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June 28, 2019
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BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-1277X

SAVAGE DAVENPORT RAILROAD COMPANY
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN SCOTT COUNTY, IA

PETITION FOR EXEMPTION: DISCONTINUANCE OF SERVICE

Pursuant to 49 U.S.C. § 10502

NOTE: Color map included in Exhibit A

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Victoria S. Roessler
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*Attorneys for
Savage Davenport Railroad Company*

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June 28, 2019

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Date: June 28, 2019

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SAVAGE DAVENPORT RAILROAD COMPANY
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN SCOTT COUNTY, IA

PETITION FOR EXEMPTION: DISCONTINUANCE OF SERVICE

Pursuant to 49 U.S.C. § 10502

Savage Davenport Railroad Company (“**SDR**”), a Class III rail carrier, hereby petitions the Surface Transportation Board (“**Board**”) for an exemption, pursuant to 49 U.S.C. § 10502, from the provisions of 49 U.S.C. § 10903 regarding rail abandonment or discontinuance, to enable SDR to discontinue its operations over approximately three miles of rail line owned by the City of Davenport, IA (the “**City**”) in Scott County, IA (the “**Line**”) and leased by SDR, as shown on the map attached as **Exhibit A**. Through this Petition, SDR seeks to terminate its common carrier obligation to operate on the line. The City retains a residual common carrier obligation with respect to the Line, as the Board noted in approving the City’s construction of the line in 2011.¹

BACKGROUND AND PROPOSED DISCONTINUANCE

SDR’s rail service near Davenport, IA that is the subject of this Petition for Exemption was authorized in 2017 pursuant to a Notice of Exemption filed by SDR, as described in *Savage*

¹ *City of Davenport, Iowa – Construction & Operation Exemption – in Scott County, Iowa*, No. FD-35237 (STB served April 6, 2011) (“The City [of Davenport], as the line’s owner, will retain a common carrier obligation”). See generally *Twin State R.R. Co.—Abandonment Exemption—In Caledonia and Essex Counties, VT*, No. AB-862X (STB served Nov. 18, 2005) (“Generally, a railroad lessor retains a common carrier obligation, residual or otherwise, over the rail line it leases out”).

Davenport Railroad Company – Lease and Operation Exemption – City of Davenport, Iowa, No. FD-36142 (STB served Sept. 1, 2017). A copy of this Board decision is attached as **Exhibit B**.

The Line in question is an industrial spur line, constructed and owned by the City, located in Scott County, IA, just north of the city limits of Davenport.² The Line is approximately 2.8 miles long, extending from a switch near milepost 191.2 on the main line of a Canadian Pacific Railway subsidiary, west and south to the Davenport Transload Facility owned by the City.

The Line is located in United States Postal Zip Code 52748. Based on information in SDR's possession, the Line does not contain federally granted right-of-way. Any documentation relating thereto in SDR's possession will be made available promptly to those requesting it

SDR and the City entered into a Lease Agreement (the "**Lease**") in July 2017, in which the City as lessor leased the Line to Savage as the lessee. The lease required Savage to provide common carrier rail service over the line, serving industrial shippers. In August 2017, SDR filed a Notice of Exemption and, as noted above, obtained STB authority to lease the Line from the City and operate it. *Savage Davenport Railroad Company, supra*, FD-36142 (STB served Sept. 1, 2017).

In addition to the Lease, SDR also entered into an Operating Rights and Interchange Agreement (the "**Interchange Agreement**") with a subsidiary of Canadian Pacific Railway Limited ("**CP**"), in which SDR and CP agreed to interchange rail traffic in order to move freight between shippers along the Line and customers of the Transload Facility, and CP's main line. As lessee and operator of the Line, SDR granted operating rights on the Line to CP sufficient to allow CP to perform its interchange obligations.

² *City of Davenport, Iowa, supra* n.1, FD-35237 (STB served April 6, 2011).

SDR began operations on the Line in March of 2018, serving one customer and the Transload Facility. SDR hoped and predicted that traffic would increase to more than 1,200 railcars per year by 2019, which is what SDR's economic projections were based on. However, during January-April 2019, traffic volume on the Line has totaled only 84 railcars, and projected annual volumes are less than 350 railcars. SDR's initial projection was to make a small but steady profit from a 1,200-car operation on the Line. However, the operations generated an actual net loss to SDR during the 12-month period April 1, 2018 through March 31, 2019 of over (\$155,000), compared to a projected net profit of over \$50,000.

SDR has advised the City of its desire to discontinue service, and the City has raised no objection provided a suitable replacement is identified. SDR has also made the only shipper on the Line, Sterilite Corporation, aware that SDR is exploring options to discontinue service.³ The natural replacement operator for SDR is CP which currently interchanges traffic on the Line.

DISCUSSION AND REQUEST FOR EXEMPTION

SDR requests an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 to discontinue service over the Line. Pursuant to Section 10502, the Board must exempt a transaction from regulation when it finds that: (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and, (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

As confirmed in the legislative history of the Staggers Rail Act of 1980, Congress intended the Board as successor to the Interstate Commerce Commission to liberally exercise its exemption

³ The City-owned Transload Facility at the western terminus of the Line currently has zero activity.

authority to free transactions that satisfy these conditions from the administrative and financial costs associated with continued regulation:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96th Cong., 2d Sess. 105 (1980). *See also Exemption from Regulation – Boxcar Traffic*, 367 I.C.C. 425, 428 (1983) (Staggers Rail Act “requires that exemptions be granted wherever continued regulation is unnecessary”) (emphasis added), *vacated and remanded on other grounds Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the ICC Termination Act of 1995, Pub. L. No. 104-88, § 102, 109 Stat. 803, 808, which reenacted the rail exemption provisions as Section 10502. *See* H.R. Rep. 422, 104th Cong., 1st Sess. 168-69 (1995).

Unless the requested exemption is granted, SDR’s discontinuance of service will be subject to 49 U.S.C. § 10903 and the Board’s regulations implementing that section at 49 C.F.R. Part 1152. The Board has created a class exemption for certain abandonment and discontinuance transactions where, among other requirements, no local traffic has moved over the line for two years, and eligible transactions need not submit the extensive financial and operating data that otherwise would be required. *See* 49 C.F.R. § 1152.50. However, SDR does not qualify for that exemption because, as noted above, a minimal amount of local traffic moves over the Line. Nevertheless, this transaction should be exempted from all the same regulatory requirements because it satisfies all the standards in Section 10502.

A. Regulation Of This Transaction Is Not Necessary To Carry Out The Rail Transportation Policy.

SDR satisfies the first of two requirements for granting an exemption under Section 10502 because regulation of this transaction is not necessary to carry out the federal rail transportation policy (“**RTP**”) of 49 U.S.C. § 10101.

Detailed scrutiny of SDR’s proposed discontinuance under 49 U.S.C. § 10903 is not necessary to carry out the RTP in this case. An exemption from the application process would promote a fair and expeditious regulatory decision-making process, reduce regulatory barriers to exit, and result in the efficient handling of this proceeding. 49 U.S.C. §§ 10101(2), (7), (15); see generally *Kasgro Rail Corp. – Discontinuance of Service Exemption – In Lawrence County, PA*, No. AB-1246X (STB served July 31, 2018). Specifically, allowing SDR to discontinue its barely active, unprofitable service near Davenport, IA would allow redeployment of SDR’s assets to active rail transportation and switching services elsewhere in the country, and would allow more efficient and effective use of the financial resources of SDR and its parent company.⁴

Other aspects of the RTP would not be adversely affected by the exemption. In particular, the rail transportation policies pertaining to competition, a sound rail transportation system, public health and safety, working conditions, and energy conservation are not affected by this transaction. 49 U.S.C. § 10101(1), (3-6), (8-12) and (14). This is largely because of the small size of SDR’s operations (less than 350 railcars annually or about one car per day, over a line less than three miles long), and the fact that the service began only last year so little or no reliance on the service by the sole shipper or the City has arisen.

⁴ The corporate group headed by SDR’s parent corporation, Savage Companies, a Utah-based transportation service and logistics company, operates more than 70 locomotives at 40 facilities throughout North America. The only rail equipment used for SDR’s Davenport operations is a single locomotive. Savage will move the locomotive used in Davenport to another site to replace a locomotive scheduled for retirement or rebuild.

B. This Transaction Is Of Limited Scope And Will Not Result In an Abuse Of Market Power.

SDR also satisfies the second of two requirements for granting an exemption. This second requirement, at 49 U.S.C. § 10502(a)(2), contains two alternative standards; *i.e.*, SDR needs to satisfy only one of them. Nevertheless, Savage satisfies both standards because this transaction is of limited scope, and the application of Section 10903 to this transaction is not needed to protect shippers from the abuse of market power. 49 U.S.C. § 10502(a)(2)(A) and (B).

In determining whether a proposed transaction is of limited scope, the ICC and the Board have considered a variety of factors, such as the length of the rail line, the number of shippers on the line, and the traffic volume. *See, e.g., Florida West Coast R.R. Co. – Abandonment Exemption – Gilchrist and Levy Counties, FL*, No. AB-346 (Sub-No. 1X) (ICC served Jan. 16, 1992), 1992 ICC Lexis 9 at *4-5; *Burlington N. R.R. Co. – Abandonment Exemption – In Greene and Polk Counties, MO*, No. AB-6 (Sub-No. 349X) (ICC served Aug. 27, 1993), 1993 ICC Lexis 161 at *3-4. As noted above, here SDR seeks to discontinue service over just three miles of track in a single Iowa county. There is only one shipper on the Line and no overhead traffic. Traffic volume during the single year of operation so far has averaged out to approximately one railcar per day. This transaction is limited in scope from any perspective.

Because the proposed discontinuance is of limited scope, SDR is eligible for the requested exemption and there is no need to consider whether it is necessary to apply Section 10903 to protect shippers from abuse of market power. Nevertheless, the proposed discontinuance does not create any realistic potential for abuse of market power. There is another rail carrier in the immediate vicinity with direct access to the Line: CP, through its Dakota, Minnesota & Eastern subsidiary, with which SDR currently interchanges traffic. CP is a plausible operator for the Line. Indeed CP was the originally envisioned lessee-operator when the City first obtained authorization to

construct the Line.⁵ Moreover, the Line is within a few miles of Interstate Highways 80 and 74 and U.S. Route 61 (see maps in Exhibit A), so motor carrier service is an option for the single current shipper and any other potential transportation customers. Abuse of market power is not a realistic concern.

ADDITIONAL FACTORS

In support of this Petition and the approval of the discontinuance of service over the Line, SDR also notes the following:

- The Board routinely has determined that discontinuance exemption proceedings are exempt from environmental and historic reporting requirements, interim trail use/rail banking, and public use conditions.⁶
- Pursuant to 49 C.F.R. § 1152.60(c), Savage has attached a draft Federal Register notice of this Petition as **Exhibit C**. The form of notice has been modified to reflect that this proceeding involves a discontinuance and not an abandonment.
- Savage has attached as **Exhibit D** a verified certificate of compliance with the newspaper publication requirements in 49 C.F.R. § 1105.12.
- Savage has attached as **Exhibit E** a certificate of service certifying that this Petition has been served upon the persons designated in 49 C.F.R. § 1152.50(d).
- The interests of any railroad employees of Savage who may be adversely affected by the proposed discontinuance of service will be adequately protected by the labor

⁵ See *City of Davenport, Iowa*, *supra* n.1, at page 2, FD-35237 (STB served April 6, 2011) (noting the City's initially expected operator was the Iowa, Chicago & Eastern Railroad (IC&E). IC&E is a component or affiliate of CP's Dakota, Minnesota & Eastern subsidiary). As noted earlier, the City as owner will retain the residual common carrier obligation to provide rail service on the Line.

⁶ See, e.g., *Dakota, Missouri Valley and Western R.R., Inc. – Discontinuance of Service Exemption – In Burke County, ND*, No. AB-933 (Sub-No. 1X) (STB served Dec. 17, 2014);, *Blacklands R.R., Inc. – Discontinuance Exemption – In Rusk County, TX*, No. AB-1180X (STB served April 3, 2013).

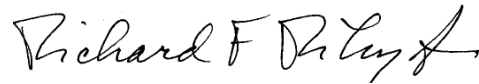
protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979). SDR's workforce utilizes employees from a Savage affiliate on a part-time basis. These employees would not be displaced due to a discontinuance, as such employees continue to work at their regular jobs. SDR does not anticipate any local job losses as a result of its service discontinuance.

CONCLUSION

For the foregoing reasons, SDR's proposed discontinuance of service near the City of Davenport in Scott County, Iowa fulfills all the requirements for an exemption under 49 U.S.C. § 10502, and therefore, SDR respectfully requests that the Board grant this Petition.

Respectfully submitted,

Savage Davenport Railroad Company



Richard F. Riley, Jr.
Victoria S. Roessler
Foley & Lardner LLP
3000 K Street, N.W., Suite 600
Washington, DC 20007-5109

Contact Tel: (202) 295-4712
Contact Email: rriley@foley.com

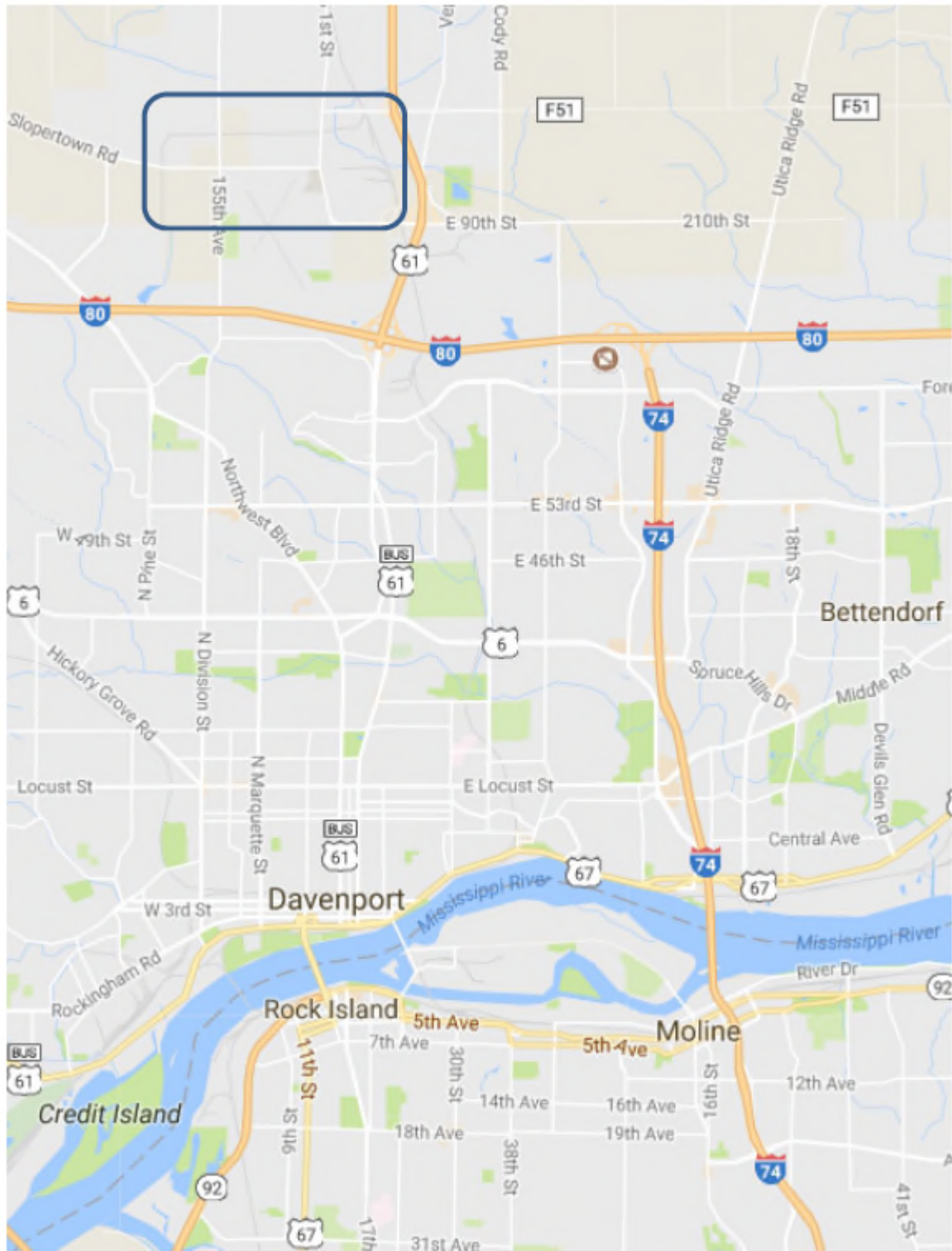
*Attorneys for Petitioner Savage
Davenport Railroad Company*

Dated: June 28, 2019

EXHIBIT A

**MAPS SHOWING SAVAGE DAVENPORT RAILROAD
OPERATIONS IN SCOTT COUNTY, IA**

Operations located in box below. Track diagram follows.



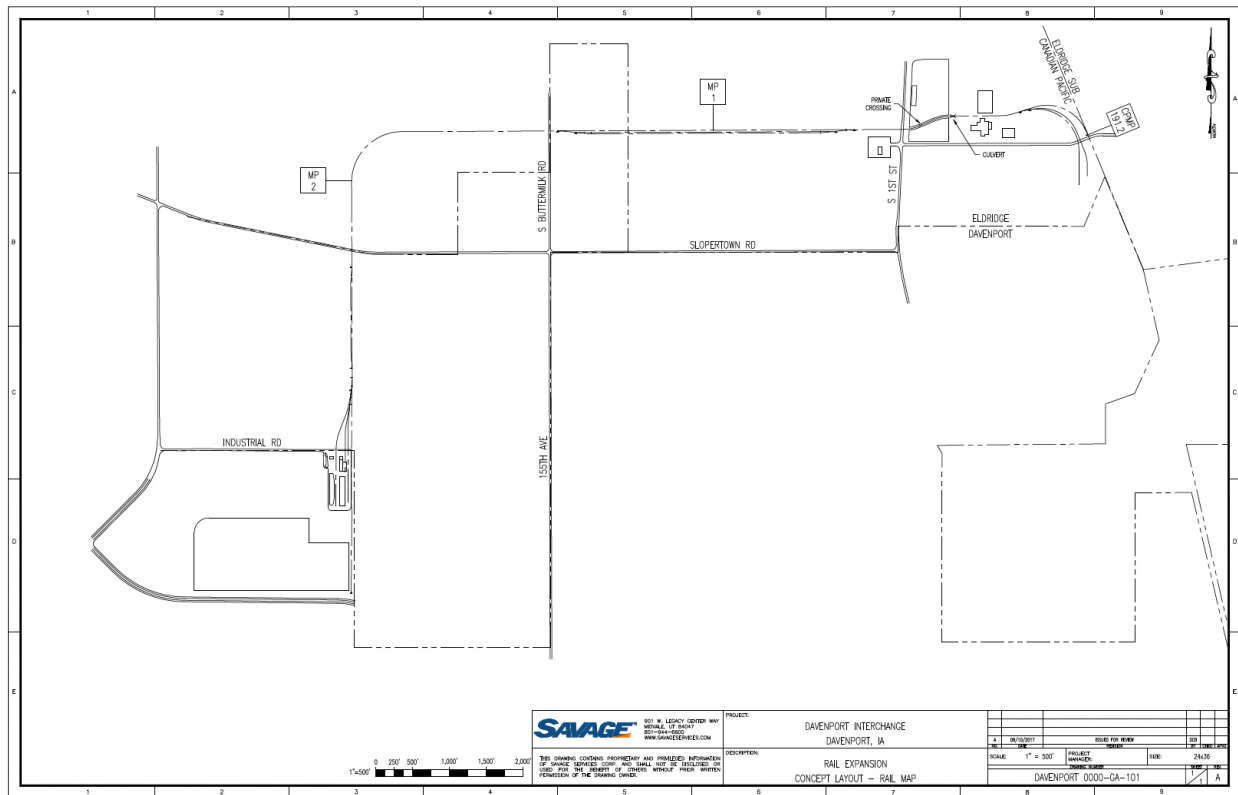


EXHIBIT B

**STB DECISION SERVED SEPT. 1, 2017, AUTHORIZING SDR'S SERVICE IN
DAVENPORT PURSUANT TO NOTICE OF EXEMPTION**

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36142]

**Savage Davenport Railroad
Company—Lease and Operation
Exemption—City of Davenport, Iowa**

Savage Davenport Railroad Company (SDR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the City of Davenport, Iowa (City) and to operate a 2.8-mile line of railroad (the Line).¹ The Line extends west and south from a point about 75 feet from milepost 191.2 on a CP mainline, near Davenport, Iowa, to the City-owned Davenport Transload Facility.²

This transaction is related to a concurrently filed verified notice of exemption in *Savage Services Corporation—Continuance in Control Exemption—Savage Davenport Railroad Company*, Docket No. FD 36142 (Sub-No. 1), in which Savage Services Corporation seeks Board approval to continue in control of SDR upon SDR's becoming a Class III rail carrier.

¹ In addition to leasing the Line from the City, SDR indicates that it is entering into an interchange agreement with Dakota, Minnesota and Eastern Railroad Corporation, a rail carrier subsidiary of Canadian Pacific Railway Limited (CP).

² SDR indicates that the Board approved the City's construction of the subject line in *City of Davenport, Iowa—Construction & Operation Exemption—in Scott County, Iowa*, FD 35237 (STB served April 6, 2011). SDR states that there are no mileposts on the subject line but that it may install mileposts at a later date.

SDR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier and will not exceed \$5 million. SDR also states that there are no provisions or agreements limiting interchange with other carriers.

The transaction may be consummated on or after September 15, 2017, the effective date of the exemption (30 days after the verified notice of exemption was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 8, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36142, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on applicant's representative, Richard F. Riley Jr., Foley & Lardner LLP, 3000 K Street NW., Suite 600, Washington, DC 20007-5109.

According to SDR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our website at WWW.STB.GOV.

Decided: August 29, 2017.

By the Board, Rachel D. Campbell,
Director, Office of Proceedings.

Renà Laws-Byrum,
Clearance Clerk.

[FR Doc. 2017-18582 Filed 8-31-17; 8:45 am]

BILLING CODE 4915-01-P

EXHIBIT C
CAPTION SUMMARY

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1277X

SAVAGE DAVENPORT RAILROAD COMPANY
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN SCOTT COUNTY, IA

Notice of Petition for Exemption to Discontinue Service

On June 28, 2019, Savage Davenport Railroad Company (“**SDR**”) filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption for the discontinuance of service over an approximately three-mile line of railroad near Davenport, Iowa (the “**Line**”). The Line is located entirely within United States Postal Service ZIP Code 52748, in Scott County, Iowa. The City of Davenport, Iowa (the “**City**”) owns the Line. SDR operates the Line under lease from the City, and interchanges traffic on the Line with an affiliate of Canadian Pacific Railway (“**CP**”).

Based on information in SDR’s possession, the Line does not contain federally granted right-of-way. Any documentation relating to such right-of-way in SDR’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 ICC 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 USC §10502(b). A final decision will be issued no later than _____, 2019 (90 days after filing).

Any offer of financial assistance (OFA) under 49 CFR §1152.27(b)(2) to subsidize continued rail service will be due not later than 10 days after service of a decision granting the

petition for exemption. Each OFA to subsidize continued rail service must be accompanied by the required filing fee, which is currently set at \$_____. See 49 CFR §1002.2(0(25).

Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR §§ 1105.6(c) and 1105.8(b).

All filings in response to this notice must refer to STB Docket No. AB-1277X and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, and (2) Richard F. Riley, Jr., Foley & Lardner LLP, 3000 K Street, N.W., Suite 600, Washington, DC 20007-5109. Replies to the petition are due on or before _____.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Congressional and Public Services at (202) 245-0238, or refer to the full discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

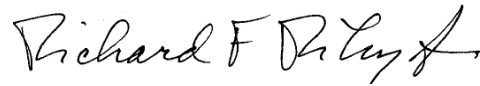
Board decisions and notices are available on our website at www.stb.gov.

Decided: _____

EXHIBIT D
CERTIFICATE OF PUBLICATION

Certificate of Publication

The undersigned hereby certifies that the attached notice of the proposed discontinuance of service in the foregoing Petition for Exemption in Docket No. AB-1277X, *Savage Davenport Railroad Company – Discontinuance Of Service Exemption – In Scott County, IA*, was advertised on June 27, 2019, in the Quad City Times, a newspaper of general circulation in Davenport and Scott County, IA, as required by 49 C.F.R. § 1105.12.



Richard F. Riley, Jr.

Notices

Miscellaneous Notice

Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment). This Resolution will come on for a public hearing before the Davenport City Council, City Hall, Davenport, Iowa, on the 3rd day of July, 2019, commencing at 5:30 P.M., Local Time, or as soon thereafter as the matter can be considered. At said hearing, interested persons may appear and be heard for or against said Resolution.

City of Davenport
Brian Heyer
Assistant City Attorney
563-326-7735

Notice of Hearing on Proposed Plans, Specifications and Proposed Contract for the Riverfront Turf Replacement Project

Notice is hereby given that at 5:30 P.M. on Tuesday, July 2nd, 2019, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and the cost and necessity of the above project in the City of Davenport, Iowa. PO-2019/1914798 1/2 said hearing any interested person may file written objection or comments with respect to the proposed plans, specifications, form of contract or cost and necessity for such improvements and may be heard orally with respect thereto.

Javenport, Iowa
June 18, 2019

Notice of Intent to Discontinue Rail Service

Iowa Davenport Railroad Company (SDR) gives notice that on or about June 30, 2019 it intends to file with the Surface Transportation Board, Washington DC 20423, a petition for discontinuance of service on a 2.8-mile line of railroad in Scott County, Iowa just north of the City of Davenport, Iowa. The line extends from a ditch near milepost 191.2 on the Grand Pacific Railway main line, west and south to the Davenport Transload facility owned by the City of Davenport. The line is in US Postal Service ZIP Code 52746. The proceeding has been conducted as No. AB 1277X. Because this is an exemption proceeding, service discontinuance and not an abandonment, environmental and historical reporting are not required and trail use banking and public use conditions are applicable.

appropriate offers of financial assistance continue rail service through subsidy in be filed with the Board. An original of 10 copies of any pleading that raises matters other than environmental issues such as offers of financial assistance) will be filed directly with the Board's Office of Proceedings, Washington DC 20423, and one copy must be served on SDR's representative: Richard F. Riley, J. Foley & Lardner LLP, 3000 K Street N., Suite 800, Washington DC 20037-1109. Questions regarding environmental assistance may be directed to the Board's Office of Public Assistance, Environmental Affairs, and Compliance at 202-245-0236. Copies of any comments or requests for conditions should be served on SDR's above-named representative.

Notice of Public Hearing Iowa Region 9 Transportation Improvement Program (TIP)

Public hearing is set for 10:30 a.m. on July 11, 2019 at the River Bend Transit Center (conference room), 7440 Vine Street Court, Davenport, IA 52801. Its purpose is to receive comments on the 2020-2023 Transportation Improvement Program (TIP) for Iowa Region 9. Comments will be accepted through July 2019. TIP information is available by contacting Tara Cullison (319) 733-6300. Persons requiring special material or translation format should contact Ms. Cullison on or before July 8, 2019. Full copy of the Transportation

Miscellaneous Notice

Heating, Ventilating, and Air Conditioning; and Electrical. All disadvantaged businesses should contact IN WRITING (certified letter, return receipt requested). Dan Ward to discuss the subcontracting opportunities. All negotiations must be completed to bid opening July 17, 2019 at 10:00 A.M. All proposals/quotes will be evaluated on a cost basis.

Bid Notices

BID NOTICE
DEVILS GLEN STORAGE
PO BOX 1514
BETTENDORF, IOWA 52722
332-9275

DISPOSITION OF GOODS WILL BE JULY 05, 2019 FOR ANGELA MCGINTY #A92 Unit #211 DEVILS GLEN STORAGE, BETTENDORF, IOWA 52722. GOODS IN STORAGE WILL BE SOLD FOR LIEN OWED ON STORAGE RENT. ITEMS CONSIST OF FURNITURE, APPLIANCES, BOOKS, PERSONAL ITEMS, VEHICLES, AND OTHER MISC. ITEMS.

NOTICE OF SALE

According to the lease by and between the listed tenants and TKG StorageMart and its related parties, assigns and affiliates in order to perfect the lien on the goods contained in their unit, the manager has cut the lock on their unit and upon courtesy inspection the unit(s) are found to contain:

Unit #214 Richard Thomas/Richard C. Thomas - 4 tires, 3 totes and misc. items
Unit #225 Charles Morgan - mini fridge, space heater and misc. items
Unit #211 Ashley Strope/SSS - Detail hot wheel, Kids Go Cart and misc. items
Unit #406 Michelle Bishop/Mychele Bishop - misc. t.v.s, misc. computers and misc. items
Unit #509 Simon Manser/Simon T. Manser/S T Manser - table saw, trim saw, 2 sets of golf clubs and misc. items
Items will be auctioned online at bid4storage.com or disposed of at the site address listed below on 7/17/2019 at 3:00pm at the address listed below to satisfy owner's lien in accordance with state statutes. All bid sales are cash only and sold "AS IS" AT THE ADDRESS LISTED BELOW TO SATISFY OWNER'S LIEN IN ACCORDANCE WITH STATE STATUTES. TERMS OF SALE ARE CASH ONLY.

Please go to bid4storage.com for all bids
StorageMart
6520 Northwest Boulevard
Davenport, Iowa 52806
563/445-1152 ext.2

Dissolution-Marriage

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

IN RE THE MARRIAGE OF ERIC L. HOFFMAN AND JESSICA L. HOFFMAN

Equity No. CDCD062235
DATE PETITION FILE: April 16, 2019
ORIGINAL NOTICE

UPON THE PETITION OF ERIC L. HOFFMAN,

Petitioner,

AND CONCERNING JESSICA L. HOFFMAN,

Respondent.

TO THE ABOVE-NAMED RESPONDENT: JESSICA HOFFMAN

You are notified that a Petition has been filed in the office of the clerk of this court naming you as the Respondent in this action. A copy of the Petition (and any documents filed with it) is attached to this notice. Said Petition prays for a Dissolution of Marriage. The name and address of the Petitioner's attorney is David L. Cunningham of WINSTON, KAVENSKY AND CUNNINGHAM, 224 - 18th Street, Box 4298, Rock Island, IL 61201. The attorney's phone number is 308-794-1515. The facsimile number is 309-794-1687. The attorney's email is: dcunningham@wkcslawfirm.com. You are further notified that unless, within 20 days after service of this original notice upon you, you serve, and within a

Estate Notices

CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT HENRY COUNTY, ILLINOIS

Case No. 2019 P 53
ESTATE OF JESSE J. WITT

Deceased.
CLAIM NOTICE - INDEPENDENT ADMINISTRATION

Notice is given of the death of Jesse J. Witt. Letters of office were issued on June 5, 2019 to Debra L. Witt-McGeheon, 12206 230th Street, Eldora, Iowa 50627 as independent representative whose attorney is Jennifer L. Kincaid, Pepping, Balk, Kincaid & Olson, Ltd., 105 7th Street, Silvis, IL 61282. Claims against the estate may be filed in the office of the clerk of this court, Henry County Courthouse, 307 W. Center Street, Cambridge, Illinois 61238, or with the representative, or both, on or before December 18, 2019 and any claim not filed within that period is barred. Copies of a claim filed with the clerk must be mailed or delivered to the representative and to the attorney within 10 days after it has been filed.

The estate will be administered without court supervision, unless under 755 ILCS 5/28-4 of the Probate Act, any interested person terminates independent administration at any time by mailing or delivering a petition to terminate to the clerk. You may obtain a copy of a form of a petition to terminate independent administration from the clerk of court at the above address.

Dated this 10th day of June, 2019.

Jennifer L. Kincaid
Attorney for the Estate

Pepping, Balk, Kincaid & Olson, Ltd.
105 7th Street
Silvis, Illinois 61282

Telephone: (309) 756-5095
Facsimile: (309) 755-0489
Email: j.kincaid@silvislaw.com

IN THE IOWA DISTRICT COURT AND FOR SCOTT COUNTY

PROBATE NO. ESPR078902
NOTICE OF PROBATE

APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS

IN THE MATTER OF THE ESTATE OF CHARLES L. RUBLEY,

Deceased.

TO ALL PERSONS INTERESTED IN THE ESTATE OF CHARLES L. RUBLEY, Deceased.

You are hereby notified that on the 4th day of June, 2019, a Petitioner for Administration of Estate was admitted to probate in the above named Court and that Christopher P. Rubley, was appointed Administrator of said estate. Notice is further given that any action to set aside this estate must be brought in the District Court of said County within four months from the date of the second publication of this notice or thereafter be forever barred.

Notice is further given that all persons indebted to said estate are requested to make immediate payment to the undersigned, and creditors having claims against said estate shall file them with the Clerk of the above named District Court as provided by law, duly authenticated, for allowance; and unless so filed within four months from the second publication of this notice (unless otherwise allowed or paid) such claim shall thereafter be forever barred.

Dated this 4th day of June, 2019.

CHRISTOPHER P. RUBLEY, Administrator.

Attorney Christine Frederick
125 Kirkwood Blvd.
Davenport, Iowa 52803

Telephone: (563) 323-7007
Facsimile: (563) 323-9335

Date of First Publication: 27th day of June, 2019.

Date of Second Publication: 4th day of July, 2019.

THE IOWA DISTRICT COURT SCOTT COUNTY

CASE NO. ESPR078920
NOTICE OF APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS

IN THE MATTER OF THE ESTATE OF PATRICK R. RUPO, Deceased.

To all Persons Interested in the Estate of

Director Lynch, to approve the agenda as presented.

Motion carried 6-0-1
Consent Agenda.

Motion by Director Lynch, seconded by Director Champion, to approve the consent agenda as printed.

Motion carried 6-0-1
Approval of June 3, 2019 Committee of the Whole Board Meeting

Approval of June 17, 2019 Bills Recommended for Payment

Approval of Administrative Recommendations - Personnel

Certified Resignation
Moira Truesdell/BHS/Science/Effective 6/30/19

Certified Approval to Hire
Heldi Claussen/BMS/Special Education

1/0 FTE/MA, 6/552,104/Replacing Nicholas Myers/Effective 2019-2020 school year

Emily Maddox/BMS/Science/1.0 FTE/MA, 6/552,104/Replacing Amanda Bohner/Effective 2019-2020 school year

Olivia Matus/BMS/Science/1.0 FTE/BA/6/337,152/Replacing Brett VanDeventer/Effective 2019-2020 school year

Daniel Milburn/BHS/Industrial Technology/1.0 FTE/BA, 2/339,856/New position/student need/Effective 2019-2020 school year

Matthew Speak/HS/Special Education/1.0 FTE/BA, 6/550,858/Pending verification & licensure/Replacing Joseph Newcomb/Effective 2019-2020 school year

Certified Transfer
Lindsay Burkner/From T&D/Dist to HH

(Nurse)/1.0 FTE/BA, 4/343,071/Voluntary transfer replacing Alexa Mendoza/Effective 7/1/19

Trishla Ryser/From BHS to SA/Special Education/1.0 FTE/MA, 10/559,334/Replacing Rosemary Kroener/Effective 2019-2020 school year

Schedule D Resignation
Erin Flynn/GW/Varsity Track, Girls Coach (0.50)/Effective 6/30/19

Charles Kalar/BHS/Assistant Varsity Track, Girls Coach (0.50)/Effective 6/30/19

Schedule D Approval to Hire
Erin Flynn/GW/Assistant Varsity Track, Girls Coach (0.50)/8/1,931/Replacing Charles Kalar/Effective 8/1/19

Charles Kalar/BHS/Head Varsity Track, Girls Coach (0.50)/8/2,648/Replacing Erin Flynn/Effective 8/1/19

Jocelyn Kyles/PA/Student Council Sponsor/5/23/Replacing Jennifer Saxon/Effective 2019-2020 school year

Certified FYI
Scott Berg/From NA&MT to HH/Instructional Coach/1.0 FTE/Realignment of duties due to building consolidation/Effective 2019-2020 school year

Classified Retirement
Catherine Gaines/Operations/Bus Driver/Effective 06/06/19

Classified Resignation
Jamie Carroll/PN/Paraeducator/Effective 06/05/19

Debra Haeck/BHS/Secretary B/Effective 05/11/19

Jacob Hayek/BHS/Paraeducator/Effective 06/05/19

Tarita Pope/TJ/Paraeducator/Effective 06/05/19

Classified Termination
Amber Briggs/NA/Program Director/Effective 06/21/19

Approval of Resolution to Transfer Funds for Athletic Equipment

Approval of the GW AEA Agreement

Approval of Cooperative Agreement with University of Iowa

Approval of the EIC Career Exploration & Training Agreement

Approval of a donation in the amount of \$2000.00 from Suburban Construction, Inc. 616 35th St. Davenport, IA. 52806 for the Football Golf Outing

Approval of a tuition application for Sarah Brewer, grade 9, from Davenport and Kiley Sweetland, grade 6 from Davenport Open Enrollment Requests

FOR INFORMATION ONLY. The following students have been approved for open enrollment:
Into Bettendorf from Pleasant Valley, 2018/19

Zachary Fahrman, grade K, continuation Sydney Wells, grade 7, continuation

Into Bettendorf from Pleasant Valley, 2019/20

Matt Howard, grade 5, continuation Michael Howard, grade 6, continuation

Ean Lovett, grade 12, new move Out of Bettendorf into Pleasant Valley, 2019/20

Director Lynch, to approve the agenda as presented.

Motion carried 6-0-1
Consent Agenda.

Motion by Director Lynch, seconded by Director Champion, to approve the consent agenda as printed.

Motion carried 6-0-1
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Classified Resignation
Jamie Carroll/PN/Paraeducator/Effective 06/05/19

Miscellaneous Notices

were sent out. Invitations for bread bids were mailed on May 14, 2019 and opened on June 10, 2019. Alpha Baking Company, Bimbo Bakeries and Pan-O-Gold submitted bids. Pan-O-Gold was the lowest overall bid by \$780.92. Pan-O-Gold was not our bread vendor for the 2018-2019 school year, but has been a vendor in the past and has done a great job.

Director Kayla Lau recommends Pan-O-Gold be awarded the Bread Bid for the 2019-2020 school year.

Milk Bid: The terms and conditions for the request for proposal for milk and dairy products for school year 2019-2020 allowed the contract to be renewed for up to two additional one-year terms by mutual agreement of the SFA and selected distributor. Anderson Erickson has agreed to the renewal with prices consistent of the 2018-2019 school year.

Director Kayla Lau recommends renewing the contract with Anderson Erickson for the 2019-2020 school year.

Beverage Bid: The terms and conditions for the request for proposal for beverage products for the school year 2018-2019 allowed the contract to be renewed for up to four additional one-year terms by mutual agreement of the SFA and selected distributor. Atlantic Bottling Company (Coca Cola) has agreed to the renewal with no price increase for the 2019-2020 school year.

Director Kayla Lau recommends renewing the contract with Atlantic Bottling Company for the 2019-2020 school year.

As of December 31, 2018, the Nutrition Services fund had a positive balance in the food service account. Director Kayla Lau recommends not increasing breakfast and lunch prices for students, with the exception of the vendor chicken sandwich lunch. Food costs will remain consistent with the 2018-2019 school year. She recommends increasing the vendor chicken sandwich lunch \$0.10 for the 2019-2020 school year due to the proposed \$0.10 increase per chicken sandwich.

Discussion of Legislative Priorities (audio begins at 29m 46s)

August 8th is the deadline for submission of legislative priorities for the 2020 session. The board reviewed IASB's list of 2019 Legislative Resolutions and Legislative Summary and will update the priorities at the July meeting.

The district's 2018-2019 priorities:

- Special Education - State and Federal funding

- SAVE (Secure and Advance Vision for Education) supports repeal of the December 31, 2025 sunset on the statewide penny sales tax for school infrastructure

- Support Setting Supplemental State Aid: - For FY 2019, by January 31, 2018; - For FY 2020 and future budget years, at least 14 months prior to the certification of the school's district budgets; and

- at a rate that sufficiently supports local districts' efforts to plan, create and sustain world-class schools

- Supports the continued development of and funding for research on best practices for improving proficiency in early literacy strategies

- Supports the authority of locally elected school boards to determine the school calendar to best meet student needs, including start dates, year round schools, and other innovations

- Supports increased statewide access to and funding for mental health services for children

Discussion of Retirement Policies (audio begins at 39m 50s)

The board discussed the use of a retirement package as an annual benefit for staff. As we move into the last year of the three year contracts, we will start talking about new contracts as well as ways of providing for staff including insurance options, base increases, and other possibilities such as an annual retirement benefit. Superintendent Raso shared information from other districts that have an annual retirement benefit as well as the pros and cons of providing such a benefit.

The issue of opening up the master contracts to negotiate base wages was brought up and Superintendent Raso shared the legal opinion from Mikie Schiltz of Lane & Waterman. Her recommendation is that the district does not open the contract and she cited

EXHIBIT E
CERTIFICATE OF SERVICE

Certificate of Service

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that the foregoing Petition for Exemption in Docket No. AB-1277X, *Savage Davenport Railroad Company – Discontinuance Of Service Exemption – In Scott County, IA*, was served via first class mail, postage prepaid, on June 28, 2019, to the following persons:

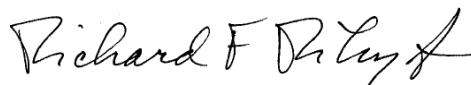
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50319-0069

Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

U.S. Department of the Army
Military Surface Deployment & Distribution
Command Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

U.S. Department of the Interior
National Park Service
Rivers, Trails & Conservation Assistance Program
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250



Richard F. Riley, Jr.