Rock Island, IL	\$119,776.17

Approved By 
Purchasing Date

Approved By 
Dept. Director Date

Approved By 
Budget/CIP Date

Approved By 
Chief Financial Officer Date

City of Davenport

Department: Finance
Contact Info: Basia Gerlach | 563-326-7727

Action / Date
4/2/2025

Subject:

First Consideration: Ordinance providing for the sale and issuance of \$28,385,000 General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same. [All Wards]

STAFF RECOMMENDS SUSPENSION OF THE RULES AND PASSAGE OF SECOND AND THIRD CONSIDERATIONS

Recommendation:

Adopt the Ordinance.

Background:

On May 15, 2024, the City held a Public Hearing on the issuance of General Obligation Bonds in an amount not to exceed \$31,000,000. Proceeds of these bonds are to finance the FY 2025 Capital Improvement Program. The bond sale date is scheduled for Wednesday, April 9, 2025.

Bond ratings have been sought from Moody's and Standard & Poor's (S&P). Moody's reaffirmed the City's Aa2 credit rating, and changed the City's rating outlook from stable to positive. S&P reaffirmed the City's AA rating with a stable outlook.

At the April 9, 2025 City Council Meeting, staff will update the City Council on the result of the bond sale and provide a recommendation to amend and replace this Ordinance to include the name of the winning firm and the true interest costs of the borrowing. It is recommended that the Ordinance be approved on first consideration to facilitate the closing of the bond sale.

Attachments:

1. Draft Ordinance

ORDINANCE NO. _____

An Ordinance providing for the sale and issuance of \$28,385,000 General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same

WHEREAS, the City of Davenport (the “City”), in Scott County, Iowa, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, and pursuant to notice duly published and a hearing held thereon on May 15, 2024, has proposed that it is in the best interest of the City that not to exceed \$31,000,000 General Obligation Corporate Bonds, Series 2025 (the “Series 2025 Bonds”) be authorized by the City to provide funds to pay costs in connection with making improvements to sanitary sewers, storm water drainage systems, waterway and flood control assets, streets, street lighting, signage and signalization, streetscapes, sidewalks and paths, the municipal airport, municipal buildings and facilities, and municipal parks; acquiring and maintaining vehicles and/or equipment for municipal parks, streets, public safety department, solid waste collection, and the municipal library; repair and maintenance of bridges; information technology improvements; public transportation system improvements; and municipal economic development and housing projects (collectively, the “Projects”); and

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared in connection with the sale of the Series 2025 Bonds, and the City Council has made provision for the approval of the Preliminary Official Statement and has authorized its use by PFM Financial Advisors LLC (the “Financial Advisor”), as municipal financial advisor to the City; and

WHEREAS, in order to pay the costs of the Projects set forth above, sealed bids for the purchase of the Series 2025 Bonds were received and canvassed on behalf of the City; and

WHEREAS, the Financial Advisor has reported that, upon review of all bids received for the purchase of the Series 2025 Bonds, the bid of _____, _____, _____ (the “Purchaser”) proposes the lowest interest cost to the City and the City should issue the Series 2025 Bonds in the principal amount of \$28,385,000; and

WHEREAS, it is necessary at this time to award the Series 2025 Bonds to the Purchaser and to adopt an ordinance (the “Ordinance”) to provide for the principal amount, interest rates and other terms of issuance of the Series 2025 Bonds and the levy of taxes to pay the same;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The bid referred to in the preamble hereof is hereby accepted, and the Series 2025 Bonds are hereby awarded to the Purchaser at the price specified in such bid, together with accrued interest.

Section 2. The form of agreement of sale of the Series 2025 Bonds is hereby approved, and the Mayor and Deputy City Clerk, or their designees, are hereby authorized to execute the same for and on behalf of the City. The Mayor and Deputy City Clerk, or their designees, are hereby authorized to execute on behalf of the City any documents necessary to carry out the purpose of this resolution and to effectuate the sale of the Series 2025 Bonds.

Section 3. The Series 2025 Bonds, dated May 13, 2025, in the denomination of \$5,000 each or any integral multiple thereof, are hereby authorized to be issued in the aggregate principal amount of \$28,385,000, and shall mature on June 1 in each of the years, in the respective principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>
2026	\$7,785,000	_____%	2034	\$1,425,000	_____%
2027	\$1,190,000	_____%	2035	\$1,495,000	_____%
2028	\$1,250,000	_____%	2036	\$1,570,000	_____%
2029	\$1,310,000	_____%	2037	\$1,650,000	_____%
2030	\$1,375,000	_____%	2038	\$1,730,000	_____%
2031	\$1,230,000	_____%	2039	\$1,820,000	_____%
2032	\$1,290,000	_____%	2040	\$1,910,000	_____%
2033	\$1,355,000	_____%			

Section 4. The CFO is hereby designated as the Bond Registrar and Paying Agent for the Series 2025 Bonds and may be hereinafter referred to as the “Bond Registrar” or the “Paying Agent”.

All of the interest on the Series 2025 Bonds is payable semiannually on the first day of June and December in each year, commencing December 1, 2025. Payment of interest on the Series 2025 Bonds shall be made in lawful money of the United States of America to the registered owners appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Series 2025 Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Series 2025 Bond or Bonds at the office of the Paying Agent.

The City reserves the right to call for redemption prior to maturity the Series 2025 Bonds maturing in the years 2034 to 2040, inclusive, in whole or from time to time in part, in one or more units of \$5,000, on June 1, 2033, or on any date thereafter prior to and in any order of maturity (and within a maturity by lot), upon terms of par and accrued interest. If less than all of the Series 2025 Bonds of any like maturity are to be redeemed, the particular part of those Series 2025 Bonds to be redeemed shall be selected by the Registrar by lot. The Series 2025 Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Series 2025 Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2025 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2025 Bond. Notice of such redemption as aforesaid identifying the bond or

bonds (or portion thereof) to be redeemed shall be sent by electronic means or mailed by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. Any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Series 2025 Bonds so called for redemption, and that if funds are not available, such redemption shall be cancelled by written notice to the owners of the Series 2025 Bonds called for redemption in the same manner as the original redemption notice was sent. All of such Series 2025 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

The Series 2025 Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the Deputy City Clerk, and shall be fully registered bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Series 2025 Bonds shall cease to be such officer before the delivery of the Series 2025 Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

The Series 2025 Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Bond Registrar. Each Series 2025 Bond shall be transferable only upon the registration books of the City upon presentation to the Bond Registrar, together with either a written instrument of transfer satisfactory to the Bond Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Series 2025 Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

The Series 2025 Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Bond Registrar.

Section 5. Notwithstanding anything above to the contrary, the Series 2025 Bonds shall be issued initially as Depository Bonds, with one fully registered Series 2025 Bond for each maturity date, in aggregate principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Series 2025 Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Series 2025 Bonds or the City determines not to continue the book-entry system for recording ownership interests in the Series 2025 Bonds with DTC, the City will discontinue the book-entry system with DTC. If the City does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the City will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the City identifies a qualified securities depository to replace DTC, the City will register and deliver replacement

bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Series 2025 Bonds.

Ownership interest in the Series 2025 Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Series 2025 Bonds as nominees will not receive certificated Series 2025 Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Series 2025 Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Series 2025 Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the City to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The City will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for which they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for which the Participant acquires an interest in the Series 2025 Bonds.

DTC will receive payments from the City, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Series 2025 Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the City to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Series 2025 Bonds acquired. Transfers of ownership interest in the Series 2025 Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Series 2025 Bonds, except as specifically provided herein. Interest and principal will be paid when due by the City to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 6. The form of the Series 2025 Bonds shall be substantially as follows:

(Form of Series 2025 Bond)

UNITED STATES OF AMERICA
STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

GENERAL OBLIGATION CORPORATE BOND, SERIES 2025

No. _____			\$ _____
RATE	MATURITY DATE	BOND DATE	CUSIP
_____ %	June 1, 20__	May 13, 2025	238388 _____

The City of Davenport (the “City”), in Scott County, State of Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.
New York, New York

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of the CFO, Davenport, Iowa (hereinafter referred to as the “Bond Registrar” or the “Paying Agent”), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2025. Interest on this Bond is payable to the registered owner appearing on the bond registration books of the City at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Bond Registrar.

This Bond is one of a duly authorized series of General Obligation Corporate Bonds, Series 2025 (the “Series 2025 Bonds”), issued by the City in the aggregate principal amount of \$28,385,000, pursuant to and in strict compliance with the laws of the State of Iowa and the special Charter of the City, and all laws amendatory thereof and supplementary thereto, and in conformity with an ordinance (the “Ordinance”) adopted by the City Council of the City providing for the issuance of the Series 2025 Bonds and for the levy of taxes to pay the same for the purpose of paying costs in connection with various improvements and projects in the City.

The City reserves the right to prepay part or all of the principal of the Series 2025 Bonds maturing in each of the years 2034 to 2040, inclusive, prior to and in any order of maturity on

June 1, 2033, or on any date thereafter upon terms of par and accrued interest. If less than all of the Series 2025 Bonds of any like maturity are to be redeemed, the particular part of those Series 2025 Bonds to be redeemed shall be selected by the Registrar by lot.

The Series 2025 Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Series 2025 Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Series 2025 Bond, a new bond or bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Series 2025 Bond. Notice of such redemption as aforesaid identifying the bond or bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the City's registration books not less than 30 days prior to such redemption date. All of such Series 2025 Bonds as to which the City reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Bond Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Bond Registrar, together with either a written instrument of transfer satisfactory to the Bond Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Bond Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purposes of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Bond Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or Charter limitations or provisions.

IN TESTIMONY WHEREOF, the City of Davenport, Iowa, by its City Council, has caused this Bond to be executed with the duly authorized facsimile signature of its Mayor and attested with the duly authorized facsimile signature of its Deputy City Clerk, all as of May 13, 2025.

CITY OF DAVENPORT, IOWA

By (DO NOT SIGN)
Mayor

Attest:

(DO NOT SIGN)
Deputy City Clerk

Registration Date: (Registration Date)

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Series 2025 Bonds described in the within-mentioned Ordinance.

By (DO NOT SIGN)
CFO

ABBREVIATIONS

TEN COM	-	as tenants in common	UTMA _____
TEN ENT	-	as tenants by the entireties	_____ (Custodian)
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common	As Custodian for _____ (Minor) under Uniform Transfers to Minors Act _____ (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 7. The Series 2025 Bonds shall be executed as herein provided as soon after the adoption of this Ordinance as may be possible, and thereupon they shall be delivered to the Bond Registrar for registration, authentication and delivery to or upon the order of the Purchaser, upon confirmation of receipt by the Bond Registrar of the purchase price thereof, with accrued interest thereon, and all action heretofore taken in connection with the sale and award of the Series 2025 Bonds is hereby ratified and confirmed in all respects. The proceeds from the sale of the 2025 Bonds shall be used for the purposes identified in the preamble hereof, including the payment of costs of issuance of said Bonds.

Section 8. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Series 2025 Bonds as it falls due on December 1, 2025, and on each interest payment date thereafter to maturity, and also to pay and discharge the principal thereof at maturity, there is hereby ordered levied on all the taxable property in the City in each of the years while the Series 2025 Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2025,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2026,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2027,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2028,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2029,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2030,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2031,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2032,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2033,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2034,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2035,

sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2036,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2037,
sufficient to produce the net annual sum of \$ _____;

For collection in the fiscal year beginning July 1, 2038,
sufficient to produce the net annual sum of \$ _____; and

For collection in the fiscal year beginning July 1, 2039,
sufficient to produce the net annual sum of \$ _____.

Section 9. A certified copy of this Ordinance shall be filed with the County Auditor of Scott County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Series 2025 Bonds hereby authorized and for no other purposes whatsoever. The amounts received by the City as accrued interest shall be deposited into such special account and used to pay interest due on the Series 2025 Bonds on the first interest payment date.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 11. The City has heretofore determined that certain revenues from special funds shall be available for retirement of that portion of the Series 2025 Bonds utilized to defray the costs of certain projects related to such funds. Therefore, such funds may be employed and used to the extent available from year to year for the payment of that portion of the principal of and interest on the Series 2025 Bonds which is applicable to that portion of the total Series 2025 Bond issue applicable to such fund. Each year while any of said Series 2025 Bonds remain outstanding and unpaid, such of said available funds in amounts sufficient to meet the interest on that portion of the Series 2025 Bonds applicable to such fund and to pay the principal becoming due on such portion of the Series 2025 Bonds during each year may be used for that purpose, in accordance with the Series 2025 Bond Financing Plan on file with the CFO, and in that event, the tax hereinbefore provided for the payment of such interest and principal may be reduced by the amount so used. The Deputy City Clerk is hereby authorized and directed to certify to the County Auditor of Scott County as to the remission or reduction of said ad valorem tax so that said tax, to the extent such fund is actually available and set aside for such purpose, shall not be extended or entered upon the tax rolls for collection.

It is hereby declared to be the purpose and intent of the City to issue the Series 2025 Bonds hereby authorized as general municipal obligations, but at the same time permitting the use of such funds for the payment of the principal of and interest on that portion of the Series 2025 Bonds issued with respect to such funds.

Section 12. All funds held in any fund or account created or required to be maintained under the terms of this Ordinance shall be deposited in lawful depositories of the City or invested in accordance with Chapters 12B and 12C of the Code of Iowa and continuously held and secured as provided by the laws of the State of Iowa relating to the depositing, securing, holding and investing of public funds, or as may be otherwise required to comply with the rebate provisions of the Internal Revenue Code.

All interest received by the City as a result of investments under this section in excess of the amount, if any, required to be paid to the United States Government in order to comply with the rebate provisions of the Internal Revenue Code, shall be deposited into or transferred to the Debt Service Fund subaccount referred to herein and used solely and only for the purpose of paying principal of and/or interest on the Series 2025 Bonds. The City hereby covenants and agrees that no such investment shall ever be made so as to cause the interest on the Series 2025 Bonds to become taxable as “arbitrage bonds” pursuant to the provisions of Section 148 of the Internal Revenue Code.

Section 13. The Securities and Exchange Commission has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the “Rule”) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Series 2025 Bonds, the City will execute and deliver a Continuing Disclosure Certificate pursuant to which the City will undertake to comply with the Rule. The City covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 14. It is the intention of the City that interest on the Series 2025 Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Series 2025 Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

Section 15. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved April 9, 2025.

Mayor

Attest:

Deputy City Clerk

Published on the _____ day of _____, 2025.

Deputy City Clerk

ATTESTATION CERTIFICATE

STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true, correct and complete transcript of the minutes of the meeting of the City Council related to the adoption of an ordinance providing for the sale and issuance of the City's General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same, including a true and correct copy of such ordinance.

WITNESS MY HAND this _____ day of _____, 2025.

Deputy City Clerk

COUNTY FILING CERTIFICATE

STATE OF IOWA

SS:

COUNTY OF SCOTT

I, the undersigned, County Auditor of Scott County, do hereby certify that the Deputy City Clerk of the City of Davenport, Iowa, certified and delivered to me a complete copy of an ordinance of that municipality adopted by the City Council thereof on April 9, 2025, providing for the sale and issuance of \$28,385,000 General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same, and that I have duly placed said copy of the ordinance on file in my records.

I further certify that the taxes provided for in the ordinance will, in due time, manner and season, be entered on the State and County tax lists of the County for collection in each fiscal year as provided in the said ordinance.

WITNESS MY HAND this _____ day of _____, 2025.

County Auditor

PUBLICATION CERTIFICATE

STATE OF IOWA
COUNTY OF SCOTT
CITY OF DAVENPORT

SS:

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that an ordinance providing for the sale and issuance of \$28,385,000 General Obligation Corporate Bonds, Series 2025, and for the levy of taxes to pay the same, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this _____ day of _____, 2025.

Deputy City Clerk

(Attach hereto publisher's affidavit of publication with a clipping of the ordinance as published)

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

4/2/2025

Subject:

Resolution setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 - FY 2031 Capital Improvement Program. [All Wards]

TO BE VOTED ON LATER ON THIS AGENDA

Recommendation:

Adopt the Resolution.

Background:

Under the laws of the State of Iowa, the city is required to adopt an annual budget and certify it to the County Auditor no later than April 30th of each year. Prior to the adoption of the budget, a Public Hearing is required.

This Resolution formally sets the Public Hearing for the purpose of adopting the FY 2026 Operating and Capital Budgets at the Committee of the Whole Meeting on April 16, 2025, beginning at 5:30 p.m. in Council Chambers at Davenport City Hall, 226 West 4th Street.

Specific budget adoption information will be provided with the agenda item appearing on that Council Cycle.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 – FY 2031 Capital Improvement Program.

WHEREAS, the State of Iowa requires that the City of Davenport hold a Public Hearing prior to the adoption of its annual budget; and

WHEREAS, adoption of this Resolution will set the Public Hearing for Wednesday, April 16, 2025 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 – FY 2031 Capital Improvement Program is hereby set for April 16, 2025 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 2nd day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

4/2/2025

Subject:

Resolution setting a Public Hearing on amending the FY 2025 Operating and Capital Improvement Budgets. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The operating budget is amended to incorporate new programs, budget changes to revenue estimates, budget grant funding, transfer funds between programs, and adopt full-time personnel adjustments. The capital budget is amended to close out completed projects, adjust grant funding levels, and move unspent bonded financing sources forward to the current year.

This Resolution formally sets the Public Hearing for the purpose of amending the FY 2025 Operating and Capital Budgets at the Committee of the Whole Meeting on May 7, 2025 beginning at 5:30 in Council Chambers at Davenport City Hall, 226 West 4th Street. Specific amendment information will be provided with the agenda item appearing on that Council cycle.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION setting a Public Hearing on amending the FY 2025 Operating and Capital Improvement Budgets.

WHEREAS, amending the Operating Budget is necessary to incorporate new programs, budget changes to revenue estimates, budget grant funding, transfer funds between programs, and adopt full-time personnel adjustments; and

WHEREAS, amending the Capital Budget is necessary to close out completed projects, adjust grant funding levels, and move unspent bonded financing sources forward to the current year; and

WHEREAS, a Public Hearing is necessary prior to the amendment of the Operating and Capital Improvement Budgets.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on amending the FY 2025 Operating and Capital Improvement Budgets shall be held at the Committee of the Whole Meeting on May 7, 2025 beginning at 5:30 p.m. in Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 9th day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Administration

Contact Info: Doug Maxeiner, Hanna Whitehurst | 563-888-3384, 563-326-7772

Action / Date

4/2/2025

Subject:

Resolution approving the allocation of the remaining American Rescue Plan Act (ARPA) Interest monies. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The City Council is presented with a revised proposal for the allocation of American Rescue Plan Act (ARPA) interest monies. The ARPA Interest funding was initially introduced during the summer of 2024, followed by a comprehensive process of community input and prioritization by elected officials. The current proposal reflects multiple iterations and incorporates feedback from City Council members.

The proposed ARPA Interest Allocation encompasses five key projects:

- Humility Homes & Services case management
- Vera French Co-Responder Program in partnership with Davenport Police Department
- Vera French Assisted Housing Assistance
- Project Now
- Development of the West End and Rockingham Corridor

A brief description of each project is provided in the attached document.

It is recommended the remaining ARPA Interest funds be held in reserve pending the assessment of potential impacts from changes to the Automated Traffic Enforcement (ATE) ordinance and property tax legislation.

The ARPA Interest Allocation is currently being brought to the City Council as one action item; however, if City Council would like to vote on the projects individually, a motion can be made to separate the items.

Attachments:

1. Resolution
2. ARPA Interest 3.26.2025

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving the allocation of the remaining American Rescue Plan Act (ARPA) Interest monies.

WHEREAS, the ARPA Interest funding was initially introduced during the summer of 2024, followed by a comprehensive process of community input and prioritization by elected officials; and

WHEREAS, the current proposal reflects multiple iterations and incorporates feedback from City Council members.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the allocation of the remaining American Rescue Plan Act (ARPA) Interest monies is hereby approved.

Passed and approved this 9th day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

**ARPA Interest Funding
Proposed Allocation Plan**

Description	Additional Details	Allocation
Junior Theater Relocation		
Provide funds towards the Davenport Junior Theatre temporary relocation plan	Rehab of leased space, reallocation of box truck, moving expenses, etc. Resolution passed by City Council. Council action 2025-86 on February 26, 2025.	\$ 1,165,000
Non-Profit Organizations		
Hope at the Brick House	Two year services agreement for after-school and summer programming. Resolution passed by council action 2024-492 on November 13, 2024.	\$ 60,000
Humility Homes & Services	Funding will be used to provide case management to clients. Humility Homes & Services provides the city an essential service and funding for case management assistance supports both the City's and the nonprofit's goal of making homelessness a one time occurrence.	\$ 150,000
Vera French Co-Responder Program with DPD	Funding will be used to extend hours and/or expand the co-responder services between Vera French and the Davenport Police Department.	\$ 200,000
Vera French Assisted Housing Assistance	Vera French has requested additional funding for the Carol's Village Gardens affordable housing project.	\$ 100,000
Project Now	Project Now has requested funding to help support their shelter located in Rock Island, IL. Around 49% of the occupants of this shelter are Iowa residents. Project Now's shelter has 37 beds available for individuals and families who are un-housed. While the shelter is an important aspect, Project Now also hopes to help people who stay at the shelter find stable housing afterward.	\$ 20,000
Earmarked West-End Support		
Development of West End and Rockingham Corridor (Marquette to W River Driver Overpass).	Funding will be used for investment in the West End and Rockingham Corridor. Options include, but are not limited to, recruiting a grocer for the old HyVee location or extending the DREAM program to impact more of this desired area.	\$ 500,000
Other		
Remaining ARPA Interest Monies	Staff recommends not allocating the remaining ARPA interest funding until after the affects of the ATE ordinance changes and property tax law changes are known.	\$ 1,075,807
Total Proposed		\$ 3,270,807
Interest Available		\$ 3,270,807
Balance Remaining		\$ -

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

4/2/2025

Subject:

Resolution approving nine 2025 Open Prairie/Forest Cover property tax exemptions. [Wards 1, 2, 6, & 8]

Recommendation:

Adopt the Resolution.

Background:

As provided by Iowa law (Slough Bill), land committed to certain uses, including wetlands, forest cover, and open prairies, may be exempted from local real estate taxes with approval of the County Board of Supervisors. Brian Ritter, Shirley Perry, Genesis Systems Group LTD, Lillian Voss/Burton Voss Trust, David P. Bierl, Dean Krueger, John Carrillo, CWC Series D LLC, and Senior Star have applied for this exemption for 2025. This exemption must be applied for annually.

In Scott County, the practice is to refer such requests to the City Council when the property is within the corporate limits of a municipality.

Attachments:

1. Resolution
2. Applications

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving nine 2025 Open Prairie/Forest Cover property tax exemptions.

WHEREAS, the Scott County Board of Supervisors has implemented the "Slough Bill" which provides for exemption from local real estate taxes of real estate committed to certain uses, including wetlands, forest cover, and open prairies; and

WHEREAS, Scott County has received applications for exemption for the following properties, with the owner and use also noted:

3.8 acres of forest cover located at parcel 20519-03, owned by Brian Ritter;

5.0 acres of open prairie located at parcel Y3337-04A, owned by Shirley Perry;

7.0 acres of open prairie located at parcel X3501-01, owned by Genesis Systems Group LTD;

57.59 acres of forest cover located at parcels 31807-01, 31717-06A, 31717-01, 31703-13, 31703-14, 30851-20, 31719-19, 31719-20, 31719-21, and 31703-15A, owned by Burton Voss Trust;

2.3 acres of open prairie and 5.65 acres of forest cover at parcel S3021-OLA, owned by David P. Bierl;

22.51 acres of open prairie and 25.8 acres of forest cover at parcels 31803-09 and 31805-02, owned by Dean Krueger;

6.6 acres of open prairie located at parcel S3123-03A, owned by John Carrillo;

24.48 acres of forest cover located at parcel O1621-01, owned by CWC Series D LLC;

8.96 acres of forest cover located at 236 condo parcels, owned by Seniors Star; and

WHEREAS, the land lies within the corporate limits of the City of Davenport, and the exemptions are referred to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the nine 2025 Open Prairie/Forest Cover property tax exemptions are hereby approved.

Passed and approved this 9th day of April, 2025.

Approved:

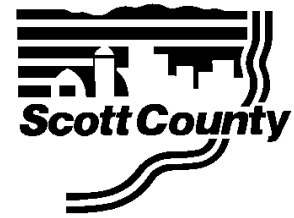
Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

OFFICE OF THE COUNTY ADMINISTRATOR

600 West Fourth Street
Davenport, Iowa 52801-1030



Ph: (563) 326-8702 Fax: (563) 328-3285
www.scottcountyiowa.gov

March 18, 2025

Brian Krup/Office of the Mayor & City Council
City of Davenport
226 West 4th Street
Davenport, Iowa 52801

Dear Brian,

The Board of Supervisors approved the implementation of the Slough Bill on March 29, 1990. The Slough Bill provisions allow exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, wildlife habitat, native prairies and open prairies.

The resolution states that the Board will not consider exemptions for otherwise qualifying real property when it is located within the corporate limits of any municipality until the city council of that municipality first gives approval to the exemption request. Below is a list of exemptions the Davenport City Assessor received:

<u>Name</u>	<u>Acres</u>	<u>Tax Exemption</u>	<u>Amount</u>
Brian Ritter	3.8	Forest Cover	\$43,100
Shirley Perry	5.0	Open Prairie	\$7,980
Genesis Systems Group LTD	7.0	Open Prairie	\$116,500
Burton Voss Trust	57.59	Forest Cover	\$89,420
David R. Bierl	2.3	Open Prairie	\$1,150
David R. Bierl	5.65	Forest Cover	\$2,830
Dean Krueger	22.51	Open Prairie	\$22,510
Dean Krueger	25.80	Forest Cover	\$25,800
John Carillo	6.60	Open Prairie	\$8,850
CWC Series D LLC	24.48	Forest Cover	\$30,570
Senior Star – (236 Condos)	8.96	Forest Cover	\$1,186,420
Total	169.69		\$1,535,130

The exemption requests are enclosed for your city council's review and consideration.

Please notify me as soon as possible once the Davenport City Council has taken action on these exemption requests, and if possible email a copy of the resolution. Contact Nick VanCamp, Davenport City Assessor, should additional information be needed. Thank you for your attention to this matter.

Sincerely,

Deborah Dierkes
Executive Assistant
Deborah.Dierkes@scottcountyiowa.gov

cc: Nick VanCamp, City Assessor
Property Owners

DAVENPORT CITY ASSESSOR'S OFFICE

SCOTT COUNTY ADMINISTRATIVE CENTER

March 18, 2025

Scott County Board of Supervisors
Scott County Administrative Center
600 West 4th Street
Davenport, Iowa 52801

The Davenport City Assessor's Office has received nine applications for Open Prairie/Forest Cover Property Tax Exemption for 2025.

These applications were certified by the Chairman of the County Soil Conservation District that the properties are eligible for exemption. The properties that meet the qualifications are described as follows:

- 1) Brian Ritter – **3.8 acres** – Residential – 20519-03 - **\$43,100** – Forest Cover
- 2) Shirley Perry - **5 acres** - Agricultural – Y3337-04A - **\$7,980** – Open Prairie
- 3) Genesis Systems Group LTD – **7 acres** - Industrial – X3501-01 - **\$116,500** - Open Prairie
- 4) Lillian Voss – **57.59 acres** – **\$89,420** – Forest Cover

Agricultural – 31807-01, 31717-06A, 31717-01, 31703-14, 30851-20, 31719-21, 31719-20,
31719-19, 31703-15A

Residential – 31703-13

- 5) David P. Bierl – **7.95** total acres – 2.3 acres Open Prairie & 5.65 acres Forest Cover
Residential - S3021-OLA - **\$3,980**
- 6) Dean Krueger – **48.31 total acres** - Residential– 31803-09 & 31805-02 – **\$48,310**

22.51 acres - **\$22,510** – Open Prairie

25.80 acres - **\$25,800** – Forest Cover

- 7) John Carrillo – **6.6 acres** – Agricultural – S3123-03A - **\$8,850** - Open Prairie
- 8) CWC Series D LLC – **24.48 acres** – Agricultural – O1621-01 - **\$30,570** – Forest Cover
- 9) Senior Star – **8.96 acres** – Residential – 236 Condo Parcels - **\$1,186,420** – Forest Cover

It is recommended that the above referenced applications be approved by the Scott County Board of Supervisors for 2025 and the property owners be notified of the board's decision.

Sincerely,

Nick Van Camp
Davenport City Assessor

Encl: Open Prairie/Forest Cover Application List and Applications

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Res

Print property Information

Parcel number: 20519-03 (forest cover) (207004)
Owner: Brian Ritter
Property location address: _____
City: _____ State: _____ ZIP: _____
Property owner mailing address: 4622 Rockingham Rd
City: Davenport State: IA ZIP: 52802
County: Scott Number of acres: 3.8
Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____
Applicant mailing address: _____
City: _____ State: _____ ZIP: _____
Phone: _____ Email: _____
Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☒
Open prairies ☐ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

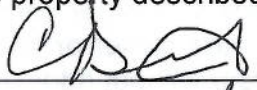
If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I Brian Ritter swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Brian Ritter Date: 12/6/24

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed:  Date: 2-11-25

Chairman, Scott County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

This exemption is only available to parcels of property of two acres or more. The property must also be utilized for the purposes of providing soil erosion control, wildlife habitat, or both.

An exemption is allowed for rivers and streams or river and stream banks only if the land is located at least 33 feet from the ordinary high water mark of the rivers and streams or river and stream banks.

If the property is an open prairie, the property will be inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

If the real property is located within a city, the approval of the governing body must be obtained before the real property is eligible for an exemption.

A property receiving this exemption shall not be used for economic gain of any kind during the assessment year. This includes, but is not limited to, the storage of equipment, machinery, or crops.

If the property is used for economic gain during an assessment year in which it has received this exemption, the property shall lose its exemption and be taxed at the rate levied by the county for the fiscal year beginning in that assessment year.

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Print property Information

Parcel number: Y3337-04A (open Prairie) (Y03009) Ag
Owner: Shirley Perry
Property location address: _____
City: _____ State: _____ ZIP: _____
Property owner mailing address: 20739 210th St
City: Bettendorf State: IA ZIP: 52722
County: Scott Number of acres: 5
Phone: [REDACTED] Email: _____

Print applicant information if other than owner

Name: _____
Applicant mailing address: _____
City: _____ State: _____ ZIP: _____
Phone: _____ Email: _____
Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☐
Open prairies ☒ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

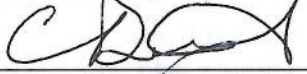
If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I SHIRLEY J. PERRY swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Shirley J Perry Date: 1-8-25

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed:  Date: 2-11-25

Chairman, Scott County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

This exemption is only available to parcels of property of two acres or more. The property must also be utilized for the purposes of providing soil erosion control, wildlife habitat, or both.

An exemption is allowed for rivers and streams or river and stream banks only if the land is located at least 33 feet from the ordinary high water mark of the rivers and streams or river and stream banks.

If the property is an open prairie, the property will be inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

If the real property is located within a city, the approval of the governing body must be obtained before the real property is eligible for an exemption.

A property receiving this exemption shall not be used for economic gain of any kind during the assessment year. This includes, but is not limited to, the storage of equipment, machinery, or crops.

If the property is used for economic gain during an assessment year in which it has received this exemption, the property shall lose its exemption and be taxed at the rate levied by the county for the fiscal year beginning in that assessment year.



Iowa Property Tax

Natural Conservation or Wildlife Areas Property Tax Exemption

Iowa Code section 427.1(22)

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Print property information

Parcel number: X3501-01

(X01036) IWD

Owner: Genesis Systems Group LLC

Property location address: _____

City: _____ State: _____ ZIP: _____

Property owner mailing address: 8900 N Harrison St

City: Davenport State: IA ZIP: 52806

County: Scott Number of acres: 7

Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____

Applicant mailing address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Email: _____

Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☐
Open prairies ☒ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

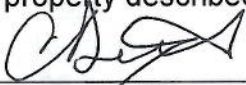
If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

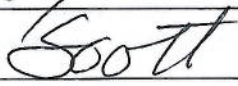
I Lisa Bunn swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Lisa Bunn Date: 10-21-2024

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed:  Date: 2-11-25

Chairman,  County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

This exemption is only available to parcels of property of two acres or more. The property must also be utilized for the purposes of providing soil erosion control, wildlife habitat, or both.

An exemption is allowed for rivers and streams or river and stream banks only if the land is located at least 33 feet from the ordinary high water mark of the rivers and streams or river and stream banks.

If the property is an open prairie, the property will be inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

If the real property is located within a city, the approval of the governing body must be obtained before the real property is eligible for an exemption.

A property receiving this exemption shall not be used for economic gain of any kind during the assessment year. This includes, but is not limited to, the storage of equipment, machinery, or crops.

If the property is used for economic gain during an assessment year in which it has received this exemption, the property shall lose its exemption and be taxed at the rate levied by the county for the fiscal year beginning in that assessment year.

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Print property information

Parcel number: See attached sheet for parcel #'s
Owner: Michael Voss/ Burton Voss Trust
Property location address: _____
City: _____ State: _____ ZIP: _____
Property owner mailing address: 4336 S. Concord St.
City: Davenport State: IA ZIP: 52802
County: _____ Number of acres: 19.17 acres
Phone: [REDACTED] Email: _____

Print applicant information if other than owner

Name: _____
Applicant mailing address: _____
City: _____ State: _____ ZIP: _____
Phone: _____ Email: _____
Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☒
Open prairies ☐ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I MICHAEL VOSS swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Michael Voss Date: 11/13/2024

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed: CSO Date: 2-11-25

Chairman, Scott County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

This exemption is only available to parcels of property of two acres or more. The property must also be utilized for the purposes of providing soil erosion control, wildlife habitat, or both.

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If the property is used for economic gain during an assessment year in which it has received this exemption, the property shall lose its exemption and be taxed at the rate levied by the county for the fiscal year beginning in that assessment year.

Burton Voss Trust	31807-01	304009	Ag	10.74
	31717-06A	304012	Ag	0.63
PN: 31701-01 - 25 acres is under Forest Reservation	31717-01	304013	Ag	13.22
	31703-13	304015	Res	1
	31703-14	304017	Ag	6.53
	30851-20	304019	Ag	5.62
	31719-21	308038	Ag	0.32
	31719-20	308039	Ag	2.7
	31719-19	308040	Ag	0.36
	31703-15A	304018	Ag	19.17

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parcel is only 7.95 AC

Print property Information

5.65

(S21031) Res

Parcel number: S3021-OLA (2.3 ac. open prairie, 5.65 ac. forest cover)

Owner: DAVID BIERL

Property location address: _____

City: _____ State: _____ ZIP: _____

Property owner mailing address: 5819 Shawnee Dr.

City: DAVENPORT State: IA ZIP: 52004

County: Scott Number of acres: 8.45 AC.

Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____

Applicant mailing address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Email: _____

Relationship to owner: _____

Property type:

- | | | |
|---|---|--|
| Recreational lakes ☐ | Rivers and streams ☐ | Forest covers ☒ |
| Open prairies ☒ | River and stream banks ☐ | Section 427.1(22)(g) property ☐ |

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☒

I DAVID BIERL swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: David B. Bierl Date: 11/29/24

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed: CD. Scott Date: 2-11-25

Chairman, Scott County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

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Print property Information

(303012) Res
(303015) Res

Parcel number: 31803-09 and 31805-02 (open prairie 22.51, forest cover 25.8) Total 48.31 AC

Owner: Dean Krueger

Property location address: 3750 Nobis Dr

City: Davenport State: IA ZIP: 52802

Property owner mailing address: _____

City: _____ State: _____ ZIP: _____

County: _____ Number of acres: 48.31

Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____

Applicant mailing address: _____

City: _____ State: _____ ZIP: _____

Phone: _____ Email: _____

Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☒
Open prairies ☒ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☐

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I Dean Krueger swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Dean Krueger Date: 10/4/24

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed: CSA Date: 2-11-25

Chairman, Scot County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

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Property Tax

Natural Conservation or Wildlife Areas Property Tax Exemption

Iowa Code section 427.1(22)

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Print property Information

Parcel number: S3123-03A (open prairie) (517014) Ag
 Owner: John Carrillo
 Property location address: _____
 City: _____ State: _____ ZIP: _____
 Property owner mailing address: 5505 Telegraph Rd
 City: Davenport State: IA ZIP: 52804
 County: Scott Number of acres: 6.6
 Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____
 Applicant mailing address: _____
 City: _____ State: _____ ZIP: _____
 Phone: _____ Email: _____
 Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☐
 Open prairies ☒ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☒

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I John J. Carrillo swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: [Signature] Date: 1-24-25

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed:  Date: 2-11-25

Chairman, Scott County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Natural Conservation or Wildlife Areas Property Tax Exemption Instructions, page 3

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

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Property Tax

NEW

Natural Conservation or Wildlife Areas Property Tax Exemption

Iowa Code section 427.1(22)

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Parcel 6 35.69 AC

Print property information

Parcel number: 01621-01 (008001) Ag
 Owner: CWC Holdings LLC (Colleen Wiese Curry)
 Property location address: West Kribbenly Rd & Hillandale Rd NE
 City: Davenport State: Ia ZIP: 52806
 Property owner mailing address: 28630 140th Ave
 City: Donahue State: Ia ZIP: 52806
 County: Scott Number of acres: 24.48
 Phone: [REDACTED] Email: [REDACTED]

Print applicant information if other than owner

Name: _____
 Applicant mailing address: _____
 City: _____ State: _____ ZIP: _____
 Phone: _____ Email: _____
 Relationship to owner: _____

Property type:

Recreational lakes ☐ Rivers and streams ☐ Forest covers ☒
 Open prairies ☐ River and stream banks ☐ Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☐ Is on file with the assessor: ☐

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I Stanley L. Curry swear or affirm that the above property will not be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

Applicant signature: Stanley L. Curry Date: 7-16-24

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed: CS Date: 2-11-25

Chairman, Scarl County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

The exemption may be applied to recreational lakes, forest covers, rivers and stream banks, and open prairies as designated by the board of supervisors of the county in which the property is located.

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Property Tax

NEW

Natural Conservation or Wildlife Areas Property Tax Exemption

Iowa Code section 427.1(22)

This application must be filed or postmarked to your local soil and water conservation district on or before February 1 of each year. However, the exemption for the owner of property described under Iowa Code section 427.1(22)(g) shall continue from year to year without additional application as long as the property qualifies and is not used for economic gain. Iowa conservation district addresses can be found at the Conservation Districts of Iowa website: cdiowa.org.

Print property information

Parcel number: See attached parcel list

Owner: Senior Star Investments Elmore LLC

Property location address: 4502 Elmore Avenue

City: Davenport

State: IA

ZIP: 52807

Property owner mailing address: 1516 South Boston Avenue, STE 301

City: Tulsa

State: OK

ZIP: 74119

County: Scott

Number of acres: 8.96

Phone: [REDACTED]

Email: [REDACTED]

Print applicant information if other than owner

Name: _____

Applicant mailing address: _____

City: _____

State: _____

ZIP: _____

Phone: _____

Email: _____

Relationship to owner: _____

Property type:

Recreational lakes ☐

Rivers and streams ☒

Forest covers ☒

Open prairies ☒

River and stream banks ☒

Section 427.1(22)(g) property ☐

An aerial photo of the property on which the property to be exempted is outlined:

Is included: ☒

Is on file with the assessor: ☐

If the property is a gully area susceptible to erosion, an erosion control map approved by the soil and conservation district commissioners: Is included ☐ Is on file with the assessor ☐

I, Senior Star Investments Elmore LLC

swear or affirm that the above property will not

be used for economic gain of any kind during the assessment year. I declare under penalties of perjury or false certificate, that I have examined this application, and, to the best of my knowledge, it is true, correct, and complete.

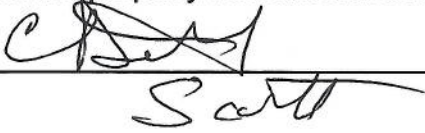
Applicant signature: Anna Williams

Anna Williams, Authorized Agent

Date: 1/29/2024

OFFICE USE ONLY

I hereby certify that the property described above is eligible to receive the exemption claimed.

Signed:  Date: 2-11-25

Chairman, _____ County Soil and Water Conservation District

This open prairie property has been inspected and certified as having adequate ground cover consisting of native species, and that all primary and secondary noxious weeds present are being controlled to prevent the spread of seeds by either wind or water.

Signed: _____ Date: _____

Chairman, _____ County Board of Supervisors

Senior Star
Scott County
City of Davenport, IA

236 Condos

Parcel	Total Acres
N1702-A01	0.19
N1702-A02	0.14
N1702-A03	0.14
N1702-A04	0.18
N1702-A05	0.17
N1702-A06	0.14
N1702-A07	0.18
N1702-A08	0.13
N1702-A09	0.13
N1702-A10	0.14
N1702-A11	0.14
N1702-A12	0.13
N1702-A13	0.13
N1702-A14	0.18
N1702-A15	0.13
N1702-A16	0.13
N1702-A17	0.18
N1702-A18	0.14
N1702-A19	0.18
N1702-A20	0.13
N1702-A21	0.13
N1702-A22	0.18
N1702-A23	0.18
N1702-A24	0.17
N1702-A25	0.18
N1702-A26	0.14
N1702-A27	0.14
N1702-A28	0.19
N1702-A29	0.14
N1702-A30	0.14
N1702-A31	0.14
N1702-A32	0.14
N1702-A33	0.18
N1702-A34	0.17
N1702-A35	0.14
N1702-A36	0.18
N1702-A37	0.13
N1702-A38	0.13
N1702-A39	0.14
N1702-A40	0.14

**Senior Star
Scott County
City of Davenport, IA**

Parcel	Total Acres
N1702-A41	0.13
N1702-A42	0.13
N1702-A43	0.18
N1702-A44	0.18
N1702-A45	0.18
N1702-A46	0.13
N1702-A47	0.13
N1702-A48	0.18
N1702-A49	0.18
N1702-A50	0.13
N1702-A51	0.13
N1702-A52	0.18
N1702-A53	0.18
N1702-A54	0.14
N1702-A55	0.17
N1702-A56	0.18
N1702-A57	0.14
N1702-A58	0.14
N1702-A59	0.14
N1702-A60	0.14
N1702-A61	0.14
N1702-B01	0.08
N1702-B02	0.08
N1702-B03	0.08
N1702-B04	0.12
N1702-B05	0.12
N1702-B06	0.08
N1702-B07	0.08
N1702-B08	0.08
N1702-B09	0.08
N1702-B10	0.08
N1702-B11	0.08
N1702-B12	0.08
N1702-B13	0.08
N1702-B14	0.08
N1702-B15	0.08
N1702-B16	0.09
N1702-B17	0.09
N1702-B18	0.05
N1702-B19	0.05

**Senior Star
Scott County
City of Davenport, IA**

Parcel	Total Acres
N1702-B20	0.08
N1702-B21	0.08
N1702-B22	0.08
N1702-B23	0.08
N1702-B24	0.12
N1702-B25	0.12
N1702-B26	0.08
N1702-B27	0.08
N1702-B28	0.08
N1702-B29	0.08
N1702-B30	0.08
N1702-B31	0.08
N1702-B32	0.08
N1702-B33	0.08
N1702-B34	0.08
N1702-B35	0.08
N1702-B36	0.09
N1702-B37	0.09
N1702-B38	0.05
N1702-B39	0.05
N1702-B40	0.09
N1702-B41	0.1
N1702-B42	0.12
N1702-B43	0.08
N1702-B44	0.08
N1702-B45	0.08
N1702-B46	0.08
N1702-B47	0.12
N1702-B48	0.12
N1702-B49	0.08
N1702-B50	0.08
N1702-B51	0.08
N1702-B52	0.08
N1702-B53	0.08
N1702-B54	0.08
N1702-B55	0.08
N1702-B56	0.08
N1702-B57	0.08
N1702-B58	0.08
N1702-B59	0.09

**Senior Star
Scott County
City of Davenport, IA**

Parcel	Total Acres
N1702-B60	0.09
N1702-B61	0.05
N1702-B62	0.05
N1702-B63	0.11
N1702-B64	0.1
N1702-B65	0.13
N1702-B66	0.08
N1702-B67	0.08
N1702-B68	0.08
N1702-B69	0.08
N1702-B70	0.12
N1702-B71	0.12
N1702-B72	0.08
N1702-B73	0.08
N1702-B74	0.08
N1702-B75	0.08
N1702-B76	0.08
N1702-B77	0.08
N1702-B78	0.08
N1702-B79	0.08
N1702-B80	0.08
N1702-B81	0.08
N1702-B82	0.09
N1702-B83	0.09
N1702-B84	0.05
N1702-B85	0.05
N1702-B86	0.08
N1702-B87	0.08
N1702-B88	0.11
N1702-B89	0.1
N1702-B90	0.08
N1702-B91	0.08
N1702-B92	0.08
N1702-B93	0.08
N1702-B94	0.08
N1702-B95	0.12
N1702-B96	0.12
N1702-B97	0.08
N1702-B98	0.08
N1702-B99	0.08

**Senior Star
Scott County
City of Davenport, IA**

Parcel	Total Acres
N1702-B100	0.08
N1702-B101	0.08
N1702-B102	0.08
N1702-B103	0.08
N1702-B104	0.08
N1702-B105	0.08
N1702-B106	0.08
N1702-B107	0.09
N1702-B108	0.09
N1702-B109	0.05
N1702-B110	0.05
N1702-B111	0.08
N1702-B112	0.08
N1702-B113	0.11
N1702-B114	0.1
N1702-B115	0.08
N1702-B116	0.08
N1702-B117	0.08
N1702-B118	0.08
N1702-B119	0.08
N1702-B120	0.12
N1702-B121	0.12
N1702-B122	0.08
N1702-B123	0.08
N1702-B124	0.08
N1702-B125	0.08
N1702-B126	0.08
N1702-B127	0.08
N1702-B128	0.08
N1702-B129	0.08
N1702-B130	0.08
N1702-B131	0.08
N1702-B132	0.09
N1702-B133	0.09
N1702-B134	0.05
N1702-B135	0.05
N1702-C01	0.04
N1702-C02	0.04
N1702-C03	0.04
N1702-C04	0.04

**Senior Star
Scott County
City of Davenport, IA**

Parcel	Total Acres
N1702-C05	0.06
N1702-C06	0.04
N1702-C07	0.04
N1702-C08	0.04
N1702-C09	0.04
N1702-C10	0.04
N1702-C11	0.04
N1702-C12	0.04
N1702-C13	0.04
N1702-C14	0.04
N1702-C15	0.04
N1702-C16	0.04
N1702-C17	0.04
N1702-C18	0.04
N1702-C19	0.04
N1702-C20	0.04
N1702-C21	0.04
N1702-C22	0.04
N1702-C23	0.04
N1702-C24	0.04
N1702-C25	0.04
N1702-C26	0.04
N1702-C27	0.04
N1702-C28	0.04
N1702-C29	0.04
N1702-C30	0.04
N1702-C31	0.04
N1702-C32	0.04
N1702-C33	0.04
N1702-C34	0.04
N1702-C35	0.04
N1702-C36	0.04
N1702-C37	0.06
N1702-C38	0.04
N1702-C39	0.04
N1702-C40	0.04
Total	22.27

City of Davenport

Department: Administration
Contact Info: Hanna Whitehurst | 563-326-7772

Action / Date
4/2/2025

Subject:

Resolution approving a Memorandum of Understanding between the Downtown Davenport Partnership, City of Davenport, and City of Rock Island to allow for the continuation of an effective event model for Red, White & Boom through a collaborative policy, programming, and funding approach. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

In 2022, City Council approved the establishment of the Red, White & Boom Memorandum of Understanding, which was a three-year agreement between the Downtown Davenport Partnership, City of Davenport, and City of Rock (Council action item #2022-278). The MOU is up for renewal, and staff, with the assistance of the Legal Department, the Downtown Davenport Partnership, and the City of Rock Island, have revised the MOU to allow for the continuation of an effective event model for Red, White & Boom through a collaborative policy, programming, and funding approach.

The City of Davenport will commit to three payments of \$25,000 over three years; the City of Rock Island will commit three payments of \$20,000 over three years; and the Downtown Davenport Partnership will commit three payments of \$5,000 over three years.

The Rock Island City Council approved the MOU at its March 24, 2025 meeting.

Attachments:

1. Resolution
2. Memorandum of Understanding

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving a Memorandum of Understanding between the Downtown Davenport Partnership, City of Davenport, and City of Rock Island to allow for the continuation of an effective event model for Red, White & Boom through a collaborative policy, programming, and funding approach.

WHEREAS, the City of Davenport will commit to three payments of \$25,000 over three years, the City of Rock Island will commit three payments of \$20,000 over three years, and the Downtown Davenport Partnership will commit three payments of \$5,000 over three years; and

WHEREAS, all parties are in agreement that the location of this event will take place from the Centennial Bridge as the west boundary extending to the roller dams as the eastern boundary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Memorandum of Understanding between the Downtown Davenport Partnership, City of Davenport, and City of Rock Island allowing for the continuation of and effective event model for Red, White & Boom is hereby approved.

Passed and approved this 9th day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

MEMORANDUM OF UNDERSTANDING
Between
Downtown Davenport Partnership, as fiscal agent,
And
City of Davenport and City of Rock Island

THIS MEMORANDUM OF UNDERSTANDING (this "MOU") dated as of the last date written below ("Effective Date"), sets forth the policy framework for implementing the shared goal of establishing an event model for Red, White & Boom and is entered into between the Downtown Davenport Partnership, a series of Quad Cities Community Partnership, LLC, a Delaware series limited liability company ("DDP"), solely as fiscal agent, City of Davenport, and City of Rock Island. The City of Davenport and City of Rock Island are referred to collectively as the "parties".

1. Purpose of MOU: The purpose of this MOU is to establish an event model for Red, White, & Boom through a collaborative policy, programming, and funding approach.
2. Scheduling of Event: Red, White, & Boom will occur on July 3rd of every year unless an alternative date is agreed upon by all parties. There will be one alternative date ("Rain Date") established by all parties that falls within the month of July which will be utilized if the July 3rd event is canceled for any reason. If the alternative date also requires cancellation, there will not be another rescheduling of the programming events. In the event of cancellation, any unexpended funds provided by the parties shall be refunded or credited toward future events as mutually agreed by the parties.
3. Downtown Davenport Partnership, Roles and Responsibilities: For the term of this MOU, DDP agrees to the following:
 - A. Serve as the fiscal agent for dollars pledged and remitted for the purpose of Red, White & Boom.
 - B. Seek private sponsors to provide additional funding to the fireworks.
 - C. Provide marketing support and recognition that is equal and equitable to both the City of Rock Island and the City of Davenport via website and promotions.
 - D. Act as the responsible party for the fire works contract and oversee logistics of the fireworks including but not limited to acquiring necessary permits for barges in the river.
 - E. DDP and any other vendor or contractor doing work on behalf of DDP, such as a pyrotechnics company, would need to satisfy the insurance requirements for their assigned risk threshold through the City of Davenport and provide a signed and notarized waiver and hold harmless.
 - F. DDP shall procure and maintain, at its sole expense, comprehensive general liability insurance with a minimum coverage as outlined in the Special Event Insurance Policy (Attachment 1), and name the City of Davenport and City of Rock Island as additional insureds. Proof of insurance shall be provided to each party at least 30 days prior to the event. DDP will provide a copy of the insurance to each party annually when the insurance is renewed. DDP will notify, in writing, the City of Davenport and the City of Rock Island within 24 hours of any lapse in coverage for the covered by this MOU.
 - G. DDP shall provide a financial report, within 30 days of the execution of the event, detailing the receipt, allocation, and use of funds contributed by the parties. The financial reports shall also detail the receipt, allocation, and use of funds contributed by private sponsors procured by DDP but shall only contain the names of private sponsors with sponsor's consent. Such reports shall be subject to review and audit upon request by any party.
 - H. DDP shall ensure that all event activities, including fireworks displays, comply with all

applicable local, state, and federal environmental and safety regulations. Proof of compliance, including permits, shall be provided to all parties no later than 30 days before the event.

4. City of Davenport and City of Rock Island | Roles and Responsibilities: For the term of this MOU, these parties agree to the following:
 - A. City of Davenport will continue to provide family programming and entertainment in LeClaire Park for the event.
 - B. City of Rock Island will continue to provide family programming and entertainment in Schweibert Park for the event.
5. Event Communications: To ensure overall consistency and congruency with media around the Red, White, & Boom event, all parties agree:
 - A. At least once a week, for the two (2) months leading up to the event, The City of Davenport and the City of Rock Island will be responsible for advertising the respective events on their official social media platforms.
 - B. Prior to April 30th of each year, a joint press release listing media contacts for all three organizations will be drafted and approved by all parties.
 - C. DDP shall maintain and update the Red, White, & Boom website annually, ensuring timely and accurate content reflecting all parties' contributions. The City of Davenport and the City of Rock Island shall collaborate with DDP for content accuracy and provide updates no later than May 1st each year for Red, White, & Boom.
6. Funding Structure and Costs: To ensure the overall implementation of Red, White & Boom, the parties agree to provide funding to the DDP in accordance with the below schedule.
 - A. The payment allocations from the parties shall be as follows:
 - a. City of Davenport: three payments of twenty-five thousand and 0/100 dollars (\$25,000.00) over three years; City will remit payment to Downtown Davenport Partnership on July 1st, or on the first business day following July 1st should it fall on a weekend, of every year in the term of the MOU.
 - b. City of Rock Island: three payments of twenty thousand and 0/100 dollars (\$20,000.00) over three years; City will remit payment to Downtown Davenport Partnership on or before May 1st of every year in the term of the MOU.
 - c. DDP: three payments of five thousand and 0/100 dollars (\$5,000.00) over three years; contributed annually on or before May 1st every year in the term of the MOU.
 - B. In the event that any party fails to remit payment as outlined in this section, the remaining parties may adjust funding obligations, suspend event activities, or seek recovery of damages as deemed appropriate.
7. Event Location: All parties are in agreement that the location of this event will take place from Centennial Bridge as the west boundary extending to the roller dams as the east boundary. Specifically, this includes that the fireworks discharge placement will be mutually agreed to by all three parties.
8. Term of MOU: The term of this MOU is for three years and will commence once all parties have signed ("Effective Date"). During this term, payments will be provided as outlined in Section 6 of this contract for CY 2025, CY 2026, and CY 2027. Thereafter, the MOU may be renewed, under the same terms outlined in this document, by any and all of the parties for an additional three-year period. The parties agree to jointly evaluate sustainable

funding structure to ensure ongoing success. Only the parties agreeing to the extension will be obligated during such period.

9. Withdrawal: A party may withdraw from this MOU upon 90 days' written notice to all other parties. Any withdrawing party shall remain responsible for its financial obligations incurred prior to the effective date of withdrawal and its share of any non-cancelable commitments made by DDP for the event.
10. Force Majeure: None of the parties shall be liable for failure to perform their obligations under this MOU due to events beyond their reasonable control, including acts of God, natural disasters, war, terrorism, or government restrictions. In such cases, the parties shall collaborate to mitigate the impact and determine the appropriate course of action, including the allocations of funds.
11. Modification: This MOU may be modified or supplemented by any of the parties. Any such amendment shall be in writing and signed by a duly authorized representative of each party.
12. Dispute Resolution: Any dispute, controversy, or claim arising out of or related to this MOU, including the breach, termination, or validity thereof, shall first be addressed through good-faith negotiations between the parties. If the dispute remains, controversy, or claim remains unresolved the parties agree to submit the matter to binding arbitration. The arbitration shall be conducted in accordance with the rules of the American Arbitration Association (AAA) and shall take place in Davenport, Iowa. The decision of the arbitrator shall be final and binding upon all parties. Each party shall bear its own costs and expenses related to the arbitration, except as otherwise awarded by the arbitrator.
13. Indemnification: Each party shall indemnify and hold harmless the other parties from and against any claims, damages, liabilities, or expenses arising from their acts or omissions, including actions of its contractors and agents, related to this MOU, except to the extent caused by the negligence or willful misconduct of the other parties.
14. Signatures: All parties shall execute this MOU through signature on the following page.

Signed on behalf of Downtown Davenport
Partnership, a series of Quad Cities
Community Partnerships, LLC:

Signature

Printed Name/Title

Date

Signed on behalf of the City of Davenport

Signature

Printed Name/Title

Date

Signed on behalf of the City of Rock
Island:

Signature

Printed Name/Title

Date

ATTACHMENT 1 | SPECIAL EVENT INSURANCE

HIGH RISK - FIREWORKS

INSURANCE

The event applicant shall secure and maintain such primary insurance policies as will protect him or his event participants from claims for bodily injuries, death or property damage which may arise from operations under the special events agreement whether such operations be by him or by any event participant or anyone employed by them directly or indirectly.

The following insurance policies are required unless other limits are specified. The City must be identified as a certificate holder and shall be named as an additional insured under General Liability.

(1) General Liability

Each Occurrence	\$1,000,000
General Aggregate	\$2,000,000

(2) Automobile Liability

(If the event utilizes autos)

Any Auto, Hired & Non-Owned Combined Single Limit	\$1,000,000
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(3) Excess Liability Umbrella \$5,000,000

The insurance required above shall be Primary insurance and non-contributory.

(4) Statutory Worker's Compensation with waiver of subrogation in favor of the City.
(If the event has employees)

CERTIFICATES OF INSURANCE

Certificates of Insurance, acceptable to the City indicating insurance required by the agreement is in force, shall be filed with the City ten (10) days prior to the event. The event applicant shall ensure that coverages afforded under the policies will be in effect for the duration of the event, including set up and tear down. The event coordinator will accept responsibility for damages and the City's defense in the event no insurance is in place.

INDEMNIFICATION

The event applicant shall complete and notarize the Special Events Waiver & Hold Harmless provided by the City.

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Action / Date

4/2/2025

Subject:

Motion for suspension of the rules to vote on the listed item.

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

4/2/2025

Subject:

Resolution setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 - FY 2031 Capital Improvement Program. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This Resolution sets the Public Hearing for the purpose of adopting the FY 2026 Operating and Capital Budgets.

Under the laws of the State of Iowa, the City is required to adopt an annual budget and certify it to the County Auditor no later than April 30th of each year. Prior to the adoption of the budget, a Public Hearing is required.

This Resolution formally sets the Public Hearing for the Committee of the Whole Meeting on April 16, 2025, beginning at 5:30 p.m. in Council Chambers at Davenport City Hall, 226 West 4th Street. Specific budget adoption information will be provided with the agenda item appearing on that Council Cycle.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION setting a Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 – FY 2031 Capital Improvement Program.

WHEREAS, the State of Iowa requires that the City of Davenport hold a Public Hearing prior to the adoption of its annual budget; and

WHEREAS, adoption of this Resolution will set the Public Hearing for Wednesday, April 16, 2025 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Public Hearing on the FY 2026 Operating Budget, FY 2026 Capital Improvement Budget, and the FY 2026 – FY 2031 Capital Improvement Program is hereby set for April 16, 2025 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 2nd day of April, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk