



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

STUDY SESSION AGENDA

- A. Paula Hazlewood - Advanced Southwest Iowa Update
- B. Review Agenda
- C. City Council Rules & Procedures Discussion



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

AGENDA

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 February 25, 2019 City Council Meeting Minutes.
- C. Resolution 19-60
Resolution of intent to dispose of City property and setting Public Hearing for March 25, 2019 at 7:00 p.m. legally described as the East 36 ft and 3 inches, Block 12, McMahon, Cooper and Jefferis Addition. Location: formerly 1201 8th Avenue. OTB-18-032
- D. Resolution 19-61
Resolution of intent to dispose of City property and setting Public Hearing for March 25, 2019 at 7:00 p.m. legally described as Lot 4, Block 1, Evans Bridge Addition. Location: Formerly addressed as 2819 Avenue A. OTB-19-001.
- E. Resolution 19-62
Resolution of intent and setting a Public Hearing for March 25, 2019 at 7:00 p.m. to release the South 48.5 ft. of a perpetual and permanent utility easement located across the East 252 ft. of the vacated 26th Ave. right-of-way located East of Indian Creek and West of S 13th St., as is platted North of Block 59, Railroad Addition. MIS-19-001.
- F. Resolution 19-63
Resolution setting a public hearing for March 25, 2019 at 7:00 p.m., for granting Real Property by Quitclaim Deed to the State of Iowa in connection with Council Bluffs Interstate System Improvements.
- G. Mayor's Appointments
City Planning Commission
- H. Claims
- I. Lawsuit (R&F)

4. MAYORS PROCLAMATIONS

- A. National Nutrition Month

5. PUBLIC HEARINGS

- A. Ordinance 6381

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070 of the 2015 Municipal Code, by rezoning properties legally described Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent, from R-3/Low Density Multi-Family Residential District to R-4/High Density Multifamily Residential District as defined in Chapter 15.11. ZC-19-001.

- B. Resolution 19-64

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$260,000.

- C. Resolution 19-65

Resolution authorizing the issuance and levying a tax for the payment of \$7,630,000 General Obligation Bonds 2019.

- D. Resolution 19-66

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$700,000.

- E. Resolution 19-67

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$160,000.

- F. Resolution 19-68

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$6,680,000.

- G. Resolution 19-69

Resolution authorizing the Mayor and City Clerk to execute an electric easement in connection with the installation of electrical facilities by MidAmerican Energy Company.

- H. Resolution 19-70

Resolution to vacate and dispose of the east/west alley in Block 5, Fleming and Davis Addition, lying West of S. 17th St between 9th & 10th Avenues. SAV-19-003

- I. Resolution 19-71

Resolution to vacate and dispose of the West north/south alley in Block 10, Burns Addition, lying East of Indian Creek and West of South 13th Street between 21st and 22nd Avenues. SAV-19-002

6. ORDINANCES ON 2ND READING

A. Ordinance 6382

Ordinance providing that general property taxes levied and collected each year on all property located within the Mid-City Corridor Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the city in connection with the Mid-City Corridor Urban Renewal Area (the 2019 mid-city corridor urban renewal plan)

7. RESOLUTIONS

A. Resolution 19-72

Resolution accepting the bid of Hawkins Construction Company in the amount of \$8,017,377.95 for the West Broadway Reconstruction, Segment 3. Project # PW19-20

B. Resolution 19-73

Resolution accepting the bid of Bluffs Electric, Inc. in the amount of \$135,234.60 for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13

C. Resolution 19-74

Resolution accepting the bid of Western Engineering Co, Inc. in the amount of \$180,723.00 for the 23rd Avenue Soccer Complex Improvements.

D. Resolution 19-75

Resolution to approve the tentative agreement reached between the City of Council Bluffs and The American Federation of State, County and Municipal Employees (AFSCME, Local 2844).

E. Resolution 19-76

Resolution approving adding one police officer to the authorized strength of the City.

8. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor Licenses

- 1) Boxer BBQ, 513 S Main (New location beginning May 1 2019)
- 2) Glory Days, 106 West Broadway
- 3) LongHorn Steakhouse, 3727 Denmark Drive
- 4) Uncle Buck's, 2911 27th Avenue (Inside Bass Pro)

9. CITIZENS REQUEST TO BE HEARD

A. Request by Jason Conway of The OPUS Group

Request of Jason Conway, on behalf of The OPUS Group, to purchase City property legally described as being a portion of Government Lots 2, 3, and 4, and Accretions thereto, all in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa. OTB-19-002 (Property classified as Transitional Preserve)

10. OTHER BUSINESS

11. 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 February 25, 2019

CALL TO ORDER

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday February 25, 2019 at 7:00 p.m.

Council Members Present: Melissa Head, Nate Watson, Sharon White and Mike Wolf.

Council Member Absent: Roger Sandau

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 February 7, 2019 and February 11, 2019 City Council Meeting Minutes.

Ordinance 6381

Ordinance to amend the zoning map and setting a Public Hearing for March 11, 2019 at 7:00 pm as adopted by reference in Section 15.02.070 of the 2015 Municipal Code, by rezoning properties legally described Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent, from R-3/Low Density Multi-Family Residential District to R-4/High Density Multifamily Residential District as defined in Chapter 15.11. ZC-19-001.

Resolution 19-37

Resolution setting a public hearing for 7:00 p.m. on March 11, 2019, for granting an electric easement in connection with the installation of electrical facilities by MidAmerican Energy Company.

Resolution 19-38

Resolution of intent to vacate and setting a Public Hearing for March 11, 2019 at 7:00 p.m. for the West north/south alley in Block 10, Burns Addition, lying East of Indian Creek and West of South 13th Street between 21st and 22nd Avenues. SAV-19-002

Resolution 19-39

Resolution of intent to vacate and setting a Public Hearing for March 11, 2019 at 7:00 p.m. for the east/west alley in Block 5, Fleming and Davis Addition, lying West of S. 17th St between 9th & 10th Ave. SAV-19-003

Resolution 19-40

Resolution Ratifying, Confirming and Approving Publication of Notice and setting Public Hearing for March 11, 2019 at 7:00 p.m. for the issuance of not to exceed \$6,680,000 General Obligation Bonds.

Resolution 19-41

Resolution Ratifying, Confirming and Approving Publication of Notice and setting Public Hearing for March 11, 2019 at 7:00 p.m. for the issuance of not to exceed \$700,000 General Obligation Bonds.

Resolution 19-42

Resolution Ratifying, Confirming and Approving Publication of Notice and setting Public Hearing for March 11, 2019 at 7:00 p.m. for the issuance of not to exceed \$160,000 General Obligation Bonds.

Resolution 19-43

Resolution Ratifying, Confirming and Approving Publication of Notice and setting Public Hearing for March 11, 2019 at 7:00 p.m. for the issuance of not to exceed \$260,000 General Obligation Bonds.

January FY19 Financial Reports, Notice of Right of Redemption, Offer to Buy, Claims, Mayor's Appointments: 1) Civil Service Commission, 2) Council Bluffs Airport Authority & 3) Zoning Board of Adjustment

Sharon White and Melissa Head moved and seconded approval of Consent Agenda. Unanimous, 4-0 vote. (Absent: Sandau)

MAYORS PROCLAMATIONS

A. Iowa Honey Bee Day

PUBLIC HEARINGS

Resolution 19-44

Resolution authorizing the Mayor to apply for FY2020 State Transit Assistance through the Iowa Department of Transportation.

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-44. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-45

Resolution to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying all properties located between 1st Avenue and 2nd Avenue from South 27th Street to South 35th Street from a combination of High Density Residential and Low Density Residential, and Local Commercial to Multi-family/Mixed-Use (legally described as being Blocks 6 and 13, Ferry's Addition; Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated street right-of-way adjacent; Block 9, Bryant and Clark's Subdivision; Blocks 10 and 11, Bryant and Clark's Subdivision and vacated street right-of-way adjacent; Block 12, Bryant and Clark's Subdivision; and Block 2, Twin City Subdivision); and to reclassify certain properties located between West Broadway and 1st Avenue from South 27th Street and South 31st Street from a combination of Local Commercial and High Density Residential to Multi-family/Mixed-Use (legally described as Lots 8 through 17, Block 1, Twin City Place; Blocks 2 and 3, Bryant and Clark's Subdivision and the vacated street right-of-way adjacent); and to reclassify certain properties located at the southeast corner of the intersection of West Broadway and South 34th Street from High Density Residential to Local Commercial (legally described as Lots 1 through 5, Block 5, Ferry Addition and the vacated alleys adjacent; and Lots 1 through 6, Block 6, Bryant and Clark's Addition and the West 33 feet of vacated 33rd Street right-of-way adjacent along with all vacated alleys adjacent). Case #CP-19-001

Mike Wolf and Nate Watson moved and seconded approval of Resolution 19-45. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-46

Resolution to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying 44.47 acres of land located at the southwest corner of the intersection of South 24th Street and Richard Downing Avenue from a combination of Office/Industrial and High Density Residential to Regional Commercial (legally described as being part of N1/2 SE1/4 of Section 10-74-44 and part of the NW1/4 SW1/4 of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described on Attachment 'A'. Case #CP-19-002

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-46. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-47

Resolution granting final plat approval for a five-lot residential subdivision (including two outlots) to be known as Stella Burk Subdivision, legally described as being a replat of the North 112.5 Feet of Block 59, except the West 78 Feet thereof, including vacated alleyways which abut, and the vacated 26th Avenue right-of-way located West of South 13th Street, all in Railroad Addition. SUB-19-004

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-47. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-48

Resolution approving the plans and specifications 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

Sharon White and Melissa Head moved and seconded approval of Resolution 19-48. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-49

Resolution terminating the Mid-City Corridor Urban Renewal Plan (2004); determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the 2019 Mid-City Corridor Urban Renewal Plan

Mike Wolf and Nate Watson moved and seconded approval of Resolution 19-49. Unanimous, 4-0 vote. (Absent: Sandau)

ORDINANCES ON 1ST READING

Ordinance 6382

Ordinance providing that general property taxes levied and collected each year on all property located within the Mid-City Corridor Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the city in connection with the Mid-City Corridor Urban Renewal Area (the 2019 mid-city corridor urban renewal plan)

Sharon White and Melissa Head moved and seconded approval of First Consideration of Ordinance 6382, Second Consideration will be held March 11, 2019 at 7:00 p.m.. Unanimous, 4-0 vote. (Absent: Sandau)

RESOLUTIONS

Resolution 19-50

Resolution approving the amendments to the articles of incorporation and bylaws of Advance Southwest Iowa Corporation.

Nate Watson and Melissa Head moved and seconded approval of Resolution 19-50, with amendment to Article 12. Voice Vote, 3-0 vote. (Abstain: White) (Absent: Sandau)

Resolution 19-51

Resolution determining the necessity and setting dates of a consultation and a public hearing on March 25, 2019 at 7:00 p.m. on a proposed 24 Park Place Urban Renewal Plan for a proposed Urban Renewal Area. Generally located at South 24th Street and Richard Downing Avenue

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-51. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-52

Resolution certifying the FY2019 Water, Sewer, and Refuse Collection lien schedule for nonpayment to the County Treasurer to be assessed against the owner's property.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-52. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-53

Urban Revitalization Application for the 2019 Tax Assessment Year (2018 calendar year) URV-19-001: PHS Council Bluffs, Inc.

Sharon White and Nate Watson moved and seconded approval of Resolution 19-53. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-54

Urban Revitalization Application for the 2019 Tax Assessment Year (2018 calendar year) URV-19-002: Bernard L. Glenn Trust.

Melissa Head and Mike Wolf moved and seconded approval of Resolution 19-54. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-55

Urban Revitalization Application for the 2019 Tax Assessment Year (2018 calendar year) URV-19-003: Future Foam, Inc.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-55. Unanimous, 4-0 vote. (Absent: Sandau)

Resolution 19-56

Urban Revitalization Application for the 2019 Tax Assessment Year
(2018 calendar year) URV-19-004: Lake Creek Properties LLC

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-56. Unanimous, 4-0 vote.
(Absent: Sandau)

Resolution 19-57

Urban Revitalization Application for the 2019 Tax Assessment Year
(2018 calendar year) URV-19-005: 7 South 4th Street, LLC

Melissa Head and Mike Wolf moved and seconded approval of Resolution 19-57. Unanimous, 4-0 vote.
(Absent: Sandau)

Resolution 19-58

Resolution accepting the bid of ScoreVision, LLC in the amount of
\$582,345.11 for the Mid America Center Score Board Replacement
Project. Project No. BM19-03

Mike Wolf and Nate Watson moved and seconded approval of Resolution 19-58. Unanimous, 4-0 vote.
(Absent: Sandau)

Resolution 19-59

Resolution making changes to the positions assigned to the Parks &
Recreation Department.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-59. Unanimous, 4-0 vote.
(Absent: Sandau)

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses: 1) The Barrel, 144 West Broadway (New Application), 2) Lansky's, 1131 North Broadway, 3) Saint Albert's Catholic Schools, 400 Gleason Avenue (14 day License), 4) Soppes Southend Bar & Grill, 2327 South 24th Street (New Application) & 5) Super Saver, 1141 North Broadway

Melissa Head and Mike Wolf moved and seconded approval of Application for Permits and Cancellations, Liquor Licenses 1-5. Unanimous, 4-0 vote.
(Absent: Sandau)

CITIZENS REQUEST TO BE HEARD

Heard from:

Bruce Kelly, 864 McKenzie Avenue, requesting an additional lane on Hwy 6 at McKenzie.

Robert Fairchild, 2412 South 19th Street, regarding fireworks.

White thanked City Staff for cleaning streets and keeping the roads safe.

Head reminded citizens of the one day trash delay this week.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:20 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: Community
Development

Case/Project No.: Case #OTB-18-
032

Submitted by: Chris Meeks,
Planner

Resolution 19-60
ITEM 3.C.

Council Action: 3/11/2019

Description

Resolution of intent to dispose of City property and setting Public Hearing for March 25, 2019 at 7:00 p.m. legally described as the East 36 ft and 3 inches, Block 12, McMahon, Cooper and Jefferis Addition.
Location: formerly 1201 8th Avenue. OTB-18-032

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-18-032 Staff Report	Other	2/28/2019
Case #OTB-18-032 Attachment A	Map	2/28/2019
Case #OTB-18-032 Public Hearing Notice	Other	2/28/2019
Resolution 19-60	Resolution	3/5/2019

Council Communication

Department: Community Development CASE #OTB-18-032 Applicant: Doug Evans 1200 9 th Avenue Council Bluffs, IA 51501 Carol Etherington 1203 8 th Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 3/11/2019 Public Hearing: 3/25/2019
Subject/Title		
Request of Doug Evans to purchase property described as the East 36 feet and 3 inches, Block 12 , McMahon, Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 1201 8 th Avenue.		
Background/Discussion		
<p>The City has received an offer to purchase the property described above. The property is classified as ‘transitional dispose’ and ‘non-buildable’. According to the adopted policy of April 23, 2018, the property should be priced at the value established by the most recent fee schedule for street/alley vacations, which on this property would be \$742.80.</p> <p>The original applicant, Doug Evans, owns the home on the East side of South 12th Street, addressed as 1133 8th Avenue, and owns the car lot South of the subject property (on the south side of the adjacent alley) that is addressed as 1200 9th Avenue. Mr. Evans wishes to acquire the property to clean and maintain the lot to improve the appearance of the neighborhood. Upon receiving the application from Mr. Evans, staff offered the property to Carol Etherington, owner of the adjacent property to the West that is addressed as 1203 8th Avenue, who indicated she would be interested in purchasing the property. Per the adopted policy of April 23, 2018, the first priority in the sale of non-buildable remnant parcels shall be to resolve the most non-conforming adjacent lot, which would be Ms. Etherington’s property.</p> <p>The following costs have been incurred by the City on the subject property: Building Division: \$12,055.00 for board-ups and demolition.</p> <p>The Legal Department stated that awarding the right to purchase the property to the adjacent home, addressed as 1203 8th Avenue would correct a nonconforming lot size, which would be the best use at this time. If the property is awarded to the owner of 1203 8th Avenue, the adjacent property, the approval would be subject to a deed restriction that Lot 1, and the East 31’3” of Lot 2, Block 12, McMahon Cooper and Jefferis Addition remain as one parcel.</p>		

The Public Works Department is requesting that the approval to either property owner be subject to a deed restriction that no access to South 12th Street will be permitted. Access to the property will come from 8th Avenue to the North, or the alleyway to the South.

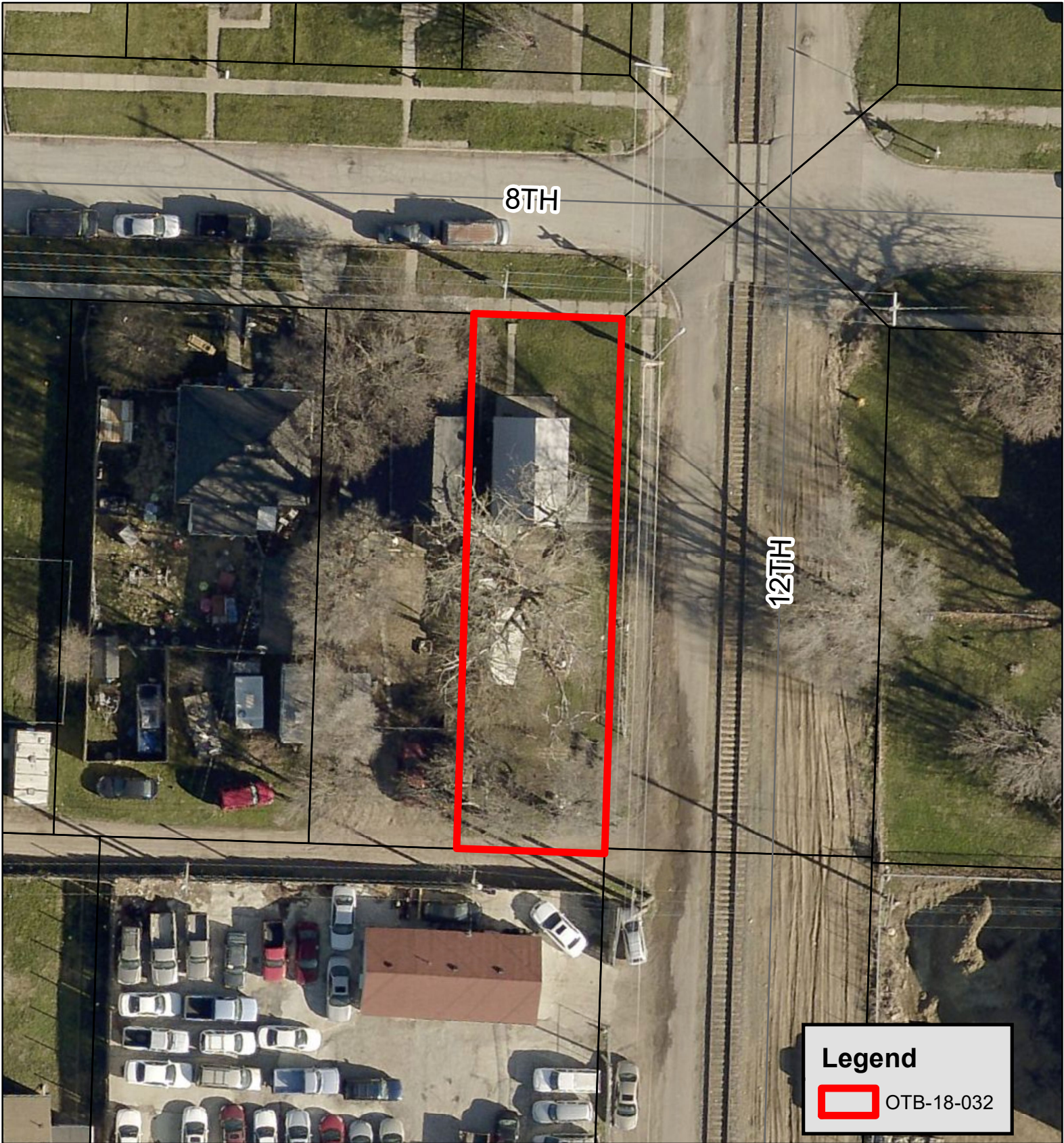
Recommendation

The Community Development Department recommends setting a public hearing on the disposal of the property described as the East 36 feet and 3 inches, Block 12 , McMahon, Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa on the March 25, 2019 City Council Meeting.


Attachment: Location map.

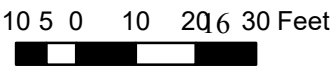
Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-18-032



Legend

 OTB-18-032



**NOTICE OF PUBLIC HEARING
ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose property described as the East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 25th day of March, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

CWM

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

RESOLUTION NO. 19-60

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS EAST 36 FEET-3 INCHES OF LOT 1, BLOCK 12, MCMAHON COOPER AND JEFFERIS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Doug Evans to purchase the City owned property described as the East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The City, exercising an adopted policy option to offer a non-buildable remnant parcel to an adjacent non-conforming lot, offered the parcel to Carol Etherington, owner of the West 5 feet of Lot 1, and the East 31.25 feet of Lot 2, all in Block 12, McMahon Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as the East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for March 25, 2019.

ADOPTED
AND
APPROVED:

March 11, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-18-032)

Council Communication

Department: Community
Development

Case/Project No.: Case #OTB-19-
001

Submitted by: Chris Meeks,
Planner

Resolution 19-61
ITEM 3.D.

Council Action: 3/11/2019

Description

Resolution of intent to dispose of City property and setting Public Hearing for March 25, 2019 at 7:00 p.m. legally described as Lot 4, Block 1, Evans Bridge Addition. Location: Formerly addressed as 2819 Avenue A. OTB-19-001.

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-19-001 Staff Report	Other	2/28/2019
Case #OTB-19-001 Attachment A	Map	2/28/2019
Case #OTB-19-001 Attachment B	Map	2/28/2019
Case #OTB-19-001 Public Hearing Notice	Other	2/28/2019
Resolution 19-61	Resolution	3/5/2019

Council Communication

Department: Community Development CASE #OTB-19-001 Applicant: Little Venez, LLC Attn: Ruben Gomez 1505 West Broadway, #2 Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 3/11/2019 Public Hearing: 3/25/2019
Subject/Title		
Request of Little Venez, LLC, represented by Ruben Gomez, to purchase property described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2819 Avenue A.		
Background/Discussion		
<p>The City has received an offer to purchase the property described above. The property is classified as ‘transitional dispose’ and ‘buildable’. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$8,265.00. The applicant wishes to acquire the lot to construct a new residential dwelling. The application has offered \$6,825.00 to purchase the property, and has submitted an \$826.00 down payment. The applicant stated in a supplemental letter that the property will require the removal of many small trees to make it buildable, and the reduction in the difference in price between the assessed value and the offer (a total of \$1,440.00) would allow him to remove the trees from the property.</p> <p>The Finance Department and the Permits and Inspections Division both stated they have no comments on the sale of the property. No departments have indicated any costs incurred on the property, as the former building on the property appears to have been demolished prior to 1/1/2000, and the Parks Department is responsible for mowing the property.</p>		
Recommendation		
The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa on the March 25, 2019 City Council Meeting.		
Attachment A: Location map Attachment B: Site Photos Prepared By: Chris Meeks, Planner, Community Development Department		

CASE #OTB-19-001

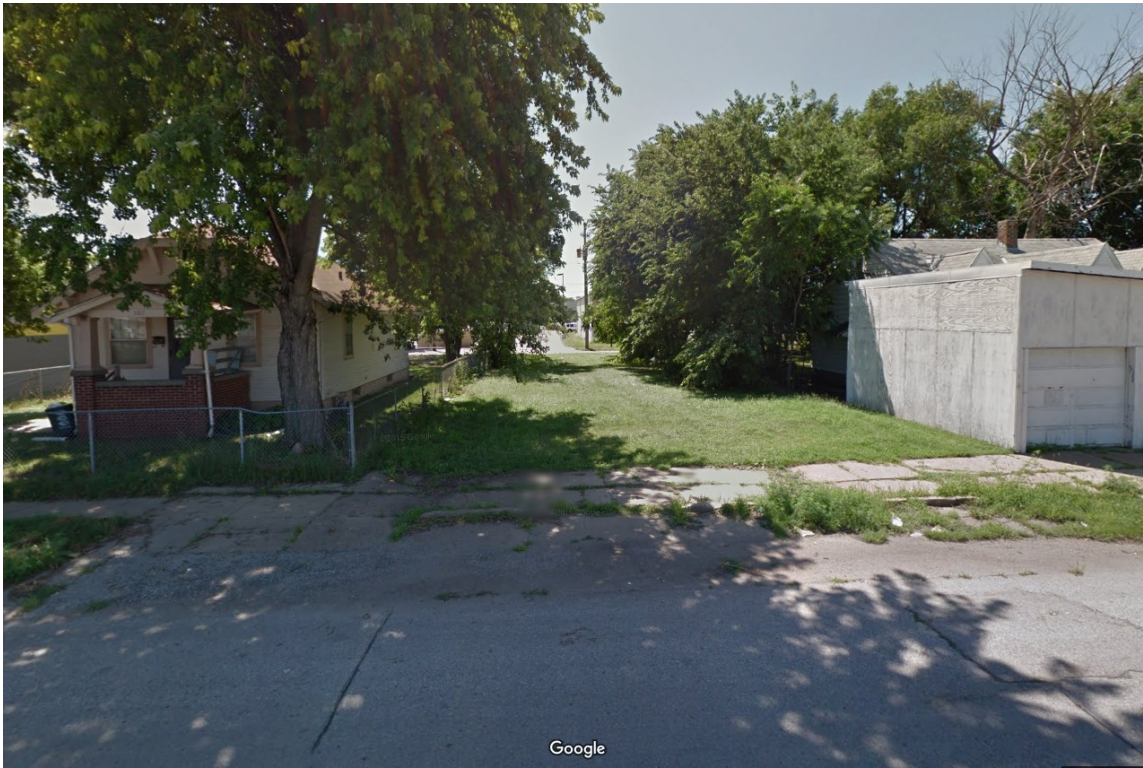


105 0 10 20 30 Feet



Attachment B:

Site Photos



Top: Photo of property from Google Streetview. (Facing South)

Bottom Left: Photo of property from Ruben Gomez. (Facing North)

Bottom Right: Aerial Photo of property. (Facing South)



**NOTICE OF PUBLIC HEARING
ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose property described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 25th day of March, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

CWM

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

RESOLUTION NO. 19-61

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOT 4, BLOCK 1, EVANS BRIDGE ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Little Venez, LLC, represented by Ruben Gomez to purchase the City owned property described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for March 25, 2019.

ADOPTED
AND
APPROVED:

March 11, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-001)

Council Communication

Department: Community
Development
Case/Project No.: MIS-19-001
Submitted by: Chris Meeks,
Planner

Resolution 19-62
ITEM 3.E.

Council Action: 3/11/2019

Description

Resolution of intent and setting a Public Hearing for March 25, 2019 at 7:00 p.m. to release the South 48.5 ft. of a perpetual and permanent utility easement located across the East 252 ft. of the vacated 26th Ave. right-of-way located East of Indian Creek and West of S 13th St., as is platted North of Block 59, Railroad Addition. MIS-19-001.

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #MIS-19-001 Staff Report	Other	2/28/2019
Case #MIS-19-001 Attachment A	Map	2/28/2019
Case #MIS-19-001 Attachments B-G	Other	2/28/2019
Case #MIS-19-001 Public Hearing Notice	Other	3/1/2019
Resolution 19-62	Resolution	3/5/2019

City Council Communication

Department: Community Development Department Case #MIS-19-001 Owner/Applicant: General Property MGT, LLC Attn: Larry Hansen P.O. Box 492 Council Bluffs, IA 51502 Surveyor: Rogers Surveying Attn: Carl Rogers 1688 Rolling Hills Loop Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	City Council: 3/11/2019 Public Hearing: 3/25/2019
Subject/Title		
Request for the release of the South 48.5 feet of a perpetual and permanent utility easement located across the East 252 feet of the vacated 26 th Avenue located West of South 13 th Street, as is platted in Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.		
Location: West of South 13 th Street		
Background/Discussion		
On October 8, 2018, the Council Bluffs City Council approved Resolution No. 18-286, which vacated the 66' by 252' section of 26 th Avenue right-of-way extending from the West right-of-way line of South 13 th Street. The conveyance was subject to a permanent and perpetual utilities easement being maintained for any and all utilities easement in place at that time. On February 25, 2019, the Council Bluffs City Council approved Resolution No. 19-47, which granted final plat approval for a 5 lot subdivision to be known as Stella Burk Subdivision. The proposed Stella Burk Subdivision features a part of a residential lot (Lot 1) to be placed over the South 48.5 feet of the former 26 th Avenue right-of-way, and the developer has asked that the utility easement over the South 48.5 feet be released, while still maintaining a utility easement over the North 17.5 feet of the former 26 th Avenue right-of-way (Outlot 1).		
Comments		
All City departments and local utility companies were notified of the proposed request and were specifically asked if they oppose the release of these easements. The following comments were received:		
<ol style="list-style-type: none"> 1. Council Bluffs Fire Department stated they have no comments on the request. 2. Council Bluffs Permits and Inspections Division stated they have no comments on the request. 3. Council Bluffs Public Works Department stated they have no comments on the request. 4. Mid-American Energy Company stated they have facilities in the North 17.5 of the former 26th Avenue right-of-way, though are not opposed to the release of the easement over the South 48.5 feet. 5. Centurylink stated in an email that there are no facilities in the former 26th Avenue right-of-way, and is not opposed to the release of the easement. The signed petition is pending. 6. Signed authorization forms to release the easement over the South 48.5 feet of the former right-of-way from Black Hills Energy, Council Bluffs Water Works, Cox Communications, and MidAmerican Energy have been received at the time of this report. 		

<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends approval to release the South 48.5 feet of the perpetual and permanent easement granted for utility purposes across previously vacated 26th Avenue right-of-way, extended 252 feet from the West right-of-way line of South 13th Street, and platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:</p> <p>1. The release of the perpetual and permanent utility easements across said vacated 26th Avenue right-of-way, as legally described above, shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs.</p>
<p style="text-align: center;">Attachments</p> <p>Attachment A – Stella Burk Subdivision Final Plat Attachment B – Copy of Resolution No. 18-286 Attachment C – Signed authorization form from Black Hills Energy Attachment D – Signed authorization form from Council Bluffs Water Works Attachment E –Authorization Email from Centurylink Attachment F –Signed authorization form from Cox Communications Attachment G –Signed authorization form from MidAmerican Energy</p> <p>Prepared by: Chris Meeks, Planner</p>

RECORDER'S INDEX LEGEND
COUNTY: POTTAWATTAMIE
CITY: COUNCIL BLUFFS, IOWA
SUBDIVISION: RAILROAD ADDITION
BLOCK(S): THE NORTH 122.50 FEET OF BLOCK 59, EXCEPT THE WEST 78.00 FEET THEREOF, INCLUDING VACATED ALLEYS WHICH ABUT THERETO, AND INCLUDING VACATED 26TH AVENUE
REQUESTED BY: LARRY L. HANSEN
PROPRIETOR: GENERAL PROPERTY MGT., LLC
LAND SURVEYOR: CARL H. ROGERS, JR.
LAND SURVEYING COMPANY: ROGERS SURVEYING

PREPARED BY: CARL H. ROGERS, JR. PHONE: (402) 689-1549
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA 51503

I HEREBY CERTIFY THAT I WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. I HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT:

A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.

B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT GENERAL PROPERTY MGT., LLC BEING THE SOLE OWNER OF THE NORTH 112.50 FEET OF BLOCK 59, EXCEPT THE WEST 78.00 FEET THEREOF, INCLUDING VACATED ALLEYS WHICH ABUT THERETO, AND VACATED 26TH AVENUE THAT ABUTS THERETO, ALL IN RAILROAD ADDITION TO COUNCIL BLUFFS, IOWA HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED INTO LOTS 1 THRU 3, INCLUSIVE, AND INCLUDING OUTLOT 1 AND OUTLOT 2, AND TO BE KNOWN AS STELLA BURK SUBDIVISION.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF GENERAL PROPERTY MGT., LLC PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2019.

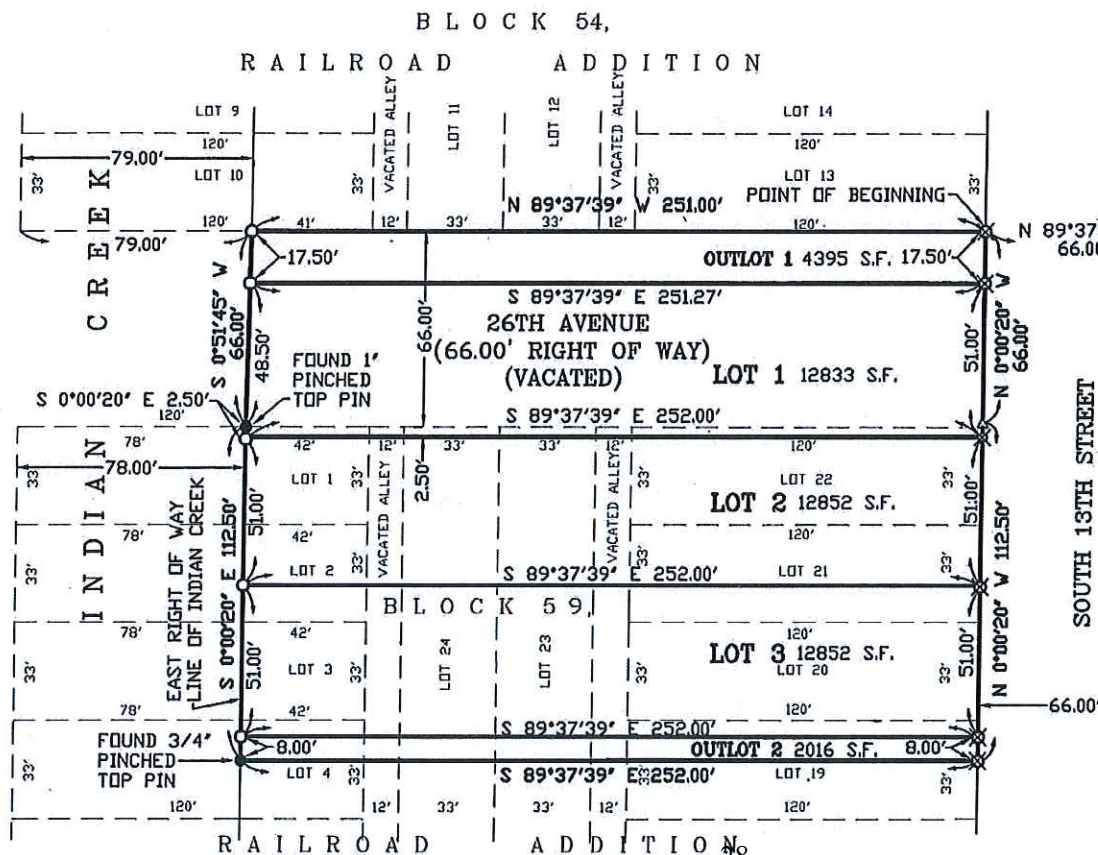
OWNER: GENERAL PROPERTY MGT., LLC, PRESIDENT, LARRY L. HANSEN

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED LARRY L. HANSEN, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN DID SAY HE IS THE PRESIDENT OF GENERAL PROPERTY MGT., LLC, AND DID SAY HE ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____



NOTES:

1. A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF THE LOT LINE BETWEEN LOT 1 AND LOT 2, AND ON EACH SIDE OF THE LOT LINE BETWEEN LOT 2 AND LOT 3. A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES AND A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

A) ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD. PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACED ROADWAY OVER AND WITHIN THE EASEMENT AREA.

B) CHANGE OF GRADE PROHIBITED: GRANTOR SHALL NOT CHANGE THE GRADE, ELEVATION OR CONTOUR OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD.

C) RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHT OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.

D) REMOVAL AND REPLACEMENT: WITH THE EXCEPTION OF EXISTING STRUCTURES, THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR SUCCESSORS OR ASSIGNS.

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

F) DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA 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 GRANTOR AND TO GRANTOR'S SATISFACTION.

G) EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ON GRANTOR'S SUCCESSORS AND ASSIGNS.

FINAL PLAT OF STELLA BURK SUBDIVISION

BEING A RE-PLATTING OF THE NORTH 112.50 FEET OF BLOCK 59, EXCEPT THE WEST 78.00 FEET THEREOF, INCLUDING VACATED ALLEYS WHICH ABUT THERETO, AND VACATED 26TH AVENUE THAT ABUTS THERETO, ALL IN RAILROAD ADDITION TO COUNCIL BLUFFS, IOWA.

LEGEND:

- - SET 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717
- ✕ - MADE PILOT HOLE WITH CHISELED "X" IN CONCRETE
- - FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP MARKED #9780, UNLESS OTHERWISE DESCRIBED ON DRAWING
- △ - CALCULATED POINT
- (S) - SURVEYED AS
- (R) - RECORDED AS

SCALE: 1" = 40'
40' 20' 0 40' 80'



CITY COUNCIL

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

ATTESTED TO BY

CITY CLERK: JODI QUAKENBUSH DATE _____

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA.

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN STELLA BURK SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

LEGAL DESCRIPTION:

THE NORTH 112.50 FEET OF BLOCK 59, EXCEPT THE WEST 78.00 FEET THEREOF, INCLUDING VACATED ALLEYS WHICH ABUT THERETO, AND VACATED 26TH AVENUE THAT ABUTS THERETO, ALL IN RAILROAD ADDITION TO COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 54 OF SAID RAILROAD ADDITION, AND POINT OF BEGINNING; THENCE NORTH 89°37'39" WEST, ALONG THE SOUTH LINE OF SAID BLOCK 54 AND ALONG THE NORTH RIGHT OF WAY LINE OF VACATED 26TH AVENUE, A DISTANCE OF 251.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF INDIAN CREEK; THENCE SOUTH 0°51'45" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID INDIAN CREEK, A DISTANCE OF 66.00 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 59, AND BEING A POINT ON THE SOUTH LINE OF SAID VACATED 26TH AVENUE; THENCE SOUTH 0°00'20" EAST, ALONG THE EAST RIGHT OF WAY LINE OF SAID INDIAN CREEK, A DISTANCE OF 112.50 FEET; THENCE SOUTH 89°37'39" EAST A DISTANCE OF 252.00 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 59; THENCE NORTH 0°00'20" WEST, ALONG THE EAST LINE OF SAID BLOCK 59, A DISTANCE OF 112.50 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 59; THENCE CONTINUING NORTH 0°00'20" WEST A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 1.032 ACRES, MORE OR LESS. SAID VACATED 26TH AVENUE IS SUBJECT TO THE RESERVATION OF A PERMANENT AND PERPETUAL UTILITIES EASEMENT OF WAY IN FAVOR OF THE CITY OF COUNCIL BLUFFS, IOWA, FOR THE MAINTENANCE OF ANY AND ALL UTILITIES, IF ANY.

NOTE: THE EAST LINE OF SAID BLOCK 59 IS ASSUMED TO BEAR NORTH 0°00'20" WEST FOR THIS DESCRIPTION.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

CARL H. ROGERS, JR. JANUARY 23, 2019
DATE

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1



BLOCK 58,
RAILROAD
ADDITION

NOTE: THIS DOCUMENT HAS BEEN REDUCED.

ROGERS SURVEYING		
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA		
SCALE: 1" = 40'	PHONE:	DRAWN BY: S.R.R.
DATE: 1-23-2019	(402) 689-1549	REVISED
TITLE: FINAL PLAT OF STELLA BURK SUBDIVISION		
CLIENT: GENERAL PROPERTY MGT., LLC P.O. BOX 492 COUNCIL BLUFFS, IOWA 51502		SHEET 1 OF 1



8 5 2 8 3 0 5

Tx:4967562

2018-13174

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 10/12/2018 02:07:31 PM

RECORDING FEE	30.00
AUDITOR FEE	5.00
RMA FEE	1.00
ECM FEE	1.00

C R FEE \$30.00 RMA \$1.00

A FEE \$5.00 ECM \$1.00

T TAX \$

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. 18-286

A RESOLUTION TO VACATE AND DISPOSE OF THAT 66' BY 252' SECTION OF 26TH AVENUE RIGHT-OF-WAY EXTENDING FROM THE WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTH 13TH STREET, AND LOCATED BETWEEN BLOCKS 54 AND 59, RAILROAD ADDITION, 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 66' by 252' portion of 26th Avenue right-of-way, lying West of the Westerly right-of-way line of the South 13th Street and located between Blocks 54 and 59, Railroad Addition, is of no benefit to the public and should be vacated; and

WHEREAS, a public meeting was held on this matter on the 8th day of October, 2018; 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:

John Kilnoski and all successors in interest: The entirety of the 66' by 252' portion of vacated 26th Avenue right-of-way lying West of the right-of-way of South 13th Street, for the sum of \$6,596.00

BE IT FURTHER RESOLVED

The vacation shall not be finalized until a final plat is approved by the City Council for the subject 26th Avenue right-of-way and the adjacent properties to the south; and

BE IT FURTHER RESOLVED

The applicant shall dedicate the northerly portion of the subject 26th Avenue right-of-way to the property owner located at 2532 S. 13th Street in order to insure access is provided to their accessory structures. This dedication shall occur as part of the final plat of the subject 26th Avenue right-of-way and the adjacent properties to the south; and

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:

October 8, 2018


Matthew J. Walsh, Mayor

ATTEST:


Jodi Quakenbush, City Clerk

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS
GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH
AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING
THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL
BLUFFS, POTTAWATTAMIE COUNTY, IOWA.


WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, Black Hills Energy is a Utility this easement was reserved for;
and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 15th day of February 2019.


Signature

Operations Manager
Title

Black Hills Energy
Organization

RESOLUTION
NO. 02-03-19

RELEASE OF PERMANENT AND PERPETUAL EASEMENTS GRANTED FOR UTILITY PURPOSES ACROSS
THE VACATED 26TH AVENUE RIGHT-OF-WAY, CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA

WHEREAS, the Board of Water Works Trustees has received a request to release permanent and perpetual easements granted for utility purposes across the former 26th Avenue right-of-way abutting the East 252 feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, the Board has determined that there is no need for future use of the aforementioned easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Water Works Trustees does hereby disclaim any right of interest in and to the portion of easements to be released as described above.

ROLL CALL VOTE RECORDED

AYE: Trustee Heinrich, Trustee Brooks, Trustee Kruse, Trustee Wallner, Trustee Beresford

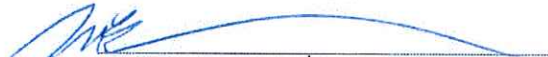
NAY: none

ABSTENTION: none

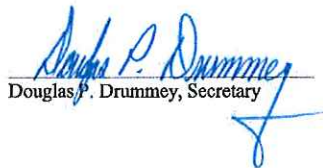
ABSENT: none

Adopted and approved this 19th day of February 2019.


Caitlin A. Beresford, Chairman


Martin L. Brooks, Vice-Chairperson

ATTEST:

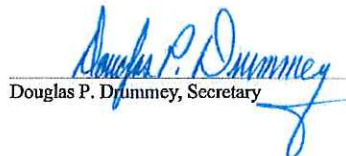

Douglas P. Drummey, Secretary


Carl L. Heinrich, Trustee


Maureen R. Kruse, Trustee


Michael J. Wallner, Trustee

Filed and recorded this 19th day of February 2019.


Douglas P. Drummey, Secretary

Christopher Meeks

To: Vinson, Rob L
Subject: RE: Comments Required by the City of Council Bluffs

From: Vinson, Rob L <Rob.Vinson@CenturyLink.com>
Sent: Monday, February 25, 2019 10:29 AM
To: Christopher Meeks <cmeeks@councilbluffs-ia.gov>
Subject: RE: Comments Required by the City of Council Bluffs

Only facilities that I have are parallel with 13th street. There are no Centurylink facilities in the ROW that is proposed as being vacated.

Thanks
Rob V

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS
GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH
AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING
THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL
BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, Cox Communications, is a Utility this easement was reserved for;
and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 1, day of February 2019.


Signature

Cox ROW Agent

Title

Cox Communications

Organization

RELEASE OF A PORTION OF A PERMANENT AND PERPETUAL EASEMENTS
GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH
AVENUE RIGHT-OF-WAY ABUTTING WEST OF SOUTH 13TH STREET AND LYING
THE EAST 252 FEET OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL
BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the former 26th Avenue right-of-way abutting the East 252 Feet of Block 59, Railroad Addition was vacated by Resolution No. 18-286 on October 8, 2018 and retained a permanent and perpetual easement for utility purposes; and

WHEREAS, Larry Hanson, represented by Carl Rogers of Rogers Surveying is proposing to release the South 49.5 feet of said easement to plat a residential lot on a portion of the former 26th Avenue right-of-way. The North 17.5 feet of said easement will remain a permanent and perpetual easement for utility purposes; and

WHEREAS, MidAmerican Energy, is a Utility this easement was reserved for;
and

WHEREAS, I am an authorized representative of said Utility and by placing my signature below I do hereby support the grant of the release of said easement described above.

Dated this 5, day of February 2019.

Scott M. Behn
Signature

Supv. Elec Distribution Eng.
Title

M. American Energy Co.
Organization

NOTICE OF PUBLIC HEARING ON THE INTENT TO RELEASE THE SOUTH 48.5 FEET OF THE PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS THE EAST 252 FEET OF VACATED 26TH AVENUE RIGHT-OF-WAY LOCATED EAST OF INDIAN CREEK AND WEST OF SOUTH 13TH STREET AS IS PLATTED NORTH OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of General Property Management, LLC, represented by Larry Hanson, for the release of the South 48.5 feet of a perpetual and permanent utility easement located across the East 252 feet of the vacated 26th Avenue right-of-way located East of Indian Creek and West of South 13th Street, as is platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 25th day of March, 2019 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

CWM

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 19-62

A RESOLUTION OF THE INTENT TO RELEASE THE SOUTH 48.5 FEET OF THE PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS THE EAST 252 FEET OF THE VACATED 26TH AVENUE RIGHT-OF-WAY LOCATED EAST OF INDIAN CREEK AND WEST OF SOUTH 13TH STREET AS IS PLATTED NORTH OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, General Property Management, LLC, represented by Larry Hanson, has requested the release of the South 48.5 feet of a perpetual and permanent utility easement located across the East 252 feet of the vacated 26th Avenue right-of-way located East of Indian Creek and West of South 13th Street, as is platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, this City Council hereby declares its intent to consider release of this easement by conveying all of its easement interest to the abutting property owner(s).

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

That this City Council hereby declares its intent to consider disposition of the above described easement interests; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for March 25, 2019.

ADOPTED
AND
APPROVED: March 11, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 19-63
ITEM 3.F.

Council Action: 3/11/2019

Description

Resolution setting a public hearing for March 25, 2019 at 7:00 p.m., for granting Real Property by Quitclaim Deed to the State of Iowa in connection with Council Bluffs Interstate System Improvements.

Background/Discussion

The proposed acquisitions are associated with Segment 4 of the Iowa DOT's Council Bluffs Interstate System Improvements. The properties are necessary to construct the improvements to I-29 as part of Iowa DOT Project Number: IMN-029-3(168)53--0E-78.

The three City owned properties are generally located along N. 37th Street, north of Avenue G, and an area adjacent to I-29, between West Broadway and Avenue A. The specific descriptions are as follows:

The South 75 feet of the North 125 feet of the West 150 of Lot 18, Auditor's Subdivision of the NW ¼ SE ¼ of Section 28, Township 75, Range 44, Council Bluffs, Pottawattamie County, Iowa. Formerly known as 819 N. 37th Street. (0.26 acres)

And,

Part of Lot 18 of Auditor's Subdivision of the NW ¼ SE ¼ of Section 28, Township 75, Range 44, described as follows: Commencing at the Northwest Corner of Lot 18, of Auditor's Subdivision of the NW ¼ SE ¼ of Section 28, Township 75, Range 44, running Southerly along the West Line 50 feet, thence East 200 feet to the point of beginning, Pottawattamie County, Iowa. (0.23 acres)

And,

A parcel of land located in vacated alley of Lot 30, Block 33, Ferry Addition to the City of Council Bluffs, Pottawattamie County, Iowa, and said parcel is more particularly described as:

Commencing at the SE Corner of Lot 30, Block 33, Ferry Addition in the City of Council Bluffs, thence N88°26'09"W 38.94 feet along the north line of vacated alley in Said Block 33 to the Point of Beginning, thence S10°45'31"E 12.28 feet to a point on the south line of said vacated alley; thence N88°26'09"W 7.68 feet along said south line; thence N1°33'51"E 12.00 feet to a point on the north line of said vacated alley; thence S88°26'09"E 5.06 feet along said north line to the Point of Beginning. (76 square feet)

An exhibit identifying the locations for the proposed acquisitions is attached.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Acquisition Map - N 37th St	Map	2/28/2019
Acquisition Map - Ave A	Map	2/28/2019
Quitclaim Deeds	Other	2/28/2019
Notice of Public Hearing	Other	2/28/2019
Resolution 19-63	Resolution	3/5/2019

PROPERTY TO BE
ACQUIRED BY IDOT

LOCATION OF PROPERTY



PROPERTY TO BE
ACQUIRED BY IDOT

N 37TH ST

364 AVENUE A

3644 AVENUE A

3630 AVENUE A

AVENUE A

3645 AVENUE A

3633 AVENUE A

LOCATION OF PROPERTY

W BROADWAY ST





Prepared by: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Return to: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Address Tax Statements: **Tax Exempt-IA Code Sec. 427.1** (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of ZERO AND NO/100-----(\$0.00)-----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF COUNCIL BLUFFS, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Pottawattamie County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in vacated alley all in Block 33 in Ferry Addition to City of Council Bluffs, Pottawattamie County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof, said parcel is more particularly described as follows:

Commencing at the SE Corner of Lot 30, Block 33, Ferry Addition in the City of Council Bluffs, thence N88°26'09"W 38.94 feet along the north line of vacated alley in said Block 33 to the Point of Beginning; thence S10°45'31"E 12.28 feet to a point on the south line of said vacated alley; thence N88°26'09"W 7.68 feet along said south line; thence N1°33'51"E 12.00 feet to a point on the north line of said vacated alley; thence S88°26'09"E 5.06 feet along said north line to the Point of Beginning, said parcel contain 76 sq. ft.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20____

CITY OF COUNCIL BLUFFS, IOWA

By: _____ (Sign in Ink)
Matt Walsh, Mayor

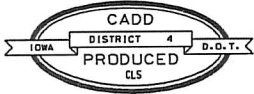
(AFFIX CORPORATE SEAL ABOVE) By: _____ (Sign in Ink)
Jodi Quakenbush, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Walsh and Jodi Quakenbush, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20____, and that Matt Walsh and Jodi Quakenbush acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

(AFFIX NOTARIAL SEAL ABOVE ▲)



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

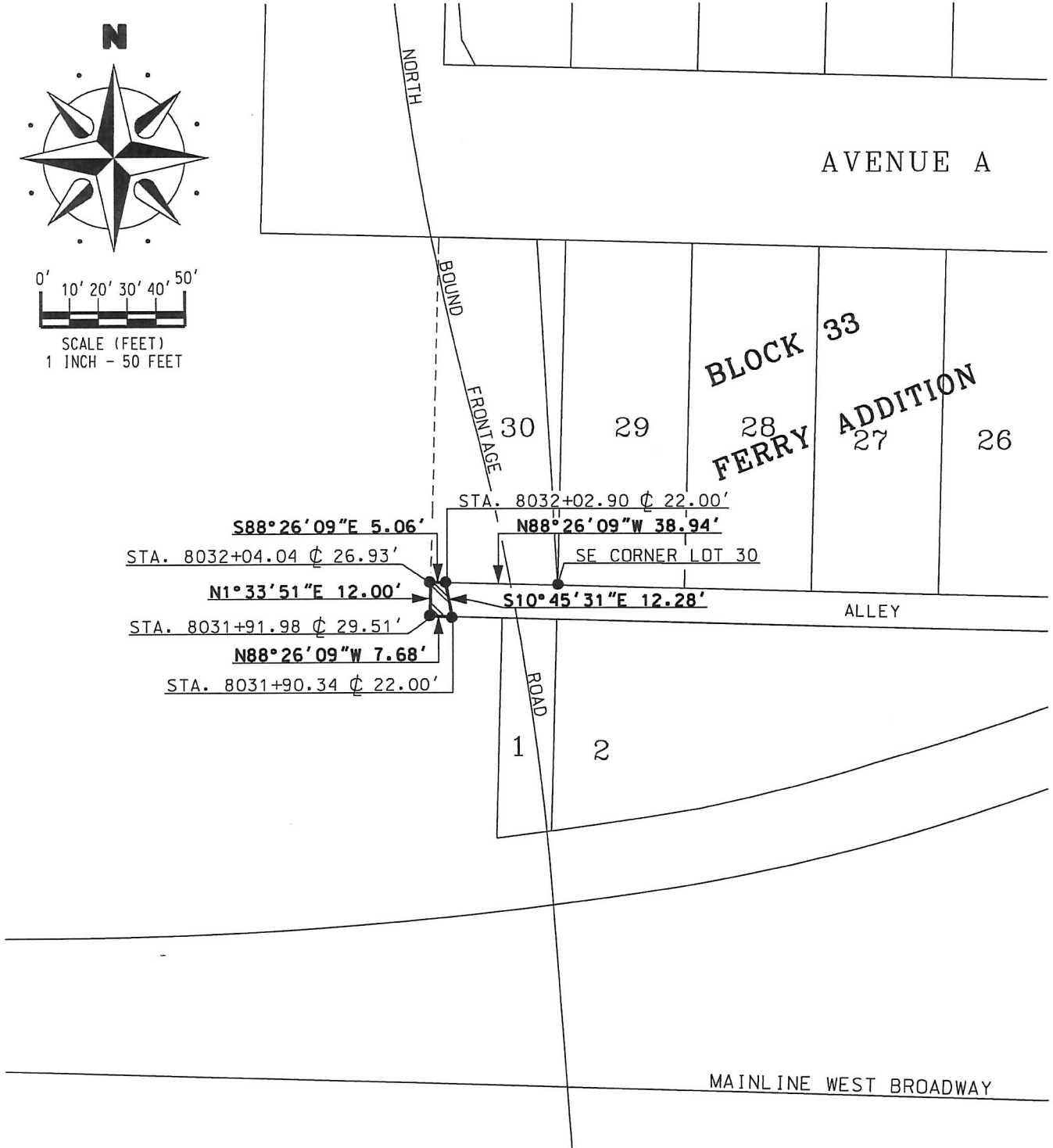


COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
PROJECT NO. IMN-029-3(168)53--0E-78 PARCEL NO. 424
SECTION 28 TOWNSHIP 75 N RANGE 44 W
ROW - FEE _____ SQ. FT. _____ AC, QUIT CLAIM FEE 76 SQ. FT.
ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
ACQUIRED FROM _____

CITY OF COUNCIL BLUFFS, IOWA



0' 10' 20' 30' 40' 50'
SCALE (FEET)
1 INCH = 50 FEET



LEGEND	
●	SET 5/8" IRON PINW/CAP # 15482
⊗	FOUND LOT CORNER
○	CALCULATED POINT
▲	FOUND SECTION CORNER
△	SET SECTION CORNER



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

William J. Fox 11-1-18
WILLIAM J. FOX Date

License number 15482
Pages covered by this seal 1
My License Renewal date is December 31, 2019



Prepared by: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Return to: Joseph Cuva, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1273
Address Tax Statements: **Tax Exempt-IA Code Sec. 427.1** (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

QUITCLAIM DEED (CORPORATE GRANTOR)

For the consideration of ZERO AND NO/100-----(\$0.00)-----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, the **CITY OF COUNCIL BLUFFS, IOWA**, a municipal corporation organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, all its right, title, estate, claim and demand in the following described real estate in Pottawattamie County, Iowa:

THE RIGHTS, TITLE, CLAIM, INTEREST, IF ANY, GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

The South 75 feet of the North 125 feet of the West 150 feet of Lot 18, Auditor's Subdivision of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 75, Range 44, Council Bluffs, Pottawattamie County, Iowa.

And,

Part of Lot 18 of Auditor's Subdivision of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Township 75, Range 44, described as follows: Commencing at the Northwest Corner of Lot 18, of Auditor's Subdivision of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 75, Range 44, running Southerly along the West Line 50 feet, thence East 200 feet, paralleling the North Line, thence North 50 feet, thence West 200 feet to the point of beginning, Pottawattamie County, Iowa.

This quitclaim deed, is given in fulfillment of a certain Purchase Agreement executed by the grantor on _____, 20____, and signed by the grantee on _____, 20____, on file in the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, except for those terms that survive the execution of this document.

This land is being acquired for public purposes and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

This deed and transfer is exempt from transfer tax as the grantor is a political subdivision of the State of Iowa. Iowa Code Sec. 428A.2(6).

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated _____, 20__

CITY OF COUNCIL BLUFFS, IOWA

By: _____ (Sign in Ink)
Matt Walsh, Mayor

(AFFIX CORPORATE SEAL ABOVE) By: _____ (Sign in Ink)
Jodi Quakenbush, City Clerk

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Walsh and Jodi Quakenbush, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. _____ of the City Council on the _____ day of _____, 20____, and that Matt Walsh and Jodi Quakenbush acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public. (Sign in Ink)

(AFFIX NOTARIAL SEAL ABOVE ▲)

Notice of Public Hearing
for
Granting Real Property by Quitclaim Deed
To the State of Iowa

In connection with Council Bluffs Interstate System Improvements

A public hearing will be held on March 25, 2019, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, for granting Real Property to the State of Iowa. The location of said property is identified within the quitclaim deed and purchase agreement on file with the City Clerk, and generally described as N. 37th Street, north of Avenue G, and an area adjacent to I-29, between West Broadway and Avenue A. At said hearing, any interested person may appear and file objections to such plans.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

RESOLUTION
NO 19-63

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING FOR
GRANTING REAL PROPERTY BY QUITCLAIM DEED
TO THE STATE OF IOWA
IN CONNECTION WITH
COUNCIL BLUFFS INTERSTATE SYSTEM IMPROVEMENTS**

WHEREAS, Iowa Department of Transportation wishes to acquire Real Property to construct improvements to Interstate 29, within the city, as therein described; and

WHEREAS, Iowa Department of Transportation has submitted Purchase Agreements and Quitclaim Deeds for said property and the acquisition documents 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 for granting Real Property by Quitclaim Deed to the State of Iowa setting March 25, 2019, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

March 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Mayor's Appointments
ITEM 3.G.

Council Action: 3/11/2019

Description

City Planning Commission

Background/Discussion

With City Council concurrence, I would like to make the following appointment:

CITY PLANNING COMMISSION

Appoint the following with term expiring 4/1/2024:

Jody Rater
1408 Tanglewood Dr

Recommendation

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

CITY CLAIM NO. 19-PK-1952

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Rachelle Davidson DAY PHONE: 712-355-3834
ADDRESS: 122 S. 3rd St Council Bluffs 51503 DOB: 8-16-67

DATE & TIME OF LOSS/ACCIDENT: early AM Dec 25th 2018
LOCATION OF LOSS/ACCIDENT: in front of 304 Willow Ave CB
DESCRIPTION OF LOSS/ACCIDENT: The tree limb of a city tree broke off and landed on top of my car. My hood was smashed and windshield broken.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 674.01

WITNESS(ES) (Name(s), Address(es), Phone No(s)): my son Zachariah Skon 712-314-7608
A splendor tree work crew - sorry didn't get names - crew cut and removed limb from the top of my car

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 car repaired at Edwards in Ia.

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

OTHER RELEVANT INFORMATION: Enclosed 1 estimate, 1 invoice and 7 photos

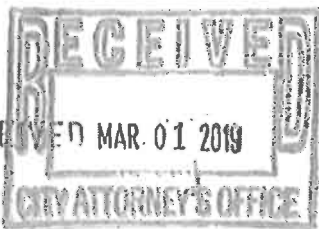
LIST INSURANCE PROVIDER AND COVERAGE: Did not go thru my insurance/paid out of pocket

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 27, 2019
DATE

Rachelle M Davidson
CLAIMANT'S SIGNATURE



CLERK RCVD

1 MAR 19

PM 2:51

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-1951

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Brandon Jones DAY PHONE: 402-689-8536
ADDRESS: 236 N 2nd St. DOB: 2/28/1976

DATE & TIME OF LOSS/ACCIDENT: 2/12/19
LOCATION OF LOSS/ACCIDENT: 236 N 2nd St.
DESCRIPTION OF LOSS/ACCIDENT: Found sewer line busted. When plumber dug up found water main on top of it that crushed sewer line.

TOTAL DAMAGES CLAIMED: \$ Will submit bills (USE BACK OF FORM, IF NECESSARY)
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Joshua Bogardus 402-980-3905

WAS POLICE REPORT FILED ☐ YES ☒ NO

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

no

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☐ NO

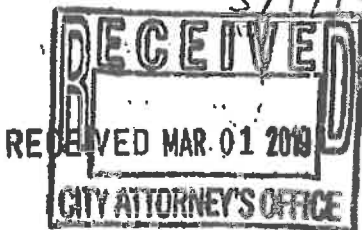
IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION:

LIST INSURANCE PROVIDER AND COVERAGE:

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)

Brandon Jones
CLAIMANT'S SIGNATURE



CLERK RCVD
1 MAR 19
PM 2:51

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-1950

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Elizabeth Burgos

DAY PHONE: 712-396-9816

ADDRESS: 1023 28th Ave Council Bluffs IA 51501

DOB: 3-10-85

DATE & TIME OF LOSS/ACCIDENT: 02/25/18

LOCATION OF LOSS/ACCIDENT: 23rd Ave & 7th street

Intersection before or after

DESCRIPTION OF LOSS/ACCIDENT: I was traveling east on 23rd Ave heading to work
I felt a big bump next thing I knew my tire was popped.
I pulled over to a safe area had my car towed to Firestone
to have my tire fixed. Pot hole on 23rd Ave & 7th St

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 100.91 + \$50 towing

WITNESS(ES) (Name(s), Address(es), Phone No(s)) NONE

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

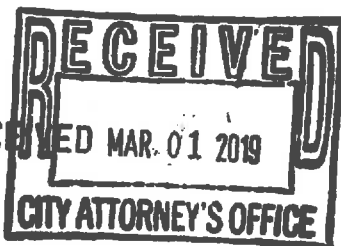
YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: Receipts are attached.

IF 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)

3-1-18
B



Elizabeth Burgos
CLAIMANT'S SIGNATURE

CLERK RCD
1 MAR '19
PM 2:51

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-1949

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Randy L. Sage DAY PHONE: 402-681-4874
ADDRESS: 48 Kings Ridge Dr. N Council Bluffs Ia DOB: 5-5-64
DATE & TIME OF LOSS/ACCIDENT: 2/22/2019 8:59 AM
LOCATION OF LOSS/ACCIDENT: Between the Cemetery entrance and Canning St. on
DESCRIPTION OF LOSS/ACCIDENT: Hit a pothole - damage to Passenger Side front tire.
hole in Side of tire Pierce

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 208.65

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: Enclosed are Invoices, on Star notification
for the tire on 2016 Buick Verano, and 3 pictures of
the Pothole

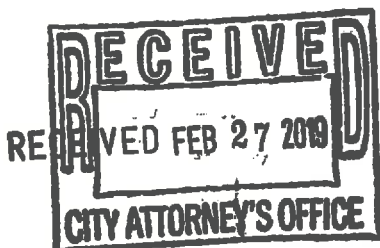
LIST INSURANCE PROVIDER AND COVERAGE: State farm Insurance - note that
my Policy will not cover this type of damage

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)

2/24/19
DATE

Randy L. Sage
CLAIMANT'S SIGNATURE



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-1948

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Randy L Sage DAY PHONE: 402-681-4874
ADDRESS: 48 Kingsridge Dr. North C.B. Ia 51503 DOB: 5-5-64

DATE & TIME OF LOSS/ACCIDENT: 2/24/19 6:00 A.M.
LOCATION OF LOSS/ACCIDENT: Valley View Drive in Council Bluffs, Ia

DESCRIPTION OF LOSS/ACCIDENT: Hit a pot hole, damage to Passenger
Side front tire.
Hole in Side of tire. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 208.65

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: Enclosed is Invoices, on star
notification per tire on 2016 Buick Verano,
and 2 pictures of the pot hole. (Please note the pot hole was

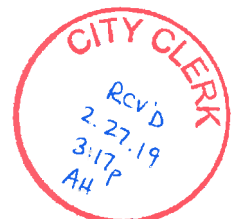
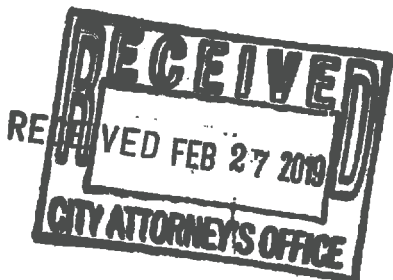
LIST INSURANCE PROVIDER AND COVERAGE: State farm - Mark Hall Billed before I got a picture
my policy will not cover this type of damage. OBX. and Receipts

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)

2/24/19
DATE

Randy L Sage
CLAIMANT'S SIGNATURE



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-1947

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Tamara Binau DAY PHONE: 402-699-2775
ADDRESS: 612 N. 39th St. Council Bluffs, IA DOB: _____

DATE & TIME OF LOSS/ACCIDENT: 2/19/19 5:06
LOCATION OF LOSS/ACCIDENT: 5th Ave & S. 32nd St.
DESCRIPTION OF LOSS/ACCIDENT: Snow plow entered intersection from a stop sign, into Tamara's vehicle who had right of way

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: Likely a total loss - unknown

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

WAS POLICE REPORT FILED Y YES _____ NO

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

Did go to Emergency Room. Unknown location @ this time.
Tamara was home resting 2/20/19

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: Damage is to Passenger side front & rear doors. Vehicle was non-drivable. It's currently en route to American Family's salvage facility.

LIST INSURANCE PROVIDER AND COVERAGE: American Family collision & rental

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)

2/21/19
DATE

Joy Gorr - American Family Claims
CLAIMANT'S SIGNATURE

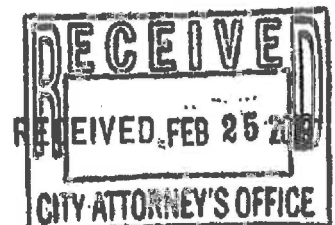
Request for new claim to be set up.

Joy Gorr
American Family
800-692-6326
x 62278

PM2:24

26 FEB 19

CLERK ROOM



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-1946

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Daniel Case DAY PHONE: (712) 587-8230

ADDRESS: 1515 24th ave CB IA 51501 DOB: 08-01-1980

DATE & TIME OF LOSS/ACCIDENT: Feb 24th 2019, 11:15 pm

LOCATION OF LOSS/ACCIDENT: 1515 24th ave CB IA 51501

DESCRIPTION OF LOSS/ACCIDENT: Damage my mail Box plus post that hold
mail box too

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ _____

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Raymond Morris 1515 24th ave CB IA
(712) 587-8230

WAS POLICE REPORT FILED _____ YES ☒ NO

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

CLERK RCVD

HAVE YOU RESUMED NORMAL ACTIVITIES? _____ YES _____ NO

25 FEB 19

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

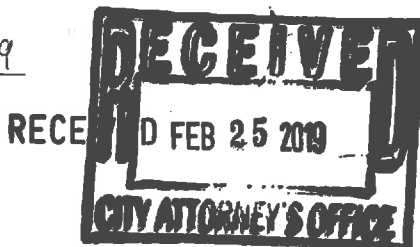
OTHER RELEVANT INFORMATION: I have photo that show of Damage.
~~of~~ of mail Box with post.
The city snow plow were drive back hit it.

LIST INSURANCE PROVIDER AND COVERAGE: _____

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 25, 2019
DATE



Daniel Case
CLAIMANT'S SIGNATURE

NAME OF CLAIMANT: AGuilar-Melena, David DAY PHONE: 712-323-4849
ADDRESS: 901 Avenue I Council Bluffs IA 51503 DOB: 01-08-1953

DATE & TIME OF LOSS/ACCIDENT: 2-12-2019
LOCATION OF LOSS/ACCIDENT: 901 Avenue I
DESCRIPTION OF LOSS/ACCIDENT: Vehicle parked and snow plow scratch the driver side.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ UNK

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

WAS POLICE REPORT FILED ☒ YES ☐ NO Case # 19-005605

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:

N/A

LIST INSURANCE PROVIDER AND COVERAGE: American Family Insurance Company

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.

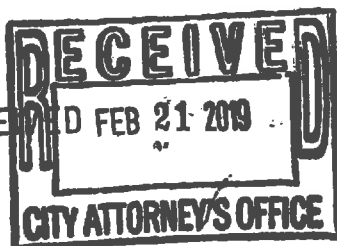
NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

02-21-2019
DATE

David Aguilar
CLAIMANT'S SIGNATURE

CLERK RCVD
21 FEB 19

PN3:58



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-PN-1945

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Ridge View Estates HOA - Marcia Wehrli - Treasurer DAY PHONE: 303-845-0351
ADDRESS: 315 Delmar Ridge Lane, Council Bluffs, IA 51503 DOB: 1-10-49

DATE & TIME OF LOSS/ACCIDENT: 2-13-19

LOCATION OF LOSS/ACCIDENT: Delmar Circle

DESCRIPTION OF LOSS/ACCIDENT: A snowplow struck a cluster box containing six (6) mailboxes. A concrete top weighing approximately 250-300 lbs. was knocked off the top. The foundation may have been damaged but one will not know until the weather clears. The mailboxes are still usable. The concrete top appears to be still usable and can be restored to its rightful place atop the cluster box.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 250.00 via Maintenance Man, LLC

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Reports were received from Rod Hurley, 207 Delmar Cir., 402-981-9561, Ben Matiyow, 203 Delmar Cir., 712-325-8996, and Brian Rhoten, 210 Delmar Cir., 712-328-0864.

WAS POLICE REPORT FILED ☐ YES ☒ NO

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

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 above. Also, see attached photos.

LIST INSURANCE PROVIDER AND COVERAGE: State Farm

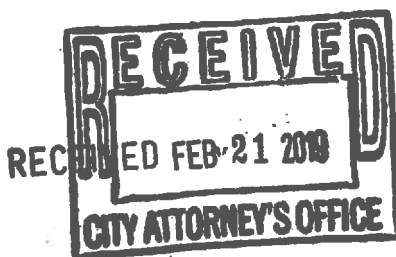
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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

2-21-19
DATE

Marcia Wehrli
CLAIMANT'S SIGNATURE

CLERK RCVD
21 FEB 19
PM 3:58



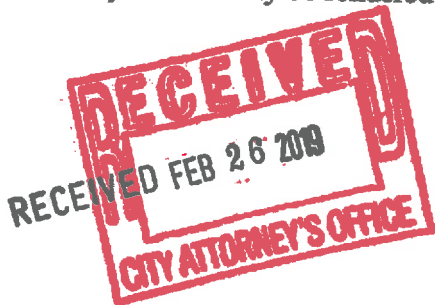
IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

WILLIAM JOHNSON and PATTI JOHNSON, Plaintiffs, vs. CITY OF COUNCIL BLUFFS, Defendant.	NO. ORIGINAL NOTICE
--	--

You are hereby notified that a petition has been filed in the office of the clerk of this court; naming you as the defendant in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorneys for the plaintiffs are Pete Leehey and Cameron Copper Leehey, The Biker Lawyers, P.C., whose address is 425 2nd Street SE, Suite 1250, P.O. Box 547, Cedar Rapids, IA 52406-0547. The attorneys' phone number is (319) 294-4424.

This case has been filed in a county that utilizes electronic filing. You should look at Iowa Court Rules Chapter 16 for general rules and information on electronic filing. Also please refer to rules Chapter 16, division VI regarding the protection of personal information in court filing.

You must serve a motion or answer within 20 days after service of this original notice upon you and within a reasonable time thereafter file your motion or answer with the Court for Pottawattamie County at the county courthouse in Council Bluffs, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.



CLERK OF COURT
Pottawattamie County Courthouse
Council Bluffs, Iowa

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 712-328-5733. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

IMPORTANT NOTICE

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

2019 FEB 26

2019 FEB 26

CLERK OF COURT

STATE OF IOWA JUDICIARY

Case No. LACV118873

County Pottawattamie

Case Title JOHNSON WILLIAM & PATTI VS CITY OF COUNCIL BLUFFS

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
<http://www.iowacourts.state.ia.us/Efile>

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712) 328-5883 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 02/18/2019 02:01:20 PM



District Clerk of Pottawattamie
/s/ Wanita DeYeager

County

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

WILLIAM JOHNSON and PATTI JOHNSON, Plaintiffs, vs. CITY OF COUNCIL BLUFFS, Defendant.	NO. PETITION AT LAW & REQUEST FOR JURY TRIAL
--	---

PETITION AT LAW

PLAINTIFFS STATE:

1. Plaintiff William Johnson is an individual, and a resident of Council Bluffs, Pottawattamie County, Iowa.
2. Plaintiff Patti is an individual, and a resident of Council Bluffs, Pottawattamie County, Iowa.
3. Defendant City of Council Bluffs is a municipality incorporated in Pottawattamie County, Iowa.
4. On April 1, 2017, William Johnson was operating his motorcycle upon 6th Street in Council Bluffs.
5. Patti Johnson was a passenger on the motorcycle at this time.
6. As William Johnson entered the curve where 6th Street intersects with Avenue G, he encountered a deposit of dirt, silt, and/or mud.
7. This deposit of dirt, silt, and/or mud constituted an obstacle and a nuisance in the roadway.

8. This obstacle and nuisance in the roadway caused William Johnson to crash his motorcycle.
 9. Defendant was negligent in failing to remove the obstacle and nuisance in the roadway, per Defendant's duty under Iowa Code § 364.12.
 10. The negligence of Defendant caused past and future damage to William Johnson and Patti Johnson, including but not limited to:
 - a. Loss of earning capacity;
 - b. Medical expenses;
 - c. Pain and suffering;
 - d. Physical impairment; and
 - e. Reduced quality of life.
 11. Plaintiffs' harms and losses were within the scope of Defendant's negligence.
 12. Repetition of Defendant's negligent conduct makes it more likely harm of the type caused to Plaintiffs, or worse, will happen to others.
 13. Plaintiffs' damages exceed the jurisdictional amount for Associate District Court.
- FOR THESE REASONS, Plaintiffs ask*** that Judgment be entered against Defendant in an amount reasonably calculated to compensate him for his damages, plus interest and costs.

REQUEST FOR JURY TRIAL

Plaintiffs request a jury trial.

THE BIKER LAWYERS, P.C.



Pete Leehey #AT0004661
P.O. Box 547
Cedar Rapids, IA 52406-0547
TELE (319) 294-4424
FAX (319) 294-4993
E-mail: Pete@TheBikerLawyers.com



Cameron Copper Leehey #AT0012321
P.O. Box 547
Cedar Rapids, IA 52406-0547
TELE (319) 294-4424
FAX (319) 294-4993
E-mail: Cameron@TheBikerLawyers.com

ATTORNEYS FOR PLAINTIFFS

	<p style="text-align: center;">PROOF OF SERVICE</p> <p>I certify that this document was served upon all parties to this case by delivering it to the attorney(s) of record at their addresses as shown by the pleadings on _____, by:</p> <table><tr><td>U.S. Mail</td><td>FAX</td></tr><tr><td>Hand delivered</td><td>Overnight courier</td></tr><tr><td>Certified mail</td><td>Other (EDMS)</td></tr></table> <p>Signature _____</p>	U.S. Mail	FAX	Hand delivered	Overnight courier	Certified mail	Other (EDMS)
U.S. Mail	FAX						
Hand delivered	Overnight courier						
Certified mail	Other (EDMS)						

Pete Leehey
Cameron Copper Leehey
Graig Turson
Dan Matzdorff

The Biker Lawyers, P.C.

Iowa
425 2nd Street S.E., Suite 1250
P.O. Box 547
Cedar Rapids, IA 52406-0547

Minnesota
17800 Excelsior Blvd.
Minnetonka, MN 55345

P: (319) 294-4424
F: (319) 294-4993
Toll-Free: (877) 209-9452
www.thebikerlawyers.com

February 18, 2019

Pottawattamie County Sheriff
1400 Big Lake Road
Council Bluffs, IA 51501

RE: William and Patti Johnson vs. City of Council Bluffs
Pottawattamie County No. 118873

Dear Sheriff:

Enclosed please find two sets of an Original Notice and Petition at Law to be served upon Defendant. It is my understanding that you can either serve the City Clerk or the Mayor at 209 Pearl Street, Council Bluffs, IA.

Once the Defendant has been served, please forward your Return of Service. I have enclosed a check in the amount of \$30.00 as prepayment for service. If you have any questions, please feel free to contact me. Thank you for your cooperation in this matter.

Sincerely,



Cameron Copper Leehey
cameron@thebikerlawyers.com
CCL/sd
Enclosures

RECEIVED

2019 FEB 22 AM 10:23

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

DIRECTIONS FOR SERVICE OF ORIGINAL NOTICE

TO: Pottawattamie County Sheriff
PO Box 669
Cedar Rapids, IA 52406-0669


Serve: Council Bluffs City Clerk or Mayor Matt Walsh

At: 209 Pearl St., Council Bluffs, IA

ON COMPLETION OF SERVICE NOTIFY: Pete Leehey, P.O. Box 547 Cedar Rapids, IA 52406-0547

Special Instructions or Information Relating to Service:

NAME AND SIGNATURE OF ATTORNEY: THE BIKER LAWYERS, P.C.
425 – 2ND STREET SE, SUITE 1250
P.O. Box 547
Cedar Rapids, IA 52406-0547
(319) 294-4424

By 
Pete Leehey

DATE: 2/18/19

City of Council Bluffs Iowa

Office of the Mayor Proclamation

- WHEREAS,** food is the substance by which life is sustained; and
- WHEREAS,** the type, quality and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and
- WHEREAS,** there is a need for continuing nutrition education and a wide-scale effort to enhance healthy eating practices.

NOW, THEREFORE, I,

**Matthew J. Walsh, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim**

March 2019

As

NATIONAL NUTRITION MONTH

in the City of Council Bluffs, Iowa and I encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

**IN WITNESS WHEREOF, I have hereunto set
my hand and caused the official seal of the City
of Council Bluffs, Iowa to be affixed this 1st day
of March, in the year Two Thousand Nineteen.**

Matthew J. Walsh

Matthew J. Walsh, Mayor



Council Communication

Department: City Clerk

Case/Project No.: Case #ZC-19-001

Submitted by: Chris Meeks,
Planner

Ordinance 6381
ITEM 5.A.

Council Action: 3/11/2019

Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070 of the 2015 Municipal Code, by rezoning properties legally described Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent, from R-3/Low Density Multi-Family Residential District to R-4/High Density Multifamily Residential District as defined in Chapter 15.11. ZC-19-001.

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #ZC-19-001 Staff Report	Other	2/13/2019
Case #ZC-19-001 Public Hearing Notice	Other	2/13/2019
Case #ZC-19-001 Attachment A	Map	2/13/2019
Ordinance 6381	Ordinance	2/19/2019

Council Communication

Department: Community Development CASE # ZC-19-001 Applicant/Property Owner: City of Council Bluffs Community Development Department	Ordinance No. _____	City Council: 2/25/19 Planning Commission: 2/12/2019
---	---------------------	---

Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to rezone property legally described as Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent from R-3/Low Density Multifamily Residential to R-4/High Density Multifamily Residential District.

Location: Between 1st and 2nd Avenues from South 28th Street to South 29th Street, and formerly addressed as 110 South 28th Street

Background

The Community Development Department is proposing to rezone property legally described as Lots 1-16, Block 12, Bryant and Clark's Subdivision, and the vacated alley adjacent, from R-3/Low Density Multifamily Residential District to R-4/High Density Multifamily Residential district. The property is approximately 2.54 acres in size, and is currently owned by the City of Council Bluffs. The property also had a PR/Planned Residential Overlay District appended by Resolution Number 16-250 on September 26, 2016.

The property was the subject of a Request for Proposals by the Community Development Department, and was awarded to a development company for redevelopment. Construction never commenced on the property, and acceptance of the proposal expired. A new Request For Proposal will be submitted following the resolution of this proposed rezoning case. As the property was acquired by the City of Council Bluffs using U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program, fifty-one percent (51%) of the units must be for low and moderate income persons, with income at or below 80% of the median family income.

The rezoning request is proposed by the City of Council Bluffs to allow future developers greater flexibility in regards to the density of units on the site than would be allowed in the R-3/Low Density Multifamily Residential District. Currently, the 2.54 (110,642 square feet) acre parcel would be allowed a maximum of 55 units, per the Site Development Regulations of the R-3 District, which require 9,000 square foot lot for the first 5 units, plus an addition 2,000 square feet for each additional unit. In the R-4/High Density Multifamily Residential District, a maximum of 140 units would be allowed, as the Site Development Regulations require 9,000 square foot lot for the first 5 units, plus an addition 750 square feet for each additional unit.

Land Use and Zoning

The following zoning districts and land uses surround the subject properties:

North: A commercial retail building that is in the C-2/Commercial District.

South: Residential structures that are in the R-3/Low Density Multifamily Residential District.

East: A combination of undeveloped property and commercial and industrial uses that are zoned in the I-1/Industrial District and C-2/Commercial District.

West: A commercial property and undeveloped property that is located in the C-2/Commercial District and R-3/Low Density Multifamily Residential District.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the North half of the subject property as High-Density Residential, and the South half of the subject property as Low-Density Residential. CASE #CP-19-001 proposes to reclassify the entirety of the property as Multi-Family/Mixed-Use.

Public notices were mailed to all property owners within 200 feet of the request. No formal comments were received for the request.

All City Departments and local utilities were notified of the proposed rezoning. The following comments were received:

- The Public Works Department stated they have no comments regarding the rezoning request.
- Black Hills Energy stated they have no concerns regarding the request.
- Council Bluffs Water Works stated they have no comments on the request.
- Cox Communications stated they have network in the right-of-way on the North side of 2nd Avenue, and on the East side of 29th Street, though has no issues with the request.
- MidAmerican Energy stated they have no objections to the request.

The following attachments are included with the case staff report:

Attachment A: Location/zoning map

Discussion

1. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-4/High Density Multifamily Residential District.
2. The rezoning of the property will allow greater flexibility to allow a potential developer to construct a cost effective building that will benefit families in the City of Council Bluffs. A developer would not be required to construct the maximum 140 residential units.
3. Following the rezoning, Request for Proposal will be distributed by the Community Development Department. A developer would be required to submit a proposal which would be approved by the City Council, and awarded the right to purchase the property and construct the approved design.
4. The property will retain a PR/Planned Residential Overlay District which was adopted by a previous developer. A new developer will be required to adhere to the adopted design standards, or will be required to apply for an amendment to the adopted development plan, which will required the approval of the City Council.

Recommendation

The Community Development Department recommends approval of the request to rezone property legally described as Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent from R-3/Low Density Multifamily Residential to R-4/High Density Multifamily Residential District, based on reasons stated above.

Public Hearing

Staff speaker on behalf of request:

1. Chris Meeks, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to rezone property legally described as Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent from R-3/Low Density Multifamily Residential to R-4/High Density Multifamily Residential District, based on reasons stated above.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 1 Motion: Carried

Attachments

Attachment A: Location/zoning map

Prepared by: Chris Meeks, Planner

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a Public Hearing on an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent from R-3/Low Density Multifamily Residential to R-4/High Density Multifamily Residential District.


You are further notified that the Public Hearing on said matters will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11th day of March, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.


Jodi Quakenbush, City Clerk

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

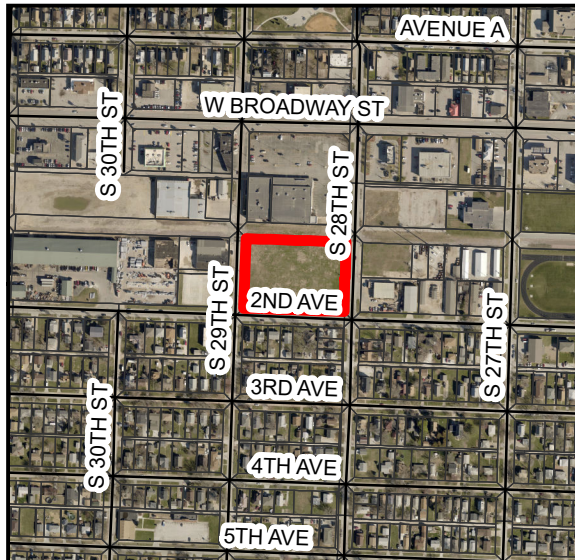
CASE #ZC-19-001 LOCATION/ZONING MAP

Map Legend

 Subject Property

 Parcels

0 137.5 275
1 Inch = 278 Feet

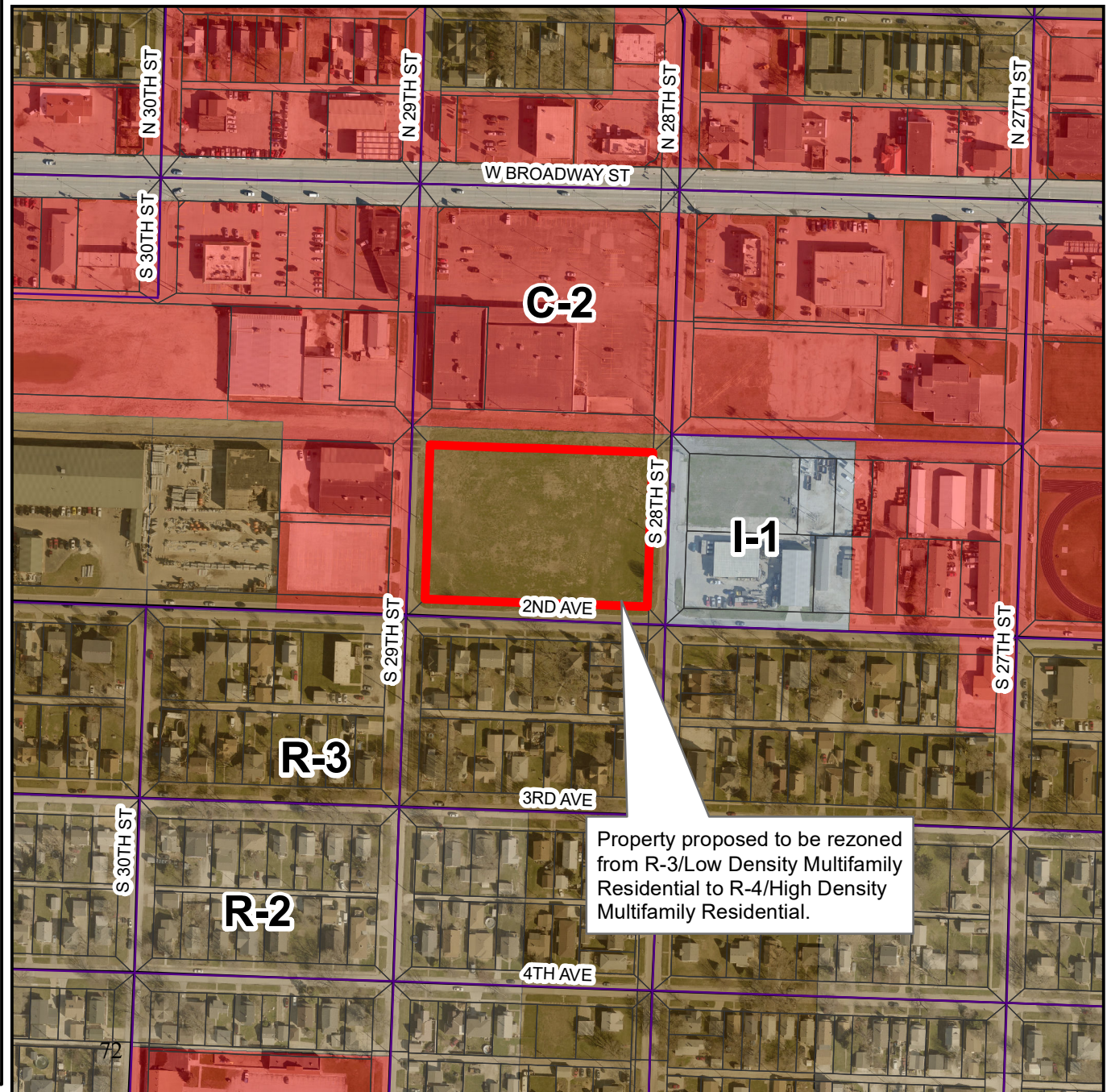


Last Amended: 1/22/19



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 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.



ORDINANCE NO. 6381

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 16, BLOCK 12, BRYANT AND CLARK'S SUBDIVISION AND THE VACATED ALLEY ADJACENT FROM R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL TO R-4/HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.11 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone property legally described as Lots 1 through 16, Block 12, Bryant and Clark's Subdivision and the vacated alley adjacent from R-3/Low Density Multifamily Residential to R-4/High Density Multifamily Residential District as defined in Chapter 15.11 of the Municipal Code of Council Bluffs, Iowa.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

ADOPTED
AND
APPROVED

March 11, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 2-25-19
Second Consideration: 3-11-19
Public Hearing: 3-11-19
Third Consideration: _____
Planning Case No. #ZC-19-001

Council Communication

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

Resolution 19-64
ITEM 5.B.

Council Action: 3/11/2019

Description

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$260,000.

Background/Discussion

The City of Council Bluffs has established this time and place for a public hearing on the issuance of General Obligation Bonds for general corporate purpose in an amount not to exceed \$260,000.

The purpose of the bonds is to provide funding for the golf course irrigation rehabilitation per the FY20 CIP classified for bonding purposes as general corporate purpose bonds. The bond amount allows for the costs related to issuing the bonds.

Recommendation

Adoption of the resolution is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-64	Resolution	3/5/2019

Resolution 19-64

ITEMS TO INCLUDE ON AGENDA FOR MARCH 11, 2019

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$260,000 General Obligation Bonds.

- Public hearing on the issuance.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

March 11, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____
session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at
_____.M., on the above date. There were present Mayor _____, in the
chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$260,000 General Obligation Bonds, in order to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, and equipping of the golf course, for general corporate purposes, and that notice of the proposal to issue the Bonds and the right to petition for an election had been published as provided by Section 384.26 of the Code of Iowa, and the Mayor then asked the City Clerk whether any petition had been filed in the Clerk's Office, in the manner provided by Section 362.4 of the Code of Iowa, and the Clerk reported that no such petition had been filed, requesting that the question of issuing the Bonds be submitted to the qualified electors of the City.

The Mayor then asked the Clerk whether any written objections had been filed by any resident or property owner of the City to the issuance of the Bonds. The Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the issuance of the Bonds and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Mayor declared the hearing on the issuance of the Bonds to be closed.

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$260,000 GENERAL OBLIGATION BONDS", and moved:

- ☐ that the Resolution be adopted.
- ☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of bonds to the meeting to be held at _____ .M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

Resolution 19-64

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$260,000 GENERAL OBLIGATION BONDS

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$260,000 General Obligation Bonds, for the general corporate purposes, in order to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, and equipping of the golf course, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Bonds; and no petition was filed calling for a referendum thereon. The following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$260,000 General Obligation Bonds, for the foregoing general corporate purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 11th day of March, 2019.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

(SEAL)

Council Communication

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

Resolution 19-65
ITEM 5.C.

Council Action: 3/11/2019

Description

Resolution authorizing the issuance and levying a tax for the payment of \$7,630,000 General Obligation Bonds 2019.

Background/Discussion

The City of Council Bluffs intends to issue bonds, not to exceed \$7,630,000. A resolution is required to include repayment of the debt in the debt levy with the Fiscal 2020 budget.

The total bond issuance is to provide funding for the FY20 CIP.

Recommendation

Adoption of the resolution is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-65	Resolution	3/5/2019

Resolution 19-65

ITEMS TO INCLUDE ON AGENDA FOR MARCH 11, 2019

CITY OF COUNCIL BLUFFS, IOWA

\$7,630,000 General Obligation Bonds, Series 2019.

- Resolution authorizing the issuance and levying a tax for the payment thereof.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

March 11, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF \$7,630,000 GENERAL OBLIGATION BONDS, SERIES 2019, AND LEVYING A TAX FOR THE PAYMENT THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

Resolution 19-65

RESOLUTION AUTHORIZING THE ISSUANCE OF
\$7,630,000 GENERAL OBLIGATION BONDS, SERIES 2019,
AND LEVYING A TAX FOR THE PAYMENT THEREOF

WHEREAS, the City of Council Bluffs, State of Iowa ("Issuer"), is a municipal corporation, organized and existing under the Constitution and laws of the State of Iowa, and is not affected by any special legislation; and

WHEREAS, the Issuer is in need of funds to pay costs of:

- a) opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes;
- b) acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the

banks and other areas adjacent to flood control improvements;

- c) equipping of the fire department;
- d) rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks;
- e) acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance;
- f) acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings;
- g) construction, reconstruction, enlargement, improvement, and equipping of recreation grounds and trails, recreation buildings, and recreation centers;
- h) acquisition, construction, reconstruction, extension, improvement of city enterprises, and public improvements as defined in section 384.37, other than those which are essential corporate purposes; and
- i) construction, reconstruction, enlargement, improvement, and equipping of the golf course,

(the "Project"), and it is deemed necessary and advisable that General Obligation Bonds, Series 2019, in the amount of \$7,630,000 be issued; and

WHEREAS, the City Council has taken such acts as are necessary to authorize issuance of the Bonds.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. Authorization of the Issuance. General Obligation Bonds, Series 2019, in the amount of \$7,630,000 shall be issued pursuant to the provisions of Iowa Code Sections 384.25, 384.26 and 384.28 for the purposes covered by the hearing.

Section 2. Levy of Annual Tax. For the purpose of providing funds to pay the principal and interest as required under Chapter 76.2, there is levied for each future year the following direct annual tax upon all the taxable property in the City of Council Bluffs, State of Iowa, to wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$1,533,500	2019/2020
\$ 649,163	2020/2021
\$ 652,272	2021/2022
\$ 649,856	2022/2023
\$ 651,887	2023/2024
\$ 653,117	2024/2025
\$ 648,575	2025/2026
\$ 653,381	2026/2027
\$ 652,064	2027/2028
\$ 649,451	2028/2029
\$ 650,555	2029/2030
\$ 653,594	2030/2031

Principal and interest coming due at any time when the proceeds of the tax on hand are insufficient to pay the amount due shall be promptly paid when due from current funds available for that purpose and reimbursement must be made.

Section 3. Amendment of Levy of Annual Tax. Based upon the terms of the future sale of the Bonds to be issued, this Council will file an amendment to this Resolution ("Amended Resolution") with the County Auditor.

Section 4. Filing. A certified copy of this Resolution shall be filed with the County Auditor of County of Pottawattamie, State of Iowa, who shall, pursuant to Iowa Code Section 76.2, levy, assess and collect the tax in the same manner as other taxes and, when collected, these taxes shall be used only for the purpose of paying principal and interest on the Bonds.

PASSED AND APPROVED this 11th day of March, 2019.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

(SEAL)

COUNTY AUDITOR'S CERTIFICATE

I, _____, County Auditor of Pottawattamie County, State of Iowa, hereby certify that on the _____ day of _____, 2019 there was filed in my office the Resolution of the City Council of the City of Council Bluffs, State of Iowa, adopted on the 11th day of March, 2019, such Resolution levying a tax for the purpose of paying principal and interest on \$7,630,000 of General Obligation Bonds, Series 2019, and authorizing the issuance of the Bonds.

(COUNTY SEAL)

County Auditor of Pottawattamie County, State
of Iowa

01566215-1\10342-151

Council Communication

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

Resolution 19-66
ITEM 5.D.

Council Action: 3/11/2019

Description

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$700,000.

Background/Discussion

The City of Council Bluffs has established this time and place for a public hearing on the issuance of General Obligation Bonds for general corporate purpose in an amount not to exceed \$700,000.

The purpose of the bonds is to provide funding for the Information Technology upgrades per the FY20 CIP classified for bonding purposes as general corporate purpose bonds. The bond amount allows for the costs related to issuing the bonds.

Recommendation

Adoption of the resolution is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-66	Resolution	3/5/2019

Resolution 19-66

ITEMS TO INCLUDE ON AGENDA FOR MARCH 11, 2019

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$700,000 General Obligation Bonds.

- Public hearing on the issuance.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

March 11, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$700,000 General Obligation Bonds, in order to provide funds to pay the costs of acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings, for general corporate purposes, and that notice of the proposal to issue the Bonds and the right to petition for an election had been published as provided by Section 384.26 of the Code of Iowa, and the Mayor then asked the City Clerk whether any petition had been filed in the Clerk's Office, in the manner provided by Section 362.4 of the Code of Iowa, and the Clerk reported that no such petition had been filed, requesting that the question of issuing the Bonds be submitted to the qualified electors of the City.

The Mayor then asked the Clerk whether any written objections had been filed by any resident or property owner of the City to the issuance of the Bonds. The Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the issuance of the Bonds and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Mayor declared the hearing on the issuance of the Bonds to be closed.

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION BONDS", and moved:

- ☐ that the Resolution be adopted.
- ☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of bonds to the meeting to be held at _____ .M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

Resolution 19-66

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION BONDS

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$700,000 General Obligation Bonds, for the general corporate purposes, in order to provide funds to pay the costs of acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Bonds; and no petition was filed calling for a referendum thereon. The following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$700,000 General Obligation Bonds, for the foregoing general corporate purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 11th day of March, 2019.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

(SEAL)

Council Communication

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

Resolution 19-67
ITEM 5.E.

Council Action: 3/11/2019

Description

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$160,000.

Background/Discussion

The City of Council Bluffs has established this time and place for a public hearing on the issuance of General Obligation Bonds for general corporate purpose in an amount not to exceed \$160,000.

The purpose of the bonds is to provide funding for the Mid-America Center parking lot improvements and for the City County Trail Connector per the FY20 CIP classified for bonding purposes as general corporate purpose bonds. The bond amount allows for the costs related to issuing the bonds.

Recommendation

Adoption of the resolution is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-67	Resolution	3/5/2019

Resolution 19-67

ITEMS TO INCLUDE ON AGENDA FOR MARCH 11, 2019

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$160,000 General Obligation Bonds,

- Public hearing on the issuance.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

March 11, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$160,000 General Obligation Bonds, in order to provide funds to pay the costs of:

- a) construction, reconstruction, enlargement, improvement, and equipping of recreation grounds and trails, recreation buildings, and recreation centers; and
- b) acquisition, construction, reconstruction, extension, improvement of city enterprises, and public improvements as defined in section 384.37, other than those which are essential corporate purposes,

for general corporate purposes, and that notice of the proposal to issue the Bonds and the right to petition for an election had been published as provided by Section 384.26 of the Code of Iowa, and the Mayor then asked the City Clerk whether any petition had been filed in the Clerk's Office, in the manner provided by Section 362.4 of the Code of Iowa, and the Clerk reported that no such petition had been filed, requesting that the question of issuing the Bonds be submitted to the qualified electors of the City.

The Mayor then asked the Clerk whether any written objections had been filed by any resident or property owner of the City to the issuance of the Bonds. The Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the issuance of the Bonds and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Mayor declared the hearing on the issuance of the Bonds to be closed.

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$160,000 GENERAL OBLIGATION BONDS", and moved:

- ☐ that the Resolution be adopted.
- ☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of bonds to the meeting to be held at _____ .M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

Resolution 19-67

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$160,000 GENERAL OBLIGATION BONDS

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$160,000 General Obligation Bonds, for the general corporate purposes, in order to provide funds to pay the costs of:

- a) construction, reconstruction, enlargement, improvement, and equipping of recreation grounds and trails, recreation buildings, and recreation centers; and
- b) acquisition, construction, reconstruction, extension, improvement of city enterprises, and public improvements as defined in section 384.37, other than those which are essential corporate purposes,

and has considered the extent of objections received from residents or property owners as to the proposed issuance of Bonds; and no petition was filed calling for a referendum thereon. The following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$160,000 General Obligation Bonds, for the foregoing general corporate purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 11th day of March, 2019.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

(SEAL)

Council Communication

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

Resolution 19-68
ITEM 5.F.

Council Action: 3/11/2019

Description

Resolution instituting proceedings to take additional action for the issuance of General Obligation Bonds, not to exceed \$6,680,000.

Background/Discussion

The City of Council Bluffs has established this time and place for a public hearing on the issuance of General Obligation Bonds for essential corporate purpose in an amount not to exceed \$6,680,000.

The purpose of the bonds is to provide funding for the FY20 CIP improvements classified for bonding purposes as essential corporate purpose bonds. The bond amount allows for the costs related to issuing the bonds.

Recommendation

Adoption of the resolution is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-68	Resolution	3/5/2019

Resolution 19-68

ITEMS TO INCLUDE ON AGENDA FOR MARCH 11, 2019

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$6,680,000 General Obligation Bonds.

- Public hearing on the issuance.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

March 11, 2019

The City Council of the City of Council Bluffs, State of Iowa, met in _____
session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at
_____.M., on the above date. There were present Mayor _____, in the
chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$6,680,000 General Obligation Bonds, in order to provide funds to pay the costs of:

- a) opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes;
- b) acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the banks and other areas adjacent to flood control improvements;
- c) equipping of the fire department;
- d) rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks; and
- e) acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance,

for essential corporate purposes, and that notice of the proposal to issue the Bonds had been published as provided by Section 384.25 of the Code of Iowa.

The Mayor then asked the Clerk whether any written objections had been filed by any resident or property owner of the City to the issuance of the Bonds. The Clerk advised the Mayor and the Council that _____ written objections had been filed. The Mayor then called for oral objections to the issuance of the Bonds and _____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Mayor declared the hearing on the issuance of the Bonds to be closed.

The Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$6,680,000 GENERAL OBLIGATION BONDS", and moved:

- ☐ that the Resolution be adopted.
- ☐ to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of bonds to the meeting to be held at _____ .M. on the _____ day of _____, 2019, at this place.

Council Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

Resolution 19-68

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$6,680,000 GENERAL OBLIGATION BONDS

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$6,680,000 General Obligation Bonds, for the essential corporate purposes, in order to provide funds to pay the costs of:

- a) opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes;

b) acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the banks and other areas adjacent to flood control improvements;

c) equipping of the fire department;

d) rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks; and

e) acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance,

and has considered the extent of objections received from residents or property owners as to the proposed issuance of Bonds; and following action is now considered to be in the best interests of the City and residents thereof.

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

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$6,680,000 General Obligation Bonds, for the foregoing essential corporate purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 11th day of March, 2019.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

(SEAL)

Council Communication

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

Resolution 19-69
ITEM 5.G.

Council Action: 3/11/2019

Description

Resolution authorizing the Mayor and City Clerk to execute an electric easement in connection with the installation of electrical facilities by MidAmerican Energy Company.

Background/Discussion

MidAmerican Energy Company is planning to install a new electric supply line to feed existing residential properties along 4th Avenue, located north of the Dodge Park Golf Course and west of Interstate 29. The installation is required because existing facilities are in conflict with the proposed Interstate improvements, and must be relocated.

MidAmerican Energy Company is proposing to install their new line to the south of the 38th Street and 4th Avenue right-of-ways, near the maintenance shop for the golf course. The City owns the parcel within this portion of the project.

The perpetual, non-exclusive electric easement allows MidAmerican Energy Company to construct, reconstruct, operate, maintain, replace or remove electric supply line(s), underground conduit, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls.

The easement is located in the North 100 feet of the East 20 feet of Lot 3, Dodge Park Subdivision.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
OH & UG Electric Easement	Agreement	2/28/2019
MEC Easement Map	Map	2/28/2019
Resolution 19-69	Resolution	3/5/2019

Prepared by and return to: Colby Hannasch 712-277-7581
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES 401 Douglas Street, Sioux City, Iowa 51101

**MIDAMERICAN ENERGY COMPANY
OVERHEAD AND UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>2019-6736</u>	State of	<u>Iowa</u>
Work Req. No.	<u>2019-2691624</u>	County of	<u>Pottawattamie</u>
Project No.	<u>NA</u>	Section	<u>33</u>
		Township	<u>75</u> North
		Range	<u>44</u> West of the 5 th P.M.

1. For and in consideration of the sum of One and no/100-----Dollar (\$1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owners(s) **City of Council Bluffs, Pottawattamie County, Iowa**, an Iowa municipal corporation, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove electric supply line(s), underground conduit, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other necessary poles, wires, guys, guy stubs, anchors, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground and upon, over, along, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

LOT THREE (3), DODGE PARK SUBDIVISION TO THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

EASEMENT AREA:

An overhead and underground electric easement described as follows:

THE NORTH ONE HUNDRED (100) FEET OF THE EAST TWENTY (20) FEET OF LOT THREE (3). SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants undergrowth, buildings, fences and structures that interfere with the proper maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants, or other objects on the Easement Area described above, or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's right to operate and maintain its Facilities, and that no act shall be performed which violates the clearance requirements of the National Electrical Safety Code and/or the rules of the state utility regulatory authority where the Facilities are located.
4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal, of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.
5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities as part of the Easement Area.
6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.
7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter or dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.
8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.
9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

Dated this ____ day of _____, 2019

City of Council Bluffs, Pottawattamie County, Iowa

By: _____

Its: _____
Printed Name of Mayor

Attest:

By: _____

Its: _____
Printed Name of City Clerk

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

On this ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Pottawattamie County, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. _____ of the City Council on the ____ day of _____, 2019; and _____ and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for said State

(Notarial Seal)

EXHIBIT "A"

Legend

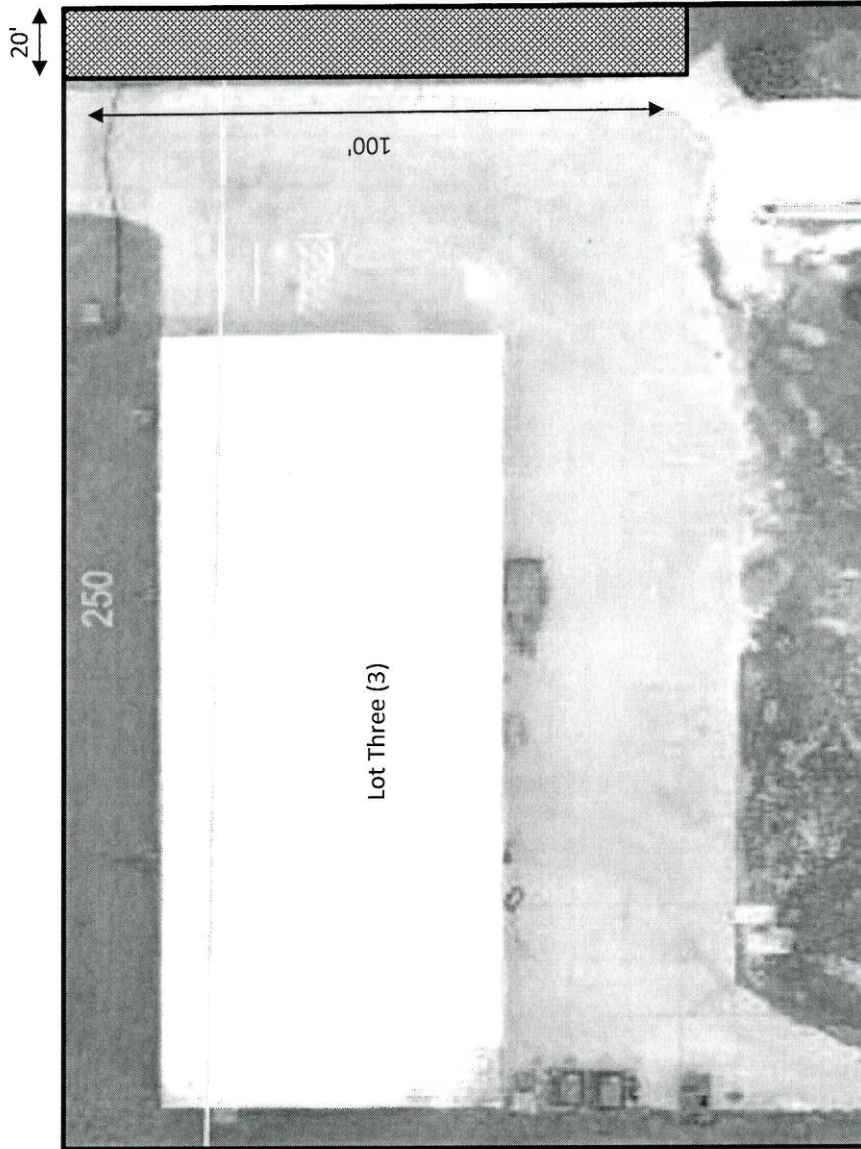
- - Subject Property Line & ROW
-  - Easement

Parcel Legal Description:

LOT THREE (3), DODGE PARK SUBDIVISION
TO THE CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA

Easement Area:

THE NORTH ONE HUNDRED FEET (100') OF THE
EAST TWENTY FEET (20') OF LOT THREE (3).



Customer: City of Council Bluffs, Pottawattamie County, Iowa

Address: 420 S 38th St

City: Council Bluffs State: Iowa

Scale: Not to Scale

Parcel: 754433126004

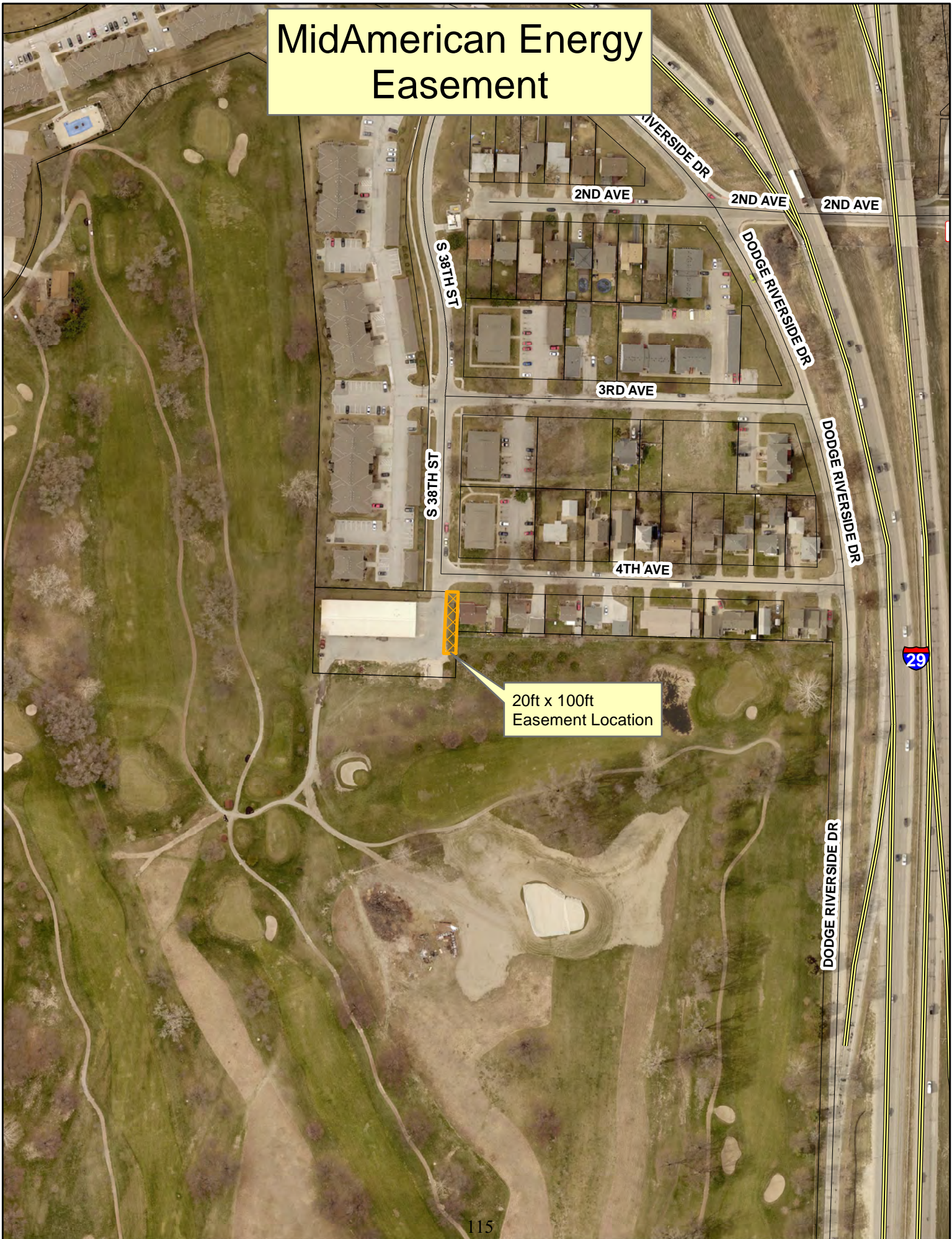
Date: February 1, 2019

Sec 33, T 75 N, R 44 W



Job Desc: Install new underground and overhead electric supply

MidAmerican Energy Easement



20ft x 100ft
Easement Location

RESOLUTION
NO 19-69

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN ELECTRIC EASEMENT
IN CONNECTION WITH THE INSTALLATION OF
ELECTRIC FACILITIES
BY MIDAMERICAN ENERGY COMPANY**

WHEREAS, MidAmerican Energy Company wishes to acquire an overhead and underground electrical easement to install electrical facilities within the city, as therein described; and

WHEREAS, MidAmerican Energy Company has submitted an easement for said improvements and the acquisition documents are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published as required by law, and a public hearing was held on March 11, 2019; and

WHEREAS, the city council deems approval of said acquisition 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 overhead and underground electrical easement in connection with the installation of electrical facilities by MidAmerican Energy Company.

ADOPTED
AND
APPROVED

March 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development

Case/Project No.: Case #SAV-19-
003

Submitted by: Moises Monrroy
Castillo, Planner

Resolution 19-70
ITEM 5.H.

Council Action: 3/11/2019

Description

Resolution to vacate and dispose of the east/west alley in Block 5, Fleming and Davis Addition, lying West of S. 17th St between 9th & 10th Avenues. SAV-19-003

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #SAV-19-003 Staff Report	Other	2/13/2019
Case #SAV-19-003 Attachment A	Map	2/13/2019
Resolution 19-70	Resolution	3/5/2019

Council Communication

Department: Community Development Case #SAV-19-003 Property Owner/Applicant: Christopher Brokman 2403 South 17 th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 2/12/19 Set Public Hearing: 2/25/19 Public Hearing: 3/11/19
--	---	--

Subject/Title

Request: Public hearing on the request of Christopher Brokman to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th Avenue.

Location: North of 920 South 17th Street.

Background/Discussion

The Community Development Department has received an application from Christopher Brokman to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition. The subject east/west alley is unimproved and measures 16 feet in width by 180 feet in length. If vacated, the applicant intends to acquire the entire alley to expand his industrial operation, Advanced Machine, LLC, located at 920 South 17th Street.

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.*
The applicant owns both parcels of land which abut the subject east/west alley. The Community Development Department mailed Mr. Brokman a petition asking if he was in favor of/opposed to the vacation request and if he was willing to/not willing to acquire the east/west alley, if vacated. The response to this petition is summarized in Comment #10 below.
2. *To ensure that no property owner is deprived of required and reasonable access.*
Both abutting properties have frontage on South 17th Street and will not be landlocked or have their access negatively impacted if the subject east/west alley 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 east/west alley located west of South 17th Street, between 9th and 10th Avenue.
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:
 - Cox Communications stated they have no issues with the vacation. They noted they have no network in the alley.
 - The Fire Department stated they have no comments on the vacation.
 - MidAmerican Energy Company stated they do not object to the vacation.

- Council Bluffs Water Works stated they have no comments on the vacation. They noted they have no public facilities located within the subject east/west alley.
- The Public Works Department stated they have no concerns with the vacation.

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 east/west alley platted in Block 5, Burns Addition.

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.*

The Community Development Department mailed the applicant a petition to sign stating if he was in favor of/opposed to the vacation request and if he is willing to/not willing to acquire the east/west alley at no cost. Mr. Brokman stated he is in favor of the request and willing to acquire the east/west alley adjacent to his properties at no cost.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th Avenue.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy Castillo, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to vacate and dispose of the east/west alley platted in Block 5, Fleming and Davis Addition, lying West of South 17th Street and between 9th Avenue and 10th Avenue.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 1 Motion: Carried


Attachments

Attachment A: Location and Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-19-003 LOCATION/ZONING MAP

Map Legend

 Subject right-of-way

0 25 50
1 Inch = 53 Feet



Last Amended: 11/19/18

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

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City documents, plans and other public
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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. 19-70

A RESOLUTION TO VACATE AND DISPOSE OF THE EAST/WEST ALLEY PLATTED IN BLOCK 5, FLEMING AND DAVIS ADDITION, LYING WEST OF SOUTH 17TH STREET AND BETWEEN 9TH AVENUE AND 10TH AVENUE, 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: The east/west alley platted in Block 5, Fleming and Davis Addition, lying west of South 17th Street and between 9th Avenue and 10th Avenue, 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 March, 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

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:

Christopher Brokman and all successors in interest: The entire vacated east/west alley in Block 5, Fleming and Davis Addition, lying west of South 17th Street, between 9th Avenue and 10th Avenue, in consideration of the vacation application fee already paid.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above described alley right-of-way in consideration of the vacation application fee already paid, 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:

March 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.: Case #SAV-19-002

Resolution 19-71
ITEM 5.I.

Council Action: 3/11/2019

Submitted by: Moises Monrroy
Castillo, Planner

Description

Resolution to vacate and dispose of the West north/south alley in Block 10, Burns Addition, lying East of Indian Creek and West of South 13th Street between 21st and 22nd Avenues. SAV-19-002

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Case #SAV-19-002 Staff Report CC

Other

2/13/2019

Case #SAV-19-002 Attachment A

Map

2/13/2019

Resolution 19-71

Resolution

3/6/2019

Council Communication

Department: Community Development Case #SAV-19-002 Property Owner/Applicant: Richard Swanger 1324 22 nd Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 2/12/19 Set Public Hearing: 2/25/19 Public Hearing: 3/11/19
--	---	--

Subject/Title

Request: Public hearing on the request of Richard Swanger to vacate and dispose of the West north/south alley platted in Block 10, Burns Addition, lying East of Indian Creek and between 21st Avenue and 22nd Avenue.

Location: West of 1321 21st Street.

Background/Discussion

The Community Development Department has received an application from Richard Swanger to vacate and dispose of the west north/south alley platted in Block 10, Burns Addition. If vacated, the applicant wishes to acquire the entire alley to expand his residential lots.

The subject north/south alley measures 12 feet wide by 330 feet long and is unimproved. A single-family detached dwelling, an accessory structure and a fence located at 1321 21st Avenue and a single-family detached dwelling located at 1324 22nd Avenue, all owned by Mr. Swanger, encroach the subject alley. The request would bring these structures into conformance with the City's Municipal Code.

Mr. Swanger also expressed interest in acquiring the east north/south alley platted in Block 10, Burns Addition. As per Ordinance No. 4723, the east north/south alley was vacated by City Council on December 22, 1986. An easement was retained over the alley for utility access and maintenance purposes. Only the portion of the east north/south alley abutting the property addressed as 2118 South 13th Street was disposed of by City Council. The portion of said alley adjoining property owned by the applicant is available for acquisition upon request.

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.*
 The applicant owns all of the land which abuts the subject north/south alley. The Community Development Department mailed Mr. Swanger petitions asking if he was in favor of/opposed to the vacation request and if he was willing to/not willing to acquire the north/south alley, if vacated. The response to this petition is 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 21st Avenue or 22nd Avenue and will not be landlocked or have their access negatively impacted if the subject north/south alley 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 west north/south alley located west of South 13th Street, between 21st Avenue and 22nd Avenue.

4. *To reduce or eliminate hazardous and dangerous traffic conditions.*

The subject north/south alley 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:

- Cox Communications stated they had no issues with the vacation. They noted they had network on the MidAmerican power poles erected on the east north/south alley, but none in the subject north/south alley.
- The Permits and Inspections Division stated they have no comments on the vacation.
- The Fire Department stated they have no comments on the vacation.
- Black Hills Energy stated they have no concerns with the vacation.
- MidAmerican Energy Company stated they have no conflict with the vacation.
- The Public Works Department stated they have no infrastructure within the subject north/south alley and have no comments concerning the vacation.
- Council Bluffs Water Works stated they do not have comments on the vacation and have no public facilities located within the north/south alley to be vacated.

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 west north/south alley platted in Block 10, Burns Addition.

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.*

The Community Development Department mailed the applicant petitions to sign stating if he was in favor of/opposed to the vacation request and if he is willing to/not willing to acquire the north/south alley at no cost. Mr. Swanger stated he is in favor of the request and willing to acquire the north/south alley adjacent to his properties at no cost.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the West north/south alley platted in Block 10, Burns Addition, lying East of Indian Creek and between 21st Avenue and 22nd Avenue.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy Castillo, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to vacate and dispose of the West north/south alley in Block 10, Burns Addition, lying East of Indian Creek and between 21st and 22nd Avenues.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 1 Motion: Carried

Attachment


Attachment A: Location and Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department

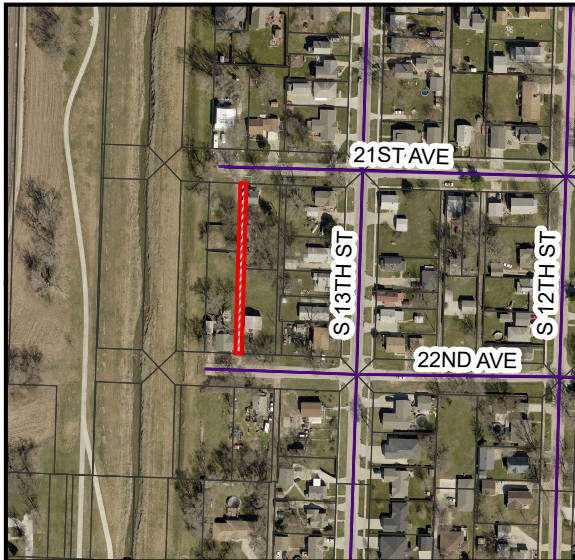
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-19-002 LOCATION/ZONING MAP

Map Legend

 Subject right-of-way

0 30 60
1 Inch = 63 Feet



Last Amended: 11/19/18

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

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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. 19-71

A RESOLUTION TO VACATE AND DISPOSE OF THE WEST NORTH/SOUTH ALLEY PLATTED IN BLOCK 10, BURNS ADDITION, LYING EAST OF INDIAN CREEK AND BETWEEN 21ST AVENUE AND 22ND AVENUE, 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: The West north/south alley platted in Block 10, Burns Addition, lying east of Indian Creek and between 21st Avenue and 22nd Avenue, 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 March, 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

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:

Richard Swanger and all successors in interest: The entire vacated West north/south alley in Block 10, Burns Addition, lying east of Indian Creek and between 21st Avenue and 22nd Avenue, in consideration of the vacation application fee already paid.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above described alley right-of-way in consideration of the vacation application fee already paid, 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:

March 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: City Clerk
Case/Project No.: URN-19-002
Submitted by: Brenda Carrico

Ordinance 6382
ITEM 6.A.

Council Action: 3/11/2019

Description

Ordinance providing that general property taxes levied and collected each year on all property located within the Mid-City Corridor Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the city in connection with the Mid-City Corridor Urban Renewal Area (the 2019 mid-city corridor urban renewal plan)

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff report	Ordinance	2/15/2019
2019 Mid-City Urban Renewal Plan	Ordinance	2/15/2019
Consultation proceedings	Ordinance	2/15/2019
City Planning Commission Report	Ordinance	2/15/2019
Ordinance 6382	Ordinance	2/19/2019

Council Communication
February 25, 2019 City Council Meeting

Department: Community Development	Ordinance No.: Resolution No.: 19-	Planning Commission: 2-12-2019 P.H. and First Reading: 2-25-2019 Second Reading: 3-11-2019 Third Reading: Request to waive
Case/Project No.: URN-19-002		
Subject/Title		
1) Resolution terminating the Mid-City Corridor Urban Renewal Plan (2004) and adopting the 2019 Mid-City Urban Renewal Area Plan 2) Consideration of the Tax Increment Financing Ordinance		
Location		
Generally located from Avenue B to 6 th Avenue and South 8 th Street to South 13 th Street		
Background/Discussion		
<p><u>Background</u></p> <p>In 2004, the City Council adopted Resolution 04-112 creating the Mid-City Urban Renewal Plan. The primary reason for this Plan was the elimination of slum and blight as allowed under Iowa Code Section 403. This allowed the Community Development Department to utilize Community Development Block Grant (CDBG) funds to acquire and demolish the blighted industrial, commercial and residential properties in the original plan area. The U.S. Department of Housing and Urban Development (HUD) recognizes urban renewal plans as a slum and blight designation for a ten-year period. During the ten years, the City acquired, demolished and cleaned up environmental contamination on 23 acres on over 30 properties.</p> <p>Because HUD requires cities to reevaluate slum and blight urban renewal plans every ten years, the City believes the best alternative is to adopt a new Mid-City Urban Renewal Area Plan with a new defined area to ensure continued progress in the neighborhood. The new area expands to the east and south to include previously excluded commercial properties. Additionally, the ability to use tax increment financing (TIF) will be added to the plan for future acquisition and redevelopment use.</p> <p><u>Discussion</u></p> <p>On January 14, 2019, the City Council approved a resolution of necessity, which directed staff to initiate the process of creating the 2019 Mid-City Urban Renewal Plan and Area. This resolution established the following actions and timeframes:</p> <ul style="list-style-type: none"> 1-29-19 Consultation meeting to be held with other affected taxing jurisdictions 2-12-19 City Planning Commission hearing and review 2-25-19 City Council public hearing on the proposed urban renewal plan and 1st consideration of TIF ordinance 3-11-19 City Council 2nd consideration of TIF ordinance (request to waive 3rd) <p>The consultation hearing was held on January 29, 2019 and no interested parties attended. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed plan.</p>		

Council Communication
February 25, 2019 City Council Meeting

Staff Recommendation

The Community Development Department recommends approval of the 2019 Mid-City Urban Renewal Area Plan for the City of Council Bluffs.

Planning Commission Public Hearing (February 12, 2019)

Christopher Gibbons appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission determined the 2019 Mid-City Urban Renewal Plan and Area conforms to the “Bluffs Tomorrow: 2030 Plan” which is the general plan for the development of the City of Council Bluffs and recommended approval of the 2019 Mid-City Urban Renewal Plan and Area.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 Motion: Carried

Attachments

1. Resolution adopting the 2019 Mid-City Urban Renewal Plan and Area with the plan attached as Exhibit 1 (also terminates the 2004 Mid-City Urban Renewal Plan and Area)
2. Consultation proceedings
3. City Planning Commission Report
4. TIF Ordinance

Prepared by: Brenda Carrico, Program Coordinator, Community Development Department

Approved by: Brandon Garrett, Director, Community Development Department

2019
MID-CITY CORRIDOR
URBAN RENEWAL PLAN



CITY OF COUNCIL BLUFFS, IOWA
ADOPTED _____ 2019

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CHAPTER I

BACKGROUND

The early development of Council Bluffs was intimately tied to the rapid expansion of the railroad system. By the 1890s, Council Bluffs was served by 15 lines operating 90 trains per day. For many decades, these railroads generated significant employment, which allowed Council Bluffs to grow and prosper. The physical development of the community was also significantly impacted by the railroad. With the construction of the railroad corridor, business and industrial uses that desired railroad transportation followed. Residential areas also developed in the corridor and around larger employers. As a result, the corridor was developed with a variety of conflicting land uses.

The continued evolution and consolidation of the railroad industry has required less land to be used for support transportation purposes but the tracks still remain and continue to be some of the busiest lines in Council Bluffs. As a result, the community can reasonably expect continued changes in land use in this corridor over the next 20 years.

In order to address these changes, the City of Council Bluffs prepared and adopted a Neighborhood Revitalization Strategy Area (NRSA) for the City's Community Development Block Grant Program (CDBG), which includes the Mid-City Corridor. Several problems that are associated with the corridor have been identified including railroad trackage problems, floodplain problems, traffic circulation issues, and neighborhood isolation. Residential neighborhoods in and adjacent to the corridor are also blighted.

In 2004, the City adopted the original Mid-City Corridor Urban Renewal Plan and designated a portion of the corridor as an urban renewal area appropriate for blight remediation. At that time, the City found that 87 of 168 (52%) structures in the designated area were substandard or deteriorated. From 2004 to 2015, the City acquired and demolished blighted properties in the designated area; assembling parcels for redevelopment, park space and green space. The City did not adopt a Tax Increment Financing ("TIF") ordinance with respect to the property included in the original urban renewal area created in 2004.

Though significant headway has been made in removing blighted structures in the corridor, there are still blighted properties and other blighting influences within the corridor that require remediation to allow for redevelopment of the area. For example, according to the 2016 US Census data, households located in Census Tract 307 earn \$4,350 less per year than the average median household income for Council Bluffs and 20.9% live at or below the federal poverty line. According to the HUD Affirmatively Furthering Fair Housing Tool, 53.66% of the total households experience one or more housing burden. "Housing burden" is defined as households living with one or more of the following: cost burden for which housing cost is greater than 30% of household income, overcrowding, housing unit lacks complete kitchen facilities and housing unit lacks complete plumbing facilities. As such, the City has determined that a new urban renewal plan must be adopted to continue the redevelopment of the corridor. Because the footprint of the new urban renewal area differs from the original area created in 2004, the City has decided to rescind the 2004 plan and adopt this new 2019 Mid-City Corridor Urban Renewal Plan in its place.

Urban renewal powers will assist the City in the acquisition and site clearance of slum and blighted properties within the new urban renewal area, and the redevelopment thereof. Assistance in the form of

an urban renewal area, conforming to Chapter 403 of the Iowa Code, is necessary to acquire land, remove blight, incompatible or undesirable land uses; improve regulatory control; improve public infrastructure and facilities; and allow for private development or redevelopment on cleared or vacant land. This Plan is to be called the 2019 Mid-City Corridor Urban Renewal Plan (“Plan” or “Urban Renewal Plan”) for the Mid-City Corridor Urban Renewal Area (“Area” or “Urban Renewal Area”), and its purpose, objectives and project proposals are described within this document.

CHAPTER II

DESCRIPTION OF URBAN RENEWAL AREA

LEGAL DESCRIPTION

The Urban Renewal Area designated by this 2019 Mid-City Corridor Urban Renewal Plan is situated in the City of Council Bluffs, County of Pottawattamie, State of Iowa, upon a tract of land, the boundaries of which are described as follows:

Beginning at the intersection of the centerline of Avenue ‘B’ and the centerline of North 10th Street; south along the centerline of 10th Street to the centerline of West Broadway Avenue; east along the centerline of West Broadway Avenue to the centerline of 8th Street; South along the centerline of 8th Street to the centerline of 1st Avenue; West along the centerline of 1st Avenue to the centerline of South 10th Street; South along the centerline of South 10th Street to the centerline of 4th Avenue; West along the centerline of 4th Avenue to the centerline of South 12th Street; South along the centerline of South 12th Street to the centerline of 6th Avenue; West along the centerline of 6th Avenue to the centerline of the right-of-way of Indian Creek; North and Northeasterly along the centerline of the right-of-way of Indian Creek to the centerline of 13th Street; North along the centerline of 13th Street to the centerline of Avenue B; East along the centerline of Avenue B to the Point of Beginning.

GENERAL DESCRIPTION

The general location and boundaries of the Mid-City Corridor Urban Renewal Area are shown on Illustration 1. The Urban Renewal Area is an approximately 28-block area encompassed on the north by Avenue B; on the south by 6th Avenue; on the west by Indian Creek and 13th Street; and on the east by 8th Street. Illustration 1 shows the location map for the project area. This area contains portions of Bayliss 2nd Addition, Beer’s Addition, Beer’s Subdivision, and McMahon, Cooper and Jefferies Additions to Council Bluffs.

b. Environment

Topography and Drainage – The topography of the Area is generally characterized by very slight slopes of zero to two percent. As such, the natural drainage pattern of the area is poor. The project area lies in the Indian Creek Drainage Basin. The northern portion of the area lies within the 100-year floodplain and the southern portion of the area lies within the 500-year floodplain.

Floodplain – The Flood Insurance Rate Maps (FIRM) #19155C0413E, dated February 4, 2005, prepared by the Federal Emergency Management Agency (FEMA) show that the northern portion of the project area is located in Zone AH. The area designated as Zone AH is considered to be a Special Flood Hazard Area, which is characterized by shallow flooding of depths between 1 to 3 feet. The southern portion of the project area is located in Zone X. The area designated as Zone X is considered to lie in the 500-year floodplain and is protected by a levee from the 100-year floodplain. Illustration 2 shows the floodplain map.

Historic Properties – A review of the list of properties on the National Register of Historic Places and locally designated landmarks and historical districts indicates that there are no historical properties within the proposed boundaries of the Urban Renewal Area. Properties surrounding the proposed Area may have historical potential. These properties include the Mynster Street and South 8th Street

neighborhoods.

Noise – The yearly day night average sound level (DNL) indicates that the northerly section of the Area is bordered by the 65 DNL contour of the Omaha Eppley Airfield noise corridor indicating an anticipated slight impact of noise. The remainder of the Area either does not border or is outside of the 65 DNL threshold. Railroad traffic is also a concern with noise. Active lines with significant train movement increase the noise levels. Additionally, the vehicular traffic on West Broadway, also known as U.S. Highway 6, increases noise within the Area. As a result of air, rail, and vehicular traffic, the Mid-City area is prone to significant noise issues.

ZONING AND LAND USE/CONFORMANCE WITH COMPREHENSIVE PLAN

Existing Zoning – Currently, land within the Urban Renewal Area is zoned A-2/Parks, Estates and Agriculture, C-2/Commercial District, I-1/Light Industrial, and R-3/Low Density Multi-Family Residential. The Area consists primarily of A-2/Parks, Estates and Agricultural District, I-1/Light Industrial District, and R-3/Low-Density Multifamily Residential District. The Southeast portion of the Area is zoned R-3/Low Density Multi-Family Residential. A majority of the property that is zoned A-2/Parks Estates and Agricultural District is owned by the City of Council Bluffs and is intended for future development, which would most likely require the land to be rezoned to an appropriate district. Illustration 3 shows the existing zoning map.

Existing Land Uses – The Urban Renewal Area consists of approximately 178 parcels, of which 81 (46%) are vacant parcels and 97 (54%) are developed. Of the developed parcels, 108 are residential uses, 6 are light industrial uses, and 16 are commercial uses. Illustration 4 shows the existing land uses for the project area.

Adjacent Land Uses – The properties surrounding the Urban Renewal Area include primarily residential neighborhoods, with industrial uses to the North and Southwest, and commercial uses primarily along the West Broadway corridor. The residential properties contain a varied mix of single-family and multi-family conversion homes. The property to the north of the proposed Area consists of railroad trackage yards. The properties to the east consist of residential uses and the downtown district. The properties to the south and west consist of primarily residential uses.

Non-Conforming Uses – The Urban Renewal Area contains one main area of nonconformance. From North 11th to North 12th Streets and from Avenue B to West Broadway, this block is currently zoned I-1/Light Industrial and A-2/Parks, Estates and Agricultural District. Current uses are single-family houses and a commercial building. Other areas of nonconformance are single family residential within C-2/Commercial District and single family in A-2/Parks, Estates and Agricultural District. Illustration 5 shows the current non-conformances.

Conformance with City Comprehensive Plan -The City of Council Bluffs has a general plan for its physical development, as a whole, which is its Comprehensive Plan known as “Bluffs Tomorrow: 2030 Plan”. This Urban Renewal Plan and the urban renewal projects described herein are in conformity with the City’s Comprehensive Plan. The need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area is set forth in this Plan. As the Area develops, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

STRUCTURAL CONDITIONS

In December 2018, the Community Development Department conducted a field survey to identify existing structural conditions within the proposed Mid-City Corridor Urban Renewal Area. The survey was conducted by observing the exterior conditions to determine the structural quality of each building. Each building was classified in one of four conditions: above standard, standard, substandard, or deteriorated.

Structures in “above standard” condition are not in need of rehabilitation, are in new or near new condition and well maintained. Structures in “standard” condition need minor rehabilitation, possibly in need of painting or minor repair. Structures in “substandard” condition are in need of major rehabilitation, show signs of structural failure including foundation and/or roof problems and are not up to building and land use codes. Structures in “deteriorated” condition are beyond the benefit of rehabilitation and should be demolished.

The proposed Mid-City Corridor Urban Renewal Area contains a significant number of structures in substandard structural conditions. Illustration 6 shows the current structural conditions. The structural conditions table located at the end of this section outlines the conditions. Since 2004, the City has demolished structures and created greenspace on over 27 acres of land in the Urban Renewal Area. The areas from South 12th to South 13th Streets and from Avenue B to 4th Avenue are primarily vacant with the exception of three structures.

The portion of the Area from South 12th Street to the Indian Creek channel are primarily City-owned with three single-family houses along 3rd Avenue. City-owned property consists of vacant land with trail connections and structures utilized by the Public Works Department for equipment and material storage. Illustration 7 shows Public Works facilities.

The most blighted structural conditions are located within the residential portions of the Area to the east and southeast. Housing along 2nd, 3rd and 4th Avenues are pocketed with several substandard units with only a few in above standard condition.

Table 1. Structural Conditions: Residential, Commercial, and Industrial Land Uses

Land Use Type	Above Standard		Standard		Substandard		Deteriorated		Vacant		Known or Suspected Env Contaminants		Total
	Parcels	%	Parcels	%	Parcels	%	Parcels	%	Parcels	%	Parcels	%	Parcels
Residential	2	3%	38	49%	28	36%	10	13%	0	0%	0	0%	78
Commercial	1	8%	8	67%	2	17%	1	8%	0	0%	0	0%	12
Industrial	0	0%	0	0%	3	100%	0	0%	0	0%	0	0%	3
Government	0	0%	2	3%	0	0%	2	3%	51	86%	4	7%	59
Railroad	0	0%	0	0%	0	0%	0	0%	0	0%	26	100%	26
Total	3	2%	48	27%	33	19%	13	7%	51	29%	30	17%	178

As shown by Table 1, 97 of the 178 parcels in the proposed Urban Renewal Area are developed with structures. Residential land use account for a total of 78 parcels. Of these residential structures, 2 (2%) were noted as above standard, 38 (49%) as standard, 28 (36%) as substandard, and 10 (13%) as deteriorated. Commercial land uses occupy 12 parcels in the area. Of the commercial structures, one was noted as above standard, 8 (67%) as standard, 2 (17%) as substandard and 1 (8%) as deteriorated.

Industrial land uses occupy 3 parcels in the area. Of these, none were noted as above standard or standard, 3 (100%) as substandard, and none as deteriorated. There are also 26 railroad parcels, which are all vacant. Due to the nature of railroads and common contamination associated with lines, these sites are suspected environmentally contaminated sites. The remaining parcels are government owned. Of the four parcels with structures, 2 (3%) were noted as standard and 2 (3%) as deteriorated. The 55 parcels are vacant with 4 known to have environmental contamination. One is a lead cap and the other three have environmental covenants.

In the entire proposed Urban Renewal Area, only three (2%) of the structures had above standard condition, 48 (27%) of structures were noted as in standard condition, 33 (19%) as substandard condition, and 13 (7%) as deteriorated. Over 35% of the structures in the proposed Area are in substandard condition or below. Of the vacant land 30 (17%) of the parcels are known to have or have suspected environmental contamination.

Currently, 46% of the land is vacant. Of this, 68% is government-owned. Illustration 8 shows City-owned property.

TRANSPORTATION SYSTEMS

Illustration 9 shows the transportation network. Within the proposed Urban Renewal Area are five arterial and collector roadways. All of the arterial and collector roadways carry traffic in an east/west direction with no major roadways running north/south. West Broadway is classified as an arterial roadway by the Council Bluffs Public Works Department. West Broadway is also known as US Highway 6 and is a major thoroughfare connecting the east and west portions of Council Bluffs. West Broadway also acts as the conduit for traffic gaining access to Interstate 480 in Omaha, Nebraska. West Broadway has an average daily traffic count (ADT) of 25,000 vehicles per day (VPD). West Broadway consists of a four lane divided elevated roadway through the area.

Four east/west collector streets dissect the proposed Urban Renewal Area. These include Avenue 'G', Avenue 'B', 2nd Avenue and 5th Avenue. Currently, each street crosses the north/south rail lines at grade. Second Avenue, a two-lane roadway, has an ADT of 2,300 in between 10th Street and 13th Street. Fifth Avenue, a two-lane roadway, has an ADT ranging from 3,200 to 4,500 VPD between 10th and 13th Streets. Avenue B is also a two-lane roadway with an ADT of 3,200 VPD. Avenue 'G', a two-lane roadway, has an ADT of 2,600 VPD. Traffic statistics were obtained from the 2016 Traffic Flow map prepared by the Iowa Department of Transportation.

The Area is divided east/west by railroad trackage, which conflicts with both pedestrian and vehicle traffic. Railroad grade crossings are found on Avenue 'G', Avenue 'B', 2nd Avenue, 3rd Avenue, 4th Avenue, and 5th Avenue. Union Pacific Railroad has a major line crossing the entire Area which carries approximately 20 to 30 trains per day. Union Pacific also has a minor rail line within South 12th Street right-of-way between 3rd and 9th Avenues. The primary concern of this line is numerous at-grade crossings and its close proximity to residential uses. The Canadian National Railroad also operates a line north of 3rd Avenue between 12th and 13th Streets. This line parallels Union Pacific trackage north of West Broadway.

PUBLIC UTILITIES AND SERVICES

The proposed Urban Renewal Area has direct access to the municipal water system, sanitary sewer, and storm sewer facilities.

Water Distribution – The Urban Renewal Area is sufficiently served by municipal water. A network of municipal water mains within the Area is made up of varying sizes from 4” to 20” in diameter. Most of the water mains are in the range of 4” to 6” in diameter. The 4” water mains found within the Area are below current size standards. Also, because of the age of the existing developments, some of the water mains are in antiquated condition.

Sanitary Sewer – The Urban Renewal Area is generally served by adequate sanitary sewer facilities. The areas south of West Broadway are served with a series of interconnected sanitary sewer mains, which flow to a 30” sanitary sewer main in South 13th Street. This 30” main flows south to the 29th Avenue pump station. The areas north of West Broadway are served by a series of interconnected sanitary sewer mains which connect to a 60” sewer main located in North 13th Street and along Indian Creek. The sanitary sewer lines in this area flow to the south. The primary problem of the sanitary sewer system is its age. There are no combined sanitary sewer facilities located within the Area.

Storm Sewer – The Urban Renewal Area is generally served with adequate storm sewer facilities, with the exception of the properties immediately south of West Broadway. The Area is served with storm sewer mains ranging in size from 8” to 48”. The primary storm sewer drainage for the Area is Indian Creek. Indian Creek is located immediately north of West Broadway and is within the Creek Top and South 14th Street rights of way. North of West Broadway, Indian Creek is contained in a concrete conduit and in the areas south of West Broadway it is contained within an open concrete channel. The Indian Creek channel serves as the main drainage conveyance for the Indian Creek watershed. Storm drainage for the Area is provided by a series of interconnected storm sewer mains in North 12th Street, North 11th Street, 3rd Avenue, and 5th Avenue, which all flow to Indian Creek. The primary limitation of the storm sewer system is the age and condition of some of the mains. Another problem affecting this Area is the inability of the storm sewers to discharge into Indian Creek during high rain events. During these events the water level in Indian Creek can rise quickly which prevents adjacent storm sewers from discharging into the channel. This situation can only be corrected by the construction of additional storm sewer pump stations similar to that found at 13th Street and Avenue ‘A’.

URBAN RENEWAL AREA ANALYSIS AND DESIGNATION

The proposed Mid-City Corridor Urban Renewal Area qualifies as blighted under Iowa Code Section 403.17(5) because of several factors. These include the following:

a. Land Use and Zoning

The Mid-City Corridor Urban Renewal Area is comprised of light industrial, commercial, and low-density multifamily residential zoning districts. However, the Area consists of light industrial, general commercial uses, public properties and pockets of residential uses. The Area was developed in a hodgepodge fashion with industrial uses along the rail corridor and adjacent residential uses. At this time, West Broadway developed commercially and was not elevated. The construction of the West Broadway viaduct caused the deterioration of these commercial businesses. Based on building permit activity, the Area is no longer conducive to private reinvestment due to limited transportation

connectivity, floodplain issues and environmental constraints found in the area.

b. Structural Conditions and Blight

The Urban Renewal Area is one of the oldest neighborhoods in the community and contains some of the most deteriorated structures and blighted land. The Area contains a large percent (26%) of properties that are either substandard or in deteriorated conditions. Of the vacant land, 17% is known to or has suspected contamination due to railroads or previous land use. In total, 43% of the land has either physical deterioration of buildings or improvements and known or suspected environmental contamination.

c. Environment

The northern portions of the Area are located within the 100-year floodplain. As such, additional fill is necessary on new construction and flood insurance is required for properties with federally insured mortgages. Noise is an environmental concern for the area due to the concentration of rail, airplane, and vehicular traffic. Given active railroads and previous industrial uses, soil and ground water contamination is a concern. According to the 1928 Sanborn Fire Insurance Rate Maps, the Area contained a variety of uses including passenger and freight depots, warehouses and commercial uses, industrial uses, and residential uses.

Lead contamination is an environmental concern within the Area. Known lead contamination exists at 1207 West Broadway. Additionally, the previously operated Katelman Foundry site located at South 13th Street and 3rd Avenue. This site was partially cleaned up but due to depths of contamination, environmental covenants were placed on the three contaminated sites to close the project. Clean soil was never reached.

d. Transportation

The amount of railroad trackage found within the Area is seen as the largest obstacle for neighborhood development. A portion of the Canadian National Rail Yard (formally the Illinois Central Railroad) is located along 13th Street north of Avenue 'B' and immediately north of the Area. The former Chicago Northwestern rail yard (now operating as Union Pacific) is located north of Avenue 'G' from 10th Street to 13th Street. The Area is dissected by several rail lines. Union Pacific operates a set of rail lines in the North 11th Street right-of-way. This line runs in a north/south direction south of Avenue 'G'. The rail lines continue in a southwest/northeast direction to the Union Pacific yards south of 9th Avenue. The Canadian National operates a set of tracks which connect to the Union Pacific trackage at South 13th Street and 4th Avenue. This track runs in a north/south direction from 4th Avenue to Avenue 'G' and then to the Canadian National rail yard. The frequent at-grade crossings and train traffic obstructs circulation between neighborhoods. This effectively isolates individual neighborhoods from the community and creates dangers for both vehicular and pedestrian traffic. Therefore, there is a need to reduce the number of at-grade rail crossings.

Other transportation issues within the Area include restricted east/west traffic through the community due to the railroad corridor and Indian Creek. Currently, there are viaducts at West Broadway and Avenue 'G' which provide elevated crossings over rail lines. Illustration 10 shows the proposed transportation network.

e. Private Investment

A review of the Building Permit Records shows that the Area has had little to no private investment within the past decade. A review of the assessed values from 2003 to 2016 shows a decrease in the assessed values of 20% from \$12,094,857 in 2003 to \$9,651,414 in 2016. The main cause of the decrease is the decrease in residential value (21%) and industrial value (512%). The increase of government-owned vacant land increased 89%, which attributes to the reduction in industrial. Table 2 below details the assessed values for 2003 to 2016. From the standpoint of tax base, the Area is becoming less relevant to the overall community tax base.

Table 2: Assessed Values for Urban Renewal Area for 2016

	2003	2016	Percent Change
Mid-City Corridor Urban Renewal Area	\$12,094,857	\$9,651,414	(20%)
Mid-City Residential	\$6,092,554	\$4,811,202	(21%)
Mid- City Commercial	\$612,600	\$2,531,520	76%
Government	\$159,987	\$1,450,892	89%
Industrial	\$5,255,916	\$857,800	(512%)
City of Council Bluffs	\$2,502,459,652	\$4,658,908,187	46%
Mid-City Area as a portion of Council Bluffs	0.48%		

f. Public Investment

The main activity related to public investment in the last ten years has been acquisition and demolition of private properties. Since 2004, the City has acquired over 30 private properties utilizing Community Development Block Grant (CDBG) entitlement funds. The City also owns approximately 11 acres dedicated to Public Works facilities to house equipment and road salt.

Additional investment in 2017 included the replacement of the Indian Creek box culvert between 9th and 10th Streets along Creek Top Road. The project included the 10th Street intersection on the boundary of the Mid-City Urban Renewal Plan.

Illustration 8 shows City property within the Area.

Based upon all of the above information, the Area qualifies as blighted under Iowa Code Section 403.17(5) and is hereby designated as appropriate for continued blight remediation activities.

CHAPTER III

URBAN RENEWAL OBJECTIVES, ACTIVITIES AND PROJECTS

URBAN RENEWAL POWERS

The proposed actions in the Area under the 2019 Mid-City Corridor Urban Renewal Plan will consist of one or more of the following actions as outlined by Chapter 403 of the Iowa Code.

- a. To undertake and carry out urban renewal projects within the Area; to make and execute contracts and other instruments necessary or convenient to the exercise of its urban renewal powers; and to disseminate blight clearance and urban renewal information.
- b. To arrange or contract for the furnishing or repair by any person of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; to agree to any conditions, that it may deem reasonable and appropriate, attached to federal financial assistance in the undertaking or carrying out of an urban renewal project; and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.
- c. To enter into any building or property in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property, or personal property for administrative purposes, together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Plan.
- d. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this Plan, and to give such security as may be required, and to enter into and carry out contracts in connection therewith. This may include in any contract, for financial assistance with the federal government for an urban renewal project, such conditions imposed pursuant to federal laws as the City may deem reasonable and appropriate and which are not inconsistent with the purposes of the Plan.
- e. To make or have made all surveys and planning necessary to the carrying out of the purposes of this Plan, and to contract with any person in making and carrying out of such planning, and to adopt or approve, modify and amend such planning. Such planning may include that outlined by Chapter 403 of the Iowa Code.
- f. To plan for the relocation of persons, including families, business concerns and others, displaced by the plan, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

- g. To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this Plan, and to levy taxes and assessments for such purposes; to zone or rezone any part of the Area or make exceptions from building regulations; and to enter into agreements.
- h. To close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the Urban Renewal Area.
- i. To sell and convey real property in furtherance of objectives in this Plan.
- j. To acquire by purchase, gift or condemnation real property within the Area for any purpose set forth in this Plan, including but not limited to the relocation of railroad, tracks, yards, and other railroad facilities and to sell or exchange and convey such real property to railroads.
- k. To acquire or dispose of by purchase, construction, or lease, or otherwise to deal in air rights, and facilities or easements for lateral or vertical support of land or structures of any kind.
- l. To accept contributions, grants, and other financial assistance from the state or federal government to be used upon a finding of public purpose for grants, loans, loan guarantees, interest supplements, technical assistance, or other assistance as necessary or appropriate to private persons for the Urban Renewal Area.
- m. Cause administrative and other services to be furnished by or to the City.
- n. The City shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with this Plan.
- o. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Plan or specific urban renewal projects.
- p. To borrow money and to provide security therefor.
- q. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Council Bluffs and the State of Iowa.

AREA OBJECTIVES AND ACTIVITIES

The City has analyzed the Area and determined best use of the region is in three ways: (1) redevelopment, (2) greenspace and (3) park space. Illustration 11 shows proposed land uses. The City intends to undertake several actions necessary to achieve the objectives of this Plan. In 2015, the City completed the Mid-City Area-Wide Plan that outlined a community-driven reuse plan as outlined in Illustration 12. The City anticipates engaging in the following activities:

- a. Installation of Infrastructure - The City may remove, improve or install public improvements and facilities in accordance with the objectives of this Plan. Such public improvements may include, but are not limited to the following: utilities, streets, sidewalks, transit stops, park and recreational facilities, parking and landscaping.

Municipal Code requires that all building sites have direct access to an open city street that has been improved and maintained by the City and is regularly used by the general public. Public sidewalks are also required for building sites that abut a city street. Building sites are required to have direct access to the municipal sanitary sewer system and adequately handle storm water run-off without adversely affecting abutting property owners with an increase in run-off. All sites must have direct access to city water or be serviced by a well in such a capacity to satisfy not only the needs of the structure, but also to provide fire protection.

- b. Acquisition, Relocation, and Demolition of Property – Any property acquired by the City within the Area will be acquired consistent with federal, state and/or local codes or ordinances. The City may clear property or structures and other improvements in preparation for open space or recreational land uses. Clearance will be accomplished in accordance with the objectives of this Plan, and in concert with other actions to insure timely improvement of the cleared land. This could also include actions associated with environmental mitigation. The City may assist in the relocation of those residents and businesses displaced by public action. Residents and businesses displaced may be provided with the opportunity of relocation to accommodations which are decent, safe, sanitary, and are within their financial means, in accordance with established relocation practices.

As funding becomes available, the City may acquire additional properties. In order to accomplish the acquisition process, the City has divided the area into high, medium, and low areas of priority. High areas are anticipated to be acquired first followed by the properties designated as medium and then low. The low priority area is located to the southeast of the project area and primarily consists of residential uses. The priority acquisition areas are depicted on Illustration 13. The City may utilize both voluntary and involuntary acquisition in high priority areas, and reserves the right to do so in other areas.

- c. Rehabilitation and Development of Structures - The City may participate in and support efforts to preserve and rehabilitate structures to achieve a long-term, sound condition. Determination of the City's effort in this area will be made based on an analysis of the historic, architectural, and/or cultural merit of the structure, its condition, the condition of surrounding structures, lot size, layout, accessibility, usefulness, and competing and conflicting land uses. The City should not rehabilitate property in the medium and high priority acquisition areas. The goal of property rehabilitation is to provide safe, sanitary, functional, and attractive conditions, which are compatible with the intended use of the area in which buildings are located, and to eliminate the blighting influence, which such buildings may have on their surrounding environment. Although the fundamental goal is the creation of open space, the residential structures in the southern and southwest portions of the area are likely to be rehabilitated.
- d. Subdivision and Vacation of Right-of-Ways - As allowed by law, the City may subdivide, vacate, resubdivide, or otherwise change the recorded arrangement of property in its control to accomplish the objectives of this Plan.
- e. Continued Area Planning - As allowed by law, the City may participate in planning efforts with other public and private interests where these will further help to accomplish Plan objectives. The City may review planning proposals and coordinate such proposals to implement the objectives of this Plan. The City may seek to bring zoning and other regulations and plans for public facilities into conformance with the objectives of this Plan.

As part of the City's goal to eliminate blight in the Area, the City expects to continue efforts to assess and respond to the problems, needs, and opportunities of the Urban Renewal Area through additional technical studies, through the preparation of more detailed plans, through discussion with prospective developers, citizens, and public officials, and through various engineering, parking, landscaping, economic, design and related studies. This effort may result in the publication from time to time, of additional reports, regulations, guidelines, project plans, or other documents that aid in defining the objectives of this Plan.

- f. Provision of Public Services - The City will endeavor to provide appropriate levels of public services throughout the Area to support and encourage achievement of Plan objectives. These may include such things as police, fire, health, social, recreational, insurance, counseling, and other types of services.
- g. Trail and Open Space Development - The City anticipates creating open space and recreational development in the Area in accordance to the development concept developed with the assistance of an EPA technical assistance grant. This development concept outlined the creation of a new park to the west of the railroad tracks and to the east of Indian Creek. The park is anticipated to have a number of amenities including a trailhead, open space and dog park. Illustration 14 shows the conceptual design.
- h. Creation of two new business parks – The City anticipates creating two new business parks on the former Katelman Foundry site at 13th Street and 2nd Avenue and at 10th Street and Avenue B. Illustration 15 shows potential a potential layout. This will utilize two large portions of the Area and create a barrier between the residential properties and railroad tracks.
- i. Relocation of Public Facilities – Currently, Public Works Department facilities are spread throughout the City. Facilities within the Area include the salt dome and overflow equipment storage. The Public Works building located at South 13th Street and 2nd Avenue is currently used for storage as well. The City has plans to consolidate all Public Works facilities to one location; however this project will require acquisition and construction of a new salt dome on its campus. A depiction of the Public Works properties is located on Illustration 7.
- j. Land Use and Zoning – Future land use of the Area is anticipated to consist of three distinct areas: (1) redevelopment east of the railroad tracks, (2) green space between the railroad tracks and (3) park space to the west of the railroad tracks. This was determined by adjacent land use and safety. Ensuring the space between the tracks is not an attraction will increase overall safety to the area. Utilizing the space adjacent to Indian Creek will allow for a buffer between development and a potential flooding hazard should the channel overflow. Anticipated future land use of the Area is depicted on Illustration 10.

PROPOSED URBAN RENEWAL PROJECTS AND FINANCIAL DATA

Although certain project activities may occur over a period of years, the eligible urban renewal projects under this Plan include:

Project	Date	Estimated Cost*	Rationale
Acquisition and demolition of 901 West Broadway	2019-2020	\$900,000	The mini storage unit business is in substandard condition and does not fit the end use proposed by the City of Council Bluffs
Acquisition and renovation of 825 West Broadway	Undetermined	\$1,500,000	Kelly's Carpet is an existing business in a large potentially historic building. The building is in standard condition and renovations will enhance the overall use and feel of Mid-City. The proposed project will convert the space to multi-purpose to create a new multi-family housing project.
Construction of new park and trailhead	Undetermined	\$500,000	The proposed project shall reuse existing government structures and create a park space within one of the more economically challenged areas. The project will also provide a use for vacant land that all citizens can benefit from.
Construction of two new business park areas	Undetermined	\$1,000,000	The proposed project shall construct two new business-type parks on currently vacant, blighted land. The first location at South 11th Street and 2nd Avenue is known to have significant contamination from a previous foundry and the standing environmental covenant only allows the parcels to be utilized as greenspace, commercial or light industrial. The second space at North 10th and Avenue B is a cleared lot. The City proposes using similar models of development on the parcels.
Acquisition and demolition of additional properties as available	Undetermined	\$500,000	As additional blighted properties become available through interest in selling or foreclosure, the City shall acquire and demolish the properties to remove blight from the corridor.
Future City Council approved development agreements providing tax rebate or other incentives to third parties to incentivize	Undetermined	\$1,000,000	Remediation, stabilization, and removal of blight, and the return of properties to useful condition for public facilities or private development, which private development of commercial, retail and/or residential projects would generate increased taxable valuation.

redevelopment activities			
Planning, engineering fees (for urban renewal plans), attorney fees to support urban renewal projects and planning	Undetermined	\$250,000	Necessary services related to planning and administration of urban renewal program and projects and to carry out the purposes of Iowa Code chapter 403.
TOTAL		\$5,650,000	

*Note: It may be that the above costs will be reduced by the application of state and/or federal grants or programs; cost-sharing agreements with other entities; or other available sources of funds. If any TIF funds are to be used for a project that includes a public building, this Plan will be amended to provide the analysis required by Iowa Code Section 403.5(2)(b)(1).

Debt:

1.	July 1, 2018 constitutional debt limit:	\$174,368,928
2.	Current outstanding general obligation debt:	\$62,540,000
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Proposed Urban Renewal Projects has not yet been determined. This document is merely for planning purposes. The estimated project costs in this Plan are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above will be approximately as follows:	\$5,650,000

URBAN RENEWAL FINANCING

The City of Council Bluffs intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City of Council Bluffs has the statutory authority to use a variety of tools to finance physical improvements within the Areas. These include:

A. Tax Increment Financing

Under Section 403.19 of the Iowa Code, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements or economic development incentives associated with redevelopment projects. Upon creation of a tax increment district within the Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from certain taxes paid on the

difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. The increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City.

B. General Obligation Bonds

Under Division III of Chapter 384 and Chapter 403 of the Iowa Code, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements within the Area or incentives for development consistent with this Plan. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of Council Bluffs. It may be the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates or other incentives to developers in connection with urban renewal projects for commercial or industrial development and/or blight remediation or redevelopment or other urban renewal projects. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Area for urban renewal projects. Alternatively, the City may determine to use available funds for making such loans or grants for urban renewal projects. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the Code of Iowa in furtherance of the objectives of this Urban Renewal Plan.

CHAPTER IV

LAND DISPOSITION SUPPLEMENTS

Land Use and Zoning – This plan may be amended to add additional land use controls and regulations for development of sub-areas within the Area. These additional land use controls and regulations will provide the basis for control by the City of Council Bluffs for any and all real property disposed of by the City for private development within the Area and control of public projects and improvements.

CHAPTER V

EFFECTIVE TERM OF URBAN RENEWAL PLAN

This Plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council.

Because this Urban Renewal Area contains slum or blighted conditions, should a TIF ordinance be adopted to allow for the use of incremental property tax revenues, or the “division of revenues,” as those words are used in Chapter 403 of the Code of Iowa, the division of revenue shall not be subject to a statutory or voluntary expiration date or sunset.

CHAPTER VI

PROCEDURES FOR AMENDMENT OF THE URBAN RENEWAL PLAN

In accordance with Section 403.5 (5) of the Code of Iowa, this Plan may be amended or modified at any time; provided, that if modified after the lease or sale by the municipality of real property in the Area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable, and in any event such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or a lessee's or purchaser's successor or successors in interest, may be entitled to assert.

CHAPTER VII OTHER

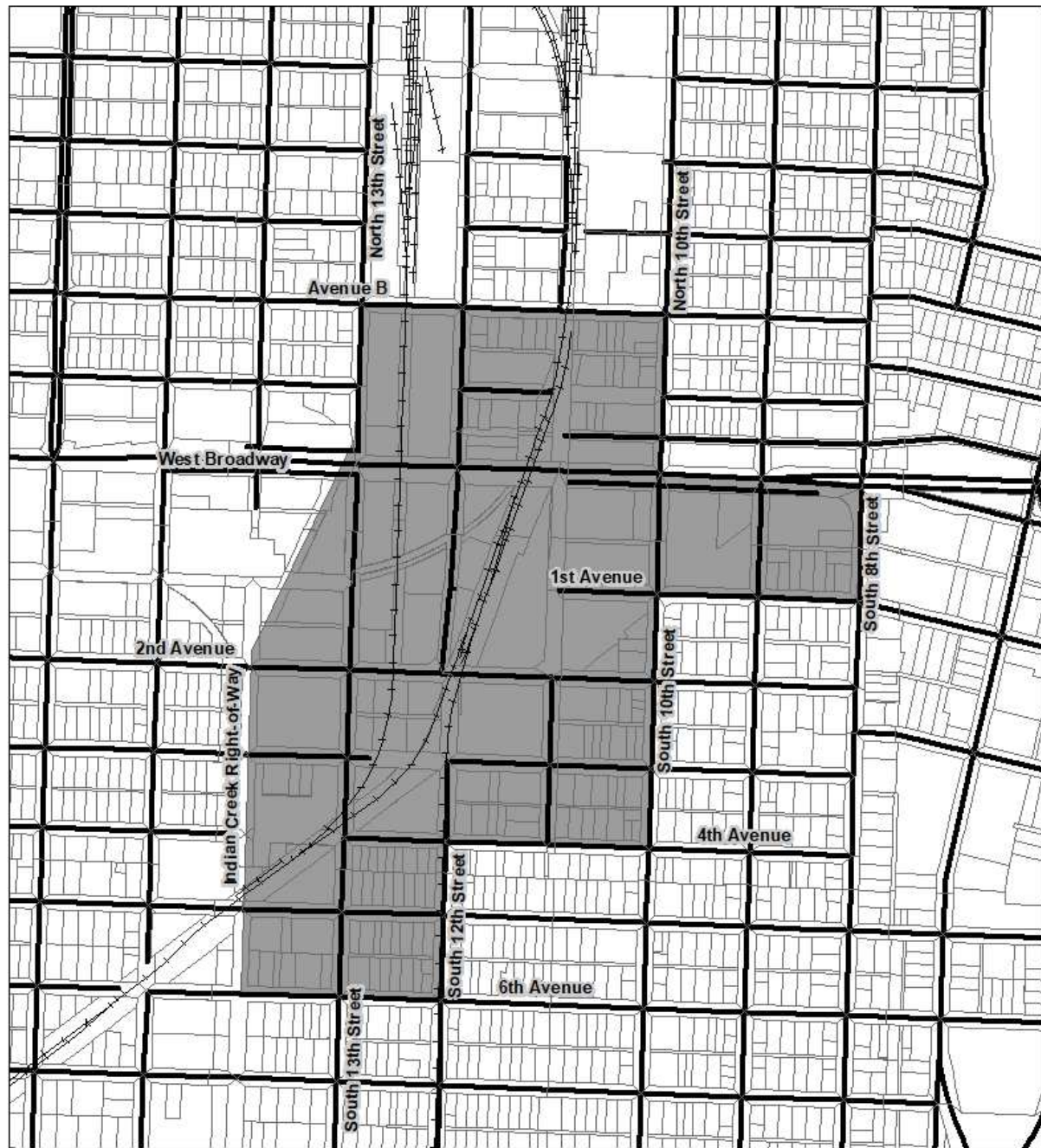
Base Value- If the Urban Renewal Plan is legally established and a TIF ordinance is adopted and debt is certified prior to December 1, 2019, the taxable valuation of the portion of the Area included within the TIF ordinance as of January 1, 2018 will be considered the “base valuation.” If debt is not certified until a later date, the “base valuation” will be a different date as described in Iowa Code Section 403.19.

Severability Clause- If any part of the Plan is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Plan as a whole, or any part of the Plan not determined to be invalid or unconstitutional.

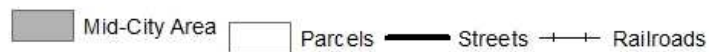
ILLUSTRATIONS

1. Location Map
2. Floodplain Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Nonconforming Land Use Map
6. Structural Condition/Blight Map
7. Public Works Facilities Map
8. City Property Map
9. Iowa DOT Road Classification Map
10. Proposed Transportation Network Map
11. Proposed Land Use Map
12. Mid-City Area-Wide Plan Reuse Plan
13. Priority Acquisition Areas Map
14. Development Plan – Mid-City Park
15. Development Plan – Katelman Business Park

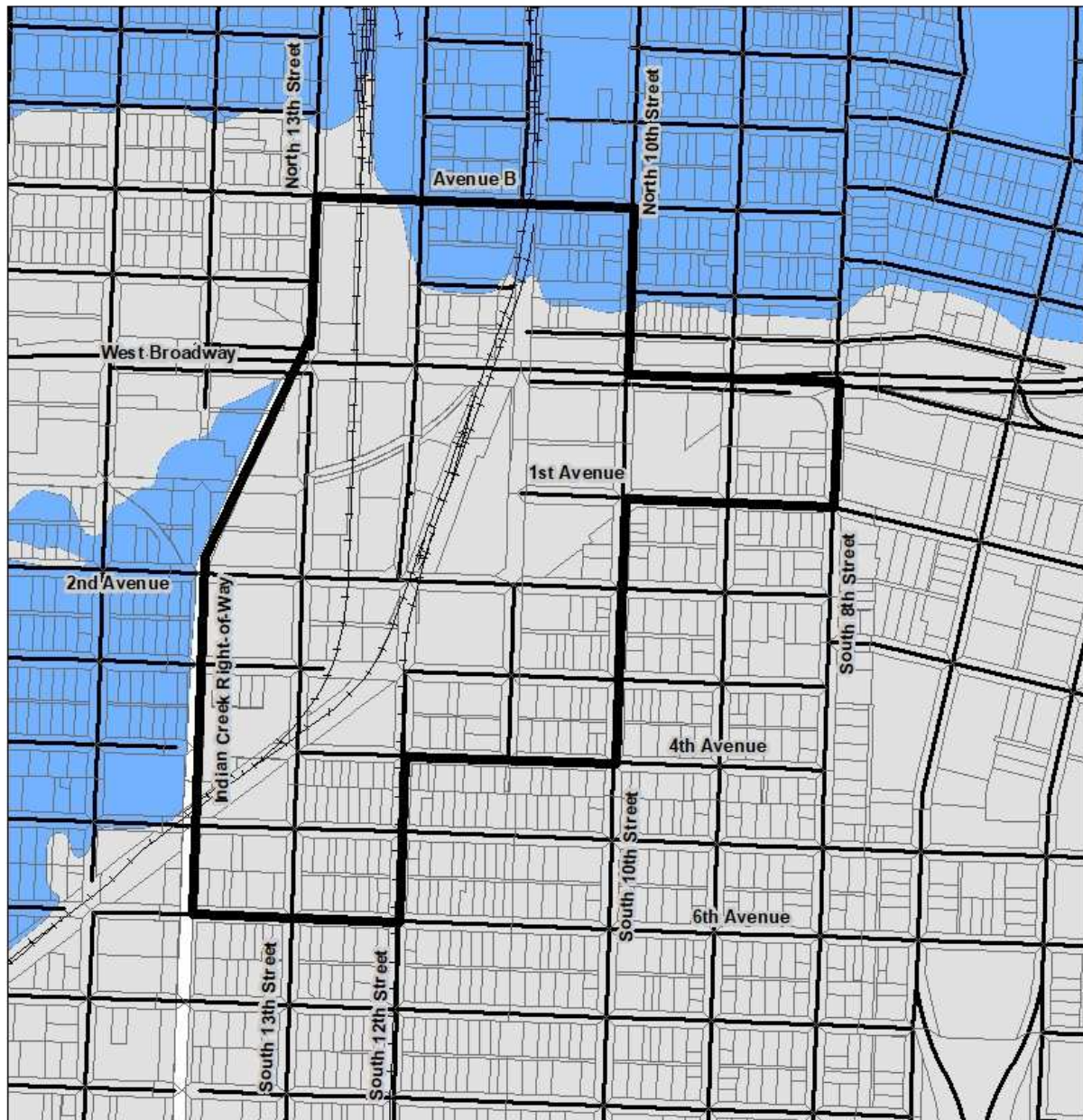
1. LOCATION MAP



Legend



2. FLOODPLAIN MAP

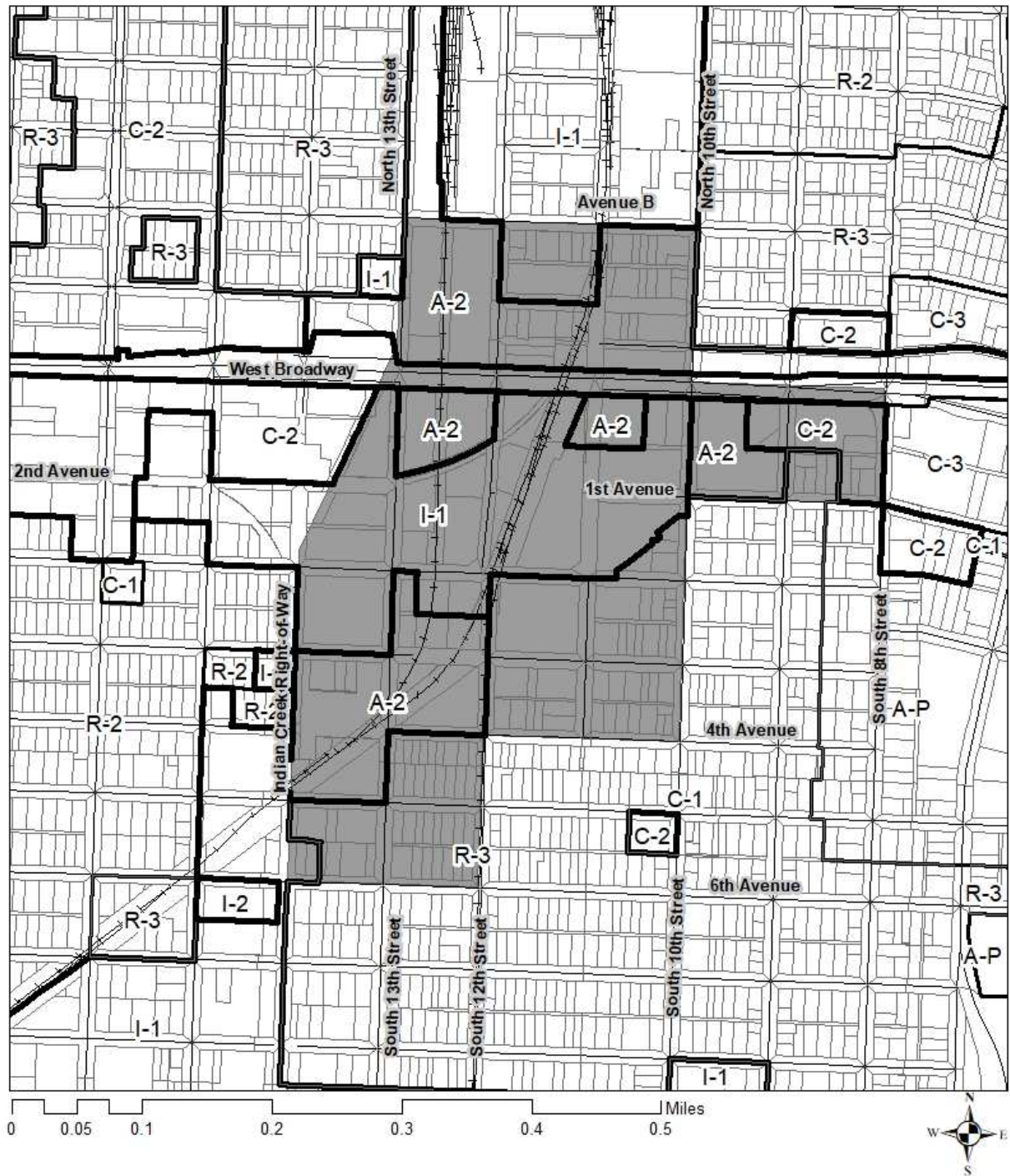


0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Legend

- | | |
|---------------|-----------------------------|
| —+— Railroads | Flood Zone |
| Mid-City Area | Zone AE - Indian Creek |
| Parcels | Zone AH |
| Streets | Zone X - PROTECTED BY LEVEE |

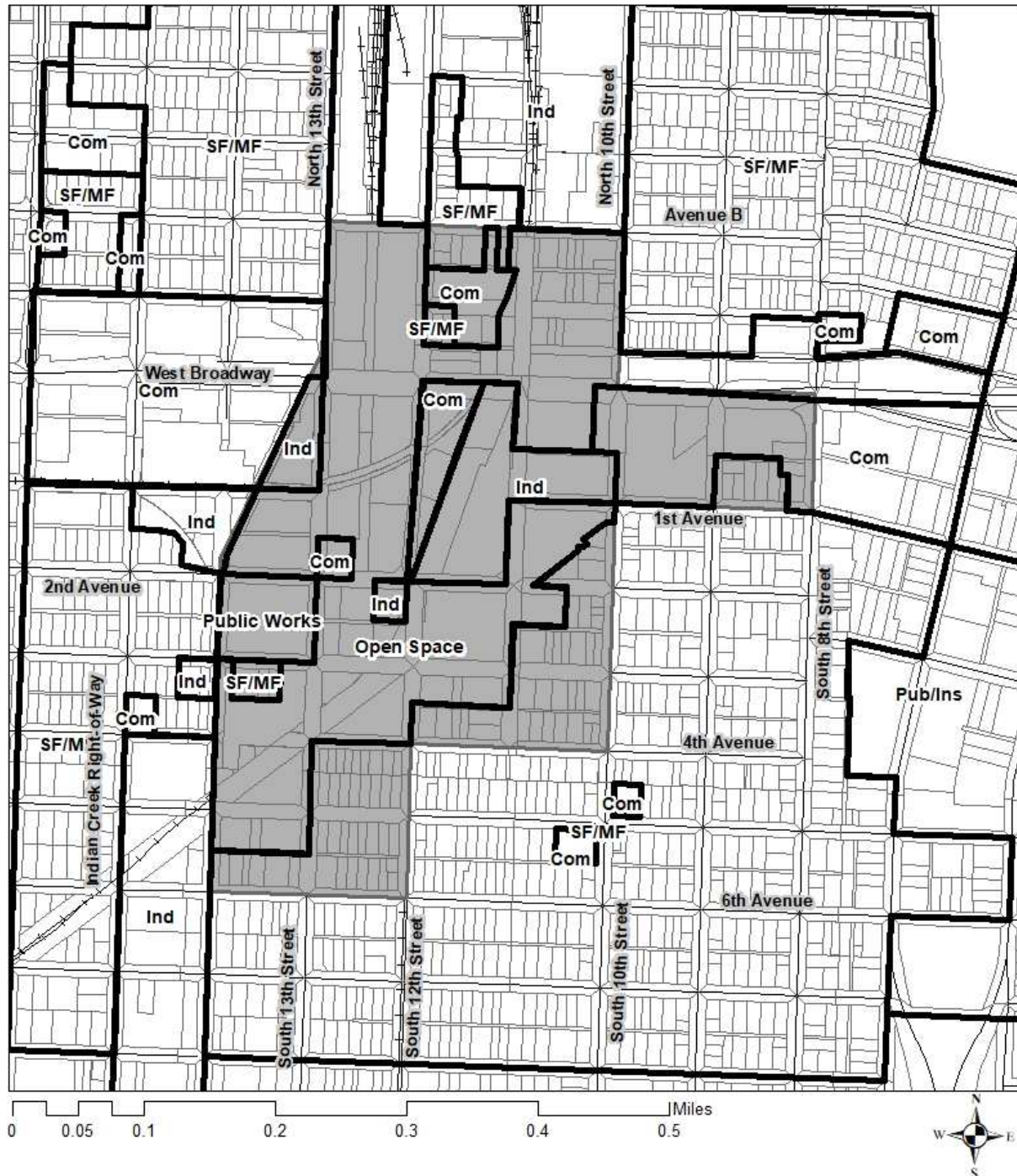
3. EXISTING ZONING MAP



Legend

Mid-City Area
 Parcels
 Railroads
 Streets

4. EXISTING LAND USE



Legend

Parcels
 Mid-City Area
 Railroads
 Streets

5. NONCONFORMING LAND USE MAP



Legend

Nonconforming
 Mid-City Area
 Parcels
 Railroads
 Streets

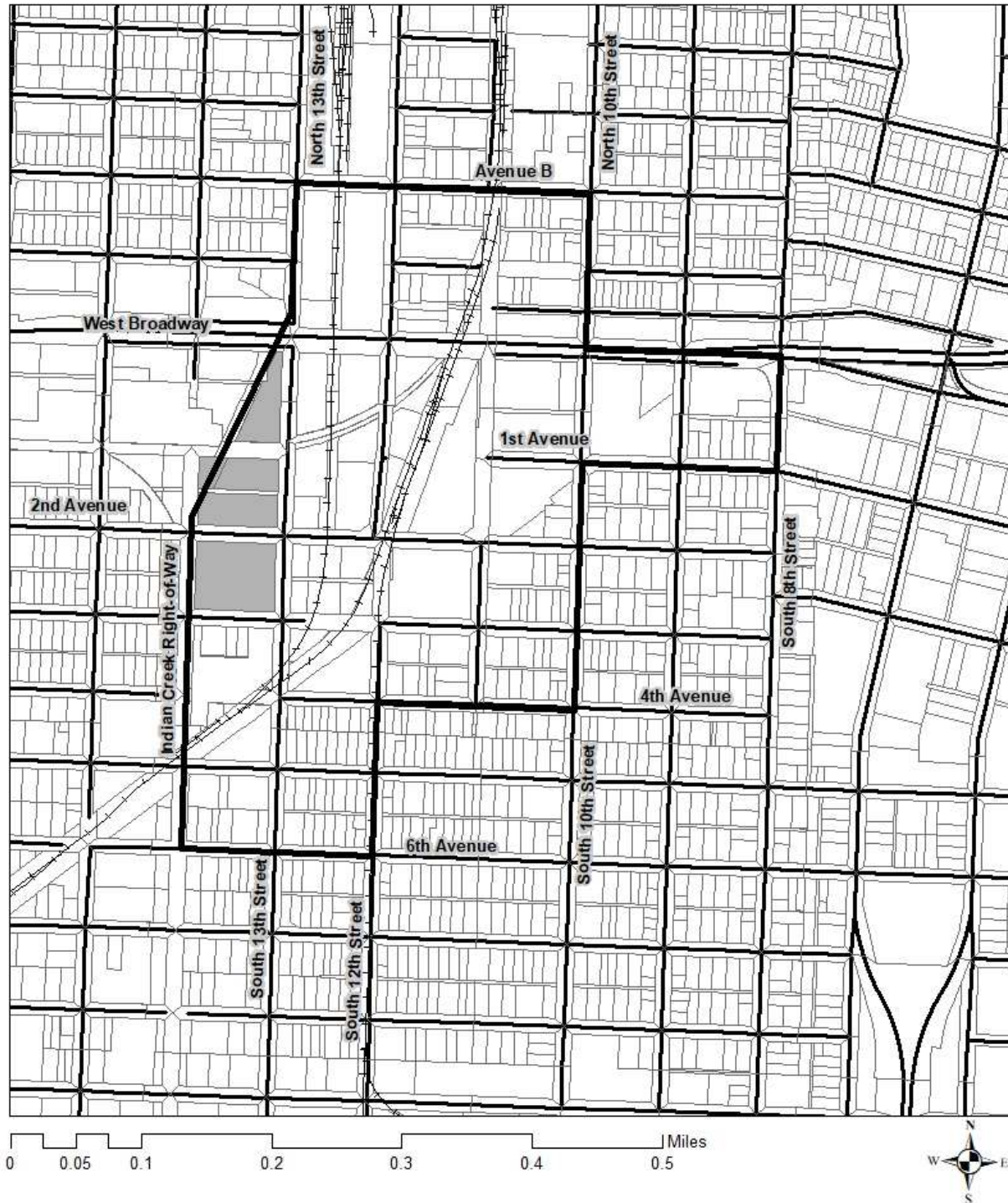
6. STRUCTURAL CONDITION/BLIGHT MAP



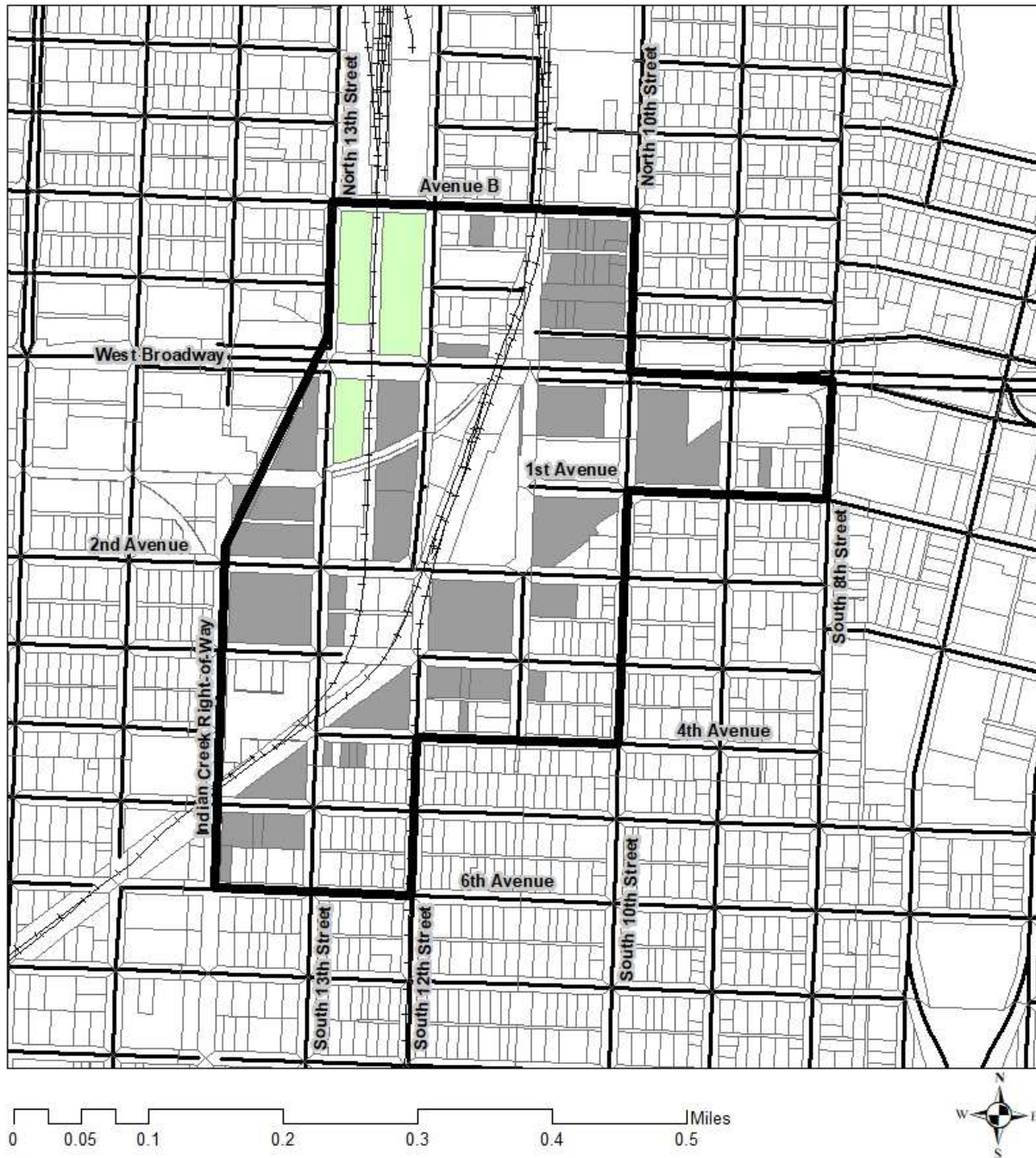
Legend

Mid-City Area	Above Standard	Substandard	Public Works	++ Railroads
Vacant	Standard	Deteriorated	Parcels	Streets

7. PUBLIC WORKS FACILITIES MAP



8. CITY PROPERTY MAP



Legend

Mid-City Area
 City Owned Property
 City Parks
 Railroads
 Parcels
 Streets

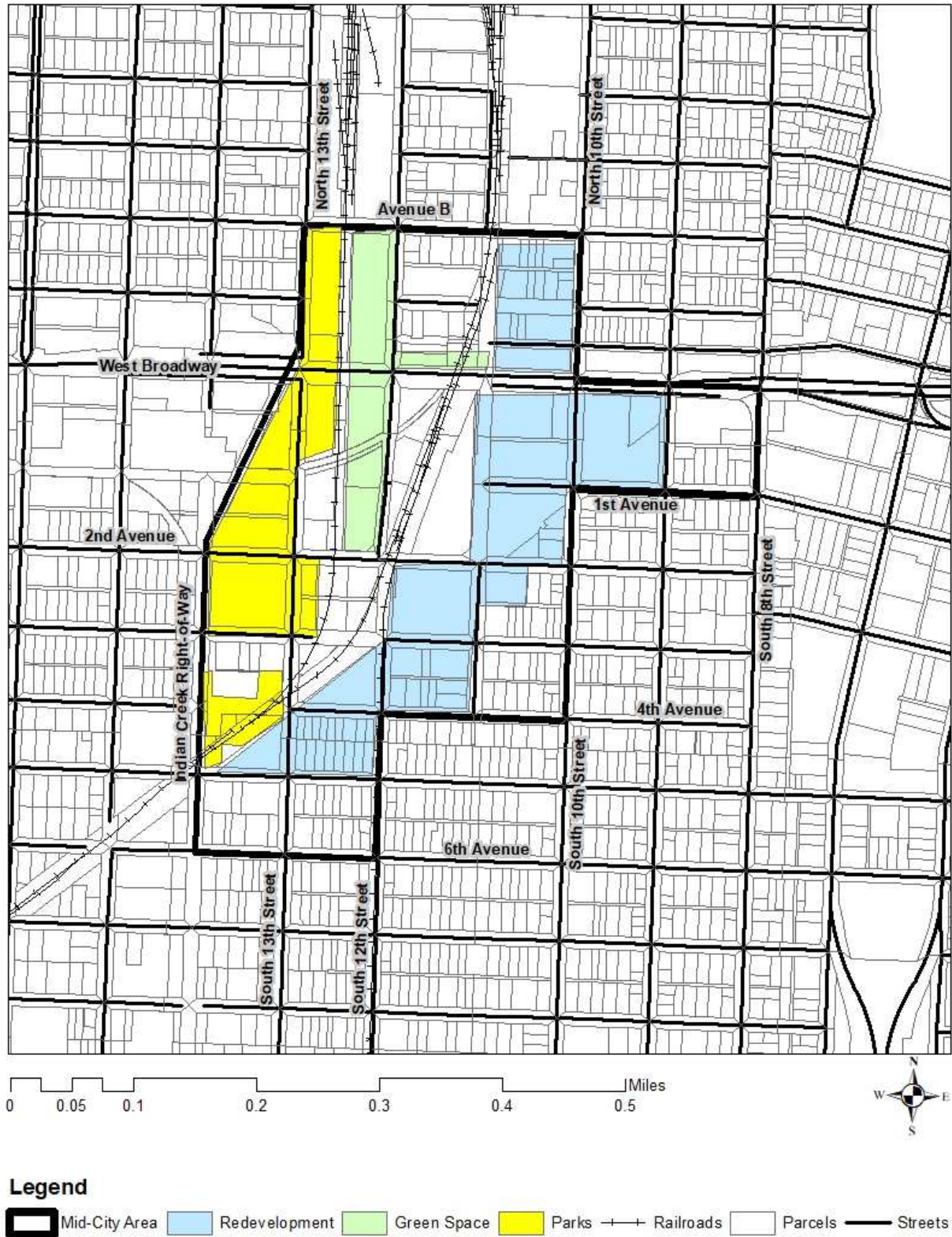
9. IOWA DOT ROAD CLASSIFICATION MAP



10. PROPOSED TRANSPORTATION NETWORK MAP

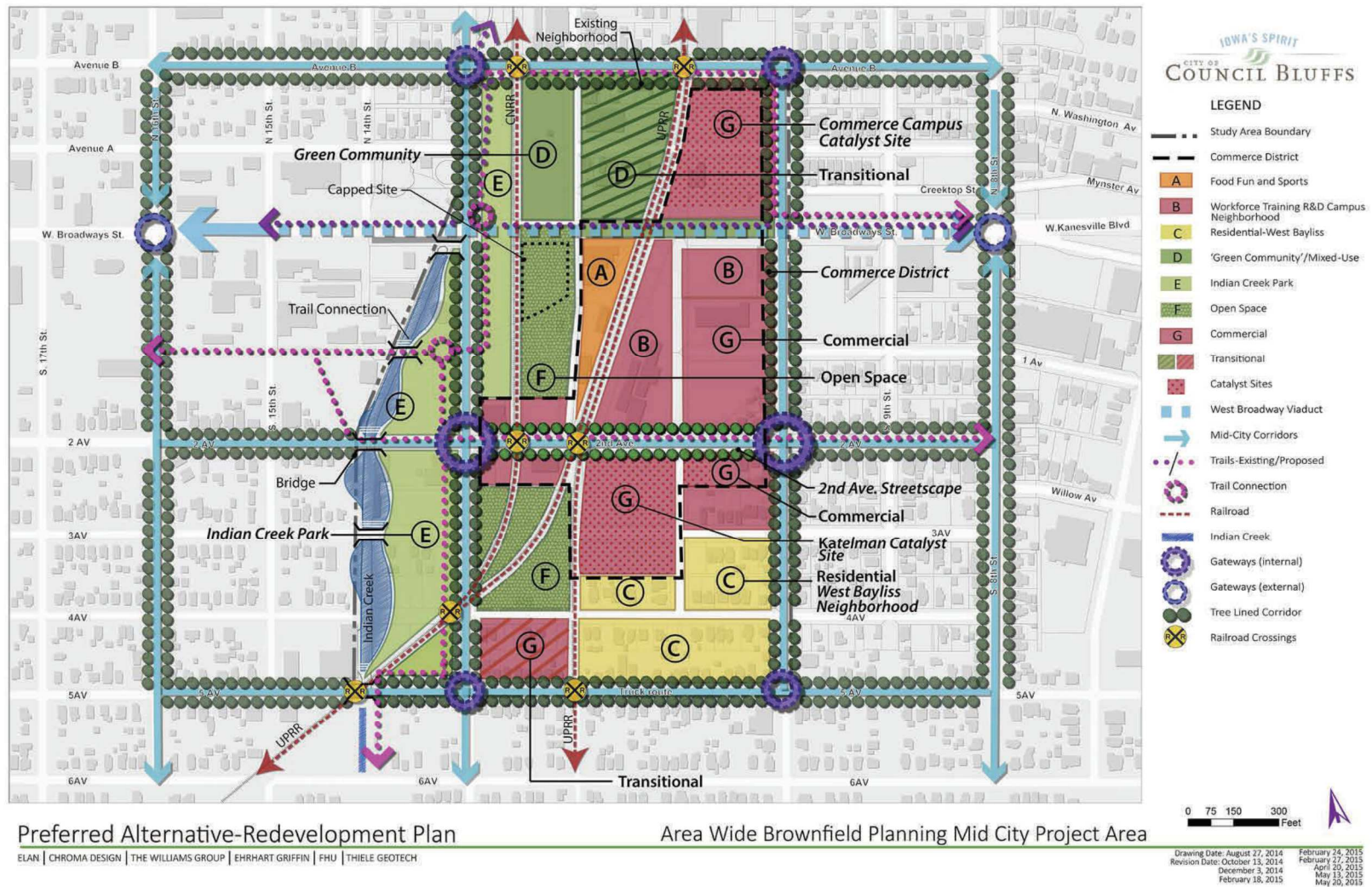


11. PROPOSED LAND USE MAP

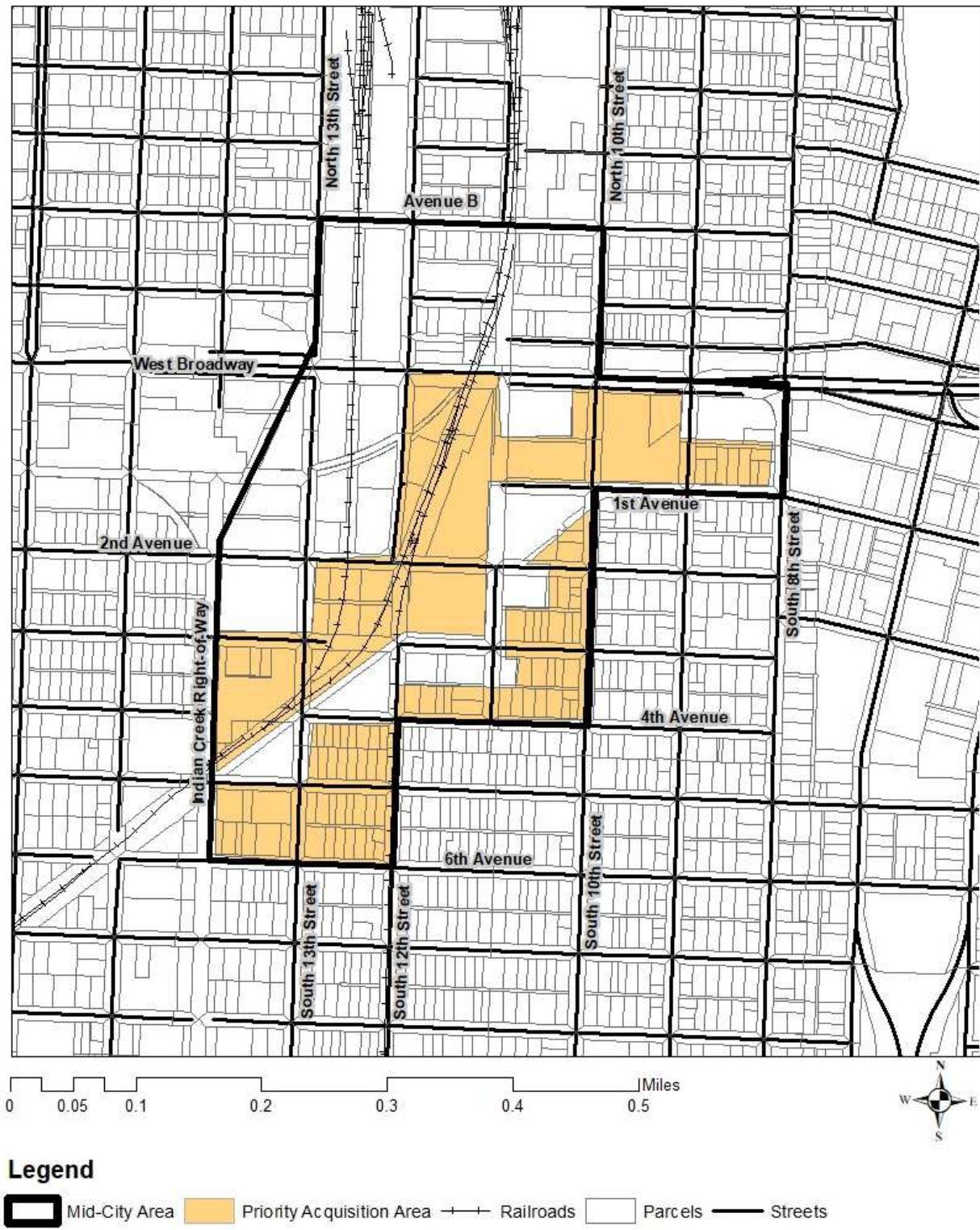


13. MID-CITY AREA-WIDE PLAN REUSE PLAN

COMPLETED IN 2015 BY ELAN PLANNING, DESIGN AND LANDSCAPE ARCHITECTS THROUGH THE US ENVIRONMENTAL PROTECTION AGENCY
BROWNFIELD AREA-WIDE PLANNING GRANT PROGRAM

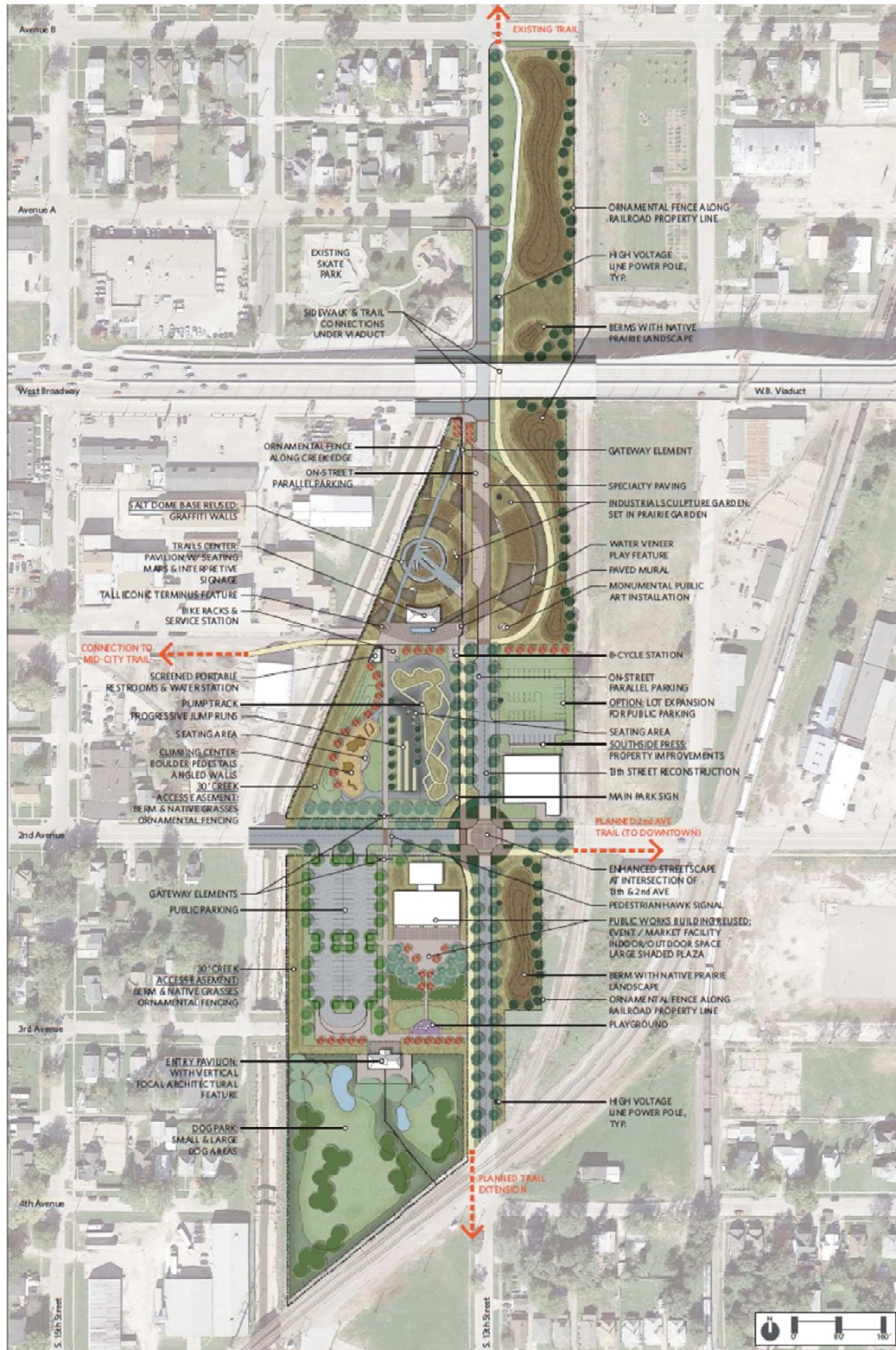


13. PRIORITY ACQUISITION AREAS MAP



14. DEVELOPMENT PLAN – MID-CITY PARK

COMPLETED IN 2016 BY HDR THROUGH THE MAKING A VISIBLE DIFFERENCE PROGRAM (MVD)
THROUGH THE U.S. ENVIRONMENTAL PROTECTION AGENCY



COMPLETED IN 2016 BY STROMBERG/GARRINGAN AND ICF INTERNATIONAL THROUGH THE LAND REVITALIZATION TECHNICAL ASSISTANCE PROGRAM (LRTAP) THROUGH THE U.S. ENVIRONMENTAL PROTECTION AGENCY



CITY OF COUNCIL BLUFFS

PROCEEDINGS OF THE CONSULTATION BETWEEN THE CITY AND AFFECTED TAXING ENTITIES

2019 MID-CITY URBAN RENEWAL PLAN

The consultation between the City and affected taxing entities on the 2019 Mid-City Urban Renewal Plan was held on January 29, 2019, at 10:00 a.m. The meeting was held in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa. Brenda Carrico, Program Coordinator of the City's Community Development Department, served as the representative for the consultation meeting.

No individuals or groups appeared at the consultation hearing.

No written correspondence has been received by the Community Development Department prior to the consultation meeting.



Brenda Carrico, Program Coordinator
Community Development Department

On February 12, 2019, the City of Council Bluffs Planning Commission met at 6:00 p.m. in Room A of the Council Bluffs Public Library, 400 Willow Avenue.

One of the agenda items under consideration was the proposed 2019 Mid-City Urban Renewal Plan.

Christopher Gibbons, Planning Coordinator appeared before the Planning Commission in favor of the creation of the urban renewal area.

None appeared in opposition.

It is the finding of the City of Council Bluffs Planning Commission that the 2019 Mid-City Urban Renewal Plan and Area conforms to the "Bluffs Tomorrow: 2030 Plan" which is the general plan for the development of the City of Council Bluffs and recommends its approval.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 0 Motion: Carried

Planning Commission Signature: Catherine M. DeMasi

Printed Name: Catherine M. DeMasi

Attest: Christopher A. Gibbons

Printed Name: Christopher Gibbons

-1-
ORDINANCE NO. 6382

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE MID-CITY CORRIDOR URBAN RENEWAL AREA, IN THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, COUNCIL BLUFFS COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE MID-CITY CORRIDOR URBAN RENEWAL AREA (**THE 2019 MID-CITY CORRIDOR URBAN RENEWAL PLAN**)

WHEREAS, the City Council of the City of Council Bluffs, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. _____ passed and approved on the 25th day of February, 2019, adopted the 2019 Mid-City Corridor Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Mid-City Corridor Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

Beginning at the intersection of the centerline of Avenue 'B' and the centerline of North 10th Street; south along the centerline of 10th Street to the centerline of West Broadway Avenue; east along the centerline of West Broadway Avenue to the centerline of 8th Street; South along the centerline of 8th Street to the centerline of 1st Avenue; West along the centerline of 1st Avenue to the centerline of South 10th Street; South along the centerline of South 10th Street to the centerline of 4th Avenue; West along the centerline of 4th Avenue to the centerline of South 12th Street; South along the centerline of South 12th Street to the centerline of 6th Avenue; West along the centerline of 6th Avenue to the centerline of the right-of-way of Indian Creek; North and Northeasterly along the centerline of the right-of-way of Indian Creek to the centerline of 13th Street; North along the centerline of 13th Street to the centerline of Avenue B; East along the centerline of Avenue B to the Point of Beginning.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Council Bluffs, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Council Bluffs, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Council Bluffs, State of Iowa, certifies to the Auditor of Pottawattamie County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Council Bluffs, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Council Bluffs, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Council Bluffs, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

Read First Time: February 25, 2019

Read Second Time: March 11, 2019

Read Third Time: _____, 2019

PASSED AND APPROVED: _____, 2019.

I, _____, City Clerk of the City of Council Bluffs, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2019, signed by the Mayor on _____, 2019, and published in the Daily Nonpareil on _____, 2019.

City Clerk, City of Council Bluffs, State of
Iowa

(SEAL)

01553619-1\10342-149

Council Communication

Department: Public Works Admin
Case/Project No.: PW 19-20
Submitted by: Matthew Cox, City Engineer

Resolution 19-72
ITEM 7.A.

Council Action: 3/11/2019

Description

Resolution accepting the bid of Hawkins Construction Company in the amount of \$8,017,377.95 for the West Broadway Reconstruction, Segment 3. Project # PW19-20

Background/Discussion

On February 26, 2019, one bid was received in the office of the city clerk as follows:

	Division I	Division II	Division III	Division IV	Division V	Division VI	Division VII	Division VIII	Division IX	
	<u>General</u>	<u>Pavement</u>	<u>Storm</u>	<u>Sanitary</u>	<u>Water</u>	<u>Traffic</u>	<u>Signals</u>	<u>Lighting</u>	<u>Streetscape</u>	<u>Total</u>
Hawkins Construction Co. Omaha, NE	\$944,526.85	\$3,528,894.09	\$681,060.99	\$63,887.80	\$84,905.17	\$809,595.57	\$438,116.51	\$1,466,390.97	\$8,017,377.95	
Engineer's Opinion (HGM)	\$805,757.00	\$2,822,182.50	\$645,737.00	\$68,402.00	\$55,000.00	\$892,492.00	\$328,895.36	\$1,294,431.50	\$6,912,897.36	

The Contract Documents for the project include a special provision for incentives and disincentives. If the maximum incentive of \$225,000 is earned by Hawkins, the project cost will be \$8,242,377.95. Approval of the resolution accepting the bid includes authorization for this incentive payment.

Segment 3 of the reconstruction project will completely rebuild West Broadway from 28th Street to just west of 24th Street including the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers with drainage improvements as a major objective. 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.

As a condition of the Transfer of Jurisdiction, Iowa DOT has provided \$20 million in funding for assuming ownership of the roadway previously identified as US-6. This project is included in the FY19 CIP with a revised budget of \$4,000,000 in IDOT funding, \$1,765,000 from GO Bonds, and the balance in Sales Tax Funds. The Iowa West Foundation has agreed to provide funding for the streetscape amenities, which are estimated to be \$1,600,000.

The project schedule is as follows:

Award	March 11, 2019
Construction Start	April 2019 (weather dependent)
Substantial Completion	February 14, 2020

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-72	Resolution	3/6/2019

RESOLUTION
NO 19-72

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HAWKINS CONSTRUCTION COMPANY, FOR THE
WEST BROADWAY RECONSTRUCTION, SEGMENT 3
PROJECT #PW19-20**

WHEREAS, the plans, specifications, and form of contract for the West Broadway Reconstruction, Segment 3 are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on January 28, 2019, and the plans, specifications and form of contract were approved; and

WHEREAS, Hawkins Construction Company has submitted a low bid in the amount of \$8,017,377.95 for this contract.

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

That the bid of Hawkins Construction Company in the amount of \$8,017,377.95 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the West Broadway Reconstruction, Segment 3 and authorizes the maximum incentive payment of \$225,000 if the specified contract requirements are satisfied, resulting in a total project cost of \$8,242,377.95; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Hawkins Construction Company for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

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

March 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW 19-13
Submitted by: Matthew Cox, City
Engineer

Resolution 19-73
ITEM 7.B.

Council Action: 3/11/2019

Description

Resolution accepting the bid of Bluffs Electric, Inc. in the amount of \$135,234.60 for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13

Background/Discussion

On February 21, 2019, bids were received in the office of the city clerk as follows:

Bluffs Electric, Inc., Council Bluffs, IA	\$135,234.60
Watts Electric Co., Waverly, NE	\$150,686.75 *
* Bid was submitted with an insufficient bid bond	
Engineer's Estimate (FHU)	\$ 89,421.00

The Iowa DOT Traffic Safety Improvement Program provides safety funds to cities, counties and the DOT for roadway safety improvements, research, studies or public information initiatives. The program is funded annually with 0.5 percent of Iowa's Road Use Tax Fund.

Public Works submitted an application for funding under the category of traffic control devices and was successful in being selected for the program.

The proposed project replaces the existing, nonconforming MUTCD traffic signal at the intersection of North Broadway and Hunter Avenue with a pedestrian hybrid beacon, commonly known as a High-Intensity Activated Crosswalk (HAWK) signal, which adheres to MUTCD. The curb ramp and the sidewalk area will also be updated to meet ADA standards. These improvements will improve the safety of the pedestrian crossing of North Broadway that provides direct access to Hoover Elementary School and also serves Gerald W. Kirn Junior High School.

The project was selected for partial funding and received \$40,000 in Traffic Safety Funds. The balance of the project costs will be paid with Sales Tax Funds.

The signal is scheduled to be constructed during the summer break from school in 2019.

The project schedule is as follows:	Award	March 11, 2019
	Construction Start	June 2019
	Substantial Completion	August 17, 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-73	Resolution	3/6/2019

**RESOLUTION
NO 19-73**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
BLUFFS ELECTRIC, INC., FOR THE
NORTH BROADWAY AND HUNTER AVENUE HAWK SIGNAL
PROJECT #PW19-13**

WHEREAS, the plans, specifications, and form of contract for the North Broadway and Hunter Avenue HAWK signal are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on January 28, 2019, and the plans, specifications and form of contract were approved; and

WHEREAS, Bluffs Electric, Inc. has submitted a low bid in the amount of \$135,234.60 for this contract.

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

That the bid of Bluffs Electric, Inc. in the amount of \$135,234.60 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the North Broadway and Hunter Avenue HAWK signal; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Bluffs Electric, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

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

March 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 19-74
ITEM 7.C.

Council Action: 3/11/2019

Description

Resolution accepting the bid of Western Engineering Co, Inc. in the amount of \$180,723.00 for the 23rd Avenue Soccer Complex Improvements.

Background/Discussion

On February 28, 2019, bids were received in the office of the city clerk as follows:

Western Engineering Co, Inc., Harlan, IA	\$180,723.00
Oldcastle Materials Midwest Co d/b/a Omni Engineering, Omaha, NE	\$195,528.00
Engineer's Estimate (Snyder)	\$156,610.00

In 1996 the City assumed ownership of the former Alter Landfill. In 1999, the Iowa Department of Natural Resources (IDNR) issued closure permit 78-SDP-19-98C for renovation of the facility into a recreational development.

The landfill site was transformed into an athletic complex containing ball fields, as well as walkways and an asphalt parking lot for 150 vehicles.

As conditions of the closure permit, annual groundwater sampling, cover monitoring and maintenance are required.

The 2017 IDNR inspection revealed deficiencies with the landfill cover requirements.

This project repairs the noted deficiencies to comply with IDNR regulations and allows the property to remain as a soccer complex into the future.

The project is funded with General Funds.

The project schedule is as follows:	Award	March 11, 2019
	Construction Start	April 2019 (weather dependent)
	Substantial Completion	May 31, 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-74	Resolution	3/6/2019

RESOLUTION
NO 19-74

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
WESTERN ENGINEERING CO, INC., FOR THE
23RD AVENUE SOCCER COMPLEX IMPROVEMENTS**

WHEREAS, the plans, specifications, and form of contract for the
23rd Avenue Soccer Complex Improvements are on
file in the office of the City Clerk; and

WHEREAS, the scope of the project is required maintenance of the
the closed landfill; and

WHEREAS, Western Engineering Co, Inc. has submitted a low bid
in the amount of \$180,723.00 for this contract.

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

That the bid of Western Engineering Co, Inc. in the amount of \$135,234.60 is hereby accepted as the
lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the 23rd Avenue Soccer complex
Improvements; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement
with Western Engineering Co., Inc. for and on behalf of the City of Council Bluffs, upon approval by the
City Attorney of the certificate of insurance and payment and performance bonds as required by the
contract specifications.

ADOPTED
AND
APPROVED

March 11, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Human Resources
Case/Project No.:
Submitted by: Jon Finnegan

Resolution 19-75
ITEM 7.D.

Council Action: 3/11/2019

Description

Resolution to approve the tentative agreement reached between the City of Council Bluffs and The American Federation of State, County and Municipal Employees (AFSCME, Local 2844).

Background/Discussion

The City and Union have bargained in good faith, and have reached a tentative agreement that is consistent with the authority given by the Council. A copy of that tentative agreement is attached.

Recommendation

Approval of the resolution.

ATTACHMENTS:

Description	Type	Upload Date
Tentative Agreement	Resolution	3/1/2019
Resolution 19-75	Resolution	3/6/2019

AGREEMENT BETWEEN THE

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME, LOCAL 2844)

AND THE

CITY OF COUNCIL BLUFFS

JULY 1, 2019 THROUGH JUNE 30, 2020

PREAMBLE

WHEREAS, the City of Council Bluffs, by authorization of the laws of the State of Iowa, is a municipal corporation; and

WHEREAS, the Union and the City ascribe to and recognize that the mission and purpose of the City of Council Bluffs is to provide quality and economical municipal services to the citizens we serve.

THEREFORE

This contract is entered into by the City of Council Bluffs, hereinafter referred to as the City, and the American Federation of State, County, and Municipal Employees, Local 2844, hereinafter referred to as the Union.

It is the intent and purpose of this contract to promote harmonious relations, to assure sound and mutually beneficial working and economic relations between the parties hereto, to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth herein the basic and full agreement between the parties concerning rates of pay, wages, hours of employment, and other conditions of employment.

Wherever the male gender is used in this agreement, it should be construed to include male and female employees.

ARTICLE 2

RECOGNITION

The City hereby recognizes AFSCME Council 61 and the affiliate Local 2844 of the American Federation of State, County and Municipal employees, AFSCME AFL-CIO as the certified exclusive and sole bargaining representative for public employees in the following described unit:

Included: All blue collar workers of the employer in the following departments: Public Works Department, Parks, Recreation and Public Property Department; including janitors, Fire Department equipment mechanics, Comprehensive Employment of Training Act employees, and Police Equipment Maintenance personnel.

Excluded: All professional, confidential, clerical, water works, Police Department (except Equipment Maintenance personnel), Fire Department (except Equipment Mechanic) employees, and supervising employees as defined by Section 4 of the Public Employment Relations Act.

ARTICLE 3

MANAGEMENT RIGHTS

Except where limited by express provisions elsewhere in this agreement, nothing in this agreement shall be construed to restrict, limit, or impair the rights, powers, and the authority of the City as granted to it under the laws of the State of Iowa and the City's ordinances. These rights, powers, and authority include, but are not limited to, the following:

1. Union recognizes the prerogative of the City to operate and manage its affairs in all respects in accordance with its responsibilities and the powers or authority which the City has not officially abridged, delegated, or modified by this agreement are retained by the City.
2. The Union recognizes the exclusive right of the City to establish reasonable work rules.
3. The City has the right to schedule overtime work as required in a manner most advantageous to the City and consistent with the requirement of municipal employment and the public interest.
4. It is understood by the parties that every incidental duty connected with operations enumerated in job descriptions is not always specifically described. Nevertheless, it is intended that all such duties be performed by the employee.
5. The City reserves the right to discipline or discharge for cause.
6. The City reserves the right to lay off for lack of work or funds, or the occurrence of conditions beyond the control of the City or where such continuation of work would be wasteful or unproductive.
7. City shall have the right to determine reasonable schedules of work and to establish the methods and processes by which such work is performed.
8. The Union recognizes that the City has statutory rights and obligations in contracting for matters relating to municipal operations. The right of contracting is vested by the City.
9. The right to contract or subcontract shall not be used for the purpose or intention of undermining the Union nor to discriminate against any of its members.

10. The City retains the right to classify jobs and to allocate individual employees to appropriate classifications based upon duty assignments. The City will not abolish or change any bargaining unit classifications for the purpose of depriving the bargaining unit employees of their benefits under this contract.
11. The location, establishment and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocation of departments, divisions, subdivisions, locations and the closing and discontinuance of same are rights vested in the City.
12. The City shall have the right to establish, implement, change, modify, adjust and discontinue any process, technique, method, and means of providing public service or distribution of same and the type of machinery or equipment to be used or operated by the City or any contractor or subcontractor.
13. The City shall have the right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies which are not in direct conflict with any provision of the agreement.
14. The City shall have the right to create, establish, change, modify, and discontinue any City function, operation and department.
15. The City reserves the right to establish, implement, modify and change financial policies, accounting procedures, prices of goods or services, public relations, and procedures and policies for the safety, health and public relations and procedures and policies for the safety, health and protection of City property and personnel.
16. The City reserves the right to determine, establish, set, and implement policies for the selection, training, and promotion of employees.
17. The right to determine, effectuate, and implement the objectives and goals of the City vests in the City.

ARTICLE 4

WAGES

Section 1. General Provisions

Effective 7-1-19, employees shall be paid in accordance with the pay schedule in Appendix B which shall reflect a 2.3% increase at each step and grade.

Section 2. Longevity Pay

Employees shall receive longevity pay at the rates and service requirements below:

After 5 years continuous service	10.00 bi-weekly
After 10 years continuous service	20.00 bi-weekly
After 14 years continuous service	30.00 bi-weekly
After 18 years continuous service	40.00 bi-weekly
After 22 years continuous service	50.00 bi-weekly
After 26 years continuous service	60.00 bi-weekly

Section 3. Pay Period

The wages of employees shall be paid every other Friday. In the event this day is a holiday the preceding day shall be the payday. The City and Union jointly agree that effective 7-1-90 the bi-weekly salary for employees covered by this agreement will be computed by dividing the annual salary by 26.1. It is understood that the Personnel Rules will be modified to allow this change.

Section 4. Step Increase

There shall be automatic progression on the steps within grades of the salary schedule.

Section 5. Shift Differential

Each employee who works a shift that starts on or after 3 p.m. and quits on or before 12 a.m. shall receive a fifty cents (\$.50) per hour shift differential pay adjustment. Each employee who works a shift that starts on or after 11 p.m. and quits on or before 8 a.m. shall receive a one dollar (\$1.00) per hour shift differential pay adjustment. This pay adjustment does not apply to snow removal, nor will it be considered in overtime payment.

Section 6. ASE Certification Pay

Employees in the classification of Equipment Mechanic shall be eligible for additional pay for successful completion of the ASE series A, A-1 through A-9; or T, T-1 through T-8. Pay for ASE certification exams shall be twenty cents (\$.20) per exam to a maximum of \$1.80 per hour. Payment for this achievement will become effective on the pay period following the date the employee submits proof of passing the exam to the Superintendent of Fleet Maintenance.

To continue eligibility for ASE certification pay an employee must pass at least 2 classes per year starting with the date of completion of the first class. Failure to recertify will result in the loss of ASE certification pay for the employee.

The City will reimburse the employee for the cost of testing and retesting for subjects that are passed.

ARTICLE 5

HOURS OF WORK

Section 1. Work Schedules

Work schedules showing the employee's shifts, work days, and hours shall be posted on all departmental bulletin boards at all times.

Section 2. Clean-up Time

When the workload permits, employees shall be granted a ten (10) minute personal clean-up period prior to the end of each work shift. The clean-up shall be completed at the employer's premises.

ARTICLE 6

UNION ACTIVITY

The Employer agrees that during working hours, union representatives shall be allowed to: attend Union management meetings; employee safety meetings, post union notices, distribute union literature; solicit union membership; communicate regarding enforcement of contract and policies; investigate, process and attending hearings involving grievances and civil service meetings; advise bargaining unit employees of their rights. The employer also agrees that during working hours elected officers and/or Stewards shall be allowed to attend monthly and/or contract ratifying union meetings without loss of pay, provided there is adequate staffing. Union representatives of AFSCME shall have access to the premises of the employer, provided reasonable notice is given to the City of the pending visit. Such visits shall not be unreasonably denied.

In addition, the Union President or his/her designee shall be provided four (4) paid work hours on the first Wednesday of each month to conduct official union business on City Premises. If there is a need for the Union President to leave City premises to conduct union business, permission from the employee's supervisor shall not be unreasonably denied provided reasonable notice is given to the supervisor of such need. Paid work hours shall be from 11:00 a.m. until 3:00 pm. Employees shall not be unreasonably denied speaking with their union representative.

ARTICLE 7

UNION NEGOTIATING COMMITTEE

The City shall pay up to four (4) employees designated as the Union negotiating committee for time spent in contract negotiations when such negotiations take place during the regularly scheduled work time of the employee or employees. The Union agrees that no more than one person shall be on the negotiating committee from any division, unless by mutual consent of the parties.

ARTICLE 8

GENERAL PROVISIONS

The employer agrees to furnish suitable space for bulletin boards in convenient places in each work area to be used by the union. The union shall limit its posting of notices and bulletins to such bulletin boards. No political campaign literature or material detrimental to the Employer or the Union shall be posted. Prior to posting, any material placed on bulletin boards shall be initialed by an authorized representative of the union.

ARTICLE 9

SETTLEMENT OF DISPUTES

Section 1. Definition of Grievance

A grievance is defined as a claim or dispute by an employee or employees covered by the terms of this agreement concerning the interpretation or application of this agreement. The union and/or the employee shall be required to follow the procedure set forth below in presenting the grievance.

The claim or dispute shall be first discussed with the employee's immediate supervisor. The employee and/or the union shall advise the immediate supervisor of the article and section of the agreement that the employee and/or the union feels is in dispute, however, the stated article(s) and section(s) may be amended and/or additional articles and sections may be added if the grievance procedure is necessary. This discussion shall be documented in writing by both the supervisor and the union. (Immediate supervisor, in this case, refers to the foremen in the Public Works Department, supervisors in the Parks and Recreation Department and chief operators at the Treatment Plant.)

Step 1 If the union and/or the employee is unable to settle the grievance or dispute orally and informally through his immediate supervisor within five (5) work days of the date of the occurrence of the grievance or the employee's knowledge of its occurrence, the union and/or employee may within the succeeding five (5) work days file a written grievance with his superintendent. The superintendent shall attempt to adjust the matter and shall respond in writing to the union and/or employee within five (5) working days.

Step 2 If the answer is not satisfactory, the matter shall be presented in writing by the union and/or the employee to the department head or designated representative within five (5) work days after the superintendent's response is due. The department head or designated representative shall respond in writing to the union and/or employee within five (5) working days.

Step 3 If the grievance still remains unadjusted, it shall be presented by the union and/or employee to the governmental head or designated representative in writing within five (5) work days after the response of the department head is due. The governmental head or designated representative shall respond in writing to the union and/or employee of a third step hearing date within ten (10) calendar days. The hearing date shall be scheduled within twenty- one (21) calendar days from the date of the receipt of the hearing notice.

Should circumstances prevail, the union will be permitted to reschedule the third step hearing one time, however, the rescheduled hearing must be held within the twenty-one (21) calendar day period. All third step hearings will commence at 1:30 p.m. on the scheduled hearing date, unless another time is mutually agreed on by the parties. Unless mutually agreed on, up to two

(2) bargaining unit members will remain on pay status when attending third step grievance hearings; however, such pay status shall not exceed their regularly scheduled work hours.

The City agrees to attempt to have one person from the management negotiating team present at all third step hearings. The governmental head or designated representative shall respond, in writing, a decision within fifteen (15) calendar days after the hearing. An agreement to extend the time period for the written response may be reached if both parties are in agreement and sign such agreement.

Step 4 If the grievance is still unsettled, the union and/or employee, within fifteen (15) calendar days after the reply of the governmental head or designated representative is due, by written notice to the employer request arbitration.

The party requesting arbitration shall then request a list of arbitrators from the Public Employees Relations Board. Parties shall meet within fifteen (15) calendar days after receipt of the arbitrators list to select an arbitrator. If circumstances prevail, and each party agrees, a new list may be requested from the Public Employees Relations Board one time.

Both the employer and the union and/or employee shall have the right to strike three (3) names from the panel. The party requesting arbitration shall strike the first name; the other party shall then strike one (1) name. The process will be repeated and the remaining person shall be the arbitrator. The arbitrator shall be requested to issue his decision within thirty (30) days after the conclusion of testimony and argument. Expenses for the arbitrator's services and the proceedings shall be borne equally by the employer and the union and/or employee. However, each party shall be responsible for compensation to its own representatives and witnesses. If either party desires a verbatim record of the proceedings it may cause such a record to be made, providing it pays for the record and makes copies available without charge to the other party and to the arbitrator.

Failure by an employee and/or the union to comply with any time limitation shall constitute a settlement of the grievance. Should the employer not respond within the prescribed time, the grievance will automatically proceed to the next step.

Section 2. Authority of the Arbitrator

The arbitrator shall have no power to add to, subtract from, or change the terms of this agreement. The written decision of an arbitrator resulting from any arbitration of grievances hereunder shall be final and binding upon the parties. The arbitrator shall limit his decision strictly to a grievance submitted to him which has been properly processed through the grievance procedure outlined in this article.

Section 3. Processing Grievance During Working Hours

Grievances may be investigated and processed by a member of the grievance committee during working hours within reasonable time limits without loss of pay provided notice is given and the workload permits.

Section 4. Confidentiality

In the event a request for information is received from the media, the Human Resources Department shall notify the designated union official by telephone of the request. The Union shall notify the Human Resources Department by telephone any information released regarding grievances.

ARTICLE 35

SAVINGS CLAUSE

Should any article, section, or portion thereof of this agreement be held unlawful or unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specified article, section or portion thereof directly specified in the decision. Upon the issuance of such a decision, the parties agree immediately to negotiate a substitute for the invalidated article, section or portion thereof.

JOB CLASSIFICATION PLAN (Appendix A)

Job Classification	Pay Grade
Building Maintenance Worker I	20
Electrician	24
Electrician's Helper	17
Equipment Mechanic	20
Equipment Mechanic Helper	16
Equipment Operator I	17
Equipment Operator III	19
Horticulturist	20
Lead Mechanic	22
Levee Maintenance Worker	16
Meter Technician I	14
Meter Technician II	16
Meter Technician III	20
Park Facility/Equipment Technician	20
Park Maintenance Worker I	14
Park Maintenance Worker II	18
Plant Maintenance Mechanic	20
Plant Maintenance Worker	18
Plant Operator <ul style="list-style-type: none"> • Without License..... • With Operator I License..... • With Operator II License..... 	17 18 20
Plant Utility Worker	15
Sign Technician I	14
Sign Technician II	17
Sign Technician III	20
Signal Technician I	14
Signal Technician II	16
Signal Technician III	20
Sludge App/Nurse Truck Operator	19
Sport Field Technician	20
Tree Worker I	15
Utility Worker II	15

AFSCME PAY SCALE
Effective July 1, 2019 through June 30, 2020

Appendix B

GRADE	STEP	ANNUAL	BI-WEEKLY	HOURLY	MONTHLY	OVERTIME
14	2					
	3					
	4					
	5					
	6					
	7					
	8					
15	2					
	3					
	4					
	5					
	6					
	7					
	8					
16	2					
	3					
	4					
	5					
	6					
	7					
	8					
17	2					
	3					
	4					
	5					
	6					
	7					
	8					
18	2					
	3					
	4					
	5					
	6					
	7					
	8					
19	2					
	3					
	4					
	5					
	6					
	7					
	8					

GRADE	STEP	ANNUAL	BI-WEEKLY	HOURLY	MONTHLY	OVERTIME
20	2					
	3					
	4					
	5					
	6					
	7					
	8					
21	2					
	3					
	4					
	5					
	6					
	7					
	8					
22	2					
	3					
	4					
	5					
	6					
	7					
	8					
23	2					
	3					
	4					
	5					
	6					
	7					
	8					
24	2					
	3					
	4					
	5					
	6					
	7					
	8					

Employees receive step raise annually until top pay is acheived at 6 year's service.

RESOLUTION NO. 19-75

A resolution approving the tentative agreement reached between the City of Council Bluffs and the American Federation of State, County, and Municipal Employees (AFSCME, Local 2844) for the period of 2019-2020.

WHEREAS, the City and Union have bargained in good faith and reached a tentative agreement; and,

WHEREAS, the tentative agreement is consistent with the direction City Council authorized as acceptable; and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa;

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

That the Council approves the proposed tentative agreement reached between the City of Council Bluffs and the American Federation of State, County, and Municipal Employees (AFSCME, Local 2844).

Adopted
And
Approved

March 11, 2019

Matthew Walsh Mayor

Attest _____
Jodi Quakenbush City Clerk

Council Communication

Department: Human Resources
Case/Project No.:
Submitted by: Tim Carmody and
Jon Finnegan

Resolution 19-76
ITEM 7.E.

Council Action: 3/11/2019

Description

Resolution approving adding one police officer to the authorized strength of the City.

Background/Discussion

Over the last year we have noticed an increase in disturbances, verbal assaults, threats and other law enforcement related issues at City Hall. Additionally, in December 2018 our Internal Affairs Lieutenant moved from City Hall to the new PD Headquarters – removing the lone full-time officer from City Hall. This created an unacceptable gap in safety and security at City Hall. We have taken temporary steps to have other Uniform Officers “stop by” City Hall in between calls, but that does not effectively address the situation permanently.

In an effort to address the listed security and safety concerns for our City Staff and the patrons who come into City Hall, we are requesting to add one sworn officer to our authorized strength of 114 sworn staff. This request is one critical component in the comprehensive security plan for City Hall. The officer’s primary responsibility would be focused in and around City Hall, Monday-Friday, during regular business hours. An additional advantage is that the officer would also be available to assist with and focus on activities at/around Bayliss Park, the Public Library, and in the Down Town area – areas the current District officer does not have time to focus on during the listed hours. This position is included in the FY20 budget.

We request that Council approve the increase in sworn staff from 114 to 115 officers.

Recommendation

Approval of the resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-76	Resolution	3/6/2019

RESOLUTION 19-76

A RESOLUTION MAKING CHANGES TO THE POSITIONS ASSIGNED TO THE
POLICE DEPARTMENT

- WHEREAS, A thorough evaluation of existing resources and department needs has been conducted by the Chief of Police and his Command Staff; and
- WHEREAS, This evaluation showed a need to create one (1) position assigned to the Police Department; and
- WHEREAS, Changes will have an impact on the authorized strength of the City; and
- WHEREAS, Said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa:

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

That the following position changes are hereby adopted and approved effective the date approved by Council:

Add one (1) Police Officer position.

Adopted
and
Approved

March 11, 2019

MATTHEW WALSH, MAYOR

JODI QUAKENBUSH, CITY CLERK

Council Communication

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

Liquor Licenses
ITEM 8.A.

Council Action: 3/11/2019

Description

- 1) Boxer BBQ, 513 S Main (New location beginning May 1 2019)
- 2) Glory Days, 106 West Broadway
- 3) LongHorn Steakhouse, 3727 Denmark Drive
- 4) Uncle Buck's, 2911 27th Avenue (Inside Bass Pro)

Background/Discussion

Glory Days had the following alcohol related calls for service during this licensing period:

07-14-18—The bartender called 911 at 12:45 am for a man causing a disturbance inside the bar. He left prior to the Officers' arrival, but was located in front of True Wheel. He was arrested for public intoxication.

07-29-18—At 2:09 am, Officers were dispatched to the rear parking area of the bar for a disturbance. The disturbance was broken up and everyone gone from the area upon the arrival of CBPD.

08-05-18—At 1:54 am, Officers were dispatched to the rear parking area of the bar for a disturbance. The call was handled by the responding officers, with no arrests made.

Boxer BBQ—No arrests or incidents

Longhorn Steakhouse—No arrests or incidents

Uncle Bucks—No arrests or incidents

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
3-11-19	Other	3/7/2019



State of Iowa
ALCOHOLIC
BEVERAGES DIVISION
About
Alcohol
Tobacco
Links
Contact

<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CU</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>BL</u>	Issued _____	
ZONING <u>CD</u>	Expires _____	
	Council _____	

Help License Search License List On-Demand Reporting Keg Registration Search User Profile Logoff

Applicant LC_V_84362, Boxer Barbeque, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Boxer Barbeque LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Boxer Barbeque

Address of Premise: 513 S Main St.

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 325-4227

Cell / Home Phone: (402) 740-1220

☐ Same Address

Mailing Address: 513 S Main St.

Mailing Address Line 2: _____

City: Council Bluffs

Zip: 51503

State: Iowa

Contact Name: Renaë Dieatrick

Phone: (402) 740-1220

Email Address: renaë@boxerbbq.com

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Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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FIRE <u>AP</u>	Endorsed	
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ZONING <u>CS</u>	Expires	
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Applicant LC0036708, Glory Days, Council Bluffs

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> Criminal History

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> Premises

> General Premises

> Applicant Signature

> Dram Cert

> Local Endorse

> History

Corporation Name/Sole Proprietor Name/Partnership Name(s): Juon Investments LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Glory Days

Address of Premise: 106 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 328-7617

Cell / Home Phone: (712) 326-0639

☐ Same Address

Mailing Address: 106 W BROADWAY

Mailing Address Line 2:

City: Council Bluffs

Zip: 51503

State: Iowa

Contact Name: Brandon Juon

Phone: (712) 326-0639

Email Address: glorydaysbar@gmail.com

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Applicant LC0038276, LongHorn Steakhouse #5397, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): RARE Hospitality International, Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): LongHorn Steakhouse #5397

Address of Premise: 3727 Denmark Drive

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-8085

Cell / Home Phone:

Same Address

Mailing Address: Attn: Licensing PO Box 695016

Mailing Address Line 2:

City: Orlando

Zip: 32869-5016

State: Florida

Contact Name: Valerie Nieves

Phone: (407) 245-5393

Email Address: Licensinglaw@darden.com

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Applicant LC0034376, Uncle Buck's Grill, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Bass Pro Outdoor World, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Uncle Buck's Grill

Address of Premise: 2911 27th Ave.

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (417) 873-5000

Cell / Home Phone: _____

Same Address

Mailing Address: 2500 E. Keamey St.

Mailing Address Line 2: _____

City: Springfield

State: Missouri

Zip: 65898

Contact Name: Tim Eisenhour

Phone: (417) 873-5530

Email Address: bpslicensing@basspro.com

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Council Communication

Department: Community

Development

Case/Project No.:

Submitted by: Christopher

Gibbons, Planning Coordinator

Request by Jason Conway of The

OPUS Group

ITEM 9.A.

Council Action: 3/11/2019

Description

Request of Jason Conway, on behalf of The OPUS Group, to purchase City property legally described as being a portion of Government Lots 2, 3, and 4, and Accretions thereto, all in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa. OTB-19-002 (Property classified as Transitional Preserve)

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-19-002 Staff Report	Other	3/1/2019
Case #OTB-19-002 Attachments	Other	3/1/2019

Council Communication

<p>Department: Community Development</p> <p>CASE #OTB-19-002</p> <p>Applicant: Jason Conway The OPUS Group Director of Real Estate Development</p> <p>Representative: Paula Hazelwood Advance Southwest Iowa Corporation Executive Director 149 West Broadway Council Bluffs, IA 51503</p>	<p>Citizen Request to be Heard</p>	<p>Meeting Date: 3/11/19</p>
<p style="text-align: center;">Subject/Title</p> <p>Request of Jason Conway, on behalf of The OPUS Group, to purchase City-owned property legally described as being a portion of Government Lots 2, 3, and 4, and Accretions thereto, all in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>The City has received an inquiry from Jason Conway, Director of Real Estate Development for The OPUS Group, about purchasing City-owned property located on the East side of River Road, legally described as being Government Lots 2, 3, and 4, and Accretions thereto, all in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>The subject property is comprised of 48.37 acres of land and is located between River Road and Interstate 29 right-of-way. The property is undeveloped and contains an industrial levee along with a City storm sewer pump station along its easterly boundary. Warren Distribution currently leases a portion of the property for overflow truck parking while their new warehouse addition is under construction at 2849 River Road. Additionally, the property contains a railroad line, billboard, and is leased for agricultural purposes and by a model airplane club for outdoor recreational purposes.</p> <p>The subject property is classified as ‘transitional preserve’ and ‘buildable’. It has been conveyed to the City that the applicant intends to develop new warehouse buildings on the property if they successfully acquire it. The applicant’s letter of interest does not state a purchase price for property. An appraisal dated 2/16/17 valued the property at \$2,630,000.00.</p> <p>According to the Inventory and Disposal Policy for Surplus City Property adopted on April 23, 2018, the City Council has the option to approve or deny this request. Approval of the request would mean initiating the process for this property to be treated as surplus property, including the requirement of a future meeting setting a public hearing date, and a public hearing for the disposal of the property.</p>		

Denial of the request would complete the process with no sale of the property. If Council is willing to reclassify the property as 'transitional dispose', the developer and City staff must hold additional conversations to determine the appropriate process for dealing with all known encumbrances on the property as well as subdividing it.

Attachment A: Letter from Brandon Garrett to The OPUS Group

Attachment B: Location map

Attachment C: Letter from Jason Conway with The OPUS Group

Attachment D: Letter from Charles P. Downey with Warren Distribution

Attachment E: Property appraisal report dated 2/16/17

Prepared By: Christopher Gibbons, Planning Coordinator, Community Development Department



COMMUNITY DEVELOPMENT
(712) 328-4629

March 1, 2019

The OPUS Group
Attn: Jason Conway
Jason.conway@opus-group.com

Dear Mr. Conway:

You recently contacted Community Development Department staff with an inquiry to purchase a city owned property that is legally described as being A Portion of Government Lots 2, 3 and 4 and Accretions Thereto in Section 04, Township 74 North, Range 44 West of the 5th Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa. The Parcel Identification Number for this property is 744404400011. This letter is to inform you that the property is classified as 'Transitional Preserve', which means the City of Council Bluffs is not actively marketing the property for sale at this time.

Per the adopted Inventory and Disposal Policy for Surplus City Property, you can request that the City Council review your application to purchase the subject property. This request would need to be submitted to the City Clerk of the City of Council Bluffs, where your case will be placed on the next regularly scheduled Council agenda for which it has been timely filed. If the Council chooses to hear this case based on your request, the procedures for the sale of any surplus city property will be initiated, which will include two additional City Council hearings.

Attached to this letter, you will find a map that shows the property you wish to purchase. Please show this letter and all attachments to the City Clerk if you choose to submit a request to be heard. The Community Development Department has assigned Case #OTB-19-002 to this request for bookkeeping purposes.

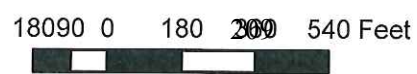
If you have any questions or require anything further, please do not hesitate to contact our office.

Sincerely,

Brandon Garrett
Director of Community Development
Community Development Department

Cc: Paula Hazlewood, Advance Southwest Iowa Corporation, phazlewood@selectgreateromaha.com





Jason Conway

Director, Real Estate Development

jason.conway@opus-group.com
D: 952.656.4829 | C: 612.327.5300



February 18, 2019

VIA EMAIL

Mayor Matt Walsh
City Council – City of Council Bluffs Iowa
209 Pearl Street
Suite 104
Council Bluffs, IA 51503

RE: City of Council Bluff property, PID: 7444.044.000.11

Dear Mayor Walsh and City Council Members:

This letter shall serve as notification of Opus Development Company's interest in purchasing land from the City of Council Bluffs.

The property is identified by Pottawattamie County parcel identification number 7444.044.000.11.

I look forward to discussing this matter with you further.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Conway", written over a white background.

Jason W. Conway, CCIM



950 S.10th St., Suite 300 • Omaha, NE • 68108-3296 • 402-341-9397 • www.warrendistribution.com

February 27, 2019

Dear Paula:

It is our understanding that you are planning to sell the industrial foundation land that lies just north of our distribution center on River Road, and that the purchaser of that property would then be interested in selling the southernmost 7 acres of that property to us. As we have discussed, Warren Distribution would be interested in purchasing that southernmost approximately 7 acres for a total price of approximately \$200,000. We would be able to purchase as soon as mutually convenient after you complete the sale of the whole tract to the other purchaser.

Please let me know if you need any additional information.

Thank you for your help in this matter.

Sincerely,

Charles P. Downey,
President