



**Study Session Agenda
City of Council Bluffs, Iowa
February 11, 2019, 3:45 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

STUDY SESSION AGENDA

- A. Kathy Knott - Budget Review
- B. Brandon Garrett - Shipping Containers in Commercial and Residential Zones
- C. Review Agenda
- D. City Council Rules & Procedures Discussion

Strategy Session

- A. Jon Finnegan - Union Contract Negotiation Update



**Council Agenda, City of Council Bluffs, Iowa
Regular Meeting February 11, 2019, 7:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

AGENDA

REVISED: 02/07/2019 at 1:10 p.m. (corrected typo pg 83 & added liquor license)

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of Agenda & tape recordings of these proceedings to be incorporated into the official minutes.
- B. Reading, correction and approval of the January 28, 2019 City Council Meeting Minutes.
- C. Resolution 19-29
Resolution setting a public hearing for February 25, 2019 at 7:00 p.m. for the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road. Project #PW18-16B & #PW19-16A
- D. Notice of Right of Redemption
- E. Offer to Buy
- F. Claims

4. PUBLIC HEARINGS

- A. Resolution 19-30
Resolution approving the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2020.
- B. Resolution 19-31
Resolution granting final plat approval for a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2, legally described as being a portion of the SE1/4 SE1/4 of Section 34-75-43. Location: East of Eastern Hills Drive. SUB-19-003
- C. Resolution 19-32
Resolution to dispose of that portion of 24th Avenue lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision. SAV-19-001

D. Resolution 19-33

Resolution granting final plat approval for a two lot residential subdivision to be known as Moreno Addition, legally described as being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 26, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining. Location: Generally lying East of South 19th Street between 23rd and 25th Avenues. SUB-19-001

5. RESOLUTIONS

A. Resolution 19-34

Resolution approving the Fiscal Years 2020 through 2024 Capital Improvement Program.

B. Resolution 19-35

Resolution authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the East Manawa Sewer Rehab, Phase VIII. Project # PW20-09

C. Resolution 19-36

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the West Broadway Reconstruction, Segment 4. Project # PW20-20.

6. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor Licenses

- 1) 3rd Base Bar & Grill, 800 North 8th Street (New Owner Application)
- 2) The BLK Squirrel, 154 West Broadway
- 3) Cellar 19, 928 Valley View Village
- 4) Holiday Inn Hotel & Suites, 2202 River Road
- 5) Lighthouse Bar & Grill, 401 Veteran's Memorial Hwy. (New Owner Application)
- 6) Sugar's Restaurant & Lounge, 2725 Kanseville Blvd.
Special Event Liquor License Application
- 1) Shamrock Shuffle, March 16, 2019

7. CITIZENS REQUEST TO BE HEARD

8. OTHER BUSINESS

9. ADJOURNMENT

DISCLAIMER:

If you plan on attending this meeting and require assistance please notify the City Clerk's office at (712) 890-5261, by 5:00 p.m., three days prior to the meeting.



City Council Meeting Minutes January 28, 2019

CALL TO ORDER

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday January 14, 2019 at 7:00 p.m.

Council Members Present: Melissa Head, Roger Sandau, Nate Watson and Sharon White. Via Telephone: Mike Wolf.

Staff Present: Jodi Quakenbush and Richard Wade.

CONSENT AGENDA

Approval of Agenda & tape recordings of these proceedings to be incorporated into the official minutes.

Reading, correction and approval of the January 14, 2019 City Council Meeting Minutes.

Resolution 19-16

Resolution setting a public hearing for February 11, 2019 on the City of Council Bluffs budget for fiscal year ending June 30, 2020.

Resolution 19-17

Resolution of intent to vacate and setting a Public Hearing for February 11, 2019 at 7:00 p.m. for that portion of 24th Avenue lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision. SAV-19-001

December FY19 Financial Reports

Mayor's Appointments; Civil Service Commission,

Notice of Right of Redemption

Lawsuit (R&F)

Claims

Nate Watson and Melissa Head moved and seconded approval of Consent Agenda, moving Item 4I to the end of the agenda to be heard last.

Unanimous, 5-0 vote.

PUBLIC HEARINGS

Ordinance 6377

Ordinance to amend Chapter 15.02-Administration and Enforcement , by repealing Section 15.02.120, "Appeals" as it is currently written and replacing it with a new Section, 15.02.120, "Appeals" to implement a new appeal procedure. ZT-18-005

Sharon White and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6377. Unanimous, 5-0 vote.

Sharon White and Melissa Head moved and seconded approval of Motion to Waive Third Consideration. Ordinance passes to law.. Unanimous, 5-0 vote.

Ordinance 6379

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 8-11, Auditor's Subdivision of part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District as defined in Chapter 15.08b. Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane. ZC-18-014

Nate Watson and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6379. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of Motion to Waive Third Consideration. Ordinance passes to law.. Unanimous, 5-0 vote.

Ordinance 6378

Ordinance to amend Chapter 15.02-Administration and Enforcement , by repealing Section 15.02.130, "Enforcement" and replacing it with a new Section 15.02.130 entitled "Violation and Penalty". ZT-18-006

Sharon White and Nate Watson moved and seconded approval of Second Consideration of Ordinance 6378. Unanimous, 5-0 vote.

Nate Watson and Sharon White moved and seconded approval of Motion to Waive Third Consideration. Ordinance passes to law.. Unanimous, 5-0 vote.

Ordinance 6380

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two-Family Residential District as defined in Chapter 15.09. Location: 2nd Avenue, between South 18th Street and South 19th Street. ZC-18-015

Roger Sandau and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6380. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of Motion to Waive Third Consideration. Ordinance passes to law.. Unanimous, 0-0 vote.

Resolution 19-18

Resolution granting final plat approval for a three lot Commercial Subdivision to be known Morris Subdivision, Replat 1, legally described as being a Replat of Lots 2 and 3, Morris Subdivision. Location: South of 23rd Avenue at Mid-America Drive. SUB-19-002

Sharon White and Nate Watson moved and seconded approval of Resolution 19-18. Unanimous, 5-0 vote.

Resolution 19-19

Resolution approving the plans and specifications for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13.

Roger Sandau and Nate Watson moved and seconded approval of Resolution 19-19. Unanimous, 5-0 vote.

Resolution 19-20

Resolution approving the plans, specifications, form of contract, and cost estimate for the Mid America Center Signage Project. Project No. BM19-04

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-20. Unanimous, 5-0 vote.

Resolution 19-21

Resolution to vacate that portion of 4th Street right-of-way extending from 13th Avenue south to 16th Avenue in order to effectuate sale of city property to Conagra previously authorized by Council in Resolution 18-139, and to vacate certain portions of platted right-of-way that remain in place on privately owned property.

Sharon White and Nate Watson moved and seconded approval of Resolution 19-21. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 19-23

Resolution amending the planned commercial development plan for properties legally described as Lots 1 and 2, and Outlot 1, Plaza at the MARRC, relative to building architecture, screening/buffering, outdoor lighting, outdoor seating, and landscaping. Location: 20 and 40 Arena Way. PC-02-002(M)

Sharon White and Melissa Head moved and seconded approval of Resolution 19-23. Unanimous, 5-0 vote.

Resolution 19-24

Resolution adopting the Planned Commercial Development Plan for an indoor soccer facility on property legally described as Lot 2, Morris Subdivision, Replat 1. Location: Undeveloped land lying south of property addressed at 3320 Mid America Drive. PC-19-001

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-24. Unanimous, 5-0 vote.

Resolution 19-25

Resolution accepting the bid of Carley Construction, LLC in the amount of \$777,009.29 for the Mid-America Center Parking Lots Rehab, Phase 1. Project # BM19-01

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-25. Unanimous, 5-0 vote.

Resolution 19-26

Resolution authorizing the Mayor to execute Iowa Department of Transportation Federal Aid Agreements No. 4-19-STBGU-001 and 4-19-STBGU-002 in connection with the Eastern Hills Drive projects.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-26. Unanimous, 5-0 vote.

Resolution 19-27

Resolution to abolish one Administrative Secretary and add one Community Development Technician.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-27. Unanimous, 5-0 vote.

Resolution 19-28

Resolution to allow Pottawattamie County Emergency Management to occupy the space known currently as Community Hall for the purpose of establishing a countywide Emergency Operations Center and authorize City Staff to execute such agreement.

Heard from Justin James, Fire Chief and Doug Reed, Pottawattamie County Emergency Management.

Melissa Head and Sharon White moved and seconded approval of Resolution 19-28. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor License Renewals: AMC Theatres, 3220 23rd Ave, CVS Pharmacy, 545 W Washington, Fas Mart, 503 9th Ave & Fas Mart, 611 E. Broadway. Nate Watson and Sharon White moved and seconded approval of Liquor License Renewals 6A 1-4. Unanimous, 5-0 vote.

Resolution 19-22

Resolution approving the plans and specifications for the West Broadway Reconstruction, Segment 3. Project # PW19-20

Heard from:

Mark Mitchell, with Jimmy Johns, 1640 W Broadway;

Deborah Peterson, 215 South Main Street;

Tom Ackley, Attorney for Krispy Kreme, 11525 S. 123rd Street, Omaha,

Eileen OConnor, 500 Spencer Avenue;

Justin James, Council Bluffs Fire Chief

Bruce Kelly, 864 McKenzie Avenue;

Jim Huskenson, with Krispy Kreme, 2420 W Broadway;

John Stubblefield, 232 Bennett Avenue.

Sharon White and Nate Watson moved and seconded approval of Resolution 19-22. Passed, 3-2 vote. (Nays: Head, Sandau)

CITIZENS REQUEST TO BE HEARD

Heard from Bruce Kelly, 864 McKenzie Avenue

OTHER BUSINESS

Heard from Deborah Peterson, 215 South Main Street.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 9:19 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW18-16B &
PW19-16A
Submitted by: Matthew Cox, City
Engineer

Resolution 19-29
ITEM 3.C.

Council Action: 2/11/2019

Description

Resolution setting a public hearing for February 25, 2019 at 7:00 p.m. for the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road. Project #PW18-16B & #PW19-16A

Background/Discussion

The Eastern Hills Drive, Segment D project will include a new roadway constructed on new alignment from Highway 92 to State Orchard Road and on the existing State Orchard Road alignment from Greenview Road to the Intersection of Eastern Hills Drive and State Orchard Road. A round-a-bout will be constructed at the intersection of Greenview and State Orchard and new traffic signals will be installed on Highway 92. A 10-foot wide concrete trail will be constructed on the north side of the new roadway. The project will require the construction of two concrete box culverts in Little Pony Creek. The roadway portion of this project is identified as PW19-16A and the box culverts are identified as PW18-16B.

The two projects will be tied and constructed as one project. The project will be let by the Iowa DOT.

The project will improve the transportation network in eastern Council Bluffs by completing Eastern Hills Drive between US Highway 6 and Iowa Highway 92, while providing improved connections to developments along Greenview Road, Steven Road, and Cottonwood Road. The continuity for the local transportation system will support future land development, increases the capacity of existing roads to accommodate traffic demands and improves emergency access.

Construction costs for both projects are estimated to be \$8,413,000. Federal funding through earmarks and STBG funds will be used for 80% of the construction costs. The remaining 20% will be shared by the City of Council Bluffs and Pottawattamie County. The City's match will be paid using sales tax funds.

The project schedule is as follows:	Set Public Hearing	February 11, 2019
	Hold Public Hearing	February 25, 2019
	Bid Letting	March 19, 2019
	Award	April 22, 2019
	Construction Start	June 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Other	2/1/2019
Map	Map	2/1/2019
19-29	Resolution	2/4/2019

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
Eastern Hills Drive Segment D, Highway 92 to the Intersection of
Eastern Hills Drive and State Orchard Road
Project #PW18-16B & #PW19-16A

A public hearing will be held on February 25, 2019, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road project. The project will include construction of 34,635 cubic yards of embankment, 18,030 cubic yards of excavation, 26,833 square yards of concrete pavement, 4,918 lineal feet of storm sewer, one twin 12 ft. x 12 ft. x 346 ft. concrete box culvert and one twin 12 ft. x 10 ft. x 796 ft. concrete box culvert. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk



1 OF 1
sheet

project no.
15806

sheet
project EASTERN HILLS DRIVE
SEGMENT D - PROJECT 4
client CITY OF COUNCIL BLUFFS

EASTERN HILLS DRIVE EXHIBIT

JND	drawn
ZMW	designed
TLS	approved
JAN 19	date
revision	date

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

this drawing is being made
available by hgm associates inc.
for use on this project in
accordance with hgm associates
inc. agreement for professional
services. hgm associates inc.
assumes no liability for any use of
this drawing or any part thereof
except in accordance with the
terms of the above agreement.

RESOLUTION
NO 19-29

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
EASTERN HILLS DRIVE SEGMENT D, HIGHWAY 92 TO THE INTERSECTION OF
EASTERN HILLS DRIVE AND STATE ORCHARD ROAD
PROJECT #PW18-16B & #PW19-16A**

WHEREAS, the City wishes to make improvements known as the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road.

AND BE IT FURTHER RESOLVED

That the aforementioned project is encompassed by the language of the 1989 Local Option Sales Tax Ballot and as such this is an appropriate expenditure of the Local Option Sales Tax Revenues.

ADOPTED
AND
APPROVED

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

January 23, 2019
DATE

I acknowledge receiving a Notice of Expiration of Right of Redemption from Tax Sale for the property assessed to John Roberts and Patricia Ann Roberts which has a street address of 906 Pine Street in Council Bluffs, Iowa 51501, and which is legally described as:

Lot 32, in Seldin's First Addition to the City of Council Bluffs, Pottawattamie County, Iowa,

which Notice is dated January 23, 2019 and signed by Curtis J. Heithoff as the attorney for GPF 108 LLC, the party giving the Notice of Expiration of Right of Redemption from Tax Sale.


COUNCIL BLUFFS CITY CLERK

Subscribed in my presence and sworn
to before me this 23rd day of
January, 2019.


NOTARY PUBLIC



NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION FROM TAX SALE

TO: John Roberts and Patricia Ann Roberts
906 Pine Street
Council Bluffs, IA 51501

The Persons in whose Name
The Following Described
Property is Assessed

TO: John Roberts, Patricia Ann Roberts and Occupants
906 Pine Street
Council Bluffs, IA 51501

The Persons in Possession of
The Following Described
Property

You, and each of you, are notified that on the 20th day of June, 2016, the following described property, situated in Pottawattamie County, Iowa, to-wit:

Lot 32, in Seldin's First Addition to the City of Council Bluffs, Pottawattamie County, Iowa,

with an address of 906 Pine Street, Council Bluffs, Iowa 51501 and a Tax Parcel Number of 754434331017, was sold by the County Treasurer of Pottawattamie County, Iowa, at the Regular Pottawattamie County Tax Sale held on said date for the amount of taxes and/or special assessments, interest and costs due and remaining unpaid against said property to Pottawattamie County Iowa, and a Certificate of Purchase at Tax Sale, Certificate No. 16-0647, was duly issued to GPF 108 LLC by the County Treasurer of Pottawattamie County, Iowa, pursuant to said sale, which Certificate is now still lawfully held and owned by GPF 108 LLC, and that the right of redemption will expire and a Deed for said property will be executed and delivered unless redemption from said sale is made within ninety (90) days from the completed service of this Notice.

DATED this 23rd day of January, 2019.

GPF 108 LLC

BY: _____



Curtis J. Heithoff #2248
508 South 8th Street
Council Bluffs, Iowa 51501
Telephone: 712-325-0888
Facsimile: 712-325-0894

ITS ATTORNEY

APPLICATION TO PURCHASE CITY PROPERTY

Submit To: Jodi Quakenbush, City Clerk
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

CLERK RCD
1 FEB 19
PM 3:43

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:

2501 4TH Avenue Council Bluffs, Ia. 51501
Wrights Add. Lts. 1-2 BIK 10

Buyers are applying to purchase this property for the following purpose(s):

Building a New Home

Buyers offer a total sum of \$ 5,000⁰⁰.

Buyers submit a down payment in the sum of \$ 200⁰⁰ + \$50 Administrative Fee.

In consideration of the information above, Buyers hereby certify and agree to the following:

- (a) Buyers shall submit a down payment of 10% of the last assessed or appraised value for a buildable lot, OR 10% of a value established by the Street Property Fee Schedule for non-buildable remnant parcels.
- (b) The down payment shall be refunded if the offer is not accepted by the City Council, however, if the buyer does not purchase the property within the specified timeframe (60 days, unless otherwise approved), or withdraws their offer, the down payment is not refundable.
- (c) City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.
- (d) Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.
- (e) Title shall be taken subject to all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.
- (f) Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.
- (g) Buyers shall finance the purchase of the property by any one of the following means (please circle):
 - a. Cash
 - ☒ b. Certified Check
 - c. Third Party Mortgage
 - d. City Financing with Mortgage/Promissory Note
- (h) All subsequent taxes shall be paid by Buyers.
- (i) All subsequent special assessments shall be paid by Buyers.
- (j) Buyers are purchasing the property AS IS, and may obtain insurance to cover risk of loss at their own cost.
- (k) Buyers are entitled to possession of the described property upon receipt of the City Deed.
- (l) Upon payment of the purchase price as provided in paragraph (e), the City shall convey title by City Deed.

Michael B. Allmon 1-28-19
Buyer Signature Date
Michael B. Allmon
Print Name
105 Sunny Ridge Drive CB 51503
Address
402-680-4208
Phone/Email
mallmon@npdodge.com

Buyer Signature Date

Print Name

Address

Phone/Email

Internal Use Only

____ Buildable Lot
____ Remnant Parcel
____ Previously Vacated ROW

____ Date Received
____ Case #Assigned
____ Payment with Offer

____ Offer Sufficient for Review

Approved for Processing: _____

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 19-PW-1939

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT:

Mallory Miller

DAY PHONE:

7123268786

ADDRESS:

204 Tower Ridge Ct, 51503

DOB:

8/12/91

DATE & TIME OF LOSS/ACCIDENT:

1/29/19 approx 8:05am

LOCATION OF LOSS/ACCIDENT:

204 Tower Ridge Ct, car parked on street

DESCRIPTION OF LOSS/ACCIDENT:

Car was parked on street, just off of driveway. City plow was clearing snow pile in center of cul-de-sac prior to claimant coming outside and observing a crack in the bumper. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$

01018.15 (see estimate attached.)

WITNESS(ES) (Name(s), Address(es), Phone No(s))

Dean Miller 402 510 8847

204 Tower Ridge Ct, Council Bluffs, IA 51503

WAS POLICE REPORT FILED ☐ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

none

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION:

CLERK RCVD

29 JAN 19

LIST INSURANCE PROVIDER AND COVERAGE:

Geico, Full Coverage

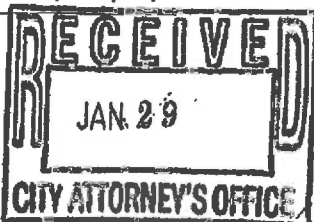
PM8:19

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

DATE

1-29-19



CLAIMANT'S SIGNATURE

Mallory Miller

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 19-PW-1940

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Andrew M. Carlson DAY PHONE: 712 355 2576
ADDRESS: 124 Huron Circle DCB: 23 FEB 18
DATE & TIME OF LOSS/ACCIDENT: 27 DEC 18 - 0100 AM
LOCATION OF LOSS/ACCIDENT: AVENUE C in front of 1719
DESCRIPTION OF LOSS/ACCIDENT: My driver's side mirror was struck by a snow plow at or around 1 Am. As a result my mirror broke off completely
(USE BACK OF FORM, IF NECESSARY)
TOTAL DAMAGES CLAIMED: \$ 322.25 - 5432.57
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Joplin Proit, Chris Anderson 1719 Ave. C

WAS POLICE REPORT FILED ☐ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: See Attached documents, Accident No. 18-056361

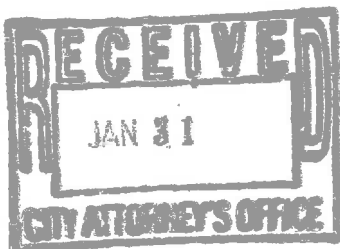
LIST INSURANCE PROVIDER AND COVERAGE: N/A

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

31 JAN 19
DATE

Andrew Carlson
CLAIMANT'S SIGNATURE



PAID

2 FEB 19

CLERK

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 19-PW-1941

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Wayne Pearey DAY PHONE: _____
ADDRESS: 2306 3rd Ave C. Bluffs Ia 51501 DOB: _____

DATE & TIME OF LOSS/ACCIDENT: Jan 17th
LOCATION OF LOSS/ACCIDENT: North 25th Street (going North, before Ave G)
DESCRIPTION OF LOSS/ACCIDENT: Hot Pot Hole

1998 Ford F150 Damage to Attache in Bill
(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ \$436.73
WITNESS(ES) (Name(s), Address(es), Phone No(s)) _____

WAS POLICE REPORT FILED _____ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: _____

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES _____ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY
OTHER RELEVANT INFORMATION: _____

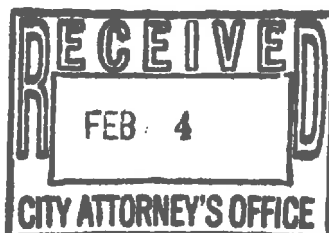
LIST INSURANCE PROVIDER AND COVERAGE: None

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY
CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A
FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

Feb 4th 19
DATE

Wayne Pearey
CLAIMANT'S SIGNATURE



CLERK RCD
4 FEB'13

PM2:54

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 19-PW-1942

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: MICHAEL MORGAN

DAY PHONE: 712-355-5777

ADDRESS: 514 HARRISON ST

DOB: _____

DATE & TIME OF LOSS/ACCIDENT: 12/27/2018

LOCATION OF LOSS/ACCIDENT: 514 HARRISON

DESCRIPTION OF LOSS/ACCIDENT: SEWER COMPLETELY PLUGGED WITH GREASY/CLAY. PLUMBING ATTEMPTED TO HYDRO-FLUSH. PRIOR TO THIS A BLOCKAGE OCCURRED AT HYDE & HARRISON AS WELL IN DECEMBER IT COLLAPSED SOWER AT HARRISON AND KANSASVILLE (DOWN) (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$288.90

WITNESS(ES) (Name(s), Address(es), Phone No(s)) _____

WAS POLICE REPORT FILED ____ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: _____

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ____ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: _____

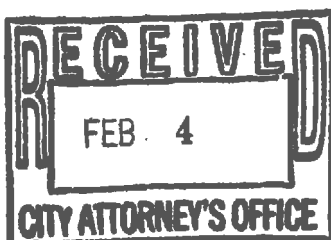
LIST INSURANCE PROVIDER AND COVERAGE: FARM BUREAU - STANDARD HOMEOWNERS

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

2-4-19
DATE

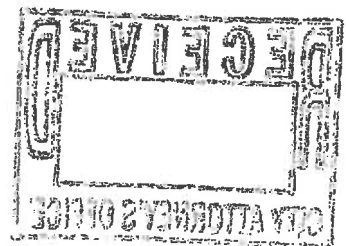
[Signature]
CLAIMANT'S SIGNATURE



CLERK RCD
5 FEB 19

PM 2:55

THE BLOCKAGE AT HYDE ST. OCCURRED APPROX
3 MONTHS EARLIER. IT BLEW THE CAP OFF OF OUR
6" CHASEOUT LINE NEAR THE STREET. ~~FOR~~ OUR
SEWER LINE - A 6" LINE DID NOT ^{BEGIN TO} SQUIT UNTIL
1 1/2 WEEKS OR SO BEFORE THE SEWER LINE COLLAPSED
AT THE BOTTOM OF THE STREET - KANSVILLE
INTERSECTION. THE PLUMBING COMPANY BELIEVED
THE ONLY WAY A PRIVATE 6" LINE COULD FILL
UP WITH THIS MUCH MUD WAS A BACKUP FROM
THE MAIN CITY SEWER.
OUR LINE DID NOT COMPLETELY QUIT BUT
OUR USAGE WAS VERY LIMITED TO A FEW TOILET
FLUSHES, NO CLOSE WASHING.



Council Communication

Department: Finance
Case/Project No.:
Submitted by: Kathryn Knott

Resolution 19-30
ITEM 4.A.

Council Action: 2/11/2019

Description

Resolution approving the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2020.

Background/Discussion

Staff is requesting approval of the Budget for Fiscal Year Ending June 30, 2020. Upon approval, documents will be prepared and submitted to the Iowa Department of Management and to the Pottawattamie County Auditor prior to March 15, 2019.

Recommendation

Approval of the resolution.

ATTACHMENTS:

Description	Type	Upload Date
Public Hearing Notice	Resolution	1/29/2019
Resolution 19-30	Resolution	2/4/2019

NOTICE OF PUBLIC HEARING
BUDGET ESTIMATE
 FISCAL YEAR BEGINNING JULY 1, 2019 - ENDING JUNE 30, 2020

City of **Council Bluffs**, Iowa

The City Council will conduct a public hearing on the proposed Budget at City Hall, 209 Pearl, Council Bluffs IA
 on 2/11/2019 at 7:00 p.m.
 (Date) xx/xx/xx (hour)

The Budget Estimate Summary of proposed receipts and expenditures is shown below.

Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor,
 City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property \$ 18.26000
 The estimated tax levy rate per \$1000 valuation on Agricultural land is \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part
 of the proposed budget.

712-890-5313
 phone number

Kathryn Knott
 City Clerk/Finance Officer's NAME

		Budget FY 2020	Re-estimated FY 2019	Actual FY 2018
		(a)	(b)	(c)
Revenues & Other Financing Sources				
Taxes Levied on Property	1	48,301,901	46,787,000	43,188,002
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	48,301,901	46,787,000	43,188,002
Delinquent Property Taxes	4	0	0	7,221
TIF Revenues	5	3,771,741	4,176,848	4,764,496
Other City Taxes	6	22,827,246	21,033,273	21,538,532
Licenses & Permits	7	1,790,950	1,621,650	5,773,976
Use of Money and Property	8	1,287,300	962,355	1,169,037
Intergovernmental	9	25,738,228	32,089,650	29,860,018
Charges for Fees & Service	10	20,463,741	20,649,048	18,950,369
Special Assessments	11	166,000	166,000	305,145
Miscellaneous	12	3,990,440	2,472,400	11,986,988
Other Financing Sources	13	7,550,000	25,000	34,651,565
Transfers In	14	31,134,235	27,331,857	28,141,555
Total Revenues and Other Sources	15	167,021,782	157,315,081	200,336,904
Expenditures & Other Financing Uses				
Public Safety	16	35,149,613	34,284,127	33,135,638
Public Works	17	10,597,702	9,549,124	9,771,340
Health and Social Services	18	202,315	152,137	553,808
Culture and Recreation	19	13,603,047	12,971,497	12,007,442
Community and Economic Development	20	6,595,154	5,758,794	4,793,219
General Government	21	16,567,586	13,861,236	14,571,616
Debt Service	22	9,764,739	10,527,678	17,686,355
Capital Projects	23	33,317,152	42,468,675	41,063,277
Total Government Activities Expenditures	24	125,797,308	129,573,268	133,582,695
Business Type / Enterprises	25	17,157,660	16,173,192	15,434,167
Total ALL Expenditures	26	142,954,968	145,746,460	149,016,862
Transfers Out	27	31,134,235	27,331,857	28,141,555
Total ALL Expenditures/Transfers Out	28	174,089,203	173,078,317	177,158,417
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	-7,067,421	-15,763,236	23,178,487
Beginning Fund Balance July 1	30	217,419,259	233,182,495	210,004,008
Ending Fund Balance June 30	31	210,351,838	217,419,259	233,182,495

RESOLUTION NO. 19-30

A Resolution approving the City of Council Bluffs Budget for
Fiscal Year Ending June 30, 2020

WHEREAS, The City of Council Bluffs is required to hold a public hearing on the proposed budget for fiscal year ending June 30, 2020, and

WHEREAS, The City Council Bluffs has a requirement to submit its budget for the fiscal year ending June 30, 2020 to the Iowa Department of Management and to the Pottawattamie County Auditor prior to March 15, 2019, and

WHEREAS, The City of Council Bluffs is required to publish and post the proposed budget at least ten and no more than twenty days from the public hearing.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

Approval of the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2020.

ADOPTED
AND
APPROVED

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community
Development

Case/Project No.: CASE #SUB-
19-003

Submitted by: Christopher Meeks,
Planner

Resolution 19-31
ITEM 4.B.

Council Action: 2/11/2019

Description

Resolution granting final plat approval for a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2, legally described as being a portion of the SE1/4 SE1/4 of Section 34-75-43. Location: East of Eastern Hills Drive. SUB-19-003

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-19-003 Hills of Cedar Creek East, Phase 2 Staff Report	Other	2/1/2019
SUB-19-003 Attachment A	Map	2/1/2019
SUB-19-003 Attachment B	Map	2/1/2019
Resolution 19-31	Resolution	2/4/2019

Council Communication

Department: Community Development CASE #SUB-19-003 Owner/Applicant: HCC Investments, LLC 11040 Oakmont Overland Park, KS 66210 Engineer: Ehrhart Griffin & Associates Attn: Terry L. Morrison 142 West Broadway, Suite 136 Council Bluffs, IA 51503	Resolution No. _____	City Council: 2/11/2019
--	----------------------	-------------------------

Subject/Title

Request: Final plat approval of a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2, legally described as being a Portion of the Southeast Quarter of the Southeast Quarter of Section 34, Township 75 North, Range 43 West, City of Council Bluffs, Pottawattamie County, Iowa.

Location: East of Eastern Hills Drive, and being an extension of Abercorn Drive and a new section of Steven Road.

Background/Discussion

The Community Development Department has received a request from Western Iowa Land Development, LLC for final plat approval of a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2. The proposed subdivision consists of 7.424 acres, more or less, of land, and is located East of Eastern Hills Drive. Access to the lots will come from an extension of Steven Road (with access to Eastern Hills Drive), extensions of Abercorn Drive and Ardmore Street, and the creation of Sage Street.

The Hills of Cedar Creek East preliminary plan was approved by the Council Bluffs City Council with Resolution 17-143 on June 26, 2017, and was proposed to consist of 53 lots, constructed in two phases. The Hills of Cedar Creek East, Phase 1 was approved by the Council Bluffs City Council with Resolution 18-05 on January 8, 2018, and included Lots 1-30 on Abercorn Drive. The Hills of Cedar Creek East, Phase 2, will feature lot numbers 31-55.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The entirety of the Hills of Cedar Creek East, Phase 2 is to be rezoned upon execution of the final plat from a combination of R-3/Low Density Multifamily Residential, and C-1/Commercial District to R-1/Single Family Residential. The rezoning was approved by Ordinance 6323.
3. All lots in the subdivision except Lot 44 exceed all Site Development Regulations of the R-1/Single Family Residential District, and will be considered developable. Lot 44 will need to be widened to meet the 50 foot minimum lot width in the R-1/Single Family Residential District.

4. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
5. The Council Bluffs Public Works Department provided the following comments:
 1. The first utility note needs to be reworded for the phase being platted. Dayan Drive was in the Hills of Cedar Creek East, Phase 1.
 2. Temporary easements need to be included for all roadway terminations that have constructed hammer-head turnarounds that extend beyond the right-of-way.
6. The Council Bluffs Fire Department stated they have no comments for the proposed final plat.
7. Council Bluffs Water Works stated they are in the process of placing water main within the Hills of Cedar Creek East, Phase 2 subdivision, and have an installation agreement with the developer.
8. MidAmerican Energy Company has a preliminary layout of primary lines in the subdivision, and stated conduit crossing under roadways have already been installed. MidAmerican Energy Company and the developer also have an Electric Distribution System Agreement in place. The Final Plat shall not be executed until the underground electric utilities are installed.
9. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a building on each lot, at no cost to the City.
10. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision, though notes if there are any they will be recorded with the Pottawattamie County Recorder's Office. A copy of said private restrictions and/or covenants shall be provided to the City of Council Bluffs, if applicable.

Recommendation

The Community Development Department recommends final plat approval of a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2, as legally described above and as shown on Attachment 'A', subject to all comments stated above and following conditions:

- a. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
- b. The Public Works Department shall accept all infrastructure into the City's inventory prior to the final plat being signed and recorded; and
- c. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- d. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- e. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
- f. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City; and
- g. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City; and
- h. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.

Attachment

Attachment A: Case Map

Attachment B: Hills of Cedar Creek East, Phase 2 Final Plat



Engineer: Terry L. Morrison, Ehrhart Griffin & Associates

Prepared by: Chris Meeks, Planner

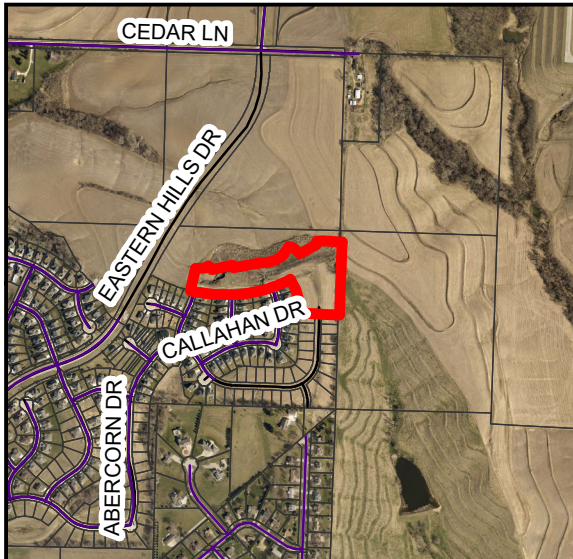
CITY OF COUNCIL BLUFFS

CASE #SUB-19-003 LOCATION/ZONING MAP

Map Legend

-  Location of Proposed Final Plat
-  Parcels

0 125 250
1 Inch = 252 Feet



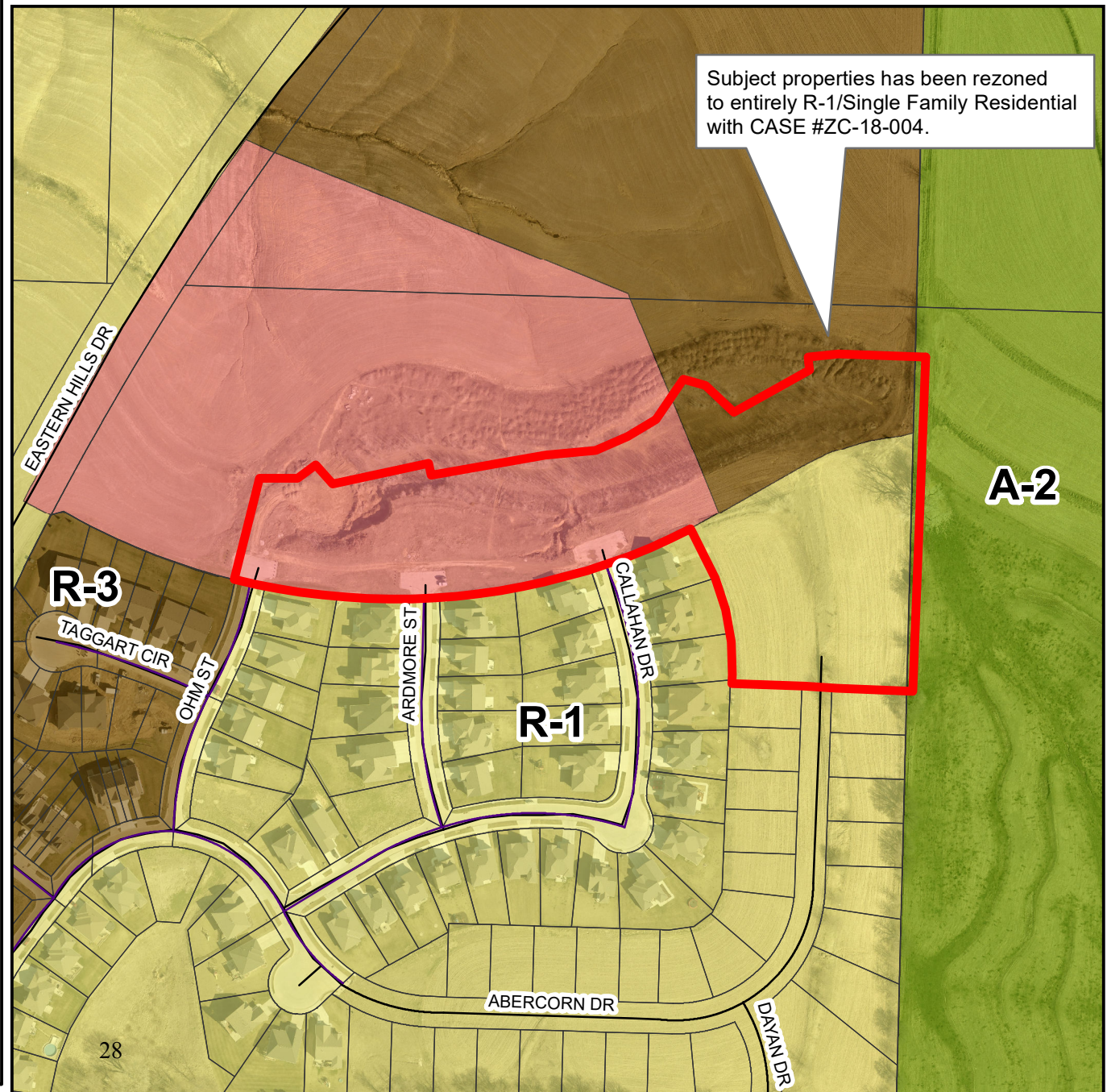
Last Amended: 1/16/19



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



LEGAL DESCRIPTION:

THE HILLS OF CEDAR CREEK EAST PHASE 2, CONTAINING LOTS 31 THROUGH 55 INCLUSIVE, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER LOT 17, HILLS OF CEDAR CREEK EAST PHASE 1; THENCE NORTH 87°45'44" WEST ON THE NORHTERLY LINE OF SAID HILLS OF CEDAR REEK EAST PHASE 1 A DISTANCE OF 124.98 FEET; THENCE NORTH 86°11'03" WEST A DISTANCE OF 50.02 FEET TO THE NORTHEAST CORNER OF LOT 30, SAID HILLS OF CEDAR CREEK EAST PHASE 1; THENCE NORTH 87°45'44" WEST A DISTANCE OF 120.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 30, HILLS OF CEDAR CREEK EAST PHASE 1; THENCE NORTH 02°14'16" EAST A DISTANCE OF 14.03 FEET; THENCE NORTH 01°15'50" WEST, A DISTANCE OF 53.87 FEET; THENCE NORTH 09°52'14" WEST, A DISTANCE OF 53.25 FEET; THENCE NORTH 18°28'22" WEST, A DISTANCE OF 53.25 FEET; THENCE NORTH 26°33'46" WEST, A DISTANCE OF 90.13 FEET; THENCE WESTERLY ALONG THE COMMON CURVE OF THE NORTH LINE OF THE HILLS OF CEDAR CREEK PHASE 1, REPLAT 3, BEING CURVED TO THE RIGHT AND HAVING A RADIUS OF 1080.00 FEET AND A CENTRAL ANGLE OF 40°31'51", AN ARC DISTANCE OF 763.99 FEET (CHORD=748.16', CHORD BEARING=S83°42'12"W); THENCE NORTH 13°58'06" EAST, A DISTANCE OF 169.99 FEET; THENCE NORTH 89°53'23" EAST A DISTANCE OF 62.25 FEET; THENCE NORTH 53°35'51" EAST A DISTANCE OF 35.93 FEET; THENCE SOUTH 41°58'50" EAST A DISTANCE OF 42.05 FEET; THENCE NORTH 77°42'01" EAST A DISTANCE OF 160.00 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT AND HAVING A RADIUS OF 625.00 FEET AND A CENTRAL ANGLE OF 1°51'14", AN ARC DISTANCE OF 20.22 FEET (CHORD=20.22', CHORD BEARING=S11°22'22"E); THENCE NORTH 79°49'10" EAST A DISTANCE OF 189.94 FEET; THENCE NORTH 84°38'44" EAST A DISTANCE OF 81.32 FEET; THENCE NORTH 67°07'08" EAST A DISTANCE OF 57.11 FEET; THENCE NORTH 58°25'06" EAST A DISTANCE OF 53.38 FEET; THENCE NORTH 34°36'28" EAST A DISTANCE OF 79.59 FEET; THENCE SOUTH 73°47'45" EAST A DISTANCE OF 37.18 FEET; THENCE SOUTH 46°47'04" EAST A DISTANCE OF 63.04 FEET; THENCE NORTH 61°04'43" EAST A DISTANCE OF 141.79 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT AND HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 2°51'27" AN ARC DISTANCE OF 21.19 FEET (CHORD=21.19', CHORD BEARING=N7°31'46"W); THENCE NORTH 83°53'58" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH 87°45'44" EAST A DISTANCE OF 142.16 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34; THENCE SOUTH 02°14'16" WEST ON SAID EAST LINE OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34 A DISTANCE OF 544.76 FEET TO THE POINT OF BEGINNING, CONTAINING 323,383 SQUARE FEET (7.424 ACRES), MORE OR LESS.

DEDICATION

KNOW ALL PEOPLE OF THESE PRESENTS: THAT

HCC INVESTMENTS, LLC

BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED WITH OUR FREE CONSENT AND IN ACCORD WITH OUR DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS 31 THROUGH 55, INCLUSIVE, AS SHOWN AND TO BE KNOWN AS:

HILLS OF CEDAR CREEK EAST PHASE 2, CONTAINING LOTS 31 THROUGH 55 INCLUSIVE

AND SAID LIMITED LIABILITY COMPANY DOES HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND THAT ALL STREETS TO INCLUDE STEVEN ROAD (70,337 SF), ABERCORN DRIVE (17,166 SF), ARDMORE STREET (7,774 SF) AND SAGE STREET (4,721 SF) (TOTAL NEW ROW = 99,998 SF), ARE DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, FOR PUBLIC USE.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS, FOR: HCC INVESTMENTS, LLC, AN IOWA LIMITED LIABILITY COMPANY

James M Duggan
JAMES M DUGGAN AS: MEMBER OF HCC INVESTMENTS, LLC
DATE: 1-10-19

NOTE: STANDARD UTILITY EASEMENTS

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE ALONG EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES. ALSO, THERE ARE EASEMENTS 10 FEET IN WIDTH LYING ON EACH SIDE OF DAYAN DRIVE WITHIN THE LIMITS OF LOTS 9 AND 10 FOR UTILITY PURPOSES, THE DRAINAGE AREAS AND INCLUDED DRAINAGE SYSTEMS, IF ANY, ARE PRIVATE AND ARE TO BE MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.

ERECTION OF STRUCTURES PROHIBITED: HCC INVESTMENTS, LLC, OR IT'S SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE PROHIBITED: HCC INVESTMENTS, LLC, OR IT'S SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION, OR CONTOUR OF ANY PART OF THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREAS, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE SAID LIMITED LIABILITY COMPANY OR IT'S SUCCESSORS OR ASSIGNS.

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREAS SHALL BE LIMITED ONLY TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREAS WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS, SHALL BE REPAIRED AT NO EXPENSE TO THE SAID LIMITED LIABILITY COMPANY OR IT'S SUCCESSORS OR ASSIGNS.

EASEMENTS RUN WITH THE LAND: THESE EASEMENTS SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON HCC INVESTMENTS, LLC, OR ITS SUCCESSORS OR ASSIGNS.

FINAL PLAT
HILLS OF CEDAR CREEK EAST
PHASE 2

CONTAINING LOTS 31 THROUGH 55 INCLUSIVE,
IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION 34, T75N, R43W OF THE 5TH P.M.,
POTTAWATTAMIE COUNTY, IOWA

PROJECT NO.
EGA171062

REVISIONS	NO.	DESCRIPTION	DATE	BY

**EHRHART
GRIFFIN &
ASSOCIATES**

142 West Broadway
Suite 138
Council Bluffs, IA 51503
712 / 256-5248

• ENGINEERING
• PLANNING
• LAND SURVEYING

HILLS OF CEDAR CREEK EAST
PHASE 2
FINAL PLAT
COUNCIL BLUFFS, IOWA

DATE: 3/12/2018
DESIGNED BY:

DRAWN BY:
WAW
CHECKED BY:

CREW:

SHEET NO.
2 OF 2

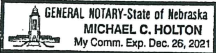
ACKNOWLEDGEMENT TO DEDICATION

ACKNOWLEDGEMENT TO DEDICATION

STATE OF Nebraska
COUNTY OF Douglas

ON THIS 10 DAY OF January, 2019,
BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME,

JAMES M DUGGAN, AS MEMBER OF HCC INVESTMENTS, LLC, AN IOWA LIMITED LIABILITY COMPANY, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION, AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS SUCH MEMBER, AND VOLUNTARY ACT AND DEED OF SAID HCC INVESTMENTS, LLC.



WITNESS MY HAND AND NOTARIAL SEAL AT

Michael C. Holton
NOTARY PUBLIC
1-10-19
DATE

CERTIFICATIONS AND APPROVALS

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FINAL PLAT:

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

B. TITLE OPINION LETTER OF ATTORNEY.

C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MEETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

James M Duggan
HCC INVESTMENTS, LLC, JIM DUGGAN, MEMBER
1-10-19
DATE

COMMUNITY DEVELOPMENT
APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, BRANDON GARRETT
DATE

CITY COUNCIL: APPROVED BY MAYOR, THE HONORABLE MATTHEW J. WALSH
DATE

ATTESTED TO BY: CITY CLERK, JODI QUAKENBUSH
DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE HILLS OF CEDAR CREEK EAST PHASE 1, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA, LEA A. VOSS
DATE

RESOLUTION NO. 19-31

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 25 LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLS OF CEDAR CREEK EAST, PHASE 2.

WHEREAS, HCC Investments, LLC has requested review and approval of a final subdivision plat for a 25-lot residential subdivision to be known as the Hills of Cedar Creek East, Phase 2; and

WHEREAS, The proposed land consists of 7.424 acres, more or less, of land, and is located East of Eastern Hills Drive, as an extensions of Abercorn Drive and Ardmore Street, being a new addition to Steven Road, and the creation of Sage Street, and is legally described as: Being a portion of the Southeast Quarter of the Southeast Quarter of Section 34, Township 75 North, Range 43 West, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The following comments were provided for the proposed subdivision request:

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The entirety of the Hills of Cedar Creek East, Phase 2 is to be rezoned upon execution of the final plat from a combination of R-3/Low Density Multifamily Residential, and C-1/Commercial District to R-1/Single Family Residential. The rezoning was approved by Ordinance 6323.
3. All lots in the subdivision except Lot 44 exceed all Site Development Regulations of the R-1/Single Family Residential District, and will be considered developable. Lot 44 will need to be widened to meet the 50 foot minimum lot width in the R-1/Single Family Residential District.
4. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
5. The Council Bluffs Public Works Department provided the following comments:
 - a. The first utility note needs to be reworded for the phase being platted. Dayan Drive was in the Hills of Cedar Creek East, Phase 1.
 - b. Temporary easements need to be included for all roadway terminations that have constructed hammer-head turnarounds that extend beyond the right-of-way.
6. The Council Bluffs Fire Department stated they have no comments for the proposed final plat.
7. Council Bluffs Water Works stated they are in the process of placing water main within the Hills of Cedar Creek East, Phase 2 subdivision, and have an installation agreement with the developer.
8. MidAmerican Energy Company has a preliminary layout of primary lines in the subdivision, and stated conduit crossing under roadways have already been installed. MidAmerican Energy Company and the developer also have

- an Electric Distribution System Agreement in place. The Final Plat shall not be executed until the underground electric utilities are installed.
9. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a building on each lot, at no cost to the City.
 10. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision, though notes if there are any they will be recorded with the Pottawattamie County Recorder's Office. A copy of said private restrictions and/or covenants shall be provided to the City of Council Bluffs, if applicable; and

WHEREAS, The Community Development Department recommends final plat approval of a 25-lot residential subdivision to be known as Hills of Cedar Creek East, Phase 2, as legally described above and as shown on Attachment 'A', subject to all comments stated above and following conditions:

1. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
2. The Public Works Department shall accept all infrastructure into the City's inventory prior to the final plat being signed and recorded.
3. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director.
4. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
5. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City.
6. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City.
7. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City.
8. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the final plat approval for 25-lot residential subdivision to be known as the Hills of Cedar Creek East, Phase 2, as legally described above, is hereby approved subject to all local, state and federal regulations; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND
APPROVED

February 11, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Community
Development
Case/Project No.: SAV-19-001
Submitted by: Moises Monrroy
Castillo, Planner

Resolution 19-32
ITEM 4.C.

Council Action: 2/11/2019

Description

Resolution to dispose of that portion of 24th Avenue lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision. SAV-19-001

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SAV-19-001 Staff Report	Other	2/1/2019
SAV-19-001 Attachment A	Map	2/1/2019
SAV-19-001 Attachment B	Map	2/1/2019
Resolution 19-32	Resolution	2/5/2019

Council Communication

<p>Department: Community Development</p> <p>Cases #SAV-19-001 and #SUB-19-001</p> <p>Property Owner/Applicant: Margarito and Celedonia Moreno 2403 South 19th Street Council Bluffs, IA 51501</p> <p>Engineer/Surveyor: Ehrhart Griffin & Associates c/o Bill White 142 W Broadway, Suite 136 Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p> <p>Resolution No. _____</p>	<p>Set Public Hearing: 1/28/19</p> <p>Public Hearing: 2/11/19</p> <p>Planning Commission: 1/8/19</p>
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Subject/Title

Request: Public hearing on the request of Margarito Moreno for the following:

1. Vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision; and
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining.

Location: 24th Avenue, between South 19th Street and South 18th Street.
2403 South 19th Street.

Background/Discussion

The Community Development Department has received the following requests from Margarito Moreno: 1) to vacate and dispose of an unimproved section of 24th Avenue located between South 19th Street and South 18th Street; and 2) to execute a final plat for a two-lot minor subdivision to be known as Moreno Addition.

CASE #SAV-19-001: The subject 24th Avenue right-of-way is unimproved and measures 66 feet in width by 330 feet in length. If vacated, the applicant wishes to purchase his section of right-of-way to expand his residential lot and to maintain control over mowing and landscaping. The City has no plans to build a new street in the subject right-of-way.

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.* There are four property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:

North – Residential property owned by Jose and Victoria Zarate (2323 South 19th Street)

Residential property owned by Skyler Dobernecker (2322 South 18th Street)

South – Residential property owned by Margarito and Celedonia Moreno (2403 South 19th Street)

Residential property owned by Frank and Judith Ruiz (2404 South 18th Street)

All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the right-of-way adjacent to their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.* All abutting properties have frontage on either South 19th Street or South 18th Street and will not be landlocked or have their access negatively impacted if the subject right-of-way is vacated.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:
 - The Permits and Inspections Division stated they have no comments on the vacation.
 - The Public Works Department stated they are not opposed to the vacation as proposed.
 - The Fire Department stated they have no comments on the vacation.
 - Council Bluffs Water Works stated they do not have a public water main or appurtenances in the subject right-of-way and they have no objections to the vacation.
 - MidAmerican Energy Company stated they do not object to the vacation provided they are granted an easement to operate and access existing facilities located within the section to be vacated. They noted their existing facilities include an existing distribution pole down guys on the South 18th Street side of 24th Avenue and a pole and overhead conductors on the South 19th Street side of 24th Avenue.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Margarito Moreno stated he is in favor of the request and willing to acquire the portion of right-of-way adjacent to his property for the sum of \$1,543.97. Update: Mr. Moreno stated he is willing to acquire the portion of right-of-way adjacent to the property owned by Frank and Judith Ruiz, raising the total sum to \$3,622.97.

- Skyler Dobernecker expressed interest in acquiring the portion of right-of-way adjacent to her property, but has requested more information on a drain located in said portion of right-of-way before deciding whether to acquire it or not. The Community Development Department contacted the Public Works Department for information on the drain. The Public Works Department stated they do not show any sewer (sanitary or storm) to the west of South 18th Street and are currently researching for more information on the drain. An easement would have to be retained for any utilities located in the subject right-of-way for access and maintenance purposes. Update: Ms. Dobernecker stated she is in favor of the request and willing to acquire the portion of right-of-way adjacent to her property for the sum of \$654.34.
- There has been no reply from Jose and Victoria Zarate or Frank and Judith Ruiz regarding the vacation request. Update: After the Planning Commission meeting held on 1/8/2019, Mr. and Mrs. Zarate contacted the Community Development, stating they are in favor of the request and willing to acquire the portion of right-of-way adjacent to their property for the sum of \$1,541.00. Mr. and Mrs. Ruiz stated they are in favor of the request but are not willing to acquire the portion of right-of-way adjacent to their property.

CASE #SUB-19-001: The proposed Moreno Addition is comprised of 1.09 acres and is located East of South 19th Street, between 23rd Avenue and 25th Avenue. Proposed Lot 1 will be retained by the applicant as his residential property. The applicant intends to market proposed Lot 2 as single family property for development.

There is one principal structure and three accessory structures on the existing parcel which the applicant owns: a detached, single-family dwelling, a shed and two garages. The house, the shed and one of the garages are located on proposed Lot 1. The second garage is located on proposed Lot 2.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Proposed Lot 1 is 33, 803 square feet in size (164.29 feet by 204.18 feet), while proposed Lot 2 is comprised of 13,869 square feet (66 feet by 210.14 feet). Both lots will comply with minimum R-2/Two Family Residential District lot size requirements.
3. Any structures proposed to be built/erected shall comply with R-2/Two Family Residential District site development standards.
4. As per Section 15.24.020, *Supplemental Use and Site Development Regulations, Accessory Uses* of the Council Bluffs Municipal Code (Zoning Ordinance), “unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use.” Therefore, the garage located on proposed Lot 2 must be demolished prior to the plat being executed by the City. Update: Community Development staff conducted a site inspection of Mr. Moreno’s property on January 9, 2019, and confirmed the garage has been demolished.
5. Proposed Lots 1 and 2 have direct access to South 19th Street.
6. The plat includes the 24th Avenue right-of-way proposed to be vacated. The applicant must purchase the portion of right-of-way adjacent to his property prior to the plat being executed by the City.
7. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. Sidewalks are already constructed along all frontages for this subdivision. Any cost to remove, repair and/or relocate sidewalks for the development of this subdivision shall be at the sole cost of the applicant and not the City.
8. Proposed Lots 1 and 2 will be serviced with existing utilities in South 19th Street (e.g., sanitary/storm sewers, water, electricity, etc.).

9. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
10. The Permits and Inspections Division stated they have no comments on the request.
11. The Fire Department stated they have no comments for the proposed final plat.
12. The Public Works Department stated a sanitary sewer is located in South 19th Street but there is not a lateral established to support proposed Lot 2. The owner/developer of proposed Lot 2 will be required to install a lateral to the main and obtain all necessary permits at the time of development.
13. Council Bluffs Water Works stated both lots in the proposed subdivision have water main frontage on South 19th Street.
14. MidAmerican Energy Company stated they do not object to the final plat. They also stated the customer or developer must contact MidAmerican Energy for costs and requirements to extend electric facilities to serve the proposed subdivision.
15. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are proposed, a note shall be stated on the final plat indicating none will be recorded.

The following technical corrections shall be made to the final plat prior to being executed by the City:

1. Increase the size of the plat map exhibit.
2. The standard dedication of public easements shall appear on the plat as provided here:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines. The drainage areas and included drainage systems, if any, are private and are to be maintained by the owners of the lots adjoining the same.

ERECTION OF STRUCTURES PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not erect any structure over or within easement areas without obtaining the prior written consent of the City Engineer.

CHANGE OF GRADE PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not change the grade elevation, or contour of any part of these easement areas without obtaining the prior written consent of the City Engineer.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the easement areas, necessitated by the exercise of the rights under this dedication, shall be borne by Margarito-Celedonia Moreno or their successors and assigns.

SURFACE RESTORATION: City's liability to restore the surface within the easement areas shall be limited only to grading and seeding.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, yard or other improvements outside of the easement areas which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to Margarito-Celedonia Moreno or their successors or assigns.

EASEMENTS RUN WITH THE LAND: These easement areas shall be deemed to run with the land and shall be binding on Margarito-Celedonia Moreno or their successors or assigns.

3. Revise “I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in the Hills of Cedar Creek East Phase 1, is free from certified taxes and certified special assessments” to state “I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in Moreno Addition, is free from certified taxes and certified special assessments.”
4. Revise “Being the sole owner and proprietor of the land described in the legal description and embraced within this plat, has cause with his free consent and in accord with his desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition” to state “Being the sole owners and proprietors of the land described in the legal description and embraced within this plat, has cause with their free consent and in accord with their desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition.”
5. Revise “And Margarito-Celedonia Moreno does hereby ratify and approve of the disposition of his property as shown on this plat” to state “And Margarito-Celedonia Moreno do hereby ratify and approve of the disposition of their property as shown on this plat.”
6. Revise “In witness whereof we do hereunto set our hands, for: HCC Investments, LLC, an Iowa liability company” to state “In witness whereof we do hereunto set our hands, for Margarito-Celedonia Moreno.”
7. Change the road names “18th Street” and “19th Street” to “South 18th Street” and “South 19th Street,” respectively, in the plat map exhibit and legal description.
8. Place a note on the final plat referencing the book and page number for the vacated 24th Avenue.

Recommendation

The Community Development Department recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:
 - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
 - c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
 - e. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
 - f. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
 - g. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

Public Hearing

Speakers in favor:

1. Margarito Moreno, 2403 South 19th Street, Council Bluffs, IA 51501

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:
 - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
 - c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
 - e. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
 - f. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
 - g. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location and Zoning Map

Attachment B: 24th Avenue Right-of-Way Exhibit

Attachment C: Moreno Addition Final Plat




Engineer: Bill White, Ehrhart Griffin & Associates, 142 W Broadway, Suite 136, Council Bluffs, IA 51503

Prepared by: Moises Monrroy, Planner, Community Development Department

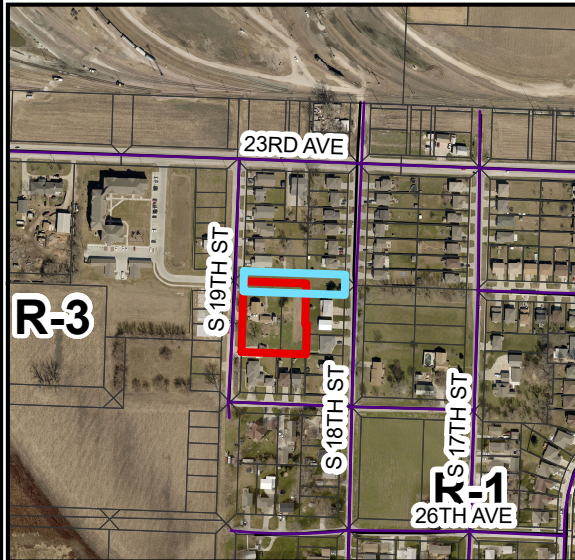
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-19-001, #SUB-19-001 LOCATION/ZONING MAP

Map Legend

-  Subject right-of-way
-  Approximate location of subdivision
-  Parcels

0 40 80
1 Inch = 83 Feet

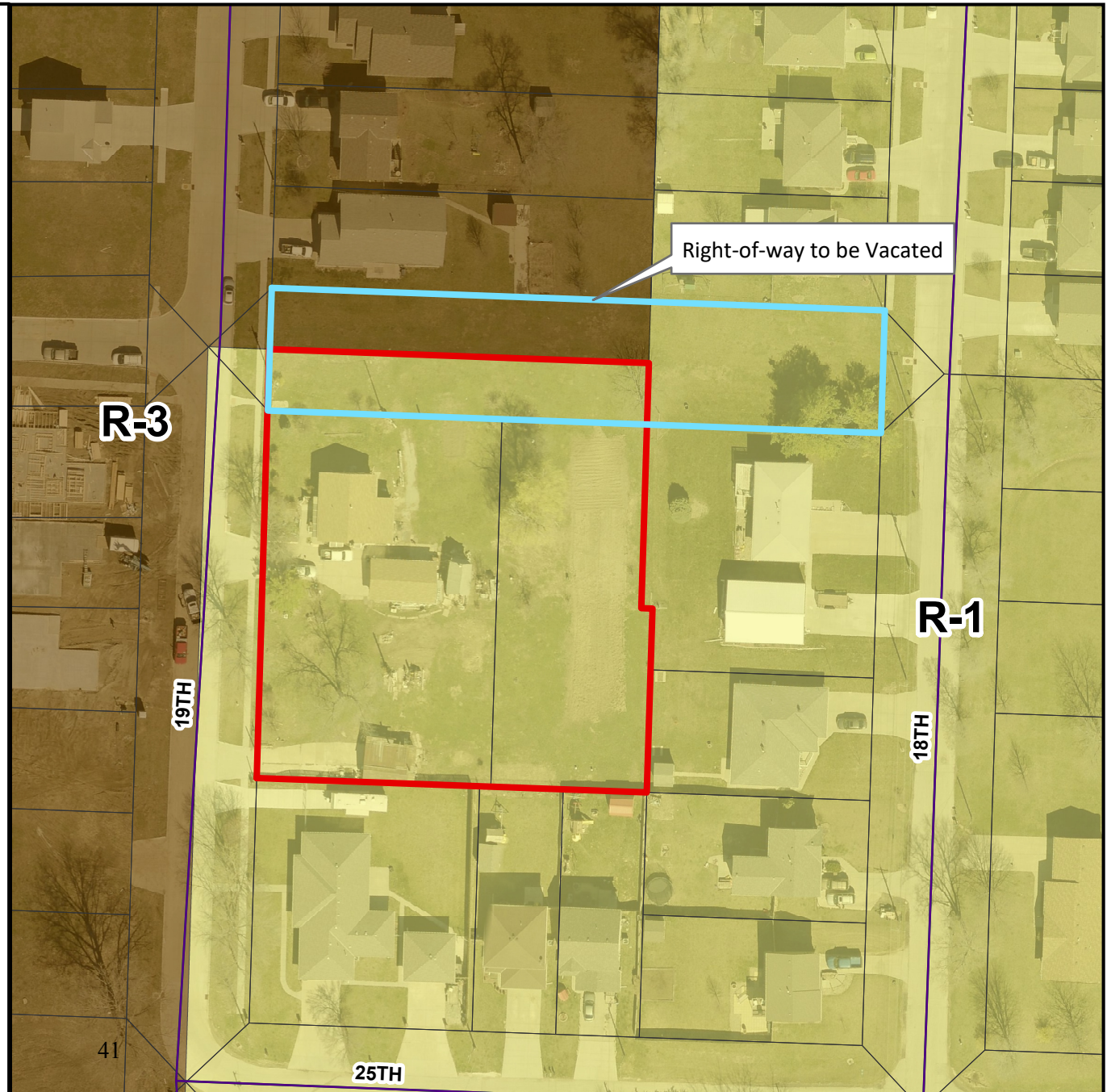


Last Amended: 11/19/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map of the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Project No. EGA181223

Exhibit "A"

Date: 11-07-18

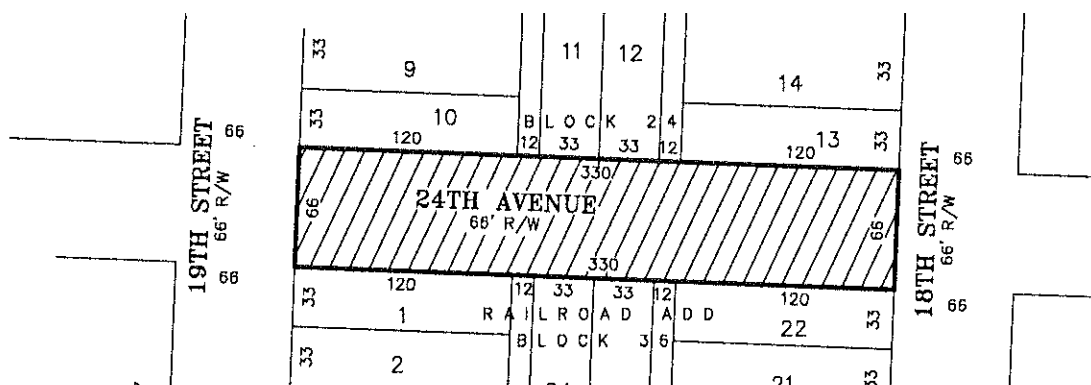
DESCRIPTION & SKETCH

LEGAL DESCRIPTION

THAT PART OF THE 66 FOOT WIDE RIGHT-OF-WAY OF 24TH AVENUE LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH 18TH STREET AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 19TH STREET, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA AND CONTAINING 21,780 SQUARE FEET, MORE OR LESS.



NORTH
SCALE 1" = 100'



EHRHART
GRIFFIN &
ASSOCIATES

ENGINEERING

PLANNING

LAND SURVEYING

3552 Farnam Street • Omaha, Nebraska 68131 • 402 / 551-0631

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 890-5261
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 19-32

A RESOLUTION TO VACATE AND DISPOSE OF THAT PORTION OF 24th AVENUE LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH 18th STREET AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 19th STREET, ABUTTING BLOCKS 21 AND 36, RAILROAD ADDITION AND LOT 6, WYATT 2nd SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: That part of 24th Avenue right-of-way, lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, is of no benefit to the public and should be vacated; and

WHEREAS, a public meeting was held on this matter on the 11th day of February, 2019; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s); and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Jose and Victoria Zarate and all successors in interest: The North ½ of vacated 24th Avenue lying east of the easterly right-of-way line of South 19th Street, abutting Block 21, Railroad Addition, Council Bluffs, Pottawattamie County, for the sum of \$1,541.00.

Skyler Dobernecker and all successors in interest: The North ½ of vacated 24th Avenue lying west of the westerly right-of-way line of South 18th Street, abutting Lot 6, Wyatt 2nd Subdivision, Council Bluffs, Pottawattamie County, for the sum of \$654.34.

Margarito and Celedonia Moreno and all successors in interest: The South ½ of vacated 24th Avenue lying east of the easterly right-of-way line of South 19th Street, abutting Block 36, Railroad Addition, Council Bluffs, Pottawattamie County, for the sum of \$3,622.97.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described right-of-way; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED:

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Community

Development

Case/Project No.: SUB-19-001

Submitted by: Moises Monrroy

Castillo, Planner

Resolution 19-33

ITEM 4.D.

Council Action: 2/11/2019

Description

Resolution granting final plat approval for a two lot residential subdivision to be known as Moreno Addition, legally described as being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 26, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining. Location: Generally lying East of South 19th Street between 23rd and 25th Avenues. SUB-19-001

Background/Discussion

See attachments

Recommendation




ATTACHMENTS:

Description	Type	Upload Date
SUB-19-001 Attachment A	Map	2/1/2019
SUB-19-001 Moreno Addition Final Plat Staff Report	Other	2/1/2019
SUB-19-001 Attachment B	Map	2/1/2019
Resolution 19-33	Resolution	2/5/2019

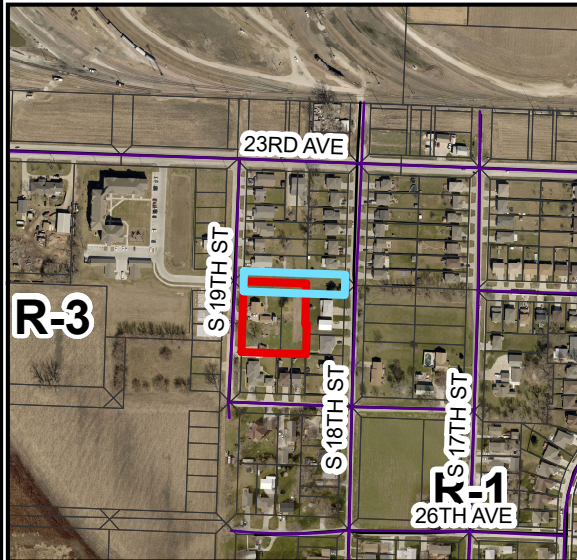
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-19-001, #SUB-19-001 LOCATION/ZONING MAP

Map Legend

-  Subject right-of-way
-  Approximate location of subdivision
-  Parcels

0 40 80
1 Inch = 83 Feet

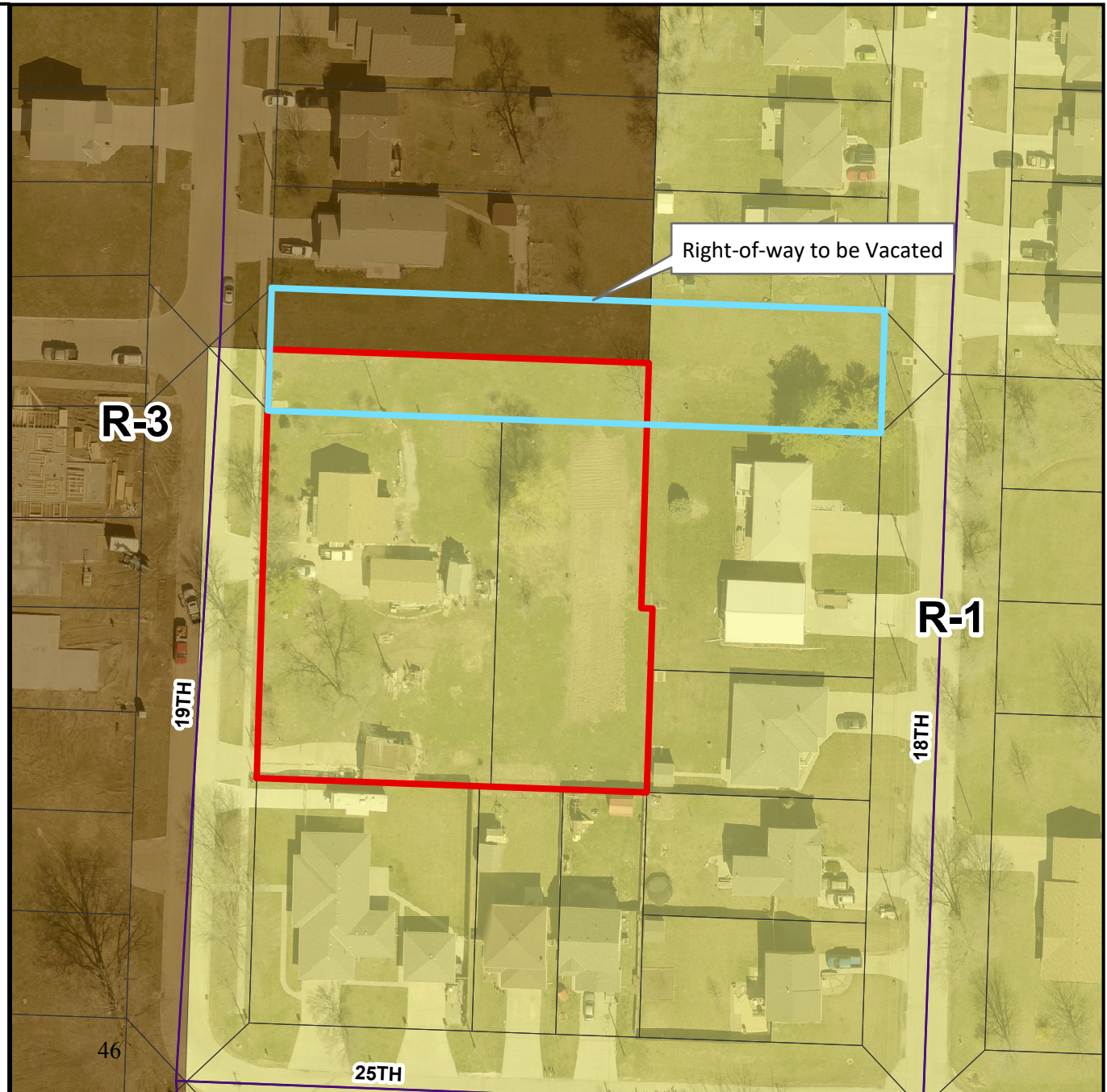


Last Amended: 11/19/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map of the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Council Communication

<p>Department: Community Development</p> <p>Cases #SAV-19-001 and #SUB-19-001</p> <p>Property Owner/Applicant: Margarito and Celedonia Moreno 2403 South 19th Street Council Bluffs, IA 51501</p> <p>Engineer/Surveyor: Ehrhart Griffin & Associates c/o Bill White 142 W Broadway, Suite 136 Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p> <p>Resolution No. _____</p>	<p>Set Public Hearing: 1/28/19</p> <p>Public Hearing: 2/11/19</p> <p>Planning Commission: 1/8/19</p>
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Subject/Title

Request: Public hearing on the request of Margarito Moreno for the following:

1. Vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision; and
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining.

Location: 24th Avenue, between South 19th Street and South 18th Street.
2403 South 19th Street.

Background/Discussion

The Community Development Department has received the following requests from Margarito Moreno: 1) to vacate and dispose of an unimproved section of 24th Avenue located between South 19th Street and South 18th Street; and 2) to execute a final plat for a two-lot minor subdivision to be known as Moreno Addition.

CASE #SAV-19-001: The subject 24th Avenue right-of-way is unimproved and measures 66 feet in width by 330 feet in length. If vacated, the applicant wishes to purchase his section of right-of-way to expand his residential lot and to maintain control over mowing and landscaping. The City has no plans to build a new street in the subject right-of-way.

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.* There are four property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:

North – Residential property owned by Jose and Victoria Zarate (2323 South 19th Street)

Residential property owned by Skyler Dobernecker (2322 South 18th Street)

South – Residential property owned by Margarito and Celedonia Moreno (2403 South 19th Street)

Residential property owned by Frank and Judith Ruiz (2404 South 18th Street)

All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the right-of-way adjacent to their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.* All abutting properties have frontage on either South 19th Street or South 18th Street and will not be landlocked or have their access negatively impacted if the subject right-of-way is vacated.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:
 - The Permits and Inspections Division stated they have no comments on the vacation.
 - The Public Works Department stated they are not opposed to the vacation as proposed.
 - The Fire Department stated they have no comments on the vacation.
 - Council Bluffs Water Works stated they do not have a public water main or appurtenances in the subject right-of-way and they have no objections to the vacation.
 - MidAmerican Energy Company stated they do not object to the vacation provided they are granted an easement to operate and access existing facilities located within the section to be vacated. They noted their existing facilities include an existing distribution pole down guys on the South 18th Street side of 24th Avenue and a pole and overhead conductors on the South 19th Street side of 24th Avenue.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Margarito Moreno stated he is in favor of the request and willing to acquire the portion of right-of-way adjacent to his property for the sum of \$1,543.97. Update: Mr. Moreno stated he is willing to acquire the portion of right-of-way adjacent to the property owned by Frank and Judith Ruiz, raising the total sum to \$3,622.97.

- Skyler Dobernecker expressed interest in acquiring the portion of right-of-way adjacent to her property, but has requested more information on a drain located in said portion of right-of-way before deciding whether to acquire it or not. The Community Development Department contacted the Public Works Department for information on the drain. The Public Works Department stated they do not show any sewer (sanitary or storm) to the west of South 18th Street and are currently researching for more information on the drain. An easement would have to be retained for any utilities located in the subject right-of-way for access and maintenance purposes. Update: Ms. Dobernecker stated she is in favor of the request and willing to acquire the portion of right-of-way adjacent to her property for the sum of \$654.34.
- There has been no reply from Jose and Victoria Zarate or Frank and Judith Ruiz regarding the vacation request. Update: After the Planning Commission meeting held on 1/8/2019, Mr. and Mrs. Zarate contacted the Community Development, stating they are in favor of the request and willing to acquire the portion of right-of-way adjacent to their property for the sum of \$1,541.00. Mr. and Mrs. Ruiz stated they are in favor of the request but are not willing to acquire the portion of right-of-way adjacent to their property.

CASE #SUB-19-001: The proposed Moreno Addition is comprised of 1.09 acres and is located East of South 19th Street, between 23rd Avenue and 25th Avenue. Proposed Lot 1 will be retained by the applicant as his residential property. The applicant intends to market proposed Lot 2 as single family property for development.

There is one principal structure and three accessory structures on the existing parcel which the applicant owns: a detached, single-family dwelling, a shed and two garages. The house, the shed and one of the garages are located on proposed Lot 1. The second garage is located on proposed Lot 2.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Proposed Lot 1 is 33, 803 square feet in size (164.29 feet by 204.18 feet), while proposed Lot 2 is comprised of 13,869 square feet (66 feet by 210.14 feet). Both lots will comply with minimum R-2/Two Family Residential District lot size requirements.
3. Any structures proposed to be built/erected shall comply with R-2/Two Family Residential District site development standards.
4. As per Section 15.24.020, *Supplemental Use and Site Development Regulations, Accessory Uses* of the Council Bluffs Municipal Code (Zoning Ordinance), “unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use.” Therefore, the garage located on proposed Lot 2 must be demolished prior to the plat being executed by the City. Update: Community Development staff conducted a site inspection of Mr. Moreno’s property on January 9, 2019, and confirmed the garage has been demolished.
5. Proposed Lots 1 and 2 have direct access to South 19th Street.
6. The plat includes the 24th Avenue right-of-way proposed to be vacated. The applicant must purchase the portion of right-of-way adjacent to his property prior to the plat being executed by the City.
7. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. Sidewalks are already constructed along all frontages for this subdivision. Any cost to remove, repair and/or relocate sidewalks for the development of this subdivision shall be at the sole cost of the applicant and not the City.
8. Proposed Lots 1 and 2 will be serviced with existing utilities in South 19th Street (e.g., sanitary/storm sewers, water, electricity, etc.).

9. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
10. The Permits and Inspections Division stated they have no comments on the request.
11. The Fire Department stated they have no comments for the proposed final plat.
12. The Public Works Department stated a sanitary sewer is located in South 19th Street but there is not a lateral established to support proposed Lot 2. The owner/developer of proposed Lot 2 will be required to install a lateral to the main and obtain all necessary permits at the time of development.
13. Council Bluffs Water Works stated both lots in the proposed subdivision have water main frontage on South 19th Street.
14. MidAmerican Energy Company stated they do not object to the final plat. They also stated the customer or developer must contact MidAmerican Energy for costs and requirements to extend electric facilities to serve the proposed subdivision.
15. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are proposed, a note shall be stated on the final plat indicating none will be recorded.

The following technical corrections shall be made to the final plat prior to being executed by the City:

1. Increase the size of the plat map exhibit.
2. The standard dedication of public easements shall appear on the plat as provided here:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines. The drainage areas and included drainage systems, if any, are private and are to be maintained by the owners of the lots adjoining the same.

ERECTION OF STRUCTURES PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not erect any structure over or within easement areas without obtaining the prior written consent of the City Engineer.

CHANGE OF GRADE PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not change the grade elevation, or contour of any part of these easement areas without obtaining the prior written consent of the City Engineer.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the easement areas, necessitated by the exercise of the rights under this dedication, shall be borne by Margarito-Celedonia Moreno or their successors and assigns.

SURFACE RESTORATION: City's liability to restore the surface within the easement areas shall be limited only to grading and seeding.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, yard or other improvements outside of the easement areas which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to Margarito-Celedonia Moreno or their successors or assigns.

EASEMENTS RUN WITH THE LAND: These easement areas shall be deemed to run with the land and shall be binding on Margarito-Celedonia Moreno or their successors or assigns.

3. Revise “I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in the Hills of Cedar Creek East Phase 1, is free from certified taxes and certified special assessments” to state “I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in Moreno Addition, is free from certified taxes and certified special assessments.”
4. Revise “Being the sole owner and proprietor of the land described in the legal description and embraced within this plat, has cause with his free consent and in accord with his desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition” to state “Being the sole owners and proprietors of the land described in the legal description and embraced within this plat, has cause with their free consent and in accord with their desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition.”
5. Revise “And Margarito-Celedonia Moreno does hereby ratify and approve of the disposition of his property as shown on this plat” to state “And Margarito-Celedonia Moreno do hereby ratify and approve of the disposition of their property as shown on this plat.”
6. Revise “In witness whereof we do hereunto set our hands, for: HCC Investments, LLC, an Iowa liability company” to state “In witness whereof we do hereunto set our hands, for Margarito-Celedonia Moreno.”
7. Change the road names “18th Street” and “19th Street” to “South 18th Street” and “South 19th Street,” respectively, in the plat map exhibit and legal description.
8. Place a note on the final plat referencing the book and page number for the vacated 24th Avenue.

Recommendation

The Community Development Department recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:
 - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
 - c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
 - e. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
 - f. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
 - g. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

Public Hearing

Speakers in favor:

1. Margarito Moreno, 2403 South 19th Street, Council Bluffs, IA 51501

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:
 - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
 - c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
 - e. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
 - f. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
 - g. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

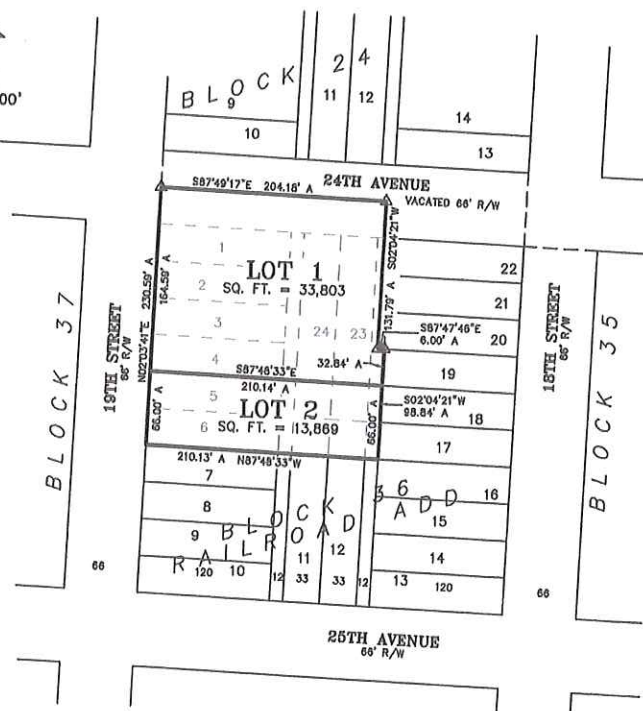
Attachment A: Location and Zoning Map

Attachment B: 24th Avenue Right-of-Way Exhibit

Attachment C: Moreno Addition Final Plat

Engineer: Bill White, Ehrhart Griffin & Associates, 142 W Broadway, Suite 136, Council Bluffs, IA 51503

Prepared by: Moises Monrroy, Planner, Community Development Department



FINAL PLAT MORENO ADDITION

LOTS 1 AND 2,
BEING A REPLAT OF LOTS 1 THROUGH 6, 23 AND 24,
AND THE NORTH 33 FEET OF LOTS 11 AND 12,
AND PORTIONS OF THE VACATED ALLEYS ADJOINING,
ALL IN BLOCK 36, RAILROAD ADDITION,
AND A PORTION OF THE SOUTH HALF OF VACATED 24TH AVENUE ADJOINING,
POTTAWATTAMIE COUNTY, IOWA
IN THE NE 1/4 OF THE SW 1/4 OF SEC 2, T-74-N, R-44-W

PROJECT NO.
EGA181223

REVISIONS	BY	DATE	DESCRIPTION
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EHRHART
GRIFFIN &
ASSOCIATES

142 West Broadway
Suite 136
Council Bluffs, IA 51503
712 / 256-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

LEGAL DESCRIPTION

MORENO ADDITION, CONTAINING LOTS 1 AND 2, AND BEING A REPLAT OF LOTS 1 THROUGH 6, 23 AND 24, AND THE NORTH 33 FEET OF LOTS 11 AND 12, AND THE VACATED ALLEY ADJOINING LOTS 17, 18, 19 AND THE NORTH 33 FEET OF LOT 11, AND THE VACATED ALLEY ADJOINING LOTS 17, 18, 19 AND THE NORTH 33 FEET OF LOT 12 AND THE SOUTH 66 FEET OF LOT 23, AND WEST HALF OF THE VACATED ALLEY ADJOINING THE NORTH 99 FEET OF LOT 23, ALL IN BLOCK 36, RAILROAD ADDITION, AND THE SOUTH HALF OF VACATED 24TH AVENUE LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF 19TH STREET AND THE NORTHERLY PROJECTION OF THE CENTERLINE OF THE 12 FOOT WIDE ALLEY LYING BETWEEN LOTS 22 AND 23 IN SAID BLOCK 36, ALL AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 36; THENCE NORTH 02° 03' 41" EAST ON THE WEST LINE OF SAID LOT 6 AND LOTS 5, 4, 3, 2 AND 1 AND THE NORTHERLY PROJECTION THEREOF, A DISTANCE OF 230.59 FEET TO A POINT ON THE CENTERLINE OF VACATED 24TH AVENUE; THENCE SOUTH 87° 49' 17" EAST ON SAID CENTERLINE, A DISTANCE OF 204.18 FEET TO A POINT ON THE NORTHERLY PROJECTION OF THE CENTERLINE OF THE VACATED ALLEY LYING BETWEEN LOTS 22 AND 23 IN BLOCK 36; THENCE SOUTH 02° 04' 21" WEST ON SAID VACATED ALLEY CENTERLINE AND PROJECTION, A DISTANCE OF 131.79 FEET TO THE WESTERLY PROJECTION OF THE NORTH LINE OF LOT 19 IN BLOCK 36; THENCE SOUTH 87° 47' 46" EAST ON SAID PROJECTED LOT LINE, A DISTANCE OF 6.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE SOUTH 02° 04' 21" WEST ON THE WEST LINE OF SAID LOTS 19, 18 AND 17 IN BLOCK 36, A DISTANCE OF 98.84 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTH 87° 48' 33" WEST A DISTANCE OF 210.13 FEET TO THE POINT OF BEGINNING; CONTAINING 47,672 SQUARE FEET (1.0944 ACRES), MORE OR LESS.

STANDARD UTILITY EASEMENTS

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES. THE DRAINAGE AREAS AND INCLUDED DRAINAGE SYSTEMS, IF ANY, ARE PRIVATE AND ARE TO BE MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.

SURVEYOR'S NOTES:

5/8" X 30" (IRON PINS) WITH ALUMINUM CAPS STAMPED #11416 HAVE BEEN SET AT THE CORNERS OF ALL LOTS, STREETS, AND ANGLE POINTS.

DEDICATION

KNOW ALL PEOPLE OF THESE PRESENTS: THAT

MARGARITO-CELEDONIA MORENO

BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED WITH HIS FREE CONSENT AND IN ACCORD WITH HIS DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS 1 AND 2, AS SHOWN AND TO BE KNOWN AS:

MORENO ADDITION

AND MARGARITO-CELEDONIA MORENO DOES HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF HIS PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS, FOR: HCC INVESTMENTS, LLC, AN IOWA LIMITED LIABILITY COMPANY

MARGARITO-CELEDONIA MORENO

DATE: _____

ACKNOWLEDGEMENT TO DEDICATION

STATE OF _____)

COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME, MARGARITO-CELEDONIA MORENO, OWNER, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION, AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS OWNER.

WITNESS MY HAND AND NOTARIAL SEAL AT _____

NOTARY PUBLIC _____ DATE _____

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED 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.

MARK E. EHRHART

DATE 11/22/18 LICENSE NO. 11416
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.

CERTIFICATIONS AND APPROVALS

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FINAL PLAT:

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY.

B. TITLE OPINION LETTER OF ATTORNEY.

C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MEETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

MARGARITO-CELEDONIA MORENO _____ DATE _____

COMMUNITY DEVELOPMENT _____ DATE _____
APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, BRANDON GARRETT

CITY COUNCIL: APPROVED BY MAYOR, THE HONORABLE MATTHEW J. WALSH _____ DATE _____

ATTESTED TO BY: CITY CLERK, JODI QUAKENBUSH _____ DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE HILLS OF CEDAR CREEK EAST PHASE 1, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA, LEA A. VOSS _____ DATE _____

INDEX LEGEND
DATE OF SURVEY: 10/15/2018
SURVEYOR: M.E. EHRHART
COUNTY: POTTAWATTAMIE COUNTY
SECTION: 2 TOWNSHIP 74N RANGE 44W
ALLOT PART: N.E. 1/4 OF THE S.W. 1/4
PARCEL DESIGNATION(S): LOTS 1 & 2 (PROPOSED)
TAX ADDRESS: 2403 S 19TH ST
PROPRIETOR(S): MARGARITO-CELEDONIA MORENO
REQUESTED BY: MARGARITO-CELEDONIA MORENO

DATE: 11/15/18

DESIGNED BY:

DRAWN BY:

WAW

CHECKED BY:

SRB

CREW:



SHEET NO.

1 OF 1

RESOLUTION NO. 19-33

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS MORENO ADDITION, BEING A REPLAT OF LOTS 1 THROUGH 6, 23 AND 24, AND THE NORTH 33 FEET OF LOTS 11 AND 12, AND PORTIONS OF THE VACATED ALLEYS ADJOINING, ALL IN BLOCK 26, RAILROAD ADDITION, AND A PORTION OF THE SOUTH ½ OF VACATED 24TH AVENUE ADJOINING.

WHEREAS, Margarito and Celedonia Moreno are requesting final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 26, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining; and

WHEREAS, The subject property is comprised of 1.09 acres and is located East of South 19th Street, between 23rd Avenue and 25th Avenue and Lot 1 will be retained by the applicants as their residential property and they intend to market proposed Lot 2 as single family property for development; and

WHEREAS, The proposed replat has been provided for comment to all utility companies and City Departments. The following comments have been received:

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Proposed Lot 1 is 33, 803 square feet in size (164.29 feet by 204.18 feet), while proposed Lot 2 is comprised of 13,869 square feet (66 feet by 210.14 feet). Both lots will comply with minimum R-2/Two Family Residential District lot size requirements.
3. Any structures proposed to be built/erected shall comply with R-2/Two Family Residential District site development standards.
4. Proposed Lots 1 and 2 have direct access to South 19th Street.
5. The plat includes the 24th Avenue right-of-way proposed to be vacated. The applicant must purchase the portion of right-of-way adjacent to his property prior to the plat being executed by the City.
6. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. Sidewalks are already constructed along all frontages for this subdivision. Any cost to remove, repair and/or relocate sidewalks for the development of this subdivision shall be at the sole cost of the applicant and not the City.
7. Proposed Lots 1 and 2 will be serviced with existing utilities in South 19th Street (e.g., sanitary/storm sewers, water, electricity, etc.).
8. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
9. The Permits and Inspections Division stated they have no comments on the request.
10. The Fire Department stated they have no comments for the proposed final plat.

11. The Public Works Department stated a sanitary sewer is located in South 19th Street but there is not a lateral established to support proposed Lot 2. The owner/developer of proposed Lot 2 will be required to install a lateral to the main and obtain all necessary permits at the time of development.
12. Council Bluffs Water Works stated both lots in the proposed subdivision have water main frontage on South 19th Street.
13. MidAmerican Energy Company stated they do not object to the final plat. They also stated the customer or developer must contact MidAmerican Energy for costs and requirements to extend electric facilities to serve the proposed subdivision.
14. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are proposed, a note shall be stated on the final plat indicating none will be recorded.

The following technical corrections shall be made to the final plat prior to being executed by the City:

1. Increase the size of the plat map exhibit.
2. The standard dedication of public easements shall appear on the plat as provided here:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines. The drainage areas and included drainage systems, if any, are private and are to be maintained by the owners of the lots adjoining the same.

ERECTION OF STRUCTURES PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not erect any structure over or within easement areas without obtaining the prior written consent of the City Engineer.

CHANGE OF GRADE PROHIBITED: Margarito-Celedonia Moreno or their successors or assigns shall not change the grade elevation, or contour of any part of these easement areas without obtaining the prior written consent of the City Engineer.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the easement areas, necessitated by the exercise of the rights under this dedication, shall be borne by Margarito-Celedonia Moreno or their successors and assigns.

SURFACE RESTORATION: City's liability to restore the surface within the easement areas shall be limited only to grading and seeding.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, yard or other improvements outside of the easement areas which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to Margarito-Celedonia Moreno or their successors or assigns.

EASEMENTS RUN WITH THE LAND: These easement areas shall be deemed to run with the land and shall be binding on Margarito-Celedonia Moreno or their successors or assigns.

3. Revise "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in the Hills of Cedar Creek East Phase 1, is free from certified taxes and certified special assessments" to state "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in Moreno Addition, is free from certified taxes and certified special assessments."
4. Revise "Being the sole owner and proprietor of the land described in the legal description and embraced within this plat, has cause with his free consent and in accord with his desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition" to state "Being the sole owners and proprietors of the land described in the legal description and embraced within this plat, has cause with their free consent and in accord with their desire, the same to be subdivided into Lots 1 and 2, as shown and to be known as: Moreno Addition."
5. Revise "And Margarito-Celedonia Moreno does hereby ratify and approve of the disposition of his property as shown on this plat" to state "And Margarito-Celedonia Moreno do hereby ratify and approve of the disposition of their property as shown on this plat."
6. Revise "In witness whereof we do hereunto set our hands, for: HCC Investments, LLC, an Iowa liability company" to state "In witness whereof we do hereunto set our hands, for: Margarito-Celedonia Moreno."
7. Change the road names "18th Street" and "19th Street" to "South 18th Street" and "South 19th Street," respectively, in the plat map exhibit and legal description;
8. Place a note on the final plat referencing the book and page number for the vacated 24th Avenue; and

WHEREAS, The Community Development Department recommends Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of

Planning Case No. #SUB-19-001

Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 26, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:

- a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director;
- b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat;
- c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
- d. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property;
- e. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development;
- f. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City;
- g. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That final plat approval for a two-lot residential subdivision to be known as Moreno Addition, legally described as being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 26, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, is hereby approved subject to the comments and conditions set forth above and all local, state, and federal regulations; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

RESOLUTION NO. _____

PAGE 5

ADOPTED
AND
APPROVED

February 11, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Planning Case No. #SUB-19-001

Council Communication

Department: Finance
Case/Project No.:
Submitted by: Kathryn Knott

Resolution 19-34
ITEM 5.A.

Council Action: 2/11/2019

Description

Resolution approving the Fiscal Years 2020 through 2024 Capital Improvement Program.

Background/Discussion

The City annually prepares and adopts a Capital Improvement Program (CIP). The CIP establishes which projects will be undertaken during the next fiscal year and proposes other projects for the balance of a five-year period. The CIP is utilized as a financial tool and is required to meet underwriting criteria for issuing bonded indebtedness. The CIP should also be considered as the primary method of implementing the goals and objectives of the City's Comprehensive Plan and other adopted plans or strategies.

City Staff and the Mayor have approved the submission to the City Council. Staff comments include:

* The Proposed FY 2020 CIP outlines a detailed listing of projects and calls for the expenditure of \$62,176,000. The FY 2020 CIP should be considered final.

*The balance of the CIP for FY 2021 through 2024 contains preliminary allocations by departments for expenditures over a four year period and should be considered preliminary. Additional project detail and review projections are necessary.

Recommendation

Approve the resolution

ATTACHMENTS:

Description	Type	Upload Date
CIP Narrative	Other	1/30/2019
CIP	Other	1/30/2019
Resolution 19-34	Resolution	2/7/2019



City of Council Bluffs

Capital Improvement Program

Fiscal Years
FY20 through FY24

City Council Adoption:

ACKNOWLEDGEMENTS

MATTHEW J. WALSH, MAYOR

CITY COUNCIL

MELISSA HEAD
ROGER SANDAU
NATE WATSON
SHARON WHITE
MIKE WOLF

CITY DEPARTMENTS

JODI QUAKENBUSCH, CITY CLERK
KATHY KNOTT, DIRECTOR OF FINANCE
JUSTIN JAMES, FIRE CHIEF
DICK WADE, CITY ATTORNEY
VINCENT MARTORELLO, DIRECTOR OF PARKS, RECREATION & PUBLIC PROPERTY
JON FINNEGAN, DIRECTOR OF HUMAN RESOURCES
BRANDON GARRETT, DIRECTOR OF COMMUNITY DEVELOPMENT
TIM CARMODY, POLICE CHIEF
GREG REEDER, DIRECTOR OF PUBLIC WORKS
MARK HOWARD, CHIEF INFORMATION OFFICER
KATHY RIEGER, LIBRARY DIRECTOR

SECTION I - INTRODUCTION

1. PURPOSE OF THE CAPITAL IMPROVEMENT PROGRAM

Capital expenditure decisions represent some of the most significant policy choices made by the City of Council Bluffs. Almost all departments within the City face the need for capital expenditures. Capital improvement programming and budgeting involves the development of a long-term plan for capital expenditures for the City. The Capital Improvement Program includes expenditures that are of significant value and have a long-term useful life such as, streets, sewers, land and major equipment.

The Capital Improvements Program (CIP) lists each proposed project to be undertaken, the year in which it will be started, the amount expected to be expended for the project, and the proposed method of financing these expenditures. Based on this information, summaries of capital projects by department can be prepared as well as summaries of financial requirements, such as amounts of general obligation bonds to be issued or amount of general/special revenue funds required.

The CIP identifies the City's most critical capital improvement needs and the general policies under which decisions are made. The CIP was developed for the following purposes:

- To address and prioritize the City's improvements needs in a comprehensive manner;
- To permit careful consideration, design, and scheduling of individual projects through advanced planning;
- To allow for financial planning over a long period; and
- To provide continuity in improvement programs with changes in City Council and Staff.

The development of CIP is the process of deciding what capital projects should be done, when they should be done, and how they will be financed. In its simplest form, CIP is a listing of improvement projects by priority, including a cost estimate and funding source. The adoption of the CIP by the City Council does not, by itself, guarantee or commit the City to a given set of projects. It is however, a critical step in the general obligation bonding process. Major improvement projects are authorized on an individual basis in accordance with state laws and municipal ordinances. However, the plan does provide the City Council with a framework upon which to base improvement decisions, provides the City staff with direction as to its work effort, and provides the citizens with information about the City's future intentions. The latter is particularly important because of the impact public facilities can have on business and development decisions.

2. CAPITAL IMPROVEMENT DEFINED

The term capital improvements normally refer to expenditures for capital items of long-term in nature. Minor capital needs and repairs and maintenance, which occur from time to time, are best handled through the annual operating budgets.

3. RELATIONSHIP TO OTHER PLANS AND DOCUMENTS

It is the function of the CIP to plan the construction of the community's physical improvements in a manner consistent with the City's overall goals. These goals are expressed in a number of different fashions, including the comprehensive plan, neighborhood plans, and many other less formal expressions of community policy. These goals established over the years, define the basic functions the City has decided to undertake, set minimum levels of service, and determine financing methods. More specifically, the goals of this process include establishing an improvement program which:

- Defines a realistic level of financial resources which can be committed to the City's improvement needs;
- Prioritizes the City's need for allocation of limited resources;
- Addresses the basic facility needs of the community in the most cost effective manner (basic service being defined as streets, sewers, drainage, and water);
- Recognizes the role of the City facilities in the development process and the need for the City to make improvements which promote the economic stability and orderly growth of the community;
- Recognizes the total scope of City services and allocates a portion of the City resources to those amenities which improve the quality of life and public safety;
- Encourages acquisition of outside funding to supplement City resources.

SECTION II – CAPITAL IMPROVEMENT PROGRAM GOALS

1. **OVERALL GOALS OF CIP**

The FY20 – FY24 Capital Improvement Program was based on the following goal statements:

Planning and Community Growth

The City will use the CIP process to establish a five-year program that is consistent with the Comprehensive Plan and shall function as a major tool for implementing its adopted goals and policies.

The CIP shall encourage further infill development and redevelopment of existing developed areas of the community by implementing the conservation, rehabilitation, and reconstruction of aging facilities. The City will follow a philosophy of rebuild it first and build it second.

The CIP will promote the renovation and extension of public services and facilities in priority areas of the community including the Missouri River levee system, West Broadway, River's Edge, East Beltway, and the Entertainment District.

The City will use the CIP process to construct new and preserve existing components of infrastructure systems that provide the level of service expectations of the public in an efficient and effective manner, recognizing the limited resources available.

The City will use the CIP to construct infrastructure that attracts additional economic activity into the community.

Public Safety

Priority will be placed on activities that prevent or protect the community from unreasonable exposure to dangerous and life threatening events.

Fiscal Considerations

CIP will support the long-range economic and fiscal stability of Council Bluffs. The CIP will structure annual debt service payments consistent within anticipated revenues.

Sales tax proceeds and Road use funds will be used in compliance with State Code and City ordinance.

General obligation bond proceeds will be utilized by projects that provide revitalization, result in additional tax base, or enhance community protection.

Operational Considerations

CIP projects will be evaluated for effects on annual operational and maintenance budgets.

New construction shall be designed to emphasize sustainability and constructed to a quality that minimizes maintenance and operational costs.

2. CIP CATEGORICAL GOALS

Five specific categories were identified by the Capital Improvements Program. These include public facilities, parks and recreation, public safety, utilities transportation, and community development. The goals, policies and capital improvement efforts by category are outlined as follows:

a. Utilities and Environment

Objective – Provide sanitary and storm sewer systems and levee system improvements that meet the needs of the public and comply with state and federal regulations.

Capital Improvement Efforts

- Update the City's sanitary sewer treatment facilities and pump stations to current environmental standards and to allow for additional residential and business development in the community.
- Improve the current sanitary sewer and storm water infrastructure within the community to preserve existing development and to encourage redevelopment of existing residential, commercial, and industrial areas.
- Extend sanitary sewer to identified growth areas to encourage new residential, commercial, and industrial development within or adjacent to the community.
- Implement improvements to the City's levee system to meet FEMA accreditation and the USACE standards for federal levees.
- Implement storm water management practices and projects to comply with the requirements of the EPA NPDES Phase II permit.
- Maintain and improve existing public facilities and develop new facilities based upon need.

b. Transportation

Objective – Proactively preserve and upgrade our existing transportation system throughout the City for the safe and efficient movement of people, goods, and services.

Objective – Coordinate transportation planning and improvements with the planning and development of other elements of the community, including other transportation means, public utilities, community facilities, and commercial and industrial areas.

Capital Improvement Efforts

- Continue a program of pavement resurfacing which extends the service life of existing streets.
- Improve the current street system within the community through reconstruction, combined with other utility improvements to preserve existing development and to encourage the redevelopment of residential, commercial, and industrial areas.
- Construct street extensions or reconstruct streets, which will result in new residential, commercial, or industrial development.

c. Public Safety

Objective – Provide for the equitable distribution of community facilities to meet the public safety needs of the community.

Objective – Provide adequate safety and crime prevention systems in Council Bluffs.

Capital Improvement Efforts

- Continue the program to upgrade and maintain current Fire Department facilities to plan and provide future facilities in locations that will ensure service coverage of future City growth.

- Maintain a program to plan and purchase Fire Department equipment to ensure current and future levels of service and take advantage of technological advances.
- Upgrade the firing range to meet public safety needs.

d. Community Development

Goal – The City will continue to play a leadership role in the strategic development of community growth.

Objective – Complete infrastructure and upgrades in key areas of community growth.

Goal – The City shall encourage further infill development and redevelopment of existing development areas of the community by implementing the conservation, rehabilitation, and reconstruction of aging facilities that are coordinated with redevelopment investments.

Objective – Remove or redevelop dilapidated structures and sites requiring environmental remediation in the community. Encourage infill development and redevelopment of existing developed areas of the community.

Capital Improvement Efforts

- Implement the recommendations contained in the Mid-City Neighborhood Strategy Area Plan.
- Continue the multi-year effort to redevelop West Broadway and First Avenue.
- Continue development of River's Edge and the Entertainment District.
- Continue a program of systematically acquiring and redeveloping dilapidated structures.
- Provide public facility improvements to ongoing neighborhood redevelopment efforts.

e. Parks and Recreation

Goal – Provide and maintain an equitable system of parks, open spaces, trails and recreational facilities to meet the cultural, educational, social, and recreational needs of the community and pursue opportunities to provide public facilities that attract regional use and function as economic generators.

Objective – Provide, renovate and maintain parks and open spaces that uniquely relate to the City's environment, history, and art/culture, or represent new trends and non-traditional leisure interests.

Capital Improvement Efforts

- Continue to plan, improve, and enhance the existing parks and recreation, aquatics, golf, historical and service delivery facilities.
- Continue Implementation of the Parks System and Recreation Facilities Master Plan.
- Develop the Missouri River Riverfront.
- Acquire, plan and develop new park and recreational facilities in development areas and in areas, which have insufficient park and recreational opportunities.
- Optimize grant funding opportunities for trails by programming annual City funding for trail renovation and the construction of new trails.
- Continue implementation of the Council Bluffs Recreational Trail and Bikeway Plan.

f. Public Facilities

Goal – Provide and maintain the City’s buildings and associated amenities to service the needs of the community and employees.

Objective – Construct, renovate and maintain the City’s buildings utilized for maintenance, public safety, operations and administrative functions.

Capital Improvement Efforts

- Undertake accessibility improvements necessary to comply with the Americans with Disabilities Act.
- Develop and secure funding to implement a City Wide Public Facility Improvement Master Plan, which would identify capital maintenance projects, renovations and new facilities and recommend buildings for demolition or sale.
- Maintain and upgrade the City’s maintenance, public safety, operational and administrative buildings and their public amenities (parking lots, lighting, landscaping, etc.).

Objective – Construct, renovate, and maintain the City’s public, cultural, and entertainment related buildings and their amenities.

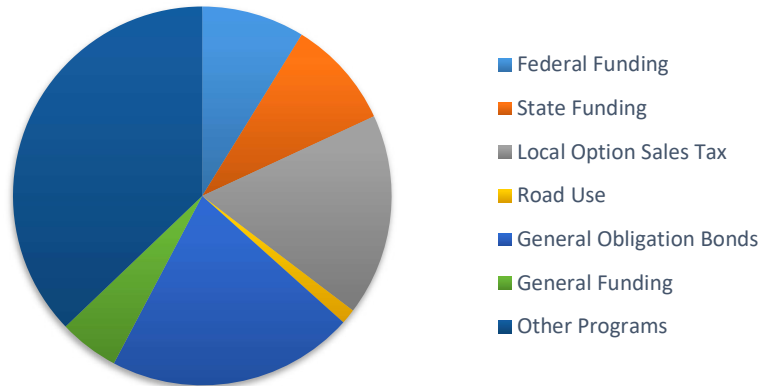
Capital Improvement Efforts

- Maintain and upgrade as necessary City owned entertainment facilities including the Mid America Center, the Entertainment District parking lot and the Entertainment District signage.

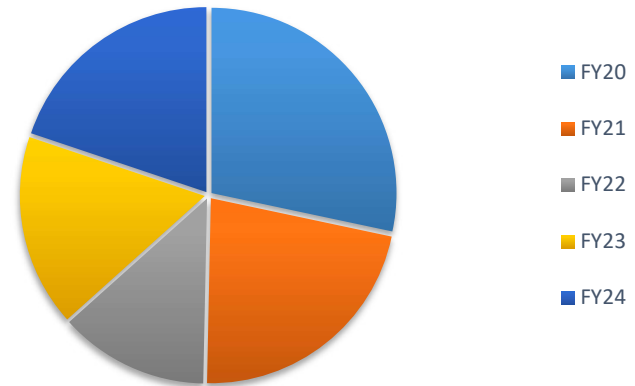
REVENUE SUMMARY BY FUNDING SOURCE AND FISCAL YEAR

	FY20	FY21	FY22	FY23	FY24	Totals
Federal Funding	\$1,588,000	\$4,968,000	\$4,580,000	\$546,000	\$7,625,000	\$19,307,000
State Funding	\$6,200,000	\$5,575,000	\$3,700,000	\$2,450,000	\$2,450,000	\$20,375,000
Local Option Sales Tax	\$5,801,000	\$5,845,500	\$8,110,000	\$8,550,000	\$9,575,000	\$37,881,500
Road Use	\$1,750,000	\$437,000	\$650,000	\$0	\$0	\$2,837,000
General Obligation Bonds	\$7,500,000	\$9,442,250	\$7,021,000	\$12,241,500	\$10,060,000	\$46,264,750
General Funding	\$1,506,000	\$2,705,000	\$2,662,000	\$2,250,000	\$2,150,000	\$11,273,000
Other Programs	\$37,831,000	\$19,308,500	\$1,860,000	\$10,850,000	\$11,650,000	\$81,499,500
Totals	\$62,176,000	\$48,281,250	\$28,583,000	\$36,887,500	\$43,510,000	\$219,437,750

Revenue Summary By Funding Source



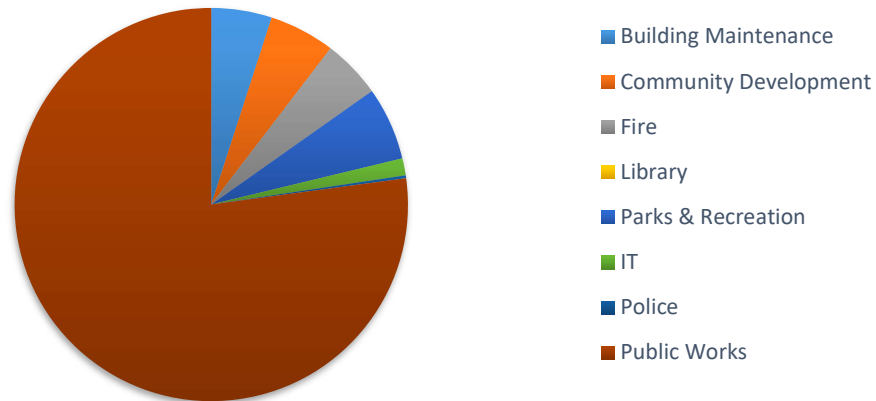
Revenue Summary By Fiscal Year



EXPENDITURE SUMMARY BY DEPARTMENT AND FISCAL YEAR

	FY20	FY21	FY22	FY23	FY24	Totals
Building Maintenance	\$1,781,000	\$2,530,000	\$2,412,000	\$2,200,000	\$2,000,000	\$10,923,000
Community Development	\$1,750,000	\$2,925,000	\$2,450,000	\$2,350,000	\$2,350,000	\$11,825,000
Fire	\$1,250,000	\$225,000	\$675,000	\$8,000,000	\$500,000	\$10,650,000
Library	\$0	\$0	\$0	\$0	\$0	\$0
Parks & Recreation	\$475,000	\$1,071,250	\$4,396,000	\$4,837,500	\$2,385,000	\$13,164,750
Information Technology	\$700,000	\$700,000	\$700,000	\$500,000	\$500,000	\$3,100,000
Police	\$0	\$500,000	\$0	\$0	\$0	\$500,000
Public Works	\$56,220,000	\$40,330,000	\$17,950,000	\$19,000,000	\$35,775,000	\$169,275,000
Totals	\$62,176,000	\$48,281,250	\$28,583,000	\$36,887,500	\$43,510,000	\$219,437,750

Expenditures By Department



FY 19-20

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Funding Sources									Current Year Project Cost	Notes/Further information	
			Federal	State	Sales	Road Use	GO	Gen Fund	Iowa West Grant	Other Grant	Donations			Other
Building Maintenance			\$0	\$0	\$0	\$0	\$125,000	\$1,406,000	\$0	\$0	\$0	\$250,000	\$1,781,000	
BM-20-01	MAC Parking Lots Rehab - Phase II	Replacement of city owned lots					\$125,000	\$700,000					\$825,000	Gaming
BM-20-02	MAC Renovations - Restroom Rehab	Restroom Upgrade/Remodel						\$168,000					\$168,000	Gaming
BM-20-03	MAC Renovations	Replace HVAC software and systems						\$338,000					\$338,000	Gaming
BM-20-04	UP Museum HVAC Rehab	Chiller and Boiler						\$200,000					\$200,000	Gaming
BM-20-05	Library LED Lights	Library lights replacement										\$250,000	\$250,000	Other = Library Foundation
Community Development Department			\$300,000	\$0	\$0	\$0	\$1,150,000	\$0	\$300,000	\$0	\$0	\$0	\$1,750,000	
CD-20-01	River's Edge Avenue B & Piazza Parking	Construction					\$700,000						\$700,000	
CD-20-02	S. 19th Street Reconstruction	Construction	\$250,000				\$100,000						\$350,000	CDBG
CD-20-03	Mid City	Property Improvements	\$50,000				\$50,000						\$100,000	Other Grant Funds
CD-20-04	FIRST AVE Program (Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy)	Acquisitions/demolition/trail/infrastructure/studies					\$300,000		\$300,000				\$600,000	
Fire Department			\$0	\$0	\$0	\$0	\$1,250,000	\$0	\$0	\$0	\$0	\$0	\$1,250,000	
FD-20-01	Quint 32 Replacement	Replacement Quint 32					\$1,250,000						\$1,250,000	
													\$0	
Parks, Recreation and Public Property Department			\$0	\$0	\$0	\$0	\$275,000	\$100,000	\$100,000	\$0	\$0	\$0	\$475,000	
PR-20-01	City County Trail Connector	Received additional funding from State, need to add for our 20% match					\$25,000						\$25,000	
PR-20-02	East side Park	New neighborhood park on the East side of Council Bluffs						\$100,000	\$100,000				\$200,000	General Fund
PR-20-03	Golf Course Irrigation Rehabilitation	The existing irrigation system is 20 years old. High iron content in the water increased system deterioration. Controllers, lines and wiring needs replacement. Project would be phased over two years.					\$250,000						\$250,000	
IT			\$0	\$0	\$0	\$0	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	
IT-20-01	IT Software and Hardware	Computer Equipment					\$700,000						\$700,000	
Public Works Department			\$1,288,000	\$6,200,000	\$5,801,000	\$1,750,000	\$4,000,000	\$0	\$6,825,000	\$0	\$0	\$30,356,000	\$56,220,000	
PW-20-01	Infrastructure Maintenance	Citywide street and sidewalk repairs											\$0	Moved to Streets Operating Budget
PW-20-02	Infrastructure Maintenance	Citywide sewer repairs			\$200,000								\$200,000	
PW-20-03	Infrastructure Maintenance	Wastewater plant repairs			\$200,000								\$200,000	
PW-20-04	Infrastructure Management	Evaluation study / analysis TBD			\$125,000								\$125,000	
PW-20-05	NPDES PH II Program Management	Citywide MS4 permit			\$125,000								\$125,000	
PW-20-06	Levee Certification Projects	Missouri River, Indian Creek and Mosquito Creek repair/rehab												
	Program Management											\$150,000	\$150,000	
	Geotech MR_4 & MR_5 (FY15-06C)			\$2,200,000								\$6,550,000	\$8,750,000	
	Geotech MR_3 (PW17-06C)											\$2,800,000	\$2,800,000	
	Drainage IC_2 & IC_3											\$275,000	\$275,000	
	Freeboard IC_1											\$2,220,000	\$2,220,000	
	Geotech MR_6 (PW18-06D)											\$17,700,000	\$17,700,000	
PW-20-09	E Manawa Sewer Rehab - Phase VIII	Pavement, sewer					\$1,500,000						\$1,500,000	Moved to Go to fund ER projects with LOST
PW-20-10	Avenue G Road Extension	River side of levee, part of Riverfront Rivilization							\$5,500,000				\$5,500,000	Funding from Iowa West with future payback
PW-20-11	28th Street Storm Sewer Rehab, Phase II	Pavement, sewer					\$1,500,000						\$1,500,000	Moved to Go to fund ER projects with LOST
PW-20-12	1st St Neighborhood Rehab - Phase X	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-20-13	Richard Downing Ave Rehab	Pavement, storm sewer - S. 24th St to west				\$750,000							\$750,000	
PW-20-14	Pump Station Rehab	6th Ave P.S. Trash Rack			\$600,000								\$600,000	
PW-20-15	Oakland Drive Rehab	Pavement, sewer - Lincoln Monument to north			\$500,000	\$1,000,000							\$1,500,000	
PW-20-16	E Beltway - Segment E	Greenview Road - East	\$1,288,000		\$161,000							\$161,000	\$1,610,000	Pott Co

PW-20-19	WPCP Effluent Pumping Pad											\$500,000	\$500,000	Other=Sewer Fund
PW-20-20	West Broadway Reconstruction - Segment 4	24th St to 20th St		\$4,000,000	\$1,490,000		\$1,000,000		\$1,325,000				\$7,815,000	
PW-20-21	IDOT Payment for N. 28th St Storm	Payment 1 of 3			\$900,000								\$900,000	
PW-20-22	IDOT Payment for UPRR Bridge	Payment 1 of 5			\$500,000								\$500,000	
Total				\$1,588,000	\$6,200,000	\$5,801,000	\$1,750,000	\$7,500,000	\$1,506,000	\$7,225,000	\$0	\$0	\$30,606,000	\$62,176,000

FY 20-21

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Funding Sources										Current Year Project Cost	Notes/Further information
			Federal	State	Sales	Road Use	GO	Gen Fund	Iowa West Grant	Other Grant	Donations	Other		
<u>Building Maintenance</u>			\$0	\$0	\$0	\$0	\$0	\$2,430,000	\$0	\$0	\$0	\$100,000	\$2,530,000	
BM-21-01	MAC Parking Lot Rehab - Ph III	Replacement of city owned lots						\$1,000,000					\$1,000,000	Gaming
BM-21-02	MAC Renovations - Roof Relpacment	Roof Replacement						\$900,000					\$900,000	Gaming
BM-21-03	City Building Rehab Program Ph I	Rehab of city buildings based on Buildings Needs Assessment Study.						\$500,000					\$500,000	Gaming
BM-21-04	Interior Painting (Library)											\$100,000	\$100,000	Library Foundation
BM-21-05	Security Camera Replacement (Library)							\$30,000					\$30,000	Gaming
<u>Community Development Department</u>			\$250,000	\$0	\$300,000	\$0	\$1,300,000	\$50,000	\$600,000	\$0	\$0	\$425,000	\$2,925,000	
CD-21-01	Lake Manawa Power Center Entrance enhancements	Landscaping/grading/trail/drainage			\$300,000		\$300,000					\$425,000	\$1,025,000	Other = SSMID
CD-21-02	Mid City	Property Improvements	\$50,000					\$50,000					\$100,000	
CD-21-03	FIRST AVE Program	Acquistions/demolition/trail/infrastructure/studies					\$600,000		\$600,000				\$1,200,000	IWF
CD-21-04	River's Edge						\$200,000						\$200,000	
CD-21-05	17th Avenue	Reconstruction of infrastructure in Sunset Park neighborhood	\$200,000				\$200,000						\$400,000	CDBG
<u>Fire Department</u>			\$0	\$0	\$0	\$0	\$0	\$225,000	\$0	\$0	\$0	\$0	\$225,000	
FD-21-01	Medic 2 Replacement							\$225,000					\$225,000	GF = Gaming
<u>IT</u>			\$0	\$0	\$0	\$0	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	
IT-21-01	IT Software and Hardware	Computer Equipment					\$700,000						\$700,000	
<u>Parks, Recreation and Public Property Department</u>			\$229,000	\$0	\$0	\$0	\$842,250	\$0	\$0	\$0	\$0	\$0	\$1,071,250	
PR-21-01	Valley View Park Plan	Concept Design					\$40,000						\$40,000	
PR-21-02	Trail: Riverfront to 1st Ave Trail Connector	Construct new trail connector from Riverfront to Western terminus of 1st Ave trail	\$229,000				\$57,250						\$286,250	
PR-21-03	City wide Playground Upgrades	General upgrades of playground equipment					\$150,000						\$150,000	
PR-21-04	City wide site furnishings	Replace site furnishings through park system					\$50,000						\$50,000	
PR-21-05	Neighborhood Park Rehab/Reconstruction	Funding available for playground upgrades, landscape renovations etc.					\$200,000						\$200,000	
PR-21-06	City wide tree removal and planting						\$50,000						\$50,000	
PR-21-07	East Council Bluffs Park	Property acquisition and development of a new park					\$200,000						\$200,000	
PR-21-08	Rec Complex Engineering Services	Storage for maintenance related equipment, supplies and materials is inadequate for the needs at the Rec. Complex. Break-ins and theft are a problem. This project would provided enclosed, secure storage.					\$95,000						\$95,000	
<u>Police Department</u>			\$0	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	
PD-21-01	Range Upgrades	100 Yard Rifle Range Addition					\$500,000						\$500,000	
<u>Public Works Department</u>			\$4,489,000	\$5,575,000	\$5,545,500	\$437,000	\$6,100,000	\$0	\$738,000	\$0	\$0	\$17,445,500	\$40,330,000	
PW-21-01	Infrastructure Maintenance	Citywide street and sidewalk repairs											\$0	Moved to Streets Operating Budget
PW-21-02	Infrastructure Maintenance	Citywide sewer repairs			\$200,000								\$200,000	
PW-21-03	Infrastructure Maintenance	Wastewater plant repairs			\$200,000								\$200,000	
PW-21-04	Infrastructure Management	Evaluation study / analysis TBD			\$125,000								\$125,000	
PW-21-05	NPDES PH II Program Management	Citywide MS4 permit - storm sewer improvements			\$125,000								\$125,000	
PW-21-06	Levee Certification Projects													
	Program Management				\$250,000								\$250,000	

	Geotech MR_8											\$1,200,000	\$1,200,000	
	Geotech MR_9			\$2,000,000								\$900,000	\$2,900,000	
PW-21-09	E Manawa Sewer Rehab - Phase IX	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-21-10	Gifford Road Reconstruction	Pavement resurfacing				\$0						\$3,000,000	\$3,000,000	Funding to be determined
PW-21-11	Power Drive Road Extension	35th Ave to Hwy 275										\$3,000,000	\$3,000,000	Other = Metro Crossing TIF
PW-21-12	1st St Neighborhood Rehab - Phase XI	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-21-13	North Broadway Bridge	Anticipated CHBP funds with IDOT bridge fund match (75/25)	\$1,725,000	\$575,000		\$437,000							\$2,737,000	
PW-21-14	Pump Station Rehab	Lateral 5 Storm pump replacement			\$400,000								\$400,000	
PW-21-16	E Beltway - Segment E	Greenview Road - West	\$2,764,000		\$345,500							\$345,500	\$3,455,000	Other = Pott Co
PW-21-17	Airport Sewer Extension	Sanitary sewer				\$2,000,000							\$2,000,000	
PW-21-18	WPCP Admin Building	Facility replacement for Admin and Lab										\$4,000,000	\$4,000,000	Other = SRF
PW-21-19	WPCP Flood Protection	Ring Levee/Floodwall										\$5,000,000	\$5,000,000	Other = SRF
PW-21-20	West Broadway Reconstruction, Segment 5	20th St to 15th St		\$3,000,000	\$500,000		\$3,000,000		\$738,000				\$7,238,000	
PW-21-21	IDOT Payment for N. 28th St Storm	Payment 2 of 3			\$900,000								\$900,000	
PW-21-22	IDOT Payment for UPRR Bridge	Payment 2 of 5			\$500,000								\$500,000	
PW-21-23	Funding of Avenue G project from FY20	Payment 1 of 5					\$1,100,000						\$1,100,000	Reimburse Iowa West Foundation
Total			\$4,968,000	\$5,575,000	\$5,845,500	\$437,000	\$9,442,250	\$2,705,000	\$1,338,000	\$0	\$0	\$17,970,500	\$48,281,250	

FY 21-22

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Funding Sources										Current Year Project Cost	Notes/Further information
			Federal	State	Sales	Road Use	GO	Gen Fund	Iowa West Grant	Other Grant	Donations	Other		
<u>Building Maintenance</u>			\$0	\$0	\$0	\$0	\$0	\$2,412,000	\$0	\$0	\$0	\$0	\$2,412,000	
BM-22-01	MAC Parking Lot Rehab - Phase IV	Peplacement of City Lots						\$1,000,000					\$1,000,000	Gaming
BM-22-02	MAC Renovations	Remodel Concession Stands, spot light platforms, video system, BOH double overhead doors						\$412,000					\$412,000	Gaming
BM-22-03	City Building Rehab Program Ph II	Rehab of city buildings based on Buildings Needs Assessment Study.						\$1,000,000					\$1,000,000	Gaming
<u>Community Development Department</u>			\$50,000	\$350,000	\$0	\$0	\$1,400,000	\$50,000	\$600,000	\$0	\$0	\$0	\$2,450,000	
CD-22-01	Downtown projects	Acquisitions/demolition/infrastructure/studies					\$200,000						\$200,000	
CD-22-02	Mid City	Property Improvements: bike trails/open space, property acquisitions, site	\$50,000					\$50,000					\$100,000	
CD-22-03	FIRST AVE Program	Acquisitions/demolition/trail/infrastructure/studies					\$600,000		\$600,000				\$1,200,000	IWF
CD-22-04	35th Avenue/Veteran's Memorial Hwy connector	North/south street connection (pays for part of project)		\$350,000			\$350,000						\$700,000	RISE
CD-22-05	35th Avenue widening - Lot 10	Expansion/traffic control					\$250,000						\$250,000	
<u>Fire Department</u>			\$0	\$0	\$0	\$0	\$675,000	\$0	\$0	\$0	\$0	\$0	\$675,000	
FD-22-01	Medic 3 Replacement	Ambulance Replacement					\$225,000						\$225,000	
FD-22-02	Rescue 30 Replacement						\$450,000						\$450,000	
<u>IT</u>			\$0	\$0	\$0	\$0	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	
IT-22-01	IT Software and Hardware	Computer Equipment					\$700,000						\$700,000	
<u>Parks, Recreation and Public Property Department</u>			\$0	\$0	\$0	\$0	\$3,146,000	\$200,000	\$1,050,000	\$0	\$0	\$0	\$4,396,000	
PR-22-01	Park Master Plan	Work with consultant on Park Master Plan Update and Work					\$175,000						\$175,000	
PR-22-02	Trail: Riverfront to Entertainment District Trail	Trail from Missouri River to MAC							\$850,000				\$850,000	
PR-22-03	City wide Playground Upgrades	General upgrades of playground equipment					\$150,000						\$150,000	
PR-22-04	Emerald Ash Bore	Treatment/Removal of diseased trees					\$35,000						\$35,000	
PR-22-05	City wide site furnishings	Replace site furnishings through park system					\$50,000						\$50,000	
PR-22-06	Neighborhood Park Rehab/Reconstruction	Funding available for playground upgrades, landscape renovations etc.					\$200,000						\$200,000	
PR-22-07	City wide tree removal and planting						\$50,000						\$50,000	
PR-22-08	Aquatics Modernization and Repair	Repair, replacement, and upgrades of equipment, water features, etc.					\$50,000						\$50,000	
PR-22-09	City wide Trail Repair	Mosquito Creek Trail, Nash Blvd Trail					\$61,000						\$61,000	
PR-22-10	East Council Bluffs Park	Property acquisition and development of a new park					\$300,000						\$300,000	
PR-22-11	Rec Complex Upgrades	Repair sidewalks, fencing, concessions upgrade site furnishings					\$75,000						\$75,000	
PR-22-12	Valley view Park Development	Phase I of Expansion and Development Plans					\$550,000						\$550,000	
PR-22-13	Aquatics Center Rehab	Majr slide, drop slide to be integrated into one of the centers, the pools have not been upgraded in 20 years					\$750,000	\$200,000					\$950,000	
PR-22-14	Rec Complex Maintenance and Storage Addition	Expand existing two bay to a three bay complex, and construct a year round, heated storage unit.					\$500,000						\$500,000	
PR-22-15	City wide interpretive/educational signage	Install educational signage near natural areas					\$100,000		\$100,000				\$200,000	
PR-22-16	City wide Wayfinding Signage						\$100,000		\$100,000				\$200,000	
<u>Public Works Department</u>			\$4,530,000	\$3,350,000	\$8,110,000	\$650,000	\$1,100,000	\$0	\$0	\$0	\$0	\$210,000	\$17,950,000	
PW-22-01	Infrastructure Maintenance	Citywide street and sidewalk repairs											\$0	Moved to Streets Operating Budget
PW-22-02	Infrastructure Maintenance	Citywide sewer repairs			\$200,000								\$200,000	
PW-22-03	Infrastructure Maintenance	Wastewater plant repairs			\$200,000								\$200,000	

PW-22-04	Infrastructure Management	Evaluation study / analysis TBD			\$125,000								\$125,000	
PW-22-05	NPDES PH II Program Management	Citywide MS4 permit - storm sewer improvements			\$125,000								\$125,000	
PW-22-06	Levee Certification Projects													
	Program Management				\$225,000								\$225,000	
	Geotech MC_1			\$775,000									\$775,000	
	Geotech MC_2			\$800,000									\$800,000	
	Encroachment MR_2			\$775,000									\$775,000	
PW-22-09	E Manawa Sewer Rehab - Phase X	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-22-11	28th St Storm Sewer Rehab, Phase III	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-22-12	1st St Neighborhood Rehab - Phase XII	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-22-13	Benton Street Bridge over Indian Creek	Anticipated IDOT bridge funds		\$1,000,000		\$650,000							\$1,650,000	Other = RUTF
PW-22-14	Pump Station Rehab	Air Scrubber upgrades at 21st & K and 6th Ave San			\$375,000								\$375,000	
PW-22-16	E Beltway - Segment F	Steven Road Extension	\$1,680,000		\$210,000							\$210,000	\$2,100,000	Other = Pott Co
PW-22-17	South Expressway Reconstruction, Phase I	Pavement, sewer - I-80 North	\$2,850,000		\$1,250,000								\$4,100,000	STP
PW-22-21	IDOT Payment for N.28th St Storm	Payment 3 of 3			\$900,000								\$900,000	
PW-22-22	IDOT Payment for UPRR Bridge	Payment 3 of 5			\$500,000								\$500,000	
PW-22-23	Funding of Avenue G project from FY20	Payment 2 of 5					\$1,100,000						\$1,100,000	Reimburse Iowa West Foundation
Total			\$4,580,000	\$3,700,000	\$8,110,000	\$650,000	\$7,021,000	\$2,662,000	\$1,650,000	\$0	\$0	\$210,000	\$28,583,000	

FY 22-23

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Funding Sources										Current Year Project Cost	Notes/Further information
			Federal	State	Sales	Road Use	GO	Gen Fund	Iowa West Grant	Other Grant	Donations	Other		
Building Maintenance			\$0	\$0	\$0	\$0	\$0	\$2,200,000	\$0	\$0	\$0	\$0	\$2,200,000	
BM-23-01	MAC Parking Lot Rehab - Phase V	Replacement of City owned lots						\$700,000					\$700,000	Gaming
BM-23-02	MAC Renovations	Partial Seating Replacement Phase II.						\$400,000					\$400,000	Gaming
BM-23-03	MAC Renovations	Replace aging Food and Beverage Kitchen Equipment						\$100,000					\$100,000	Gaming
BM-23-04	City Building Rehab Program Ph III	Rehab of city buildings based on Buildings Needs Assessment Study.						\$1,000,000					\$1,000,000	Gaming
Community Development Department			\$300,000	\$250,000	\$0	\$0	\$1,050,000	\$50,000	\$600,000	\$0	\$0	\$100,000	\$2,350,000	
CD-23-01	Mid City	Property Improvements: bike trails/open space, property acquisitions	\$50,000					\$50,000					\$100,000	
CD-23-02	FIRST AVE Program (Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy)	Acquistions/demolition/trail/infrastructure/studies					\$600,000		\$600,000				\$1,200,000	IWF
CD-23-03	35th Avenue/Veteran's Memorial Hwy connector	North/south street connection (pays for part of project)		\$250,000			\$250,000						\$500,000	RISE
CD-23-04	Downtown projects	Acquistions/demolition/infrastructure/studies					\$200,000						\$200,000	
CD-23-05	22nd Avenue/South 6th Street	Infrastructure	\$250,000									\$100,000	\$350,000	CDBG
Fire Department			\$0	\$0	\$0		\$8,000,000	\$0	\$0	\$0	\$0	\$0	\$8,000,000	
FD-23-01	New Station	Station 7					\$8,000,000						\$8,000,000	
													\$0	
IT			\$0	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	
IT-23-01	IT Software and Hardware	Computer Equipment					\$500,000						\$500,000	
													\$0	
Parks, Recreation and Public Property Department			\$246,000	\$0	\$0	\$0	\$1,591,500	\$0	\$3,000,000	\$0	\$0	\$0	\$4,837,500	
PR-23-01	Park Master Plan	Placeholder for Park Master Plan					\$50,000						\$50,000	
PR-23-02	Trail: River Road - 1st Ave Trail Connector	MAPA Grant currently programmed for River road Trail	\$246,000				\$61,500						\$307,500	
PR-23-03	City wide Playground Upgrades	General upgrades of playground equipment					\$150,000						\$150,000	
PR-23-04	Emerald Ash Bore	Treatment/Removal of diseased trees					\$90,000						\$90,000	
PR-23-05	City wide site furnishings	Replace site furnishings through park system					\$50,000						\$50,000	
PR-23-06	Neighborhood Park Rehab/Reconstruction	Funding available for playground upgrades, landscape renovations etc.					\$200,000						\$200,000	
PR-23-07	City wide tree removal and planting						\$50,000						\$50,000	
PR-23-08	Aquatics Modernization and Repair	Repair, replacement, and upgrades of equipment, water features, etc.					\$50,000						\$50,000	
PR-23-09	Trail Condition Assessment	Assess existing conditions of trail network					\$40,000						\$40,000	
PR-23-10	Dodge Park Phase I	Development of new quality park adjacent to levee							\$3,000,000				\$3,000,000	
PR-23-11	Fairmount Park	Improvements to Mt. Graham area, pavilion, roads, parking and playground					\$850,000						\$850,000	
Public Works Department			\$0	\$2,200,000	\$8,550,000	\$0	\$1,100,000	\$0	\$0	\$0	\$0	\$7,150,000	\$19,000,000	
PW-23-01	Infrastructure Maintenance	Citywide street and sidewalk repairs										\$0	\$0	Moved to Streets Operating Budget
PW-23-02	Infrastructure Maintenance	Citywide sewer repairs			\$200,000								\$200,000	
PW-23-03	Infrastructure Maintenance	Wastewater plant repairs			\$200,000								\$200,000	
PW-23-04	Infrastructure Management	Evaluation study / analysis TBD			\$100,000								\$100,000	
PW-23-05	NPDES PH II Program Management	Citywide MS4 permit - storm sewer improvements			\$100,000								\$100,000	
PW-23-06	Levee Certification Program	Missouri River, Indian Creek and Mosquito Creek repair/rehab												
	Program Management											\$250,000	\$250,000	
	Geotech MC_3											\$600,000	\$600,000	

	Freeboard MC_1			\$2,200,000								\$6,300,000	\$8,500,000	IFMP
PW-23-08	30th Ave Sewer Rehab, Phase 1	Sewer - Indian Creek to S. 11th St			\$750,000								\$750,000	
PW-23-09	E Manawa Sewer Rehab - Phase XI	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-23-11	28th St Storm Sewer Rehab, Phase IV	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-23-12	S. 23rd St Sewer Rehab, Phase 1	Pavement, sewer - 6th Ave to 3rd Ave			\$1,000,000								\$1,000,000	
PW-23-13	Sewer Rehab - Insitu Lining	Sanitary Sewer			\$1,000,000								\$1,000,000	
PW-23-14	Pump Station Rehab	TBD			\$500,000								\$500,000	
PW-23-17	SCADA Upgrade, Phase 2	plant, pump station communication			\$1,000,000								\$1,000,000	
PW-23-21	IDOT Payment for Nebraska Ave Storm	Payment 1 of 1			\$200,000								\$200,000	
PW-23-22	IDOT Payment for UPRR Bridge	Payment 4 of 5			\$500,000								\$500,000	
PW-23-23	Funding of Avenue G project from FY20	Payment 3 of 5					\$1,100,000						\$1,100,000	Reimburse Iowa West Foundation
Total			\$546,000	\$2,450,000	\$8,550,000		\$12,241,500	\$2,250,000	\$3,600,000	\$0	\$0	\$7,250,000	\$36,887,500	

FY 23-24

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Funding Sources										Current Year Project Cost	Notes/Further information
			Federal	State	Sales	Road Use	GO	Gen Fund	Iowa West Grant	Other Grant	Donations	Other		
Building Maintenance			\$0	\$0	\$0	\$0	\$0	\$2,000,000	\$0	\$0	\$0	\$0	\$2,000,000	
BM-24-01	MAC Renovations	TBD						\$1,000,000					\$1,000,000	Gaming
BM-24-02	City Building Rehab Program Phase III	Rehab of City buildings based on completed building needs assessment.						\$1,000,000					\$1,000,000	Gaming
Community Development Department			\$300,000	\$250,000	\$0	\$0	\$1,050,000	\$150,000	\$600,000	\$0	\$0	\$0	\$2,350,000	
CD-24-01	Mid City	Property Improvements: bike trails/open spaces	\$50,000					\$50,000					\$100,000	
CD-24-02	FIRST AVE Program (Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy)	Acquisitions/demolition/trail/infrastructure/studies					\$600,000		\$600,000				\$1,200,000	IWF
CD-23-03	35th Avenue/Veteran's Memorial Hwy connector	North/south street connection (pays for part of project)		\$250,000			\$250,000						\$500,000	RISE
CD-24-04	Downtown projects	Acquisitions/demolition/infrastructure/studies					\$200,000						\$200,000	
CD-24-05	22nd Avenue/South 6th Street	Infrastructure	\$250,000					\$100,000					\$350,000	CDBG
Fire Department			\$0	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	
FD-24-01	Engine 21	Replacement of Engine					\$500,000						\$500,000	
IT			\$0	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	
IT-24-01	IT Software and Hardware	Computer Equipment					\$500,000						\$500,000	
Parks, Recreation and Public Property Department			\$0	\$0	\$0	\$0	\$385,000	\$0	\$2,000,000	\$0	\$0	\$0	\$2,385,000	
PR-24-01	Park Master Plan	Placeholder for Park Master Plan					\$50,000						\$50,000	
PR-24-03	City wide Playground Upgrades	General upgrades of playground equipment					\$150,000						\$150,000	
PR-24-04	Emerald Ash Bore	Treatment/Removal of diseased trees					\$35,000						\$35,000	
PR-24-05	City wide site furnishings	Replace site furnishings through park system					\$50,000						\$50,000	
PR-23-06	City wide tree removal and planting						\$50,000						\$50,000	
PR-23-07	Aquatics Modernization and Repair	Repair, replacement, and upgrades of equipment, water features, etc.					\$50,000						\$50,000	
PR-23-10	Dodge Park Phase II	Development of new quality park adjacent to levee							\$2,000,000				\$2,000,000	
Public Works Department			\$7,325,000	\$2,200,000	\$9,575,000	\$0	\$7,625,000	\$0	\$0	\$0	\$0	\$9,050,000	\$35,775,000	
PW-24-01	Infrastructure Maintenance	Citywide street and sidewalk repairs											\$0	Moved to Streets Operating Budget
PW-24-02	Infrastructure Maintenance	Citywide sewer repairs			\$200,000								\$200,000	
PW-24-03	Infrastructure Maintenance	Wastewater plant repairs			\$200,000								\$200,000	
PW-24-04	Infrastructure Management	Evaluation study / analysis TBD			\$100,000								\$100,000	
PW-24-05	NPDES PH II Program Management	Citywide MS4 permit - storm sewer improvements			\$100,000								\$100,000	
PW-24-06	Levee Certification Projects													
	Program Management											\$250,000	\$250,000	
	Tub D Project			\$2,200,000								\$8,800,000	\$11,000,000	
PW-24-07	N. 16th Street Reconstruction	Pavement - Ave G to Nash Blvd	\$4,825,000				\$1,875,000						\$6,700,000	
PW-24-08	30th Ave Sewer Rehab - Phase II	Sewer			\$750,000								\$750,000	
PW-24-09	E Manawa Sewer Rehab - Phase XII	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-24-10	Franklin Ave Reconstruction	Pavement, sewer - Lincoln to South			\$600,000		\$1,000,000						\$1,600,000	
PW-24-11	28th Street Storm Rehab, Phase V	Pavement, sewer			\$1,500,000								\$1,500,000	
PW-24-12	S 23rd Street Sewer Rehab - Phase II	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-24-13	N 17th Street Sewer Rehab	Pavement, sewer			\$1,000,000								\$1,000,000	
PW-24-14	Pump Station Rehab	TBD			\$500,000								\$500,000	
PW-24-16	Lockwood Place Rehab	Pavement, sewer - Woodbury north					\$1,250,000						\$1,250,000	
PW-24-17	Greenview Trail Extension	Longview to Forrest Glen/Whispering Oaks					\$400,000						\$400,000	
PW-24-18	West Graham Reconstruction	81	\$2,500,000		\$625,000								\$3,125,000	
PW-24-19	College Road Rehab						\$2,000,000						\$2,000,000	

PW-24-20	Valley View Sewer Rehab	Sanitary sewer			\$1,000,000								\$1,000,000	
PW-24-22	IDOT Payment for UPRR Bridge	Payment 5 of 5			\$500,000								\$500,000	
PW-24-23	Funding of Avenue G project from FY20	Payment 4 of 5					\$1,100,000						\$1,100,000	Reimburse Iowa West Foundation
Total				\$7,625,000	\$2,450,000	\$9,575,000		\$10,060,000	\$2,150,000	\$2,600,000	\$0	\$0	\$9,050,000	\$43,510,000

RESOLUTION NO. 19-34

A Resolution approving the Capital Improvement Program for Fiscal Year 2020 Through Fiscal Year 2024.

WHEREAS, The City annually prepares and adopts a Capital Improvement Program which establishes projects to be undertaken during the next fiscal year and proposes projects for the balance of a five-year period: and

WHEREAS, The Capital Improvement Program is the primary method of implementing the goals and policies contained in the Comprehensive Plan; and

WHEREAS, A Capital Improvement Program has been prepared for the Mayor's submission to City Council; and

WHEREAS, After study and consideration, it is the belief of this City Council that approval of the Capital Improvement Program for FY 2020 through FY 2024 is in the best interest of the City of Council Bluffs, Iowa

WHEREAS, The FY 2020 CIP will require General Obligation bonding of \$7,500,000 for general projects

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Capital Improvement Program for FY 2020 through FY 2024 attached hereto and make a part by reference, is hereby approved by the City of Council Bluffs, Iowa.

ADOPTED
AND
APPROVED:

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW20-09
Submitted by: Matthew Cox, City
Engineer

Resolution 19-35
ITEM 5.B.

Council Action: 2/11/2019

Description

Resolution authorizing the Mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the East Manawa Sewer Rehab, Phase VIII. Project # PW20-09

Background/Discussion

The area of East Manawa is very flat with open ditches. There are no storm sewers in this area and the streets are thin asphalt or seal-coated rock roads. During rainfall events, considerable surface ponding occurs due to the poor drainage.

Due to the narrow right-of-way (30 ft.) and the high water table in the area, conventional storm sewer construction is not practical. The use of porous pavement in conjunction with a drainable granular base and shallow subdrain/conveyance system was determined to be the most cost effective means available to improve the area drainage.

The rehab program also includes installation of new sanitary sewers utilizing a vacuum system.

Phase I and II of the program have been completed and included Huron Circle from Navajo to north of Osage Street. Phase III of the program was construction of the sanitary sewer vacuum pump station. Phase IV included the first phase of vacuum sewer installation with the porous pavement and subdrain system on Huron Circle from Navajo to just west of Blackhawk Street. Phase V is complete and continued the rehab along Huron Circle from just west of Blackhawk Street to 585 feet east and Osage Street from Huron Circle to Victor Street. Phases VI and VII are now complete and included Blackhawk Street, Victor Street from Osage to Blackhawk Street, and Aztec Street from Huron Circle to Victor.

Phase VIII will complete Victor Street and Aztec Street from Victor to the south. The exact limits will be determined during the project scoping.

This project is planned for the FY20 CIP and includes a budget of \$1,500,000 in GO Bond funding.

EGA was previously selected from the pre-qualified list of engineers because of their successful project history and strong relationship with the Iowa DNR, and subsequently provided engineering services for the previous construction phases. As before, they will be partnering with FOX Engineering who developed the master plan for the East Manawa area, and have been part of the engineering team on each of the previous phases. It is appropriate for the EGA/FOX team to continue their role as project engineers.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	2/1/2019
Resolution 19-35	Resolution	2/4/2019



PROPOSAL FOR PROFESSIONAL ENGINEERING &
LAND SURVEYING SERVICES
EGA PROJECT NO 191021

January 30, 2019

Mr. Matt Cox, City Engineer
City of Council Bluffs Public Works Department
209 Pearl Street
Council Bluffs, IA 51501

Dear Mr. Cox:

EHRHART GRIFFIN & ASSOCIATES w/ FOX ENGINEERING propose to render professional engineering and land surveying services in connection with that portion of PW20-09, East Manawa Sewer Rehab, Phase VIII.

Our service structure is as follows:

A. Surveying

Provide land surveying services as required to complete the preliminary and final design of the project.

B. Conceptual Phase

Prepare conceptual drawing, cost estimate, and coordinate with the City to define the scope of the Project.

C. Preliminary and Final Design Phases

In consultation with the City, and on the basis of the accepted conceptual plans, prepare Preliminary Design documents consisting of final design criteria and preliminary drawings. Based on the information contained in the Preliminary Design documents, a revised cost estimate will be prepared.

With the approval of the preliminary Design documents, prepare for incorporation in the Contract Documents, final drawings to show the general scope, extent, and character of the work to be furnished and performed by the Contractor(s) including specifications. Provide other services as directed by the City to initiate the Bidding Phase.

D. Bidding Phase

Assist the City in obtaining bids for construction of the Project. Prepare and issue addenda as necessary to interpret, clarify, or expand the Bidding Documents. Attend the Bid opening as requested and assist the City in evaluating the Bids.

E. Construction Phase

Provide construction observation, project management, and construction staking services necessary to determine in general that work by the contractor is proceeding in accordance with the Contract Documents. The City will be kept informed of the progress of the work. Review of shop drawings, coordination of testing services, processing of change orders, and applications for payment will also be provided.

F. Project Management

Provide services as requested by the City not typical to technical design services.

G. Outside Consultants/Testing

Obtain necessary sub-consultants and testing services required for construction to be completed in accordance to the Contract Documents.

H. Right of Way

Coordinate and prepare necessary documentation to obtain right-of-way, easements, outside permits, and assessments.

These Professional Engineering and Land surveying services would be provided at the following fee schedule:

A. Surveying	Lump Sum
B. Concept Phase	Hourly, not to exceed a negotiated maximum
C. Preliminary and Final Design Phase	Lump Sum
D. Bidding Phase	Lump Sum
E. Construction Phase	Hourly, not to exceed negotiated maximum
F. Project Management	Hourly, not to exceed negotiated maximum
G. Outside Consultants/Testing	Billed per invoice
H. Right of Way	Hourly

Hourly and additional or non-customary services will be charged at an hourly rate based on the following Hourly Rate Schedules:

EHRHART GRIFFIN & ASSOCIATES

STANDARD HOURLY RATE SCHEDULE:

Principal	185.00/hr.	Survey Department Manager	125.00/hr.
Engineering Department Manager	175.00/hr.	Professional Land Surveyor	120.00/hr.
Sr. Engineering Project Manager	175.00/hr.	Survey Technician	105.00/hr.
Engineering Project Manager	125.00/hr.	Survey Crew Party Chief	115.00/hr.
Project Engineer	120.00/hr.	Survey Crew Tech. W/ EDM	115.00/hr.
Design Engineer	115.00/hr.	Robotic Laser EDM	115.00/hr.
Engineering Technician I	95.00/hr.	GPS Satellite Receiver	230.00/hr.
Engineering Technician II	105.00/hr.	Survey Crew W/ Drone	230.00/hr.
Construction Manager	110.00/hr.	Office Clerical	70.00/hr.
Construction Observer I	80.00/hr.	Office Manager	100.00/hr.
Construction Observer II	95.00/hr.		

REIMBURSABLE EXPENSES:

Federal/Airborne Express	30.00/ea.	Bond Copy (8½x11)	0.30/ea.
Express Messenger	15.00/ea.	Bond Copy (8½x14)	0.55/ea.
Mileage	.57/mi.	Bond Copy (11 x 17)	0.75/ea.
Mylar Copy (24" x 36")	7.00/ea.	Bond Copy (24 x36)	4.00/ea.
Mylar Copy (30"x 42")	9.00/ea.	Bond Copy (30 x 42)	5.00/ea.
		Color Copy (8½x11)	1.00/ea.
		Color Copy (8½x14)	1.25/ea.
		Color Copy (11 x 17)	1.75/ea.
		Color Copy (24x36)	4.00/ea.
		Color Copy (30x42)	9.00/ea.

2019 Fee Schedule

<u>Staff Category</u>	<u>Hourly Billing Rate</u>
Engineer	\$118.00
Project Engineer	\$146.00
Senior Project Engineer	\$166.00
Project Manager	\$183.00
Senior Project Manager	\$207.00
Principal I	\$218.00
Principal II	\$240.00
Engineering Technician I	\$81.00
Engineering Technician II	\$91.00
Engineering Technician III	\$101.00
Engineering Technician IV	\$121.00
Engineering Technician V	\$138.00
Administrative Assistant I	\$69.00
Administrative Assistant II	\$84.00

Hourly billing rates include salary costs, normal employee benefits, overhead, profit, and general office expenses such as telephone, facsimile, photocopy, word processing, postage, and basic supplies.

Listed rates are effective through December 31, 2019.

BILLABLE EXPENSES: Billable expenses include specialty vehicles (\$0.65/mile) and use of personal vehicles (at current IRS rate). A listing of all billable expense charges is available as applicable.

REIMBURSABLE EXPENSES: Reimbursable expenses include costs for meals and lodging when overnight stay is required for the project, costs for special mailing/printing, costs for materials and supplies purchased for specific use on the project, and costs of outside consultants used on the project.

Ehrhart Griffin & Associates will bill the City monthly for services and reimbursable expenses. The aforementioned financial arrangements are on the basis of prompt payment and the orderly and continuous progress of construction.

We would expect to start promptly with the above work upon acceptance of this proposal and to complete our services according to the construction schedule.

If there are protracted delays for reason beyond our control, we would expect to renegotiate with you the basis for our compensation in order to take into consideration changes in price indices and pay scales applicable to the period when services are in fact being rendered.

Should budgetary limitations become a factor in the completion of this work, the City shall so advise Ehrhart Griffin & Associates in writing at the earliest possible date. We will endeavor to work within such limitations.

Ehrhart Griffin & Associates agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims including reasonable attorneys' fees arising out of the negligent acts, errors, or omissions of Ehrhart Griffin & Associates, its officers, agents, and employees in the execution of the services specified in this contract

In recognition of the relative risks and benefits of the project to both the City and Ehrhart Griffin & Associates, the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of Ehrhart Griffin & Associates and their sub-consultants to the Owner and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of Ehrhart Griffin & Associates and their sub-consultants to all those named shall not exceed \$2,000,000.00. Such claims and causes include negligence, professional errors or omissions, strict liability, breach of contract or warranty.

- **INSURANCE**

The Engineer shall maintain insurance to protect the ENGINEER from claims under Workmen's Compensation Acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the ENGINEER is legally liable. The amounts and extent of such insurance is as follows:

- | | |
|----------------------------|---|
| 1. Professional Liability | \$2,000,000 each claim; 2,000,000 aggregate |
| 2. Vehicle Coverage- | |
| Bodily Injury | \$1,000,000 combined single limit (each accident) |
| 3. Workmen's Compensation- | \$100,000 each accident |
| 4. General Liability- | \$1,000,000 each occurrence and 2,000,000 aggregate |

- **ARBITRATION**

Any controversy or claim arising out of this Agreement may, if both parties agree, be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association.

The cost of the arbitration, if any, will be divided equally between the OWNER and the ENGINEER.

- **ENGINEER'S RESPONSIBILITY**

The ENGINEER shall be responsible for the professional quality and technical accuracy of all services furnished by the ENGINEER under this Agreement, except for that work provided by OWNER. The ENGINEER shall, without additional compensation, correct or revise any error or deficiencies in his work. Approval of the OWNER of any such work shall not in any way relieve the ENGINEER of responsibility for the technical accuracy and adequacy of said services. The OWNER'S review, approval or acceptance of, or payment for any of the services shall not be construed to operate as a waiver of any rights under this

Agreement or of any cause of action arising out of the performance of this Agreement.

Refer to the attached APPENDIX "A" which identifies additional responsibilities of the ENGINEER.

This proposal letter represents the entire understanding between the City and Ehrhart Griffin & Associates with respect to the project and may be modified in writing with the signatures of both parties.

If this satisfactorily sets forth your understanding of the arrangement between us, please sign both copies of this letter where indicated. Please retain one copy for your records and return the second copy to this office.

OWNER : _____

Signature: _____

By: _____

Title: _____

Date: _____


Address: _____

City, State: _____

Phone: _____

Email: _____

A/E: **EHRHART GRIFFIN & ASSOCIATES**

Signature:  _____

By: Terry L. Morrison, P.E.

Title: Engineering Department Manager

Date: January 30, 2019

Address: 142 West Broadway, Suite 136

City, State: Council Bluffs, IA 51503

Phone: (712) 256-5248 Fax: _____

Email: tmorrison@ehrhartgriffin.com

APPENDIX “A”

During the performance of this contract, the engineer, for itself, its assignees and successors in interest (hereinafter referred to as the "Engineer") agrees as follows:

1. Compliance with Regulations: The Engineer shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "B" of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
4. Information and Reports: The Engineer shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Council Bluffs, the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of an engineer is in the exclusive possession of another who fails or refuses to furnish this information, the Engineer shall so certify to the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Engineer's noncompliance with the nondiscrimination provisions of this contract, the City of Council Bluffs shall impose such contract sanctions as it, the Iowa Department of Transportation or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the Engineer under the contract until the Engineer complies; and/or,
 - b. cancellation, termination or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Engineer shall include the provisions of Paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Engineer shall take such action with respect to any subcontract or procurement as the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that, in the event an engineer becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Engineer may request the City of Council Bluffs or the Iowa Department of Transportation to enter into such litigation to protect the interests of the City of Council Bluffs or the Iowa Department of Transportation; and, in addition, the Engineer may request the United States to enter into such litigation to protect the interests of the United States.

**RESOLUTION
NO 19-35**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
EHRHART GRIFFIN & ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
EAST MANAWA SEWER REHAB, PHASE VIII
PROJECT #PW20-09**

- WHEREAS, the city wishes to make improvements known as the East Manawa Sewer Rehab, Phase VIII within the city, as therein described; and
- WHEREAS, Ehrhart Griffin & Associates has submitted an agreement to provide engineering services for the work necessary for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Ehrhart Griffin & Associates for engineering services relative to the East Manawa Sewer Rehab, Phase VIII project.

ADOPTED
AND
APPROVED

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW20-20
Submitted by: Matthew Cox, City
Engineer

Resolution 19-36
ITEM 5.C.

Council Action: 2/11/2019

Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the West Broadway Reconstruction, Segment 4. Project # PW20-20.

Background/Discussion

West Broadway is major arterial street and critical to the City's roadway network. It serves as a significant commercial corridor and commuter route and its reconstruction is an essential part of the economic redevelopment plan for the west end of Council Bluffs. There is also a strong community desire to enhance the aesthetics of the corridor and to create a connection between the River's Edge development and downtown Council Bluffs.

The City has assumed responsibility of West Broadway from the Iowa DOT. The transfer of jurisdiction of the roadway formerly designated as US 6, included payment in the amount of \$20 million from Iowa DOT.

West Broadway will be completely rebuilt, including the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers. The project also includes streetscape amenities such as decorative pedestrian lights, brick paver bands behind the curbs and at intersections, ornamental fencing, ornamental arms for street lights, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, raised planted medians, neighborhood masonry columns, and trees.

Segment 1 of the reconstruction project from 36th Street to 33rd Street is complete and Segment 2 from 33rd Street to 28th Street is now substantially complete.

Segment 3 will continue the reconstruction from 28th Street through 25th Street and is scheduled to begin in April 2019.

The limits of Segment 4 will be from the east side of 25th Street to 20th Street, with construction in 2020.

This project is planned for the FY20 CIP with a preliminary budget of \$7,815,000.

The Engineer was previously selected based on their ability to provide the necessary services utilizing the selection criteria outlined in the Professional Services Policy. Statements of qualifications were solicited from nineteen engineering firms on the pre-qualified list and HGM Associates partnered with HDR Engineering was selected as the most qualified consultant team. HGM, HDR, and Chroma Design assisted the City with developing a Corridor Master Plan for West Broadway and successfully completed the design for Segments 1, 2 and 3. It is appropriate for HGM to continue their role as project engineer. It is fully expected that the knowledge gained during the planning phase and previous design efforts will continue to benefit the project during the fourth segment.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	2/1/2019
Resolution 19-36	Resolution	2/4/2019

Contract for Engineering Services

THIS CONTRACT, executed by the CITY OF COUNCIL BLUFFS, IOWA, FIRST PARTY, hereinafter referred to as the CONTRACTING AUTHORITY; and HGM ASSOCIATES INC., 640 Fifth Avenue, Council Bluffs, Iowa, 51501-6427, SECOND PARTY, hereinafter referred to as the ENGINEER; made this _____ day of _____, 20____, in consideration of the mutual covenants hereinafter:

WHEREAS, the CONTRACTING AUTHORITY proposes to make the following improvements described as:

WEST BROADWAY RECONSTRUCTION, SEGMENT 4
CITY OF COUNCIL BLUFFS, IOWA
CITY PROJECT NO. PW 20-20
HGM PROJECT NO. 151315C

WHEREAS, the CONTRACTING AUTHORITY desires to employ the ENGINEER to perform General Consulting and Construction Phase Engineering Services for the above designated improvement program as described in the following general Scope of Services:

I. Scope of Services:

- A. Meet with the CONTRACTING AUTHORITY to define the project and to prepare a detailed scope of services for the project.
- B. Conduct a topographic survey of defined project area in sufficient detail to prepare construction plans.
- C. Prepare plans and specifications for the construction of the project improvements. There will be four submittals: 30%, 60%, 95% and Final.
- D. Provide bid phase services as follows: preparation of final opinion of probable cost; distribution of bid documents, plans and specifications; attend letting; check and tabulate bids; and prepare letter of recommendation regarding award of construction contract for improvements.
- E. Provide engineering services during construction phase including part-time construction observation to allow the ENGINEER to prepare a statement that improvements have been completed in substantial compliance with the plans and specifications. Services will include a project representative, construction contract administration, staking of proposed construction improvements and the preparation of record drawings at the completion of construction.

- F. Provide project management services including coordination of other subconsultants or consulting services as directed by the CONTRACTING AUTHORITY.
- G. Additional services, as authorized in writing by the CONTRACTING AUTHORITY, requiring the use of other subconsultants or commercial testing laboratories.
- H. Prepare, as authorized in writing by the CONTRACTING AUTHORITY, right-of-way plats and descriptions, easement descriptions, outside permits and special assessments.

WHEREAS, the ENGINEER desires to accept the said employment under the terms and conditions hereinafter outlined.

NOW, THEREFORE, IT IS AGREED AND STIPULATED by and between the parties hereto as follows:

II. Terms and Conditions:

- A. The ENGINEER agrees to:
 - 1. Provide all office and field equipment and supplies to perform such duties designated in the scope of services.
 - 2. Provide, in addition to his own professional services, the necessary personnel to perform such duties as shall be designated by the CONTRACTING AUTHORITY and to act under the direction of said authority.
- B. The CONTRACTING AUTHORITY agrees to employ and pay the ENGINEER under the following terms and conditions:
 - 1. For items I.A. and I.F. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll costs times 2.19 with a negotiated "not to exceed" maximum amount.
 - 2. For items I.B., I.C., and I.D. of the scope of services, the fees will be a negotiated lump sum amount for each of these services.
 - 3. For item I.E. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19 with negotiated maximum amount based on a percent (%) of the *averaged construction cost amount*. The *averaged construction cost amount* shall be equal to the average amount of the bid amount of the two (2) low bidders.
 - 4. For item I.G. the fee will be the actual cost as billed by the subconsultant or commercial testing laboratory.

5. For item I.H. the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19.
6. For additional services performed by the ENGINEER as authorized in writing by the CONTRACTING AUTHORITY the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19.
7. All engineering and related fees will be billed on a monthly basis for services rendered during the specific period.
8. The payroll cost used as a basis for payment shall mean the salaries and wages paid to principals and employees engaged directly on the project, including--but not limited to -- engineers, architects, surveyors, designers, drafters, specification writers, estimators, other technical personnel, stenographers, typists, and clerks; plus the cost of fringe benefits including -- but not limited to -- social security contributions, unemployment, excise and payroll taxes, workmen's compensation, health and retirement benefits, sick leave, vacation and holiday pay applicable thereto. The payroll cost will be determined by multiplying actual payroll times 1.37.

C. GENERAL CONDITIONS:

1. Ownership of Documents:

Both parties agree that the ownership of documents prepared by the ENGINEER at the direction of the CONTRACTING AUTHORITY, including specifications, drawings, maps, plats, and other related documents, shall be and remain property of the CONTRACTING AUTHORITY; and further, that such right in the CONTRACTING AUTHORITY shall not preclude the right of the ENGINEER to make and retain copies of same, to which copies ENGINEER shall have full right of ownership.

2. Termination of Agreement:

This agreement, or any portion thereof, may be terminated immediately upon written notice by the CONTRACTING AUTHORITY. In event such Notice of Termination shall be given by the CONTRACTING AUTHORITY, the payment for unbilled Engineering Services for work performed prior to the date of termination shall be determined by multiplying the ENGINEER'S payroll cost times 2.19, plus outside expense.

3. Revision of Completed Documents of Service:

Drafts of documents of service shall be submitted to the CONTRACTING AUTHORITY by the ENGINEER for review and comment. The comments received from the CONTRACTING AUTHORITY and the reviewing agencies shall be incorporated by the ENGINEER prior to submission of the final work product by the ENGINEER. Documents of service revised in accordance with review comments shall constitute "satisfactorily completed and accepted work." Requests for changes on documents of service by the CONTRACTING AUTHORITY shall be in writing. In the event there are no comments from the CONTRACTING AUTHORITY or reviewing agencies to be incorporated by the ENGINEER into the final document of service, the CONTRACTING AUTHORITY shall immediately notify the ENGINEER, in writing, that the document of service is considered to constitute "satisfactorily completed and accepted work."

In the event that the document of service prepared by the ENGINEER is found to be inadequate and revision or reworking of the document of service is necessary, the ENGINEER agrees that it shall do such revising without expense to the CONTRACTING AUTHORITY, even though final payment may have been received. The ENGINEER must give immediate attention to these changes so there will be a minimum of delay in the project. Should the CONTRACTING AUTHORITY find it desirable to have previously satisfactorily completed and accepted document of service or parts thereof revised, the ENGINEER shall make such revisions if requested and directed by the CONTRACTING AUTHORITY in writing. This work will be paid for as provided in Section II.B.6.

4. Extra Work/Changes in Scope:

If the ENGINEER is of the opinion that any work it has been directed to perform is beyond the scope of this Agreement, and constitutes "Extra Work," the ENGINEER shall promptly notify the CONTRACTING AUTHORITY in writing to that effect. In the event that the CONTRACTING AUTHORITY determines that such work does constitute "Extra Work," the CONTRACTING AUTHORITY shall provide extra compensation to the ENGINEER as provided in Section II.B.6. or at a negotiated lump sum. Unless written approval from the CONTRACTING AUTHORITY for "Extra Work" has been secured in advance from the ENGINEER, no claims will be allowed. However, the CONTRACTING AUTHORITY shall have benefit of the service rendered.

5. Indemnification:

The ENGINEER agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims including reasonable attorneys' fees and defense costs arising out of the negligent acts, errors, or omissions of the ENGINEER, its officers, agents, and employees in the execution of the services specified in this Agreement.

In recognition of the relative risks and benefits of the project to both the City and ENGINEER, the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of the ENGINEER and their sub-consultants to the OWNER and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the ENGINEER and their sub-consultants to all those named shall not exceed \$2,000,000.00. Such claims and causes include negligence, professional errors or omissions, strict liability, breach of contract or warranty.

6. Insurance:

The ENGINEER shall maintain insurance to protect the ENGINEER from claims under Worker's-Compensation Acts; claims due to personal injury or death of any employees or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for the ENGINEER is legally liable. The amounts and extent of such insurance is as follows:

1. Professional Liability - \$2,000,000 each claim;
\$2,000,000 aggregate
2. Vehicle Coverage
Bodily Injury -
\$1,000,000 combined single
limit (each accident)
3. Worker's Compensation - \$100,000 each accident
4. General Liability - \$1,000,000 each occurrence
and \$2,000,000 aggregate

7. Dispute Resolution – Arbitration:

Any controversy or claim arising out of this Agreement may, if both parties agree, be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association.

The cost of the arbitration, if any, will be divided equally between the OWNER and the ENGINEER.

8. Engineer's Responsibility:

The ENGINEER shall be responsible for the professional quality and technical accuracy of all services furnished by the ENGINEER under this Agreement, except for that work provided by OWNER. The ENGINEER shall, without additional compensation, correct or revise any error or deficiencies in his work. Approval of the OWNER of any such work shall not in any way relieve the ENGINEER of responsibility for the technical accuracy and adequacy of said services. The OWNER's review, approval or acceptance of, or payment for any of the services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

9. Successors and Assigns:

Both parties agree that, upon execution of this agreement, same shall be binding upon their/its successors, assigns, and legal representatives until terminated by the expiration of agreement or termination by written notice, as provided above.

10. Title VI Requirements:

Appendix "A" attached to this Agreement lists Title VI requirements that are part of this Agreement.

(Signature page to follow)

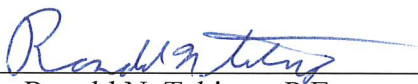
Dated this _____ day of _____, 20____.

CITY OF COUNCIL BLUFFS, IOWA * FIRST PARTY
CONTRACTING AUTHORITY

By: _____
Mayor: Matthew J. Walsh

Attest: _____
City Clerk: Jodi Quackenbush

HGM ASSOCIATES INC. * SECOND PARTY
ENGINEER

By:  _____
Ronald N. Tekippe, P.E.
President

Attest:  _____
Terrence L. Smith, P.E.
Project Manager

APPENDIX "A"

During the performance of this contract, the Engineer, for itself, its assignees and successors in interest (hereinafter referred to as the "Engineer") agrees as follows:

1. Compliance with Regulations: The Engineer shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "B" of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
4. Information and Reports: The Engineer shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Council Bluffs, the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of an engineer is in the exclusive possession of another who fails or refuses to furnish this information, the Engineer shall so certify to the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Engineer's noncompliance with the nondiscrimination provisions of this contract, the City of Council Bluffs shall impose such contract sanctions as it, the Iowa Department of Transportation or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Engineer under the contract until the Engineer complies; and/or,
 - b. cancellation, termination or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The Engineer shall include the provisions of Paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Engineer shall take such action with respect to any subcontract or procurement as the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that, in the event an engineer becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Engineer may request the City of Council Bluffs or the Iowa Department of Transportation to enter into such litigation to protect the interests of the City of Council Bluffs or the Iowa Department of Transportation; and, in addition, the Engineer may request the United States to enter into such litigation to protect the interests of the United States.

**RESOLUTION
NO 19-36**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HGM ASSOCIATES INC. FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
WEST BROADWAY RECONSTRUCTION, SEGMENT 4
PROJECT #PW20-20**

WHEREAS, the city wishes to make improvements known as the West Broadway Reconstruction, Segment 4, within the city, as therein described; and

WHEREAS, HGM Associates Inc. has submitted an agreement to provide engineering services for the work necessary for said improvements; and

WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with HGM Associates Inc. for engineering services relative to the West Broadway Reconstruction, Segment 4 project.

AND BE IT FURTHER RESOLVED

That the aforementioned project is encompassed by the language of the 1989 Local Option Sales Tax Ballot and as such this is an appropriate expenditure of the Local Option Sales Tax Revenues.

ADOPTED
AND
APPROVED

February 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Liquor Licenses
ITEM 6.A.

Council Action: 2/11/2019

Description

- 1) 3rd Base Bar & Grill, 800 North 8th Street (New Owner Application)
 - 2) The BLK Squirrel, 154 West Broadway
 - 3) Cellar 19, 928 Valley View Village
 - 4) Holiday Inn Hotel & Suites, 2202 River Road
 - 5) Lighthouse Bar & Grill, 401 Veteran's Memorial Hwy. (New Owner Application)
 - 6) Sugar's Restaurant & Lounge, 2725 Kanseville Blvd.
- Special Event Liquor License Application
- 1) Shamrock Shuffle, March 16, 2019

Background/Discussion

3rd Base Bar and Grill

On 10-21-18, at 12:50 am, police were called for an intoxicated man who had been kicked out of the bar and was trying to drive off. The man was gone when officers arrived and no action was taken.

The Black Squirrel

On 04-02-18, at 12:44 am, Officers were dispatched to a disturbance outside the entrance to the Black Squirrel. All subjects left prior to the arrival of the police.

On 06-02-18, at 1:23 am, an intoxicated female called 911 from in front of the Black Squirrel, demanding the police come to help her find her lost wallet. She left prior to the arrival of the police.

On 08-07-18, at 12:46 am, Officers were called to the Black Squirrel for an intoxicated older man in the bar, threatening others. Officers responded and handled incident. No reports or arrests were made.

On 10-21-18, at 1:54 am, Officers were dispatched to a large verbal disturbance in the street, in front of the Black Squirrel. Officers arrived and dispersed the crowd. No reports or arrests were made.

On 10-30-18, at 12:51 am, Officers were dispatched to disturbance in front of the Black Squirrel. The crowd had dispersed prior to the arrival of the officers.

On 11-04-18, at 1:59 am, Officers were dispatched to three or four men pushing each other in front of the Black Squirrel. Officers arrived and handled the incident. No reports or arrests were made.

On 12-15-18, at 1:48 am, Officers noticed an intoxicated female being physically removed from the Black Squirrel, by their employees. The female was placed under arrest for public intoxication. At the same time, Officers heard a man yelling and screaming outside the bar. The officers approached him and noticed he was intoxicated, while attempting to affect the arrest on him, another man from the crowd approached the officers in an aggressive manner, telling them that nobody was arresting his cousin. This man would not listen to commands and actively resisted officers as they attempted to arrest him. The first man was arrested for public intoxication. The second man was arrested for public intoxication, disobedience to a peace officer, interference with official acts and an outstanding warrant for driving while barred. Officers also completed a liquor establishment report.

On 01-02-19, at 12:39 am, Officers were dispatched to the Black Squirrel for a complaint of an underage bartender serving himself. The Officers responded and made contact with the bartender standing at the front entrance, smoking. They asked him his name and he gave them a false name. They were able to positively identify him, confirm that he was intoxicated and was only 20 years of age. During the arrest, they located four individual baggies of crack cocaine in his pocket and prescription pills that did not belong to him. He was ultimately arrested for public intoxication, providing false information, possession with intent to deliver,

unlawful possession of prescription drugs, prohibited sales and acts, driving while barred (warrant), and a probation violation warrant.

Lighthouse Bar and Grill

On 02-17-18, at 2:25 am, Officers were dispatched to the Lighthouse Bar and Grill for a male who was trying to get back inside the bar, but the staff wouldn't let him. It was then reported that the man was inside a vehicle in their lot, fighting with the vehicle's other occupant. Officers made contact with both men, who refused to file assault charges against one another. Both men were arrested for public intoxication, disorderly conduct and possession of a controlled substance (marijuana).

On 01-13-19, at 11:50 pm, Officers were dispatched to the Lighthouse Bar and Grill for a disturbance.

When officers arrived, the disturbance was over and staff asked officers to help remove the 8 patrons who were causing the trouble. The 8 patrons were asked to leave, which they did and the officers completed a Liquor Establishment Report.

Sugars Lounge

On 04-22-18, at 1:15 am, Officers were dispatched to Sugars Lounge for a disturbance between two men.

They arrived and one man was arrested for simple assault. The officers also completed a Liquor Establishment Report.

On 05-06-18, at 12:39 am, Officers were dispatched to Sugars Lounge for two men and two women who were involved in a verbal dispute with staff. All four left prior to the arrival of the police.

On 08-04-18, at 1:09 am, Officers were dispatched to Sugars Lounge for two men in the parking lot, who were trying to start fights with people. Officers arrived and handled the issue. No reports or arrests were made.

On 12-13-18, at 11:14 pm, Officers were dispatched to Sugars Lounge for two men who had been kicked out of the bar, but were outside trying to get in and damaging the front door while refusing to leave. Officers arrived and arrested both men for public intoxication, disorderly conduct and criminal mischief 3rd (damaging the door).

On 12-20-18, at 8:20 pm, Officers were dispatched to Sugars Lounge for two people in the parking lot fighting. Both subjects were gone upon the arrival of the Officers.

On 01-14-2019, at 10:26 pm, Officers were dispatched to Sugars Lounge for a female that had entered the bar and was previously barred. Officers arrived and handled the call. No reports or arrests were made.

Cellar 19

No incidents or arrests

Holiday Inn Hotel and Suites

No Incidents or arrests

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
liquor Licenses	Other	2/6/2019
shamrock shuffle application	Other	2/7/2019



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Applicant LC_V_83826, 3rd Base Bar and Grill, Council Bluffs

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- > Local Endorse
- > History

Corporation Name/Sole Proprietor Name/Partnership Name(s): Atomic Number 80 LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): 3rd Base Bar and Grill

Address of Premise: 800 N 8th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 322-6804

Cell / Home Phone: (402) 319-7919

Same Address

Mailing Address: 2429 Ave G

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Hanna Roppe-Guerdet

Phone: (402) 319-7919

Email Address: hannaroppe@yahoo.com

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Applicant LC0042382, The BLK Squirrel, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): The BLK Squirrel (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): The BLK Squirrel

Address of Premise: 154 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (402) 214-8465

Cell / Home Phone:

Same Address

Mailing Address: 25 Scott Street

Mailing Address Line 2:

City: Council Bluffs

Zip: 51503

State: Iowa

Contact Name: Andrew Mead

Phone: (402) 214-8465

Email Address: Cannon_ale@yahoo.com

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Applicant LC0034401, Cellar 19 Wine & Deli, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Blue River Management, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Cellar 19 Wine & Deli

Address of Premise: 928 Valley View Village

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 323-9463

Cell / Home Phone:

Same Address

Mailing Address: 928 Valley View Drive

Mailing Address Line 2: Suite 19

City: Council Bluffs

Zip: 51503

State: Iowa

Contact Name: Jim Smart

Phone: (712) 323-9463

Email Address: jsmart@cellar19.com

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Applicant LB0001781, Holiday Inn Hotel & Suites, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Kinseth Hotel Corporation (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Holiday Inn Hotel & Suites

Address of Premise: 2202 River Road

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 322-5050

Cell / Home Phone:

Same Address

Mailing Address: 2 Quail Creek Circle

Mailing Address Line 2:

City: North Liberty

Zip: 52317

State: Iowa

Contact Name: Bruce

Phone: (319) 626-5600

Email Address: mschultz@kinseth.com

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Applicant LC_V_83810, Lighthouse Bar & Grill, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Hazel Corp. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Lighthouse Bar & Grill

Address of Premise: 401 Veterans Memorial Hwy

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 689-7394

Cell / Home Phone:

Same Address

Mailing Address: 208 Kestrel Ct

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Trisha Gillespie

Phone: (402) 689-7394

Email Address: trisha@mobilismed.com

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Applicant LC0033041, Sugar's Restaurant & Lounge, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s):	NJP, Inc.	(Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A):	Sugar's Restaurant & Lounge	
Address of Premise:	2725 Kanesville Blvd	
Address Line 2:		
City:	Council Bluffs	
County:	Pottawattamie	
Zip:	51503	
Business Phone:	(712) 322-3600	Cell / Home Phone: (712) 322-8500
Same Address		
Mailing Address:	2725 Kanesville Blvd	
Mailing Address Line 2:		
City:	Council Bluffs	
Zip:	51503	
State:	Iowa	
Contact Name:	Randall [or call Lipstix (712) 322-4510]	
Phone:	(712) 322-3600	
Email Address:	caren.taylo@yahoo.com	

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Applicant LC_V_84073, Barley's , Council Bluffs

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Corporation Name/Sole Proprietor Repetitions Inc
Name/Partnership Name(s):

(Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Barley's

Address of Premise: 114 W Broadway

Address Line 2:

City: Council Bluffs

County: Iowa

Zip: 51503

Business Phone: (712) 322-0306

Cell / Home Phone: (402) 659-2110

Same Address

Mailing Address: 114 W Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Matt Johnson

Phone: (402) 659-2110

Email Address: barley'sbar@gmail.com

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Applicant License LC_V_84073, Barley's , Council Bluffs

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LENGTH OF LICENSE REQUESTED:

(Choose one of the following):

☐ 12 month☐ 8 month☐ 6 month☐ 14 day☒ 5 day

License Status: Submitted to Local Authority

**Original issue date
of license:**

MM/DD/YYYY

**Issue date of
current license:**

MM/DD/YYYY

**License effective
date:** 03/16/2019

MM/DD/YYYY

**License expiration
date:**

MM/DD/YYYY

**Number of days
notice:** 0

70 day notice: 0

Cancel date:

MM/DD/YYYY

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SHAMROCK SHUFFLE RACE MAP

