

## Engineer Raises Questions About Casino Project to Corps

Written by Kathleen McCarthy  
Tuesday, 10 January 2006 18:00

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Last June, the Davenport City Council approved a \$48-million development agreement with the Isle of Capri to build an 11-story casino hotel with a five-story adjacent parking ramp on downtown Davenport's riverfront, after less than a month of formal review that included the public.

The casino hotel represents one of the largest developments to occur in downtown Davenport, but because of its unprecedented fast-tracked approval for a project of this size, proper due diligence was not done. Opponents of the project contend that much of the information provided by Isle of Capri, DavenportOne, and the city was highly controversial due to inaccuracies, misinformation, and deliberately misleading public-relations spin.

To combat this, Smartriverfront.com – a grassroots citizens' organization that includes *River Cities' Reader* Publisher Todd McGreevy – was established to provide accurate data to the public and city council relative to the project, submitting detailed documentation in support of its findings to no avail.

The misinformation ranged from inflated revenue projections for the city and omission of expenses that offset much of projected new revenue from the project to misstatements of economic benefits to the community to a refusal to address alternative hotel sites to enhanced site plans presented to the public that do not reflect the actual plans that are currently being pursued via the Isle of Capri's application required by various regulatory bodies that govern development in a floodplain.

One of the regulators for riverfront development is the U.S. Army Corps of Engineers. The Isle of Capri submitted its project application on October 25, 2005. The review process requires a public notice that includes a 30-day period for public comment. The Corps comment period for this project ran from November 23 to December 22. Several requests were made to extend this for another 30 days to give more time for public comment, especially because the project is monumental, complex, and highly controversial. These requests are still pending.

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One of the requests came from 45-year veteran engineer Bill Ashton of Ashton Engineering. Ashton Engineering has been intimately involved in nearly every development project along the Quad Cities' Mississippi River, but also in many waterway projects across the country. Ashton Engineering was the primary consultant for Connelly when riverboat gambling initially came to Davenport. Ashton and his staff provided the engineering data for the mooring of the President riverboat, and later for the expansion that included its guest-services barge and porte-cochere under Connelly.

Utilizing his own resources, Ashton voluntarily provided a professional 84-page analysis, along with 20 exhibits (the last exhibit was Isle of Capri's 125-page project application by Stanley Consultants) as his response to the Corp's public notice. He provided the bound two-book analysis to numerous officials at the Corps; to each member of the newly elected city council; to all members of Davenport's Levee Commission; to a number of key city staff, including City Administrator Craig Malin, Legal Counsel Mary Thee, and Planning & Zoning Director Wayne Willie; to various parties at the Iowa Department of Natural Resources, including Water Resources Section Engineer Bill Cappuccio; and to members of the local media.

Ashton's response takes issue with the claim by Isle of Capri that the project will have no negative impact on flood levels in the surrounding area. The study is comprehensive and scientific in its approach, and calls for appropriate action in the spirit of cooperation and the public's best interest.

When asked what motivated this extraordinary effort on his part, Ashton explained: "I have practiced engineering here in Davenport for 45 years, and much of it involved the Mississippi River and the very issues that confront this proposed casino hotel. I felt compelled to expose the real concerns I have in a positive, professional manner because I felt I owed it to my community. I am in a position to understand the challenges the project faces, but to date are unaddressed, therefore unresolved. It is my hope by articulating these problems, it will cause the city to seek a third party-arbiter and commission a comprehensive hydraulic study before any further permitting or construction begins."

### **The following is the summary letter that accompanied the 84-page analysis Ashton submitted to the U.S. Army Corps of Engineer's John Betker on December 21:**

This letter contains my detailed professional response to the Isle of Capri Casino's, Inc., application CEMVR-OD-P-2005-1598, for a permit to relocate the existing casino vessel and guest services barge 380 feet upstream from its present location and the dredging of approximately 12,000 cubic yards of gravel and boulders.

Associated with this proposed move is the construction of a 10-story hotel and parking garage in the floodplain and the construction of floodwalls across the secondary 100-year flood flow on the floodplain and in the "River Drive Channel."

I recognize that construction in the floodplain requires approval of the State of Iowa and the City of Davenport. I am transmitting this same information to both (see Exhibits 4 and 5) and to the 2006 City Council and Levee Commission (see Exhibit 3). However, it is my professional

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opinion that the proposed development has a direct effect on the flood profiles and requires the attention of the Corps of Engineers and especially your hydraulic expertise. Furthermore, I am not confident that the City of Davenport can act as an independent unbiased arbitrator of the FEMA rules pertinent to this construction since they are in reality the applicant and the recipient of substantial funds from the casino. I therefore, recommend that the Corps of Engineers act to enforce FEMA regulations or appoint an independent arbitrator such as the Iowa Hydraulic Institute to review the hydraulics.

Attached to this letter is a packet containing professionally certified letters I have sent to governing officials containing questions that need to be answered or resolved prior to any approval action. I respectfully request the Corps of Engineers deny the permit.

This request is justified by the following:

a. No hydraulic analysis including modeling of the secondary flow has been performed to show that the associated project will not increase flood stages upstream of the project. (See Exhibit 5.)

Enclosed is a hydraulic study I have performed. (See Exhibit 6.) Also attached is the professional opinion of Dr. George Ashton, former Chief Scientist, USA CRREL. (See Exhibit 7.)

b. The applicant is not the owner of the land in control of the river bottom. (See Exhibit 8.)

c. The detailed cross section of the project shows access ramps in violation of the American Disability Act at high water. (See Exhibits 12 and 13.)

d. The proposed improvement shown on Figure 3 does not include an unrestricted 50-foot wide corridor as agreed between the City and the casino. (See Exhibit 9.) (The public understood there would be a clear 50-foot setback for their use of the riverfront.)

e. The proposed improvement shown on Figure 3 shows two access ramps which if similar to the existing arrangement would be inadequate access for patrons and services to maintain code occupancy and comply with Chapter 10 of the International Building Code. (See Exhibits 12-14.)

f. The application contains no details pertinent to the moorings that is sufficient for professional evaluation. (Electrical, water, and sewer connections are not shown. The mooring spurs and anchorages are not described or shown.)

g. The application is not specific as to the disposal site for the estimated 12,000 cubic yards of dredge material. The method of dredging is not described. (The 1990 site Connelly used has been developed.)

h. The application contains a very inadequate discussion of alternatives. For example, there is no discussion or costs for alternative sites such as a possible alternate site suggested in my

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letter dated 23 May 2005. (See Exhibit 18.) There is no explanation of why the parking garage is on the riverside of the railroad and further from River Drive. The argument offered that the Blackhawk Hotel is 1,000 feet from the river is false depending on what is defined as the river since the hotel is within 1,000 feet of the 100-year high water contour or the original surveyed ordinary high water or meander line. The agreement that patrons are too far from downtown is also mute [sic] when many casinos including the Isle of Capri are frequently stand alone facilities. The Isle of Capri in Bettendorf, Iowa, is separated from the downtown. Jumer's in Rock Island, Illinois, is moving from the District to I-280 and Highway 92. A professional level study of alternatives is needed especially considering the magnitude of public concerns.

i. The application contains no detail of the relocation methodology of the large 54-inch and 78-inch sanitary sewers which could be detrimental to the environment or how flood protection is impacted by the storm sewers. In addition, there is no discussion pertinent to interior drainage of the proposed protective area. (See Exhibits 10 and 11.)

Unfortunately, the limited time of the public notice has not allowed me to obtain responses to my professional concerns. However, the proposed footprint shown on Figure 3 would need to be revised. Such revision would require significant change and in my opinion require another public notice period. Possibly the current application should be corrected to satisfy ADA, proper moorings, correct access, etc., and then resubmitted.

In closing, I want to emphasize that I am not against the hotel or the casino. I am a concerned citizen of Davenport, Iowa, and a professional engineer with both river and casino experience in both Davenport, Iowa, and numerous other locations on the inland rivers. The questions I am raising I have been required to answer at other locations prior to Corps of Engineers and/or project approval.

Finally, I also want to emphasize that I do not represent any group. I have prepared the response myself based on 45 years of river engineering or paid engineers for necessary support engineering myself. I have consulted with SmartRiverfront.com, with members of the Riverfront Task Force, River Action, City of Davenport, and with Mark Beorkrem. I am sincerely interested in our riverfront and I intend to continue to work and testify if needed in order to insure all laws and regulations are complied with. I am confident working together the resulting project will be beneficial to all parties.

**Sincerely yours,**

**William D. Ashton, Professional Engineer**

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**In addition to the above response to the U.S. Army Corps of Engineers, in his cover letter to the city council and Levee Commission, Ashton reiterated his concerns:**

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This letter transmits to each of you a packet of materials pertinent to the Isle of Capri Casino's, Inc., proposed Rhythm City Hotel and hopefully provides you a basis for understanding the numerous problems associated with it. I am not against the hotel or the casino. I am concerned its construction on our riverfront will jeopardize the flood insurance program in Davenport and that ultimately its location could result in a catastrophic life safety event. Furthermore, I believe the agreement the City has entered into has not been met by the current application. I am also concerned that the City remains exposed financially until the cost of sewer relocations are determined. ...

The following items are enclosed in the attached bound book for your study:

1. Public Notice.
2. Letter – Ashton Engineering, Inc., to John Betker, Corps of Engineers, dated 21 August 2005 with Ashton response to Public Notice CEMVR-OD-P-2005-1598.
3. Letter – Ashton Engineering, Inc., letter to Mayor Winborn, City Council, and Levee Commission containing summary of Ashton's concerns.
4. Letter – Ashton Engineering, Inc., to Wayne Wille transmitting hydraulic analysis.
5. Letter – Ashton Engineering, Inc., to Cappuccio transmitting hydraulic analysis and requesting analysis.
6. Hydraulic Analysis by Ashton Engineering, Inc., showing that the hotel and floodwall block the 100-year flood flow and cause increased flood stages. (This is a violation of FEMA and would jeopardize the flood insurance along Blackhawk Creek, Duck Creek, Goose Creek, Silver Creek, etc.)
7. Letter – Dr. George D. Ashton to Ashton Engineering, Inc., stating his professional opinion on the increased flood stages. (Dr. Ashton holds a Ph.D. in hydraulics from the Iowa Hydraulic Institute – his resume is attached.)
8. Letter – Ashton Engineering, Inc., to Mary Thee, dated 8 December 2005, asking why Isle of Capri Casino's, Inc., is the applicant and not the owner of the riverfront. (The City of Davenport was the applicant for all previous permits.)
9. Letter – Ashton Engineering, Inc., to Mary Thee, dated 15 December 2005, informing her that current plan on application does not provide a 50-foot unrestricted corridor between hotel and river. (I believe the public understood there would be a 50-foot unrestricted access in front of the hotel.)
10. Letter – Ashton Engineering, Inc., to Pat McGrath, directing City's attention to relocation of sewers City must pay for and proposed floodwall. (The storm sewers on Brady and Harrison are impacted. The main 54-inch and 78-inch sanitary sewers must be relocated.)

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11. Letter – Pat McGrath to Ashton Engineering, Inc., stating essentially that City’s Engineering Division has not been provided information on how sewers are to be relocated and that makeup of “Design Review Panel” is unknown.

12. Letter – Ashton Engineering, Inc., to Mike McGee, dated 8 December 2005, directing the Building Department’s attention to noncompliance of ramps with American Disability Act, insufficient number of access ramps to keep the same occupancy, depressed access requirement making restricted 50-foot corridor between river and hotel, and questioning life safety concerns caused by railroad and floodwalls.

13. Letter – Mike McGee to Ashton Engineering, Inc., agreeing access ramps must meet American Disability Act criteria and referring life safety concerns to Fire and Police Chiefs. (The American Disability Act requirement means the present layout must be revised.)

14. Letter – Ashton Engineering, Inc., to Chief Frese and Chief Bladel directing their attention to the serious concerns relative to first responders and life safety of the public.

15. Letter – Ashton Engineering, Inc., to Cappuccio, dated 5 December 2005, expressing my professional conclusions pertinent to the hydraulics and stating my disagreement with his conclusions. Related letters attached.

16. Letter – Ashton Engineering, Inc., to Cappuccio, dated 15 July 2005, and to Colonel Gapinski, asking questions pertinent to permitting of skybridge landing island.

17. Letter – Ashton Engineering, Inc., to Cappuccio, dated 8 December 2005, requesting response.

18. Letter – Ashton Engineering, Inc., to Editor, Quad Cities Times, dated 23 May 2005. (Contains an example alternative that should merit detailed study along with other alternatives.)

19. Letter – Ashton Engineering, Inc., to Editor, Quad Cities Times, dated 29 April 2005, containing Ashton’s initial concerns pertinent to Isle of Capri proposal.

20. Joint Application for Department of the Army Section 10 Permit by Stanley Consultants, Inc., dated October 2005.

There are many other concerns and I am hopeful others have responded to the public notice. For example, the discussion pertinent to the alternatives studied is very weak. Why is the parking ramp on the riverside of the railroad? None of the following are even addressed: All the cars must cross the railroad – parking is further from River Drive – the parking garage consumes valuable river frontage. Some other concerns are: Where is all the new green space – only the lot across from the Figge is eliminated and that is done at the City’s expense and where is the dredge disposal site?

I believe you as our newly elected council and members of the Levee Commission need to

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reopen the discussion and get it right because the present application and agreement is incomplete, inconsistent with the public's understanding, and dangerously open ended. ...