



**Study Session Agenda
City of Council Bluffs, Iowa
March 25, 2019, 3:45 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

STUDY SESSION AGENDA

- A. Compensation and Classification Project - Springsted
- B. Review Agenda

EXECUTIVE SESSION

- A. Pending Litigation - Dick Wade
- B. Property Acquisition - Brandon Garrett



**Council Agenda, City of Council Bluffs, Iowa
Regular Meeting March 25, 2019, 7:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

AGENDA

REVISED: March 22, 2019 at 12:00 p.m. Adding Item 7C, Resolution 19-87,
Agreement Added 1:30 pm

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 March 11, 2019 City Council Meeting Minutes.
- C. Resolution 19-77
Resolution setting a public hearing for April 8, 2019 at 7:00 p.m., for granting an underground electric easement in connection with the installation of electric facilities by MidAmerican Energy Company.
- D. Resolution 19-78
Resolution of intent to dispose of City property and setting Public Hearing for April 8, 2019 at 7:00 p.m. legally described as Lots 1 and 2, Block 10, Wright's Addition. Location: Property formerly addressed as 2501 4th Avenue. OTB-19-003
- E. Resolution 19-79
Resolution of intent to vacate and setting a Public Hearing for April 8, 2019 at 7:00 p.m. the east/west alley platted in Block 8, Jefferis Subdivision and Block 8, Hyatt's Subdivision. Location: Abutting properties addressed as 523 6th Avenue and 612 South Main Street. SAV-19-004
- F. Claims

4. PUBLIC HEARINGS

- A. Resolution 19-80
Resolution authorizing the Mayor and City Clerk to execute Quitclaim Deeds to the State of Iowa in connection with Council Bluffs Interstate System Improvements.

B. Resolution 19-81

Resolution determining an area of the City to be an economic development 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 24 Park Place Urban Renewal Plan

C. Resolution 19-82

Resolution to dispose of City property legally described as Lot 4, Block 1, Evans Bridge Addition. Location: Formerly addressed as 2819 Avenue A. OTB-19-001

D. Resolution 19-83

Resolution to dispose of City property legally described as the East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition. Location: Property formally addressed as 1201 8th Avenue. OTB-18-032

E. Resolution 19-84

Resolution 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.

5. ORDINANCES ON 1ST READING

A. Ordinance 6383

Ordinance providing that general property taxes levied and collected each year on all property located within the 24 Park Place 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, Lewis Central 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 24 Park Place Urban Renewal Area (the 24 Park Place Urban Renewal Plan)

6. ORDINANCES ON 3RD READING

A. Ordinance 6381

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, 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

7. RESOLUTIONS

A. Resolution 19-85

Resolution to adopt the 2019 City Council Rules and Procedure.

B. Resolution 19-86

Resolution authorizing the Mayor and City Clerk to execute an agreement with Omaha Neon Sign Co, Inc. in the amount of \$750,000 for the Mid America Center Signage Project. Project No. BM19-04

C. Resolution 19-87

Resolution authorizing the mayor to execute the Assignment, Acceptance and Approval of Agreement for the solid waste collection contract with LCRD Hauling of INM, LLC, a Delaware Limited Liability Company.

8. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor License Renewals

- 1) 1892 German Beer Haus, 142 W Broadway
- 2) Big Al's, 2700 2nd Avenue
- 3) Bottoms Up, 2800 Twin City Drive
- 4) Dusty's Lounge, 1501 Avenue A
- 5) Godfather's Pizza, 3020 West Broadway
- 6) Kikkers, 1503 Avenue C
- 7) Nomi Petro Mart, 3607 9th Avenue
- 8) Ruby Tuesday, 3150 24th Avenue
- 9) Sakura Sushi & Hibachi, 3502 Metro Drive

9. CITIZENS REQUEST TO BE HEARD

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 March 11, 2019

CALL TO ORDER

Mayor Matthew Walsh called the meeting to order on Monday March 11, 2019 at 7:00 p.m.

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

Staff Present: Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

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

Reading, correction and approval of the February 25, 2019 City Council Meeting Minutes.

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

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.

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.

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.

Mayor's Appointments, Claims and Lawsuit (R&F)

Melissa Head and Nate Watson moved and seconded approval of Consent Agenda. Unanimous, 5-0 vote.

MAYORS PROCLAMATIONS

A. National Nutrition Month

PUBLIC HEARINGS

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.

Sharon White and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6381. Third Consideration will be held on March 25, 2019 at 7:00 p.m.. Unanimous, 5-0 vote.

Resolution 19-64

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

Melissa Head and Mike Wolf moved and seconded approval of Resolution 19-64. Unanimous, 5-0 vote.

Resolution 19-65

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

Melissa Head and Roger Sandau moved and seconded approval of Resolution 19-65. Unanimous, 5-0 vote.

Resolution 19-66

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

Mike Wolf and Sharon White moved and seconded approval of Resolution 19-66. Unanimous, 5-0 vote.

Resolution 19-67

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

Roger Sandau and Nate Watson moved and seconded approval of Resolution 19-67. Unanimous, 5-0 vote.

Resolution 19-68

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

Nate Watson and Melissa Head moved and seconded approval of Resolution 19-68. Unanimous, 5-0 vote.

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.

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 19-69. Unanimous, 5-0 vote.

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

Melissa Head and Roger Sandau moved and seconded approval of Resolution 19-70. Unanimous, 5-0 vote.

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

Melissa Head and Sharon White moved and seconded approval of Resolution 19-71. Unanimous, 5-0 vote.

ORDINANCES ON 2ND 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 Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6382. Unanimous, 5-0 vote.

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

RESOLUTIONS

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

Melissa Head and Mike Wolf moved and seconded approval of Resolution 19-72. Unanimous, 5-0 vote.

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

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 19-73. Unanimous, 5-0 vote.

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.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-74. Unanimous, 5-0 vote.

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).

Nate Watson and Mike Wolf moved and seconded approval of Resolution 19-75. Unanimous, 5-0 vote.

Resolution 19-76

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

Melissa Head and Sharon White moved and seconded approval of Resolution 19-76. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

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 and 4) Uncle Buck's, 2911 27th Avenue (Inside Bass Pro)

Roger Sandau and Melissa Head moved and seconded approval of Liquor Licenses 8A 1-4. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from Bruce Kelly, 864 McKenzie Avenue regarding another lane on Kanseville blvd near McKenzie.

Heard from Al Ruby, 513 North 27th Street, with some questions and concerns.

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-19-2 (Property classified as Transitional Preserve)

OTHER BUSINESS

Nate Watson and Sharon White moved and seconded approval of Motion to Reclassify property from Transitional Preserve to Transitional Disposed. Property legally described as being a portion of Government Lots 2, 3 and 3 and Accretions thereto, all in Section 4-74-44. Unanimous, 5-0 vote.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:27 pm

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

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: Easement for
MidAmerican Energy Company
Submitted by: Matthew Cox

Resolution 19-77
ITEM 3.C.

Council Action: 3/25/2019

Description

Resolution setting a public hearing for April 8, 2019 at 7:00 p.m., for granting an underground electric easement in connection with the installation of electric facilities by MidAmerican Energy Company.

Background/Discussion

- MidAmerican Energy Company has installed an underground electric service line to feed the new Council Bluffs Police Headquarters building.
- The City owns the parcel for the Police Headquarters and a letter of intent to grant the easement was executed, allowing the work to occur. The easement has now been prepared based on the actual as-built location of the facility.
- The perpetual, non-exclusive electric easement allows MidAmerican Energy Company to construct, reconstruct, operate, maintain, replace or remove underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls.
- The easement is located across Lots 1, 2, and 3, Bluffs Gateway, A Subdivision in Pottawattamie County, Iowa.
- An exhibit is attached detailing the location and legal description of the easement.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Resolution	3/15/2019
Easement	Resolution	3/15/2019
Exhibit	Resolution	3/15/2019
Resolution 19-77	Resolution	3/19/2019

Notice of Public Hearing
for
Granting an Underground Electric Easement
In connection with the installation of
Electric Facilities by MidAmerican Energy Company

A public hearing will be held on April 8, 2019, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, for granting an underground electric easement to MidAmerican Energy Company. 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

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

**MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>2019-5090</u>	State of	<u>Iowa</u>
Work Req. No.	<u>2019-2602104</u>	County of	<u>Pottawattamie</u>
Project No.	<u>NA</u>	Section	<u>06</u> SE 1/4
		Township	<u>74</u> North
		Range	<u>43</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 owner(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 underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground, 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:

LOTS ONE (1), TWO (2), AND THREE (3), BLUFFS GATEWAY, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA.

EASEMENT AREA:

An underground electric easement described as follows:

REFERRING TO THE SOUTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2017-11502, RECORDS OF POTTAWATTAMIE COUNTY, IOWA; THENCE N00°53'53"E (ASSUMED BEARING) ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, 71.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°53'53"E ON SAID WEST LINE, 8.72 FEET TO THE NORTHWEST CORNER OF SAID PREVIOUSLY DESCRIBED PARCEL, AND THE SOUTHWEST CORNER OF LOT 2 OF BLUFFS GATEWAY REPLAT 1, SAID CORNER ALSO BEING ON THE EASTERLY LINE OF LOT 2 OF BLUFFS GATEWAY SUBDIVISION; THENCE N00°32'30"E ON SAID EASTERLY LINE, 7.46 FEET; THENCE N28°30'24"W, 14.51 FEET; THENCE N19°15'05"W, 43.68 FEET; THENCE N14°30'06"W, 69.02 FEET; THENCE N14°44'58"W, 22.86 FEET; THENCE N30°05'18"W, 10.12 FEET; THENCE N35°10'30"W, 145.05 FEET; THENCE N23°59'26"W, 47.33 FEET; THENCE N16°07'58"E, 14.30 FEET; THENCE N36°36'12"E, 5.50 FEET; THENCE N51°24'58"E, 26.75 FEET; THENCE N59°42'50"E, 58.85 FEET; THENCE N48°35'47"E, 51.81 FEET; THENCE N35°25'50"E, 56.91 FEET; THENCE N31°57'44"E, 229.03 FEET TO A POINT BEING 52.00 FEET SOUTH OF THE NORTH LINE OF LOT 1 OF SAID BLUFFS GATEWAY SUBDIVISION; THENCE N88°52'40"W, PARALLEL WITH AND 52.00 FEET DISTANT FROM SAID NORTH LINE, 17.47 FEET; THENCE S31°57'44"W, 219.62 FEET; THENCE S35°25'50"W, 54.72 FEET; THENCE S48°35'47"W, 48.62 FEET; THENCE S59°42'50"W, 58.48 FEET; THENCE S51°24'58"W, 29.78 FEET; THENCE S36°36'12"W, 10.15 FEET; THENCE S16°07'58"W, 22.48 FEET; THENCE S23°59'26"E, 54.28 FEET; THENCE S35°10'30"E, 143.86 FEET; THENCE S55°15'57"W, 192.77 FEET; THENCE S60°30'21"W, 159.39 FEET; THENCE S64°43'19"W, 21.13 FEET; THENCE N31°03'56"W, 6.31 FEET; THENCE S56°19'15"W, 26.16 FEET; THENCE S33°07'09"E, 24.14 FEET; THENCE N58°27'48"E, 25.27 FEET; THENCE N31°03'56"W, 3.73 FEET; THENCE N64°43'19"E, 20.17 FEET; THENCE N60°30'21"E, 160.63 FEET; THENCE N55°15'57"E, 190.83 FEET; THENCE S14°44'58"E, 14.85 FEET; THENCE S14°30'06"E, 69.61 FEET; THENCE S19°15'05"E, 45.52 FEET; THENCE S28°30'24"E, 19.15 FEET; THENCE S51°30'49"E, 9.55 FEET; THENCE S89°06'07"E, 3.86 FEET TO THE POINT OF BEGINNING, CONTAINING 0.42 ACRES , MORE OR LESS.

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 operation and 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 rights to operate and maintain its Facilities.
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 installed as a 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 the 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 of 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.

(Acknowledgement on following page)

Page 3

Ver UGEE 10-6-15

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 Signature

Index Legend	
Location:	Lots 1, 2, & 3, Bluffs Gateway Subdivision
Requestor:	MIDAMERICAN ENERGY COMPANY
Proprietor:	CITY OF COUNCIL BLUFFS, IOWA
Surveyor:	MATTHEW A. FOUTS
Surveyor Company:	JEO CONSULTING GROUP INC.
Return To:	11717 BURT ST. STE. 210, OMAHA, NE 68154


	I hereby certify that this land surveying document was prepared and the related survey 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.
	<i>Matthew A. Fouts</i> 2-19-19 (signature) (date)
	Printed or typed name: Matthew A. Fouts
	License Number: 23586
	My license renewal date is December 31, 2019
Pages or sheets covered by this seal: SHEET 1 OF 1	

EXHIBIT A

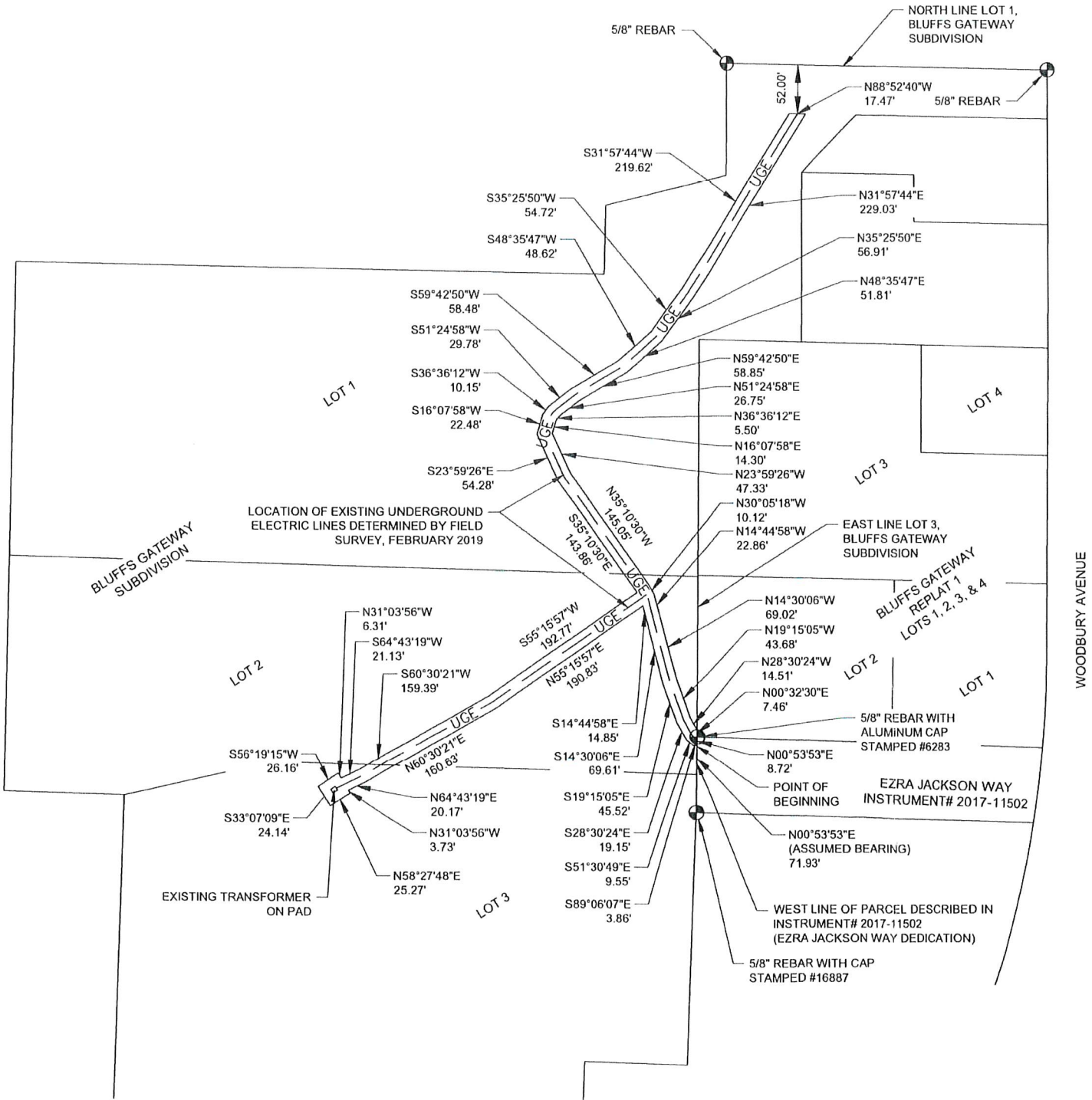


PART OF LOTS 1, 2, & 3
BLUFFS GATEWAY SUBDIVISION
POTTAWATTAMIE COUNTY, IOWA

UNDERGROUND ELECTRIC
EASEMENT PLAT

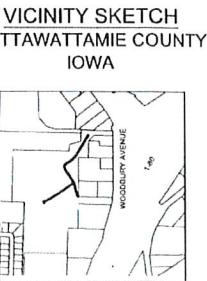
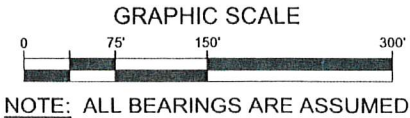
PROJECT NO.	R151320.00
DATE	2/15/2019
DRAWN BY	JAS
FILE NAME	
FIELD BOOK	COUNCIL #3
FIELD CREW	KT/HH
REVIEW BY	
REVIEW DATE	
SURVEY FILE NO.	000000

FOR RECORDER'S USE ONLY



EASEMENT LEGAL DESCRIPTIONS:

AN UNDERGROUND ELECTRIC EASEMENT LOCATED IN PART OF LOTS 1, 2, AND 3, BLUFFS GATEWAY, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2017-11502, RECORDS OF POTTAWATTAMIE COUNTY, IOWA; THENCE N00°53'53"E (ASSUMED BEARING) ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, 71.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°53'53"E ON SAID WEST LINE, 8.72 FEET TO THE NORTHWEST CORNER OF SAID PREVIOUSLY DESCRIBED PARCEL, AND THE SOUTHWEST CORNER OF LOT 2 OF BLUFFS GATEWAY REPLAT 1, SAID CORNER ALSO BEING ON THE EASTERLY LINE OF LOT 2 OF BLUFFS GATEWAY SUBDIVISION; THENCE N00°32'30"E ON SAID EASTERLY LINE, 7.46 FEET; THENCE N28°30'24"W, 14.51 FEET; THENCE N19°15'05"W, 43.68 FEET; THENCE N14°30'06"W, 69.02 FEET; THENCE N14°44'58"W, 22.86 FEET; THENCE N30°05'18"W, 10.12 FEET; THENCE N35°10'30"W, 145.05 FEET; THENCE N23°59'26"W, 47.33 FEET; THENCE N16°07'58"E, 14.30 FEET; THENCE N36°36'12"E, 5.50 FEET; THENCE N51°24'58"E, 26.75 FEET; THENCE N59°42'50"E, 58.85 FEET; THENCE N48°35'47"E, 51.81 FEET; THENCE N35°25'50"E, 56.91 FEET; THENCE N31°57'44"E, 229.03 FEET TO A POINT BEING 52.00 FEET SOUTH OF THE NORTH LINE OF LOT 1 OF SAID BLUFFS GATEWAY SUBDIVISION; THENCE N88°52'40"W, PARALLEL WITH AND 52.00 FEET DISTANT FROM SAID NORTH LINE, 17.47 FEET; THENCE S31°57'44"W, 219.62 FEET; THENCE S35°25'50"W, 54.72 FEET; THENCE S48°35'47"W, 48.62 FEET; THENCE S59°42'50"W, 58.48 FEET; THENCE S51°24'58"W, 29.78 FEET; THENCE S36°36'12"W, 10.15 FEET; THENCE S16°07'58"W, 22.48 FEET; THENCE S23°59'26"E, 54.28 FEET; THENCE S35°10'30"E, 143.86 FEET; THENCE S55°15'57"W, 192.77 FEET; THENCE S60°30'21"W, 159.39 FEET; THENCE S64°43'19"W, 21.13 FEET; THENCE N31°03'56"W, 6.31 FEET; THENCE S56°19'15"W, 26.16 FEET; THENCE S33°07'09"E, 24.14 FEET; THENCE N58°27'48"E, 25.27 FEET; THENCE N64°43'19"E, 20.17 FEET; THENCE N31°03'56"W, 3.73 FEET; THENCE N00°30'21"E, 160.63 FEET; THENCE N55°15'57"E, 190.83 FEET; THENCE S14°44'58"E, 14.85 FEET; THENCE S19°15'05"E, 45.52 FEET; THENCE S28°30'24"E, 19.15 FEET; THENCE S51°30'49"E, 9.55 FEET; THENCE S89°06'07"E, 3.86 FEET TO THE POINT OF BEGINNING, CONTAINING 0.42 ACRES, MORE OR LESS.



RESOLUTION
NO 19-77

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING FOR
GRANTING AN UNDERGROUND ELECTRIC EASEMENT
IN CONNECTION WITH THE INSTALLATION OF
ELECTRIC FACILITIES
BY MIDAMERICAN ENERGY COMPANY**

WHEREAS, MidAmerican Energy Company wishes to acquire an underground electric easement for electric facilities serving the Police Headquarters within the city, as therein described; and

WHEREAS, Mid American Energy Company has submitted an underground easement for said improvements 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 an underground electric easement in connection with the installation of electrical facilities setting April 8, 2019, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

March 25, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development

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

Submitted by: Chris Meeks,
Planner

Resolution 19-78
ITEM 3.D.

Council Action: 3/25/2019

Description

Resolution of intent to dispose of City property and setting Public Hearing for April 8, 2019 at 7:00 p.m. legally described as Lots 1 and 2, Block 10, Wright's Addition. Location: Property formerly addressed as 2501 4th Avenue. OTB-19-003

Background/Discussion

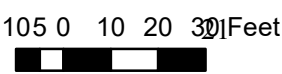
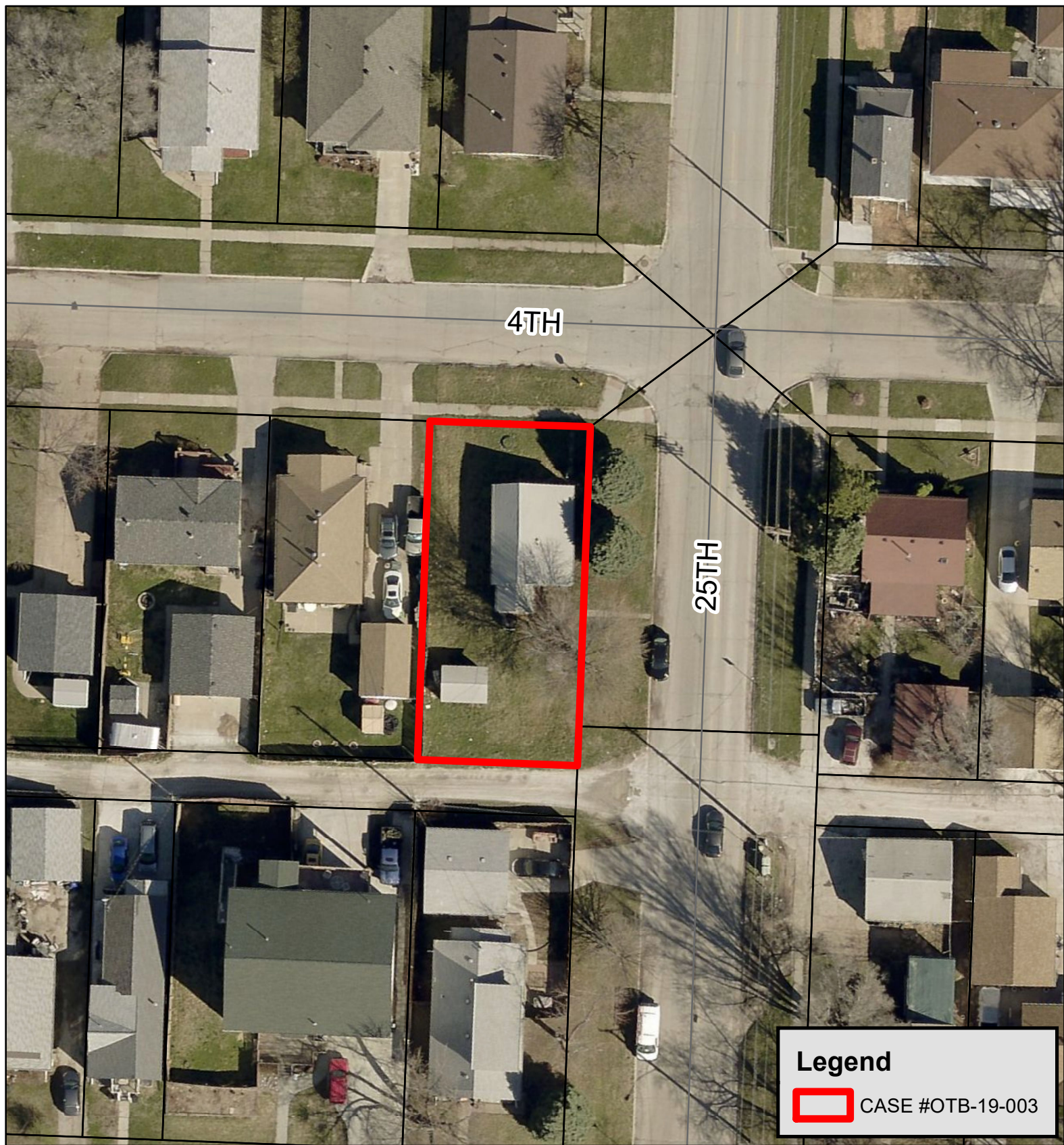
Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-19-003 Staff Report	Other	3/15/2019
Case #OTB-19-003 Attachment A	Map	3/15/2019
Case #OTB-19-003 Public Hearing Notice	Other	3/15/2019
Resolution 19-78	Resolution	3/19/2019

Council Communication

Department: Community Development CASE #OTB-19-003 Applicant: Michael B. Allmon 105 Sunny Ridge Drive Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 3/25/2019 Public Hearing: 4/8/2019		
Subject/Title Request of Michael B. Allmon to purchase property described as Lots 1 and 2, Block 10, Wright’s Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2501 4 th Avenue.				
Background/Discussion 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 \$9,201.00. The applicant wishes to acquire the lot to construct a new residential dwelling. The applicant has offered \$5,000.00 to purchase the property, and has submitted a \$921.00 down payment. The following costs have been incurred on this property: Permits and Inspections Division: \$7,450.00- Demolition Permits and Inspections Division: \$ 500.00- Asbestos abatement Permits and Inspections Division: \$ 245.00- Board-up of Doors and Windows <table><tr><td>Total</td><td>\$8,195.00</td></tr></table> The Finance Department stated that garbage and weed liens totaling \$2,922.00 were placed on the parcel by the City of Council Bluffs, but were abated when the City took possession of the property through the 657a process. The subject property is 50 feet wide by 106 feet deep, and is 5,300 square feet in size. While the property is non-conforming, as current R-2/Two Family Residential District standards require corner lots to be 55 feet wide and contain 5,500 square feet, the property is large enough to accommodate a residential dwelling, as the applicant has proposed. A residential dwelling would also be permitted as a principal use in the R-2 District.			Total	\$8,195.00
Total	\$8,195.00			
Recommendation The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lots 1 and 2, Block 10, Wright’s Addition, City of Council Bluffs, Pottawattamie County, Iowa on the April 8, 2019 City Council Meeting.				
Attachment A: Location map				
Prepared By: Chris Meeks, Planner, Community Development Department				



**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 Lots 1 and 2, Block 10, Wright's 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 8th day of April, 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. 19-78

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 10, WRIGHT'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Michael B. Allmon to purchase the City owned property described as Lots 1 and 2, Block 10, Wright's 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 Lots 1 and 2, Block 10, Wright's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for April 8, 2019.

ADOPTED
AND
APPROVED:

March 25, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-003)

Council Communication

Department: Community
Development

Case/Project No.: Case #SAV-19-
004

Submitted by: Chris Meeks,
Planner

Resolution 19-79
ITEM 3.E.

Council Action: 3/25/2019

Description

Resolution of intent to vacate and setting a Public Hearing for April 8, 2019 at 7:00 p.m. the east/west alley platted in Block 8, Jefferis Subdivision and Block 8, Hyatt's Subdivision. Location: Abutting properties addressed as 523 6th Avenue and 612 South Main Street. SAV-19-004

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #SAV-19-004 Staff Report	Other	3/15/2019
Case #SAV-19-004 Attachment A	Map	3/15/2019
Case #SAV-19-004 Public Hearing Notice	Other	3/15/2019
Resolution 19-79	Resolution	3/19/2019

City Planning Commission

Department: Community Development	Resolution of Intent No. _____	Planning Commission: 03/12/2019
Case #SAV-19-004	Resolution to Dispose No. _____	Set Public Hearing:
Applicant: Dean T. Jennings 523 6 th Avenue Council Bluffs, IA 51503		Public Hearing:

Subject/Title

Request: Public hearing on the request of Dean Jennings to vacate and dispose of the east/west alley abutting Block 8, Jefferies Subdivision and Block 8, Hyatt's Subdivision and extending from the West line of Lot 3, Block 8, Jefferies Subdivision and West line of Lot 4, Block 8, Hyatt's Subdivision to the west line of Lot 17, Block 8, Jefferies Subdivision and Lot 10, Block 8, Hyatt's Subdivision.

Location: Abutting properties addressed as 523 6th Avenue and 612 South Main Street.

Background

The Community Development Department has received an application from Dean Jennings, to vacate and dispose of an unimproved east/west alleyway as described above. The applicant has proposed to vacate the alley in order to build a future garage addition and to maintain their property located at 523 6th Avenue. Currently, the only paving in the alley is a sidewalk leading to a side entrance of the Vocational Development Center, addressed as 612 South Main Street.

The following attachments have been included for reference:

Attachment A: Location and Zoning Map

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

1. *To provide due process and citizen participation in the application and review process for vacations.*
There are four separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:
North – A law office owned by the applicant (523 6th Avenue), and a parking lot owned by and used by the law office at 541 6th Avenue.
South – The Vocational Development Center (612 South Main Street)

All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley that abuts their property, if vacated. Responses to these petitions are summarized in Comment #10 below.
2. *To ensure that no property owner is deprived of required and reasonable access.*
All abutting property owners have access to 6th Avenue or South Main Street. Access to the adjacent properties will not change as a result of this vacation.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.*
The vacation of the subject alleyway will turn the north/south alley located East of Lot 20, Block 8, Jefferis Subdivision into a dead-end alley. Said north/south alley currently functions as a dead-end, as the only exit point would be through the privately owned parking lot located South of 606 South Main Street. The dead-end alley in Block 8, Jefferis Subdivision will need to remain a public alleyway, as the properties addressed as 600 South Main Street and 604 South Main Street have doorways leading to the alley, and the property

addressed as 606 south Main Street has a garage that is accessed through the alley.

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:

- Public Works Department stated they have no facilities located within the alley and has no objections to the proposed vacation.
- The Fire Marshall stated he has no comments.
- Council Bluffs Water Works stated they have no utilities in the subject alleyway, and have no comments in regards to the vacation.
- Cox Communications stated they have facilities in the subject alleyway, and stated that if vacated, an easement must remain.
- MidAmerican Energy stated they have no objections to the proposed vacation, though they have existing overhead facilities, so a utility easement must remain.

Based on the information above, if vacated, a utility easement over said right-of-way will be retained.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* The Vocational Development Center will maintain access to the sidewalk, which leads to their side door. Access will not change to any of the other properties.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* This request is to vacate an entire east/west alley between Block 8, Hyatt's Subdivision and Block 8, Jefferis Subdivision.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request has no impact local access and circulation, and is consistent with the objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. Each abutting property owner is eligible to receive their portion in consideration of the vacation application fee, which has already been paid. The following responses were received:
 - Dean T. Jennings, who owns the property addressed as 523 6th Avenue, stated he is in favor of the request and willing to acquire his portion of the alleyway.
 - A representative of Suzanne K. Winter, Michael J. Winter, who owns the parking lot East of the property addressed as 541 6th Avenue, stated he is in favor of the request and willing to acquire his portion of right-of-way.
 - A representative of the Vocational Development Center, Steve Hodapp, who own property addressed as 612 South Main Street, stated they are in favor of the request and willing to acquire their portion of right-of-way.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of the east/west alley abutting Block 8, Jefferies Subdivision and Block 8, Hyatt's Subdivision and extending from the West line of Lot 3, Block 8, Jefferies Subdivision and West line of Lot 4, Block 8, Hyatt's Subdivision to the west line of Lot 17, Block 8, Jefferies Subdivision and Lot 10, Block 8, Hyatt's Subdivision. The approval is subject to the following conditions:

1. A permanent utility easement will be maintained over the entire alley
2. All abutting property owners shall acquire their portion of the vacated alley, as follows:
 - a. Dean T. Jennings and all successors in interest: The North ½ of the vacated east/west alley abutting the East ½ of Lot 18, and all of Lots 19 and 20, Block 8, Jefferis Addition; and
 - b. Suzanne K. Winter and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 17 and the West ½ of Lot 18, Block 8, Jefferis Addition; and
 - c. Vocational Development Center and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 7 through 10, Block 8, Hyatt's Addition and the vacated north/south alley adjacent along with the North ½ of the vacated east/west alley abutting Lot 3, Block 8, Jefferies Subdivision.

Public Hearing

Staff speaker for the request:

1. Chris Meeks, 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 of the request to vacate and dispose of the east/west alley abutting Block 8, Jefferies Subdivision and Block 8, Hyatt's Subdivision and extending from the West line of Lot 3, Block 8, Jefferies Subdivision and West line of Lot 4, Block 8, Hyatt's Subdivision to the west line of Lot 17, Block 8, Jefferies Subdivision and Lot 10, Block 8, Hyatt's Subdivision. The approval is subject to the following conditions:

2. A permanent utility easement will be maintained over the entire alley
3. All abutting property owners shall acquire their portion of the vacated alley, as follows:
 - a. Dean T. Jennings and all successors in interest: The North ½ of the vacated east/west alley abutting the East ½ of Lot 18, and all of Lots 19 and 20, Block 8, Jefferis Addition; and
 - b. Suzanne K. Winter and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 17 and the West ½ of Lot 18, Block 8, Jefferis Addition; and
 - c. Vocational Development Center and all successors in interest: The South ½ of the vacated east/west alley abutting Lots 7 through 10, Block 8, Hyatt's Addition and the vacated north/south alley adjacent along with the North ½ of the vacated east/west alley abutting Lot 3, Block 8, Jefferies Subdivision.

VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 4 VACANT 1 Motion: Carried

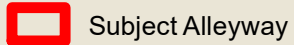
Attachment A – Location and Zoning Map

Prepared By: Chris Meeks, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

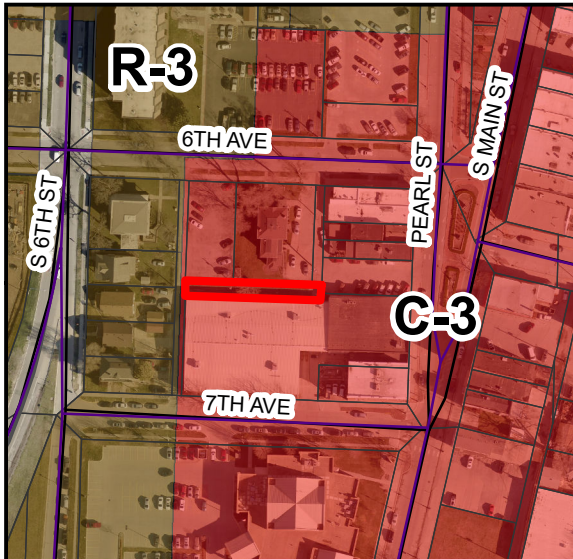
CASE #SAV-19-004 LOCATION/ZONING MAP

Map Legend



Subject Alleyway

0 25 50
1 Inch = 50 Feet



Last Amended: 2/19/19

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.



**NOTICE OF PUBLIC HEARING
ON INTENT TO VACATE 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 of Dean T. Jennings to vacate and dispose of the east/west alley abutting Block 8, Jefferies Subdivision and Block 8, Hyatt's Subdivision and extending from the West line of Lot 3, Block 8, Jefferies Subdivision and West line of Lot 4, Block 8, Hyatt's Subdivision to the west line of Lot 17, Block 8, Jefferies Subdivision and Lot 10, Block 8, Hyatt's Subdivision.

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 8th day of April, 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.

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. 19-79

A RESOLUTION OF INTENT TO VACATE THE EAST/WEST ALLEY PLATTED IN BLOCK 8, JEFFERIS SUBDIVISION AND BLOCK 8, HYATT'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Dean T. Jennings requests the vacation of the east/west platted in Block 8, Jefferis Subdivision, and Block 8, Hyatt's Subdivision, and extending from the West line of Lot 3, Block 8, Jefferies Subdivision and West line of Lot 4, Block 8, Hyatt's Subdivision to the west line of Lot 17, Block 8, Jefferies Subdivision and Lot 10, Block 8, Hyatt's Subdivision, and lying between 6th Avenue and 7th Avenue, and South 6th Street and Pearl Street; and

WHEREAS, this City Council hereby declares its intent to consider disposition 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).

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 City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for April 8, 2019.

ADOPTED
AND
APPROVED:

March 25, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Planning Case #SAV-19-004

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-1961

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Charence C. Stogdill DAY PHONE: 712-310-6721
ADDRESS: 621 Discovery Cir DOB: 2/13/44
DATE & TIME OF LOSS/ACCIDENT: Feb 20, 2019 3:02:46 AM
LOCATION OF LOSS/ACCIDENT: Front yard
DESCRIPTION OF LOSS/ACCIDENT: mail box hit & knock over

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 50 for just mail box. \$168.44 does not count,
WITNESS(ES) (Name(s), Address(es), Phone No(s)) yes Passing someone pulled up
Kellie PriKaszez'Kow - 712-366-1190 Discovery Circle
Kellie has camera and saw it happen

WAS POLICE REPORT FILED YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES ☐ NO ☐

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

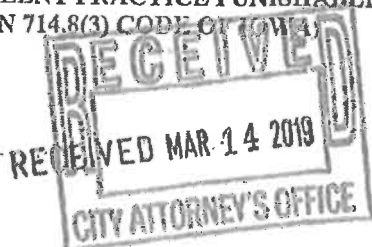
LIST INSURANCE PROVIDER AND COVERAGE:

CLERK RCVD
15 MAR 19

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

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

DATE 3/11/19



Charence C. Stogdill
CLAIMANT'S SIGNATURE

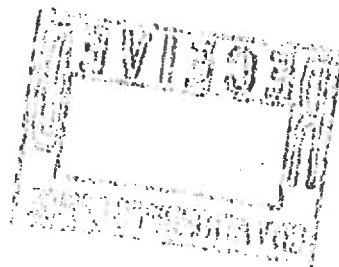
over

I am sending pictures. We had to relocate our mail service and can not put up until warmer. Not receiving all our mail because of relocation -

We will have to have someone put the mail box up so that will be extra cost.

Thank you for your help

This is not the first time our mail box has been hit Just the first time knocked over -



RETURN TO

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

CITY CLAIM NO. 19-PW-1954

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Monika Carroll
ADDRESS: 113 Charles St. DAY PHONE: 402-214-8343
JOB: 5/28/85

DATE & TIME OF LOSS/ACCIDENT: 2/27/19 11:16am
LOCATION OF LOSS/ACCIDENT: 100 block of Charles St.

DESCRIPTION OF LOSS/ACCIDENT:
Salt truck backed into car parked on the street in front of 113 Charles St.

TOTAL DAMAGES CLAIMED: \$ police report estimated \$2,000 - estimates included (USE BACK OF FORM, IF NECESSARY)
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: damage to bumper + hood

LIST INSURANCE PROVIDER AND COVERAGE: State Farm 1281259-CO1-1SA

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 714.1(3) CODE OF IOWA)

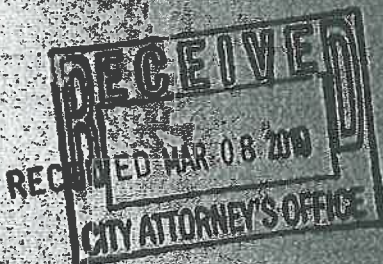
DATE: 3/5/19

CLAIMANT'S SIGNATURE: [Signature]

CLERK R

B MAR

AMS:4



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-1953

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Gayle Ridgway DAY PHONE: 712-322-1451
ADDRESS: 210 Fuller Ave., Council Bluffs DOB: 7-27-52

DATE & TIME OF LOSS/ACCIDENT: Sometime between 4pm 3/4 - 1:15pm 3/7

LOCATION OF LOSS/ACCIDENT: Fuller Ave.

DESCRIPTION OF LOSS/ACCIDENT: Car was parked & I believe the back of the driver side rearview mirror was struck by a city plow. I found the broken pieces on the snow that was plowed off of the street. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 270.47

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:

None

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: Repair estimate attached.

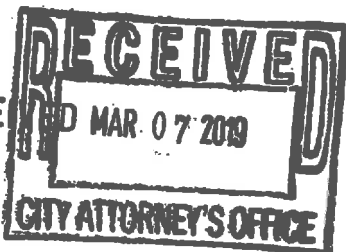
LIST INSURANCE PROVIDER AND COVERAGE: Progressive Full coverage

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)

3-7-19
DATE

Gayle Ridgway
CLAIMANT'S SIGNATURE



CLERK RCD
7 MAR 19

PM 3:23

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-PD-1955

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Charles Smith DAY PHONE: 402-619-7666
ADDRESS: 1613 Farnam Street #402 DOB: 12/17/1973
DATE & TIME OF LOSS/ACCIDENT: June or July
LOCATION OF LOSS/ACCIDENT: Church
DESCRIPTION OF LOSS/ACCIDENT: iPhone 8+ Black

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 795.00

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Shayla Tucker, 808 Flowers
Council Bluffs Police Dept.

WAS POLICE REPORT FILED ☐ YES ☒ NO I don't know

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

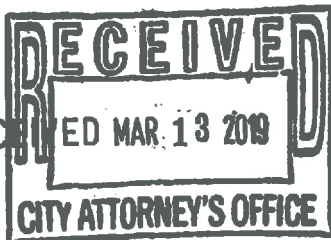
LIST INSURANCE PROVIDER AND COVERAGE: none

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

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

3/13/19
DATE

C. Smith
CLAIMANT'S SIGNATURE



CLERK RCVD
13 MAR'19

AM9:57

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-1956

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Jordan Cook

DAY PHONE: 308-672-5104

ADDRESS: 216 4th Ave. SE, Clarion, IA 50525

DOB: 06-09-1988

DATE & TIME OF LOSS/ACCIDENT: 9:05 AM- March 9, 2019

LOCATION OF LOSS/ACCIDENT: Between S. 18th- S. 20th St. on W. Broadway, South side of Road heading east bound

DESCRIPTION OF LOSS/ACCIDENT: I was driving on the road when I noticed a pot hole. I tried to veer out of the way to miss the bulk of it. There was a vehicle to the left as well as behind me which prevented me from getting over completely or stopping. Because of the road conditions, the pot hole caused damage that was unable to be fixed causing me to purchase not one (1) but two (2) new tires.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 513.48. I am asking for the full amount because I have a new car, with new tires on that only had 33,000 miles of wear. Purchasing one new tire would cause uneven wear and tear on my vehicle that would cost more money in the long run.

WAS POLICE REPORT FILED YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:
No medical attention was needed

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 paid out of my pocket and am not turning in on insurance- 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)

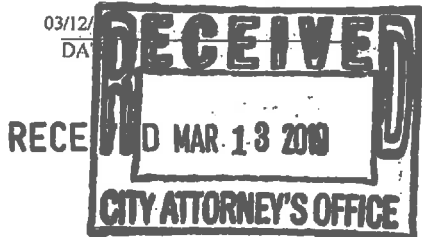
CLERK RCD

13 MAR '19

PM 3:03

CLAIMANT'S SIGNATURE _____

03/12/19
DA



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-PD-1957

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Earamos Moore DAY PHONE: (712) 314-1518
ADDRESS: 643 Harrison St. Council Bluffs IA DOB: 02/01/76
51503
DATE & TIME OF LOSS/ACCIDENT: 3/8/19
LOCATION OF LOSS/ACCIDENT: Harrison Street Council Bluffs Iowa
DESCRIPTION OF LOSS/ACCIDENT: Sitting in traffic when officer
backed out of drive way hitting the passenger
side of my truck.
Officer called supervisor and took photos. (USE BACK OF FORM, IF NECESSARY)
TOTAL DAMAGES CLAIMED: \$
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Another officer was ~~not~~ at scene and
watched it happen. Didn't get name but was
with officer Elonich at address ~~at~~ accident
prior to
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: Both passenger doors and rocker panel
under doors were dented

LIST INSURANCE PROVIDER AND COVERAGE:

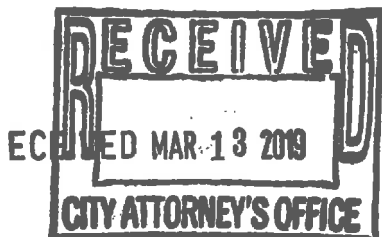
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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

3-11-19
DATE

Earamos Moore
CLAIMANT'S SIGNATURE

CLERK RCD
13 MAR'19
PM3:04



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-PD-1958

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Heather Clark DAY PHONE: 402 709-4374
ADDRESS: 32 Skyview Drive DOB: 11/26/82

DATE & TIME OF LOSS/ACCIDENT: _____

LOCATION OF LOSS/ACCIDENT: South 1st

DESCRIPTION OF LOSS/ACCIDENT: Officer Ed Mallory was parked on side of road. Open his door without looking and took passenger side mirror off with his car door.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ Working on Filing claim

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

WAS POLICE REPORT FILED ☒ YES ☐ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☐ NO

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

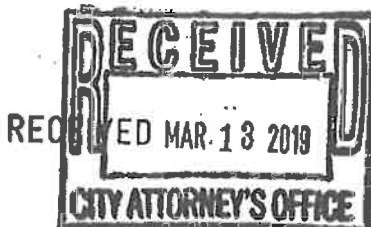
LIST INSURANCE PROVIDER AND COVERAGE: Progressive Full coverage
my Rep. is Jesse Cantu 440-910-8217

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)

3/10/19
DATE

[Signature]
CLAIMANT'S SIGNATURE



CLERK RCD
14 MAR '19

PM 2:59

Mar. 11. 2019 8:46AM

No. 2365 P. 3

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-1959

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Calen Ely DAY PHONE: 4029173600
ADDRESS: 2327 AVE E Council Bluffs, IA DOB: 8/28/84
DATE & TIME OF LOSS/ACCIDENT: 3/11/19 @ 7:20 am
LOCATION OF LOSS/ACCIDENT: 23rd & 1st See Attached Picture Ex. A
DESCRIPTION OF LOSS/ACCIDENT: See Attached Exhibit B, and Exhibit C

TOTAL DAMAGES CLAIMED: \$ 715.92 (USE BACK OF FORM, IF NECESSARY)

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:

All Attached - ~~1000000~~ Receipts attached from tire plus, and Amazon for hubcaps

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)

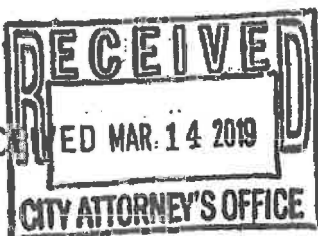
3/14/19
DATE

[Signature]
CLAIMANT'S SIGNATURE

CLERK RCVD

14 MAR 19

PM 3:00



RECEIVED MAR 14 2019

CITY ATTORNEY'S OFFICE

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-1960

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Debra A Kitter DAY PHONE: 712-314-3614
ADDRESS: 216 Woodcliff Circle DOB: 1-14-53
DATE & TIME OF LOSS/ACCIDENT: March 1 evening
LOCATION OF LOSS/ACCIDENT: Mall Dr.
DESCRIPTION OF LOSS/ACCIDENT: Hit pot hole + next morn - complete
flat. A tire with less than 3000 miles was ruined
people who come to change tire says unrepairable
gaping hole - 79 (USE BACK OF FORM, IF NECESSARY)
TOTAL DAMAGES CLAIMED: \$ 252.79
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Robert L Johnson

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: I live close to mall so did not
feel flat tire. Saw in morning.

LIST INSURANCE PROVIDER AND COVERAGE:

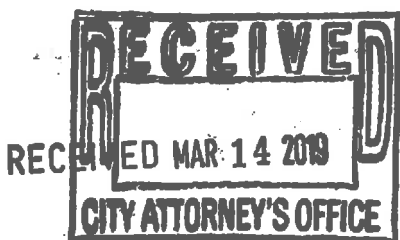
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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

3/13/19
DATE

Debra Kitter
CLAIMANT'S SIGNATURE

CLERK RCD
14 MAR '19
PM 3:00



Council Communication

Department: Public Works Admin
Case/Project No.: Iowa DOT
Quitclaim Deeds
Submitted by: Matthew Cox

Resolution 19-80
ITEM 4.A.

Council Action: 3/25/2019

Description

Resolution authorizing the Mayor and City Clerk to execute Quitclaim Deeds 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, Block33, 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
deeds	Other	3/18/2019
Map	Map	3/19/2019
Map	Map	3/19/2019
Resolution 19-80	Resolution	3/19/2019



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:

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

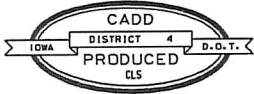
(AFFIX CORPORATE SEAL ABOVE) By: _____ (Sign in Ink)
Jodi Quakenbush, City Clerk

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"

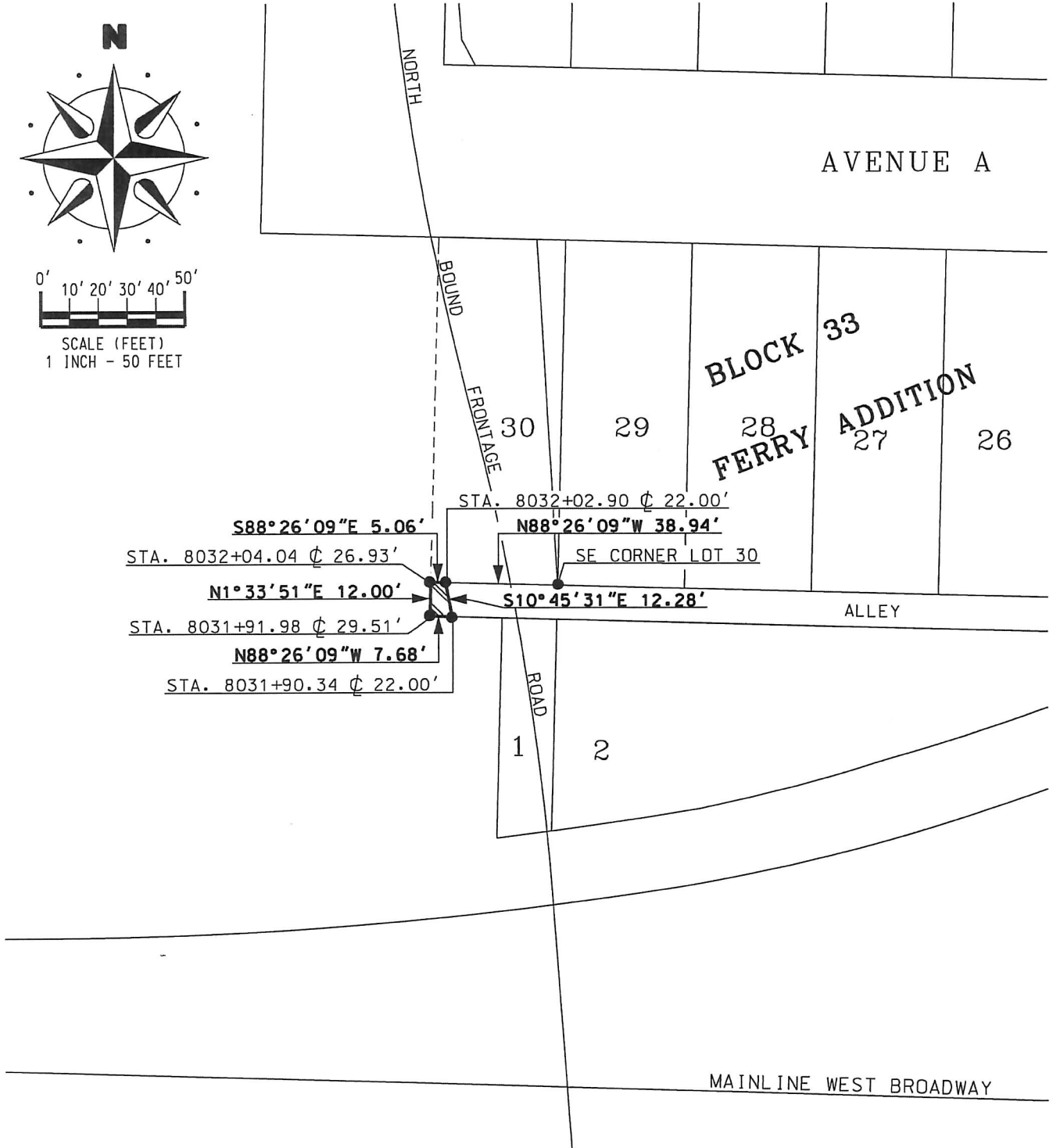


COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
PROJECT NO. IMN-029-3(168)53--0E-78 PARCEL NO. 424
SECTION 28 TOWNSHIP 75 N RANGE 44 W
ROW - FEE _____ SQ. FT. _____ AC, QUIT CLAIM FEE 76 SQ. FT.
ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
ACQUIRED ACCESS RIGHTS FROM STA.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

CITY OF COUNCIL BLUFFS, IOWA



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



S. 36TH ST.

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 ▲)

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

PROPERTY TO BE
ACQUIRED BY IDOT

LOCATION OF PROPERTY



RESOLUTION
NO 19-80

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE QUIT CLAIM DEEDS
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.
- WHEREAS, a Notice of Public Hearing was published as required by law, and a public hearing was held on March 25, 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 Quit Claim Deeds to grant Real Property to the State of Iowa in connection with Council Bluffs Interstate Improvements.

ADOPTED
AND
APPROVED

March 25, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development
Case/Project No.: URN-19-001
Submitted by: Brenda Carrico

Resolution 19-81
ITEM 4.B.

Council Action: 3/25/2019

Description

Resolution determining an area of the City to be an economic development 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 24 Park Place Urban Renewal Plan

Background/Discussion

See attachments

Recommendation

The Community Development Department recommends approval of the 24 Park Place Urban Renewal Plan and Area.

ATTACHMENTS:

Description	Type	Upload Date
Staff report	Other	3/15/2019
24 Park Place Urban Renewal Plan	Other	3/15/2019
Consultation proceedings	Other	3/15/2019
City Planning Commission Report	Other	3/15/2019
Resolution 19-81	Resolution	3/19/2019

Council Communication
March 25, 2019 City Council Meeting

Department: Community Development		Planning Commission: 3-12-19 CC PH: 3-25-19
Case No.: URN-19-001	Resolution No.: 19-	First Reading: 3-25-19 Second Reading: 4-8-19 Third Reading: Request Waive
Subject/Title		
Creation and adoption of the 24 Park Place Urban Renewal Plan and 1 st consideration of the Tax Increment Financing Ordinance		
Location		
Generally located at South 24 th Street and Richard Downing Avenue		
Background/Discussion		
<u>Background</u>		
In August 2018, the Council Bluffs City Council adopted and approved the following ordinance and resolutions to allow a new commercial shopping center, known as 24 Park Place, to be developed on property located at the southwest corner of the intersection of South 24 th Street and Richard Downing Avenue:		
<ul style="list-style-type: none">• Ordinance No. 6347: Conditionally rezoned the subject property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. The rezoning will become effective upon execution of a final plat for 24 Park Place Subdivision;• Resolution No. 18-55: Granted preliminary plan approval for a commercial subdivision to be known as 24 Park Place; and• Resolution No. 18-259: Adopted a planned commercial development plan for 24 Park Place.		
The developer, Lockwood Development, has proposed to construct a new Fleet Farm store with an associated gas station/convenience store along with several pad sites in 24 Park Place and has requested the City of Council Bluffs provide financial assistance for the project. The City and Lockwood Development have held conversations about providing tax increment financing (TIF) for the project using the powers granted under Iowa Code Chapter 403/Urban Renewal Law. In order to invoke its urban renewal powers, the City Council must agree to designate the subject property an Urban Renewal Area, adopt an Urban Renewal Plan and negotiate a development agreement with the Developer. Assistance in the form of an urban renewal project area, conforming to the Section 403 of Iowa Code, is necessary to acquire land; improve regulatory control; improve public infrastructure and facilities; and to allow for private development of vacant land.		
<u>Discussion</u>		
On February 25, 2019, the City Council passed a resolution of necessity, which directed staff to initiate the process of creating the 24 Park Place Urban Renewal Plan and Area. This resolution established the following actions and timeframes:		
March 4, 2019	Consultation hearing with affected taxing jurisdictions	
March 12, 2019	City Planning Commission hearing and review	
March 25, 2019	City Council public hearing	

Council Communication
March 25, 2019 City Council Meeting

The consultation hearing was held on March 4, 2019 and no public attended. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed plan.

Iowa statutes require the City Planning Commission to review the plan for conformity to the comprehensive plan and to forward a recommendation to City Council prior to the public hearing. A comprehensive plan amendment for this property was previously approved by the City Planning Commission on February 12, 2019 and the City Council on February 25, 2019. Planning Commission reviewed the urban renewal plan at their meeting on March 12, 2019 and their finding is stated below.

Planning Commission Public Hearing (March 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 24 Park Place 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 24 Park Place Urban Renewal Plan and Area.

VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried

The 24 Park Place Urban Renewal Area is being designated as an economic development area, conforming to Section 403.2(3) of the Iowa Code. Designation is necessary to assist and promote local commercial enterprises to strengthen and revitalize the economy. Tax Increment Financing (TIF) will be utilized to provide the means and methods for the encouragement and assistance of commercial enterprises to locate, purchase, construct, reconstruct, modernize, improve, maintain, repair, furnish equip and expand in the City of Council Bluffs. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community and job creation in accordance with sound planning standards and local community objectives.

Staff Recommendation

The Community Development Department recommends approval of the 24 Park Place Urban Renewal Plan and Area.

Attachments

1. Resolution adopting the 24 Park Place Urban Renewal Plan and Area with the plan attached as Exhibit 1
2. Consultation proceedings
3. City Planning Commission Report
4. TIF Ordinance

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Brandon Garrett, Director, Community Development Department

**24 PARK PLACE
URBAN RENEWAL PLAN**



CITY OF COUNCIL BLUFFS, IOWA
ADOPTED - _____ 2019

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CHAPTER I

Background

Lockwood Development has requested urban renewal actions on land located at the southwest corner of the intersection of South 24th Street and Richard Downing Avenue in the City of Council Bluffs, Iowa. Lockwood Development intends to build a new commercial shopping center to be known as 24 Park Place on said land. The 24 Park Place shopping center is anticipated to include seven buildable pad sites and four outlots for stormwater detention. An 185,000 square foot Mills Fleet Farm store will anchor the development and is considered a new retailer in the Omaha-Council Bluffs market. Lockwood Development also proposes to build a new Mills Fleet Farm gas station/convenience store on a pad site adjacent to their main store as well as a new 88,000 square foot multi-tenant commercial building in the southeast corner of the development. All remaining pad sites will be developed with other commercial uses. Assistance in the form of an urban renewal project area, conforming to Chapter 403 of the Iowa Code, is necessary to assist with the provision of incentives.

Actions necessary for the development of the subject property include land acquisition, site development preparations, utility enhancements and installations, possible traffic controls and pedestrian access enhancements, wetlands mitigation, and construction of a new public street. The subject property is comprised of 44.47 acres of undeveloped land that is currently zoned A-2/Parks, Estates, and Agricultural District. On August 13, 2018, the Council Bluffs City Council approved Ordinance No. 6347, which rezoned the subject property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. Additionally, on August 27, 2018 the Council Bluffs City Council approved Resolution No. 18-259, which adopted a planned commercial development plan for the 24 Park Place Subdivision. Both the rezoning and planned commercial development plan shall become effective upon final plat approval of the 24 Park Place Subdivision.

Assistance in the form of an urban renewal area, conforming to Chapter 403 of the Iowa Code, may be necessary to acquire land; improve regulatory control; improve transportation access; improve public infrastructure and facilities; and to allow for and/or incentivize private development or redevelopment. More specifically, this area has been declared an economic development area, conforming to Section 403.2(3) of the Iowa Code. This Plan is to be called the 24 Park Place Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the 24 Park Place Urban Renewal Area ("Area" or "Urban Renewal Area"), and its purpose, objectives and project proposals are described within this document.

The general location and boundaries of 24 Park Place Urban Renewal Area ("Area" or "Urban Renewal Area") are shown in Illustration 1: City Location Map and Illustration 2: Boundary Map. Furthermore, the subdivision layout and architectural renderings for the 24 Park Place Urban Renewal Area are shown in Illustration 3: 24 Park Place Conceptual Site Plan, and Illustration 4: 24 Park Place Architectural Rendering.

CHAPTER II

Description of Urban Renewal Area

1. Urban Renewal Area Description

The Urban Renewal Area consists of a tract of land located in part of the north half of the southeast quarter of Section 10, and part of the northwest quarter of the southwest quarter of Section 11, all in Township 74 North, Range 44 West of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the southeast corner of said northeast quarter of the southeast quarter of section 10; thence on the South line of said northeast quarter of the southeast quarter on an assumed bearing of N87°53'20"W, 658.46 feet to the southwest corner of the east half of said northeast quarter of the southeast quarter; thence continuing on said South line of the northeast quarter of the southeast quarter N87°56'58"W; 658.32 feet to the southwest corner of the northeast quarter of the southeast quarter; thence on the West line of said northeast quarter of the southeast quarter N01°59'34"E, 331.09 feet; thence N87°54'35"W, 48.21 feet; thence N02°06'46"E, 993.65 feet to a point on the North line of said southeast quarter, said line also being on the South right-of-way line of Richard Downing Avenue; thence on said South right-of-way line of Richard Downing Avenue for the following five (5) described courses; (1) S87°51'21"E, 45.77 feet to the northwest corner of said northeast quarter of the southeast quarter; (2) S87°49'01"E, 655.55 feet to the northeast corner of said east half of the northeast quarter of the southeast quarter; (3) S87°53'14"E, 505.31 feet; (4) S76°35'39"E, 153.19 feet to a point on the east line of said southeast quarter; (5) S87°19'54"E, 104.77 feet to a point intersecting said South right-of-way line of Richard Downing Avenue and the West right-of-way line of South 24th Street; thence on said West right-of-way line of South 24th Street for the following three (3) described courses; (1) S01°42'44"W, 319.95 feet; (2) S08°30'44"E, 112.22 feet; (3) S01°43'05"W, 863.01 feet to a point on the South line of said northwest quarter of the southwest quarter of Section 11; thence on said South line of the northwest quarter of the southwest quarter N87°23'13"W, 124.81 feet to the point of beginning.

Refer to Illustration 5: Re-Zoning Exhibit for legal description.

2. Structural Conditions

The Area currently has no existing buildings on site.

3. Transportation Systems

The Urban Renewal area is located just south of Interstate 29/80, which is a fully controlled-access freeway. The interstate provides a convenient route from the Urban Renewal Area to destinations in Kansas, Missouri, Iowa, Nebraska, and South Dakota. A full interchange exists at the intersection of South 24th Street to north.

The Urban Renewal Area is accessible from South 24th Street to the east and from Richard Downing Avenue to the north. South 24th Street is classified as a minor arterial roadway and extends from 23rd Avenue to Veterans Memorial Highway. It is constructed as a four-lane divided street with signalization and turn lanes and receives a large amount of local traffic from adjacent residential neighborhoods, Interstate 29/80, and Highways 92/275 (Veterans Memorial Highway).

Richard Downing Avenue is a two-lane collector street that is signalized where it intersects with South 24th Street. This street receives traffic volumes from South 24th Street as well as from the Twin Cities residential neighborhood located west of the Urban Renewal Area.

The 24 Park Place shopping center will include construction of two new public streets, which are designed to provide pedestrian and vehicular access to lots within the development. Other transportation system improvements planned for the 24 Park Place Subdivision, which are located outside of the Urban Renewal Area boundary, include the installation of sidewalks along Richard Downing Avenue and South 24th Street and the widening of Richard Downing Avenue from two-lanes to three-lanes. Depending on final layout and results of a traffic study, additional traffic signals and modifications to Richard Downing Avenue and South 24th Street may be needed.

4. Public Utilities and Services

The Urban Renewal Area is well served by municipal utilities (water, sanitary sewer and storm water) along Richard Downing Avenue and South 24th Street.

Water service is available from the North from an existing main in Richard Downing Avenue and from the East from an existing main in South 24th Street. Lockwood Development proposes to extend water from the north and east to service the lots within the 24 Park Place development.

Sanitary sewer is available from the East through an existing main in South 24th Street. Lockwood Development proposes to provide sanitary sewer service to the 24 Park Place development by connecting into the sewer main in South 24th Street. The sanitary sewer connection must be designed to meet City of Council Bluffs Public Works standards and must be constructed in conjunction with the new public streets in 24 Park Place.

Storm sewer is available from the North through an existing main in Richard Downing Avenue and from the East through an existing main in South 24th Street. Lockwood Development proposes to provide storm sewer service to the 24 Park Place development by connecting into these sewer mains.

Private energy and communication facilities are located adjacent the Urban Renewal Area and are available to serve the proposed 24 Park Place development. Lockwood Development proposes to contract with Mid-American Energy for electrical service and Black Hills Energy for natural gas service. Lockwood Development also proposes to contract with communication service providers to extend voice, data, and cable services to the 24 Park Place development.

Refer to Illustration 6: Public Utilities and Services for information on current municipal service line locations near the Urban Renewal Area.

5. Environment

Topography and Drainage – The topography of the Urban Renewal Area is characterized by very slight slopes of zero to two percent. Because of the nearly level topography, the Area has a poor natural drainage pattern, and little potential for soil erosion. The water table is relatively close to the surface. The Area sits approximately four feet below the intersection of South 24th Street and Richard Downing Avenue. A significant amount of fill dirt must be applied to the site in order for the 24 Park Place development to achieve adequate fall for site utilities (e.g., sanitary/storm

sewers). Refer to Illustration 7: Topography and Drainage for two-foot site contours within and adjacent to the Urban Renewal Area.

Floodplain – According to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency, the Urban Renewal Area is in a Zone X, which is the 500-year floodplain. Refer to Illustration 9: Flood Zone Map for floodplain information within and adjacent to the Urban Renewal Area.

Soils – According to the Soil Conservation Service (SCS) Soil Survey Maps, the Area consists of three types of soil: Albaton; Percival; and Onawa. These soils have 0 to 2 percent slopes and consist of silt loam and clay. These soils are generally located in settling basins on broad bottomland and in upland drainage ways. Soils are characterized as having low to moderate permeability, slow run-off, and occasional flooding for brief periods unless protected. The SCS report notes that these soil types have moderate to severe limitations for development potential, due to the seasonable high water table, poor drainage patterns, poor bearing capacity, and a high shrink-swell potential. These soil factors will require most of the Urban Renewal Area to be surcharged and a significant amount of fill dirt to be brought in order to help establish positive drainage. Illustration 8: Soils map for information on soil types within and adjacent to the Urban Renewal Area.

Wetlands – The Urban Renewal Area has potential wetlands located in the northeasterly portion of the development site. Lockwood Development is working with their civil engineer, Olsson Associates, and the U.S. Army Corps of Engineers to delineate the wetlands and to determine if they are jurisdictional wetlands or not. Lockwood Development is required to comply with all Federal, State, and local requirements regarding jurisdictional wetlands of the United States of America. Refer to Illustration 3: 24 Park Place Conceptual Site Plan for wetlands location.

6. District Designation

The 24 Park Place Urban Renewal Area is being designated as an economic development area, as defined in Iowa Code Section 403.17 (10) and it is necessary to assist and promote local commercial enterprises to strengthen and revitalize the economy. Further it is necessary to provide the means and methods for the encouragement and assistance of commercial enterprises to locate, purchase, construct, reconstruct, modernize, improve, maintain, repair, furnish equip and expand in the City of Council Bluffs. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community and job creation in accordance with sound planning standards and local community objectives.

CHAPTER III

Land Use and Zoning

1. Existing Land Use and Zoning

The existing land use of the Urban Renewal Area is vacant agricultural ground. The Area is currently zoned A-2/Parks, Estates, and Agricultural District with pending rezoning approval to PC/Planned Commercial District. On August 13, 2018, the Council Bluffs City Council adopted Ordinance No. 6347, which rezoned the property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. The rezoning becomes effective upon final subdivision plat approval of 24 Park Place. The Planned Commercial District is intended for larger scale commercial and destination type development. The 24 Park Place commercial development is consistent with this intent.

Additionally, on August 27, 2018 the Council Bluffs City Council approved Resolution No. 18-259, which adopted a planned commercial development plan for the 24 Park Place. The adopted plan established development standards for site development, architecture, landscaping, off-street parking, access management, signage, and outdoor lighting for all lots in 24 Park Place. The adopted development plan becomes effective upon final subdivision plat approval of 24 Park Place.

Existing land uses and zoning for properties adjacent to the Urban Renewal Area includes:

- North: Council Bluffs Recreational Complex zoned A-2/Parks, Estates, and Agricultural District;
- South: Industrial development site zoned I-1/Light Industrial District;
- East: Marketplace Shopping Center zoned PC/Planned Commercial District and vacant agricultural ground zoned I-2/General Industrial District; and
- West: Dallas Johnson Greenhouses and vacant agricultural ground all zoned A-2/Parks, Estates, and Agricultural District.

Refer to Illustration 10: Existing Land Use and Zoning for information on current zoning and land uses within and adjacent to the Urban Renewal Area.

2. 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”, as amended. The future land use plan of the Bluffs Tomorrow: 2030 Plan, as amended, identifies the area as Regional Commercial. The planned activity for the Urban Renewal Area is development of a new commercial shopping center to be known as 24 Park Place. The 24 Park Place shopping center will consist of seven buildable pad sites and four outlots for stormwater detention. An 185,000 square foot Mills Fleet Farm store will anchor the development. A new Mills Fleet Farm gas station/convenience store and an 88,000 square foot multi-tenant commercial building will be constructed by Lockwood Development in the shopping center. All remaining pad sites will be developed with other commercial uses.

This Urban Renewal Plan and the urban renewal projects described herein are in conformity with the Comprehensive Plan, as amended.

CHAPTER IV

Project Objectives

This Plan is intended to strengthen the economy, enhance the viability, and stimulate the development of the proposed Urban Renewal Area and the surrounding area through the elimination of those factors that have inhibited the full development of the Area. The proposed 24 Park Place development will help accomplish this. This Plan is intended to achieve one or more of the following objectives:

1. Protect the health, safety and general welfare of City residents through the removal or elimination of substandard conditions that exist in the Area.
2. Provide for the improvement of public streets and infrastructure to adequately support the desired land use by correcting any substandard physical conditions and upgrading or installing public infrastructure to support existing and probable levels of additional development to contemporary standards and requirements.
3. Provide for the creation of a unified land use district throughout the Urban Renewal Area whose physical development is consistent with existing and anticipated adjacent land uses.
4. Reduce visual clutter occurring within the Area and establish specific signage and landscaping plans.
5. Provide for adequate public utility services to ensure the development of the Area.
6. Provide for the appropriate public storm water drainage and control to promote the development of the Area.
7. To promote revitalization.
8. To stimulate through public action and commitment, private investment in new development.
9. To provide for the installation of public works and facilities which contribute to the sound development in the Area.
10. To plan for and provide sufficient land for commercial development in a manner that is efficient from the standpoint of providing municipal services.
11. To provide a more marketable and attractive investment climate.
12. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.

13. To cause additional economic development which benefits the public welfare through the creation of jobs and investment.
14. Provide for adequate and improved vehicular ingress and egress to all properties within the Area.
15. Provide for adequate water and sanitary sewer services to ensure the development of the Area.
16. Provide for the appropriate stormwater drainage and control to promote development.
17. To ensure the Area is adequately served by public safety services and facilities.

CHAPTER V

Proposed Urban Renewal Activities

1. Urban Renewal Powers

The proposed actions in the Urban Renewal Area for the 24 Park Place Urban Renewal Plan will consist of one or more of the following actions as outlined by Chapter 403 and Chapter 15A of the Iowa Code.

- a. Dedicate, sell, convey or lease any interest in City property, or grant easements, licenses or other rights or privileges.
- b. Incur the expense of any public improvements made by the City through exercising the powers granted by Chapter 403 of the Iowa Code.
- c. Do any and all things necessary to aid or cooperate in planning of the Urban Renewal Area or projects.
- d. Lend, grant or contribute funds to entities, including private individuals or businesses, which further the objectives of this Plan.
- e. Enter into agreements respecting actions to be taken pursuant to any of the powers granted by Chapter 403 or Chapter 15A of the Iowa Code.
- f. Cause public buildings and public facilities, including parks, playgrounds, and recreational, community, educational, water, sewer or drainage facilities, or any other works which the City is otherwise empowered to undertake to be furnished.
- g. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places.
- h. Plan or replan, zone or rezone any part of the Area.
- i. Cause administrative and other services to be furnished to the City.
- j. Use condemnation powers under Section 403.7 and Chapters 6A and 6B of the Iowa Code or other authority to acquire property for uses allowed under urban renewal law.
- k. To fund or finance economic development projects.
- l. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.
- m. To arrange for or cause to be provided the construction or repair of public infrastructure, including but not limited to streets, storm water drainage, sanitary

sewer system, water system, public utilities or other facilities in connection with urban renewal projects.

- n. To make grants, loans, forgivable loans, tax rebate payments or other types of economic development grants or incentives to private persons or businesses on such terms as may be determined by the City Council.
- o. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
- p. To borrow money and to provide security therefor.
- q. To use any or all other powers granted by Chapter 403 (the Urban Renewal Act), Chapter 15, Chapter 15A, Chapter 427.B. or other provisions of the Code of Iowa to develop and provide for improved economic conditions for the City of Council Bluffs and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City by any provision of the Code of Iowa in furtherance of the objectives of this Plan.

2. Description of Development Activities to be Undertaken – The following is a description of the development activities that are needed but the City does not intend to fund with Tax Increment Financing.

- a. Installation of Public 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. Again, at this time, the City is not contemplating utilizing Tax Increment Financing to fund these improvements.

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. Subdivision and Vacation of Right-of-Way – 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. If the company does not purchase an existing legal description, some type of subdivision action will be required.

3. Description of Urban Renewal Project

- a. Commercial development, development agreement and 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 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 proposed 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 and in any event upon the expiration of the tax increment district.

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 commercial and/or industrial development. In addition, the City may decide 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. Alternatively, the City may determine to use available funds for making such loans, grants or other incentives.

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.

Specifically, the City proposes to assist with the development of a new 11-lot commercial subdivision to be known as 24 Park Place. This includes providing assistance to an entity who intends to grade the 44.47 acre site and build a new 185,000 square foot Mills Fleet Farm store, a detached Mills Fleet Farm gas station/convenience store, and an 88,000 square foot multi-tenant retail building. The entity will also be constructing two new public streets and extending utilities (e.g., water, sanitary/storm sewers, electricity, gas, and telecommunications) within the development. The entity also proposes to install landscaping and sidewalks within the development. The initial project investment by the developer is estimated at \$40 million, of which \$8 million will be used for mass grading/on-site public infrastructure improvements and between \$6-8 million will be used in land acquisition costs. The remaining \$24 million will be used in building costs within the development. The City's assistance for this commercial opportunity may include contributions toward or construction of public infrastructure or the making of loans, grants, property tax rebates other incentives to assist with the acquisition, and/or grading or other costs of the projects. The site suffers from poor drainage and poor soil conditions, and has potential jurisdictional wetlands. A significant amount of fill material must be brought to the site and on-site wetlands must be mitigated in order to make the property developable. It is anticipated that 15-20% of the site will be used to address stormwater management for the development. The proposed development is anticipated to become a regional shopping destination due to the Mills Fleet Farm store and will provide new employment opportunities as well as

additional property tax base for the City of Council Bluffs. The City's assistance may include the use of tax increment financing under Iowa Code section 403.19.

Development Agreements:

Project	Date	Estimated cost to be funded by TIF
The City expects to enter into a Development Agreement with the Lockwood Development which will provide economic development grants to be paid over 15 years using tax increment financing. Lockwood Development will act as the master developer for 24 Park Place, which consists of seven buildable pad sites, and four stormwater detention ponds. An 185,000 square foot Mills Fleet Farm store, a detached Mills Fleet Farm gas station/convenience store, and an 88,000 square multi-tenant commercial building will be constructed by Lockwood Development. The remaining pad sites will be developed with commercial uses based upon market demands. The Development Agreement will include other terms and conditions mutually agreed upon by the parties.	FY 21/22 through FY 35/36	Not to exceed \$15 million

- b. Planning, engineering fees (for urban renewal plans), attorney fees to support urban renewal projects and planning:

Project	Date	Estimated cost
Planning, engineering fees, attorney fees to support urban renewal projects and planning	Undetermined	Not to exceed \$200,000

- c. 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 approximate cost of the Proposed Urban Renewal Projects as described will be as follows:	\$15,200,000.00

4. 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 Urban Renewal Area. 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 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 proposed 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 and in any event upon the expiration of the tax increment district.

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. 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 blight remediation and/or commercial or industrial development. In addition, the City may decide 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. Alternatively, the City may determine to use available funds for making such loans, grants or other incentives. The City may work with Pottawattamie County, the State of Iowa, or other government agencies, as well as private and nonprofit organizations or foundations to obtain funding for project planning and implementation. The City may also sell property or services to fund projects in the Urban Renewal Area. 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 VI

Other

1. Relocation

The City does not expect there to be any relocation required as part of the eligible urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

2. Effective Term

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 is based on economic development findings and no part contains slum or blighted conditions, the division of revenue allowed under 403.19 shall be limited to 20 years from the calendar year following the calendar year in which the City of Council Bluffs adopts a TIF ordinance on all or a part of the Area and first certifies to the County auditor the amount of any loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in section 403.19 within the area included in the TIF ordinance. The City may elect to use multiple TIF ordinances as parcels develop. If so, each separate TIF ordinance will have a 20 year period for collection of revenues as allowed under Iowa Code Section 403.19.

3. Procedure for Amendment

In accordance with Section 403.5 (5) of the Code of Iowa, this Plan may be further amended or modified at any time; provided, that if modified after the lease or sale by the municipality of real property in the Urban Renewal Area, such modifications shall be subject to such rights at law or in equity as a lessee, purchaser, or covenantor, or his or her successor or successors in interest, may be entitled to assert.

If the City desires to make any further change or modification of this plan, it may do so as required by Section 403.5 of the Code of Iowa, or any successor provision thereof.

4. Effect of Creation of Urban Renewal Plan and Urban Renewal Area

The adoption of the 24 Park Place Urban Renewal Plan and Urban Renewal Area will not adversely affect other urban renewal areas. However, the City has determined that an urban renewal program will best serve the existing and anticipated needs of the Area rather than other potential City programs. The City has further determined that economic development is likely to occur only if the City becomes actively involved in the development effort pursuant to the urban renewal powers vested in it under Chapter 403 of the Iowa Code.

5. Base Value

If the 24 Park Place 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.

6. Public Building Analysis

No Urban Renewal Projects proposed in this Plan involve the use of tax increment financing for public buildings as defined in Chapter 403.

7. Property Acquisition/Disposition

The City will follow any and all applicable requirements for the acquisition and disposition of property upon terms and conditions in the discretion of the City Council.

8. Ag Land Agreement

Because some of the land being included in the Park Place Urban Renewal Area contains land that is defined as “agricultural land” by Iowa Code Section 403.17(3), the City and property owners have entered into an agreement in which the property owners agree to allow the City to include real property defined as “Agricultural Land” in the Urban Renewal Area. A copy of the agreements are attached as Exhibits 1 and 2.

9. 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 previously adopted Plan as a whole, or any part of the Plan not determined to be invalid or unconstitutional.

EXHIBIT 1 – Agricultural Land Agreement for CF Realty Group, LLC

[Visit Council Bluffs Online](#)



AGREEMENT TO INCLUDE AGRICULTURAL LAND IN THE 24 PARK PLACE URBAN RENEWAL AREA

WHEREAS, the City of Council Bluffs, Iowa, (the "City") has proposed to establish the 24 Park Place Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by the Chapter; and

WHEREAS, it has been proposed that the boundaries of the area will include the 23.47 acres of land, more or less, which is owned by CF Realty Group, LLC, the ("Agricultural Land Owner") and depicted in Illustration 2 – Boundary Map annexed hereto (the "Agricultural Land Owner's Property"); and

WHEREAS, Section 403.17(3) of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of "agricultural land", until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that the Agricultural Land Owner's Property meets the definition of "agricultural land" in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that it is the owner of the Agricultural Land Owner's Property;
2. The Agricultural Land Owner hereby agrees that the City of Council Bluffs, Iowa, may include the Agricultural Land Owner's Property in the Urban Renewal Area;
3. The Agricultural Land Owner further authorizes the governing body of the City of Council Bluffs, Iowa, to pass any resolution or ordinance necessary to designate the Agricultural Land Owner's Property as an Urban Renewal Area under Chapter 403 of the Code of Iowa and to proceed with activities authorized under said Chapter.

DATED this 26th day of February, 2019

CF Realty Group, LLC

By: Richard J. Coenen
Richard J. Coenen, Managing Member

Witness: Patricia Coenen

EXHIBIT 2 – Agricultural Land Agreement for Frank R. Krejci Trust

AGREEMENT TO INCLUDE AGRICULTURAL LAND IN THE 24 PARK PLACE URBAN RENEWAL AREA

WHEREAS, the City of Council Bluffs, Iowa, (the “City”) has proposed to establish the 24 Park Place Urban Renewal Area (the “Urban Renewal Area”), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by the Chapter; and

WHEREAS, it has been proposed that the boundaries of the area will include the 21.07 acres of land, more or less, which is owned by Frank R. Krejci Trust, the (“Agricultural Land Owner”) and depicted in Illustration 2 – Boundary Map annexed hereto (the “Agricultural Land Owner’s Property”); and

WHEREAS, Section 403.17(3) of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of “agricultural land”, until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that the Agricultural Land Owner’s Property meets the definition of “agricultural land” in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that it is the owner of the Agricultural Land Owner’s Property.
2. The Agricultural Land Owner hereby agrees that the City of Council Bluffs, Iowa, may include the Agricultural Land Owner’s Property in the Urban Renewal Area.
3. The Agricultural Land Owner further authorizes the governing body of the City of Council Bluffs, Iowa, to pass any resolution or ordinance necessary to designate the Agricultural Land Owner’s Property as an Urban Renewal Area under Chapter 403 of the Code of Iowa and to proceed with activities authorized under said Chapter.

DATED this 19 day of February, 2019

Frank R. Krejci Trust

By: Frank R. Krejci
Frank R. Krejci

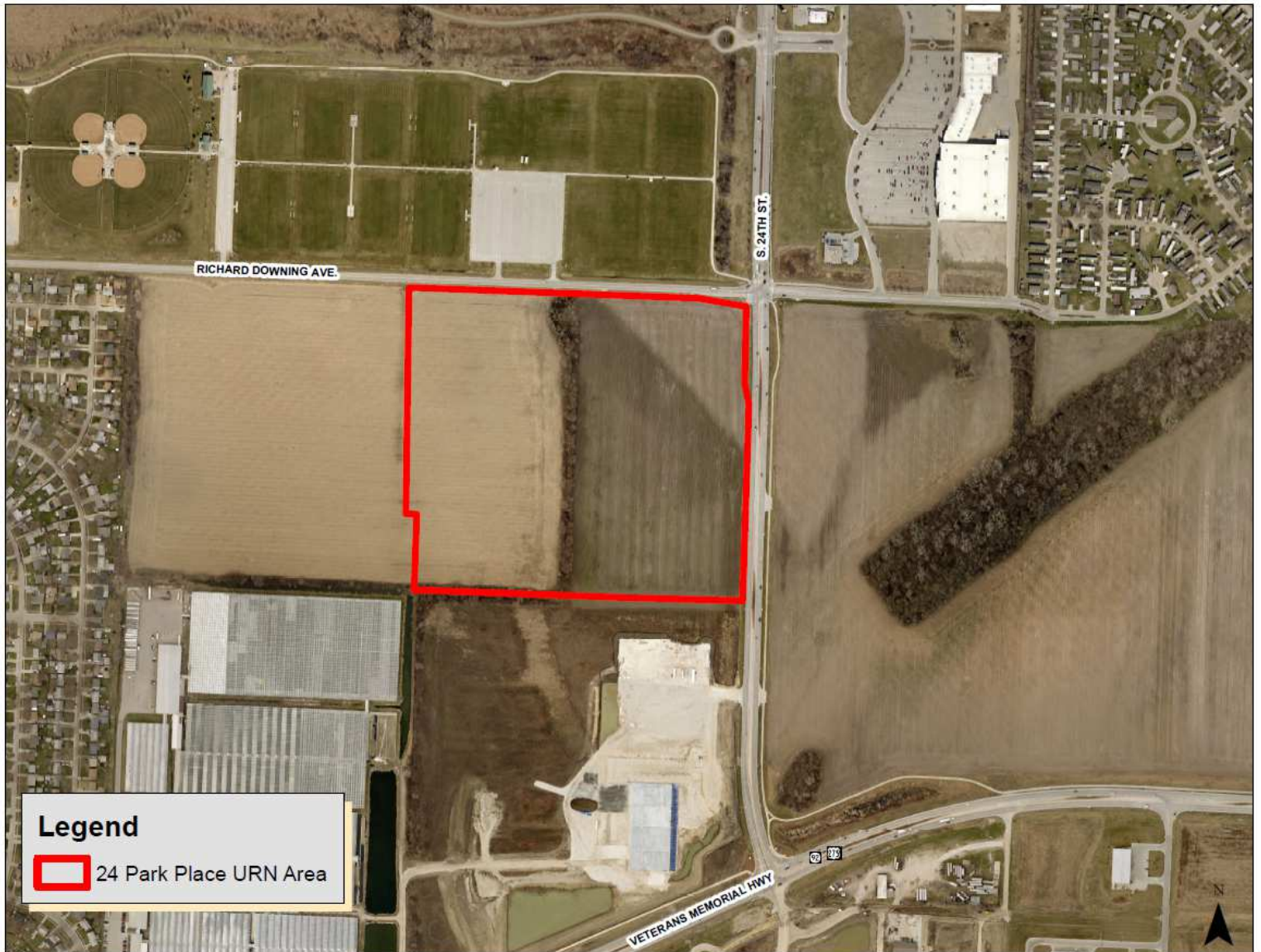
Witness: Wendy Ellington

ILLUSTRATIONS

Illustration 1 – City Location Map



Illustration 2 – Boundary Map



[illegible]

Illustration 4 – 24 Park Place Architectural Renderings

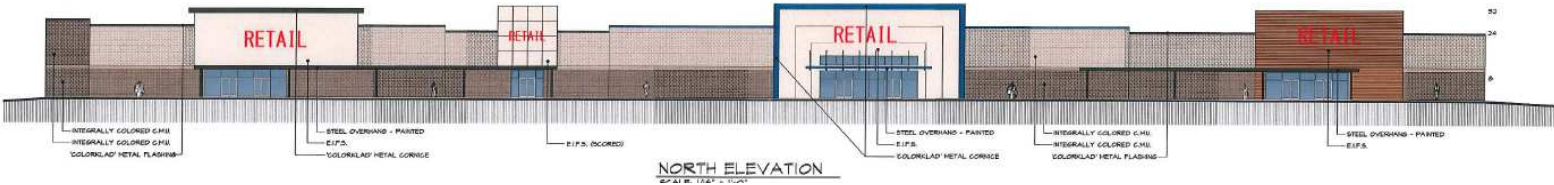


Illustration 5 – 24 Park Place Rezoning/Legal Description

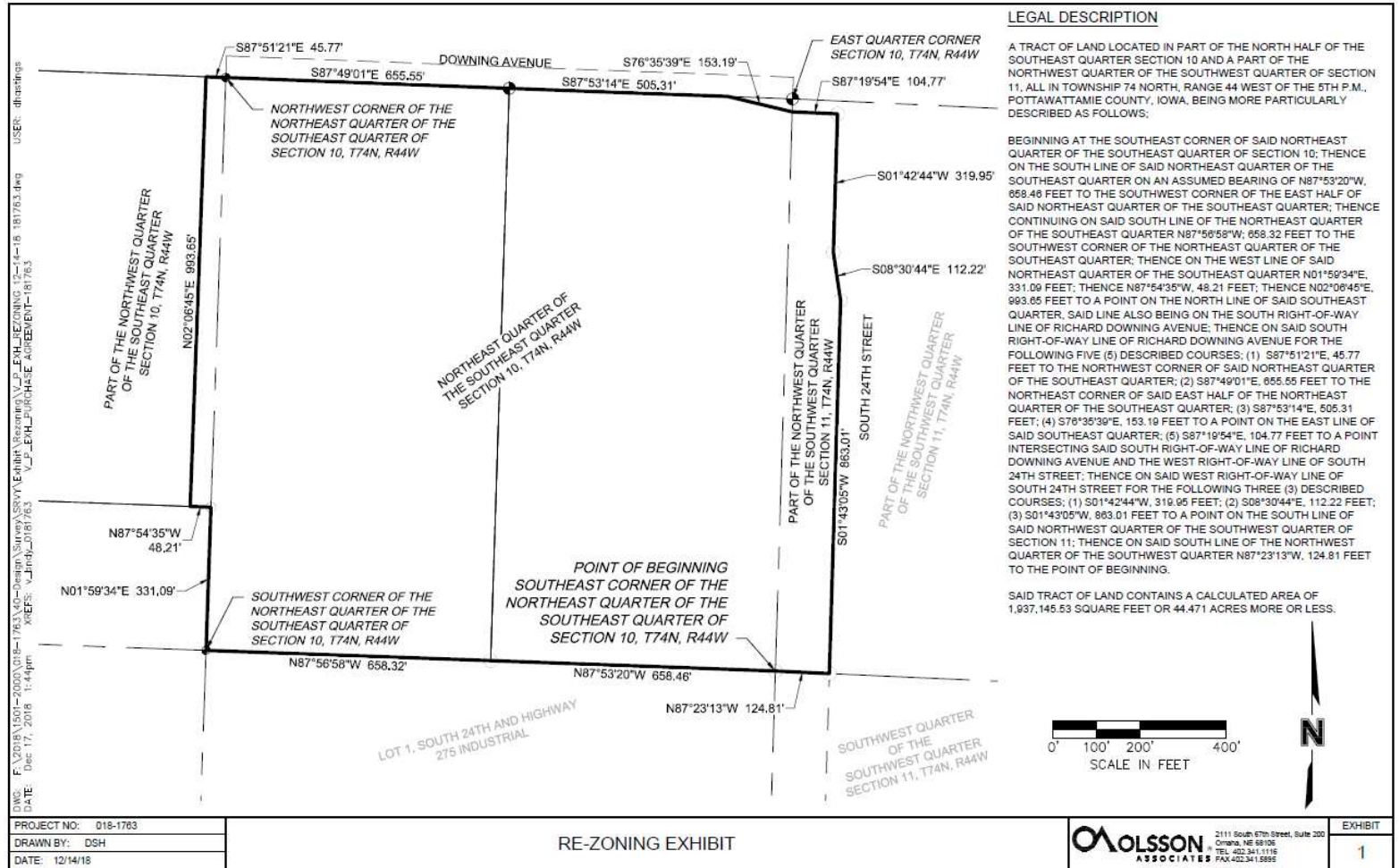


Illustration 6 – Public Utilities and Services Map

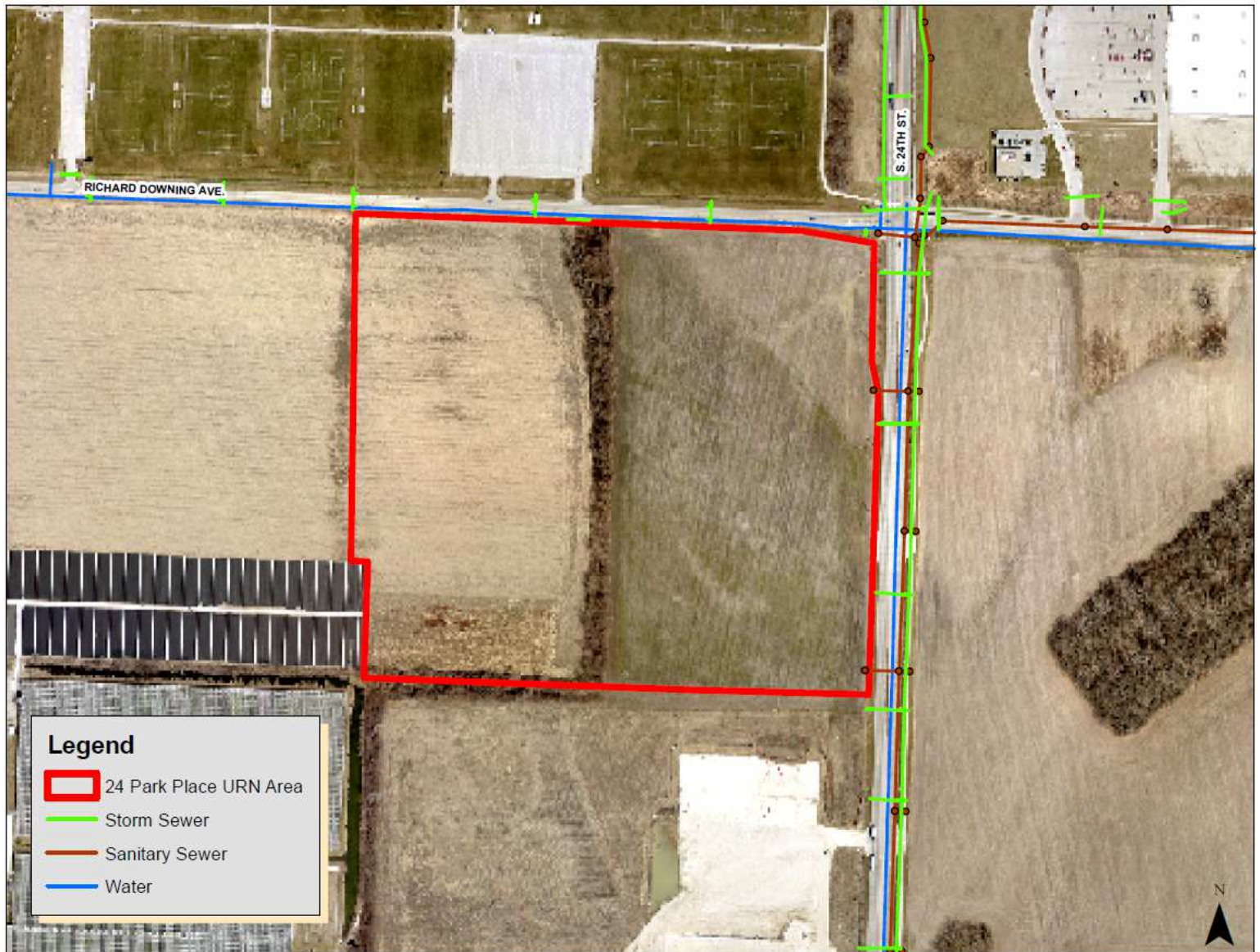


Illustration 7 – Topography and Drainage Map



Illustration 8 – Soils Map

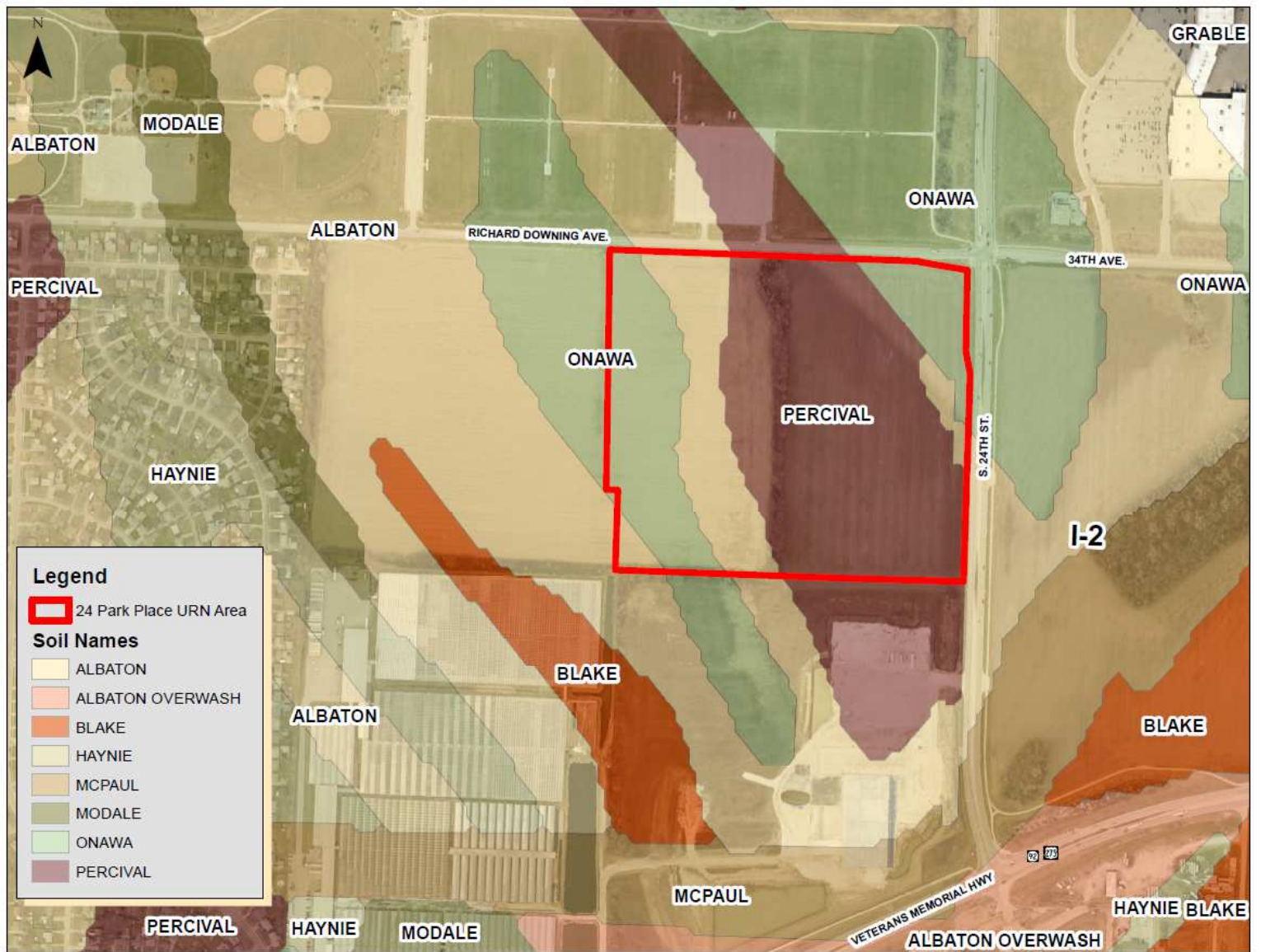


Illustration 9 – Flood Zone Map



Illustration 10 – Existing Land Use and Zoning Map



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CITY OF COUNCIL BLUFFS

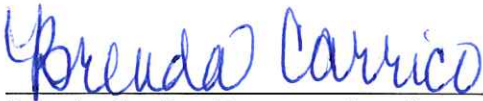
PROCEEDINGS OF THE CONSULTATION BETWEEN THE CITY AND AFFECTED TAXING ENTITIES

24 PARK PLACE URBAN RENEWAL PLAN

The consultation between the City and affected taxing entities on the 24 Park Place Urban Renewal Plan was held on March 4, 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 March 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 24 Park Place Urban Renewal Plan.

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

No one appeared in opposition.

It is the finding of the City of Council Bluffs Planning Commission that the 24 Park Place 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 6 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried

Planning Commission Signature: P. A. Hutcheson

Printed Name: Peter A. Hutcheson

Attest: Christopher Gibbons

Printed Name: Christopher Gibbons

Resolution 19-81

ITEMS TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA

March 25, 2019

7:00 P.M.

24 Park Place Urban Renewal Plan

- Public hearing on the proposed 24 Park Place Urban Renewal Plan
- Resolution determining an area of the City to be an economic development 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 24 Park Place Urban Renewal Plan
- Consideration of Ordinance for the division of revenues under Iowa Code Section 403.19 for 24 Park Place Urban Renewal Plan

IMPORTANT INFORMATION

1. The above agenda items should be included, along with any other agenda items, in the meeting agenda. The agenda should be posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting. If no such office exists, the notice must be posted at the building in which the meeting is to be held.
2. If you do not now have a bulletin board designated as above mentioned, designate one and establish a uniform policy of posting your notices of meeting and tentative agenda.
3. Notice and tentative agenda must be posted at least 24 hours prior to the commencement of the meeting.

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

March 25, 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 7:00 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed 24 Park Place Urban Renewal Plan, the Mayor first asked for the report of the Community Development Program Coordinator, or her delegate, with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that _____ written recommendations were received from affected taxing entities. The report of the Community Development Program Coordinator, or her delegate, with respect to the consultation was placed on file for consideration by the Council.

The City also was informed that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of the Commission. The report or minutes were placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Plan, and the City Clerk reported that _____ written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the 24 Park Place Urban Renewal Plan and _____ were made. The public hearing was then closed.

{Attach summary of objections here}

Council Member _____ then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT 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 24 PARK PLACE URBAN RENEWAL PLAN" and moved:

- ☐ that the Resolution be adopted.
- ☐ to defer action on the Resolution and the proposal 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 NO. 19-81

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT 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 24 PARK PLACE URBAN RENEWAL PLAN

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed 24 Park Place Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the 24 Park Place Urban Renewal Area ("Area" or "Urban Renewal Area") described below has been prepared, which proposed Plan has been on file in the office of the City Clerk and which is incorporated herein by reference; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

Beginning at the southeast corner of said northeast quarter of the southeast quarter of section 10; thence on the South line of said northeast quarter of the southeast quarter on an assumed bearing of N87°53'20"W, 658.46 feet to the southwest corner of the east half of said northeast quarter of the southeast quarter; thence continuing on said South line of the northeast quarter of the southeast quarter N87°56'58"W; 658.32 feet to the southwest corner of the northeast quarter of the southeast quarter; thence on the West line of said northeast quarter of the southeast quarter N01°59'34"E, 331.09 feet; thence N87°54'35"W, 48.21 feet; thence N02°06'46"E, 993.65 feet to a point on the North line of said southeast quarter, said line also being on the South right-of-way line of Richard Downing Avenue; thence on said South right-of-way line of Richard Downing Avenue for the following five (5) described courses; (1) S87°51'21"E, 45.77 feet to the northwest corner of said northeast quarter of the southeast quarter; (2) S87°49'01"E, 655.55 feet to the northeast corner of said east half of the northeast quarter of the southeast quarter; (3) S87°53'14"E, 505.31 feet; (4) S76°35'39"E, 153.19 feet to a point on the east line of said southeast quarter; (5) S87°19'54"E, 104.77 feet to a point intersecting said South right-of-way line of Richard Downing Avenue and the West right-of-way line of South 24th Street; thence on said West right-of-way line of South 24th Street for the following three (3) described courses; (1) S01°42'44"W, 319.95 feet; (2) S08°30'44"E, 112.22 feet; (3) S01°43'05"W, 863.01 feet to a point on the South line of said northwest quarter of the southwest quarter of Section 11; thence on said South line of the

northwest quarter of the southwest quarter N87°23'13"W, 124.81 feet to the point of beginning.

WHEREAS, the proposed 24 Park Place Urban Renewal Area includes land classified as agricultural land and consequently written permission of the current owners has been obtained; and

WHEREAS, it is desirable that the Urban Renewal Area be redeveloped as described in the proposed Urban Renewal Plan to be known hereafter as the "24 Park Place Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, creation of the Urban Renewal Area and adoption of the 24 Park Place Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on February 25, 2019, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Community Development Program Coordinator, or her delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Daily Nonpareil, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in the proposed "24 Park Place Urban Renewal Plan" for the area of the City of Council Bluffs, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "24 Park Place Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Council for this area.

Section 2. This Council further finds:

a) Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b) The Urban Renewal Plan conforms to the general plan for the development of the City as a whole; and

c) Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Urban Renewal Area:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

a. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

b. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

c. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

d. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential

uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal Area is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; 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 this City.

Section 4. That the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "24 Park Place Urban Renewal Plan for the 24 Park Place Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; the Mayor and City Clerk are authorized to approve the executed Agricultural Land Agreements; and the City Clerk is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 25th day of March, 2019.

Mayor

ATTEST:

City Clerk

Label the Plan as Exhibit 1 (with all exhibits) and attach it to this Resolution.

ATTACH THE PLAN LABELED AS
EXHIBIT 1 HERE

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: Community
Development

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

Submitted by: Chris Meeks,
Planner

Resolution 19-82
ITEM 4.C.

Council Action: 3/25/2019

Description

Resolution to dispose of City property 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	3/15/2019
Case #OTB-19-001 Attachment A	Other	3/15/2019
Case #OTB-19-001 Attachment B	Other	3/15/2019
Resolution 19-82	Resolution	3/19/2019

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 to Dispose No. _____	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 applicant has offered \$6,825.00 to purchase the property, and has submitted an \$826.50 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		
<p>The Community Development Department recommends disposing of the property described above to Little Venez, LLC, represented by Ruben Foster, for the purchase price of \$8,265.00, which is the most recently assessed value, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant shall have 60 days from the date of approval to pay the remaining fee to purchase the parcel, a total of \$7,438.50. 		
<p>Attachment A: Location map Attachment B: Site Photos Prepared By: Chris Meeks, Planner, Community Development Department</p>		

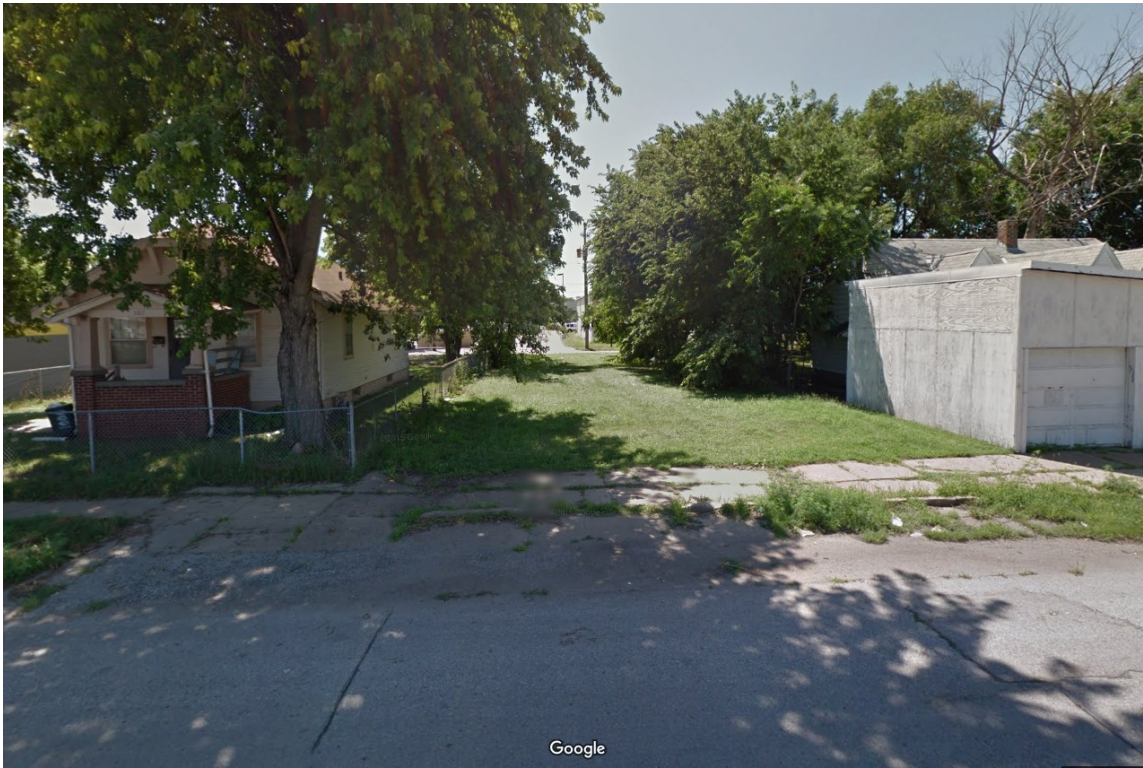


105 0 10 20 30 Feet



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)



Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 328-4629

RESOLUTION NO. 19-82

A RESOLUTION 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 previously expressed its intent to dispose of owned property described as Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on March 25, 2019 at 7:00 p.m.

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

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Little Venez, LLC, represented by Ruben Gomez, and all successors in interest: Lot 4, Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be \$8,265.00 cash due at closing and the property closing must occur within 60 days of the date of approval.

ADOPTED
AND
APPROVED: March 25, 2019.

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 19-83
ITEM 4.D.

Council Action: 3/25/2019

Description

Resolution to dispose of City property legally described as the East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition. Location: Property formally addressed as 1201 8th Avenue. OTB-18-032

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-18-032 Staff Report	Other	3/15/2019
Case #OTB-18-032 Attachment A	Map	3/15/2019
Resolution 19-83	Resolution	3/19/2019

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 to Dispose No. _____	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 is ‘non-buildable’ independently. 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.

Due to the limited width of only 36.25 feet, the subject parcel would not be wide enough to allow the construction of a principal structure if it were to be sold as a standalone parcel, as would be the case if the property was sold to Doug Evans. Currently, the Street Side Yard Setback of 15 feet and the Interior Side Yard Setback of 5 feet would only allow a structure with a width of 16.25 feet, which is below the minimum allowable width of a principal structure of 20 feet. An accessory structure, such as a shed or a garage, would not be allowed on the parcel without a principal structure. Alternatively, if the subject property was sold to Carol Etherington, she could combine the property with her current parcel, and it would be able to be constructed upon, as there would be additional yard area to accommodate setbacks, as well as an existing principal structure. The most productive use of the parcel would be for it to be sold to Carol Etherington, the owner of the adjacent property.

Recommendation

The Community Development Department recommends disposing of the property described above to Carol Etherington for the purchase price of \$742.80, subject to the following conditions:

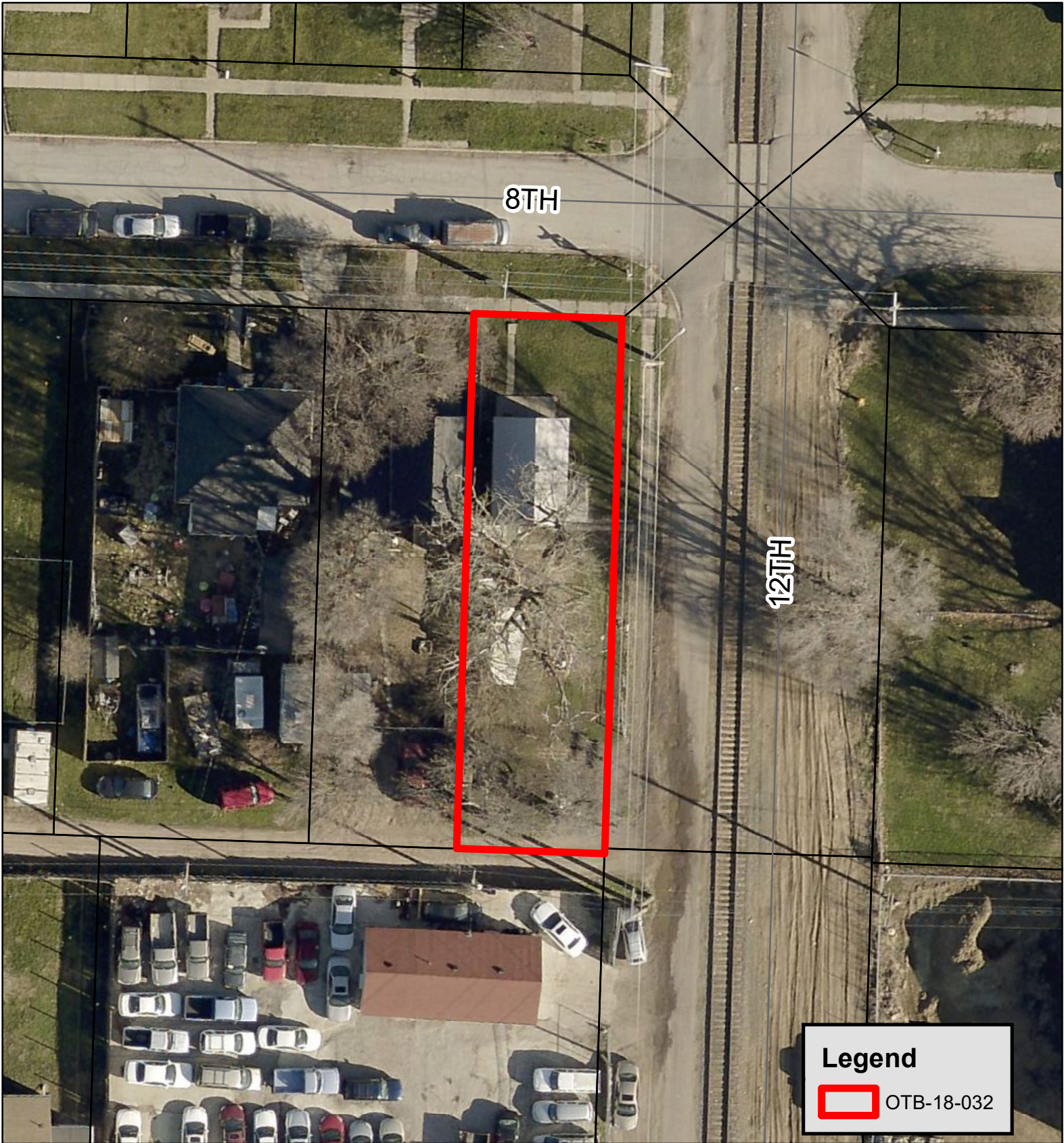
1. The applicant shall have 60 days from the date of approval to pay the fee to purchase the parcel, a total of \$742.80.
2. The deed shall have a restriction that no access be granted from the subject property to South 12th street. Access will come from 8th Avenue to the North or the alleyway to the South.

The deposit of \$74.29, as paid by Doug Evans, shall be refunded, as the offer to buy submitted by Mr. Evans will not be accepted.


Attachment: Location map.

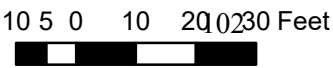
Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-18-032



Legend

 OTB-18-032



Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 328-4629

RESOLUTION NO. 19-83

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

WHEREAS, the City has previously expressed its intent to dispose of 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, a public hearing has been held in this matter on March 25, 2019 at 7:00 p.m.

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

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Carol Etherington, and all successors in interest: The East 36'3" of Lot 1, Block 12, McMahon Cooper and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

The deed shall have a restriction that no access be granted from the subject property to South 12th street and access will come from 8th Avenue to the North or the alleyway to the South; and

BE IT FURTHER RESOLVED

That the purchase price be \$742.80 cash due at closing and the property closing must occur within 60 days of the date of approval.

ADOPTED
AND
APPROVED:

March 25, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community
Development

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

Submitted by: Chris Meeks,
Planner

Resolution 19-84
ITEM 4.E.

Council Action: 3/25/2019

Description

Resolution 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	3/15/2019
Case #MIS-19-001 Attachment A	Other	3/15/2019
Case #MIS-19-001 Attachment B-G	Other	3/15/2019
Resolution 19-84	Resolution	3/19/2019

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. 		

Recommendation

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:

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.

Attachments

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

Prepared by: Chris Meeks, Planner

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.

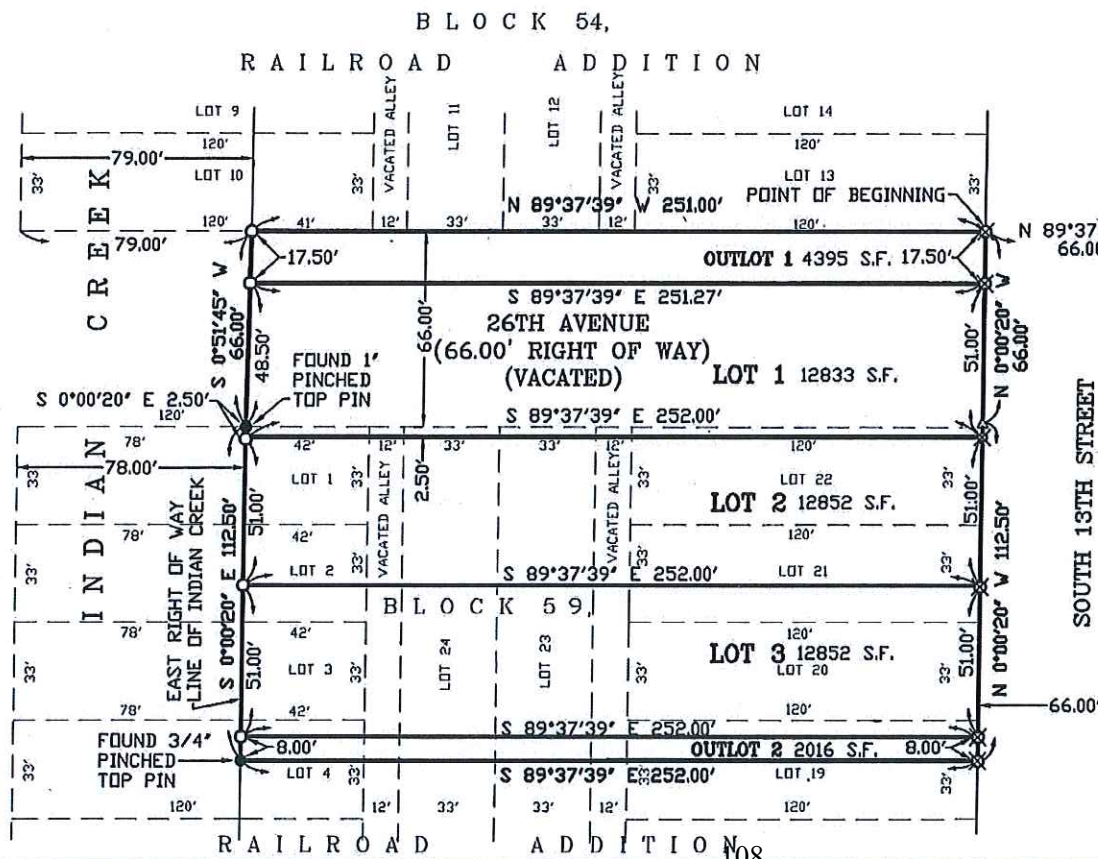
OWNER: GENERAL PROPERTY MGT., LLC, PRESIDENT, LARRY L. HANSEN

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

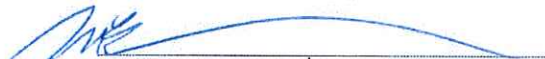
NAY: none

ABSTENTION: none

ABSENT: none

Adopted and approved this 19th day of February 2019.


Caitlin A. Beresford, Chairman


Martin L. Brooks, Vice-Chairperson

ATTEST:

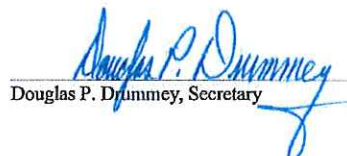

Douglas P. Drummey, Secretary


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

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 - Phone: (712) 328-4629

RESOLUTION NO. 19-84

A RESOLUTION FOR RELEASE OF THE SOUTH 48.5 FEET OF THE PERMANENT AND PERPETUAL EASEMENT GRANTED FOR UTILITY PURPOSES ACROSS THE PREVIOUSLY VACATED 26TH AVENUE RIGHT-OF-WAY EXTENDING 252 FEET FROM THE WEST RIGHT-OF-WAY LINE OF SOUTH 13TH STREET AND NORTH OF BLOCK 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, WHILE STILL MAINTAINING THE UTILITY EASEMENT OVER THE NORTH 17.5 FEET OF THE FORMER 26TH AVENUE RIGHT-OF-WAY (OUTLOT 1).

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines the perpetual and permanent easements located over the South 48.5 feet of the East 252 feet of the vacated 26th Avenue located West of South 13th Street, as is platted North of Block 59, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, as shown in Attachment 'A', are of no benefit to the public and should be released; and

WHEREAS, upon receipt of signed authorization forms from all local utility companies and pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this easement interest by conveying all of its right, title, and interest in it to the abutting property owner(s).

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

That the release of the perpetual and permanent utility easements across the South 48.5 feet of the East 252 Feet of the vacated 26th Avenue right-of-way, as legally described above, is hereby approved contingent upon all local utility companies submitting a signed authorization form, releasing their interest(s) in said utility easements, to the City of Council Bluffs; and

BE IT FURTHER RESOLVED

That upon receipt of signed authorization forms from all local utility providers releasing their interests; the City of Council Bluffs is hereby authorized to dispose of this easement conveying all of its right, title, and interest in it to the abutting property owner(s); 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 Section 354.23.

ADOPTED
AND
APPROVED:

March 25, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2019, 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.: URN-19-001
Submitted by: Brenda Carrico

Ordinance 6383
ITEM 5.A.

Council Action: 3/25/2019

Description

Ordinance providing that general property taxes levied and collected each year on all property located within the 24 Park Place 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, Lewis Central 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 24 Park Place Urban Renewal Area (the 24 Park Place Urban Renewal Plan)

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff report	Other	3/15/2019
24 Park Place Urban Renewal Plan	Other	3/15/2019
Consultation proceedings	Other	3/15/2019
City Planning Commission Report	Other	3/15/2019
Ordinance 6383	Ordinance	3/19/2019

Council Communication
March 25, 2019 City Council Meeting

Department: Community Development		Planning Commission: 3-12-19 CC PH: 3-25-19
Case No.: URN-19-001	Resolution No.: 19-	First Reading: 3-25-19 Second Reading: 4-8-19 Third Reading: Request Waive
Subject/Title		
Creation and adoption of the 24 Park Place Urban Renewal Plan and 1 st consideration of the Tax Increment Financing Ordinance		
Location		
Generally located at South 24 th Street and Richard Downing Avenue		
Background/Discussion		
<u>Background</u>		
In August 2018, the Council Bluffs City Council adopted and approved the following ordinance and resolutions to allow a new commercial shopping center, known as 24 Park Place, to be developed on property located at the southwest corner of the intersection of South 24 th Street and Richard Downing Avenue:		
<ul style="list-style-type: none">• Ordinance No. 6347: Conditionally rezoned the subject property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. The rezoning will become effective upon execution of a final plat for 24 Park Place Subdivision;• Resolution No. 18-55: Granted preliminary plan approval for a commercial subdivision to be known as 24 Park Place; and• Resolution No. 18-259: Adopted a planned commercial development plan for 24 Park Place.		
The developer, Lockwood Development, has proposed to construct a new Fleet Farm store with an associated gas station/convenience store along with several pad sites in 24 Park Place and has requested the City of Council Bluffs provide financial assistance for the project. The City and Lockwood Development have held conversations about providing tax increment financing (TIF) for the project using the powers granted under Iowa Code Chapter 403/Urban Renewal Law. In order to invoke its urban renewal powers, the City Council must agree to designate the subject property an Urban Renewal Area, adopt an Urban Renewal Plan and negotiate a development agreement with the Developer. Assistance in the form of an urban renewal project area, conforming to the Section 403 of Iowa Code, is necessary to acquire land; improve regulatory control; improve public infrastructure and facilities; and to allow for private development of vacant land.		
<u>Discussion</u>		
On February 25, 2019, the City Council passed a resolution of necessity, which directed staff to initiate the process of creating the 24 Park Place Urban Renewal Plan and Area. This resolution established the following actions and timeframes:		
March 4, 2019	Consultation hearing with affected taxing jurisdictions	
March 12, 2019	City Planning Commission hearing and review	
March 25, 2019	City Council public hearing	

Council Communication
March 25, 2019 City Council Meeting

The consultation hearing was held on March 4, 2019 and no public attended. Additionally, no written correspondence has been received by the Community Development Department either in support or against the proposed plan.

Iowa statutes require the City Planning Commission to review the plan for conformity to the comprehensive plan and to forward a recommendation to City Council prior to the public hearing. A comprehensive plan amendment for this property was previously approved by the City Planning Commission on February 12, 2019 and the City Council on February 25, 2019. Planning Commission reviewed the urban renewal plan at their meeting on March 12, 2019 and their finding is stated below.

Planning Commission Public Hearing (March 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 24 Park Place 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 24 Park Place Urban Renewal Plan and Area.

VOTE: AYE 6 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried

The 24 Park Place Urban Renewal Area is being designated as an economic development area, conforming to Section 403.2(3) of the Iowa Code. Designation is necessary to assist and promote local commercial enterprises to strengthen and revitalize the economy. Tax Increment Financing (TIF) will be utilized to provide the means and methods for the encouragement and assistance of commercial enterprises to locate, purchase, construct, reconstruct, modernize, improve, maintain, repair, furnish equip and expand in the City of Council Bluffs. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community and job creation in accordance with sound planning standards and local community objectives.

Staff Recommendation

The Community Development Department recommends approval of the 24 Park Place Urban Renewal Plan and Area.

Attachments

1. Resolution adopting the 24 Park Place Urban Renewal Plan and Area with the plan attached as Exhibit 1
2. Consultation proceedings
3. City Planning Commission Report
4. TIF Ordinance

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Brandon Garrett, Director, Community Development Department

**24 PARK PLACE
URBAN RENEWAL PLAN**



CITY OF COUNCIL BLUFFS, IOWA
ADOPTED - _____ 2019

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CHAPTER I

Background

Lockwood Development has requested urban renewal actions on land located at the southwest corner of the intersection of South 24th Street and Richard Downing Avenue in the City of Council Bluffs, Iowa. Lockwood Development intends to build a new commercial shopping center to be known as 24 Park Place on said land. The 24 Park Place shopping center is anticipated to include seven buildable pad sites and four outlots for stormwater detention. An 185,000 square foot Mills Fleet Farm store will anchor the development and is considered a new retailer in the Omaha-Council Bluffs market. Lockwood Development also proposes to build a new Mills Fleet Farm gas station/convenience store on a pad site adjacent to their main store as well as a new 88,000 square foot multi-tenant commercial building in the southeast corner of the development. All remaining pad sites will be developed with other commercial uses. Assistance in the form of an urban renewal project area, conforming to Chapter 403 of the Iowa Code, is necessary to assist with the provision of incentives.

Actions necessary for the development of the subject property include land acquisition, site development preparations, utility enhancements and installations, possible traffic controls and pedestrian access enhancements, wetlands mitigation, and construction of a new public street. The subject property is comprised of 44.47 acres of undeveloped land that is currently zoned A-2/Parks, Estates, and Agricultural District. On August 13, 2018, the Council Bluffs City Council approved Ordinance No. 6347, which rezoned the subject property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. Additionally, on August 27, 2018 the Council Bluffs City Council approved Resolution No. 18-259, which adopted a planned commercial development plan for the 24 Park Place Subdivision. Both the rezoning and planned commercial development plan shall become effective upon final plat approval of the 24 Park Place Subdivision.

Assistance in the form of an urban renewal area, conforming to Chapter 403 of the Iowa Code, may be necessary to acquire land; improve regulatory control; improve transportation access; improve public infrastructure and facilities; and to allow for and/or incentivize private development or redevelopment. More specifically, this area has been declared an economic development area, conforming to Section 403.2(3) of the Iowa Code. This Plan is to be called the 24 Park Place Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the 24 Park Place Urban Renewal Area ("Area" or "Urban Renewal Area"), and its purpose, objectives and project proposals are described within this document.

The general location and boundaries of 24 Park Place Urban Renewal Area ("Area" or "Urban Renewal Area") are shown in Illustration 1: City Location Map and Illustration 2: Boundary Map. Furthermore, the subdivision layout and architectural renderings for the 24 Park Place Urban Renewal Area are shown in Illustration 3: 24 Park Place Conceptual Site Plan, and Illustration 4: 24 Park Place Architectural Rendering.

CHAPTER II

Description of Urban Renewal Area

1. Urban Renewal Area Description

The Urban Renewal Area consists of a tract of land located in part of the north half of the southeast quarter of Section 10, and part of the northwest quarter of the southwest quarter of Section 11, all in Township 74 North, Range 44 West of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described as follows:

Beginning at the southeast corner of said northeast quarter of the southeast quarter of section 10; thence on the South line of said northeast quarter of the southeast quarter on an assumed bearing of N87°53'20"W, 658.46 feet to the southwest corner of the east half of said northeast quarter of the southeast quarter; thence continuing on said South line of the northeast quarter of the southeast quarter N87°56'58"W; 658.32 feet to the southwest corner of the northeast quarter of the southeast quarter; thence on the West line of said northeast quarter of the southeast quarter N01°59'34"E, 331.09 feet; thence N87°54'35"W, 48.21 feet; thence N02°06'46"E, 993.65 feet to a point on the North line of said southeast quarter, said line also being on the South right-of-way line of Richard Downing Avenue; thence on said South right-of-way line of Richard Downing Avenue for the following five (5) described courses; (1) S87°51'21"E, 45.77 feet to the northwest corner of said northeast quarter of the southeast quarter; (2) S87°49'01"E, 655.55 feet to the northeast corner of said east half of the northeast quarter of the southeast quarter; (3) S87°53'14"E, 505.31 feet; (4) S76°35'39"E, 153.19 feet to a point on the east line of said southeast quarter; (5) S87°19'54"E, 104.77 feet to a point intersecting said South right-of-way line of Richard Downing Avenue and the West right-of-way line of South 24th Street; thence on said West right-of-way line of South 24th Street for the following three (3) described courses; (1) S01°42'44"W, 319.95 feet; (2) S08°30'44"E, 112.22 feet; (3) S01°43'05"W, 863.01 feet to a point on the South line of said northwest quarter of the southwest quarter of Section 11; thence on said South line of the northwest quarter of the southwest quarter N87°23'13"W, 124.81 feet to the point of beginning.

Refer to Illustration 5: Re-Zoning Exhibit for legal description.

2. Structural Conditions

The Area currently has no existing buildings on site.

3. Transportation Systems

The Urban Renewal area is located just south of Interstate 29/80, which is a fully controlled-access freeway. The interstate provides a convenient route from the Urban Renewal Area to destinations in Kansas, Missouri, Iowa, Nebraska, and South Dakota. A full interchange exists at the intersection of South 24th Street to north.

The Urban Renewal Area is accessible from South 24th Street to the east and from Richard Downing Avenue to the north. South 24th Street is classified as a minor arterial roadway and extends from 23rd Avenue to Veterans Memorial Highway. It is constructed as a four-lane divided street with signalization and turn lanes and receives a large amount of local traffic from adjacent residential neighborhoods, Interstate 29/80, and Highways 92/275 (Veterans Memorial Highway).

Richard Downing Avenue is a two-lane collector street that is signalized where it intersects with South 24th Street. This street receives traffic volumes from South 24th Street as well as from the Twin Cities residential neighborhood located west of the Urban Renewal Area.

The 24 Park Place shopping center will include construction of two new public streets, which are designed to provide pedestrian and vehicular access to lots within the development. Other transportation system improvements planned for the 24 Park Place Subdivision, which are located outside of the Urban Renewal Area boundary, include the installation of sidewalks along Richard Downing Avenue and South 24th Street and the widening of Richard Downing Avenue from two-lanes to three-lanes. Depending on final layout and results of a traffic study, additional traffic signals and modifications to Richard Downing Avenue and South 24th Street may be needed.

4. Public Utilities and Services

The Urban Renewal Area is well served by municipal utilities (water, sanitary sewer and storm water) along Richard Downing Avenue and South 24th Street.

Water service is available from the North from an existing main in Richard Downing Avenue and from the East from an existing main in South 24th Street. Lockwood Development proposes to extend water from the north and east to service the lots within the 24 Park Place development.

Sanitary sewer is available from the East through an existing main in South 24th Street. Lockwood Development proposes to provide sanitary sewer service to the 24 Park Place development by connecting into the sewer main in South 24th Street. The sanitary sewer connection must be designed to meet City of Council Bluffs Public Works standards and must be constructed in conjunction with the new public streets in 24 Park Place.

Storm sewer is available from the North through an existing main in Richard Downing Avenue and from the East through an existing main in South 24th Street. Lockwood Development proposes to provide storm sewer service to the 24 Park Place development by connecting into these sewer mains.

Private energy and communication facilities are located adjacent the Urban Renewal Area and are available to serve the proposed 24 Park Place development. Lockwood Development proposes to contract with Mid-American Energy for electrical service and Black Hills Energy for natural gas service. Lockwood Development also proposes to contract with communication service providers to extend voice, data, and cable services to the 24 Park Place development.

Refer to Illustration 6: Public Utilities and Services for information on current municipal service line locations near the Urban Renewal Area.

5. Environment

Topography and Drainage – The topography of the Urban Renewal Area is characterized by very slight slopes of zero to two percent. Because of the nearly level topography, the Area has a poor natural drainage pattern, and little potential for soil erosion. The water table is relatively close to the surface. The Area sits approximately four feet below the intersection of South 24th Street and Richard Downing Avenue. A significant amount of fill dirt must be applied to the site in order for the 24 Park Place development to achieve adequate fall for site utilities (e.g., sanitary/storm

sewers). Refer to Illustration 7: Topography and Drainage for two-foot site contours within and adjacent to the Urban Renewal Area.

Floodplain – According to the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency, the Urban Renewal Area is in a Zone X, which is the 500-year floodplain. Refer to Illustration 9: Flood Zone Map for floodplain information within and adjacent to the Urban Renewal Area.

Soils – According to the Soil Conservation Service (SCS) Soil Survey Maps, the Area consists of three types of soil: Albaton; Percival; and Onawa. These soils have 0 to 2 percent slopes and consist of silt loam and clay. These soils are generally located in settling basins on broad bottomland and in upland drainage ways. Soils are characterized as having low to moderate permeability, slow run-off, and occasional flooding for brief periods unless protected. The SCS report notes that these soil types have moderate to severe limitations for development potential, due to the seasonable high water table, poor drainage patterns, poor bearing capacity, and a high shrink-swell potential. These soil factors will require most of the Urban Renewal Area to be surcharged and a significant amount of fill dirt to be brought in order to help establish positive drainage. Illustration 8: Soils map for information on soil types within and adjacent to the Urban Renewal Area.

Wetlands – The Urban Renewal Area has potential wetlands located in the northeasterly portion of the development site. Lockwood Development is working with their civil engineer, Olsson Associates, and the U.S. Army Corps of Engineers to delineate the wetlands and to determine if they are jurisdictional wetlands or not. Lockwood Development is required to comply with all Federal, State, and local requirements regarding jurisdictional wetlands of the United States of America. Refer to Illustration 3: 24 Park Place Conceptual Site Plan for wetlands location.

6. District Designation

The 24 Park Place Urban Renewal Area is being designated as an economic development area, as defined in Iowa Code Section 403.17 (10) and it is necessary to assist and promote local commercial enterprises to strengthen and revitalize the economy. Further it is necessary to provide the means and methods for the encouragement and assistance of commercial enterprises to locate, purchase, construct, reconstruct, modernize, improve, maintain, repair, furnish equip and expand in the City of Council Bluffs. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community and job creation in accordance with sound planning standards and local community objectives.

CHAPTER III

Land Use and Zoning

1. Existing Land Use and Zoning

The existing land use of the Urban Renewal Area is vacant agricultural ground. The Area is currently zoned A-2/Parks, Estates, and Agricultural District with pending rezoning approval to PC/Planned Commercial District. On August 13, 2018, the Council Bluffs City Council adopted Ordinance No. 6347, which rezoned the property from A-2/Parks, Estates, and Agricultural District to PC/Planned Commercial District. The rezoning becomes effective upon final subdivision plat approval of 24 Park Place. The Planned Commercial District is intended for larger scale commercial and destination type development. The 24 Park Place commercial development is consistent with this intent.

Additionally, on August 27, 2018 the Council Bluffs City Council approved Resolution No. 18-259, which adopted a planned commercial development plan for the 24 Park Place. The adopted plan established development standards for site development, architecture, landscaping, off-street parking, access management, signage, and outdoor lighting for all lots in 24 Park Place. The adopted development plan becomes effective upon final subdivision plat approval of 24 Park Place.

Existing land uses and zoning for properties adjacent to the Urban Renewal Area includes:

- North: Council Bluffs Recreational Complex zoned A-2/Parks, Estates, and Agricultural District;
- South: Industrial development site zoned I-1/Light Industrial District;
- East: Marketplace Shopping Center zoned PC/Planned Commercial District and vacant agricultural ground zoned I-2/General Industrial District; and
- West: Dallas Johnson Greenhouses and vacant agricultural ground all zoned A-2/Parks, Estates, and Agricultural District.

Refer to Illustration 10: Existing Land Use and Zoning for information on current zoning and land uses within and adjacent to the Urban Renewal Area.

2. 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”, as amended. The future land use plan of the Bluffs Tomorrow: 2030 Plan, as amended, identifies the area as Regional Commercial. The planned activity for the Urban Renewal Area is development of a new commercial shopping center to be known as 24 Park Place. The 24 Park Place shopping center will consist of seven buildable pad sites and four outlots for stormwater detention. An 185,000 square foot Mills Fleet Farm store will anchor the development. A new Mills Fleet Farm gas station/convenience store and an 88,000 square foot multi-tenant commercial building will be constructed by Lockwood Development in the shopping center. All remaining pad sites will be developed with other commercial uses.

This Urban Renewal Plan and the urban renewal projects described herein are in conformity with the Comprehensive Plan, as amended.

CHAPTER IV

Project Objectives

This Plan is intended to strengthen the economy, enhance the viability, and stimulate the development of the proposed Urban Renewal Area and the surrounding area through the elimination of those factors that have inhibited the full development of the Area. The proposed 24 Park Place development will help accomplish this. This Plan is intended to achieve one or more of the following objectives:

1. Protect the health, safety and general welfare of City residents through the removal or elimination of substandard conditions that exist in the Area.
2. Provide for the improvement of public streets and infrastructure to adequately support the desired land use by correcting any substandard physical conditions and upgrading or installing public infrastructure to support existing and probable levels of additional development to contemporary standards and requirements.
3. Provide for the creation of a unified land use district throughout the Urban Renewal Area whose physical development is consistent with existing and anticipated adjacent land uses.
4. Reduce visual clutter occurring within the Area and establish specific signage and landscaping plans.
5. Provide for adequate public utility services to ensure the development of the Area.
6. Provide for the appropriate public storm water drainage and control to promote the development of the Area.
7. To promote revitalization.
8. To stimulate through public action and commitment, private investment in new development.
9. To provide for the installation of public works and facilities which contribute to the sound development in the Area.
10. To plan for and provide sufficient land for commercial development in a manner that is efficient from the standpoint of providing municipal services.
11. To provide a more marketable and attractive investment climate.
12. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.

13. To cause additional economic development which benefits the public welfare through the creation of jobs and investment.
14. Provide for adequate and improved vehicular ingress and egress to all properties within the Area.
15. Provide for adequate water and sanitary sewer services to ensure the development of the Area.
16. Provide for the appropriate stormwater drainage and control to promote development.
17. To ensure the Area is adequately served by public safety services and facilities.

CHAPTER V

Proposed Urban Renewal Activities

1. Urban Renewal Powers

The proposed actions in the Urban Renewal Area for the 24 Park Place Urban Renewal Plan will consist of one or more of the following actions as outlined by Chapter 403 and Chapter 15A of the Iowa Code.

- a. Dedicate, sell, convey or lease any interest in City property, or grant easements, licenses or other rights or privileges.
- b. Incur the expense of any public improvements made by the City through exercising the powers granted by Chapter 403 of the Iowa Code.
- c. Do any and all things necessary to aid or cooperate in planning of the Urban Renewal Area or projects.
- d. Lend, grant or contribute funds to entities, including private individuals or businesses, which further the objectives of this Plan.
- e. Enter into agreements respecting actions to be taken pursuant to any of the powers granted by Chapter 403 or Chapter 15A of the Iowa Code.
- f. Cause public buildings and public facilities, including parks, playgrounds, and recreational, community, educational, water, sewer or drainage facilities, or any other works which the City is otherwise empowered to undertake to be furnished.
- g. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places.
- h. Plan or replan, zone or rezone any part of the Area.
- i. Cause administrative and other services to be furnished to the City.
- j. Use condemnation powers under Section 403.7 and Chapters 6A and 6B of the Iowa Code or other authority to acquire property for uses allowed under urban renewal law.
- k. To fund or finance economic development projects.
- l. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.
- m. To arrange for or cause to be provided the construction or repair of public infrastructure, including but not limited to streets, storm water drainage, sanitary

sewer system, water system, public utilities or other facilities in connection with urban renewal projects.

- n. To make grants, loans, forgivable loans, tax rebate payments or other types of economic development grants or incentives to private persons or businesses on such terms as may be determined by the City Council.
- o. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
- p. To borrow money and to provide security therefor.
- q. To use any or all other powers granted by Chapter 403 (the Urban Renewal Act), Chapter 15, Chapter 15A, Chapter 427.B. or other provisions of the Code of Iowa to develop and provide for improved economic conditions for the City of Council Bluffs and the State of Iowa.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City by any provision of the Code of Iowa in furtherance of the objectives of this Plan.

2. Description of Development Activities to be Undertaken – The following is a description of the development activities that are needed but the City does not intend to fund with Tax Increment Financing.

- a. Installation of Public 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. Again, at this time, the City is not contemplating utilizing Tax Increment Financing to fund these improvements.

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. Subdivision and Vacation of Right-of-Way – 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. If the company does not purchase an existing legal description, some type of subdivision action will be required.

3. Description of Urban Renewal Project

- a. Commercial development, development agreement and 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 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 proposed 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 and in any event upon the expiration of the tax increment district.

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 commercial and/or industrial development. In addition, the City may decide 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. Alternatively, the City may determine to use available funds for making such loans, grants or other incentives.

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.

Specifically, the City proposes to assist with the development of a new 11-lot commercial subdivision to be known as 24 Park Place. This includes providing assistance to an entity who intends to grade the 44.47 acre site and build a new 185,000 square foot Mills Fleet Farm store, a detached Mills Fleet Farm gas station/convenience store, and an 88,000 square foot multi-tenant retail building. The entity will also be constructing two new public streets and extending utilities (e.g., water, sanitary/storm sewers, electricity, gas, and telecommunications) within the development. The entity also proposes to install landscaping and sidewalks within the development. The initial project investment by the developer is estimated at \$40 million, of which \$8 million will be used for mass grading/on-site public infrastructure improvements and between \$6-8 million will be used in land acquisition costs. The remaining \$24 million will be used in building costs within the development. The City's assistance for this commercial opportunity may include contributions toward or construction of public infrastructure or the making of loans, grants, property tax rebates other incentives to assist with the acquisition, and/or grading or other costs of the projects. The site suffers from poor drainage and poor soil conditions, and has potential jurisdictional wetlands. A significant amount of fill material must be brought to the site and on-site wetlands must be mitigated in order to make the property developable. It is anticipated that 15-20% of the site will be used to address stormwater management for the development. The proposed development is anticipated to become a regional shopping destination due to the Mills Fleet Farm store and will provide new employment opportunities as well as

additional property tax base for the City of Council Bluffs. The City's assistance may include the use of tax increment financing under Iowa Code section 403.19.

Development Agreements:

Project	Date	Estimated cost to be funded by TIF
The City expects to enter into a Development Agreement with the Lockwood Development which will provide economic development grants to be paid over 15 years using tax increment financing. Lockwood Development will act as the master developer for 24 Park Place, which consists of seven buildable pad sites, and four stormwater detention ponds. An 185,000 square foot Mills Fleet Farm store, a detached Mills Fleet Farm gas station/convenience store, and an 88,000 square multi-tenant commercial building will be constructed by Lockwood Development. The remaining pad sites will be developed with commercial uses based upon market demands. The Development Agreement will include other terms and conditions mutually agreed upon by the parties.	FY 21/22 through FY 35/36	Not to exceed \$15 million

- b. Planning, engineering fees (for urban renewal plans), attorney fees to support urban renewal projects and planning:

Project	Date	Estimated cost
Planning, engineering fees, attorney fees to support urban renewal projects and planning	Undetermined	Not to exceed \$200,000

- c. 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 approximate cost of the Proposed Urban Renewal Projects as described will be as follows:	\$15,200,000.00

4. 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 Urban Renewal Area. 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 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 proposed 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 and in any event upon the expiration of the tax increment district.

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. 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 blight remediation and/or commercial or industrial development. In addition, the City may decide 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. Alternatively, the City may determine to use available funds for making such loans, grants or other incentives. The City may work with Pottawattamie County, the State of Iowa, or other government agencies, as well as private and nonprofit organizations or foundations to obtain funding for project planning and implementation. The City may also sell property or services to fund projects in the Urban Renewal Area. 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 VI

Other

1. Relocation

The City does not expect there to be any relocation required as part of the eligible urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

2. Effective Term

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 is based on economic development findings and no part contains slum or blighted conditions, the division of revenue allowed under 403.19 shall be limited to 20 years from the calendar year following the calendar year in which the City of Council Bluffs adopts a TIF ordinance on all or a part of the Area and first certifies to the County auditor the amount of any loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in section 403.19 within the area included in the TIF ordinance. The City may elect to use multiple TIF ordinances as parcels develop. If so, each separate TIF ordinance will have a 20 year period for collection of revenues as allowed under Iowa Code Section 403.19.

3. Procedure for Amendment

In accordance with Section 403.5 (5) of the Code of Iowa, this Plan may be further amended or modified at any time; provided, that if modified after the lease or sale by the municipality of real property in the Urban Renewal Area, such modifications shall be subject to such rights at law or in equity as a lessee, purchaser, or covenantor, or his or her successor or successors in interest, may be entitled to assert.

If the City desires to make any further change or modification of this plan, it may do so as required by Section 403.5 of the Code of Iowa, or any successor provision thereof.

4. Effect of Creation of Urban Renewal Plan and Urban Renewal Area

The adoption of the 24 Park Place Urban Renewal Plan and Urban Renewal Area will not adversely affect other urban renewal areas. However, the City has determined that an urban renewal program will best serve the existing and anticipated needs of the Area rather than other potential City programs. The City has further determined that economic development is likely to occur only if the City becomes actively involved in the development effort pursuant to the urban renewal powers vested in it under Chapter 403 of the Iowa Code.

5. Base Value

If the 24 Park Place 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.

6. Public Building Analysis

No Urban Renewal Projects proposed in this Plan involve the use of tax increment financing for public buildings as defined in Chapter 403.

7. Property Acquisition/Disposition

The City will follow any and all applicable requirements for the acquisition and disposition of property upon terms and conditions in the discretion of the City Council.

8. Ag Land Agreement

Because some of the land being included in the Park Place Urban Renewal Area contains land that is defined as “agricultural land” by Iowa Code Section 403.17(3), the City and property owners have entered into an agreement in which the property owners agree to allow the City to include real property defined as “Agricultural Land” in the Urban Renewal Area. A copy of the agreements are attached as Exhibits 1 and 2.

9. 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 previously adopted Plan as a whole, or any part of the Plan not determined to be invalid or unconstitutional.

EXHIBIT 1 – Agricultural Land Agreement for CF Realty Group, LLC

[Visit Council Bluffs Online](#)



AGREEMENT TO INCLUDE AGRICULTURAL LAND IN THE 24 PARK PLACE URBAN RENEWAL AREA

WHEREAS, the City of Council Bluffs, Iowa, (the "City") has proposed to establish the 24 Park Place Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by the Chapter; and

WHEREAS, it has been proposed that the boundaries of the area will include the 23.47 acres of land, more or less, which is owned by CF Realty Group, LLC, the ("Agricultural Land Owner") and depicted in Illustration 2 – Boundary Map annexed hereto (the "Agricultural Land Owner's Property"); and

WHEREAS, Section 403.17(3) of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of "agricultural land", until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that the Agricultural Land Owner's Property meets the definition of "agricultural land" in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that it is the owner of the Agricultural Land Owner's Property;
2. The Agricultural Land Owner hereby agrees that the City of Council Bluffs, Iowa, may include the Agricultural Land Owner's Property in the Urban Renewal Area;
3. The Agricultural Land Owner further authorizes the governing body of the City of Council Bluffs, Iowa, to pass any resolution or ordinance necessary to designate the Agricultural Land Owner's Property as an Urban Renewal Area under Chapter 403 of the Code of Iowa and to proceed with activities authorized under said Chapter.

DATED this 26th day of February, 2019

CF Realty Group, LLC

By: Richard J. Coenen
Richard J. Coenen, Managing Member

Witness: Patricia Coenen

EXHIBIT 2 – Agricultural Land Agreement for Frank R. Krejci Trust

AGREEMENT TO INCLUDE AGRICULTURAL LAND IN THE 24 PARK PLACE URBAN RENEWAL AREA

WHEREAS, the City of Council Bluffs, Iowa, (the “City”) has proposed to establish the 24 Park Place Urban Renewal Area (the “Urban Renewal Area”), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by the Chapter; and

WHEREAS, it has been proposed that the boundaries of the area will include the 21.07 acres of land, more or less, which is owned by Frank R. Krejci Trust, the (“Agricultural Land Owner”) and depicted in Illustration 2 – Boundary Map annexed hereto (the “Agricultural Land Owner’s Property”); and

WHEREAS, Section 403.17(3) of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of “agricultural land”, until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that the Agricultural Land Owner’s Property meets the definition of “agricultural land” in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that it is the owner of the Agricultural Land Owner’s Property.
2. The Agricultural Land Owner hereby agrees that the City of Council Bluffs, Iowa, may include the Agricultural Land Owner’s Property in the Urban Renewal Area.
3. The Agricultural Land Owner further authorizes the governing body of the City of Council Bluffs, Iowa, to pass any resolution or ordinance necessary to designate the Agricultural Land Owner’s Property as an Urban Renewal Area under Chapter 403 of the Code of Iowa and to proceed with activities authorized under said Chapter.

DATED this 19 day of February, 2019

Frank R. Krejci Trust

By: Frank R. Krejci
Frank R. Krejci

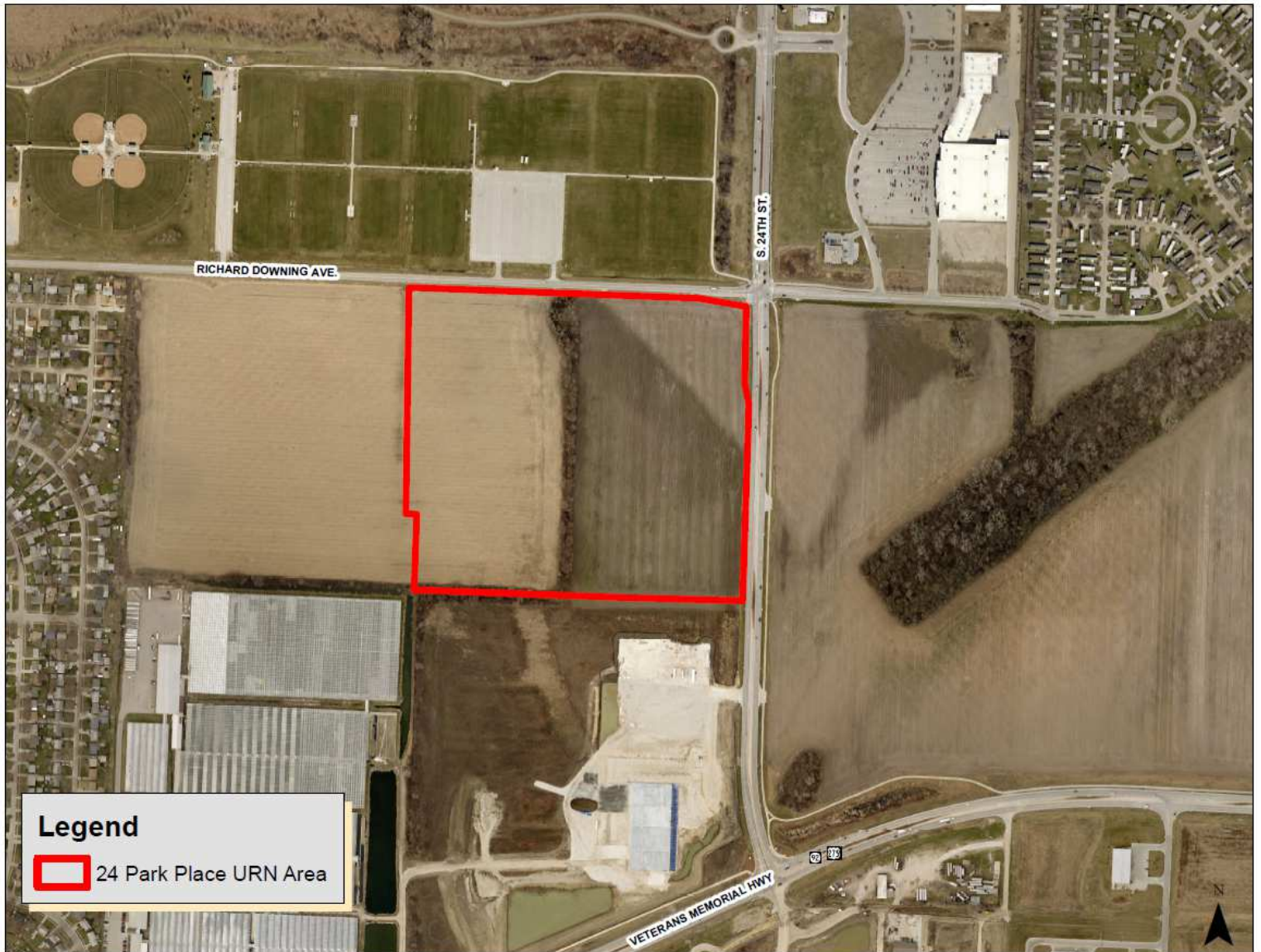
Witness: Wendy Ellington

ILLUSTRATIONS

Illustration 1 – City Location Map



Illustration 2 – Boundary Map



[illegible]

Illustration 4 – 24 Park Place Architectural Renderings

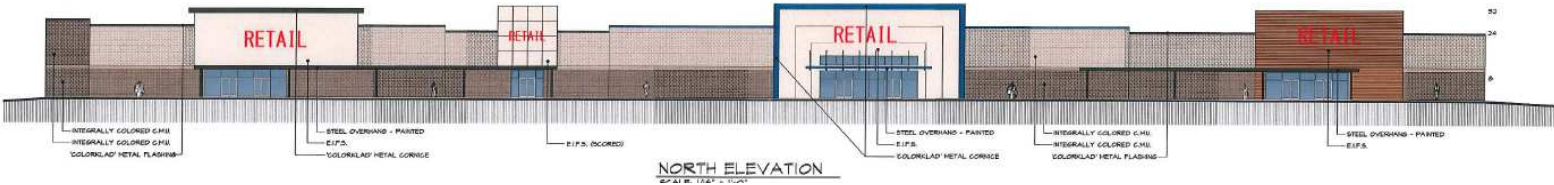


Illustration 5 – 24 Park Place Rezoning/Legal Description

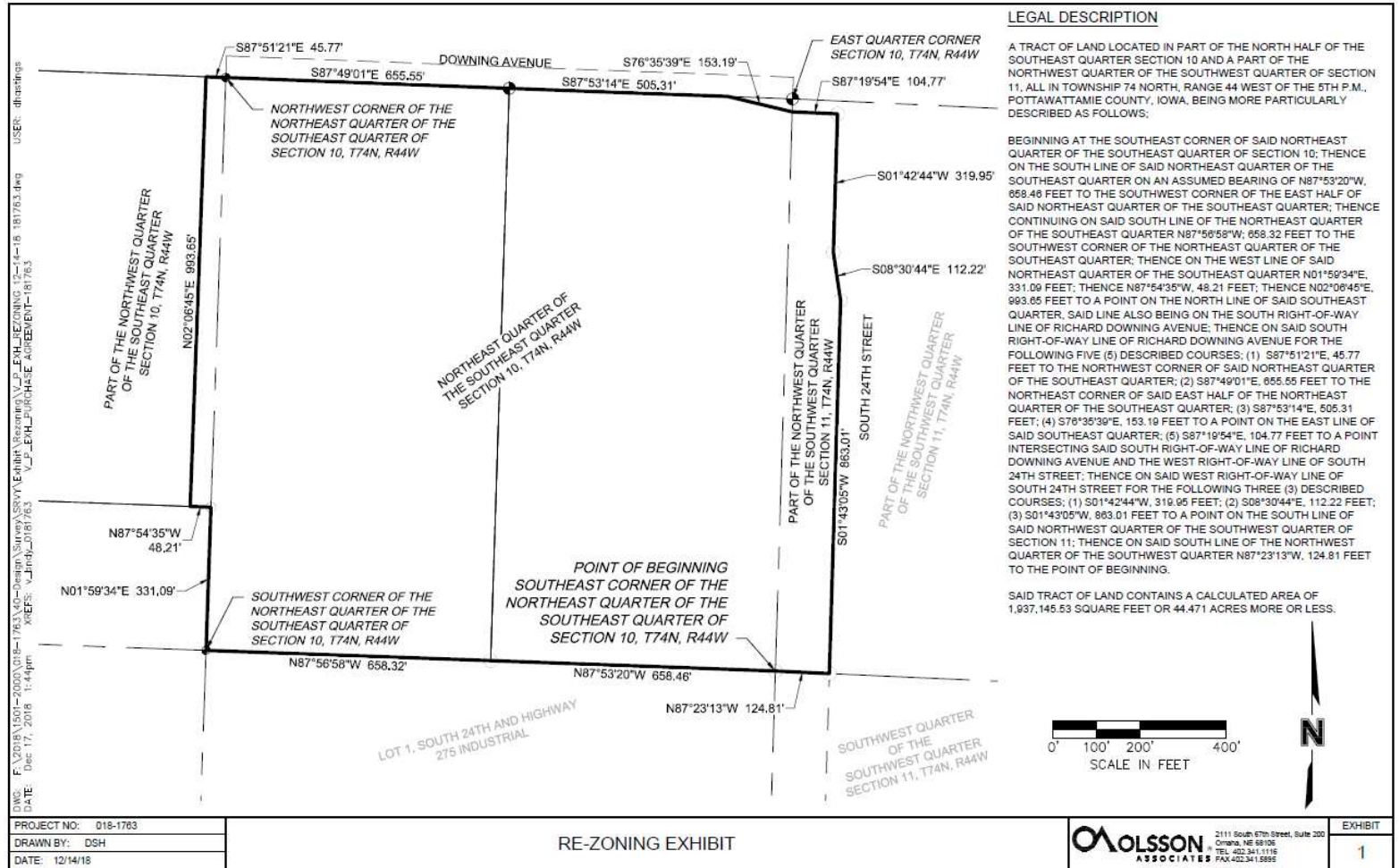


Illustration 6 – Public Utilities and Services Map

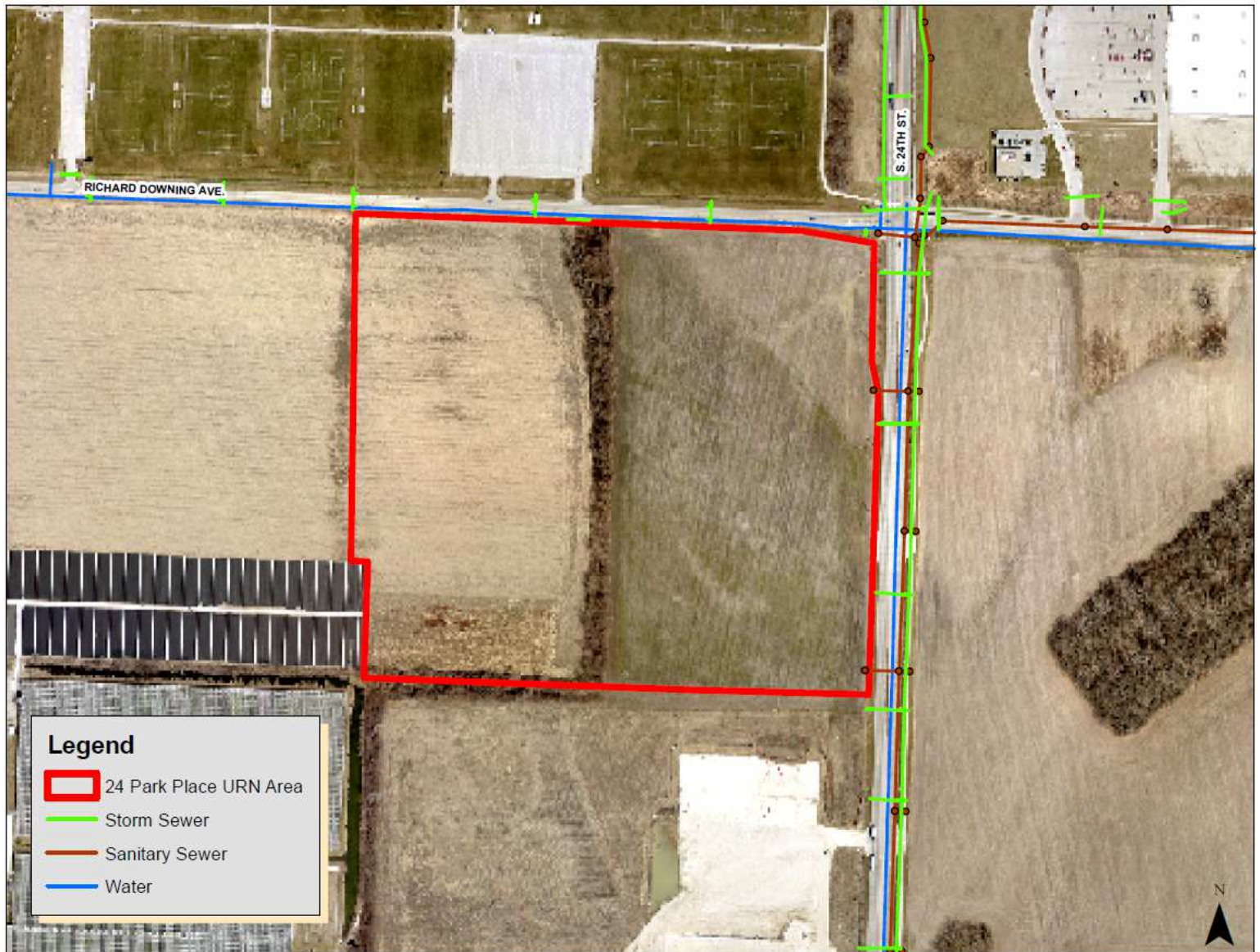


Illustration 7 – Topography and Drainage Map



Illustration 8 – Soils Map

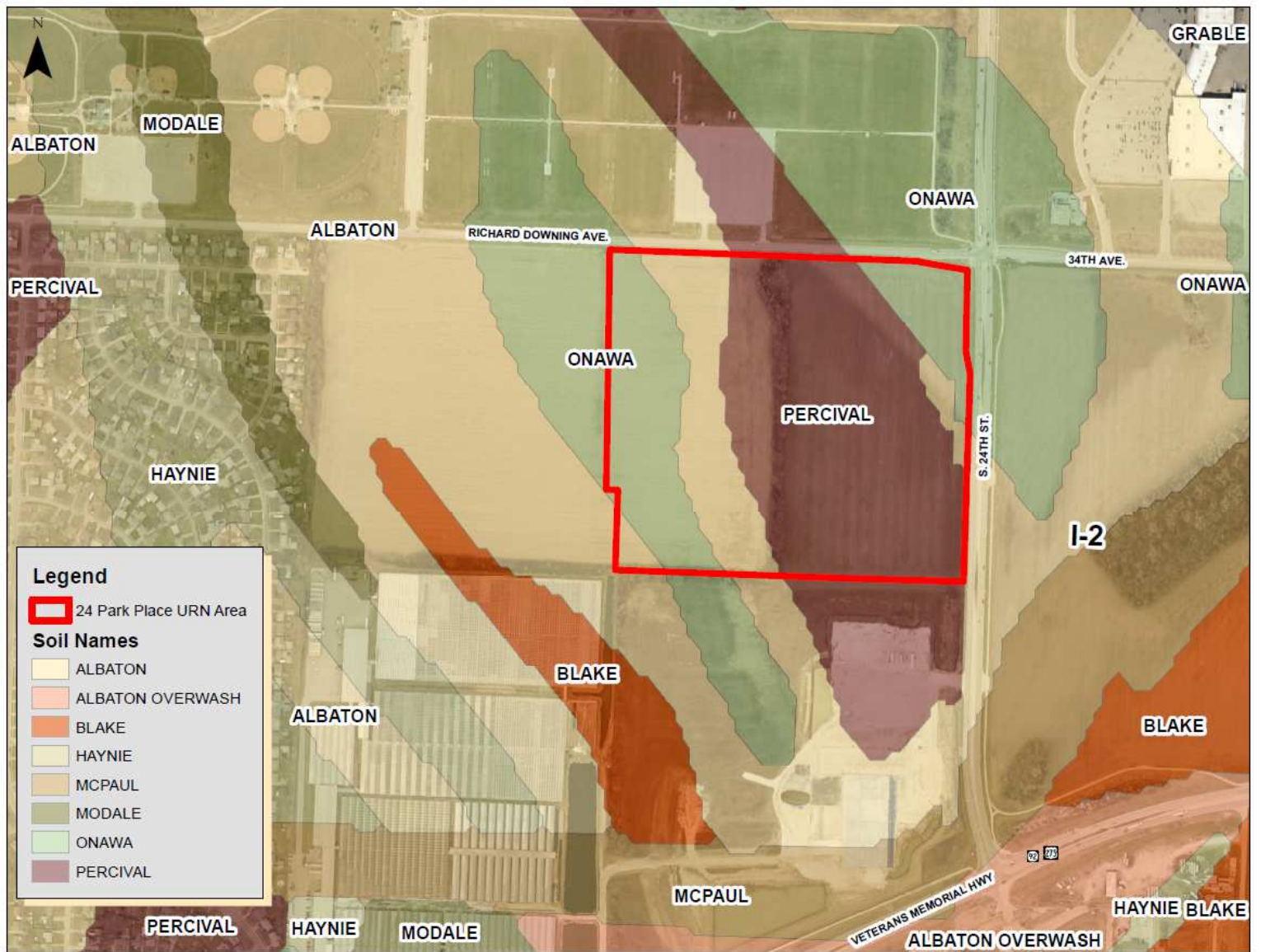


Illustration 9 – Flood Zone Map

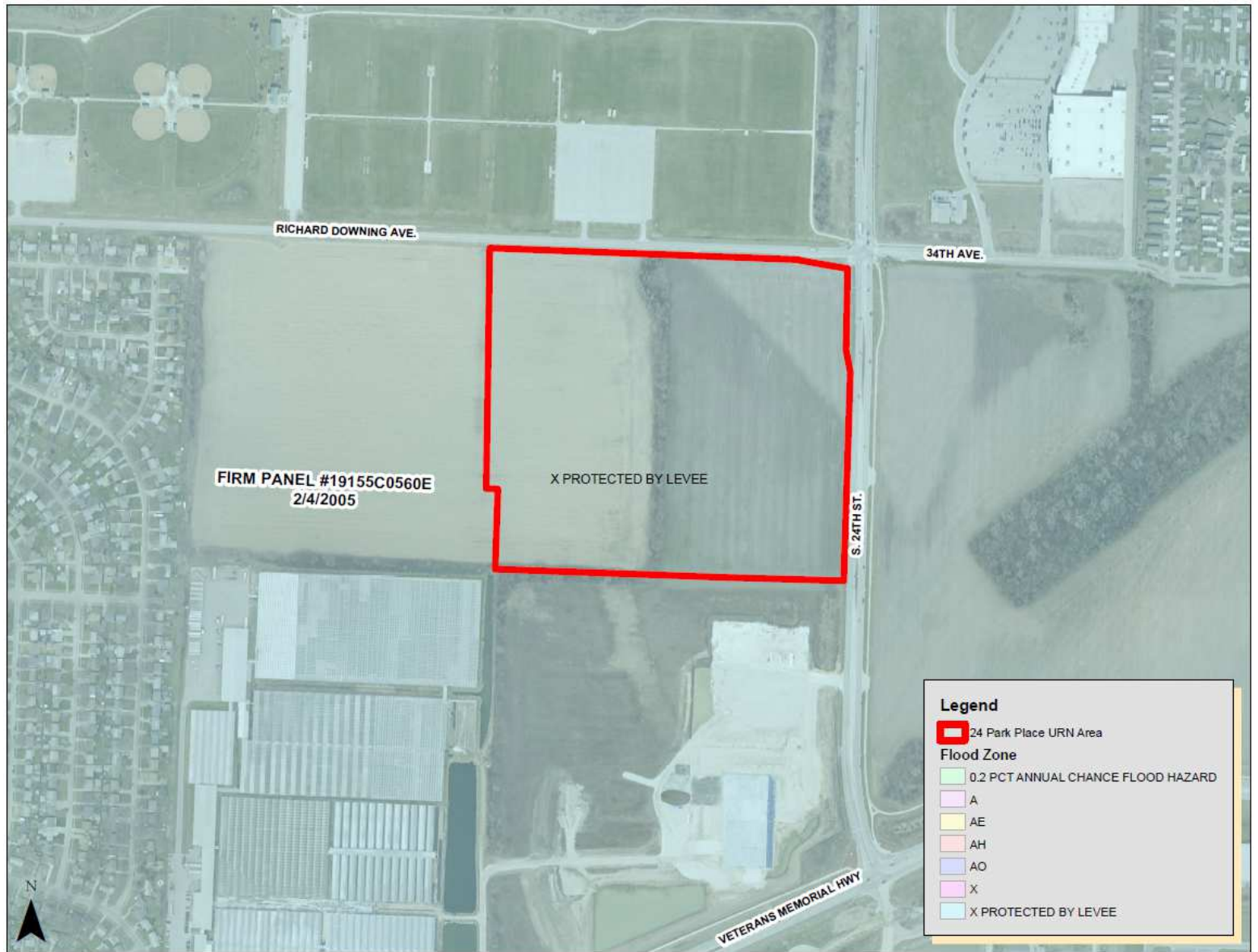


Illustration 10 – Existing Land Use and Zoning Map



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CITY OF COUNCIL BLUFFS

PROCEEDINGS OF THE CONSULTATION BETWEEN THE CITY AND AFFECTED TAXING ENTITIES

24 PARK PLACE URBAN RENEWAL PLAN

The consultation between the City and affected taxing entities on the 24 Park Place Urban Renewal Plan was held on March 4, 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 March 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 24 Park Place Urban Renewal Plan.

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

No one appeared in opposition.

It is the finding of the City of Council Bluffs Planning Commission that the 24 Park Place 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 6 NAY 0 ABSTAIN 0 ABSENT 4 Motion: Carried

Planning Commission Signature: P. A. Hutcheson

Printed Name: Peter A. Hutcheson

Attest: Christopher Gibbons

Printed Name: Christopher Gibbons

-1-
ORDINANCE NO. 6383

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE 24 PARK PLACE 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, LEWIS CENTRAL 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 24 PARK PLACE URBAN RENEWAL AREA (**THE 24 PARK PLACE 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. 19-81 passed and approved on the 25th day of March, 2019, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the 24 Park Place 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 southeast corner of said northeast quarter of the southeast quarter of section 10; thence on the South line of said northeast quarter of the southeast quarter on an assumed bearing of N87°53'20"W, 658.46 feet to the southwest corner of the east half of said northeast quarter of the southeast quarter; thence continuing on said South line of the northeast quarter of the southeast quarter N87°56'58"W; 658.32 feet to the southwest corner of the northeast quarter of the southeast quarter; thence on the West line of said northeast quarter of the southeast quarter N01°59'34"E, 331.09 feet; thence N87°54'35"W, 48.21 feet; thence N02°06'46"E, 993.65 feet to a point on the North line of said southeast quarter, said line also being on the South right-of-way line of Richard Downing Avenue; thence on said South right-of-way line of Richard Downing Avenue for the following five (5) described courses; (1) S87°51'21"E, 45.77 feet to the northwest corner of said northeast quarter of the southeast quarter; (2) S87°49'01"E, 655.55 feet to the northeast corner of said east half of the northeast quarter of the southeast quarter; (3) S87°53'14"E, 505.31 feet; (4) S76°35'39"E, 153.19 feet to a point on the east line of said southeast quarter; (5) S87°19'54"E, 104.77 feet to a point intersecting said South right-of-way line of Richard Downing Avenue and the West right-of-way line of South 24th Street; thence on said West right-of-way line of South 24th Street for the following three (3) described courses; (1) S01°42'44"W, 319.95 feet; (2) S08°30'44"E, 112.22 feet;

(3) S01°43'05"W, 863.01 feet to a point on the South line of said northwest quarter of the southwest quarter of Section 11; thence on said South line of the northwest quarter of the southwest quarter N87°23'13"W, 124.81 feet 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, Lewis Central 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: March 25, 2019
Read Second Time: April 8, 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)

2270045-1\10342-150

Council Communication

Department: City Clerk
Case/Project No.: Case #ZC-19-001
Submitted by: Chris Meeks,
Planner

Ordinance 6381
ITEM 6.A.

Council Action: 3/25/2019

Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, 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	3/19/2019

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
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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

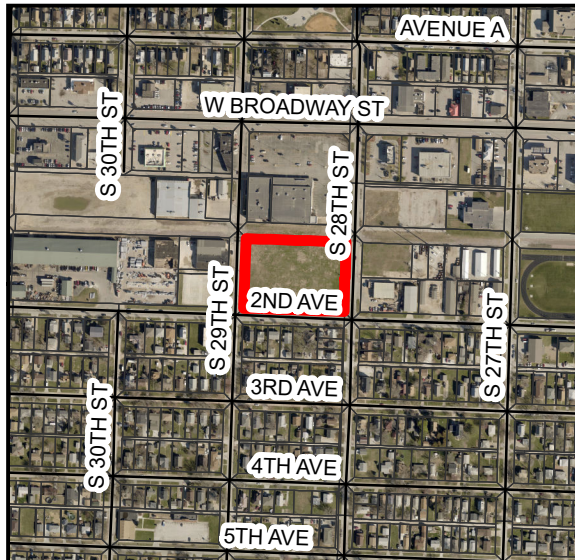
CASE #ZC-19-001 LOCATION/ZONING MAP

Map Legend

 Subject Property

 Parcels

0 137.5 275
1 Inch = 278 Feet

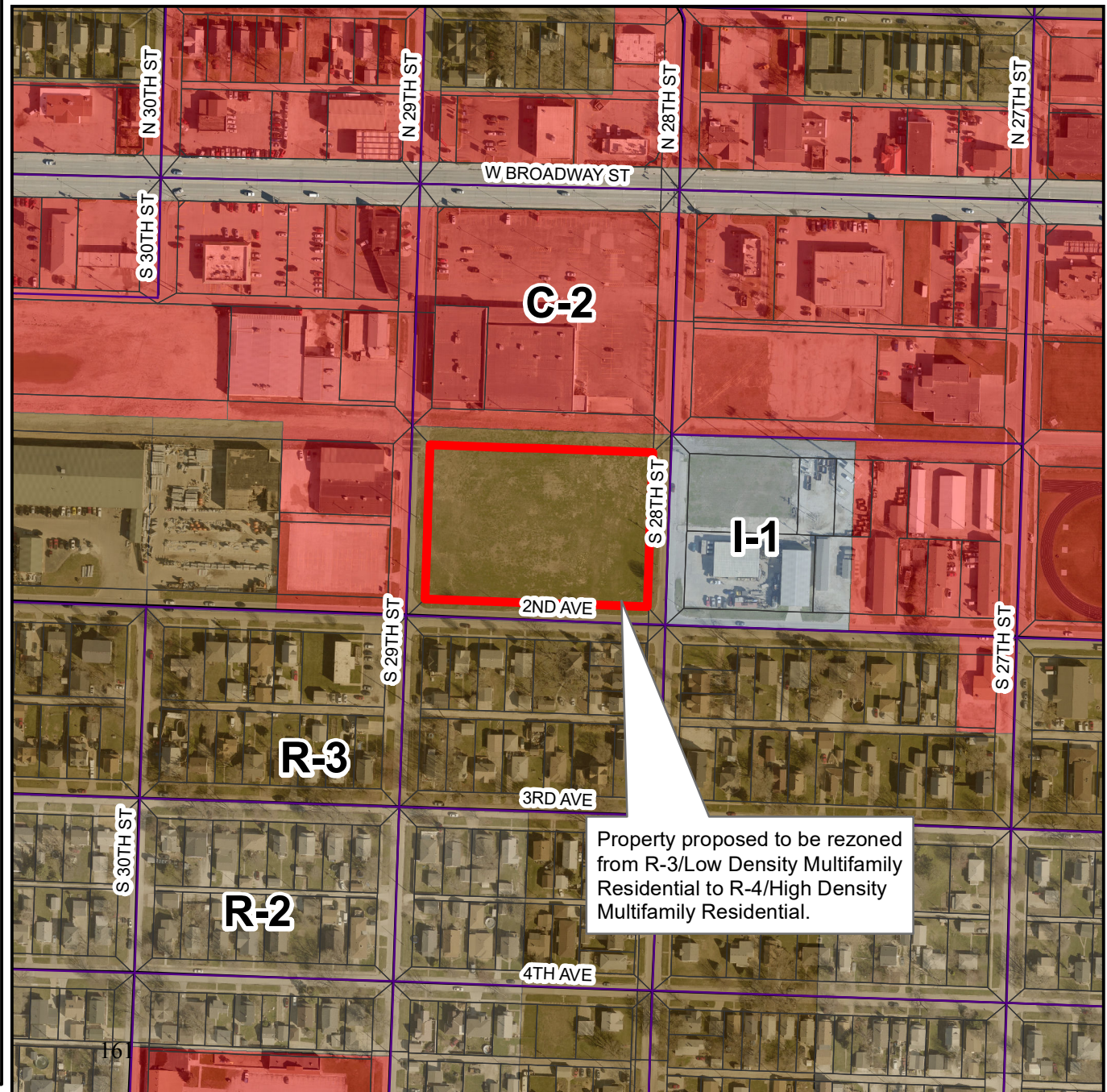


Last Amended: 1/22/19



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 25, 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: 3-25-19

Planning Case No. #ZC-19-001

Council Communication

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

Resolution 19-85
ITEM 7.A.

Council Action: 3/25/2019

Description

Resolution to adopt the 2019 City Council Rules and Procedure.

Background/Discussion

Members of the City Council have reviewed the current City Council Rules and Procedures of 2010. After several sessions have developed a current and modern version for 2019.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
2010 Original Rules	Other	3/12/2019
Redline Version	Other	3/12/2019
2019 Clean Version	Other	3/12/2019
Resolution 19-85	Resolution	3/19/2019

THE 2010 CITY COUNCIL RULES OF PROCEDURE

RULE 1. MEETINGS

a. Regular Meetings. At the last regular meeting of each year, the city council shall pass a resolution establishing meeting dates for the following year. These dates shall generally be on the 2nd and 4th Mondays of each month at 7:00 p.m. If these dates fall on a legal holiday or are in conflict with some other event, the meetings shall be held at the council's discretion.

b. Special Meetings. The city council may, by motion made at a prior council meeting, agree to hold a special council meeting on a day other than the 2nd or 4th Monday of the month for consideration of or action upon particular business. The purpose of such special meeting and the nature of the business to be considered or acted upon shall be stated in the motion for special meeting.

Upon the call of order of a special meeting by the mayor, the clerk shall call the roll, and if a quorum is present, the council may officially conduct a meeting. The reading of minutes shall be considered at a subsequent regular meeting and there acted upon. The council may dispense with the consideration of claims and limit the receiving of communications, petitions, or remonstrances to those pertinent to the subject of the meeting or purpose adjournment. Upon approving the agenda for the meeting, the council shall proceed in accordance therewith and the order of business established therein.

Notice of the time and place of special meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code.

c. Called Special Meetings. The mayor, with the concurrence of a majority of the council, or upon the request of a majority of the members of the council, shall call a special meeting of the members of the council and set such reasonable time for such meeting as the circumstances warrant. All calls shall be made by the clerk by giving personal notice of the time of such meeting, or by leaving written notice of the time of such meeting, or by leaving written notice of the time of such meeting at the residence or business office of all members. The clerk shall record such notice of service in the minute book and each member shall subscribe his/her signature to an acknowledgement of such notice if received. Inability of the clerk to give notice to any member as herein required shall not invalidate the call or any action taken at such called meeting.

When a special meeting of the city council shall be called, the purpose or object of the meeting shall be named in the call, and no other business except that specified therein shall be transacted at such special meeting except by unanimous consent. Notice of the time and place of called meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code. When an emergency prevents the giving of such notice, the nature of the emergency shall be stated in the minutes of that meeting.

d. First Regular. At the first regular council meeting in January of each year, the council shall (1) designate an official newspaper, and (2) review the Rules of Procedure of the City Council and make necessary changes if such changes are desired.

e. All Meetings to be Open. All meetings shall be held in the Council Chambers of the Council Bluffs City Hall building, unless there is a published or posted notice designating another location.

Informal meetings of the council where no official action will be taken are called council study sessions. They shall be held at 3:45 p.m. on the day of each regular meeting as established by council resolution.

All meetings shall be open to the public, unless the council by a two-thirds affirmative vote of council members present determines that closed session consideration of some particular topic would be in the public interest. Only those topics identified in Chapter 21 of the Iowa Code, Official Meetings Open to Public, Section 21.5, shall be considered in closed session. The council shall go into closed session only upon motion identifying the general nature of the topic to be considered in closed session. The clerk shall tape record all closed session meetings of the city council and shall preserve such recordings for at least one year, together with the minutes thereof. Tape recordings of closed sessions dealing with pending litigation shall be preserved by the clerk until such litigation has been resolved.

RULE 2. PRESIDING OFFICER

The mayor, or in the absence of the mayor, the mayor pro tem, shall preside. In the absence of both, the council shall appoint a temporary chairperson who shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the council, shall state every question coming before the council, shall announce the decision of the council on all subjects, and shall decide all questions of order, subject, however, to an appeal of the council, in which event a majority vote of the council shall govern and conclusively determine such questions of order, the presiding officer other than a mayor may vote on all questions.

RULE 3. ORDER OF BUSINESS

At the hour appointed for meeting, the members shall be called to order by the mayor, or in the absence of the mayor, the mayor pro tem, or in the absence of both, by the clerk. The clerk shall call the roll, note the absentees and announce whether a quorum is present. Upon the appearance of the quorum, the council shall proceed to business which shall be conducted in the order following below.

1. Call to Order
2. Roll Call
3. Approval of Minutes and Agenda
4. Consent Agenda
5. Public Hearings
6. Ordinances for Council Consideration

7. Resolutions for Council Consideration
8. Mayor's Appointments
9. Receive and File Items
10. Applications for Permits and Cancellations
11. Citizen Letters and Requests to be Heard
12. Other Presentations:
 - a. by council members – new and old business
 - b. by the public – new and old business
13. Adjournment

RULE 4. AGENDA FOR REGULAR MEETING

The clerk shall prepare a written agenda for each regular meeting in the order established in Rule 4, Order of Business.

Applications for permits and licenses, or the renewal thereof, shall be filed with the clerk ten (10) days in advance of the council meeting at which said applications or renewals are to be acted upon.

All other matters to be included in the agenda for submission to the council shall be filed with the clerk not later than 5:00 p.m. on the Friday ten (10) days prior to the council meeting at which consideration is desired. In unusual circumstances, an item may be accepted after the deadline upon the approval of the mayor.

Except for minor matters, no item of business shall be considered for action by the council which does not appear on the agenda for the meeting, except for ministerial matters, or matters of urgent business which requires immediate action and is so determined by a majority of the council may be considered by the council whether or not there is a full membership present. The council will hear all reasonable citizen petitions, requests, and statements; however, such items which do not specifically appear on the agenda may be deferred to a future meeting for careful consideration and study if the council action, other than filing, is required or requested.

The mayor and each council member shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least 48 hours prior to each regular meeting.

No matter may be submitted for council action by an administrative official, department head, or employee unless it has first been presented to the mayor for inclusion on the agenda.

RULE 5. MINUTES

a. The city clerk shall keep a record of all council meetings, including study sessions.

b. Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if each member has previously been provided a copy.

c. The council may, by motion carried by a majority vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

RULE 6. RULES OF ORDER

a. Robert's Rules of Order, newly revised, 2000, shall be accepted as an authority on parliamentary practice on matters not specifically covered and, in case of a conflict, these rules shall govern.

b. Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

c. A member, once recognized, shall not be interrupted when speaking, unless it is to call him/her to order or to vote on a motion to close a debate, or as herein otherwise provided. If a member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined and, if in order, he/she shall be permitted to proceed.

d. A motion to reconsider any action taken by the council must be made at the meeting at which such action was taken or at the next regular meeting of the council, and must be made by a member of the council who voted with the prevailing side or who was not present at the time of the vote, provided that if such motion to reconsider is passed, then the parties entitled to notice on the original action shall be notified, and the reconsideration of the action shall be taken at the original meeting or regular meeting following passage of the motion to reconsider.

e. A council member may request through the presiding officer the privilege of having an abstract of his/her statement on any subject under consideration by the council, or the reason for his/her dissent from or support of any action of the council, entered in the minutes. Such a request may be made at the time of said action or consideration or at the time of the adoption of said minutes. Unless the council, by motion, objects such statements shall be entered in the minutes.

f. Cell Phones. Any member of the general public attending a city council meeting shall turn off or switch to silent mode all cell phones and/or other electronic communication devices prior to the start of any council meeting. No member of the city council, the mayor, or city staff will utilize such devices while attending a city council meeting. An exception to this general rule is that city public safety personnel may utilize such devices to the extent necessary to perform their duties.

RULE 7. VOTING

When a roll call vote is taken, a council member must use one of three options when voting. Those options are:

1. a vote in favor of what is being proposed;
2. a vote against what is being proposed; or
3. abstention.

If a council member determines that he or she must abstain on an issue, that council member shall notify the rest of the council of said determination, either in writing or in an open council meeting. Said notice shall state in a general nature the reason for the need to abstain. So as to avoid any appearance of impropriety, once a council member has determined that he or she must abstain on an issue, said council member shall refrain from any further public comment on the issue at the council meeting.

RULE 8. PUBLIC PARTICIPATION – MAINTAINING DECORUM AND ORDER

Any person desiring to address the Council shall first secure the permission of the presiding officer.

Each person addressing the Council shall give his/her name and address in an audible tone for the record and, unless further time is granted by the presiding officer, shall limit his/her address to five (5) minutes, except at a public hearing when the limit shall be ten (10) minutes. All remarks should be addressed to the council as a body, and not to any particular council member, any staff member, or any other member of the public. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a council member or of any member of the administrative staff except through the presiding officer.

The presiding officer may, with the acquiescence of a majority of the council, require any member of the public to yield the floor, to discontinue his/her remarks, or to cease given activity, if in the judgment of the council that person's actions or remarks may unduly disrupt the decorum of the proceedings, or create the risk of public disturbance. If any such person refuses to obey the presiding officer's directive, the presiding officer may order the person to leave the council meeting.

At study sessions, staff and members or the public may only take part in the discussion at the request of the mayor or council, and their input shall be limited to direct responses to questions of a council member or mayor.

RULE 9. ORDINANCES, RESOLUTIONS, MOTIONS AND REPORTS

a. Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced by the city clerk, a member of the council, mayor, or city attorney.

b. Every ordinance and resolution shall be presented in writing. Upon the vote on ordinances, resolutions and motions, the ayes and nays shall be recorded. Upon the request of any member of the council, the vote shall be by roll call of all members of the council as provided under Rule 2 "Presiding Officer". A majority vote of the total number of members of the council shall be required for the passage of all ordinances, motions, resolutions, cancellations of permits and licenses.

c. Readings and Amendment of Ordinances. All proposed ordinances shall have a separate consideration on three different days unless there is a motion to dispense with the second and/or third consideration and a three-fourths majority of the council shall so approve. Actual reading of the ordinance shall not be required if written copies are available or unless two or more members request it. An ordinance may be amended after first or second consideration and before voting thereon. After voting for placing the ordinance on third and final consideration or for dispensing with the second and/or third consideration, the ordinance may not be amended, but shall be voted on for final passage unless tabled, postponed, or referred to a committee. Any proposed ordinance not voted on for final passage must be returned to a second consideration status if it is to be amended. However, if it is determined that an amendment to an ordinance will lessen its impact on the citizen, an ordinance may be so amended and passed into law.

d. All ordinances and resolutions shall be filed with the city clerk and made a part of the minutes. Reports, petitions, and correspondence shall be filed with the city clerk and made a part of the minutes by reference.

RULE 10. CONDUCT OF CITY EMPLOYEES

a. The mayor may take part in the discussions of the city council and may recommend to the council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the affairs of the city. He/She shall have all the rights, powers, and duties prescribed by Iowa statutes in regard thereto. It is recognized that the city council is the policy-making body for the city, and the mayor shall confine his/her discussions at council meetings to statements of fact, recommendations based on his/her knowledge and experience, and explanations of the reasons for the same, and any matters pertaining to administration.

b. The city attorney may not take part in the discussions of the city council except to answer questions directed to him/her, comment on matters involving legal powers or procedures of the city, and to present factual material to the council.

c. The above regulations of city employees shall not be construed to limit the appearance before the city council of any city employee when such appearance is made as a taxpayer or member of the public, for or against some particular issue under discussion by the council when such employee has an interest in the outcome thereof. If an employee's comments are directed to conditions of employment or administrative policies and procedures, the council may direct the employee to pursue the matter through normal administrative channels.

RULE 11. WAIVER

By four-fifths consent of all council members, these rules may be waived. Amendments to Rules of Procedure may be made by four-fifths of the members of the council.

RULE 12. ADJOURNMENT

A motion to adjourn shall always be in order, shall be considered only after a second, and shall be decided by majority vote.

**CITY COUNCIL
RULES OF PROCEDURE
(2019)**

RULE 1. MEETINGS

a. Regular Meetings. During the last quarter of each calendar year, the city council shall pass a resolution establishing regular meeting dates for the following calendar year. Regular meetings start at 7pm and generally occur on the second and fourth Mondays of each month, except that December generally has only one meeting. In its resolution establishing regular meeting dates, the city council may deviate from this default schedule.

b. Special Meetings. The mayor may call a special meeting of the city council. At the request of a majority of the city council, the mayor shall call a special meeting of the city council.

c. Study Sessions. Informal meetings of the city council at which no official action is taken are generally held at 3:45pm on the same day as each regular meeting.

d. Executive Sessions. Closed meetings of the city council at which matters required or permitted by law to be discussed in private are generally held immediately following study sessions, as needed.

e. Public Notice. The city clerk shall provide public notice of the date, time, place, and agenda for each meeting of the city council, according to law. Each meeting of the city council is open to the public, except as otherwise required or allowed by law. The city clerk shall keep a record of all meetings of the city council, which is open to the public except as otherwise required or allowed by law.

f. First Regular Meeting of a New Council. At the first regular city council meeting each calendar year immediately following a calendar year in which a regular city election was held, the city council shall adopt rules of procedure and designate the specific means by which public notice will be given when required by law; and.

g. Attendance by Other Means. When technologically possible, a city council member may attend any regular or special meeting or study or executive session other than in person. To attend a meeting or session other than in person, a city council member shall give the city clerk at least forty-eight seventy-two hours' notice, emergencies excepted. To attend a regular meeting other than in person, a city council member shall attend by means that permit those persons attending the regular meeting in person and the city council member attending by other means to see and hear each other contemporaneously. To attend a special meeting or study or executive session other than in person, a city council member shall attend by means that permit those persons attending the special meeting or study or executive session in person and the city council member attending by other means to hear each other contemporaneously.

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d. Agenda and Deadlines. The city clerk or the city clerk's designee shall prepare the written agenda for each regular meeting of the city council. The city clerk or the city clerk's designee shall provide a copy of the agenda for any meeting of the city council, minutes of the previous meeting, and any other relevant reports or information to the mayor and the city council members at least ninety-six hours prior to the start of the meeting. The city clerk or the city clerk's designee shall also post by electronic or other suitable means a copy of these items at least ninety-six hours prior to the start of the meeting. To the extent allowed by law, in extraordinary circumstances the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor, in which case the agenda will state the mayor's reason for the exception; and the city council by appropriate action and majority vote may disallow the exception.¶

¶
The mayor or the mayor's designee may place an item onto the agenda. The deadline for the mayor or the mayor's designee to submit an agenda item to the city clerk's office is 5pm on the date that is ten days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances, the city clerk or the city clerk's designee shall grant an exception to this ... [1]

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RULE 2. AGENDA AND DEADLINES

a. City Clerk. The city clerk or the city clerk's designee shall prepare the agenda for each meeting of the city council. The city clerk or the city clerk's designee shall provide a copy of the agenda for any meeting of the city council, minutes of the previous meeting, and any other relevant reports or information to the mayor and the city council members at least ninety-six hours prior to the start of the meeting. The city clerk or the city clerk's designee shall also post by electronic or other suitable means a copy of these items at least ninety-six hours prior to the start of the meeting. To the extent allowed by law, in extraordinary circumstances the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor, in which case the agenda will state the mayor's reason for the exception; and the city council by majority vote present may disallow the exception;

b. Mayor. The mayor or the mayor's designee may place an item onto the agenda. The deadline for the mayor or the mayor's designee to submit an agenda item to the city clerk's office is 5pm on the date that is ten days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances and subject to Rule 2a, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor;

c. City Council. A city council member may place an item onto the agenda if another council member consents. The deadline for a city council member to submit an agenda item to the city clerk's office is noon on the date that is five days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances and to the extent allowed by law, the city clerk or the city clerk's designee shall grant an exception to this deadline if consented to by two other city council members; and,

d. Applications. An applicant for an initial or renewal application for a permit or license shall file the application with the city clerk's office at least ten calendar days prior to a regular council meeting for the application to be included on the agenda for that regular council meeting. Any application filed after this deadline will be included on the agenda for the following regular council meeting or a special meeting if one is called pursuant to Rule 1b. In extraordinary circumstances and to the extent allowed by law, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor or two city council members, in which case the agenda item will state the mayor's or council members' reason for the exception.

RULE 3. PRESIDING OFFICER

a. Meetings. The mayor shall chair meetings of the city council. In the absence of the mayor, the mayor pro tem shall chair a meeting of the city council. In the absence of the mayor and the mayor pro tem, the city council shall designate one of its members to chair a meeting of the city council. During each meeting of the city council, the chair shall preserve good order and decorum, state each agenda item in due course, and announce

Deleted: on a day other than the 2nd or 4th Monday of the month for consideration of or action upon particular business. The purpose of such special meeting and the nature of the business to be considered or acted upon shall be stated in the motion for special meeting. Upon the call of order of a special meeting by the mayor, the clerk shall call the roll, and if a quorum is present, the council may officially conduct a meeting. The reading of minutes shall be considered at a subsequent regular meeting and there acted upon. The council may dispense with the consideration of claims and limit the receiving of communications, petitions, or remonstrances to those pertinent to the subject of the meeting or purpose adjournment. Upon approving the agenda for the meeting, the council shall proceed in accordance therewith and the order of business established therein.¶

Notice of the time and place of special meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code.d. Called Special Meetings. All calls shall be made by the clerk by giving personal notice of the time of such meeting, or by leaving written notice of the time of such meeting, or by leaving written notice of the time of such meeting at the residence or business office of all members. The clerk shall record such notice of service in the minute book and each member shall subscribe his/her signature to an acknowledgement of such notice if received. Inability of the clerk to give notice to any member as herein required shall not invalidate the call or any action taken at such called meeting.¶ When a special meeting of the city council shall be called, the purpose or object of the meeting shall be named in the call, and no other business except that specified therein shall be transacted at such special meeting except by unanimous consent. Notice of the time and place of called meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code. When an emergency prevents the giving of such notice, the nature of the emergency shall be stated in the minutes of that meeting.¶

e. First Regular. At the first regular council meeting in January of each year, the council shall (1) designate an official newspaper, and (2) review the Rules of Procedure of the City Council and make necessary changes if such changes are desired.¶

f. All Meetings to be Open. All meetings shall be held in the Council Chambers of the Council Bluffs City Hall building, unless there is a published or posted notice designating another location.¶

Informal meetings of the council where no official action will be taken are called council study sessions. They shall be held at 3:45 p.m. on the day of each regular meeting as established by council resolution.¶

All meetings shall be open to the public, unless the council by a two-thirds affirmative vote of council members present determines that closed session consideration of some particular topic would be in the public interest. Only those topics identified in Cha [... [2]

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the decision of the city council on each agenda item; and the chair shall also decide all questions of order, except that a majority of the city council present may overrule the chair. When speaking at a regular or special meeting, the chair shall address the city council as a whole or a specific city council member by title ("Council Member <last name>") or in the third person (she, he, or they), as the case may be;

b. Mayor Pro Tem. By the first regular city council meeting each calendar year immediately following a calendar year in which a regular city election was held for the office of mayor, the mayor shall inform the city council which city council member has been designated by the mayor as mayor pro tem; and,

c. Roles. The city council is the policy-making body for the city. The mayor has no vote on matters before the city council. The mayor may take part in the discussions of the city council and may recommend to the council those measures that the mayor may deem necessary for the welfare of the people and efficient administration of the affairs of the city.

RULE 4. RULES OF ORDER

a. Default Rules. Robert's Rules of Order, current edition, is adopted as the procedural rules that apply to meetings of the city council on issues not specifically covered in these rules of procedure and, in case of a conflict between these rules of procedure and Robert's Rules of Order, current edition, these rules of procedure govern;

b. Decorum. Subject to Rule 3a, when wanting to speak, a city council member shall try not to interrupt another city council member; and a city council member speaking shall reasonably yield to another city council member who indicates a desire to speak. When speaking, a city council member shall remain on the topic at issue and avoid personal attacks and inappropriate language. When speaking at a regular or special meeting, a city council member shall address the city council as a whole or a fellow city council member by title ("Council Member <last name>") or in the third person (she, he, or they), as the case may be;

c. Reconsideration. A city council member who voted with the prevailing side on any motion may move to reconsider that motion if the reconsideration motion is made at the same meeting or next regular meeting of the city council. An absent city council member is deemed not to have voted with the prevailing side;

d. Electronic Devices. Persons attending a city council meeting shall turn off or switch to silent mode any electronic devices. Subject to Rule 1g, neither the mayor nor the city council members shall use electronic devices during a meeting to communicate with any person present or not present at the meeting, emergencies excepted; and,

e. City Charter. These rules of procedure are to be read and applied in a manner consistent with the City Charter.

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Moved (insertion) [2]

Deleted: a. . The mayor may take part in the discussions of the city council and may recommend to the council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the affairs of the city. He/She shall have all the rights, powers, and duties prescribed by Iowa statutes in regard thereto. It is recognized that the city council is the policy-making body for the city, and the mayor shall confine his/her discussions at council meetings to statements of fact, recommendations based on his/her knowledge and experience, and ... [3]

Deleted: The mayor, or in the absence of the mayor ... [4]

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RULE 5, VOTING

a. Options. When a vote is taken at a regular or special meeting, a city council member has three options;

1. a vote in favor of what is being proposed;
2. a vote against what is being proposed; or,
3. abstention.

A city council member may abstain if the city council member determines that an actual or perceived conflict of interest exists. A city council member may seek the advice of the city attorney in making this determination. If a city council member decides to abstain on a particular vote, the city council member must announce this fact at the regular or special meeting at which the vote is to occur, and that city council member shall not participate in any substantive discussion regarding the matter; and,

b. Vote by Roll Call. Any city council member may compel a vote by roll call. Any matter in which a city council member has announced an intention to abstain requires a vote by roll call. Any vote involving a city council member attending a meeting per Rule 1g requires a vote by roll call.

RULE 6, ORDINANCES, RESOLUTIONS, AND MOTIONS

a. Ordinances. Ordinances on first reading are placed on the consent agenda. An ordinance may be amended on first or second reading and advance to the next reading. An ordinance amended on second or subsequent reading requires an additional reading to pass into law, except when the city council determines that the amendment does not increase the impact on persons or property affected by the amendment. The city council may waive on a four-fifths majority vote the third or subsequent reading of a proposed ordinance as long as that reading does not include an amendment that increases the impact on persons or property affected by the amendment;

b. Resolutions. Except as otherwise required by law or allowed by these rules of procedure, a resolution has only one reading;

c. Motions. Except as otherwise required by law or these rules of procedure, a majority vote of the total number of members of the city council is required for the passage of any motion; and,

d. Public Notice. Except as required or allowed by law, the city council shall not take action on any matter at any meeting if that item was not placed on the agenda for that meeting. The city council may address and vote on ministerial matters, whether placed on the agenda for that meeting or not, during the "other business" portion of that meeting.

RULE 7, PUBLIC PARTICIPATION

a. Study Sessions. At study sessions, city staff and members or the public may take part in the proceedings if expressly allowed by the mayor or a city council member. This participation is not a right and is limited to the permission allowed;

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If a council member determines that he or she must abstain on an issue, that council member shall notify the rest of the council of said determination, either in writing or in an open council meeting. Said notice shall state in a general nature the reason for the need to abstain. So as to avoid any appearance of impropriety, once a council member has determined that he or she must abstain on an issue, said council member shall refrain from any further public comment on the issue at the council meeting.¶

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b. Regular and Special Meetings. At regular and special meetings, anyone may speak to the mayor and city council on any item on the agenda. Each person who would like to speak to the mayor and city council shall first obtain the chair's permission to speak and then shall say the person's name and address for the record. Each person has up to five minutes to speak about any agenda item, except that a person has up to ten minutes to speak about any agenda item at its public hearing. A person speaking shall address the mayor or city council as a whole, and may engage in a discussion with a particular city council member if that city council member indicates a willingness to do so; and any discussion counts towards the time limit. A person speaking shall avoid disorder and repetitive argument. No member of the general public other than a person allowed to speak shall speak or interrupt the meeting. The chair, subject to being overruled by a majority of the city council present, may require the person speaking to cease speaking if the person is engaging in disorder or repetitive argument.

c. City Employees. A city employee on personal time may speak to the mayor and city council, as a member of the public, for or against some particular issue under discussion by the city council. If an employee's comments are directed to conditions of employment or administrative policies and procedures, the city council may direct the city employee to pursue the matter through the normal administrative process; and,

d. General Public Comment at Regular Meetings. At regular meetings, members of the public may present petitions, requests, or statements within the time period generally set aside towards the end of each regular meeting for general public comment. Each person is limited to five minutes.

RULE 8. POSTING POLICY

The city clerk shall make available a copy of these rules of procedure, including those rules regarding public participation, within the city council chambers and also by electronic or other suitable means, for members of the general public to be able to see them. The city clerk may also post an explanation or helpful examples to assist the general public in understanding these rules of procedure, including those rules relating to public participation.

RULE 9. WAIVER OR AMENDMENT

By a four-fifths majority vote of the city council present, to the fullest extent permitted by law any of these rules of procedure may be waived in a particular instance. Amendments to these rules of procedure may be made by a four-fifths majority vote of the city council.

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Deleted: Any person desiring to address the Council shall first secure the permission of the presiding officer.¶ Each person addressing the Council shall give his/her name and address in an audible tone for the record and, unless further time is granted by the presiding officer, shall limit his/her address to five (5) minutes, except at a public hearing when the limit shall be ten (10) minutes. All remarks should be addressed to the council as a body, and not to any particular council member, any staff member, or any other member of the public. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a council member or of any member of the administrative staff except through the presiding officer.¶

¶ The presiding officer may, with the acquiescence of a majority of the council, require any member of the ... [9]

Moved up [2]: a. The mayor may take part in the discussions of the city council and may recommend to

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RULE 12. ADJOURNMENT¶

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d. Agenda and Deadlines. The city clerk or the city clerk's designee shall prepare the written agenda for each regular meeting of the city council. The city clerk or the city clerk's designee shall provide a copy of the agenda for any meeting of the city council, minutes of the previous meeting, and any other relevant reports or information to the mayor and the city council members at least ninety-six hours prior to the start of the meeting. The city clerk or the city clerk's designee shall also post by electronic or other suitable means a copy of these items at least ninety-six hours prior to the start of the meeting. To the extent allowed by law, in extraordinary circumstances the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor, in which case the agenda will state the mayor's reason for the exception; and the city council by appropriate action and majority vote may disallow the exception.

The mayor or the mayor's designee may place an item onto the agenda. The deadline for the mayor or the mayor's designee to submit an agenda item to the city clerk's office is 5pm on the date that is ten days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor, ~~in which case the agenda item will state the mayor's reason for the exception.~~^[Q4]_[NW2]

A city council member may place an item onto the agenda if another council member consents. The deadline for a city council member to submit an agenda item to the city clerk's office is 5pm^[NW3] on the date that is five days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances, the city clerk or the city clerk's designee shall grant an exception to this deadline, in which case the agenda item will state the council member's reason for the exception.

An applicant for an in the order established in Rule 4, Order of Business. initial or renewal aApplications for a permits or and license shall file the application with the city clerk's office at least ten calendar days prior to a regular council meeting for the application to be included on the agenda for that regular council meeting. Any application filed after this deadline will be included on the agenda for the following regular council meeting. In extraordinary circumstances, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor or two city council members, in which case the agenda item will state the mayor's or council members' reason for the exception.

Except as required or allowed by law, the city council shall not take action on any matter at any meeting if that item was not placed on the agenda for that meeting; s, or the renewal thereof, shall be filed with the clerk ten (10) days in advance of the council meeting at which said applications or renewals are to be acted upon. All other matters to be included in the agenda for submission to the council shall be filed with the clerk not later than 5:00 p.m. on the Friday ten (10) days prior to the council

meeting at which consideration is desired. In unusual circumstances, an item may be accepted after the deadline upon the approval of the mayor.

Except for minor matters, no item of business shall be considered for action by the council which does not appear on the agenda for the meeting, except for ministerial matters, or matters of urgent business which requires immediate action and is so determined by a majority of the council may be considered by the council whether or not there is a full membership present. The council will hear all reasonable citizen petitions, requests, and statements; however, such items which do not specifically appear on the agenda may be deferred to a future meeting for careful consideration and study if the council action, other than filing, is required or requested.

The mayor and each council member shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least 48 hours prior to each regular meeting. No matter may be submitted for council action by an administrative official, department head, or employee unless it has first been presented to the mayor for inclusion on the agenda.

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Nate Watson

22-Feb-19 06:43:00

on a day other than the 2nd or 4th Monday of the month for consideration of or action upon particular business. The purpose of such special meeting and the nature of the business to be considered or acted upon shall be stated in the motion for special meeting. Upon the call of order of a special meeting by the mayor, the clerk shall call the roll, and if a quorum is present, the council may officially conduct a meeting. The reading of minutes shall be considered at a subsequent regular meeting and there acted upon. The council may dispense with the consideration of claims and limit the receiving of communications, petitions, or remonstrances to those pertinent to the subject of the meeting or purpose adjournment. Upon approving the agenda for the meeting, the council shall proceed in accordance therewith and the order of business established therein.

Notice of the time and place of special meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code. d. Called Special Meetings. All calls shall be made by the clerk by giving personal notice of the time of such meeting, or by leaving written notice of the time of such meeting, or by leaving written notice of the time of such meeting at the residence or business office of all members. The clerk shall record such notice of service in the minute book and each member shall subscribe his/her signature to an acknowledgement of such notice if received. Inability of the clerk to give notice to any member as herein required shall not invalidate the call or any action taken at such called meeting.

When a special meeting of the city council shall be called, the purpose or object of the meeting shall be named in the call, and no other business except that specified therein shall be transacted at such special meeting except by unanimous consent. Notice of the time and place of called meetings shall be given to the news media in accordance with the requirements of Chapter 21 of the Iowa Code. When an emergency prevents the giving of such notice, the nature of the emergency shall be stated in the minutes of that meeting.

e. First Regular. At the first regular council meeting in January of each year, the council shall (1) designate an official newspaper, and (2) review the Rules of Procedure of the City Council and make necessary changes if such changes are desired.

f. All Meetings to be Open. All meetings shall be held in the Council Chambers of the Council Bluffs City Hall building, unless there is a published or posted notice designating another location.

Informal meetings of the council where no official action will be taken are called council study sessions. They shall be held at 3:45 p.m. on the day of each regular meeting as established by council resolution.

All meetings shall be open to the public, unless the council by a two-thirds affirmative vote of council members present determines that closed session consideration of some particular topic would be in the public interest. Only those topics identified in Chapter 21 of the Iowa Code, Official Meetings Open to Public, Section 21.5, shall be considered in closed session. The council shall go into closed session only upon motion identifying the general nature of the topic to be considered in closed session. The clerk shall tape record all closed session meetings of the city council and shall preserve such recordings for at least one year, together with the minutes thereof. Tape recordings of closed sessions dealing with pending litigation shall be preserved by the clerk until such litigation has been resolved.

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Nate Watson

22-Feb-19 11:20:00

a. The mayor may take part in the discussions of the city council and may recommend to the council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the affairs of the city. He/She shall have all the rights, powers, and duties prescribed by Iowa statutes in regard thereto. It is recognized that the city council is the policy-making body for the city, and the mayor shall confine his/her discussions at council meetings to statements of fact, recommendations based on his/her knowledge and experience, and explanations of the reasons for the same, and any matters pertaining to administration.

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Nate Watson

22-Feb-19 07:08:00

The mayor, or in the absence of the mayor, the mayor pro tern, shall preside. In the absence of both, the council shall appoint a temporary chairperson who shall preside. The presiding officer shall preserve strict order and decorum at all meetings of the council, shall state every question coming before the council, shall announce the decision of the council on all subjects, and shall decide all questions of order, subject, however, to an appeal of the council, in which event a majority vote of the council shall govern and conclusively determine such questions of order, the presiding officer other than a mayor may vote on all questions.

RULE 3. ORDER OF BUSINESS

At the hour appointed for meeting, the members shall be called to order by the mayor, or in the absence of the mayor, the mayor pro tern, or in the absence of both, by the clerk. The clerk shall call the roll, note the absentees and announce whether a quorum is present. Upon the appearance of the quorum, the council shall proceed to business which shall be conducted in the order following below.

1. Call to Order
2. Roll Call
3. Approval of Minutes and Agenda
4. Consent Agenda
5. Public Hearings

6. Ordinances for Council Consideration
7. Resolutions for Council Consideration
8. Mayor's Appointments
9. Receive and File Items
10. Applications for Permits and Cancellations
11. Citizen Letters and Requests to be Heard
12. Other Presentations:
 - a. by council members - new and old business
 - b. by the public - new and old business
13. Adjournmen

RULE 4. AGENDA FOR REGULAR MEETING

The clerk shall prepare a written agenda for each regular meeting in the order established in Rule 4, Order of Business.

Applications for permits and licenses, or the renewal thereof, shall be filed with the clerk ten (10) days in advance of the council meeting at which said applications or renewals are to be acted upon.

All other matters to be included in the agenda for submission to the council shall be filed with the clerk not later than 5:00 p.m. on the Friday ten (10) days prior to the council meeting at which consideration is desired. In unusual circumstances, an item may be accepted after the deadline upon the approval of the mayor.

Except for minor matters, no item of business shall be considered for action by the council which does not appear on the agenda for the meeting, except for ministerial matters, or matters of urgent business which requires immediate action and is so determined by a majority of the council may be considered by the council whether or not there is a full membership present. The council will hear all reasonable citizen petitions, requests, and statements; however, such items which do not specifically appear on the agenda may be deferred to a future meeting for careful consideration and study if the council action, other than filing, is required or requested.

The mayor and each council member shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least 48 hours prior to each regular meeting.

No matter may be submitted for council action by an administrative official, department head, or employee unless it has first been presented to the mayor for inclusion on the agenda.

RULE 5. MINUTES

- a. The city clerk shall keep a record of all council meetings, including study sessions.
- b. Unless a reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if each member has previously been provided a copy.

c. The council may, by motion carried by a majority vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

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Nate Watson

22-Feb-19 08:49:00

Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

c. A member, once recognized, shall not be interrupted when speaking, unless it is to call him/her to order or to vote on a motion to close a debate, or as herein otherwise provided. If a member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined and, if in order, he/she shall be permitted to proceed.

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Nate Watson

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motion to reconsider any action taken by the council must be made at the meeting at which such action was taken or at the next regular meeting of the council, and must be made by a member of the council who voted with the prevailing side or who was not present at the time of the vote, provided that if such motion to reconsider is passed, then the parties entitled to notice on the original action shall be notified, and the reconsideration of the action shall be taken at the original meeting or regular meeting following passage of the motion to reconsider.

e. A council member may request through the presiding officer the privilege of having an abstract of his/her statement on any subject under consideration by the council, or the reason for his/her dissent from or support of any action of the council, entered in the minutes. Such a request may be made at the time of said action or consideration or at the time of the adoption of said minutes. Unless the council, by motion, objects such statements shall be entered in the minutes.

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Nate Watson

22-Feb-19 09:02:00

all cell phones and/or other electronic communication devices prior to the start of any council meeting. No member of the city council, the mayor, or city staff will utilize such devices while attending a city council meeting. An exception to this general rule is that city public safety personnel may utilize such devices to the extent necessary to perform their duties.

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Nate Watson

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Any person desiring to address the Council shall first secure the permission of the presiding officer.

Each person addressing the Council shall give his/her name and address in an audible tone for the record and, unless further time is granted by the presiding officer, shall limit

his/her address to five (5) minutes, except at a public hearing when the limit shall be ten (10) minutes. All remarks should be addressed to the council as a body, and not to any particular council member, any staff member, or any other member of the public. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a council member or of any member of the administrative staff except through the presiding officer.

The presiding officer may, with the acquiescence of a majority of the council, require any member of the public to yield the floor, to discontinue his/her remarks, or to cease given activity, if in the judgment of the council that person's actions or remarks may unduly disrupt the decorum of the proceedings, or create the risk of public disturbance. If any such person refuses to obey the presiding officer's directive, the presiding officer may order the person to leave the council meeting.

At study sessions, staff and members or the public may only take part in the discussion at the request of the mayor or council, and their input shall be limited to direct responses to questions of a council member or mayor.

. .

RULE 9. ORDINANCES, RESOLUTIONS, MOTIONS AND REPORTS

a. Ordinances, resolutions and other matters or subjects requiring action by the council shall be introduced by the city clerk, a member of the council, mayor, or city attorney.

b. Every ordinance and resolution shall be presented in writing. Upon the vote on ordinances, resolutions and motions, the ayes and nays shall be recorded. Upon the request of any member of the council, the vote shall be by roll call of all members of the council as provided under Rule 2 "Presiding Officer". A majority vote of the total number of members of the council shall be required for the passage of all ordinances, motions, resolutions, cancellations of permits and licenses.

c. Readings and Amendment of Ordinances. All proposed ordinances shall have a separate consideration on three different days unless there is a motion to dispense with the second and/or third consideration and a three-fourths majority of the council shall so approve. Actual reading of the ordinance shall not be required if written copies are available or unless two or more members request it. An ordinance may be amended after first or second consideration and before voting thereon. After voting for placing the ordinance on third and final consideration or for dispensing with the second and/or third consideration, the ordinance may not be amended, but shall be voted on for final passage unless tabled, postponed, or referred to a committee. Any proposed ordinance not voted on for final passage must be returned to a second consideration status if it is to be amended. However, if it is determined that an amendment to an ordinance will lessen its impact on the citizen, an ordinance may be so amended and passed into law.

d. All ordinances and resolutions shall be filed with the city clerk and made a part of the minutes. Reports, petitions, and correspondence shall be filed with the city clerk and made a part of the minutes by reference.

RULE 10. CONDUCT OF CITY EMPLOYEES

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b. The city attorney may not take part in the discussions of the city council except to answer questions directed to him/her, comment on matters involving legal powers or procedures of the city, and to present factual material to the council

c

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RULE 12. ADJOURNMENT

A motion to adjourn shall always be in order, shall be considered only after a second, and shall be decided by majority

CITY COUNCIL RULES OF PROCEDURE (2019)

RULE 1. MEETINGS

a. *Regular Meetings.* During the last quarter of each calendar year, the city council shall pass a resolution establishing regular meeting dates for the following calendar year. Regular meetings start at 7pm and generally occur on the second and fourth Mondays of each month, except that December generally has only one meeting that occurs on the third Monday of that month. In its resolution establishing regular meeting dates, the city council may deviate from this default schedule;

b. *Special Meetings.* The mayor may call a special meeting of the city council. At the request of a majority of the city council, the mayor shall call a special meeting of the city council;

c. *Study Sessions.* Informal meetings of the city council at which no official action is taken are generally held at 3:45pm on the same day as each regular meeting;

d. *Executive Sessions.* Closed meetings of the city council at which matters required or permitted by law to be discussed in private are generally held immediately following study sessions, as needed;

e. *Public Notice.* The city clerk shall provide public notice of the date, time, place, and agenda for each meeting of the city council, according to law. Each meeting of the city council is open to the public, except as otherwise required or allowed by law. The city clerk shall keep a record of all meetings of the city council, which is open to the public except as otherwise required or allowed by law;

f. *First Regular Meeting of a New Council.* At the first regular city council meeting each calendar year immediately following a calendar year in which a regular city election was held, the city council shall adopt rules of procedure and designate the specific means by which public notice will be given when required by law; and,

g. *Attendance by Other Means.* When technologically possible, a city council member may attend any regular or special meeting or study or executive session other than in person. To attend a meeting or session other than in person, a city council member shall give the city clerk at least seventy-two hours' notice, emergencies excepted. To attend a regular meeting other than in person, a city council member shall attend by means that permit those persons attending the regular meeting in person and the city council member attending by other means to see and hear each other contemporaneously. To attend a special meeting or study or executive session other than in person, a city council member shall attend by means that permit those persons attending the special meeting or study or executive session in person and the city council member attending by other means to hear each other contemporaneously.

RULE 2. AGENDA AND DEADLINES

a. *City Clerk.* The city clerk or the city clerk's designee shall prepare the agenda for each meeting of the city council. The city clerk or the city clerk's designee shall provide a copy of the agenda for any meeting of the city council, minutes of the previous meeting, and any other relevant reports or information to the mayor and the city council members at least ninety-six hours prior to the start of the meeting. The city clerk or the city clerk's designee shall also post by electronic or other suitable means a copy of these items at least ninety-six hours prior to the start of the meeting. To the extent allowed by law, in extraordinary circumstances the city clerk or the city clerk's designee shall grant an exception

to this deadline if sought by the mayor, in which case the agenda will state the mayor's reason for the exception; and the city council by majority vote present may disallow the exception;

b. *Mayor.* The mayor or the mayor's designee may place an item onto the agenda. The deadline for the mayor or the mayor's designee to submit an agenda item to the city clerk's office is 5pm on the date that is ten days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances and subject to Rule 2a, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor;

c. *City Council.* A city council member may place an item onto the agenda if another council member consents. The deadline for a city council member to submit an agenda item to the city clerk's office is noon on the date that is five days prior to the council meeting at which the item is to be considered by the city council. The agenda item will contain all relevant and up-to-date information. In extraordinary circumstances and to the extent allowed by law, the city clerk or the city clerk's designee shall grant an exception to this deadline if consented to by two other city council members; and,

d. *Applications.* An applicant for an initial or renewal application for a permit or license shall file the application with the city clerk's office at least ten calendar days prior to a regular council meeting for the application to be included on the agenda for that regular council meeting. Any application filed after this deadline will be included on the agenda for the following regular council meeting or a special meeting if one is called pursuant to Rule 1b. In extraordinary circumstances and to the extent allowed by law, the city clerk or the city clerk's designee shall grant an exception to this deadline if sought by the mayor or two city council members, in which case the agenda item will state the mayor's or council members' reason for the exception.

RULE 3. PRESIDING OFFICER

a. *Meetings.* The mayor shall chair meetings of the city council. In the absence of the mayor, the mayor pro tem shall chair a meeting of the city council. In the absence of the mayor and the mayor pro tem, the city council shall designate one of its members to chair a meeting of the city council. During each meeting of the city council, the chair shall preserve good order and decorum, state each agenda item in due course, and announce the decision of the city council on each agenda item; and the chair shall also decide all questions of order, except that a majority of the city council present may overrule the chair. When speaking at a regular or special meeting, the chair shall address the city council as a whole or a specific city council member by title ("Council Member <last name>") or in the third person (she, he, or they), as the case may be;

b. *Mayor Pro Tem.* By the first regular city council meeting each calendar year immediately following a calendar year in which a regular city election was held for the office of mayor, the mayor shall inform the city council which city council member has been designated by the mayor as mayor pro tem; and,

c. *Roles.* The city council is the policy-making body for the city. The mayor has no vote on matters before the city council. The mayor may take part in the discussions of the city council and may recommend to the council those measures that the mayor may deem necessary for the welfare of the people and efficient administration of the affairs of the city.

RULE 4. RULES OF ORDER

a. *Default Rules.* Robert's Rules of Order, current edition, is adopted as the procedural rules that apply to meetings of the city council on issues not specifically covered in these rules of procedure and,

in case of a conflict between these rules of procedure and Robert's Rules of Order, current edition, these rules of procedure govern;

b. *Decorum*. Subject to Rule 3a, when wanting to speak, a city council member shall try not to interrupt another city council member; and a city council member speaking shall reasonably yield to another city council member who indicates a desire to speak. When speaking, a city council member shall remain on the topic at issue and avoid personal attacks and inappropriate language. When speaking at a regular or special meeting, a city council member shall address the city council as a whole or a fellow city council member by title ("Council Member <last name>") or in the third person (she, he, or they), as the case may be;

c. *Reconsideration*. A city council member who voted with the prevailing side on any motion may move to reconsider that motion if the reconsideration motion is made at the same meeting or next regular meeting of the city council. An absent city council member is deemed not to have voted with the prevailing side;

d. *Electronic Devices*. Persons attending a city council meeting shall turn off or switch to silent mode any electronic devices. Subject to Rule 1g, neither the mayor nor the city council members shall use electronic devices during a meeting to communicate with any person present or not present at the meeting, emergencies excepted; and,

e. *City Charter*. These rules of procedure are to be read and applied in a manner consistent with the City Charter.

RULE 5. VOTING

a. *Options*. When a vote is taken at a regular or special meeting, a city council member has three options:

1. a vote in favor of what is being proposed;
2. a vote against what is being proposed; or,
3. abstention.

A city council member may abstain if the city council member determines that an actual or perceived conflict of interest exists. A city council member may seek the advice of the city attorney in making this determination. If a city council member decides to abstain on a particular vote, the city council member must announce this fact at the regular or special meeting at which the vote is to occur, and that city council member shall not participate in any substantive discussion regarding the matter; and

b. *Vote by Roll Call*. Any city council member may compel a vote by roll call. Any matter in which a city council member has announced an intention to abstain requires a vote by roll call. Any vote involving a city council member attending a meeting per Rule 1g requires a vote by roll call.

RULE 6. ORDINANCES, RESOLUTIONS, AND MOTIONS

a. *Ordinances*. Ordinances on first reading are placed on the consent agenda. An ordinance may be amended on first or second reading and advance to the next reading. An ordinance amended on second or subsequent reading requires an additional reading to pass into law, except when the city council determines that the amendment does not increase the impact on persons or property affected by the amendment. The city council may waive on a four-fifths majority vote the third or subsequent reading of a proposed ordinance as long as that reading does not include an amendment that increases the impact on persons or property affected by the amendment;

b. *Resolutions*. Except as otherwise required by law or allowed by these rules of procedure, a resolution has only one reading;

c. *Motions*. Except as otherwise required by law or these rules of procedure, a majority vote of the total number of members of the city council is required for the passage of any motion; and,

d. *Public Notice*. Except as required or allowed by law, the city council shall not take action on any matter at any meeting if that item was not placed on the agenda for that meeting. The city council may address and vote on ministerial matters, whether placed on the agenda for that meeting or not, during the “other business” portion of that meeting.

RULE 7. PUBLIC PARTICIPATION

a. *Study Sessions*. At study sessions, city staff and members or the public may take part in the proceedings if expressly allowed by the mayor or a city council member. This participation is not a right and is limited to the permission allowed;

b. *Regular and Special Meetings*. At regular and special meetings, anyone may speak to the mayor and city council on any item on the agenda. Each person who would like to speak to the mayor and city council shall first obtain the chair’s permission to speak and then shall say the person’s name and address for the record. Each person has up to five minutes to speak about any agenda item, except that a person has up to ten minutes to speak about any agenda item at its public hearing. A person speaking shall address the mayor or city council as a whole, and may engage in a discussion with a particular city council member if that city council member indicates a willingness to do so; and any discussion counts towards the time limit. A person speaking shall avoid disorder and repetitive argument. No member of the general public other than a person allowed to speak shall speak or interrupt the meeting. The chair, subject to being overruled by a majority of the city council present, may require the person speaking to cease speaking if the person is engaging in disorder or repetitive argument;

c. *City Employees*. A city employee on personal time may speak to the mayor and city council, as a member of the public, for or against some particular issue under discussion by the city council. If an employee’s comments are directed to conditions of employment or administrative policies and procedures, the city council may direct the city employee to pursue the matter through the normal administrative process; and,

d. *General Public Comment at Regular Meetings*. At regular meetings, members of the public may present petitions, requests, or statements within the time period generally set aside towards the end of each regular meeting for general public comment. Each person is limited to five minutes.

RULE 8. POSTING POLICY

The city clerk shall make available a copy of these rules of procedure, including those rules regarding public participation, within the city council chambers and also by electronic or other suitable means, for members of the general public to be able to see them. The city clerk may also post an explanation or helpful examples to assist the general public in understanding these rules of procedure, including those rules relating to public participation.

RULE 9. WAIVER OR AMENDMENT

By a four-fifths majority vote of the city council present, to the fullest extent permitted by law any of these rules of procedure may be waived in a particular instance. Amendments to these rules of procedure may be made by a four-fifths majority vote of the city council.

RESOLUTION NO. 19-85

A RESOLUTION TO ADOPT THE 2019 CITY COUNCIL RULES OF PROCEDURE.

WHEREAS, after study and consideration of the City's City Council rules of procedure, it is deemed to be in the best interest of the City of Council Bluffs to adopt the 2019 City Council Rules of Procedure,

WHEREAS, at the first regular City Council meeting each calendar year immediately following a calendar year in which a regular city election was held, the City Council shall adopt rules of procedure.

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

The 2019 City Council Rules of Procedure are hereby adopted.

ADOPTED
AND
APPROVED March 25, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM19-04
Submitted by: Pat Miller

Resolution 19-86
ITEM 7.B.

Council Action: 3/25/2019

Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with Omaha Neon Sign Co, Inc. in the amount of \$750,000 for the Mid America Center Signage Project. Project No. BM19-04

Background/Discussion

On March 7, 2019, bids were received in the office of the city clerk as follows:

	Total
Omaha Neon Sign Co. Inc., Omaha, NE	\$ 750,000.00
Cost Estimate (HGM Associates Inc.)	\$ 875,000.00

The scope of the project is to provide the Mid America Center with the latest, most reliable video board and signage technology available today. An existing pylon sign located on the corner of Mid America Drive and Marc Boulevard is no longer operational and shall be reconstructed. A new pylon sign will be located at the corner of 23rd Avenue and Bass Pro Drive. Additionally, two monument signs equipped with the same video board technology - along with wayfinding information – will be constructed on existing footings at the 24th Avenue/South 32nd Street entrance and west along the boulevard at the south entrance to the convention center. Also, twenty-four existing wayfinding and pole signs will be replaced with new signs that are more clearly visible and modern in design and technology. These signs will promote activities at the MAC and will lend the opportunity to lease space to promote other businesses within the MAC Entertainment District.

The estimated cost of this project is \$1,000,000. Funding for this project will be paid for by Capital Improvement Funds of \$500,000 and an Iowa West Grant of \$500,000.

The project is scheduled to be completed by August 30, 2019.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-86	Resolution	3/19/2019

RESOLUTION NO. 19-86

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH OMAHA NEON SIGN CO, INC.
FOR THE MID AMERICA CENTER SIGNAGE PROJECT
PROJECT #BM19-04**

WHEREAS, the plans, specifications, form of contract, and cost estimate for the Mid America Center Signage Project 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, form of contract, and cost estimate were approved; and

WHEREAS, Omaha Neon Sign Co, Inc. has submitted a low bid in the amount of \$750,000.00 for this contract.

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

That the bid of Omaha Neon Sign Co, Inc. in the amount of \$750,000.00 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 Mid America Signage Project; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Omaha Neon Sign 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 25, 2019**

Matthew Walsh Mayor

Attest:

Jodi Quakenbush City Clerk

Council Communication

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

Resolution 19-87
ITEM 7.C.

Council Action: 3/25/2019

Description

Resolution authorizing the mayor to execute the Assignment, Acceptance and Approval of Agreement for the solid waste collection contract with LCRD Hauling of INM, LLC, a Delaware Limited Liability Company.

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-87	Resolution	3/22/2019
Agreement	Agreement	3/22/2019

RESOLUTION NO. 19-87

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT, ACCEPTANCE AND APPROVAL OF AGREEMENT FOR THE SOLID WASTE COLLECTION CONTRACT WITH LCRD HAULING OF INM, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

WHEREAS, the City had a contract with Red River Waste Solutions, LP for certain Solid Waste Collections; and

WHEREAS, Red River Waste Solutions, LP was purchased by LCRD Hauling of INM, LLC, a Delaware limited liability company on February 28, 2019; and

WHEREAS, this Agreement will transfer and assign all rights, duties and obligations of Red River Waste Solutions, LP to its new owners, LCRD Hauling of INM, LLC, a Delaware limited liability company; and

WHEREAS, it is in the best interest of the City of Council Bluffs to execute the Assignment, Acceptance and Approval Agreement.

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

That the Mayor of Council Bluffs is hereby authorized to execute the Assignment, Acceptance and Approval Agreement.

ADOPTED
AND
APPROVED

March 25, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

ASSIGNMENT, ACCEPTANCE AND APPROVAL OF AGREEMENT

Whereas, Red River Waste Solutions, LP, a Texas limited partnership, (Assigning Contractor) and the City of Council Bluffs, Iowa (City) are parties to that certain Solid Waste Collection Contract dated as of February 11, 2008, as amended (Agreement) pursuant to which Assigning Contractor performs certain services related to the collection of solid waste for City. The Agreement is attached hereto and by this reference made a part of this agreement; and

Whereas, LCRD Hauling of INM, LLC, a Delaware limited liability company, (Accepting Contractor) and Assigning Contractor are parties to that certain Asset Purchase Agreement dated February 28, 2019 (Purchase Agreement), pursuant to which, at closing, Assigning Contractor will transfer and assign all of its assets related to its solid waste and recycling hauling business in western Iowa and eastern Nebraska, including the Agreement, to Accepting Contractor ; and

Whereas, the City approves of the assignment of the Agreement to Accepting Contractor.

Now therefore it is hereby agreed to as follows:

1. That effective at 12:01 a.m. on the Closing Date (as defined in the Purchase Agreement) (Effective Time), Assigning Contractor will assign all of the benefits, duties and obligations set out in the Agreement to Accepting Contractor, except that Assigning Contractor shall retain all liabilities under the Agreement accruing prior to the Effective Time.
2. That effective at the Effective Time, the Accepting Contractor will assume all of the benefits, duties and obligations of Assigning Contractor, set out in the Agreement.
3. The City approves of this assignment and, effective at the Effective Time, shall be bound to Accepting Contractor the same duties, obligations and benefits set out in the Agreement, that it was bound to the Assigning Contractor after the Effective Time, and Assigning Contractor shall retain all liabilities under the Agreement accruing prior to the Effective Time. .
4. The City approves of this Assignment and, effective at the Effective Time, shall be bound to Accepting Contractor the same duties, obligations and benefits set out in the Agreement, that it was bound to the Assigning Contractor.
5. Accepting Contractor shall increase the amount of the Performance, Payment and Guarantee Bond required under Section 9 of the Agreement from One Million Dollars (\$1,000,000) to One Million Eight Hundred Thousand Dollars (\$1,800,000).
6. Assigning Contractor hereby acknowledges and agrees that, in the event Accepting Contractor defaults on its obligations under the Agreement (after the expiration of all applicable notice and cure period), Assigning Contractor shall be obligated to perform the obligations arising under the Agreement from and after the date of default.
7. Solely as between Assigning Contractor and Accepting Contractor, nothing in this Assignment, Acceptance and Approval of Agreement is intended to supersede, modify, limit, expand or amend any of the rights or obligations of Assigning Contractor and Accepting Contractor under the Purchase Agreement and in the event of any conflict between the terms of the Purchase Agreement and the terms of this Assignment, Acceptance and Approval of Agreement, the terms of the Purchase Agreement shall prevail.

8. This Assignment, Acceptance and Approval of Agreement may be executed in any number of counterparts each of which when executed shall constitute an original, but all of which taken together shall constitute one and the same instrument. A signed copy of this Assignment, Acceptance and Approval of Agreement delivered by facsimile, e-mail or scanned copies or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Assignment, Acceptance and Approval of Agreement.

In witness of this agreement and as authorized representative of our respective parties, we have affixed our signatures below.

ASSIGNING CONTRACTOR

Red River Waste Solutions, LP

By: Red River Waste Solutions GP, LLC,
its General Partner

By: _____
James A. Smith, CEO

ACCEPTING CONTRACTOR

LCRD Hauling of INM, LLC,

By: _____
Jeff Kendall, CEO

City of Council Bluffs, Iowa

Council Communication

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

Liquor License Renewals
ITEM 8.A.

Council Action: 3/25/2019

Description

- 1) 1892 German Beer Haus, 142 W Broadway
- 2) Big Al's, 2700 2nd Avenue
- 3) Bottoms Up, 2800 Twin City Drive
- 4) Dusty's Lounge, 1501 Avenue A
- 5) Godfather's Pizza, 3020 West Broadway
- 6) Kikkers, 1503 Avenue C
- 7) Nomi Petro Mart, 3607 9th Avenue
- 8) Ruby Tuesday, 3150 24th Avenue
- 9) Sakura Sushi & Hibachi, 3502 Metro Drive

Background/Discussion

1892/German Beer Haus

08-09-18—At 2:32 am, Officers were dispatched to the parking lot behind the 1892 for a verbal disturbance between a group of men. Officers handled the call, with no reports or arrests made.

09-08-18—At 1:54 am, Officers were called to an area outside 1892 for an assault that had occurred. Victim was inside the 1892 and two subjects followed him outside the bar and assaulted him. Victim was not cooperative and declined to file assault charges. No further action was taken by the Officers.

12-21-18—At 12:25 am, Officers were dispatched to the 1892 for a man refusing to leave, who had thrown items at the bartender. The man was gone prior to the Officers' arrival.

12-21-18—At 1:45 am, Officers were dispatched outside the 1892 for man and woman who were in a verbal argument. Both were gone prior to the Officers' arrival.

03-01-19—At 8:32 pm, Officers were dispatched to the 1892 for an intoxicated man in the bar, refusing to leave. Officers arrested the man for public intoxication.

Big Al's

01-12-19—At 5:21 pm, Officers were dispatched to the parking lot of Big Al's for shots being fired.

Officers responded, locating a man and woman, who had been involved in a disturbance in the parking lot.

Investigation showed that the female was upset, because she had observed the man hugging another woman inside the bar. The female then went to their residence nearby and retrieved a revolver. She then went back to Big Al's and fired five rounds in the air, while in the bar's parking lot. When the man confronted her, she pointed the gun at him, however, he was able to get the revolver from her. The female was arrested for Intimidation with a dangerous weapon, going armed with intent, aggravated domestic assault and discharging a firearm in the city limits.

01-31-19—At 11:26 pm, Officers were dispatched for man and woman involved in a verbal disturbance outside the bar. The Officers arrived and handled the situation. No reports or arrests were made.

Bottoms Up

06-15-18—At 11:32 pm, Officers received a call of underage dancers drinking alcohol at the bar. Officers responded and found no evidence to corroborate this. No further action taken.

06-30-18—At 9:01 pm, Officers were dispatched to the parking lot of Bottoms Up for a male/female disturbance. The call was handled by the Officers, with no reports or arrests made.

01-13-19—At 6:17 pm, Officers were dispatched to the parking lot of Bottoms Up for disturbance between some men. They were gone prior to the arrival of the Officers.

03-09-19—At 11:45 pm, Officers were dispatched to the Bottoms Up for a female who was refusing to leave. She left prior to the Officers' arrival.

Dusty's Lounge

01-14-19—At 12:45 am, Officers were dispatched to JEMH for an assault victim. Officers met with a man who had been cut with a knife while inside Dusty's Lounge earlier. The man was able to identify the suspect, who was subsequently arrested for willful injury.

Kikkers

07-25-18—At 11:02 pm, Officers were dispatched to Kikkers for a man refusing to leave. He was gone prior to the Officers' arrival.

11-24-18—At 2:04 am, Officers were dispatched to the parking lot of Kikkers for a large disturbance, possible involving a gun. Officers arrived and found nobody who would cooperate with the investigation. No gun was located and no further action was taken by the Officers.

03-09-19—At 7:10 pm, Officers were dispatched to the parking lot of Kikkers for a male/female disturbance. Both parties were gone prior to the Officers' arrival.

There were no alcohol related calls or arrests at Godfathers Pizza, Nomi Petro Mart, Ruby Tuesday or Sakura Sushi this licensing period

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Applications	Other	3/19/2019



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FIRE <u>AF</u>	Endorsed	
BUILDING <u>8</u>	Issued	
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Applicant LC0038380, 1892 German Beer Haus, Council Bluffs

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- Applicant
- Status Of Business
- Ownership
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

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

Name of Business (D/B/A): 1892 German Beer Haus

Address of Premise: 142 W Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 256-9700

Cell / Home Phone: (402) 651-8068

Same Address

Mailing Address: 142 W Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Jeremy Crampton

Phone: (402) 651-8068

Email Address: anita@brockerkarns.com

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Applicant LC0039205, Big Al's, Council Bluffs

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- > Dram Cert
- > Local Endorse
- > History

Corporation Name/Sole Proprietor Name/Partnership Name(s): Allen Robinson (Sole Proprietorship, Partnership, Corporation, etc.)

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

Address of Premise: 2700 2nd ave

Address Line 2: Suite 3 & 4

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-7151

Cell / Home Phone:

Same Address

Mailing Address: 2700 2nd ave

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Allen Robinson

Phone: (402) 616-2770

Email Address: allenrobinson@cox.net

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Applicant LC0019224, Bottoms Up, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): 2800 Corporation (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Bottoms Up

Address of Premise: 2800 Twin City Drive

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 366-0349

Cell / Home Phone:

Same Address

Mailing Address: 2800 Twin City Dr

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501-0000

Contact Name: Miguel Ramirez

Phone: (402) 319-8326

Email Address: anita@brockerkarns.com

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Applicant LC0037535, Dusty's Lounge, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Dusty's Lounge, LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

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

Address of Premise: 1501 Avenue A

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 323-2227

Cell / Home Phone: (402) 917-1737

Same Address

Mailing Address: 44 skyview drive

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Dusty McNeal

Phone: (402) 917-1737

Email Address: Dustymc58@gmail.com

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Applicant BW0094490, Godfather's Pizza, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Godfather's Pizza, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

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

Address of Premise: 3020 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 322-5577

Cell / Home Phone: N/A

Same Address

Mailing Address: 2808 North 108th St.

Mailing Address Line 2:

City: Omaha

State: Nebraska

Zip: 68164

Contact Name: Tom Perina

Phone: (402) 255-2615

Email Address: tperina@godfathers.com

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Applicant LC0040780, Kikkers, Council Bluffs

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

Name of Business (D/B/A): Kikkers

Address of Premise: 1503 Avenue C

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-5388

Cell / Home Phone: (712) 314-4558

Same Address

Mailing Address: 1429 Ave C

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Shauna Brunson

Phone: (712) 314-4558

Email Address: shaunabrunsonrtp@gmail.com

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Applicant BC0030250, Nomi Petro Mart, Council Bluffs

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

Name of Business (D/B/A): Nomi Petro Mart

Address of Premise: 3607 9th Avenue

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (414) 581-0275

Cell / Home Phone:

Same Address

Mailing Address: 3607 9th Avenue

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Usman J Javaid

Phone: (414) 581-0275

Email Address: Usmanj1@outlook.com

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Applicant LC0034421, Ruby Tuesday, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): RT Omaha Franchise, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Ruby Tuesday

Address of Premise: 3150 24th Avenue

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (407) 299-2555

Cell / Home Phone:

Same Address

Mailing Address: 118

Mailing Address Line 2: WEST MCKEY STREET

City: OCOEE

State: Florida

Zip: 34761

Contact Name: John Conner

Phone: (407) 476-0533

Email Address: john@liquorlicensepros.com

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Applicant LC0042476, Sakura Sushi & Hibachi LLC, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Sakura Sushi & Hibachi LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Sakura Sushi & Hibachi LLC

Address of Premise: 3502 Metro Dr

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 366-9888

Cell / Home Phone:

Same Address

Mailing Address: 3502 Metro Dr

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Jackie

Phone: (507) 381-8417

Email Address: xchen9082@gmail.com

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