Study Session Agenda
City of Council Bluffs, Iowa
August 26, 2019, 3:45 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street
VIDEO

STUDY SESSION AGENDA

A. Mark Eckman - CVB Update

B. Brandon Garrett - 1st Avenue Presentation

C. Review Agenda

Executive Session

A. Property Acquisition

Council Agenda, City of Council Bluffs, Iowa
Regular Meeting August 26, 2019, 7:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

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

B. Reading, correction and approval of the August 12, 2019 City Council Meeting Minutes.

C. Ordinance 6397

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, and setting a Public Hearing for September 9, 2019 at 7:00 p.m., by rezoning property legally described as being all of Blocks 7 and 8, Bryan and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition, along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multifamily Residential District to MCR/Mixed Commercial Residential District, as defined in Chapter 15.12. Location: Between 1st Avenue and 2nd Avenue from South 32nd Street to South 34th Street.

D. Ordinances 6398, 6399 & 6400

Ordinances to amend several sections of Title 15 "Zoning" and setting a Public Hearing for September 9, 2019 at 7:00 p.m. by enacting Chapter 15.12 "MCR/Mixed Commercial Residential District;" by amending Chapter 15.27 "Zoning Districts" to add "MCR/Mixed Commercial Residential District" as a new commercial district; and by amending Chapter 15.33 "Signs" to establish sign standards for the MCR/Mixed Commercial Residential District.

E. Resolution 19-192

Resolution accepting the work of Sibbernsen Excavating as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C

F. Resolution 19-193

Resolution accepting the work of Carley Construction, LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the Mid-America Center Parking Lots Rehab, Phase 1. Project # BM19-01

G. Resolution 19-194

Resolution accepting the work of Hawkins Construction Company as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 2. Project # PW18-20

H. Resolution 19-195

Resolution of intent to dispose of and setting a Public Hearing for September 9, 2019 at 7:00 p.m. for City property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent. Location: formerly 1827 3rd Avenue. OTB-19-023

I. Resolution 19-196

Resolution of intent to dispose of and setting a Public Hearing for September 9, 2019 at 7:00 p.m. for City property described as Lot 2, River Road Subdivision. Location: north of 2849 River Road. OTB-19-024

J. Resolution 19-197

Resolution setting a public hearing for September 9, 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.

K. June FY19 Financial Reports

L. Claims

M. Offer to Buy

4. PUBLIC HEARINGS

A. Resolution 19-198

Resolution approving the plans and specifications for the Mid-America Center Parking Lots Rehab, Phase 2. Project #BM20-01

B. Resolution 19-199

Resolution to vacate and dispose of City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: Formerly addressed as 2007 6th Avenue. OTB-19-014

C. Resolution 19-200

Resolution to vacate and dispose of City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: Formerly addressed as 2007 6th Avenue. OTB-19-015

D. Resolution 19-201

Resolution to vacate and dispose of City property described as Lots 11 and 12, Block 8, Pierce's Subdivision. Location: formerly addressed as 1828 7th Avenue. OTB-19-022

E. Resolution 19-202

Resolution to dispose of City property generally described as Lot 10 and the west half of the vacated alley adjacent, and the northerly portions of Lots 13-14 and the east half of vacated alley adjacent, all in Block 86, Railroad Addition. Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street. OTB-19-016

F. Resolution 19-203

Resolution granting Final Plat approval of a two-lot minor subdivision to be known as River Road Subdivision. Location: Lying north of 2849 River Road.

5. ORDINANCES ON 1ST READING

A. Ordinance 6401

An Ordinance to amend Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by amending Section 8.85.026 "Providing Alcohol to Minor".

6. RESOLUTIONS

A. Resolution 19-204

Resolution authorizing the Mayor to make an application for a Certified Local Government (CLG) Grant to fund a portion of the 2021 Preserve Iowa Summit to be held in Council Bluffs.

B. Resolution 19-205

Resolution authorizing the Mayor to execute IDOT Agreement No. 4-19-HBP-SWAP-10 for a Federal-aid Swap City Highway Bridge Program project for the North Broadway Bridge over Indian Creek, IDOT Project No. BHM-SWAP-1642(683)--SA-78.

C. Resolution 19-206

Resolution for approval of the request for proposals for the redevelopment of approximately 8.5 acres of land between 32nd and 34th Streets from West Broadway to 2nd Avenue.

D. Resolution 19-207

Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the West Broadway Urban Renewal Area and soliciting proposals in accordance with the request for proposals.

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor Licenses

1. Bluffs Lodge No. 531 B.P.O. Elks, 380 McKenzie Avenue
2. Bucksnort Grill and Sports Bar, 25 Scott Street
3. Casey's General Store #3203, 1928 Sherwood Drive
4. CB Quick Stop, 3500 Avenue A
5. Hy-Vee C-Store #1, 21 South 25th Street
6. Horseshoe Casino, 2701 23rd Avenue
7. Lakeside Ampride, 4040 S Expressway
8. LPL's, 1707 Harry Langdon Blvd
9. Sam's Club #6472, 3221 Manawa Centre Drive
10. Super Quik Stop, 2800 Twin City Drive (new license application)
11. Thunderbowl & McCoy's on the Bluff, 1900 Madison Avenue

8. CITIZENS REQUEST TO BE HEARD

9. OTHER BUSINESS

10. 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
August 12, 2019

CALL TO ORDER

Mayor Walsh called the meeting to order on Monday August 12, 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 July 22, 2019 and July 31, 2019 City Council Meeting Minutes.
Resolution 19-178
Resolution setting a Public Hearing for August 26, 2019 at 7:00 p.m. for the Mid-America Center Parking Lots Rehab, Phase 2. BM20-01
Resolution 19-179
Resolution accepting the work of Compass Utility LLC as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Franklin Avenue Sidewalk. PW16-09
Resolution 19-180
Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-014
Resolution 19-181
Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-015
Resolution 19-182
Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition. Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street. OTB-19-016

Resolution 19-183

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 11 and 12, Block 8, Pierce's Subdivision. Location: property formerly addressed as 1828 7th Avenue. OTB-19-022

Resolution 19-191

Resolution approving submission of a Resource Enhancement and Protection Grant in the amount of $176,077 to establish a Habitat and Pollinator Corridor on land currently unimproved near and within Valley View Park.

Mayor's Appointments

Dodge Trust Board of Trustees

Parks and Recreation Commission

Offer to Buy & Claims

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

MAYORS PROCLAMATIONS

A. American Wind Week

PUBLIC HEARINGS

Ordinance 6393

Ordinance amending Section 15.05.030(02) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amending Section 5.05.050 to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

Sharon White and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6393, per Planning Commission recommendations.. Unanimous, 5-0 vote.

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

Ordinance 6394

Ordinance amending Chapter 15.08A, R-1E/Single-Family Residential Estates District, of the Municipal Code (Zoning Ordinance) by amending Section 15.08A.050 "Site Development Regulations" to increase the maximum lot coverage for all structures from 10% to 20%, and amending Section 15.08A.060(01) "Additional Regulations, Private Sewage Disposal System" by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Nate Watson and Sharon White moved and seconded approval of Second Consideration of Ordinance 6394, per Planning Commission recommendations.. , 5-0 vote.

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

Resolution 19-184

Resolution to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H.

Roger Sandau and Melissa Head moved and seconded approval of Resolution 19-184. Unanimous, 5-0 vote.

ORDINANCES ON 2ND READING

Ordinance 6395

Ordinance to amend Chapter 8.21 - Theft of the 2015 Municipal Code, by amending Section 8.21.030 "Value" and Section 8.21.042 "Computer Theft".

Melissa Head and Roger Sandau moved and seconded approval of Second Consideration of Ordinance 6395. Unanimous, 5-0 vote.

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

Ordinance 6396

An ordinance to amend Chapter 8.44 - Property Damage of the 2015 Municipal Code, by amending Section 8.44.010 "Criminal Mischief".

Roger Sandau and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6396. 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 19-185

Resolution to adopt the current Schedule of Fees for 2019, Version 3, dated 8-12-19

Heard from Jeff & Sara from Verizon.
Sharon White and Melissa Head moved and seconded approval of Resolution 19-185. Unanimous, 5-0 vote.

Resolution 19-186

Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Council Bluffs and Pottawattamie County with regard to the Byrne Justice Assistance Grant (JAG) Program Award

Roger Sandau and Melissa Head moved and seconded approval of Resolution 19-186. Unanimous, 5-0 vote.

Resolution 19-187

Resolution authorizing the Mayor to execute the Road Improvements Development and Escrow Agreement with C1-Council Bluffs, LLC.

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-187. Unanimous, 5-0 vote.

Resolution 19-188

Resolution accepting the bid of McGinnis Construction Inc. in the amount of $158,844.00 for the Community Development Renovation Project. Project No. B-19-90

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-188. Unanimous, 5-0 vote.

Resolution 19-189

Resolution accepting the bid of Compass Utility, LLC in the amount of $1,155,887.61 for the East Manawa Sewer Rehab, Phase VIII. Project # PW20-09

Nate Watson and Sharon White moved and seconded approval of Resolution 19-189. Unanimous, 5-0 vote.

Resolution 19-190

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the Gifford Road Reconstruction, Phase III. Project #PW20-24

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-190. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses: 1) Aldi, 3135 Manawa Centre Dr, 2) Atherton Automotive Service, 2900 W Broadway, 3) Avenue G Store, 1602 Avenue G, 4) Council Bluffs TravelCenter, 3210 S 7th St, 5) D&S Xpress, 2924 N Broadway, 6) D&S Xpress, 1220 N 25th St, 7) Fast Break Sports Iowa, LLC, 5 Arena Way, 8) Huhot Mangolian Grill, 3120 Manawa Centre Dr, 9) Kwik Shop #595, 1749 W Broadway, 10) La Mesa Mexican Restaurant, 3036 S Expressway, 11) Lipstix, 1501 N 16th St, 12) The Quarthouse, 107 Pearl St, 13) Tobacco Hut & Liquor, 3134 Manawa Centre Dr, #9, 14) Wal-Mart Supercenter #1965, 3200 Manawa Centre Dr

Cigarette Permits

Noise Variance Request

Railway Inn requesting two dates:

1. 8.17.19, 8:00p - 11:00p
2. 8.30.19, 8:00p - 11:00p

Roger Sandau and Melissa Head moved and seconded approval of Applications for Permits & Cancellations, Items 8A 1-14, 8B & 8C. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from: Martha Fajardo, 3221 Middle Ferry Road, Dave Bailey, 235 Lincoln Avenue, Head moved to Receive & File, second by Watson. 5-0 Vote Unanimous. Michelle Kobel, 365 Lincoln Avenue & Dontirso Fajardo, 3221 Middle Ferry Road

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:29 p.m.

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

_____

Matthew J. Walsh, Mayor

_____

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: ZC-19-003
Submitted by: Christopher Gibbons, Planning Coordinator

Ordinance 6397
ITEM 3.C.

Council Action: 8/26/2019

Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, and setting a Public Hearing for September 9, 2019 at 7:00 p.m., by rezoning property legally described as being all of Blocks 7 and 8, Bryan and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition, along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multifamily Residential District to MCR/Mixed Commercial Residential District, as defined in Chapter 15.12. Location: Between 1st Avenue and 2nd Avenue from South 32nd Street to South 34th Street.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZC-19-003 Staff Report	Other	8/16/2019
ZC-19-003 Attachment A	Other	8/16/2019
ZC-19-003 Attachment B	Map	8/16/2019
ZC-19-003 Attachment C	Other	8/16/2019
ZC-19-003 Attachment D	Other	8/16/2019
ZC-19-003 Public Hearing Notice	Other	8/16/2019
Ordinance 6397	Ordinance	8/20/2019

Council Communication

Department: Community Development CASE # ZC-19-003 Property Owner: City of Council Bluffs Applicant: Community Development Department	Ordinance No. _____	City Council: 08/26/19 Public Hearing: 09/09/19 Planning Commission: 08/13/2019

Subject/Title

Request: Rezone property legally described as being all of Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition; along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multi-family Residential District to MCR/Mixed Commercial Residential District.

Location: Between 1st Avenue and 2nd Avenue from South 32nd Street to South 34th Street.

Background

The Community Development Department is proposing to rezone city-owned property legally described above from R-3/Low Density Multi-Family Residential District to MCR/Mixed Commercial District, which is a new commercial zoning district that is being considered by City Council concurrent with this request (see Case #ZT-19-005). The subject property is comprised of 5.53 acres of land and was acquired by the City of Council Bluffs from Bunge Corp. in 2012. Between the years 2013-2014, the City of Council Bluffs demolished the former Bunge grain elevator facilities and associated site infrastructure for future redevelopment purposes. In 2015, the City Council adopted the West Broadway Corridor Plan, which included a residential redevelopment concept for the subject property (see Attachment A). The Community Development Department is proposing to rezone the property from R-3 to MCR in order to implement the vision of the West Broadway Corridor Plan while allowing a higher value, higher density development with the possibility of mixed-use.

Land Use and Zoning

In 2016, the City Council rezoned the subject property from I-1/Light Industrial District and C-2/ Commercial District to R-3/Low Density Multi-Family Residential District (see Case #ZC-16-002, Ordinance No. 6720) so that it could be redeveloped with a variety of housing typologies as shown in the West Broadway Corridor Plan. Surrounding zoning in the general vicinity of the request includes C-2/ Commercial District to the north, east, and west, along with R-2/Two-Family Residential and R-3/Low Density Multi-Family Residential to the south (see Attachment B). Additionally, the property is partially located within the West Broadway Corridor Design Overlay.

Surrounding land uses in the general vicinity of the request include:

- North: City-owned vacant land, Arby's, Burger King, T S Bank, Romantix, and commercial storage;
- East: City-owned vacant land, single-family dwellings, and an automobile repair/sales business;
- South: Single-family residential dwellings and an eight unit apartment building; and
- West: City-owned vacant land, a contractor shop, and commercial/retail establishments.

The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the subject property as Multi-Family/Mixed Use (see Case #CP-19-001, Resolution No. 19-45). The proposed MCR District is consistent with the Bluffs Tomorrow: 2030 Plan.

All property owners within 200 feet of the subject property were notified of the proposed rezoning. No one has indicated any opposition to the proposed rezoning request as of the date of this report.

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

- Black Hills Energy stated they have no concerns for the proposed request.
- Council Bluffs Water Works stated they have no comments for the proposed request.
- Council Bluffs Fire Department stated they have no comments for the proposed request.
- Council Bluffs Public Works Department stated they have no concerns for the request and confirmed utilities (sanitary and storm sewers) are located adjacent to this site to support future redevelopment.

The following attachments are included with the case staff report:
Attachment A: West Broadway Corridor Plan redevelopment concept
Attachment B: Location/zoning map
Attachment C: Conceptual R-3 District density design
Attachment D: Conceptual MCR District density design

Discussion

1. The MCR/Mixed Commercial Residential District is intended to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.

2. The subject property is located within an area of the City commonly referred to as the 'West Broadway Corridor" which is the primary east/west commercial corridor that connects Downtown Council Bluffs with Downtown Omaha. The adopted West Broadway Corridor Plan shows properties within it being redeveloped with a variety of commercial, residential, and mixed commercial residential land uses. The MCR District will allow for high-density residential uses and/or mixed commercial residential uses to be developed in a manner that is consistent with the West Broadway Corridor Plan.

3. The subject property directly abuts 1st Avenue, which is currently an unimproved 66 foot-wide right-of-way that extends from South 36th Street to Downtown Council Bluffs. The West Broadway Corridor Plan identified 1st Avenue as being a multi-modal transportation corridor that is capable of supporting public transit, pedestrian sidewalks, a bike trail, and stormwater management. The Community Development Department and the Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy (FIRST AVE) Advisory Committee are working with consultants on the design of the 1st Avenue trail. Once the final design is complete it's anticipated that the segment of 1st Avenue that abuts the subject property will be constructed as part of the future development project at this location and will provide residents direct access to different transportation modes.

4. Adequate utilities are available within the adjacent right-of-ways to support new development.

5. The subject property is zoned R-3 District and contains 5.53 acres of undeveloped land. Based on the site development standards of the R-3 District the subject property is allowed a maximum of 121 multi-family dwelling units, which calculates to 20 units/per acre (see Attachment C). The MCR District requires a minimum of 40 dwellings units per acre, which can come from a variety of housing typologies including multi-family apartment buildings, mixed commercial/residential structures, and/or townhomes that have at least four attached units (see Attachment D). Based on the size of the property and the above stated MCR District density calculation, the subject property must be developed with a minimum of 221 dwellings units. The increased density allows developers to maximize their return on investment while at the same time provide more housing opportunities in the West End. It also allows the City to capture a larger amount of property taxes on the same acreage and grow population in an area that has existing utilities, public transportation, employment, commercial/retail establishments, schools, and other supportive services.

6. The City is preparing to release a Request for Proposals to develop the subject property and the land located at the southeast corner of the intersection of West Broadway and South 34th Street with commercial and residential uses. The selected proposal must adopt a development plan that addresses all of the standards of the MCR District, and will be subject to review by the City Planning Commission and approval by City Council.

Recommendation

The Community Development Department recommends approval to rezone property legally described as being all of Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition; along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multi-Family Residential District to MCR/Mixed Commercial Residential District, based on reasons stated above.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Coordinator, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to rezone property legally described as being all of Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition; along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multi-Family Residential District to MCR/Mixed Commercial Residential District, as per staff recommendation.

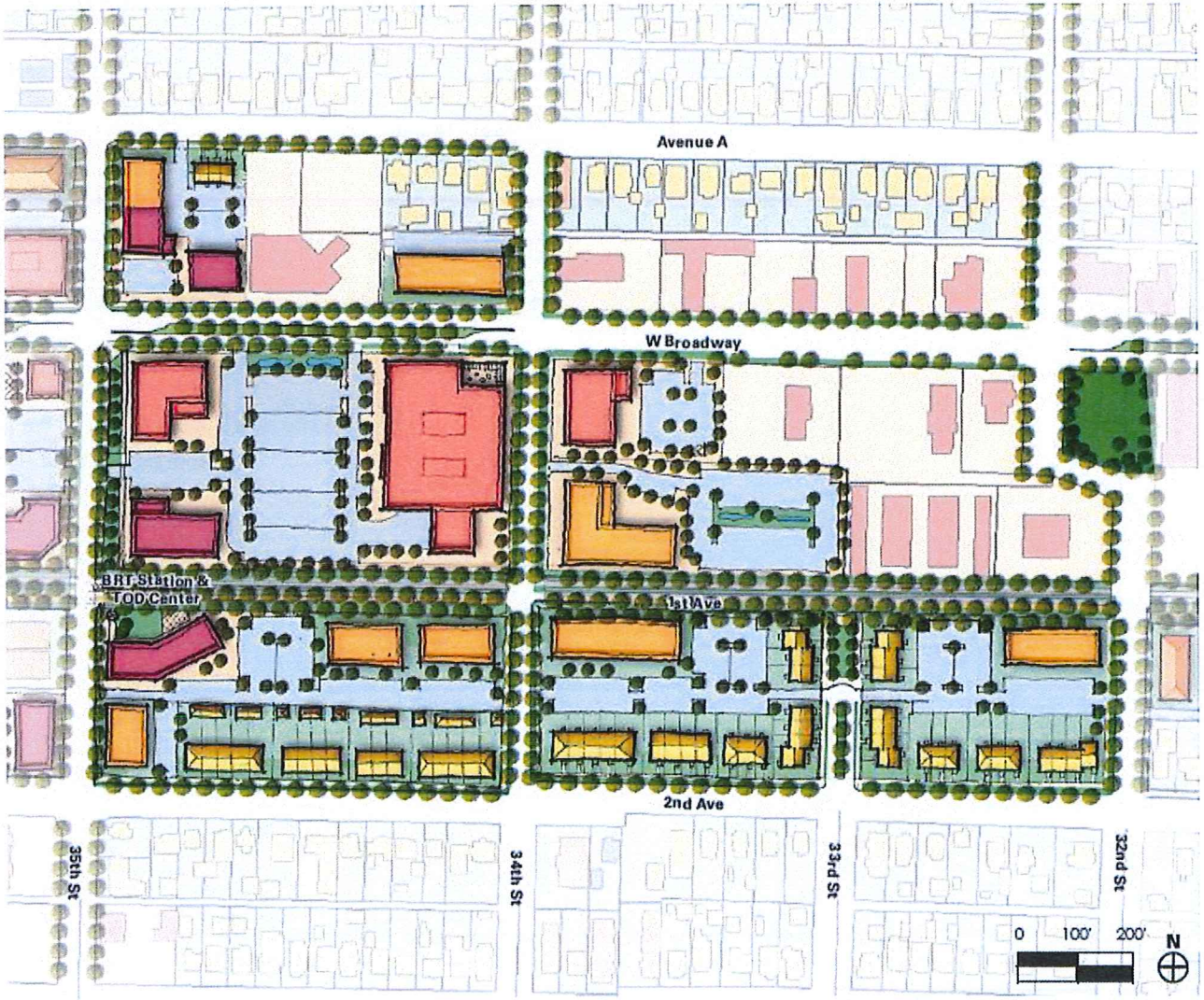
VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 4 VACANT 0 Motion: Carried

Attachments

Attachment A: West Broadway Corridor Plan redevelopment concept

Attachment B: Location/zoning map Attachment C: Conceptual R-3 District density design Attachment D: Conceptual MCR District density design
Prepared by: Christopher Gibbons, Planning Coordinator

West Broadway Corridor Plan – Redevelopment Concept for the Western Gateway



Illustrative Plan

- COMMERCIAL LAND
- RESIDENTIAL LAND
- PUBLIC PARKS & OPEN SPACE
- HOTEL
- RETAIL
- PARKING LOT
- FLEX
- MIXED-USE
- SINGLE-FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- AGE-RESTRICTED MULTI-FAMILY

ATTACHMENT A

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASES #ZC-19-003 LOCATION/ZONING MAP

Map Legend

- CASE #ZC-19-003
- Parcels

0 100 200

1 inch = 200 feet

2016 Aerial Photograph

Note: Subject properties are highlighted in red.

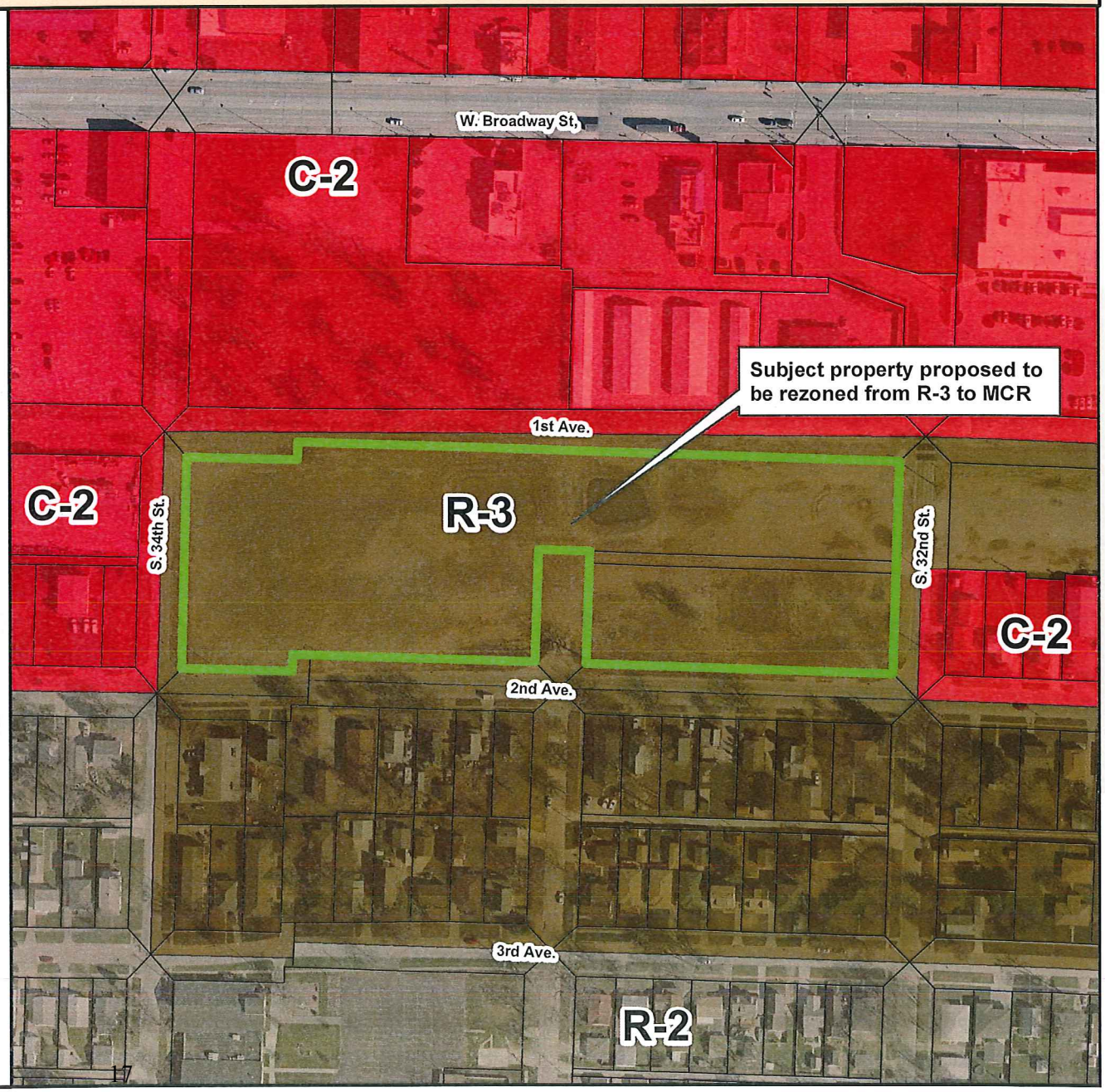
N

Last Amended: 7/29/19

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.

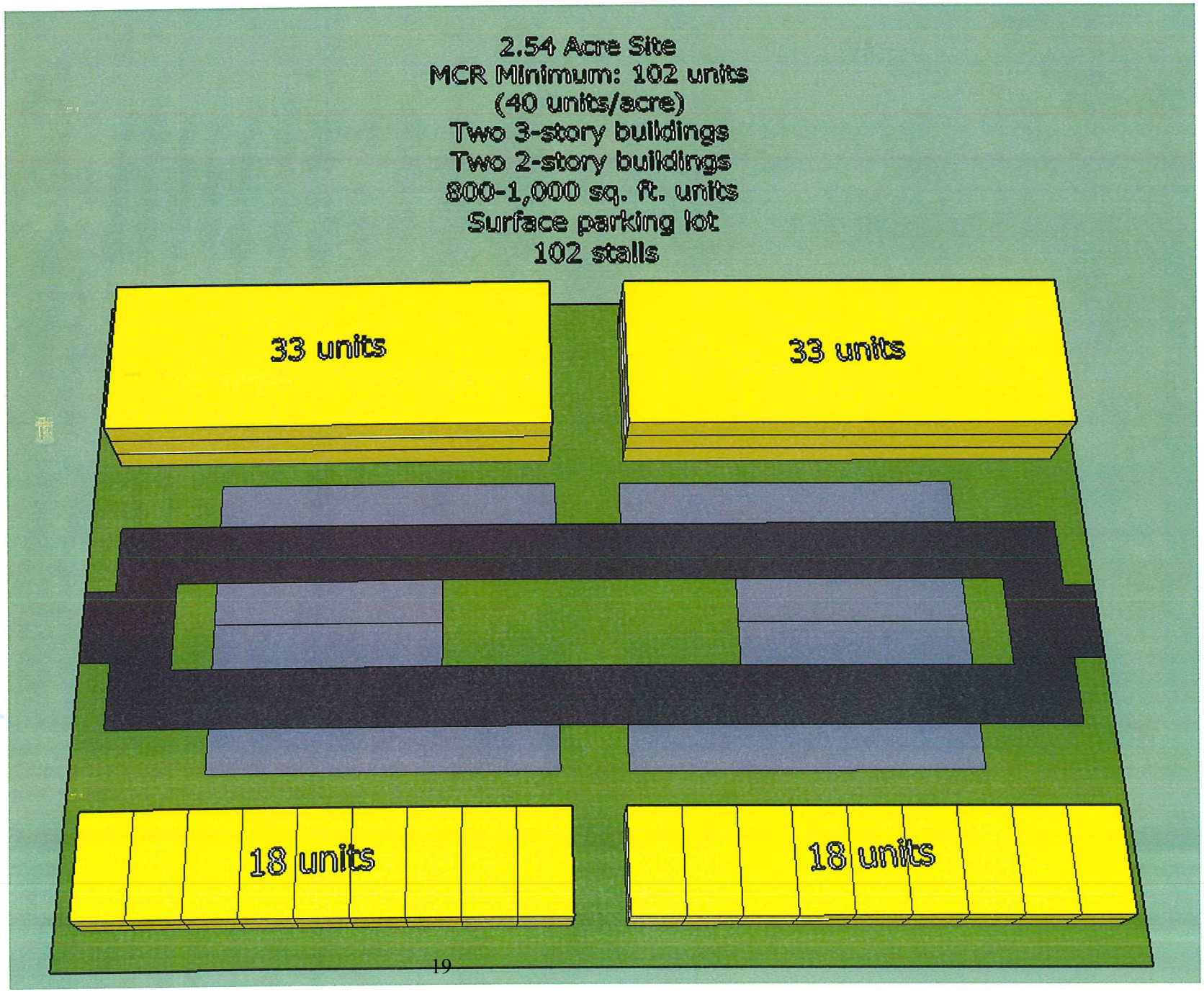


ATTACHMENT B

Example: R-3 District Development Concept

ATTACHMENT C

Example: MCR District Development Concept



ATTACHMENT D

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 all of Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition; along with all vacated alleys adjacent to said subdivision blocks, from R-3/Low Density Multi-Family Residential District to MCR/Mixed Commercial 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 9th day of September, 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

ORDINANCE NO. 6397

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 BEING ALL OF BLOCKS 7 AND 8, BRYANT AND CLARK'S SUBDIVISION AND THE VACATED SOUTH 33RD STREET RIGHT-OF-WAY IN BETWEEN SAID BLOCKS; AND ALL OF BLOCK 6, FERRY'S ADDITION; ALONG WITH ALL VACATED ALLEYS ADJACENT TO SAID SUBDIVISION BLOCKS, FROM R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT TO MCR/MIXED COMMERCIAL RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.12 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 being all of Blocks 7 and 8, Bryant and Clark's Subdivision and the vacated South 33rd Street right-of-way in between said blocks; and all of Block 6, Ferry's Addition; along with all vacated alleys adjacent to said subdivision blocks, from R-3/ Low Density Multifamily Residential District to MCR/Mixed Commercial Residential District as defined in Chapter 15.12 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 September 9, 2019.

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: 9-9-19
Third Consideration: _____

Council Communication

Department: Community Development
Case/Project No.: ZT-19-005
Submitted by: Community Development

Ordinances 6398, 6399 & 6400
ITEM 3.D.

Council Action: 8/26/2019

Description

Ordinances to amend several sections of Title 15 "Zoning" and setting a Public Hearing for September 9, 2019 at 7:00 p.m. by enacting Chapter 15.12 "MCR/Mixed Commercial Residential District;" by amending Chapter 15.27 "Zoning Districts" to add "MCR/Mixed Commercial Residential District" as a new commercial district; and by amending Chapter 15.33 "Signs" to establish sign standards for the MCR/Mixed Commercial Residential District.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZT-19-005 Staff Report	Other	8/16/2019
ZT-19-005 Attachment A	Code Section	8/16/2019
ZT-19-005 Attachment B	Code Section	8/16/2019
ZT-19-005 Attachment C	Code Section	8/16/2019
ZT-19-005 Attachment D	Other	8/16/2019
ZT-19-005 Public Hearing Notice	Other	8/16/2019
Ordinance 6398	Ordinance	8/20/2019
Ordinance 6399	Ordinance	8/20/2019
Ordinance 6400	Ordinance	8/20/2019

Council Communication

Department: Community Development Case #ZT-19-005 Applicant: Community Development Department	Ordinance No.	City Council: 08/26/19 Public Hearing: 09/09/19 Planning Commission: 08/13/19

Subject/Title

Request: Amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District.

Background/Discussion

The Community Development Department is proposing the following amendments to Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance):

1. Enacting Chapter 15.12 MCR/Mixed Commercial Residential District, which intended is *"to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project".*

   A synopsis of the MCR District includes:

   a. A list of principal and conditional land uses that are appropriate within MCR District;
   b. Site development standards that require buildings to be constructed within 10 feet of a property line which abuts a public or private street, and a minimum density of 40 residential units per acre;
   c. Architectural design standards that require the following:
      i. Building facades that are constructed with architectural details such as color changes, material changes, wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Blank walls that are void of any architectural details are not permitted;
      ii. Building façade walls that are constructed out of high quality durable materials (e.g., cast stone, fire-clay brick, burnished or split-face CMU, transparent glass, pre-cast concrete with an approved finished treatment, etc.). Complimentary building materials such as fiber cement board, EIFS/stucco, or wood siding may be allowed on less prominent areas of the building and cannot comprise more than 40% of the total gross square footage of all building elevations;
      iii. Roofs shall be generally flat and concealed by use of a parapet wall or other architecture

features; however, curved or pitched roofs may be on portions of a building as an architectural accent and not as the primary roof design; and

iv. Accentuated building entrances for street facing building facades.

d. Landscaping standards that all require all disturbed areas on a development site that are not used for buildings, structures, paving or impervious surfaces must be planted with trees, shrubs, and/or grasses in accordance with the adopted development plan. Developers are also required to plant street trees within the public rights-of-way adjacent to their development site(s);
e. Exterior lighting standards that accommodates both vehicular and pedestrian traffic;
f. Minimum and maximum off-street parking requirements for multi-family residential and mixed commercial residential uses, as well as, standards for providing bicycle parking and on-street parking;
g. Pedestrian facilities standards that require building entrances to be connected to adjacent sidewalks;
h. Screening requirements for roof-top mechanical units, exterior dumpsters, loading/unloading areas, ground mounted HVAC units, etc.;
i. Stormwater detention being installed underground as opposed to above ground, unless it's designed as a site amenity;
j. All development shall provide a minimum of 50 square feet of site amenity space (e.g., balconies, pools, recreational areas, etc.) per dwelling unit; and
k. Development plan review procedures that includes language to allow the Community Development Director administrative authority to make minor amendments to an adopted development plan.

2. Amending Chapter 15.27, Zoning Districts, to add the MCR/Mixed Commercial Residential District as a new commercial zoning district; and

3. Amending Chapter 15.33, Signs, to require that all signage in an MCR/Mixed Commercial Residential District be subject to development plan approval.

The following attachments are included with this report:
Attachment A: Proposed Chapter 15.12 MCR/Mixed Commercial Residential District
Attachment B: Proposed text amendment for Chapter 15.27, Zoning Districts
Attachment C: Proposed text amendment for Chapter 15.33, Signs relative to the MCR District
Attachment D: Representative building examples in Council Bluffs and Omaha.

Comments

All City Departments and local utility providers were notified of the proposed text amendment change, with no adverse comments being received.

The Community Development Department has the following comments for the proposed text amendments:

1. The MCR District is intended to maximize the use of public and private resources by locating higher density developments within areas of the City that have existing infrastructure, and access to public transportation, employment, commercial/retail establishments, schools, and other supportive services. Areas of the City that are most appropriate to be zoned MCR District include, but are not limited to, the City-owned properties within the West Broadway Corridor, Downtown Council Bluffs and periphery areas, the Mall of Bluffs, and the riverfront.

2. Most multi-family residential developments within the City of Council Bluffs are located within the R-3/

Low Density Multi-Family Residential District and the R-4/High Density Multi-Family Residential District. Both of these zoning districts serve a meaningful purpose for providing multi-family residential housing in the community; however, they place a maximum threshold for the number of dwellings units allowed on a property based on square footage of the land. This approach is well suited for suburban type development where infrastructure has to be extended, personal automobiles are the primary mode of transportation, and there are no commercial/retail/supportive services within a reasonable walking distance from the development site. The proposed MCR District takes the opposite approach and requires a minimum of 40 units per acre, which results in higher density development that allows developers to maximize their return on investment and provide more housing opportunities in areas of the City with existing resources to support the development. The higher density also allows the City to capture a higher amount of property taxes with minimal need for utility extensions and/or other public improvements.

3. The MCR District features some form-based zoning code principles as well as performance based standards to ensure development sites are designed to be aesthetically pleasing, provide opportunities for human interactions on adjacent rights-of-way, limit the placement of parking lots to the sides and rears of buildings, and create additional opportunities for multiple modes of transportation (e.g., transit, automobiles, bicycles). The City of Council Bluffs and City of Omaha have several representative examples of the type of development that is appropriate for the MCR District (see Attachment D).

4. The MCR District requires that City Council review and adopt a development plan concurrent with a rezoning request, which allows the public an opportunity to participate in the discussion of each new development proposal in this District.

Recommendation

The Community Development Department recommends approval to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning District to add 'MCR/Mixed Commercial Residential District' as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District, based on reasons stated above.

Public Hearing

Staff speaker for the request:

1. Brandon Garrett, Community Development Director, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Coordinator, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District, as per staff's recommendation.

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 4 VACANT 0 Motion: Carried

Attachments
Attachment A: Proposed Chapter 15.12, MCR/Mixed Commercial Residential District Attachment B: Proposed text amendment for Chapter 15.27, Zoning Districts Attachment C: Proposed text amendment for Chapter 15.33, Signs relative to the MCR District Attachment D: Representative building examples in Council Bluffs and Omaha.
Prepared by: Christopher N. Gibbons, Planning Coordinator

Chapter 15.12 – MCR/Mixed Commercial-Residential District

Sections:

15.12.010 - Statement of intent.

The MCR district is intended to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.

15.12.020 - Principal uses.

The following principal uses shall be permitted outright in an MCR district:

(1) Congregate housing, life care facility, or nursing home;
(2) Community recreation services;
(3) Dwelling, multifamily
(4) Dwellings, townhome (minimum four attached units)
(5) Family home
(5) Group care home
(6) Mixed commercial/residential structure (containing one or more of the following uses)
  a. Business, professional office;
  b. Consumer service establishments (limited to the following):
    i. Accountants;
    ii. Architects;
    iii. Arts and crafts studio;
    iv. Attorneys;
    v. Banks, savings and loans, and credit unions;
    vi. Barber shops and beauty shops;
    vii. Dress makers and tailors;
    viii. Insurance agencies;
    ix. Laundry and dry cleaning pick-up stations;
    x. Management consultants;
    xi. Medical office or clinic for people;
    xii. Pet shops;
    xiii. Photographers' studios;
    xiv. Real estate office; and
    xv. Travel agencies.
  c. Retail Shopping Establishment (limited to the following):
    i. Antique stores;
    ii. Appliance, television and radio sales;
    iii. Art galleries, commercial;
    iv. Art supplies;
    v. Bakeries;
    vi. Bicycle sales and repair shop;
    vii. Bookstores;

viii. Candy and ice cream stores;
ix. Clothing, clothing accessories and dry goods;
x. Department stores;
xi. Drug stores;
xii. Floor coverings;
xiii. Florists;
xiv. Furniture stores;
xv. Gift and card shop;
xvi. Grocery, delicatessen, and specialty food store;
xvii. Hardware, paint, and wallpaper stores;
xviii. Jewelry, leather goods and luggage stores;
xix. Music stores;
xx. News and tobacco stores;
xxi. Photographic equipment and supplies;
xxii. Second hand store;
xxiii. Shoe stores;
xxiv. Sporting goods;
xxv. Toy and hobby stores; and
xxvi. Variety stores;

"Retail shopping establishment" shall not be construed or interpreted to include any adult entertainment activities.

d. Other
i. Religious assembly;
ii. Restaurant (limited, general); and
iii. Tattoo parlor

(7) Park and recreation services;
(8) Private parking lot;
(9) Public parking lot; and
(10) Public safety services.

15.12.030 - Conditional uses.

The following conditional uses shall be permitted in an MCR district, when authorized in accordance with the requirements set forth in Chapter 15.21:

(1) Mixed commercial/residential structure (containing one or more of the following uses):
i. Any land use proposed with a drive-thru window;
ii. College or universities;
iii. Day care services;
iv. School
v. Small alcohol production facility; and
vi. Tavern.

(2) Garage (private, public);
(3) Government maintenance facility; and
(4) Local utility services.

15.12.040 - Accessory uses.

The following uses shall be permitted in an MCR district:

01. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.12.050 – Site development regulations.

Lots or parcels of land zoned MCR after the effective date of this chapter shall submit a development plan for consideration by the Planning Commission and City Council concurrent with the rezoning application. The development plan review shall follow the procedure stated in this Chapter, and all components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this Title. All proposed development projects shall include, but not be limited to, the following standard regulations as part of the associated development plan:

	Principal Structure	**Accessory Structure**
Required Yards	The base of a principal structure shall be constructed within 10 feet of a property line that abuts a public right-of-way or a private street. The base of a principal structure may be as much as 20 feet from a public right-of-way or private street if the additional setback area is developed with active outdoor space (e.g. dining, courtyard, patios, etc.) between the building and public right-of-way and/or private street. Maximum interior and rear yards shall be determined as part of the adoption of a development plan.	Minimum five (5) feet from rear or side property lines and cannot be located between a building façade and any abutting public or private street.
Maximum Height	**Principal Structure** 100 feet	**Accessory Structure** 24 feet
Lot Coverage: all structures	80% maximum	
Minimum residential density	40 units per acre	

Draft

01. Adopted master plans

A. All properties in the MCR District that are located within an area of the City that has an adopted master plan by City Council shall be developed in accordance with said adopted master plan(s).

02. Architectural details

A. Building façades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval.

B. Building façade walls shall be constructed primarily out of high quality, durable materials such as natural/cast stone (1.5" thick or greater), fire-clay brick, burnished or split face CMU block, transparent glass (non-mirrored/non-tinted), architectural grade metal panels, or architectural grade precast concrete with an approved finished treatment. Complementary materials such as fiber cement board, EIFS/stucco, or wood siding may be used on less prominent areas of a building façade in a manner that complements the primary building material. Complimentary materials shall comprise no more than 40% of the total gross square footage of all building elevations, and no single complimentary material shall comprise more than 50% of the gross square footage of a single building facade. Complimentary materials may only be used when located a minimum of four feet above the base of a building.

For the purpose of this Chapter, a 'building elevation' is defined as the perimeter surface of a building set approximately parallel to a lot line; and a 'building façade' is defined as that portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

C. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design. Roof-mounted mechanical equipment shall be located below the highest vertical element of a building, and shall be screened from view with parapet walls, equipment wells, architectural screens, or similar features that are compatible to the overall design of the building to which they are attached to.

D. Buildings shall be constructed to front at least one street or public rights-of-way. All street-facing façades within 10 feet of a street or public rights-of-way shall include an accentuated

entrance that is clearly distinguished using covered walkways, awnings, canopies, porches, and/or projected or recessed building mass.

E. Attached signage, balconies, canopies, decks, eaves, overhangs, and/or other architectural features that are not integral to the structural support of a building may project into public rights-of-way subject to issuance of a permit from the Public Works Department.

03. Landscaping

A. All areas on a site that are not covered by buildings, structures, paving or impervious surface are considered landscape areas and shall be landscaped in accordance with an adopted development plan.

04. Exterior lighting

A. Light pole materials on private property shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
B. Light poles on private property that are used to illuminate vehicular access and parking areas shall not exceed twenty five (25) feet in height from existing grade.
C. Sidewalks and walkways on private property shall be illuminated with pedestrian scale lighting that does not exceed 15 feet in height from existing grade.
D. Low-scale, decorative lighting may be used to illuminate accent architectural details, building entries, or signs.
E. Building façade accent lighting shall be limited to an upward angle of 45 degrees and shall be focused on the building to minimize light spillover onto adjacent properties and right-of-ways.
F. All lighting on private property shall comply with the standards stated in Section 15.24.050, Lighting controls, of this Title.

05. Parking

A. All off-street parking in the MCR District shall conform with Chapter 15.23 of this Title, except when determining the total amount of required off-street parking for a multi-family residential use or mixed commercial/residential use, which shall be based upon the following:

Land Use	**Required Off-Street Parking**
Multi-Family Residential & Townhomes	Minimum of 1 parking stall per dwelling unit Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stalls for any development.
Mixed Commercial/Residential	Minimum of 1 stall per dwelling unit + 1 space per every 250 square feet of gross floor area of commercial space. Additional parking may be provided but shall not exceed 25% of the total

	number of required off-street parking stalls for any development.

B. Off-street parking in this District is encouraged to be designed as an integral component of a principal structure when feasible; however, surface parking lots shall be allowed when designed to comply with the following standards:

   i. Surface parking areas, vehicular drive aisles, and loading/unloading area shall be located behind and/or to the side of a principal building, and shall not be permitted between a principal building and a primary street frontage. The primary street frontage for a development shall be determined by the Community Development Department at the time of plan review. Surface parking areas visible from a public right-of-way shall be screened with a maximum four-foot tall masonry wall in combination with landscaping, or a maximum six-foot tall wrought iron fence in combination with landscaping.

   ii. Large, non-ornamental, deciduous shade trees shall be installed in parking lots in excess of fifteen (15) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on-site.

C. The total number of required off-street parking spaces may be reduced by an amount to be determined through a parking demand study establishing that sufficient parking is or can be met by the subject use(s) through shared parking with an adjacent property, or nearby on-street parking. The parking demand study shall provide information about the anticipated parking demand at peak times during the day and the distance relationship between available on-street parking or shared parking spaces and the specific use(s) served.

D. Direct vehicular access to all off-street parking, drive aisles, and loading/unloading areas shall come from an alley, a non-arterial street, and/or via shared parking facilities with an adjacent property owner. Direct vehicular access shall not be allowed to any arterial street, or to any rights-of-way with a designated pedestrian walking trail or bicycle lane, unless approved by City Council as part of an adopted development plan.

E. On-street parking shall be constructed as a component of new developments, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.

F. Bicycle parking shall be provided with all residential developments at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.

06. Pedestrian facilities

A. A minimum five foot-wide accessible, pedestrian route shall be installed to connect each building entrance with a public sidewalk. Exception: Service entrances that do not provide the general public access to a building are not required to provide any pedestrian facilities.

B. Construction or reconstruction of adjacent sidewalks and/or street improvements shall be in accordance with adopted Public Works Standards, and shall be included in a project's adopted development plan.

07. Screening and utilities

A. All exterior dumpsters, garbage/recycling storage, loading/unloading areas, ground-mounted HVAC units, and other utility apparatuses/appurtenances shall be completely screened from view using architectural design features, landscaping, fencing, or a combination thereof. Wall mount air conditioning units shall be integrated into the design of the building in order to be screened from view.

B. Deciduous, non-ornamental street canopy trees shall be planted between sidewalks and streets. A minimum of 50 square feet shall be provided for planting space with no less than six feet of width. Spacing of trees shall be no greater than 50 feet. Initial tree plantings shall be no less than two inches in diameter.

C. Utility services shall be installed underground, unless determined unpractical by the Community Development Director.

D. Required stormwater detention shall be contained underground in accordance with all adopted Public Works standards. Best Management Practices for stormwater are encouraged. Surface stormwater features may be considered only if designed as a site amenity.

08. Signs

A. Signage shall be approved as part of the adopted development plan, and shall comply with Chapter 15.33 of this Title.

15.12.60 – Additional regulations.

A. All residential developments shall include an active outdoor site amenity such as playgrounds, plazas, decks, roof-top patios, swimming pools, and recreation areas. Passive areas such as landscape setbacks, bicycle parking, tree plantings, berms, and basic stormwater features do not qualify. A minimum of 50 square feet of site amenity space is required per dwelling unit.

B. Property owners shall maintain all buildings, landscaping, and other site features in accordance with the adopted development plan.

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15.12.070 – Development plan review procedure.

01. Application. A completed application form, ten (10) copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:

(A) A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;

(B) The development name and legal description of the boundary;

(C) A north arrow, scale, bar scale, and date;

(D) The names and addresses of the owner, and the architect or engineer preparing the plan;

(E) A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;

(F) All established floodway or floodway fringe encroachment limits;

(G) A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;

(H) Location and size of any sites to be considered for dedication to public use;

(I) Layout, numbers, and dimensions of proposed lots;

(J) The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;

(K) The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;

(L) Existing and proposed contour intervals of not more than five feet;

(M) All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;

(N) The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;

(O) Proposed signage plan;

(P) Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

02. Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed

development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.

03. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

04. Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.

05. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

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Chapter 15.27 - ZONING DISTRICTS[4]

Sections:

Footnotes:

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Editor's note— Ord. No. 6012, § 3, adopted Oct. 27, 2008, repealed the former Ch. 15.27, §§ 15.27.010—15.27.070, and enacted a new Ch. 15.27 as set out herein. The former Ch. 15.27 pertained to board of adjustment and derived from Ord. No. 5315, § 5 (part), adopted 1997.

15.27.010 - Zoning districts.

For the purposes of this ordinance, the city is divided into zoning districts as outlined below:

A. Open Space/Recreation Districts:

A-1 Open Space Conservation District

A-2 Parks, Estates and Agricultural District

A-3 Riverboat Docking District

B. Residential Districts:

R-1E Single Family Residential Estates District

R-1 Single-Family Residential District

R-1M Single-Family Mobile Home Residential District

R-2 Two-Family Residential District

R-3 Low Density Multi-Family Residential District

R-4 High Density Multi-Family Residential District

C. Commercial Districts:

MCR Mixed Commercial Residential District

A-P Administrative-Professional District

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Central Business District

C-4 Downtown Business District

P-C Planned Commercial District

D. Industrial Districts:

I-1 Light Industrial District (All references to the WM District within this ordinance shall be referred to as the I-1 District)

I-2 General Manufacturing District (All references to the GM District within this ordinance shall be referred to as the I-2 District)

I-3 Heavy Industrial District

P-I Planned Industrial District

E. Overlay Districts:

PR Planned Residential District

RO Recreation-Tourism District

AZ Airport Hazard District

CDO Corridor Design Overlay District

(Ord. No. 6012, § 3, 10-27-2008)

15.27.020 - Zoning district boundaries.

A. District boundaries shall be lot lines, other legally described lines or the centerline of streets, alleys, railroad rights-of-way, waterways or such lines extended.

B. The location and boundaries of these boundaries of these districts are shown on the official zoning map of the city, which is made part of this title by reference.

(Ord. No. 6012, § 3, 10-27-2008)

15.27.030 - Annexed territory.

Annexed land shall retain the same zoning classification after annexation that it had prior to annexation. Those regulations shall remain in place until the city completes the legislative action to rezone the property.

A. Voluntary Annexation. All applications for voluntary annexation of land to the city shall designate the zoning classification which the applicant wishes for their property. The application shall be referred to the planning commission for recommendation on both the annexation and the requested zoning. Consideration of the zoning shall follow the procedures for a zoning amendment.

B. Involuntary Annexation. Whenever, after public hearing, the city council may determine that involuntary annexation shall be referred to the planning commission for recommendation. Consideration of the zoning shall follow the procedures for a zoning amendment.

(Ord. No. 6012, § 3, 10-27-2008)

(6) The maximum allowable area of each monument or ground sign face will be measured from the finish grade to the top of the structure and from one end of the structure to the other. The maximum allowable square feet per sign face shall not be greater than each property's linear feet of street frontage, as measured on one adjacent street, or one hundred fifty (150) square feet, whichever is less.

(Ord. 5920 § 2 (part), 2007).

15.33.060 - Zoning district designations.

(a) For purposes of this chapter, agricultural/open space districts shall include the following zoning districts:	
(1) A-1	Open space district
(2) A-2	Parks, estates and agricultural district
(3) A-3	Riverboat docking district
(b) For purposes of this chapter, residential districts shall include the following zoning districts:	
(1) R-1E	Single-family residential estates district
(2) R-1	Single-family residential district
(3) R-1M	Single-family manufactured housing district
(4) R-2	Two-family residential district
(5) R-3	Low density multifamily residential district
(6) R-4	High density multifamily residential district
(7) PR	Planned residential district
(8) A-P	Administrative-professional district
(c) For purposes of this chapter, commercial districts shall include the following zoning districts:	
(1) C-1	Neighborhood commercial district
(2) C-2	Commercial district

(3) C-3	Commercial district
(4) C-4	Commercial district
(5) PC	Planned commercial district
(6) MCR	Mixed commercial residential district
(d) For purposes of this chapter, industrial districts shall include the following zoning districts:	
(1) P-I	Planned industrial district
(2) I-1	Light industrial district
(3) I-2	General industrial district
(4) I-3	Heavy industrial district

(Ord. 5920 § 2 (part), 2007).

15.33.070 - Prohibited signs.

All signs not expressly permitted in these regulations or exempt from regulation in Section 15.33.080 are prohibited in the city. The following signs are prohibited in all zoning districts:

(1) Signs painted on or attached to rocks, trees, or other natural objects;

(2) Signs placed on utility poles (e.g., garage sale signs);

(3) Signs on or over public property and right-of-way unless specifically authorized by the appropriate public agency;

(4) Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard;

(5) Signs or sign structures which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals;

(6) Signs which obstruct doors, windows, or public right-of-way;

(7) Searchlights or beacons;

(8) Flashing/blinking/pulsating signs;

(9) Swinging signs with over four feet of ground clearance and/or more than eight feet in height from the ground surface;

(10) Pennants and streamers, except for grand opening and/or special events by permit only;

(C) Detached signs shall not exceed one hundred (100) square feet or ten (10) feet in height.

(D) On-premise directionals shall not exceed three square feet per face and exceed three feet in height.

(Ord. 5920 § 2 (part), 2007).

(Ord. No. 6284, § 1, 2-27-2017).

15.33.170 - Commercial district signs.

In addition to the exempt signs in Section 15.33.080 and temporary signs in Section 15.33.090, the following types of signs are permitted in commercial districts, subject to the following limitations. In case of conflicts between these conditions, the most restrictive condition shall apply.

(1) Permitted sign types as limited below:

(A) Detached.

(i) Ground and monument signs;

(ii) Pole signs;

(iii) Center signs in lieu of pole sign;

(iv) On-premise directionals.

(B) Attached.

(i) Wall, awning or canopy signs;

(ii) Below peak roof signs;

(iii) Projecting signs, including blade signs;

(iv) Banners.

(2) Total permitted maximum sign area is limited as follows. With corner or double frontage premises, additional total sign area is based on the longest abutting street frontage plus one-half of the other length feet of the other street frontage, not to exceed four hundred (400) square feet.

District	Maximum Sign Area
C-1	1 × street frontage, or 100 sq. ft., whichever is less
C-2	2 × street frontage
C-3	2 × street frontage
C-4	2 × street frontage
PC	Subject to an approved development plan
MCR	Subject to an approved development plan

(3) Design Regulations for Detached Signage. If the property lies within the West Broadway design corridor as defined in Section 15.33.130 or within seven hundred (700) feet of Interstate right-of-way as defined in Section 15.33.140, additional regulations apply.

(A) Ground or monument signs, maximum of one per premise, exclusive of directional signs, subject to the limitations in Section 15.33.100.

District	Maximum Size	Maximum Height	Maximum Number
C-1	1 × street frontage	10 feet	1 per premise
C-2	1.5 × street frontage	10 feet	1 per premise
C-3	1.5 × street frontage	10 feet	1 per premise
C-4	1.5 × street frontage	10 feet	1 per premise
PC*	1.5 × street frontage	10 feet	1 per premise
MCR*	Subject to an approved development plan		

* Unless modified by an approved development plan.

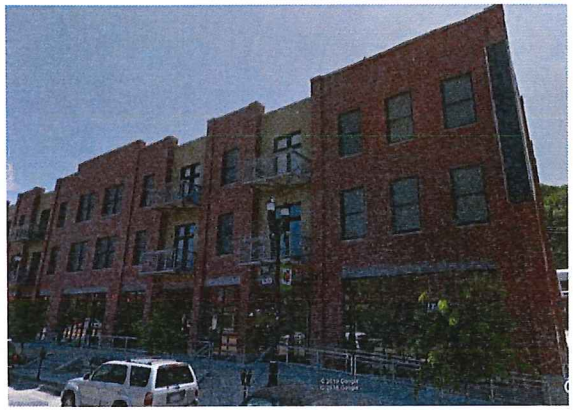
(B) Pole signs, maximum of one per premise and subject to the limitations in Section 15.33.100. Pole signs are not permitted within the West Broadway design corridor as defined in Section 15.33.130.

(C) Center sign in lieu of a pole sign, maximum of one per premise.

District	Maximum Size	Maximum Height	Maximum Number
C-1	1 × street frontage	15 feet	1 per premise
C-2	1.5 × street frontage	25 feet [1]	1 per premise
C-3	1.5 × street frontage	25 feet [1]	1 per premise
C-4	not permitted		
PC	Subject to an approved development plan		

Representative Building Examples in Council Bluffs and Omaha

The Rise at 103 W. Broadway



The Sawyer Building at 125 W. Broadway

The Yard at 415 Cuming Street

Townhomes on South 10th Street

Dundee Flats at 4829 Dodge Street

ATTACHMENT D

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 9th day of September, 2019 at 7:00 p.m. 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.

The hearing is in regards to the City's intent to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District.

(Case ZT-19-005)

ORDINANCE NO. 6398

AN ORDINANCE TO AMEND TITLE 15 "ZONING" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW CHAPTER 15.12, "MCR/MIXED COMMERICAL RESIDENTIAL DISTRICT".

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

SECTION 1. That Title 15 Zoning of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by enacting new Chapter 15.12 "MCR/Mixed Commercial Residential District" to read as follows:

Chapter 15.12 – MCR/Mixed Commercial-Residential District
Sections:

15.12.010 - Statement of intent.

The MCR district is intended to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.

15.12.020 - Principal uses.

The following principal uses shall be permitted in an MCR district:

(1) Congregate housing, life care facility, or nursing home;
(2) Community recreation services;
(3) Dwelling, multifamily;
(4) Dwellings, townhome (minimum four attached units);
(5) Family home;
(5) Group care home;
(6) Mixed commercial/residential structure (containing one or more of the following uses);
  a. Business, professional office;
  b. Consumer service establishments (limited to the following):
    i. Accountants;
    ii. Architects;
    iii. Arts and crafts studio;
    iv. Attorneys;
    v. Banks, savings and loans, and credit unions;
    vi. Barber shops and beauty shops;
    vii. Dress makers and tailors;
    viii. Insurance agencies;
    ix. Laundry and dry cleaning pick-up stations;
    x. Management consultants;

xi. Medical office or clinic for people;
xii. Pet shops;
xiii. Photographers' studios;
xiv. Real estate office;
xv. Travel agencies.

c. Retail Shopping Establishment (limited to the following):
i. Antique stores;
ii. Appliance, television and radio sales;
iii. Art galleries, commercial;
iv. Art supplies;
v. Bakeries;
vi. Bicycle sales and repair shop;
vii. Bookstores;
viii. Candy and ice cream stores;
ix. Clothing, clothing accessories and dry goods;
x. Department stores;
xi. Drug stores;
xii. Floor coverings;
xiii. Florists;
xiv. Furniture stores;
xv. Gift and card shop;
xvi. Grocery, delicatessen, and specialty food store;
xvii. Hardware, paint, and wallpaper stores;
xviii. Jewelry, leather goods and luggage stores;
xix. Music stores;
xx. News and tobacco stores;
xxi. Photographic equipment and supplies;
xxii. Second hand store;
xxiii. Shoe stores;
xxiv. Sporting goods;
xxv. Toy and hobby stores;
xxvi. Variety stores.

"Retail shopping establishment" shall not be construed or interpreted to include any adult entertainment activities.

d. Other
i. Religious assembly;
ii. Restaurant (limited, general);
iii. Tattoo parlor.

(7) Park and recreation services;
(8) Private parking lot;
(9) Public parking lot;
(10) Public safety services.

15.12.030 - Conditional uses.

The following conditional uses shall be permitted in an MCR district, when authorized in accordance with the requirements set forth in Chapter 15.21:

(1) Mixed commercial/residential structure (containing one or more of the following uses):
   a. Any land use proposed with a drive-thru window;
   b. College or universities;
   c. Day care services;
   d. School
   e. Small alcohol production facility;
   f. Tavern.
(2) Garage (private, public);
(3) Government maintenance facility;
(4) Local utility services.

15.12.040 - Accessory uses.

The following uses shall be permitted in an MCR district:

(1) Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.12.050 – Site development regulations.

Lots or parcels of land zoned MCR after the effective date of this chapter shall submit a development plan for consideration by the Planning Commission and City Council concurrent with the rezoning application. The development plan review shall follow the procedure stated in this Chapter, and all components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this Title. All proposed development projects shall include, but not be limited to, the following standard regulations as part of the associated development plan:

Required Yards	**Principal Structure** The base of a principal structure shall be constructed within 10 feet of a property line that abuts a public right-of-way or a private street. The base of a principal structure may be as much as 20 feet from a public right-of-way or private street if the additional setback area is developed with active outdoor space (e.g. dining, courtyard, patios, etc.) between the building and public right-of-way and/or private street. Maximum interior and rear yards shall be determined as part of the adoption of a development plan.	**Accessory Structure** Minimum five (5) feet from rear or side property lines and cannot be located between a building façade and any abutting public or private street.
Maximum Height	**Principal Structure** 100 feet	**Accessory Structure** 24 feet
Lot Coverage: all structures	80% maximum	
Minimum residential density	40 units per acre	

(1) Adopted master plans.

a. All properties in the MCR District that are located within an area of the City that has an adopted master plan by City Council shall be developed in accordance with said adopted master plan(s).

(2) Architectural details.

a. Building façades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval.

b. Building façade walls shall be constructed primarily out of high quality, durable materials such as natural/cast stone (1.5" thick or greater), fire-clay brick, burnished or split face CMU block, transparent glass (non-mirrored/non-tinted), architectural grade metal panels, or architectural grade precast concrete with an approved finished treatment. Complementary materials such as fiber cement board, EIFS/stucco, or wood siding may be used on less prominent areas of a building façade in a manner that complements the primary building material.

Complimentary materials shall comprise no more than 40% of the total gross square footage of all building elevations, and no single complimentary material shall comprise more than 50% of the gross square footage of a single building facade. Complimentary materials may only be used when located a minimum of four feet above the base of a building.

For the purpose of this Chapter, a 'building elevation' is defined as the perimeter surface of a building set approximately parallel to a lot line; and a 'building façade' is defined as that portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

c. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design. Roof-mounted mechanical equipment shall be located below the highest vertical element of a building, and shall be screened from view with parapet walls, equipment wells, architectural screens, or similar features that are compatible to the overall design of the building to which they are attached to.

d. Buildings shall be constructed to front at least one street or public rights-of-way. All street-facing façades within 10 feet of a street or public rights-of-way shall include an accentuated entrance that is clearly distinguished using covered walkways, awnings, canopies, porches, and/or projected or recessed building mass.

e. Attached signage, balconies, canopies, decks, eaves, overhangs, and/or other architectural features that are not integral to the structural support of a building may project into public rights-of-way subject to issuance of a permit from the Public Works Department.

(3) Landscaping.

a. All areas on a site that are not covered by buildings, structures, paving or impervious surface are considered landscape areas and shall be landscaped in accordance with an adopted development plan.

(4) Exterior lighting.

a. Light pole materials on private property shall be painted or finished aluminum or steel. Wood poles shall not be accepted.

b. Light poles on private property that are used to illuminate vehicular access and parking areas shall not exceed twenty five (25) feet in height from existing grade.

c. Sidewalks and walkways on private property shall be illuminated with pedestrian scale lighting that does not exceed 15 feet in height from existing grade.

d. Low-scale, decorative lighting may be used to illuminate accent architectural details, building entries, or signs.

e. Building façade accent lighting shall be limited to an upward angle of 45 degrees and shall be focused on the building to minimize light spillover onto adjacent properties and right-of-ways.

f. All lighting on private property shall comply with the standards stated in Section 15.24.050, Lighting controls, of this Title.

(5) Parking.

a. All off-street parking in the MCR District shall conform with Chapter 15.23 of this Title, except when determining the total amount of required off-street parking for a multi-family residential use or mixed commercial/residential use, which shall be based upon the following:

Land Use	Required Off-Street Parking
Multi-Family Residential & Townhomes	Minimum of 1 parking stall per dwelling unit Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stalls for any development.
Mixed Commercial/Residential	Minimum of 1 stall per dwelling unit + 1 space per every 250 square feet of gross floor area of commercial space. Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stalls for any development.

b. Off-street parking in this District is encouraged to be designed as an integral component of a principal structure when feasible; however, surface parking lots shall be allowed when designed to comply with the following standards:

i. Surface parking areas, vehicular drive aisles, and loading/unloading area shall be located behind and/or to the side of a principal building, and shall not be permitted between a principal building and a primary street frontage. The primary street frontage for a development shall be determined by the Community Development Department at the time of plan review. Surface parking areas visible from a public right-of-way shall be screened with a maximum four-foot tall masonry wall in combination with landscaping, or a maximum six-foot tall wrought iron fence in combination with landscaping.

ii. Large, non-ornamental, deciduous shade trees shall be installed in parking lots in excess of fifteen (15) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on-site.

c. The total number of required off-street parking spaces may be reduced by an amount to be determined through a parking demand study establishing that sufficient parking is or can be met by the subject use(s) through shared parking with an adjacent property, or nearby on-street parking. The parking demand study shall provide information about the anticipated parking demand at peak

times during the day and the distance relationship between available on-street parking or shared parking spaces and the specific use(s) served.

d. Direct vehicular access to all off-street parking, drive aisles, and loading/unloading areas shall come from an alley, a non-arterial street, and/or via shared parking facilities with an adjacent property owner. Direct vehicular access shall not be allowed to any arterial street, or to any rights-of-way with a designated pedestrian walking trail or bicycle lane, unless approved by City Council as part of an adopted development plan.

e. On-street parking shall be constructed as a component of new developments, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.

f. Bicycle parking shall be provided with all residential developments at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.

(6) Pedestrian facilities.

a. A minimum five foot-wide accessible, pedestrian route shall be installed to connect each building entrance with a public sidewalk. Exception: Service entrances that do not provide the general public access to a building are not required to provide any pedestrian facilities.

b. Construction or reconstruction of adjacent sidewalks and/or street improvements shall be in accordance with adopted Public Works Standards, and shall be included in a project's adopted development plan.

(7) Screening and utilities.

a. All exterior dumpsters, garbage/recycling storage, loading/unloading areas, ground-mounted HVAC units, and other utility apparatuses/appurtenances shall be completely screened from view using architectural design features, landscaping, fencing, or a combination thereof. Wall mount air conditioning units shall be integrated into the design of the building in order to be screened from view.

b. Deciduous, non-ornamental street canopy trees shall be planted between sidewalks and streets. A minimum of 50 square feet shall be provided for planting space with no less than six feet of width. Spacing of trees shall be no greater than 50 feet. Initial tree plantings shall be no less than two inches in diameter.

c. Utility services shall be installed underground, unless determined unpractical by the Community Development Director.

d. Required stormwater detention shall be contained underground in accordance with all adopted Public Works standards. Best Management Practices for stormwater are encouraged. Surface stormwater features may be considered only if designed as a site amenity.

(8) Signs.

a. Signage shall be approved as part of the adopted development plan, and shall comply with Chapter 15.33 of this Title.

15.12.060 – Additional regulations.

(1) All residential developments shall include an active outdoor site amenity such as playgrounds, plazas, decks, roof-top patios, swimming pools, and recreation areas. Passive areas such as landscape setbacks, bicycle parking, tree plantings, berms, and basic stormwater features do not qualify. A minimum of 50 square feet of site amenity space is required per dwelling unit.

(2) Property owners shall maintain all buildings, landscaping, and other site features in accordance with the adopted development plan.

15.12.070 – Development plan review procedure.

(1) Application. A completed application form, ten (10) copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:

a. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;

b. The development name and legal description of the boundary;

c. A north arrow, scale, bar scale, and date;

d. The names and addresses of the owner, and the architect or engineer preparing the

e. A location map showing the proposed development and its relationship to existing
abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;

f. All established floodway or floodway fringe encroachment limits;

g. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;

h. Location and size of any sites to be considered for dedication to public use;

i. Layout, numbers, and dimensions of proposed lots;

j. The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;

k. The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;

l. Existing and proposed contour intervals of not more than five feet;

m. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;

n. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;
o. Proposed signage plan;
p. Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

(2) Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.

(3) Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

(4) Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.

(5) Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

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.

PASSED
AND September 9, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: 9-9-19
Third Consideration: _____

Case #ZT-19-005

ORDINANCE NO. 6399

AN ORDINANCE TO AMEND CHAPTER 15.27 ZONING DISTRICTS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.27.010 "ZONING DISTRICTS" TO INCLUDE MCR/MIXED COMMERCIAL RESIDENTIAL DISTRICT.

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

SECTION 1. That Chapter 15.27 Zoning Districts of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.27.010 "Zoning Districts" to include MCR/Mixed Commercial Residential District read as follows:

15.27.010 - Zoning districts.

For the purposes of this ordinance, the city is divided into zoning districts as outlined below:

A. Open Space/Recreation Districts:

A-1 Open Space Conservation District

A-2 Parks, Estates and Agricultural District

A-3 Riverboat Docking District

B. Residential Districts:

R-1E Single Family Residential Estates District

R-1 Single-Family Residential District

R-1M Single-Family Mobile Home Residential District

R-2 Two-Family Residential District

R-3 Low Density Multi-Family Residential District

R-4 High Density Multi-Family Residential District

C. Commercial Districts:

MCR Mixed Commercial Residential District

A-P Administrative-Professional District

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Central Business District

C-4 Downtown Business District

P-C Planned Commercial District

D. Industrial Districts:

I-1 Light Industrial District (All references to the WM District within this ordinance shall be referred to as the I-1 District)

I-2 General Manufacturing District (All references to the GM District within this ordinance shall be referred to as the I-2 District)

I-3 Heavy Industrial District

P-I Planned Industrial District

E. Overlay Districts:

PR Planned Residential District

RO Recreation-Tourism District

AZ Airport Hazard District

CDO Corridor Design Overlay District

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.

PASSED
AND September 9, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: 9-9-19
Third Consideration: _____

Case #ZT-19-005

ORDINANCE NO. 6400

AN ORDINANCE TO AMEND CHAPTER 15.33 SIGNS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.33.060 "ZONING DISTRICT DESIGNATIONS' AND SECTION 15.33.170 "COMMERCIAL DISTRICT SIGNS" RELATIVE TO MCR/MIXED COMMERCIAL RESIDENTIAL DISTRICT.

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

SECTION 1. That Chapter 15.33 Signs of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.33.060 "Zoning District Designations" and Section 15.33.170 "Commercial district signs" relative to MCR/Mixed Commercial Residential District to read as follows:

15.33.060-Zoning district designations.

(a) For purposes of this chapter, agricultural/open space districts shall include the following zoning districts:	
(1) A-1	Open space district
(2) A-2	Parks, estates and agricultural district
(3) A-3	Riverboat docking district
(b) For purposes of this chapter, residential districts shall include the following zoning districts:	
(1) R-1E	Single-family residential estates district
(2) R-1	Single-family residential district
(3) R-1M	Single-family manufactured housing district
(4) R-2	Two-family residential district
(5) R-3	Low density multifamily residential district
(6) R-4	High density multifamily residential district
(7) PR	Planned residential district
(8) A-P	Administrative-professional district
(c) For purposes of this chapter, commercial districts shall include the following zoning districts:	
(1) C-1	Neighborhood commercial district
(2) C-2	Commercial district
(3) C-3	Commercial district
(4) C-4	Commercial district
(5) PC	Planned commercial district

Case #ZT-19-005

(6) MCR	Mixed commercial residential district
(d) For purposes of this chapter, industrial districts shall include the following zoning districts:	
(1) P-I	Planned industrial district
(2) I-1	Light industrial district
(3) I-2	General industrial district
(4) I-3	Heavy industrial district

15.33.170 - Commercial district signs.

In addition to the exempt signs in Section 15.33.080 and temporary signs in Section 15.33.090, the following types of signs are permitted in commercial districts, subject to the following limitations. In case of conflicts between these conditions, the most restrictive condition shall apply.

(1) Permitted sign types as limited below:

(A) Detached.

(i) Ground and monument signs;

(ii) Pole signs;

(iii) Center signs in lieu of pole sign;

(iv) On-premise directionals.

(B) Attached.

(i) Wall, awning or canopy signs;

(ii) Below peak roof signs;

(iii) Projecting signs, including blade signs;

(iv) Banners.

(2) Total permitted maximum sign area is limited as follows. With corner or double frontage premises, additional total sign area is based on the longest abutting street frontage plus one-half of the other length feet of the other street frontage, not to exceed four hundred (400) square feet.

District	Maximum Sign Area
C-1	1 × street frontage, or 100 sq. ft., whichever is less
C-2	2 × street frontage
C-3	2 × street frontage
C-4	2 × street frontage
PC	Subject to an approved development plan
MCR	Subject to an approved development plan

(3) Design Regulations for Detached Signage. If the property lies within the West Broadway design corridor as defined in Section 15.33.130 or within seven hundred (700) feet of Interstate right-of-way as defined in Section 15.33.140, additional regulations apply.

(A) Ground or monument signs, maximum of one per premise, exclusive of directional signs, subject to the limitations in Section 15.33.100.

District	Maximum Size	Maximum Height	Maximum Number
C-1	1 × street frontage	10 feet	1 per premise
C-2	1.5 × street frontage	10 feet	1 per premise
C-3	1.5 × street frontage	10 feet	1 per premise
C-4	1.5 × street frontage	10 feet	1 per premise
PC*	1.5 × street frontage	10 feet	1 per premise
MCR*	Subject to an approved development plan		

*Unless modified by an approved development plan.

(B) Pole signs, maximum of one per premise and subject to the limitations in Section 15.33.100. Pole signs are not permitted within the West Broadway design corridor as defined in Section 15.33.130.

(C) Center sign in lieu of a pole sign, maximum of one per premise.

District	Maximum Size	Maximum Height	Maximum Number
C-1	1 × street frontage	15 feet	1 per premise
C-2	1.5 × street frontage	25 feet [1]	1 per premise
C-3	1.5 × street frontage	25 feet [1]	1 per premise
C-4	not permitted		
PC	Subject to an approved development plan		
MCR	Subject to an approved development plan		

[1] Maximum height shall not exceed fifteen (15) feet within one hundred fifty (150) feet of a residential district.

(D) On-premise directional signs, which are included in the calculations for total permitted sign area for the premises, shall not exceed the following in each commercial district:

District	Maximum Size	Maximum Height	Maximum Number
C-1	3 square feet	4 feet	2 per entrance drive
C-2	4 square feet	6 feet	2 per entrance drive

C-3	4 square feet	6 feet	2 per entrance drive
C-4	4 square feet	6 feet	2 per entrance drive
PC	Subject to an approved development plan		
MCR	Subject to an approved development plan		

(E) Attached wall, banners, awning or canopy signs.

(F) Projecting signs, where permitted, are treated as wall signs for calculating maximum sign area. Projecting signs, one per premise are permitted in C-3 and C-4 districts, subject to the limitations in Section 15.33.100. Blade type signs are permitted in C-3 and C-4 districts, subject to the limitations in Section 15.33.100. Blade signs are the only type of projecting sign which is permitted in a MCR and PC district, subject to an approved development plan.

(G) Roof signs, below peak only, where permitted, are treated as wall signs for calculating maximum sign area. Below peak roof signs are permitted in C-2, C-3, C-4, MCR and PC districts. They are not permitted in a C-1 district.

District	Maximum Sign Area
C-1	1.5 square feet per lineal foot of the building to which it is attached
C-2	2 square feet per lineal foot of the building to which it is attached
C-3	2 square feet per lineal foot of the building to which it is attached
C-4	2 square feet per lineal foot of the building to which it is attached
PC	Subject to an approved development plan
MCR	Subject to an approved development plan

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.

PASSED
AND September 9, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: 9-9-19
Third Consideration: _____

Case #ZT-19-005

Council Communication

Department: Public Works Admin
Case/Project No.: PW18-16C
Submitted by: Matthew Cox, Public Works Director

Resolution 19-192
ITEM 3.E.

Council Action: 8/26/2019

Description

Resolution accepting the work of Sibbernsen Excavating as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C

Background/Discussion

The Eastern Hills Drive Segment D (PW19-16A) project and the Steven Road East (PW18-16B) project require the construction of four large box culverts in the existing channel of Little Pony Creek and in one tributary of Little Pony Creek. The construction of the box culverts creates stream impacts that are required to be mitigated per the USACE 404 Permit.

On-site mitigation opportunities for both projects is limited due to the amount of right-of-way available adjacent to the streams. Any on-site improvements would provide little overall benefit to the watershed and were not sufficient to satisfy the mitigation needs of the projects.

Off-site mitigation alternatives were reviewed and the selected alternative was the restoration and enhancement of the west bank of Mosquito Creek, north and south of Valley View Park. The mitigation provides additional flood storage, and both nutrient and sediment retention capacity. The project also restored native grasses and trees.

Funding is provided by the City of Council Bluffs and Pottawattamie County. The City's 50% share will be paid using Sales Tax Funds.

	Division I General	Total
Original Contract Amount	$99,084.00	$99,084.00
Change Orders (+4.77%)	$4,727.50	$4,727.50
Final Contract Amount	$103,811.50	$103,811.50
Less Previous Payments	$98,620.92	$98,620.92
Retainage Due Contractor	$5,190.58	$5,190.58

The Contractor completed the project on time and did not receive any non-compliance notices.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date

R E S O L U T I O N
NO 19-192

RESOLUTION ACCEPTING THE WORK OF SIBBERNSEN EXCAVATING IN CONNECTION WITH THE MOSQUITO CREEK WEST BANK FLOODPLAIN IMPROVEMENTS AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF $5,190.58 PROJECT #PW18-16C

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Sibbernsen Excavating, Valley, NE for the Mosquito Creek West Bank Floodplain Improvements; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and

WHEREAS, a request for final payment in the amount of $5,190.58 to Sibbernsen Excavating, has been submitted to the city council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said $5,190.58 constitutes a valid obligation of the City and should in its best interest be paid.

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

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of $5,190.58 payable to Sibbernsen Excavating from budget codes Division I, Z10000-676000; Project #1816C.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM19-01
Submitted by: Matthew Cox, Public Works Director

Resolution 19-193
ITEM 3.F.

Council Action: 8/26/2019

Description

Resolution accepting the work of Carley Construction, LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the Mid-America Center Parking Lots Rehab, Phase 1. Project # BM19-01

Background/Discussion

The Entertainment District located between 23rd Avenue and I-80/29 and from 24th Street to 35th Street is a premier destination location within the City of Council Bluffs. The area includes the Mid-America Center, Horseshoe Casino, Bass Pro Shop store, and several hotels and restaurants. The recent construction of the Field House and another hotel are adding to the amenities offered in the area. The parking lots that surround the Mid-America Center are owned by the City. The paving has degraded to the point where maintenance is difficult and there are safety concerns because of the poor condition.

A study was performed in 2011 and updated in 2015, which recommended the replacement of the parking lots. The conceptual plan suggested that the work could be performed in multiple phases over a few years. Proceeding with replacement is now necessary and five phases have been programmed in the CIP.

The phase 1 limits consisted of a portion of the parking lot south of the main entrance to the convention center and a portion of the lot west of the U.S. Social Security Administration offices.

This project was included in the FY19 CIP with a budget of $1,000,000 from the General Fund.

	Division I General	Division II Pavement	Total
Original Contract Amount	$99,802.90	$677,206.39	$777,009.29
Change Orders (-2.05%)	($21,130.26)	$5,174.00	($15,956.26)
Final Contract Amount	$78,672.65	$682,380.39	$761,053.04
Less Previous Payments	$74,739.02	$648,261.37	$723,000.39
Retainage Due Contractor	$3,933.63	$34,119.02	$38,052.65

The Contractor completed the project on time and received one non-compliance notice.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-193	Resolution	8/20/2019

R E S O L U T I O N
NO 19-193

RESOLUTION ACCEPTING THE WORK OF CARLEY CONSTRUCTION, LLC IN CONNECTION WITH MID-AMERICA CENTER PARKING LOTS REHAB, PHASE 1 AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF $38,052.65 PROJECT #BM19-01

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Carley Construction, LLC, Council Bluffs, IA for the Mid-America Center Parking Lots Rehab, Phase 1; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and

WHEREAS, a request for final payment in the amount of $38,052.65 to Carley Construction, LLC has been submitted to the city council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said $38,052.65 constitutes a valid obligation of the City and should in its best interest be paid.

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

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of $38,052.65 payable to Carley Construction, LLC from budget codes Division I, S36100-676000; Division II, S36100-676200; Project #B1901.

AND BE IT FURTHER RESOLVED

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW18-20
Submitted by: Matthew Cox, Public Works Director

Resolution 19-194
ITEM 3.G.

Council Action: 8/26/2019

Description

Resolution accepting the work of Hawkins Construction Company as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 2. Project # PW18-20

Background/Discussion

West Broadway is major arterial street and critical to the City's roadway network. It serves as a significant commercial corridor and commuter route and its reconstruction is an essential part of the economic redevelopment plan for the west end of Council Bluffs.

Segment 2 of the reconstruction project completely rebuilt West Broadway from 33rd Street to 28th Street including the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers with drainage improvements as a major objective. The project also included streetscape amenities such as decorative pedestrian lights, brick paver bands behind the curbs and at intersections, ornamental fencing, ornamental arms for street lights, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, neighborhood masonry columns, and trees.

As a condition of the Transfer of Jurisdiction, Iowa DOT has provided $20 million in funding for assuming ownership of the roadway previously identified as US-6. This project is included in the FY18 CIP with a revised budget of $4,000,000 in IDOT funding and the balance in sales tax funds. The Iowa West Foundation has agreed to provide funding for the streetscape amenities. Council Bluffs Water Works will reimburse the costs associated with Division V.

	Division I General	Division II Pavement	Division III Storm Sewer	Division V Water	Division VI Traffic Signals	Division VIII Lighting	Division IX Streetscape	Total
Original Contract Amount	$860,619.01	$3,264,666.34	$703,558.42	$48,096.17	$895,002.50	$429,411.85	$1,497,718.39	$7,699,072.68
Change Orders (+0.43%)	($1,765.48)	($2,793.19)	$18,407.89	$0.00	($5,639.48)	$0.00	$24,644.72	$32,854.47
Final Contract Amount	$858,853.54	$3,261,873.15	$721,966.31	$48,096.17	$889,363.02	$429,411.85	$1,522,363.11	$7,731,927.15
Less Previous Payments	$846,231.95	$3,214,401.15	$711,441.96	$47,423.30	$876,402.82	$423,193.94	$1,500,392.41	$7,619,487.53
Retainage Due Contractor	$12,621.59	$47,472.00	$10,524.35	$672.87	$12,960.20	$6,217.91	$21,970.70	$112,439.62

The Contractor completed the project on time and received one non-compliance notice.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-194	Resolution	8/20/2019

R E S O L U T I O N
NO 19-194

RESOLUTION ACCEPTING THE WORK OF HAWKINS CONSTRUCTION COMPANY IN CONNECTION WITH THE WEST BROADWAY RECONSTRUCTION, SEGMENT 2 AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF $112,439.62 PROJECT #PW18-20

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Hawkins Construction Company, Omaha, NE for the West Broadway Reconstruction, Segment 2; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and

WHEREAS, a request for final payment in the amount of $112,439.62 to Hawkins Construction Company, has been submitted to the city council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said $112,439.62 constitutes a valid obligation of the City and should in its best interest be paid.

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

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of $112,439.62 payable to Hawkins Construction Company from budget codes Division I, Z30000-676000; Division II, Z30000-676200; Division III, Z30000-676500; Division V, Z30000-678000; Division VI, Z30000-676800; Division VIII, Z30000-676900; Division XI, Z30000-676950, Project #1820X.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-023
Submitted by: Moises Monrroy, Planner

Resolution 19-195
ITEM 3.H.

Council Action: 8/26/2019

Description

Resolution of intent to dispose of and setting a Public Hearing for September 9, 2019 at 7:00 p.m. for City property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent. Location: formerly 1827 3rd Avenue. OTB-19-023

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-023 Staff Report	Other	8/16/2019
OTB-19-023 Attachment A	Map	8/16/2019
OTB-19-023 Public Hearing Notice	Other	8/16/2019
Resolution 19-195	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-023 Applicant: Anne and Danny Starr 2004 30th Avenue Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/26/2019 Public Hearing: 9/9/2019

Subject/Title

Request of Anne and Danny Starr to purchase property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 1827 3rd Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lot to place a modular/prefabricated home that will sit on a slab foundation. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property is $11,666.00. The applicants have offered the full amount of the assessed value to purchase the property and have submitted a $1,166.60 down payment.

The following costs have been incurred on this property:

Permits and Inspections Division:	$ 22,076.00	– Demolition
Permits and Inspections Division:	$ 980.00	– Board-Up
Permits and Inspections Division:	$ 235.00	– Petition Charges
Permits and Inspections Division:	$ 150.00	– Title Search
Permits and Inspections Division:	$ 90.00	– Change of Title/Court Recorder
Total	$ 23,531.00	

The subject property is 60 feet wide by 125 feet deep, and is 7,500 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.

Recommendation

The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa on the September 9, 2019 City Council Meeting.

Attachment

Attachment A: Location map

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

CASE OTB-19-023

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 expressely denies any and all responsibilities for errors, if any, in the information contained on this mapof 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.

0 25 50
1 Inch = 63 Feet

Last Amended: 8/13/19

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 of property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent, 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 9th day of September, 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

MOM

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. 19-195

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED LOT 1, BLOCK 11, EVERETT'S ADDITION, AND THE NORTH ½ OF THE VACATED ALLEY ADJACENT, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Anne and Danny Starr to purchase the City owned property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lot 1, Block 11, Everett's Addition, and the North ½ of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for September 9, 2019.

ADOPTED
AND
APPROVED: August 26, 2019

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-023)

Council Communication

Department: Community Development
Case/Project No.: OTB-19-024
Submitted by: Chris Meeks, Planner

Resolution 19-196
ITEM 3.I.

Council Action: 8/26/2019

Description

Resolution of intent to dispose of and setting a Public Hearing for September 9, 2019 at 7:00 p.m. for City property described as Lot 2, River Road Subdivision. Location: north of 2849 River Road. OTB-19-024

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-024 Staff Report	Other	8/16/2019
OTB-19-024 Attachment A	Map	8/16/2019
OTB-19-024 Attachment B	Other	8/16/2019
OTB-19-024 Public Hearing Notice	Other	8/16/2019
Resolution 19-196	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-024 Applicant: Warren Distribution Attn: Chuck Downey 950 S. 10th Street, Suite 300 Omaha, NE 68108-3296	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/26/2019 Public Hearing: 9/9/2019

Subject/Title

Request of Warren Distribution, represented by Chuck Downey, to purchase property described as Lot 2, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The property is located North of 2849 River Road.

Background/Discussion

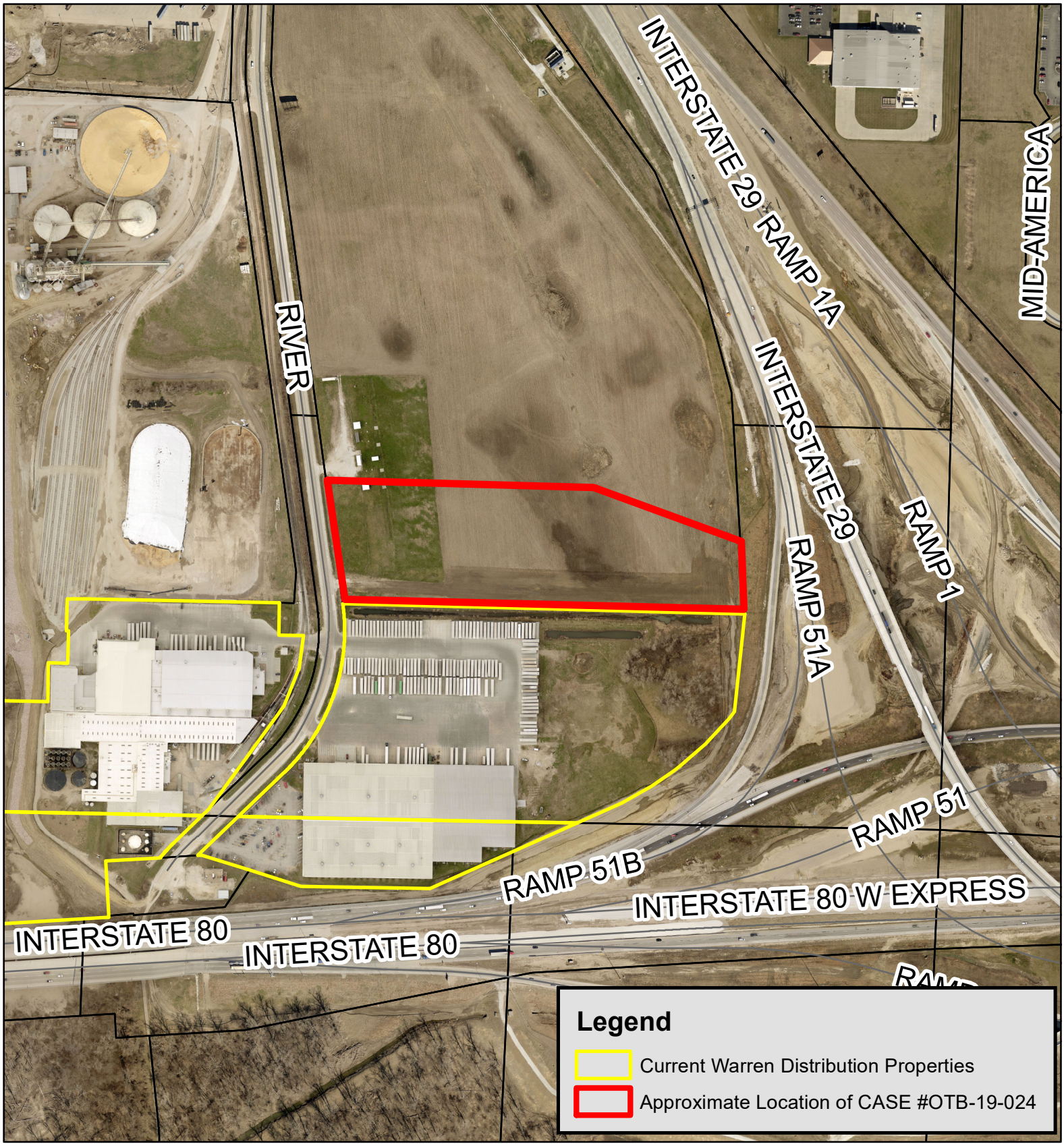
The City has received an offer to purchase the property described above. The property is classified as 'transitional Preserve' and 'buildable', though the City Council agreed to review the sale of the property to Warren Distribution and the OPUS Group at the March 11, 2019 City Council Meeting. The applicant has requested to purchase this lot so that they can obtain ownership of the land they are currently leasing from the City for truck parking, and to have additional land area available for a future warehouse expansion, should the need arise.

As is stated in the adopted Inventory and Disposal Policy for Surplus City Policy, the property should be valued at the last assessed value, or last appraised value if one is available. The subject property is part of the River Road Subdivision, which is comprised of 48.479 acres of industrial zoned land. In February 2017, the City received an appraisal of the property from Mitchell & Associates, Inc., which estimated the entire subdivision to be valued at $2,630,000.00 (or $1.25 square foot). The applicant has submitted an offer of $261,000.00 (or 0.67 cents/square foot) for the subject nine acres. This offer was received after discussions were held between the applicant, Community Development Department, Legal Department, and Advance Southwest Iowa on the size and existing conditions (e.g., easements and potential wetlands) of the subject nine acres, as well as, their intent to use to it for truck parking. All parties involved this conversation agreed that $261,000.00 was a fair offer after taking into consideration the development challenges on lot, even though it was less than the $1.25 per square foot quoted in the appraisal.

The subject offer to buy is subject to the approval of the Final Plat of the River Road Subdivision, which is being reviewed with Case #SUB-19-007. With the sale of this property to Warren Distribution, the City intends to transfer their share of the ongoing levee maintenance costs in a manner that is equitable to the size of property being purchased. Based on the configuration of the River Road subdivision, the future owner of Lot 1, River Road Subdivision (39.479 acres) will be responsible for 13.1819% of the levee maintenance cost; and Warren Distribution, as the owner of Lot 2, River Road Subdivision (9.0 acres) will responsible for 3.006% of the maintenance costs.

Recommendation
The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lot 2, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa on the September 9, 2019 City Council Meeting.
Attachment A: Case Map **Attachment B:** River Road Subdivision Final Plat (Page 2)
Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-19-024



16080 0 160 76320 480 Feet

N
W E
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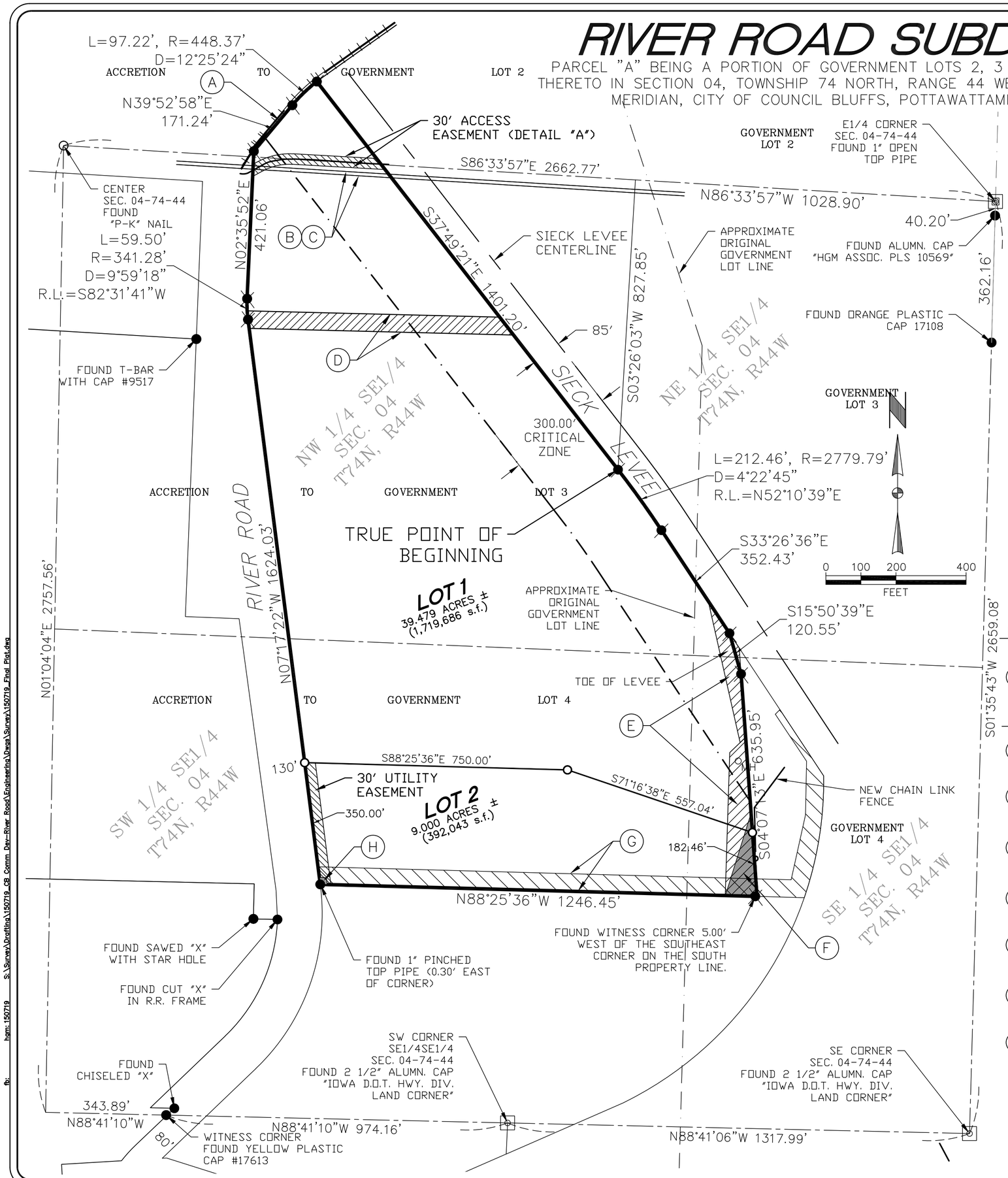
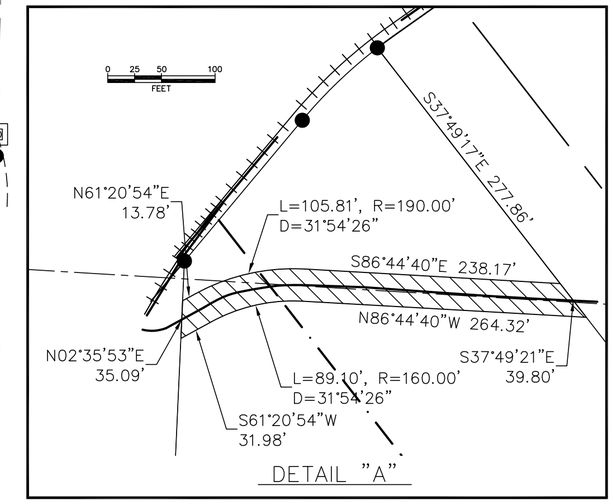
RIVER ROAD SUBDIVISION

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.





LEGEND

- FOUND SECTION CORNER
- FOUND PROPERTY PIN
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"
- SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 14415"
- (S) SURVEY

RIGHT-OF-WAY NOTE:

(A) UNION PACIFIC RAILROAD RIGHT-OF-WAY IS 10.00 FEET EACH SIDE OF CENTERLINE FOR THEIR TRACK AS SHOWN ON THEIR STATION MAP OF THE IOWA NEBRASKA RIVER INDUSTRIAL PARK (I.N.R.I.P.). THE MAP IS FROM THE OFFICE OF CHIEF ENGINEER, UNION PACIFIC RAILROAD, OMAHA, NEBRASKA DATED JUNE 1, 1981 (C.E. DRAWING NO. 83014).

EASEMENT NOTES:

(B) 10.00 FEET WIDE ELECTRICAL EASEMENT GRANTED TO IOWA POWER AND LIGHT COMPANY RECORDED IN BOOK 1226, PAGE 345 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(C) 10.00 FEET WIDE TELEPHONE LINE EASEMENT GRANTED TO NORTHWESTERN BELL TELEPHONE RECORDED IN BOOK 1228, PAGE 63 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(D) 50.00 FEET WIDE STORM WATER, STORM SEWER AND SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 102, PAGE 26672 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(E) SEWER LINE AND INGRESS/EGRESS EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 4003 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(F) SEWER LINE EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 40013 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(G) 50.00 FEET WIDE SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 99, PAGE 18467 AND BOOK 99, PAGE 22497 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(H) ANCHOR EASEMENT GRANTED TO MIDAMERICAN ENERGY COMPANY RECORDED IN BOOK 2014, PAGE 1977 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

this drawing is being made available by hgm associates inc. for use on this project in accordance with hgm associates inc. agreement for professional services. hgm associates inc. does not assume no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

revision	date

DEF drawn
DEF designed
JML approved
JUN.'19 date

project RIVER ROAD SUBDIVISION
GOV. LOTS 2, 3 AND 4 AND ACCRETIONS THERETO 04-74-44

client 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502

sheet

project no. 150719

sheet 2 OF 2

fb: hgm: 150719 S:\Survey\Drafting\150719_CB Comm Dev-River Road\Engineering\Dwgs\Survey\150719_Final Plat.dwg

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 of property described as Lot 2, River Road Subdivision, 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 9th day of September, 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. 19-196

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOT 2, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Warren Distribution, represented by Chuck Downey, to purchase the City owned property described as Lot 2, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lot 2, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for September 9, 2019.

ADOPTED
AND
APPROVED: August 26, 2019

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-024)

Council Communication

Department: Parks and Recreation
Case/Project No.: Setting a public hearing for IDOT acquisition of a portion of Westwood Park
Submitted by: Vincent M Martorello

Resolution 19-197
ITEM 3.J.

Council Action: 8/26/2019

Description

Resolution setting a public hearing for September 9, 2019 at 7:00 p.m., for granting Real Property by Quitclaim Deed to the State of Iowa in connection with Council Bluffs Interstate System Improvements.

Background/Discussion

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

IDOT proposes a purchase agreement and quitclaim deed to buy a portion of Westwood Park to the east of I-29 immediately adjacent to the Avenue off-ramp. The property is approximately12,016 square feet in size (0.28 acres) and is located to the west of an existing baseball field located in the park. The selling of the property will not impeded or interrupt any function of the park or impact any future development plans for the park.
The specific description of the property is
A parcel of land located in Government Lot3, Government, Lot 4 and accretions in SW ¼ SE ¼ in75N, R44W of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa.
Commencing at the NW Corner of Lot 25, Block 43, Brown's Subdivision in the City of Council Bluffs, thence N88° 28'37"W 105.30 feet along the extend north line of said Lot 25 to Point of Beginning; thence S1°17'42" W400.86 feet to the present north right of way line of Union Pacific Railroad; thence N89° 11'41" W30.00 feet along present north right of way line to point on the present easterly right of way line of Interstate Route No 29; thence N1° 18'20" E401.24 feet along said present easterly right of way line to a point on the extended north of said Lot 25; thence S88° 28'37" E29.93 feet along said extended north line to Point of Beginning, said parcel contain 12.016 sq. ft. or 0.28 acres.
The property was appraised in February 2019 and a valuation of $24,000.00 was determined. An exhibit identifying the location for the proposed acquisition is attached. An exhibit showing an aerial of the park with location identified is attached.

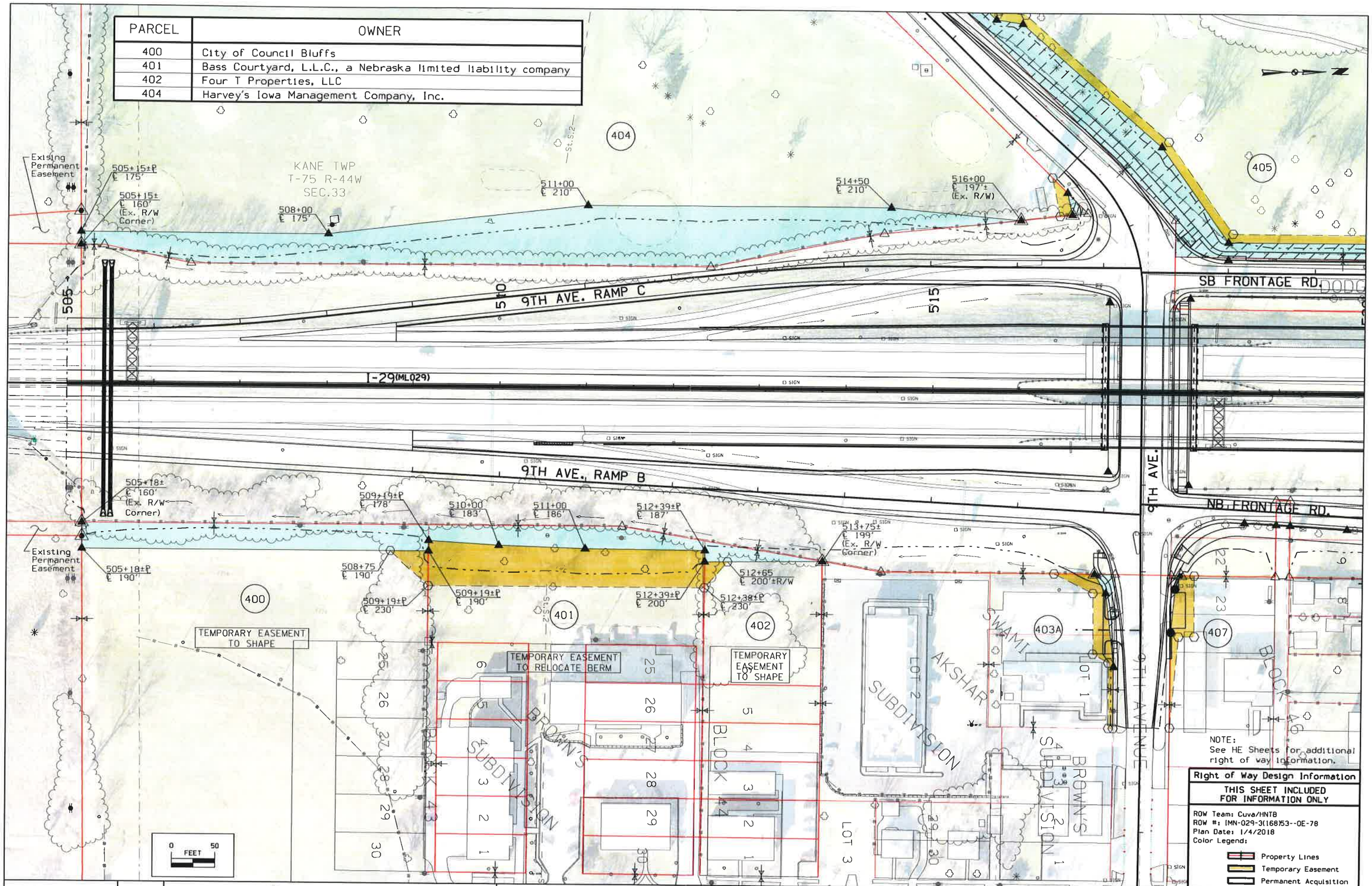
Recommendation

Approve this resolution

ATTACHMENTS:

Description	Type	Upload Date
IDOT ROW Design	Resolution	8/16/2019
Aerial of Westwood Park	Resolution	8/16/2019
Resolution 19-197	Resolution	8/20/2019

PARCEL	OWNER
400	City of Council Bluffs
401	Bass Courtyard, L.L.C., a Nebraska limited liability company
402	Four T Properties, LLC
404	Harvey's Iowa Management Company, Inc.



NOTE:
See HE Sheets for additional right of way information.

Right of Way Design Information

THIS SHEET INCLUDED FOR INFORMATION ONLY

ROW Team: Cuva/HNTB
ROW #: IMN-029-3(168)53--0E-78
Plan Date: 1/4/2018
Color Legend:

- Property Lines
- Temporary Easement
- Permanent Acquisition

FILE NO.	ENGLISH	DESIGN TEAM	Mayberry \ HNTB \ HR Green	POTTAWATTAMIE COUNTY	PROJECT NUMBER	IM-029-3(166)54--13-78	SHEET NUMBER	H.1

4:58:21 PM 1/4/2018 lholtman pw:\\pw-int.hntb.org:PWCentralDiv\Documents\Kansas City Projects\61945 CBIS Segment 4\Roadway\Sheeting\78029166-H.sht

Westwood Park

R E S O L U T I O N
NO 19-197

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

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

WHEREAS, Iowa Department of Transportation has submitted Purchase Agreements and Quitclaim Deeds for said property and the acquisition documents are on file in the office of the City Clerk.

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

That the City Clerk is hereby ordered to set a public hearing for granting Real Property by Quitclaim Deed to the State of Iowa setting September 9, 2019, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

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

June FY19 Financial Reports
ITEM 3.K.

Council Action: 8/26/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Receipts & Expenditures by Fund	Other	8/13/2019
Expenditures by Amount	Other	8/13/2019
Expenditures by Vendor	Other	8/13/2019

City of Council Bluffs

Receipts by Fund
For the Month of June FY19

General Fund	2,466,418.16
Special Revenue	1,561,746.30
Debt Service	85,787.90
Capital Project	266,009.08
Enterprise	890,405.70
Total Receipts	**5,270,367.14**

Expenditures by Fund
For the Month of June FY19

General Fund	6,441,269.16
Special Revenue	2,878,177.05
Debt Service	8,175,061.90
Capital Project	2,493,760.42
Enterprise	1,057,459.39
Total Expenditures	**21,045,727.92**

Transfer from City Operating Accounts	
to Mid America Center	0.00
to Dodge Riverside	18,917.00
Total Transfers	**18,917.00**

CITY OF COUNCIL BLUFFS
EXPENDITURES
JUNE FY19
($'S)

PAYEE	AMOUNT	BUSINESS PURPOSE
BANKERS TRUST	$8,175,061.90	BOND PAYMENT
PAYROLL	$2,431,788.90	CITY PAYROLL
HAWKINS CONSTRUCTION COMPANY	$1,356,435.27	CONSTRUCTION
TWO RIVERS INSURANCE COMPANY, INC.	$826,810.35	EMPLOYEE INSURANCE
MFPRSI	$692,544.01	RETIREMENT
EFTPS	$644,568.55	EMPLOYEE TAXES
WESTERN ENGINEERING COMPANY INC	$436,389.94	CONSTRUCTION
WAL-MART REAL ESTATE BUSINESS TRUST	$417,817.78	TIF REBATE
RIVER'S EDGE PARKING LLC	$387,685.00	LEASE
BOKF N.A.	$298,100.20	TIF REBATE
IOWA FINANCE AUTHORITY	$295,985.00	LOAN PAYMENTS
WASTE CONNECTIONS OF IOWA	$294,355.44	HOUSEHOLD TRASH
CARLEY CONSTRUCTION LLC	$262,689.63	CONSTRUCTION
SCOREVISION	$245,605.00	EQUIPMENT/PARTS
CAESARS ENTERTAINMENT	$234,553.39	MAC OPERATING EXPENSE
CLEAR TITLE & ABSTRACT LLC	$195,737.20	PROFESSIONAL SVCS
IPERS	$193,166.49	RETIREMENT
HGM ASSOCIATES INC	$189,338.24	PROFESSIONAL SVCS
RPL UTILITY LLC	$161,860.30	CONSTRUCTION
IOWA DEPT OF REVENUE	$156,781.00	EMPLOYEE TAXES
VALLEY CORPORATION	$153,636.49	CONSTRUCTION
BLUFFS PAVING & UTILITY INC	$147,362.08	CONSTRUCTION
MIDAMERICAN ENERGY COMPANY	$117,591.38	ELECTRICITY
RIVER PARK APARTMENTS LLC	$114,103.00	TIF REBATE

US BANK	$113,473.36	CREDIT CARD PURCHASES
DODGE PAYROLL	$99,246.72	DODGE OPERATING EXPENSE
STUDIO 15 COMMERCIAL INTERIORS INC	$94,160.34	CONTRACT LABOR
PAYROLL	$83,427.72	MAC OPERATING EXPENSE
MCCARTHY CONSTRUCTION INC	$71,044.00	TIF REBATE
PETROLEUM TRADERS CORPORATION	$65,756.16	FUEL
NATIONWIDE RETIREMENT SOLUTIONS INC	$64,396.22	EMPLOYEE CONTRIB
MOTOROLA SOLUTIONS INC	$62,783.03	EQUIPMENT/PARTS
TRANSIT AUTHORITY OF THE CITY OF OMAHA	$62,665.00	BUS SERVICE
SNYDER & ASSOCIATES INC	$61,793.86	PROFESSIONAL SVCS
TSMM MANAGEMENT LLC	$61,744.00	TIF REBATE
EMPLOYERS MUTUAL CASUALTY COMPANY	$59,462.87	INSURANCE
IOWA WASTE SERVICES HOLDINGS INC	$57,105.01	SOLID WASTE DISPOSAL
NEBRASKA SALT & GRAIN CO	$55,925.85	STREET MAINTENANCE SUPLS
DD WEST BROADWAY LLC	$48,278.00	TIF REBATE
AMERICAN NATIONAL BANK	$45,783.75	BANK SERVICES
LEGACY CB LLC	$42,297.36	TIF REBATE
LYMAN RICHEY CORPORATION	$42,258.50	STREET MAINTENANCE SUPLS
BLACK & VEATCH CORPORATION	$42,039.75	CONSULTANT
FELD FIRE	$39,474.99	EQUIPMENT/PARTS
GENERAL TRAFFIC CONTROLS INC	$36,076.00	CONTRACTURAL SVC
SAPP BROTHERS INC	$34,570.09	FUEL
IOWA WEST FOUNDATION	$34,101.13	DEVLPMNT CONTRACT
EHRHART GRIFFIN & ASSOCIATES INC	$33,462.50	PROFESSIONAL SVCS
SELDIN COMPANY, LLC	$27,243.50	DEVLPMNT CONTRACT
SIEMENS INDUSTRY INC	$27,153.54	EQUIPMENT/PARTS
POTTAWATTAMIE COUNTY DEVELOPMENT	$26,168.00	ADVERTISEMENT
DP MANAGEMENT LLC	$25,280.51	MOWING/GROUNDS MAINT
FIREGUARD, INC.	$24,825.50	EQUIPMENT/PARTS
SOUTHWEST IOWA PLANNING COUNCIL	$23,288.92	CONTRACTURAL SVC
ARROW TOWING	$22,025.00	TOWING/STORAGE/AUCTION
COMPASS UTILITY LLC	$20,492.85	CONSTRUCTION

NEW COMMUNITY DEVELOPMENT CORPORATION	$20,000.00	DEVLPMNT CONTRACT
COX MEDIA, LLC	$18,336.48	PHONE/INTERNET SVC
SJ ELECTRO SYSTEMS INC	$17,194.69	EQUIPMENT/PARTS
ECHO GROUP	$17,149.65	SUPPLIES
MIDLANDS HUMANE SOCIETY	$16,783.27	CONTRACTURAL SVC
POTTAWATTAMIE COUNTY SHERIFF	$15,725.00	INMATE COST
CORNHUSKER INTERNATIONAL TRUCKS	$15,682.93	EQUIPMENT/PARTS
JEO CONSULTING GROUP INC	$15,442.68	CONSULTANT
ZIMCO SUPPLY CO	$15,375.00	DODGE OPERATING EXPENSE
TERRACON CONSULTANTS INC	$14,890.04	PROFESSIONAL SVCS
MTECH INC	$13,995.00	EQUIPMENT/PARTS
AQUA-CHEM INCORPORATED	$13,422.94	SUPPLIES
POTTAWATTAMIE COUNTY SHERIFF	$13,135.00	FEES
IOWA LAW ENFORCEMENT ACADEMY	$12,930.00	TRAINING
CLEAN HARBORS ENVIRONMENTAL SERVICES INC	$12,907.77	CONTRACTURAL SVC
IOWA DEPARTMENT OF REVENUE	$12,787.00	MAC OPERATING EXPENSE
GEORGE BUTLER ASSOCIATES, INC.	$12,344.34	CONTRACTURAL SVC
MIDWEST TAPE, LLC	$11,944.19	DVD/AUDIO/CD
ASPHALT & CONCRETE MATERIALS CO.	$11,410.80	STREET MAINTENANCE SUPLS
ICMA RETIREMENT TRUST - 457	$11,352.30	EMPLOYEE CONTRIB
REHRIG PACIFIC COMPANY	$11,127.00	SUPPLIES
PORTABLE COMPUTER SYSTEMS INC	$10,815.00	HARDWARE/SOFTWARE
3M COMPANY	$10,450.09	SUPPLIES
ACUSHNET COMPANY	$10,017.63	DODGE OPERATING EXPENSE
KAYS CUSTOMS LLC	$9,764.00	CONTRACTURAL SVC
COUNCIL BLUFFS WATER WORKS	$9,646.12	WATER
THE DAVEY TREE EXPERT COMPANY	$9,450.00	TREE WORK
CITY OF COUNCIL BLUFFS-FLEX	$9,278.10	EMPLOYEE CONTRIB
D & K PRODUCTS	$9,099.50	SUPPLIES
EXCHANGE BANK LEASING DIV	$8,756.41	DODGE OPERATING EXPENSE
TR CONSTRUCTION	$8,669.00	CONSTRUCTION
COLLECTION SERVICES CENTER	$8,656.39	GARNISHMENT

BAKER & TAYLOR INC	$8,549.18	BOOKS/PERIODICALS/SUB
BARKER LEMAR AND ASSOCIATES INC	$8,201.00	ENGINEERING
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	$8,140.00	EMPLOYEE CONTRIB
BERT GURNEY & ASSOCIATES INC	$8,047.53	EQUIPMENT/PARTS
WEST BROADWAY CLINIC P C	$7,937.00	CONSULTANT
PRINTCO GRAPHICS	$7,823.12	PRINTING/BINDING
ELAVON INC	$7,804.79	FEES
LP BUILDING SERVICES GROUP	$7,785.00	JANITORIAL SERVICE
AQSEPTENCE GROUP INC	$7,741.89	EQUIPMENT/PARTS
COUNCIL BLUFFS AIRPORT AUTHORITY	$7,704.47	AIRPORT AUTH TAX
VERIZON WIRELESS SERVICES LLC	$7,532.13	CELL PHONE
HEIMAN INC.	$7,386.80	SAFETY EQUIPMENT
KEY IMPACT SALES & SYSTEMS INC	$7,146.00	DEVLPMNT CONTRACT
IOWA PRISON INDUSTRIES	$7,111.60	SUPPLIES
RAISING CANES RESTAURANTS LLC	$7,100.00	REFUND
ELECTRONIC TECHNOLOGY INC	$7,069.62	EQUIPMENT/PARTS
SYSCO - LINCOLN	$6,978.73	DODGE OPERATING EXPENSE
MARKUSON CONSTRUCTION INC	$6,969.60	CONTRACTURAL SVC
ADVANCED DATA PROCESSING, INC	$6,791.38	AMBULANCE BILLING FEE
HEARTLAND BUSINESS SYSTEMS LLC	$6,622.20	HARDWARE/SOFTWARE
VEENSTRA & KIMM INC	$6,528.00	PROFESSIONAL SVCS
D&K PRODUCTS	$6,153.55	DODGE OPERATING EXPENSE
PATRIOT CRANE & RIGGING LLC	$6,058.00	REPAIRS
JEREDITH BRANDS LLC	$5,986.50	JANITORIAL SERVICE
CITY OF COUNCIL BLUFFS-DEPENDENT	$5,908.26	EMPLOYEE CONTRIB
ERRIN K GUNDERSON	$5,886.90	MOWING/GROUNDS MAINT
LANDSCAPES MGMT COMPANY	$5,877.84	DODGE OPERATING EXPENSE
LANDSCAPES UNLIMITED	$5,859.25	DODGE OPERATING EXPENSE
HTM SALES INC	$5,806.58	EQUIPMENT/PARTS
BARTON SOLVENTS INC	$5,546.25	SUPPLIES
U S AUTO FORCE	$5,430.24	EQUIPMENT/PARTS
911 CUSTOM LLC	$5,401.44	EQUIPMENT/PARTS

BLUFFS ELECTRIC INC	$5,211.34	ELECTRICAL REPAIR
GOVDEALS INC	$4,836.55	ONLINE PAYMENT FEES
R NICKESON ENTERPRISES-	$4,791.95	SUPPLIES
NAPA AUTO PARTS	$4,727.26	EQUIPMENT/PARTS
NEIL L ARBOGAST	$4,652.95	CONTRACTURAL SVC
THERMAL SERVICES	$4,604.00	REPAIRS
LOGHRY LAWNS	$4,585.00	MOWING/GROUNDS MAINT
OMAHA DOOR & WINDOW CO INC	$4,448.86	REPAIRS
GRACIE GLOBAL LLC	$4,325.00	TRAINING
MERSINO DEWATERING INC	$4,304.12	CONTRACTURAL SVC
TREASURER STATE OF IOWA/SALES TAX	$4,261.00	SALES TAX
GARAGE DOOR SERVICES	$4,220.00	REPAIRS
ICE QUBE INC	$4,198.59	SERVICE LABOR
DMG INC	$4,170.24	ELECTRICAL REPAIR
CALLAWAY	$4,146.35	DODGE OPERATING EXPENSE
FELSBURG HOLT & ULLEVIG INC	$4,077.21	PROFESSIONAL SVCS
EQUIAN LLC	$3,991.22	LEGAL CLAIM
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$3,960.00	EMPLOYEE CONTRIB
CONVERGEONE INC	$3,925.90	HARDWARE/SOFTWARE
EXECUTIVE SECURITY OF OMAHA	$3,923.80	MAC OPERATING EXPENSE
DOLL DISTRIBUTING INC	$3,913.31	MAC OPERATING EXPENSE
CONSTELLATION NEWENERGY-GAS DIVISION, LLC	$3,850.00	NATURAL GAS
C & A INDUSTRIES INC.	$3,804.80	CONTRACT LABOR
HOSE & HANDLING INC.	$3,804.36	EQUIPMENT/PARTS
ELECTRIC PUMP	$3,760.00	EQUIPMENT/PARTS
BLACK HILLS UTILITY HOLDINGS, INC.	$3,667.23	NATURAL GAS
FIRST NATIONAL BANK PCARDS ACH	$3,616.47	DODGE OPERATING EXPENSE
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$3,600.00	EMPLOYEE CONTRIB
TTK AERIAL IMAGING SOLUTIONS INC	$3,600.00	TRAINING
DALES TRASH SERVICE INC	$3,576.00	RENTAL EXPS
CONSOLIDATED ELECTRICAL DISTR, INC	$3,536.55	SUPPLIES
HEARST PROPERTIES INC	$3,500.00	MAC OPERATING EXPENSE

DOLL DISTRIBUTING	$3,459.50	DODGE OPERATING EXPENSE
SAFETY GUARD INC	$3,450.00	REPAIRS
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	$3,355.00	EQUIPMENT/PARTS
THE RETROFIT COMPANIES INC	$3,350.75	CONTRACTURAL SVC
ERIKSEN CONSTRUCTION CO INC	$3,325.00	CONSTRUCTION
M & R WELDING	$3,254.00	WELDING SUPPLIES/SERVICE
SHERBONDY'S GARDEN CENTER	$3,237.60	CONTRACTURAL SVC
PAPILLION SANITATION	$3,233.33	SOLID WASTE DISPOSAL
KELTEK, INCORPORATED	$3,200.00	EQUIPMENT/PARTS
FRATERNAL ORDER OF POLICE	$3,150.00	EMPLOYEE CONTRIB
LOCKTON CO LLC - KC SERIES	$3,066.00	DODGE OPERATING EXPENSE
DENNIS L. JONES	$3,034.00	UMPIRE SCHEDULING
MARCO HOLDINGS, LLC	$2,983.53	COPY/PRINTER MAINTANCE
OMAHA WORLD HERALD CO	$2,983.00	MAC OPERATING EXPENSE
HDR ENGINEERING INC	$2,955.43	PROFESSIONAL SVCS
OVERDRIVE INC	$2,820.33	BOOKS/PERIODICALS/SUB
CABANA COFFEE	$2,780.07	MAC OPERATING EXPENSE
THE OFFICE CLEANERS	$2,714.29	JANITORIAL SERVICE
HACH COMPANY	$2,705.65	EQUIPMENT/PARTS
HD SUPPLY FAC MAINTENANCE LTD	$2,686.80	SUPPLIES
CITY TREASURER	$2,611.14	DODGE OPERATING EXPENSE
JAMES MINGE	$2,600.00	MAC OPERATING EXPENSE
HEININGER CONSTRUCTION LLC	$2,580.00	CONTRACTURAL SVC
INTERSTATE POWERSYSTEMS	$2,510.72	EQUIPMENT/PARTS
WINDSTREAM CORPORATION	$2,507.16	TELEPHONE
CITY OF COUNCIL BLUFFS	$2,489.55	DODGE OPERATING EXPENSE
ULTIMATE SAFETY CONCEPTS INC	$2,449.32	SAFETY EQUIPMENT
PREMIER MIDWEST BEVERAGE CO	$2,400.60	DODGE OPERATING EXPENSE
MICHAEL O'BRADOVICH	$2,400.00	CONSULTANT
SHERMAN COMPANY LLC	$2,390.00	DODGE OPERATING EXPENSE
BMI JANITORIAL GROUP	$2,340.00	MAC OPERATING EXPENSE
TRANS IOWA EQUIPMENT LLC	$2,279.29	EQUIPMENT/PARTS

BLUFFS TOOL & MACHINE	$2,250.00	REPAIRS
THE WALLING COMPANY INCORPORATED	$2,222.00	EQUIPMENT/PARTS
FACTORY MOTOR PARTS	$2,184.37	EQUIPMENT/PARTS
LOGAN CONTRACTORS SUPPLY INC	$2,175.83	SUPPLIES
DAILY NONPAREIL	$2,175.21	ADVERTISEMENT
SECURITY EQUIPMENT INCORPORATED	$2,164.20	CONTRACTURAL SVC
CITY OF OMAHA	$2,120.00	CONTRACTURAL SVC
I-80 LIQUOR & TOBACCO	$2,067.53	DODGE OPERATING EXPENSE
VISION INDUSTRIAL SALES INC	$2,007.60	SUPPLIES
COMMAND CENTER INC	$1,852.20	MAC OPERATING EXPENSE
CHAMPLIN TIRE RECYCLING INC	$1,844.50	TIRE DISPOSAL
UNDERGROUND LOCATION COMPANY	$1,823.30	CONTRACTURAL SVC
ADVANTAGE ARCHIVES LLC	$1,818.00	SUBSCRIPTION
HEARTLAND TIRES & TREADS INC	$1,807.99	TIRE REPLACEMENT/REPAIR
MIDWEST TURF & IRRIGATION	$1,785.88	EQUIPMENT/PARTS
FUNNEL CAKE	$1,776.32	MAC OPERATING EXPENSE
NEBRASKA AIR FILTER INC	$1,761.12	SUPPLIES
MCMULLEN FORD INC	$1,740.99	EQUIPMENT/PARTS
SUSPENSION SHOP INC	$1,694.12	EQUIPMENT/PARTS
RESOURCE RENTAL CENTER INC	$1,675.00	RENTAL EXPS
NMC INC.	$1,654.68	EQUIPMENT/PARTS
AFSCME IOWA PUBLIC COUNCIL 61	$1,639.16	DUES EMPLOYEE
DOG & PONY PRODUCTIONS INC	$1,525.00	MAC OPERATING EXPENSE
AHLERS & COONEY P.C	$1,503.00	ATTORNEY FEES
ECOLAB INC	$1,500.60	SUPPLIES
PEPSI BEVERAGES CO	$1,470.84	DODGE OPERATING EXPENSE
ARNOLD MOTOR SUPPLY, LLP	$1,456.09	EQUIPMENT/PARTS
J&M GOLF	$1,429.66	DODGE OPERATING EXPENSE
MUNICIPAL CODE CORPORATION	$1,425.00	SUBSCRIPTION
SWAGIT PRODUCTIONS LLC	$1,375.00	CONTRACTURAL SVC
BLUFFS TAXI & COURIER	$1,366.50	TRANSIT SERVICES
ODEYS INC	$1,340.90	EQUIPMENT/PARTS

POINT CONSTRUCTION	$1,340.00	REPAIRS
MENARD INC.	$1,334.05	SUPPLIES
WATERLOO TENT & TARP CO INC	$1,302.94	REPAIRS
OMAHA WORLD HERALD	$1,300.00	DODGE OPERATING EXPENSE
SUNBELT RENTALS INC	$1,289.35	DODGE OPERATING EXPENSE
LAWSON PRODUCTS INC	$1,268.49	SUPPLIES
GREAT PLAINS UNIFORMS	$1,253.00	UNIFORMS
JORDAN STAHR	$1,250.00	DODGE OPERATING EXPENSE
TURFWERKS	$1,225.07	DODGE OPERATING EXPENSE
ABM	$1,222.50	JANITORIAL SERVICE
OCLC INC	$1,209.50	SUBSCRIPTION
W.W. GRAINGER, INC.	$1,194.52	EQUIPMENT/PARTS
HUBER CHEVROLET CO INC	$1,184.90	EQUIPMENT/PARTS
MIDWEST LABORATORIES INC	$1,166.30	CONTRACTURAL SVC
RECORDED BOOKS LLC	$1,128.97	DVD/AUDIO/CD
ENTERPRISE FM TRUST	$1,127.67	RENTAL EXPS
SEAN JOHNSTON	$1,121.00	FEES
CFI TIRE SERVICE	$1,112.00	TIRE REPLACEMENT/REPAIR
OREGON DEPARTMENT OF JUSTICE	$1,108.62	EMPLOYEE CONTRIB
DEX MEDIA, INC.	$1,104.00	ADVERTISEMENT
DAVIS EQUIPMENT CORPORATION	$1,077.56	EQUIPMENT/PARTS
RIVERSIDE BUILDING MAINTENANCE INC	$1,071.00	JANITORIAL SERVICE
COMPUTER CABLE CONNECTION	$1,057.22	HARDWARE/SOFTWARE
ROSE EQUIPMENT, LLC	$1,041.53	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$1,000.00	EMPLOYEE CONTRIB
BOUND TO STAY BOUND BOOKS INC	$952.57	BOOKS/PERIODICALS/SUB
CANON SOLUTIONS AMERICA INC	$941.45	COPY/PRINTER MAINTANCE
DXP ENTERPRISES INC	$931.26	EQUIPMENT/PARTS
PASSPORT LABS INC	$920.00	PARK FEES
MATHESON TRI GAS INC.	$914.89	WELDING SUPPLIES/SERVICE
UMR	$902.62	DODGE OPERATING EXPENSE
JOY DRYDEN INC.	$896.00	SUPPLIES

CSI/SSP INC	$883.00	PRINTING/BINDING
BOBCAT OF OMAHA	$879.58	EQUIPMENT/PARTS
JOHN D SAUSER	$831.39	REIMB EMPLOYEE EXPENSE
DIAMOND MOWERS INC	$830.68	REPAIRS
COUNCIL BLUFFS SEPTIC & PUMPING SVC	$830.50	CONTRACTURAL SVC
OLD DOMINION BRUSH COMPANY INC	$817.66	SUPPLIES
TRAIL PERFORMANCE COATINGS INC	$817.50	CONTRACTURAL SVC
KONICA MINOLTA BUSINESS SOLUTIONS USA	$812.00	LEASE
COUNCIL BLUFFS WINSUPPLY	$797.17	SUPPLIES
BLUE VALLEY PUBLIC SAFETY INC	$790.00	CONTRACTURAL SVC
MAX I WALKER UNIFORM & APPAREL	$780.70	UNIFORMS
FIRST WIRELESS INC	$770.80	EQUIPMENT/PARTS
JONES AUTOMOTIVE	$746.50	EQUIPMENT/PARTS
YMCA OF GREATER OMAHA	$740.00	CONTRACTURAL SVC
DAVID W WOODY	$727.48	SUPPLIES
THOMSON REUTERS	$695.47	SUBSCRIPTION
O'REILLY AUTOMOTIVE INC	$691.27	EQUIPMENT/PARTS
THE TRANZONIC COMPANIES	$685.96	UNIFORMS
ACCENT PACKAGING INC	$682.65	SUPPLIES
BURTON PLUMBING	$680.00	EQUIPMENT/PARTS
TOYNE INC	$674.29	EQUIPMENT/PARTS
DAVID W COBERLY SR.	$657.36	UNIFORMS
SHAWN D BOGARDUS	$654.35	REPAIRS
YAMAHA MOTOR FINANCE ACH	$652.24	DODGE OPERATING EXPENSE
BOMGAARS SUPPLY INC	$651.03	SUPPLIES
ALLIED ELECTRONICS INCORPORATED	$650.45	SUPPLIES
MIDWEST DISTRIBUTING CORPORATION	$650.00	LEASE
CENTURYLINK	$646.54	TELEPHONE
IPFS CORPORATION	$645.39	DODGE OPERATING EXPENSE
JOHNSON CONTROLS INC.	$619.00	EQUIPMENT/PARTS
ALVINE AND ASSOCIATES INC	$600.00	PROFESSIONAL SVCS
BRAVIUM LLC	$600.00	PROFESSIONAL SVCS

EDWARDS CHEVROLET-CADILLAC INC	$575.33	EQUIPMENT/PARTS
AGRIVISION EQUIPMENT GROUP	$572.94	EQUIPMENT/PARTS
WOODHOUSE AUTO FAMILY	$570.89	EQUIPMENT/PARTS
CERTIFIED POWER INC	$561.20	EQUIPMENT/PARTS
ALLIED OIL & TIRE COMPANY	$560.20	SUPPLIES
PARAMOUNT LINEN & UNIFORMS	$541.56	DODGE OPERATING EXPENSE
OMNI ENGINEERING	$540.40	STREET MAINTENANCE SUPLS
NIKE USA INC	$531.26	DODGE OPERATING EXPENSE
MURPHY TRACTOR & EQUIPMENT CO CORP	$527.02	EQUIPMENT/PARTS
AMERICAN CONCRETE PRODUCTS COMPANY	$520.00	STREET MAINTENANCE SUPLS
CHILD SUPPORT SERVICES DIVISION	$514.32	GARNISHMENT
MIDLAND SCIENTIFIC, INC	$509.26	SUPPLIES
HEARTLAND CO-OP	$507.00	FUEL
DODGE RIVERSIDE GOLF CLUB	$498.33	RENTAL EXPS
MIDWEST GLASS	$496.78	REPAIRS
NEBRASKA CHILD SUPPORT PAYMENT CTR	$496.62	GARNISHMENT
J FULCHER INC	$496.50	EQUIPMENT/PARTS
ONE SOURCE THE BACKGROUND CHECK COMPANY	$488.00	CONSULTANT
YANT EQUIPMENT	$481.19	REPAIRS
JOHNSON HARDWARE CO	$480.00	MAC OPERATING EXPENSE
GLASS DOCTOR	$474.88	REPAIRS
NU TREND MOBILE HOMES INC	$451.20	REFUND
DUKE RENTALS	$440.00	RENTAL EXPS
RAPIDVIEW LLC	$433.64	EQUIPMENT/PARTS
VAN WALL EQUIPMENT	$423.96	EQUIPMENT/PARTS
BUCK'S INC.	$419.84	VEHICLE WASH
CENTER POINT LARGE PRINT	$404.46	SUPPLIES
JEFF'S WASH & GLO LTD	$400.00	CONTRACTURAL SVC
STATE OF IOWA DEPARTMENT OF	$400.00	MAC OPERATING EXPENSE
CSI SSP INC	$396.88	MAC OPERATING EXPENSE
C & J INDUSTRIAL SUPPLY	$390.00	JANITORIAL SERVICE
TY J BOLDRA	$387.34	REIMB EMPLOYEE EXPENSE

CRANE SALES & SERVICE	$383.12	EQUIPMENT/PARTS
EZLINKS GOLF HOLDINGS LLC	$376.95	HARDWARE/SOFTWARE
WILDLIFE LEARNING ENCOUNTERS	$375.00	CONTRACTURAL SVC
RASMUSSEN MECHANICAL SERVICES INC	$372.50	EQUIPMENT/PARTS
TY'S OUTDOOR POWER & SERVICE	$355.10	EQUIPMENT/PARTS
BOFA	$334.69	MAC OPERATING EXPENSE
MIDWEST TURF & IRRIGATION	$330.70	DODGE OPERATING EXPENSE
TED'S MOWER SALES & SERVICE INC	$330.41	EQUIPMENT/PARTS
JOSHUA T PORTER	$330.00	MAC OPERATING EXPENSE
TRANE U.S. INC	$327.00	REPAIRS
ASHLEY KRUSE	$312.91	REIMB EMPLOYEE EXPENSE
JAMES KOCH	$300.00	REFUND
CENGAGE LEARNING INC	$296.71	BOOKS/PERIODICALS/SUB
DYNA-KLEEN SERVICES INC	$290.00	CONTRACTURAL SVC
JP COOKE CO	$287.60	DODGE OPERATING EXPENSE
RICHARD WADE	$282.46	REIMB EMPLOYEE EXPENSE
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$280.00	EMPLOYEE CONTRIB
NEOPOST USA INC	$270.39	TRAINING
THERMO KING CHRISTENSEN	$269.22	SUPPLIES
WATER ENGINEERING INC	$254.57	CONTRACTURAL SVC
RESPOND FIRST AID SYSTEMS	$253.40	MEDICAL SUPPLIES
BACKSTAGE LIBRARY WORKS	$250.00	SUBSCRIPTION
CREIGHTON UNIVERSITY	$250.00	TRAINING
FRED MARSH	$250.00	REFUND
GREATER OMAHA CHAMBER OF COMMERCE	$250.00	TRAINING
ABLE LOCKSMITHS	$247.00	CONTRACTURAL SVC
VOICE & DATA SYSTEMS INC	$228.00	TELEPHONE
RDG GEOSCIENCE & ENGINEERING INC	$227.25	PROFESSIONAL SVCS
GREAT AMERICA FINANCIAL SERV	$226.21	DODGE OPERATING EXPENSE
PEERLESS WIPING CLOTH CO	$225.00	SUPPLIES
ATHLETICO EXCEL NEBRASKA LLC	$222.00	PROFESSIONAL SVCS
DEMCO INC	$215.80	SUPPLIES

STEPP MANUFACTURING CO INC	$210.54	EQUIPMENT/PARTS
FONTENELLE FOREST	$200.00	PROFESSIONAL SVCS
JEFF SIKORA	$200.00	PROFESSIONAL SVCS
AMERICAN TIRE DISTRIBUTORS INC	$191.76	TIRE REPLACEMENT/REPAIR
MONROE TRUCK EQUIPMENT, INC.	$190.58	EQUIPMENT/PARTS
KATIE WATERS	$190.36	CLAIMS-LAWSUIT
IOWA DEPARTMENT OF REVENUE	$186.88	GARNISHMENT
ABSTRACT PAINTING & DECORATING INC	$185.00	CONTRACTURAL SVC
TURF CARS LTD	$180.00	DODGE OPERATING EXPENSE
BRADLEY K WRIGHT	$180.00	MAC OPERATING EXPENSE
JEFFREY T KOUBA	$178.40	PROFESSIONAL SVCS
KEENAN & MEIER LLC	$177.49	EQUIPMENT/PARTS
ECHO ELECTRIC SUPPLY	$175.51	MAC OPERATING EXPENSE
O'KEEFE ELEVATOR COMPANY INC	$168.00	CONTRACTURAL SVC
MARLYS LIEN	$167.04	REIMB EMPLOYEE EXPENSE
MARK GALVAN	$160.00	MAC OPERATING EXPENSE
MICHAEL M SALES	$150.00	PRINTING/BINDING
SAFETY KLEEN CORPORATION	$150.00	CONTRACTURAL SVC
TAYLOR PLASTICS LLC	$150.00	REPAIRS
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	$146.00	EQUIPMENT/PARTS
A + UNITED RADIATOR REPAIR INC.	$145.00	REPAIRS
INLAND TRUCK PARTS COMPANY INC	$140.72	EQUIPMENT/PARTS
DICK DEAN SERVICE INC.	$138.62	REPAIRS
HECTOR ORELLANA	$134.03	REFUND
RED RIVER WASTE SOLUTIONS LP	$134.00	REFUSE COLLECTION
DULTMEIER SALES LLC	$133.56	SUPPLIES
BGNE INC.	$132.24	SUPPLIES
PAY-LESS OFFICE PRODUCTS INC	$130.23	SUPPLIES
J & R LIQUOR	$126.81	MAC OPERATING EXPENSE
LAVONNE CHAPIN	$124.05	REFUND
GRP & ASSOCIATES	$123.00	PROFESSIONAL SVCS
HYDRONIC ENERGY INC	$121.16	MAC OPERATING EXPENSE

TAYLOR COFFEY	$120.00	MAC OPERATING EXPENSE
BARCO MUNICIPAL PRODUCTS INC	$119.62	SUPPLIES
COX BUSINESS	$119.12	DODGE OPERATING EXPENSE
GENIE PEST CONTROL	$117.70	DODGE OPERATING EXPENSE
REPORTING SERVICES LLC	$114.05	PROFESSIONAL SVCS
THE WALMAN OPTICAL COMPANY	$111.95	SAFETY EQUIPMENT
GENIE SERVICE LLC	$110.00	PEST CONTROL
KRONOS INCORPORATED	$107.50	HARDWARE/SOFTWARE
TREASURER STATE OF IOWA	$103.45	PROFESSIONAL SVCS
INFOSAFE SHREDDING LLC	$100.00	CONTRACTURAL SVC
WEST BEND MUTUAL INSURANCE COMPANY	$100.00	INSURANCE
BILL'S WATER CONDITIONING	$93.00	SUPPLIES
SPECTRUM HOLDINGS INC	$89.00	EQUIPMENT/PARTS
MARTIN RESOURCE MANAGEMENT	$88.80	SUPPLIES
OPEN DOOR BAPTIST CHURCH	$88.44	REFUND
JOACHIM OR GISELA KRUEGER	$86.18	REFUND
ROSE A SPOTO	$85.71	REFUND
IOWA DEPARTMENT OF NATURAL RESOURCE	$85.00	FEES
UNITYPOINT CLINIC	$84.00	CONSULTANT
MTM ENTERPRISES INC.	$80.00	CONTRACTURAL SVC
CB PRF FIRE FIGHTERS #15	$79.00	DUES EMPLOYEE
COUNCIL BLUFFS COMMUNITY SCHOOLS	$77.50	CONTRACTURAL SVC
ST PETERS CATHOLIC CHURCH	$75.00	CONSULTANT
BARBARA JEROME	$74.54	REFUND
COUNCIL HITCH & TRUCK ACCESSORIES	$72.00	EQUIPMENT/PARTS
CHAVIS MICHAEL WISE	$70.50	SUPPLIES
HEARTLAND TOXICOLOGY	$70.00	CONTRACTURAL SVC
KATHY A RIEGER	$68.44	REIMB EMPLOYEE EXPENSE
JULIA MCMAHON	$65.00	PROFESSIONAL SVCS
RANDY SCHMITT	$60.00	REFUND
CINDY GOFF	$58.72	CLAIMS-LAWSUIT
SPRINT SOLUTIONS INC	$58.24	CELL PHONE

MID STATES BANK	$57.10	MAC OPERATING EXPENSE
SHARON MILOTA	$56.40	CLAIMS-LAWSUIT
CUMMINS SALES & SERVICE	$55.78	EQUIPMENT/PARTS
MECHANICAL SALES INC.	$55.00	SUPPLIES
SCOTT BEHRENS	$51.07	CLAIMS-LAWSUIT
RICOH USA INC	$50.52	CONTRACTURAL SVC
DATASHIELD CORPORATION	$50.00	CONTRACTURAL SVC
AG SOLUTIONS GROUP LLC	$48.44	EQUIPMENT/PARTS
DANIELSON TECH SUPPLY	$42.69	SUPPLIES
WICK'S STERLING TRUCK INC	$41.42	EQUIPMENT/PARTS
KRIHA FLUID POWER COMPANY INC.	$40.70	EQUIPMENT/PARTS
CHRISTINE D ANDERSON	$40.60	REIMB EMPLOYEE EXPENSE
BAILEY GRAY	$40.00	REFUND
MILLS COUNTY SHERIFF'S DEPARTMENT	$38.25	GRANT REIMBURSEMENT
LINCOLN NATIONAL LIFE INS CO	$37.80	DODGE OPERATING EXPENSE
SIGMA-ALDRICH RTC INC	$33.06	SUPPLIES
MUTUAL OF OMAHA	$32.95	DODGE OPERATING EXPENSE
UNITED PARCEL SERVICE	$31.25	FREIGHT/POSTAGE
THERESA DEWITT	$30.74	REIMB EMPLOYEE EXPENSE
SPARTAN NASH	$30.00	REFUND
DOUGLAS COUNTY TREASURER	$25.98	FEES
RED RIVER WASTE SOLUTIONS	$25.85	DODGE OPERATING EXPENSE
TIFOSI OPTICS INC	$25.00	DODGE OPERATING EXPENSE
CLIFTON A ANDERSON	$23.30	TRAVEL REIMBURSEMENT
LINDA MCCANN	$23.00	BOOKS/PERIODICALS/SUB
ZOEY ISABEL SEAGER	$23.00	REFUND
PAYPAL INC	$19.95	CONTRACTURAL SVC
JAMIE N RUPPERT	$18.56	REIMB EMPLOYEE EXPENSE
FLEETPRIDE INC	$18.11	EQUIPMENT/PARTS
JAMES HARRINGTON	$17.00	REFUND
BARRY FOUTS	$15.00	SUBSCRIPTION
AMERICAN MESSAGING SERVICES LLC	$14.09	TELEPHONE

CREDIT INFORMATION SYSTEMS	$11.00	CONTRACTURAL SVC
MELISSA HARRER	$10.00	REFUND
FASTENAL COMPANY	$9.17	SUPPLIES
DISCOVER	$5.63	MAC OPERATING EXPENSE
UNION BANK & TRUST FSA	$3.50	DODGE OPERATING EXPENSE
UNION BANK & TRUST	$2.00	DODGE OPERATING EXPENSE
BAILEY GRAY	($40.00)	VOIDED CK FM FEB TO RE-ISSUE

CITY OF COUNCIL BLUFFS
EXPENDITURES
JUNE FY19
($'S)

PAYEE	AMOUNT	BUSINESS PURPOSE
3M COMPANY	$10,450.09	SUPPLIES
911 CUSTOM LLC	$5,401.44	EQUIPMENT/PARTS
A + UNITED RADIATOR REPAIR INC.	$145.00	REPAIRS
ABLE LOCKSMITHS	$247.00	CONTRACTURAL SVC
ABM	$1,222.50	JANITORIAL SERVICE
ABSTRACT PAINTING & DECORATING INC	$185.00	CONTRACTURAL SVC
ACCENT PACKAGING INC	$682.65	SUPPLIES
ACUSHNET COMPANY	$10,017.63	DODGE OPERATING EXPENSE
ADVANCED DATA PROCESSING, INC	$6,791.38	AMBULANCE BILLING FEE
ADVANTAGE ARCHIVES LLC	$1,818.00	SUBSCRIPTION
AFSCME IOWA PUBLIC COUNCIL 61	$1,639.16	DUES EMPLOYEE
AG SOLUTIONS GROUP LLC	$48.44	EQUIPMENT/PARTS
AGRIVISION EQUIPMENT GROUP	$572.94	EQUIPMENT/PARTS
AHLERS & COONEY P.C	$1,503.00	ATTORNEY FEES
ALLIED ELECTRONICS INCORPORATED	$650.45	SUPPLIES
ALLIED OIL & TIRE COMPANY	$560.20	SUPPLIES
ALVINE AND ASSOCIATES INC	$600.00	PROFESSIONAL SVCS
AMERICAN CONCRETE PRODUCTS COMPANY	$520.00	STREET MAINTENANCE SUPLS
AMERICAN MESSAGING SERVICES LLC	$14.09	TELEPHONE
AMERICAN NATIONAL BANK	$45,783.75	BANK SERVICES
AMERICAN TIRE DISTRIBUTORS INC	$191.76	TIRE REPLACEMENT/REPAIR
AQSEPTENCE GROUP INC	$7,741.89	EQUIPMENT/PARTS
AQUA-CHEM INCORPORATED	$13,422.94	SUPPLIES
ARNOLD MOTOR SUPPLY, LLP	$1,456.09	EQUIPMENT/PARTS

ARROW TOWING	$22,025.00	TOWING/STORAGE/AUCTION
ASHLEY KRUSE	$312.91	REIMB EMPLOYEE EXPENSE
ASPHALT & CONCRETE MATERIALS CO.	$11,410.80	STREET MAINTENANCE SUPLS
ATHLETICO EXCEL NEBRASKA LLC	$222.00	PROFESSIONAL SVCS
BACKSTAGE LIBRARY WORKS	$250.00	SUBSCRIPTION
BAILEY GRAY	$40.00	REFUND
BAILEY GRAY	($40.00)	VOIDED CK FM FEB TO RE-ISSUE
BAKER & TAYLOR INC	$8,549.18	BOOKS/PERIODICALS/SUB
BANKERS TRUST	$8,175,061.90	BOND PAYMENT
BARBARA JEROME	$74.54	REFUND
BARCO MUNICIPAL PRODUCTS INC	$119.62	SUPPLIES
BARKER LEMAR AND ASSOCIATES INC	$8,201.00	ENGINEERING
BARRY FOUTS	$15.00	SUBSCRIPTION
BARTON SOLVENTS INC	$5,546.25	SUPPLIES
BERT GURNEY & ASSOCIATES INC	$8,047.53	EQUIPMENT/PARTS
BGNE INC.	$132.24	SUPPLIES
BILL'S WATER CONDITIONING	$93.00	SUPPLIES
BLACK & VEATCH CORPORATION	$42,039.75	CONSULTANT
BLACK HILLS UTILITY HOLDINGS, INC.	$3,667.23	NATURAL GAS
BLUE VALLEY PUBLIC SAFETY INC	$790.00	CONTRACTURAL SVC
BLUFFS ELECTRIC INC	$5,211.34	ELECTRICAL REPAIR
BLUFFS PAVING & UTILITY INC	$147,362.08	CONSTRUCTION
BLUFFS TAXI & COURIER	$1,366.50	TRANSIT SERVICES
BLUFFS TOOL & MACHINE	$2,250.00	REPAIRS
BMI JANITORIAL GROUP	$2,340.00	MAC OPERATING EXPENSE
BOBCAT OF OMAHA	$879.58	EQUIPMENT/PARTS
BOFA	$334.69	MAC OPERATING EXPENSE
BOKF N.A.	$298,100.20	TIF REBATE
BOMGAARS SUPPLY INC	$651.03	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	$952.57	BOOKS/PERIODICALS/SUB
BRADLEY K WRIGHT	$180.00	MAC OPERATING EXPENSE
BRAVIUM LLC	$600.00	PROFESSIONAL SVCS

BUCK'S INC.	$419.84	VEHICLE WASH
BURTON PLUMBING	$680.00	EQUIPMENT/PARTS
C & A INDUSTRIES INC.	$3,804.80	CONTRACT LABOR
C & J INDUSTRIAL SUPPLY	$390.00	JANITORIAL SERVICE
CABANA COFFEE	$2,780.07	MAC OPERATING EXPENSE
CAESARS ENTERTAINMENT	$234,553.39	MAC OPERATING EXPENSE
CALLAWAY	$4,146.35	DODGE OPERATING EXPENSE
CANON SOLUTIONS AMERICA INC	$941.45	COPY/PRINTER MAINTANCE
CARLEY CONSTRUCTION LLC	$262,689.63	CONSTRUCTION
CB PRF FIRE FIGHTERS #15	$79.00	DUES EMPLOYEE
CENGAGE LEARNING INC	$296.71	BOOKS/PERIODICALS/SUB
CENTER POINT LARGE PRINT	$404.46	SUPPLIES
CENTURYLINK	$646.54	TELEPHONE
CERTIFIED POWER INC	$561.20	EQUIPMENT/PARTS
CFI TIRE SERVICE	$1,112.00	TIRE REPLACEMENT/REPAIR
CHAMPLIN TIRE RECYCLING INC	$1,844.50	TIRE DISPOSAL
CHAVIS MICHAEL WISE	$70.50	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	$514.32	GARNISHMENT
CHRISTINE D ANDERSON	$40.60	REIMB EMPLOYEE EXPENSE
CINDY GOFF	$58.72	CLAIMS-LAWSUIT
CITY OF COUNCIL BLUFFS	$2,489.55	DODGE OPERATING EXPENSE
CITY OF COUNCIL BLUFFS-DEPENDENT	$5,908.26	EMPLOYEE CONTRIB
CITY OF COUNCIL BLUFFS-FLEX	$9,278.10	EMPLOYEE CONTRIB
CITY OF OMAHA	$2,120.00	CONTRACTURAL SVC
CITY TREASURER	$2,611.14	DODGE OPERATING EXPENSE
CLEAN HARBORS ENVIRONMENTAL SERVICES INC	$12,907.77	CONTRACTURAL SVC
CLEAR TITLE & ABSTRACT LLC	$195,737.20	PROFESSIONAL SVCS
CLIFTON A ANDERSON	$23.30	TRAVEL REIMBURSEMENT
COLLECTION SERVICES CENTER	$8,656.39	GARNISHMENT
COMMAND CENTER INC	$1,852.20	MAC OPERATING EXPENSE
COMPASS UTILITY LLC	$20,492.85	CONSTRUCTION
COMPUTER CABLE CONNECTION	$1,057.22	HARDWARE/SOFTWARE

CONSOLIDATED ELECTRICAL DISTR, INC	$3,536.55	SUPPLIES
CONSTELLATION NEWENERGY-GAS DIVISION, LLC	$3,850.00	NATURAL GAS
CONVERGEONE INC	$3,925.90	HARDWARE/SOFTWARE
CORNHUSKER INTERNATIONAL TRUCKS	$15,682.93	EQUIPMENT/PARTS
COUNCIL BLUFFS AIRPORT AUTHORITY	$7,704.47	AIRPORT AUTH TAX
COUNCIL BLUFFS COMMUNITY SCHOOLS	$77.50	CONTRACTURAL SVC
COUNCIL BLUFFS SEPTIC & PUMPING SVC	$830.50	CONTRACTURAL SVC
COUNCIL BLUFFS WATER WORKS	$9,646.12	WATER
COUNCIL BLUFFS WINSUPPLY	$797.17	SUPPLIES
COUNCIL HITCH & TRUCK ACCESSORIES	$72.00	EQUIPMENT/PARTS
COX BUSINESS	$119.12	DODGE OPERATING EXPENSE
COX MEDIA, LLC	$18,336.48	PHONE/INTERNET SVC
CRANE SALES & SERVICE	$383.12	EQUIPMENT/PARTS
CREDIT INFORMATION SYSTEMS	$11.00	CONTRACTURAL SVC
CREIGHTON UNIVERSITY	$250.00	TRAINING
CSI SSP INC	$396.88	MAC OPERATING EXPENSE
CSI/SSP INC	$883.00	PRINTING/BINDING
CUMMINS SALES & SERVICE	$55.78	EQUIPMENT/PARTS
D & K PRODUCTS	$9,099.50	SUPPLIES
D&K PRODUCTS	$6,153.55	DODGE OPERATING EXPENSE
DAILY NONPAREIL	$2,175.21	ADVERTISEMENT
DALES TRASH SERVICE INC	$3,576.00	RENTAL EXPS
DANIELSON TECH SUPPLY	$42.69	SUPPLIES
DATASHIELD CORPORATION	$50.00	CONTRACTURAL SVC
DAVID W COBERLY SR.	$657.36	UNIFORMS
DAVID W WOODY	$727.48	SUPPLIES
DAVIS EQUIPMENT CORPORATION	$1,077.56	EQUIPMENT/PARTS
DD WEST BROADWAY LLC	$48,278.00	TIF REBATE
DEMCO INC	$215.80	SUPPLIES
DENNIS L. JONES	$3,034.00	UMPIRE SCHEDULING
DEX MEDIA, INC.	$1,104.00	ADVERTISEMENT
DIAMOND MOWERS INC	$830.68	REPAIRS

DICK DEAN SERVICE INC.	$138.62	REPAIRS
DISCOVER	$5.63	MAC OPERATING EXPENSE
DMG INC	$4,170.24	ELECTRICAL REPAIR
DODGE PAYROLL	$99,246.72	DODGE OPERATING EXPENSE
DODGE RIVERSIDE GOLF CLUB	$498.33	RENTAL EXPS
DOG & PONY PRODUCTIONS INC	$1,525.00	MAC OPERATING EXPENSE
DOLL DISTRIBUTING	$3,459.50	DODGE OPERATING EXPENSE
DOLL DISTRIBUTING INC	$3,913.31	MAC OPERATING EXPENSE
DOUGLAS COUNTY TREASURER	$25.98	FEES
DP MANAGEMENT LLC	$25,280.51	MOWING/GROUNDS MAINT
DUKE RENTALS	$440.00	RENTAL EXPS
DULTMEIER SALES LLC	$133.56	SUPPLIES
DXP ENTERPRISES INC	$931.26	EQUIPMENT/PARTS
DYNA-KLEEN SERVICES INC	$290.00	CONTRACTURAL SVC
ECHO ELECTRIC SUPPLY	$175.51	MAC OPERATING EXPENSE
ECHO GROUP	$17,149.65	SUPPLIES
ECOLAB INC	$1,500.60	SUPPLIES
EDWARDS CHEVROLET-CADILLAC INC	$575.33	EQUIPMENT/PARTS
EFTPS	$644,568.55	EMPLOYEE TAXES
EHRHART GRIFFIN & ASSOCIATES INC	$33,462.50	PROFESSIONAL SVCS
ELAVON INC	$7,804.79	FEES
ELECTRIC PUMP	$3,760.00	EQUIPMENT/PARTS
ELECTRONIC TECHNOLOGY INC	$7,069.62	EQUIPMENT/PARTS
EMPLOYERS MUTUAL CASUALTY COMPANY	$59,462.87	INSURANCE
ENTERPRISE FM TRUST	$1,127.67	RENTAL EXPS
EQUIAN LLC	$3,991.22	LEGAL CLAIM
ERIKSEN CONSTRUCTION CO INC	$3,325.00	CONSTRUCTION
ERRIN K GUNDERSON	$5,886.90	MOWING/GROUNDS MAINT
EXCHANGE BANK LEASING DIV	$8,756.41	DODGE OPERATING EXPENSE
EXECUTIVE SECURITY OF OMAHA	$3,923.80	MAC OPERATING EXPENSE
EZLINKS GOLF HOLDINGS LLC	$376.95	HARDWARE/SOFTWARE
FACTORY MOTOR PARTS	$2,184.37	EQUIPMENT/PARTS

FASTENAL COMPANY	$9.17	SUPPLIES
FELD FIRE	$39,474.99	EQUIPMENT/PARTS
FELSBURG HOLT & ULLEVIG INC	$4,077.21	PROFESSIONAL SVCS
FIREGUARD, INC.	$24,825.50	EQUIPMENT/PARTS
FIRST NATIONAL BANK PCARDS ACH	$3,616.47	DODGE OPERATING EXPENSE
FIRST WIRELESS INC	$770.80	EQUIPMENT/PARTS
FLEETPRIDE INC	$18.11	EQUIPMENT/PARTS
FONTENELLE FOREST	$200.00	PROFESSIONAL SVCS
FRATERNAL ORDER OF POLICE	$3,150.00	EMPLOYEE CONTRIB
FRED MARSH	$250.00	REFUND
FUNNEL CAKE	$1,776.32	MAC OPERATING EXPENSE
GARAGE DOOR SERVICES	$4,220.00	REPAIRS
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	$146.00	EQUIPMENT/PARTS
GENERAL TRAFFIC CONTROLS INC	$36,076.00	CONTRACTURAL SVC
GENIE PEST CONTROL	$117.70	DODGE OPERATING EXPENSE
GENIE SERVICE LLC	$110.00	PEST CONTROL
GEORGE BUTLER ASSOCIATES, INC.	$12,344.34	CONTRACTURAL SVC
GLASS DOCTOR	$474.88	REPAIRS
GOVDEALS INC	$4,836.55	ONLINE PAYMENT FEES
GRACIE GLOBAL LLC	$4,325.00	TRAINING
GREAT AMERICA FINANCIAL SERV	$226.21	DODGE OPERATING EXPENSE
GREAT PLAINS UNIFORMS	$1,253.00	UNIFORMS
GREATER OMAHA CHAMBER OF COMMERCE	$250.00	TRAINING
GRP & ASSOCIATES	$123.00	PROFESSIONAL SVCS
HACH COMPANY	$2,705.65	EQUIPMENT/PARTS
HAWKINS CONSTRUCTION COMPANY	$1,356,435.27	CONSTRUCTION
HD SUPPLY FAC MAINTENANCE LTD	$2,686.80	SUPPLIES
HDR ENGINEERING INC	$2,955.43	PROFESSIONAL SVCS
HEARST PROPERTIES INC	$3,500.00	MAC OPERATING EXPENSE
HEARTLAND BUSINESS SYSTEMS LLC	$6,622.20	HARDWARE/SOFTWARE
HEARTLAND CO-OP	$507.00	FUEL
HEARTLAND TIRES & TREADS INC	$1,807.99	TIRE REPLACEMENT/REPAIR

HEARTLAND TOXICOLOGY	$70.00	CONTRACTURAL SVC
HECTOR ORELLANA	$134.03	REFUND
HEIMAN INC.	$7,386.80	SAFETY EQUIPMENT
HEININGER CONSTRUCTION LLC	$2,580.00	CONTRACTURAL SVC
HGM ASSOCIATES INC	$189,338.24	PROFESSIONAL SVCS
HOSE & HANDLING INC.	$3,804.36	EQUIPMENT/PARTS
HTM SALES INC	$5,806.58	EQUIPMENT/PARTS
HUBER CHEVROLET CO INC	$1,184.90	EQUIPMENT/PARTS
HYDRONIC ENERGY INC	$121.16	MAC OPERATING EXPENSE
I-80 LIQUOR & TOBACCO	$2,067.53	DODGE OPERATING EXPENSE
ICE QUBE INC	$4,198.59	SERVICE LABOR
ICMA RETIREMENT TRUST - 457	$11,352.30	EMPLOYEE CONTRIB
INFOSAFE SHREDDING LLC	$100.00	CONTRACTURAL SVC
INLAND TRUCK PARTS COMPANY INC	$140.72	EQUIPMENT/PARTS
INTERSTATE POWERSYSTEMS	$2,510.72	EQUIPMENT/PARTS
IOWA DEPARTMENT OF NATURAL RESOURCE	$85.00	FEES
IOWA DEPARTMENT OF REVENUE	$186.88	GARNISHMENT
IOWA DEPARTMENT OF REVENUE	$12,787.00	MAC OPERATING EXPENSE
IOWA DEPT OF REVENUE	$156,781.00	EMPLOYEE TAXES
IOWA FINANCE AUTHORITY	$295,985.00	LOAN PAYMENTS
IOWA LAW ENFORCEMENT ACADEMY	$12,930.00	TRAINING
IOWA PRISON INDUSTRIES	$7,111.60	SUPPLIES
IOWA WASTE SERVICES HOLDINGS INC	$57,105.01	SOLID WASTE DISPOSAL
IOWA WEST FOUNDATION	$34,101.13	DEVLPMNT CONTRACT
IPERS	$193,166.49	RETIREMENT
IPFS CORPORATION	$645.39	DODGE OPERATING EXPENSE
J & R LIQUOR	$126.81	MAC OPERATING EXPENSE
J FULCHER INC	$496.50	EQUIPMENT/PARTS
J&M GOLF	$1,429.66	DODGE OPERATING EXPENSE
JAMES HARRINGTON	$17.00	REFUND
JAMES KOCH	$300.00	REFUND
JAMES MINGE	$2,600.00	MAC OPERATING EXPENSE

JAMIE N RUPPERT	$18.56	REIMB EMPLOYEE EXPENSE
JEFF SIKORA	$200.00	PROFESSIONAL SVCS
JEFFREY T KOUBA	$178.40	PROFESSIONAL SVCS
JEFF'S WASH & GLO LTD	$400.00	CONTRACTURAL SVC
JEO CONSULTING GROUP INC	$15,442.68	CONSULTANT
JEREDITH BRANDS LLC	$5,986.50	JANITORIAL SERVICE
JOACHIM OR GISELA KRUEGER	$86.18	REFUND
JOHN D SAUSER	$831.39	REIMB EMPLOYEE EXPENSE
JOHNSON CONTROLS INC.	$619.00	EQUIPMENT/PARTS
JOHNSON HARDWARE CO	$480.00	MAC OPERATING EXPENSE
JONES AUTOMOTIVE	$746.50	EQUIPMENT/PARTS
JORDAN STAHR	$1,250.00	DODGE OPERATING EXPENSE
JOSHUA T PORTER	$330.00	MAC OPERATING EXPENSE
JOY DRYDEN INC.	$896.00	SUPPLIES
JP COOKE CO	$287.60	DODGE OPERATING EXPENSE
JULIA MCMAHON	$65.00	PROFESSIONAL SVCS
KATHY A RIEGER	$68.44	REIMB EMPLOYEE EXPENSE
KATIE WATERS	$190.36	CLAIMS-LAWSUIT
KAYS CUSTOMS LLC	$9,764.00	CONTRACTURAL SVC
KEENAN & MEIER LLC	$177.49	EQUIPMENT/PARTS
KELTEK, INCORPORATED	$3,200.00	EQUIPMENT/PARTS
KEY IMPACT SALES & SYSTEMS INC	$7,146.00	DEVLPMNT CONTRACT
KONICA MINOLTA BUSINESS SOLUTIONS USA	$812.00	LEASE
KRIHA FLUID POWER COMPANY INC.	$40.70	EQUIPMENT/PARTS
KRONOS INCORPORATED	$107.50	HARDWARE/SOFTWARE
LANDSCAPES MGMT COMPANY	$5,877.84	DODGE OPERATING EXPENSE
LANDSCAPES UNLIMITED	$5,859.25	DODGE OPERATING EXPENSE
LAVONNE CHAPIN	$124.05	REFUND
LAWSON PRODUCTS INC	$1,268.49	SUPPLIES
LEGACY CB LLC	$42,297.36	TIF REBATE
LINCOLN NATIONAL LIFE INS CO	$37.80	DODGE OPERATING EXPENSE
LINDA MCCANN	$23.00	BOOKS/PERIODICALS/SUB

LOCKTON CO LLC - KC SERIES	$3,066.00	DODGE OPERATING EXPENSE
LOGAN CONTRACTORS SUPPLY INC	$2,175.83	SUPPLIES
LOGHRY LAWNS	$4,585.00	MOWING/GROUNDS MAINT
LP BUILDING SERVICES GROUP	$7,785.00	JANITORIAL SERVICE
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$3,960.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$280.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$3,600.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	$1,000.00	EMPLOYEE CONTRIB
LYMAN RICHEY CORPORATION	$42,258.50	STREET MAINTENANCE SUPLS
M & R WELDING	$3,254.00	WELDING SUPPLIES/SERVICE
MARCO HOLDINGS, LLC	$2,983.53	COPY/PRINTER MAINTANCE
MARK GALVAN	$160.00	MAC OPERATING EXPENSE
MARKUSON CONSTRUCTION INC	$6,969.60	CONTRACTURAL SVC
MARLYS LIEN	$167.04	REIMB EMPLOYEE EXPENSE
MARTIN RESOURCE MANAGEMENT	$88.80	SUPPLIES
MATHESON TRI GAS INC.	$914.89	WELDING SUPPLIES/SERVICE
MAX I WALKER UNIFORM & APPAREL	$780.70	UNIFORMS
MCCARTHY CONSTRUCTION INC	$71,044.00	TIF REBATE
MCMULLEN FORD INC	$1,740.99	EQUIPMENT/PARTS
MECHANICAL SALES INC.	$55.00	SUPPLIES
MELISSA HARRER	$10.00	REFUND
MENARD INC.	$1,334.05	SUPPLIES
MERSINO DEWATERING INC	$4,304.12	CONTRACTURAL SVC
MFPRSI	$692,544.01	RETIREMENT
MICHAEL M SALES	$150.00	PRINTING/BINDING
MICHAEL O'BRADOVICH	$2,400.00	CONSULTANT
MID STATES BANK	$57.10	MAC OPERATING EXPENSE
MIDAMERICAN ENERGY COMPANY	$117,591.38	ELECTRICITY
MIDLAND SCIENTIFIC, INC	$509.26	SUPPLIES
MIDLANDS HUMANE SOCIETY	$16,783.27	CONTRACTURAL SVC
MIDWEST DISTRIBUTING CORPORATION	$650.00	LEASE
MIDWEST GLASS	$496.78	REPAIRS

MIDWEST LABORATORIES INC	$1,166.30	CONTRACTURAL SVC
MIDWEST TAPE, LLC	$11,944.19	DVD/AUDIO/CD
MIDWEST TURF & IRRIGATION	$1,785.88	EQUIPMENT/PARTS
MIDWEST TURF & IRRIGATION	$330.70	DODGE OPERATING EXPENSE
MILLS COUNTY SHERIFF'S DEPARTMENT	$38.25	GRANT REIMBURSEMENT
MONROE TRUCK EQUIPMENT, INC.	$190.58	EQUIPMENT/PARTS
MOTOROLA SOLUTIONS INC	$62,783.03	EQUIPMENT/PARTS
MTECH INC	$13,995.00	EQUIPMENT/PARTS
MTM ENTERPRISES INC.	$80.00	CONTRACTURAL SVC
MUNICIPAL CODE CORPORATION	$1,425.00	SUBSCRIPTION
MURPHY TRACTOR & EQUIPMENT CO CORP	$527.02	EQUIPMENT/PARTS
MUTUAL OF OMAHA	$32.95	DODGE OPERATING EXPENSE
NAPA AUTO PARTS	$4,727.26	EQUIPMENT/PARTS
NATIONWIDE RETIREMENT SOLUTIONS INC	$64,396.22	EMPLOYEE CONTRIB
NEBRASKA AIR FILTER INC	$1,761.12	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	$496.62	GARNISHMENT
NEBRASKA SALT & GRAIN CO	$55,925.85	STREET MAINTENANCE SUPLS
NEIL L ARBOGAST	$4,652.95	CONTRACTURAL SVC
NEOPOST USA INC	$270.39	TRAINING
NEW COMMUNITY DEVELOPMENT CORPORATION	$20,000.00	DEVLPMNT CONTRACT
NIKE USA INC	$531.26	DODGE OPERATING EXPENSE
NMC INC.	$1,654.68	EQUIPMENT/PARTS
NU TREND MOBILE HOMES INC	$451.20	REFUND
OCLC INC	$1,209.50	SUBSCRIPTION
ODEYS INC	$1,340.90	EQUIPMENT/PARTS
O'KEEFE ELEVATOR COMPANY INC	$168.00	CONTRACTURAL SVC
OLD DOMINION BRUSH COMPANY INC	$817.66	SUPPLIES
OMAHA DOOR & WINDOW CO INC	$4,448.86	REPAIRS
OMAHA WORLD HERALD	$1,300.00	DODGE OPERATING EXPENSE
OMAHA WORLD HERALD CO	$2,983.00	MAC OPERATING EXPENSE
OMNI ENGINEERING	$540.40	STREET MAINTENANCE SUPLS
ONE SOURCE THE BACKGROUND CHECK COMPANY	$488.00	CONSULTANT

OPEN DOOR BAPTIST CHURCH	$88.44	REFUND
OREGON DEPARTMENT OF JUSTICE	$1,108.62	EMPLOYEE CONTRIB
O'REILLY AUTOMOTIVE INC	$691.27	EQUIPMENT/PARTS
OVERDRIVE INC	$2,820.33	BOOKS/PERIODICALS/SUB
PAPILLION SANITATION	$3,233.33	SOLID WASTE DISPOSAL
PARAMOUNT LINEN & UNIFORMS	$541.56	DODGE OPERATING EXPENSE
PASSPORT LABS INC	$920.00	PARK FEES
PATRIOT CRANE & RIGGING LLC	$6,058.00	REPAIRS
PAY-LESS OFFICE PRODUCTS INC	$130.23	SUPPLIES
PAYPAL INC	$19.95	CONTRACTURAL SVC
PAYROLL	$2,431,788.90	CITY PAYROLL
PAYROLL	$83,427.72	MAC OPERATING EXPENSE
PEERLESS WIPING CLOTH CO	$225.00	SUPPLIES
PEPSI BEVERAGES CO	$1,470.84	DODGE OPERATING EXPENSE
PETROLEUM TRADERS CORPORATION	$65,756.16	FUEL
POINT CONSTRUCTION	$1,340.00	REPAIRS
PORTABLE COMPUTER SYSTEMS INC	$10,815.00	HARDWARE/SOFTWARE
POTTAWATTAMIE COUNTY DEVELOPMENT	$26,168.00	ADVERTISEMENT
POTTAWATTAMIE COUNTY SHERIFF	$15,725.00	INMATE COST
POTTAWATTAMIE COUNTY SHERIFF	$13,135.00	FEES
PREMIER MIDWEST BEVERAGE CO	$2,400.60	DODGE OPERATING EXPENSE
PRINTCO GRAPHICS	$7,823.12	PRINTING/BINDING
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	$3,355.00	EQUIPMENT/PARTS
R NICKESON ENTERPRISES-	$4,791.95	SUPPLIES
RAISING CANES RESTAURANTS LLC	$7,100.00	REFUND
RANDY SCHMITT	$60.00	REFUND
RAPIDVIEW LLC	$433.64	EQUIPMENT/PARTS
RASMUSSEN MECHANICAL SERVICES INC	$372.50	EQUIPMENT/PARTS
RDG GEOSCIENCE & ENGINEERING INC	$227.25	PROFESSIONAL SVCS
RECORDED BOOKS LLC	$1,128.97	DVD/AUDIO/CD
RED RIVER WASTE SOLUTIONS	$25.85	DODGE OPERATING EXPENSE
RED RIVER WASTE SOLUTIONS LP	$134.00	REFUSE COLLECTION

REHRIG PACIFIC COMPANY	$11,127.00	SUPPLIES
REPORTING SERVICES LLC	$114.05	PROFESSIONAL SVCS
RESOURCE RENTAL CENTER INC	$1,675.00	RENTAL EXPS
RESPOND FIRST AID SYSTEMS	$253.40	MEDICAL SUPPLIES
RICHARD WADE	$282.46	REIMB EMPLOYEE EXPENSE
RICOH USA INC	$50.52	CONTRACTURAL SVC
RIVER PARK APARTMENTS LLC	$114,103.00	TIF REBATE
RIVER'S EDGE PARKING LLC	$387,685.00	LEASE
RIVERSIDE BUILDING MAINTENANCE INC	$1,071.00	JANITORIAL SERVICE
ROSE A SPOTO	$85.71	REFUND
ROSE EQUIPMENT, LLC	$1,041.53	EQUIPMENT/PARTS
RPL UTILITY LLC	$161,860.30	CONSTRUCTION
SAFETY GUARD INC	$3,450.00	REPAIRS
SAFETY KLEEN CORPORATION	$150.00	CONTRACTURAL SVC
SAPP BROTHERS INC	$34,570.09	FUEL
SCOREVISION	$245,605.00	EQUIPMENT/PARTS
SCOTT BEHRENS	$51.07	CLAIMS-LAWSUIT
SEAN JOHNSTON	$1,121.00	FEES
SECURITY EQUIPMENT INCORPORATED	$2,164.20	CONTRACTURAL SVC
SELDIN COMPANY, LLC	$27,243.50	DEVLPMNT CONTRACT
SHARON MILOTA	$56.40	CLAIMS-LAWSUIT
SHAWN D BOGARDUS	$654.35	REPAIRS
SHERBONDY'S GARDEN CENTER	$3,237.60	CONTRACTURAL SVC
SHERMAN COMPANY LLC	$2,390.00	DODGE OPERATING EXPENSE
SIEMENS INDUSTRY INC	$27,153.54	EQUIPMENT/PARTS
SIGMA-ALDRICH RTC INC	$33.06	SUPPLIES
SJ ELECTRO SYSTEMS INC	$17,194.69	EQUIPMENT/PARTS
SNYDER & ASSOCIATES INC	$61,793.86	PROFESSIONAL SVCS
SOUTHWEST IOWA PLANNING COUNCIL	$23,288.92	CONTRACTURAL SVC
SPARTAN NASH	$30.00	REFUND
SPECTRUM HOLDINGS INC	$89.00	EQUIPMENT/PARTS
SPRINT SOLUTIONS INC	$58.24	CELL PHONE

ST PETERS CATHOLIC CHURCH	$75.00	CONSULTANT
STATE OF IOWA DEPARTMENT OF	$400.00	MAC OPERATING EXPENSE
STEPP MANUFACTURING CO INC	$210.54	EQUIPMENT/PARTS
STUDIO 15 COMMERCIAL INTERIORS INC	$94,160.34	CONTRACT LABOR
SUNBELT RENTALS INC	$1,289.35	DODGE OPERATING EXPENSE
SUSPENSION SHOP INC	$1,694.12	EQUIPMENT/PARTS
SWAGIT PRODUCTIONS LLC	$1,375.00	CONTRACTURAL SVC
SYSCO - LINCOLN	$6,978.73	DODGE OPERATING EXPENSE
TAYLOR COFFEY	$120.00	MAC OPERATING EXPENSE
TAYLOR PLASTICS LLC	$150.00	REPAIRS
TED'S MOWER SALES & SERVICE INC	$330.41	EQUIPMENT/PARTS
TERRACON CONSULTANTS INC	$14,890.04	PROFESSIONAL SVCS
THE DAVEY TREE EXPERT COMPANY	$9,450.00	TREE WORK
THE OFFICE CLEANERS	$2,714.29	JANITORIAL SERVICE
THE RETROFIT COMPANIES INC	$3,350.75	CONTRACTURAL SVC
THE TRANZONIC COMPANIES	$685.96	UNIFORMS
THE WALLING COMPANY INCORPORATED	$2,222.00	EQUIPMENT/PARTS
THE WALMAN OPTICAL COMPANY	$111.95	SAFETY EQUIPMENT
THERESA DEWITT	$30.74	REIMB EMPLOYEE EXPENSE
THERMAL SERVICES	$4,604.00	REPAIRS
THERMO KING CHRISTENSEN	$269.22	SUPPLIES
THOMSON REUTERS	$695.47	SUBSCRIPTION
TIFOSI OPTICS INC	$25.00	DODGE OPERATING EXPENSE
TOYNE INC	$674.29	EQUIPMENT/PARTS
TR CONSTRUCTION	$8,669.00	CONSTRUCTION
TRAIL PERFORMANCE COATINGS INC	$817.50	CONTRACTURAL SVC
TRANE U.S. INC	$327.00	REPAIRS
TRANS IOWA EQUIPMENT LLC	$2,279.29	EQUIPMENT/PARTS
TRANSIT AUTHORITY OF THE CITY OF OMAHA	$62,665.00	BUS SERVICE
TREASURER STATE OF IOWA	$103.45	PROFESSIONAL SVCS
TREASURER STATE OF IOWA/SALES TAX	$4,261.00	SALES TAX
TSMM MANAGEMENT LLC	$61,744.00	TIF REBATE

TTK AERIAL IMAGING SOLUTIONS INC	$3,600.00	TRAINING
TURF CARS LTD	$180.00	DODGE OPERATING EXPENSE
TURFWERKS	$1,225.07	DODGE OPERATING EXPENSE
TWO RIVERS INSURANCE COMPANY, INC.	$826,810.35	EMPLOYEE INSURANCE
TY J BOLDRA	$387.34	REIMB EMPLOYEE EXPENSE
TY'S OUTDOOR POWER & SERVICE	$355.10	EQUIPMENT/PARTS
U S AUTO FORCE	$5,430.24	EQUIPMENT/PARTS
ULTIMATE SAFETY CONCEPTS INC	$2,449.32	SAFETY EQUIPMENT
UMR	$902.62	DODGE OPERATING EXPENSE
UNDERGROUND LOCATION COMPANY	$1,823.30	CONTRACTURAL SVC
UNION BANK & TRUST	$2.00	DODGE OPERATING EXPENSE
UNION BANK & TRUST FSA	$3.50	DODGE OPERATING EXPENSE
UNITED PARCEL SERVICE	$31.25	FREIGHT/POSTAGE
UNITYPOINT CLINIC	$84.00	CONSULTANT
US BANK	$113,473.36	CREDIT CARD PURCHASES
VALLEY CORPORATION	$153,636.49	CONSTRUCTION
VAN WALL EQUIPMENT	$423.96	EQUIPMENT/PARTS
VEENSTRA & KIMM INC	$6,528.00	PROFESSIONAL SVCS
VERIZON WIRELESS SERVICES LLC	$7,532.13	CELL PHONE
VISION INDUSTRIAL SALES INC	$2,007.60	SUPPLIES
VOICE & DATA SYSTEMS INC	$228.00	TELEPHONE
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	$8,140.00	EMPLOYEE CONTRIB
W.W. GRAINGER, INC.	$1,194.52	EQUIPMENT/PARTS
WAL-MART REAL ESTATE BUSINESS TRUST	$417,817.78	TIF REBATE
WASTE CONNECTIONS OF IOWA	$294,355.44	HOUSEHOLD TRASH
WATER ENGINEERING INC	$254.57	CONTRACTURAL SVC
WATERLOO TENT & TARP CO INC	$1,302.94	REPAIRS
WEST BEND MUTUAL INSURANCE COMPANY	$100.00	INSURANCE
WEST BROADWAY CLINIC P C	$7,937.00	CONSULTANT
WESTERN ENGINEERING COMPANY INC	$436,389.94	CONSTRUCTION
WICK'S STERLING TRUCK INC	$41.42	EQUIPMENT/PARTS
WILDLIFE LEARNING ENCOUNTERS	$375.00	CONTRACTURAL SVC

WINDSTREAM CORPORATION	$2,507.16	TELEPHONE
WOODHOUSE AUTO FAMILY	$570.89	EQUIPMENT/PARTS
YAMAHA MOTOR FINANCE ACH	$652.24	DODGE OPERATING EXPENSE
YANT EQUIPMENT	$481.19	REPAIRS
YMCA OF GREATER OMAHA	$740.00	CONTRACTURAL SVC
ZIMCO SUPPLY CO	$15,375.00	DODGE OPERATING EXPENSE
ZOEY ISABEL SEAGER	$23.00	REFUND

APPLICATION TO PURCHASE CITY PROPERTY

Submit To: Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:
Lot 1 Block 11 Everetts Addition

Buyers are applying to purchase this property for the following purpose(s):
To Construct Modular house on slab foundation

Buyers offer a total sum of $ 11,666.00.

Buyers submit a down payment in the sum of $ $1,166.60 + $50 Non-refundable Administrative Fee.

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

(a) Buyers shall submit a down payment of 10% of the last assessed or appraised value for a buildable lot, OR 10% of a value established by the Street Property Fee Schedule for non-buildable remnant parcels.

(b) The down payment shall be refunded if the offer is not accepted by the City Council, however, if the buyer does not purchase the property within the specified timeframe (60 days, unless otherwise approved), or withdraws their offer, the down payment is not refundable. The administrative fee is not refundable under any circumstances.

(c) City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.

(d) Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.

(e) City shall quit claim its title interest to the Buyer by City Deed, subject to any and all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.

(f) Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.

(g) Buyers shall finance the purchase of the property by any one of the following means (please circle):
   a. Cash
   b. Certified Check
   c. Third Party Mortgage
   d. City Financing with Mortgage/Promissory Note

(h) All subsequent taxes shall be paid by Buyers.

(i) All subsequent special assessments shall be paid by Buyers.

(j) Upon payment of the purchase price as provided in paragraph (g), the City shall convey title by City Deed and shall pay all filing fees associated with recording the deed with the Pottawattamie County Recorder.

Anne Starr 7/31/19	Danny J. Starr 7/31/19
Buyer Signature Date	Buyer Signature Date
ANNE STARR	DANNY STARR
Print Name	Print Name
Address 2004 30th AVE 51501	Address 2004 30th AVE, C.B. 51501
Phone 712-328-9424 / 712-310-5331	Phone 712-328-9424
Email dannysanne@MSN.com	Email —

Internal Use Only

____Buildable Lot
____Remnant Parcel
____Previously Vacated ROW

____Date Received
OTB-19-093 Case #Assigned
____Payment with Offer

____Offer Sufficient for Review
Approved for Processing:____

Find Property Res Sales Comm/Ind Sales

7544 35 137 001

--- Permanent Property Address ---	------- Mailing Address -------
COUNCIL BLUFFS, CITY OF	COUNCIL BLUFFS, CITY OF
1827 3RD AVE	209 PEARL ST
COUNCIL BLUFFS, IA 51501	COUNCIL BLUFFS, IA 51503

District: 000 CO BLUFFS CITY/CO BLUFFS

REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435137001

TAX DESCRIPTION*

* Not to be used on legal documents

EVERETTS ADD LT 1 BLK 11 & N1/2 VAC ALLEY ADJ

ASSESSED VALUE

* Class is for Assessment purposes only – Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
$0	$0		$0	$0		2017	R
$0	$0		$0	$0		2018	R
$0	$0		$0	$0		2019	R

EXEMPTIONS & CREDITS

2017 RE03	$62,439.00	GOVERNMENT
2018 MGOV	$62,439.00	MUNICIPAL GOVERNMENT

OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COUNCIL BLUFFS, CITY OF book/page: 2018/2884 D

SALES HISTORY

Sale Date	Amount	Code	Book/Page
03/13/2018	0	D18	2018/02884
01/29/2018	0	D18	EQCV116788

ASSESSMENT DATA

PDF: 28 MAP: 16

Interior Listing: Inspected Date Listed: 01/24/2002 TB Date Reviewed: 12/20/2018 EK

LAND.....7500 sqFt .17 acres

Lot 1: Frontage	Rear	Side-1	Side-2	Rear-Lot
60	60	125	125	

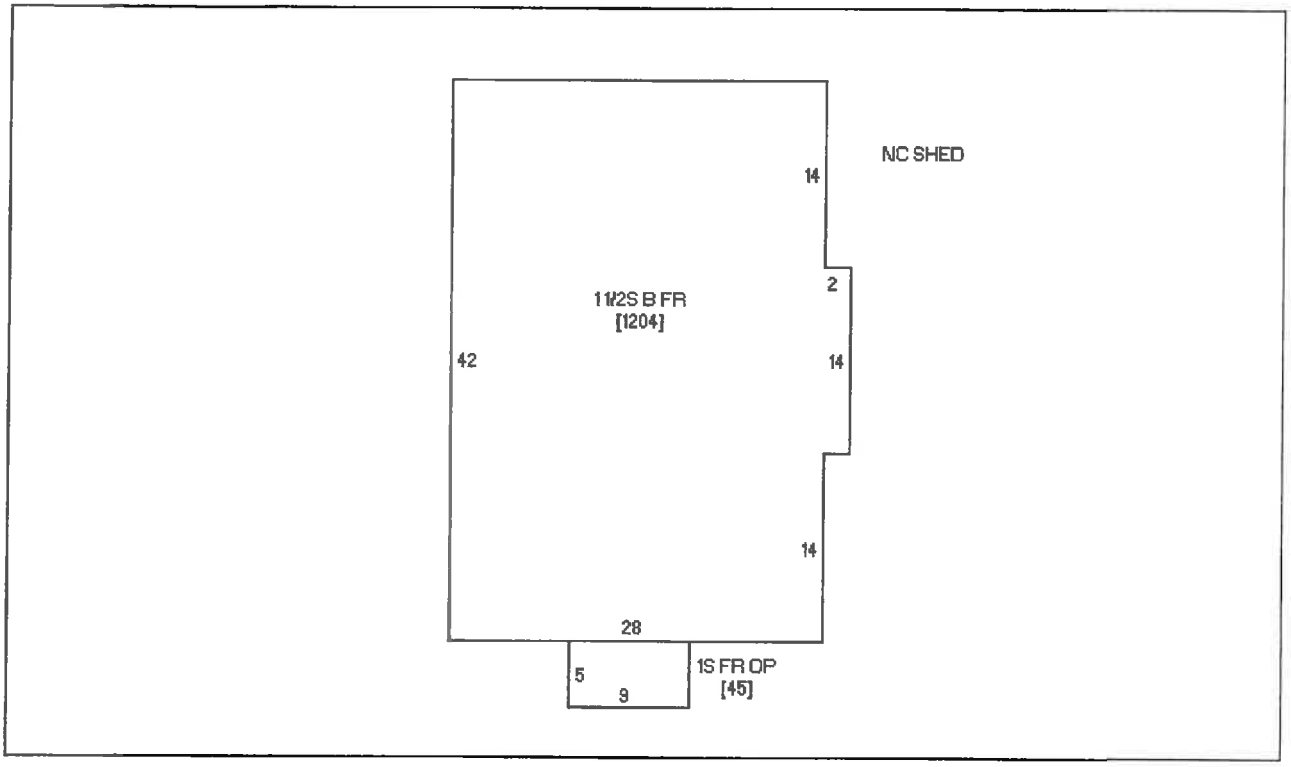
Residence 1 of 1 -- Single-Family

BUILDING.....1 1/2 Story Frame 7/0 Rooms Above/Below 3/0 Bedrooms Above/Below 1204 SF Base
Built:1900 Very Poor Bsmt: Full Bsmt Finish: None Attic Finish: None

FINISH.....Foundation: Brk Exterior: Asb Roof: Asph / Gable
Interior: Plas Flooring: Carpet / Tile / Hdwd

PLUMBING.....1 Full Bath 1 Water Closet 1 Sink

PORCHES.....45 SF 1S Frame Open No Bsmt



1827 3RD AVE, COUNCIL BLUFFS, CITY OF

1827 3RD AVE, COUNCIL BLUFFS, CITY OF, 1 12/20/2018

Zoom Out Zoom In

600ft x 600ft

Click any parcel to go to its web page

See more maps at the County GIS Department.

As of: On Web ▼ Get Card

Find Property Res Sales Comm/Ind Sales

19-PW-2025

Providing Insurance and Financial Services
Home Office, Bloomington, IL

StateFarm®

August 08, 2019

Subrogation Services
PO Box 106173
Atlanta GA 30348-6173

City Of Council Bluffs
City Legal Department
209 Pearl St
Council Blfs IA 51503-0870

RE:	Claim Number:	15-9771-W23
	Our Insured:	Jody Krisel
	Date of Loss:	July 24, 2019
	Your Insured:	Council Bluffs Sewer Management
	Your Claim Number:	
	Your Policy Number:	

To Sir or Madam:

We have been informed you are the liability carrier for the party involved in this loss with our insured. Our investigation indicates your insured is responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm® paid by Cause of Loss:

Building/Structure	$5,425.66
Contents/Personal Property	$0.00
Additional Living Expenses	$0.00
Other	$0.00
Amount State Farm Paid	$5,425.66
Insured Deductible	$1,000.00
Total Claim Amount	$6,425.66

RECEIVED
RECEIVED AUG 15 2019
CITY ATTORNEY'S OFFICE

Based on the assessment of liability between the parties, State Farm Fire and Casualty Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Fire and Casualty Company for this loss is $6,425.66.

Please remit payment of this claim, or contact us to discuss settlement. Include our claim number on the payment. Thank you for your cooperation.

If you have any questions or need additional information, please call me at the number listed below. If I am not available, any other member of my team may assist you.

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

CITY CLAIM NO. 19-PW-2023

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Jody Krisel DAY PHONE: 402-672-7158

ADDRESS: 1208 N 26th St Council Bluffs DOB:

DATE & TIME OF LOSS/ACCIDENT: 07/24/2019

LOCATION OF LOSS/ACCIDENT: 1208 N. 26th St. Council Bluffs

DESCRIPTION OF LOSS/ACCIDENT: City replacing sewer lines causing ~~sew~~ sewer to back up into the insured home.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: $ 6,425.66

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: Estimates, photos enclosed

LIST INSURANCE PROVIDER AND COVERAGE: State Farm Fire

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)

8/8/19
DATE

State Farm Fire a/s/o Jody Krisel
Tammy Jackson
CLAIMANT'S SIGNATURE

RBZ0003U

State Farm Fire and Casualty Company

Fire Payments

Route To: Tammy Jackson

BASIC CLAIM INFORMATION

Claim Number: 15-9771-W23
Date of Loss: 07-24-2019
Policy Number: 15-BD-N798-6
Named Insured: KRISEL, JODY

PAYMENTS

C denotes consolidated payment
E denotes EFT payment

Payment Number	Issued Date	Payee	Status	Amount	Auth ID
106046989J	08-07-2019	JODY KRISEL	Outstanding	$3,690.70	AMZE
106045847K E	08-05-2019	SERVPRO	Outstanding	$1,734.96	AMZE
			Grand Total:	$5,425.66	

STATE FARM CONFIDENTIAL INFORMATION
Distribution on a Business Need to Know Basis Only

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

CITY CLAIM NO. 19-PD-2021

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Rick J Fink DAY PHONE: 712-355-0674
ADDRESS: 3318 7th Ave CB IA 51501 DOB: 7-19-67

DATE & TIME OF LOSS/ACCIDENT: 7-23-19
LOCATION OF LOSS/ACCIDENT: 3318 7th ave
DESCRIPTION OF LOSS/ACCIDENT: Truck stolen from home.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: $ 358.75 Reimbursement for Storage
WITNESS(ES) (Name(s), Address(es), Phone No(s). Reason: was never notified it was impounded.
on 7-24-19

WAS POLICE REPORT FILED X YES ____ NO 19-012441

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: On 7-24-19. the truck was impounded and we were never notified by the police. We were notified by a family member on 7-30-19

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)

7-31-19
DATE

CLAIMANT'S SIGNATURE

RECEIVED 8/5/19 CITY ATTORNEY'S OFFICE

CLERK RCVD 6 AUG 19 AM 9:52

19-PW-2022

CMR

8/7/2019

CITY OF COUNCIL BLUFF
209 PEARL ST
COUNCIL BLUFFS, IA 51503

Date of Loss: **7/11/2019**
Location: **111 UNION ST COUNCIL BLUFFS IA**
CMR Claim Number: **1525401**
Cox Claim Number: **UNO000030951618**
Amount of Damage: **$755.20**

Dear Sir/Madam:

Claims Management Resources (CMR) is the official Damage Claim Adjustment Firm for Cox Communications. You have been identified as the liable party that caused property damage to Cox. The total cost associated with these damages is **$755.20**; an itemized list of these damages is enclosed for your reference.

In order to resolve this claim, please forward this letter to your insurance carrier to place them on notice within thirty (30) days of this letter date. CMR will work with your carrier to satisfy these damages within your policy limits.

In the event you are not insured, please remit payment immediately. ***Make your check payable to CMR for the amount listed above and mail it to: P.O. Box 60770 Oklahoma City, OK 73146. Be sure to write the CMR claim number on your check.***

If you wish to discuss this matter, please call our office at (800) 321-4158.

Thank you,

Claims Specialist
Claims Management Resources
800-321-4158

CLERK RCVD
13 AUG'19
PM3:04

RECEIVED
8/13/19
CITY ATTORNEY'S OFFICE

APPLICATION TO PURCHASE CITY PROPERTY

CLERK RCVD 20 AUG 19 PM 12:21

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

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:
The 9.08 acres immediately north of our CB property that lies east of River Road and includes the land we currently lease, all as shown in the attached drawing.

Buyers are applying to purchase this property for the following purpose(s):
Parking, briefly (2-3 months), then holding for future business expansion

Buyers offer a total sum of $ 261,000

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

(a) City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.
(b) Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.
(c) Title shall be taken subject to all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.
(d) Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.
(e) Buyers shall finance the purchase of the property by any one of the following means (please circle):
   a. Cash
   b. Certified Check
   c. Third Party Mortgage
   d. City Financing with Mortgage/Promissory Note
(f) All subsequent taxes shall be paid by Buyers.
(g) All subsequent special assessments shall be paid by Buyers.
(h) Buyers shall pay a one-time fee of $50 dollars for filing and costs in the event they are awarded title.
(i) Buyers are purchasing the property **AS IS**, and may obtain insurance to cover risk of loss at their own cost.
(j) Buyers are entitled to possession of the described property upon receipt of the City Deed.
(k) Upon payment of the purchase price as provided in paragraph (e), the City shall convey title by City Deed.

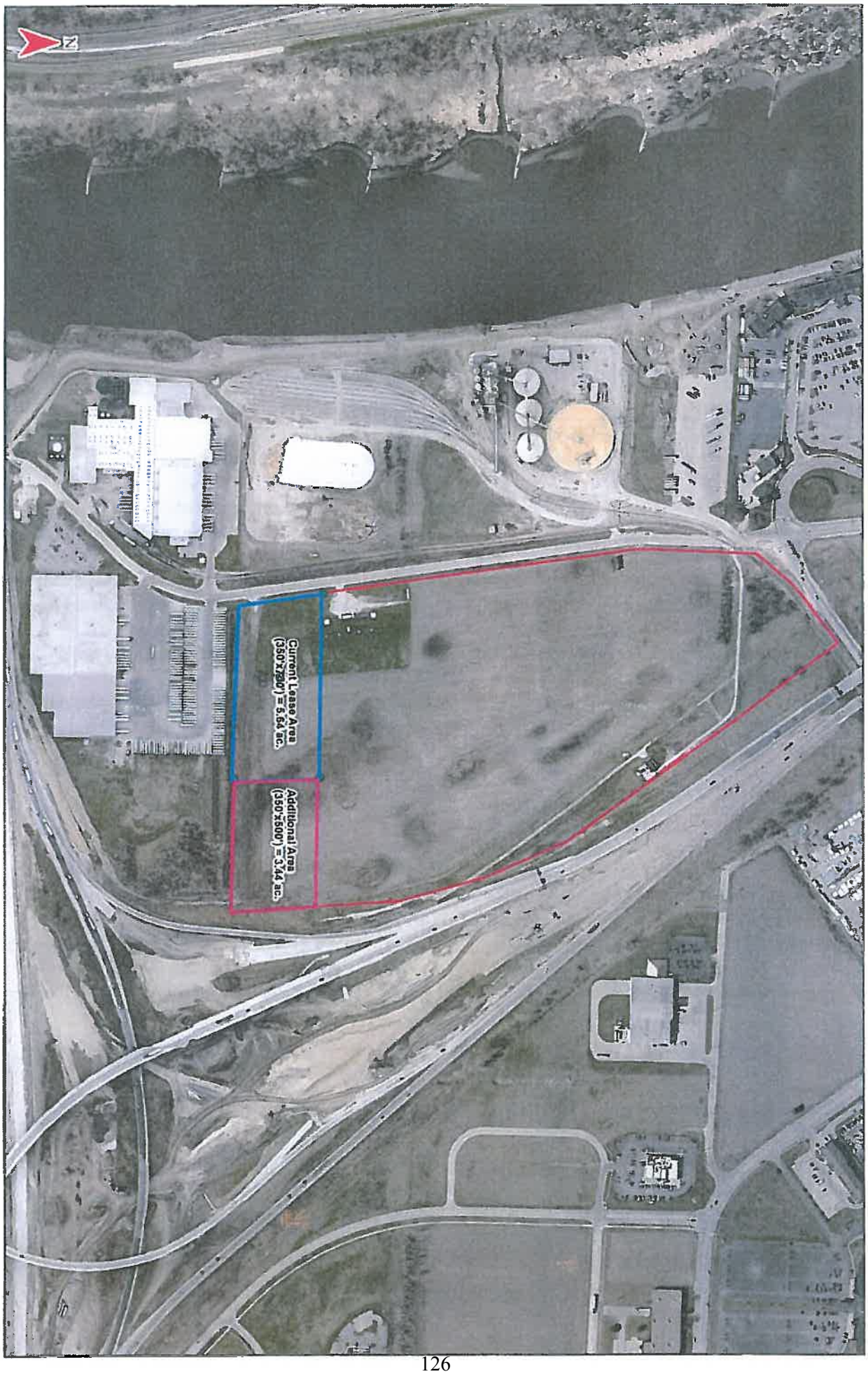
Charles P. Dourney, President 7/12/2019
Buyer Date

Buyer Date

Warren Distribution, Inc.
Print Name

Print Name

Internal Use Only		
__ Buildable Lot	___ Date Received	___Offer Sufficient For Review
__ Remnant Parcel		
__ Previously Vacated ROW	___Case # Assigned	Approved For
__ Other	___Payment W/Offer	Processing :_____


N
Current Lease Area
(350'X780') = 5.64 ac.
Additional Area
(350'X500') = 3.44 ac.

Council Communication

Department: Public Works Admin
Case/Project No.: BM20-01
Submitted by: Matthew Cox, Public Works Director

Resolution 19-198
ITEM 4.A.

Council Action: 8/26/2019

Description

Resolution approving the plans and specifications for the Mid-America Center Parking Lots Rehab, Phase 2. Project #BM20-01

Background/Discussion

The Entertainment District located between 23rd Avenue and I-80/29 and from 24th Street to 35th Street is a premier destination location within the City of Council Bluffs. The area includes the Mid-America Center, Horseshoe Casino, Bass Pro Shop store, and several hotels and restaurants. The recent construction of the Field House and another hotel are adding to the amenities offered in the area.

The parking lots that surround the Mid-America Center are owned by the City. The paving has degraded to the point where maintenance is difficult and there are safety concerns because of the poor condition.

A study was performed in 2011 and updated in 2015, which recommended the replacement of the parking lots. The conceptual plan suggested that the work could be performed in multiple phases over a few years. Proceeding with replacement is now necessary and five phases have been programmed in the CIP.

Phase 1 is complete and included the lot south of the convention center and a portion of the west lot adjacent to the Social Security Office.

Phase 2 will include the parking lot just west of the south parking lot for the convention center.

This project was included in the FY20 CIP with a budget of $700,000 from the General Fund and $125,000 in GO Bond funding.

The project schedule is as follows:

Hold Public Hearing	August 26, 2019
Bid Letting	September 10, 2019
Award	September 23, 2019
Construction Start	October 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Map	Map	8/14/2019
Resolution 19-198	Resolution	8/20/2019

BM 20-01
MID-AMERICA CENTER
PARKING LOT REHAB PH II
ARENA WAY
S 29TH ST
MID-AMERICA CENTER
PH I LOCATION
PH II PROJECT LOCATION
PH I LOCATION
PLAZA VIEW DR
BASS PRO DR
HORSESHOE
MARC BLVD
Bass Pro Shops
Legend
BM 20-01
BM19-01

R E S O L U T I O N
NO 19-198

RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
MID-AMERICA CENTER PARKING LOTS REHAB, PHASE 2
PROJECT #BM20-01

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Mid-America Center Parking Lots Rehab, Phase 2; and

WHEREAS, a Notice of Public Hearing was published as required by law, and a public hearing was held on August 26, 2019.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the Mid-America Center Parking Lots Rehab, Phase 2 Project.

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-014
Submitted by: Chris Meeks, Planner

Resolution 19-199
ITEM 4.B.

Council Action: 8/26/2019

Description

Resolution to vacate and dispose of City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: Formerly addressed as 2007 6th Avenue. OTB-19-014

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-014 Staff Report	Other	8/15/2019
OTB-19-014 Attachment A	Map	8/15/2019
OTB-19-014 Attachment B	Other	8/15/2019
Resolution 19-199	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-014 Applicant: Susan Kemp 8205 Read Street Omaha, NE 68122	Resolution to Dispose No. _____	Public Hearing: 8/26/2019

Subject/Title

Request of Susan Kemp to purchase property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2007 6th 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 $12,159.00. The applicant wishes to acquire the lot to construct a new residential dwelling for her personal use. The applicant has offered $12,250.00 to purchase the property, and has submitted a $1,225.00 down payment. The applicant has asked that the remaining value beyond the down payment be forgiven upon the construction of a single family dwelling within 2 year of the date of approval. The property is eligible for a forgivable mortgage as it has been on the City Property Disposal list for greater than 24 months.

The following costs have been incurred on this property:

Permits and Inspections Division:	$19,000.00- Demolition
Total	$19,000.00

The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.

There is a competing offer with on this same property that has been assigned the case number of #OTB-19-015. The competing offer is from NeighborWorks Home Solutions who also proposes to construct a single family dwelling on the property. The two offers are currently scheduled to be reviewed at the same public hearing.

Recommendation

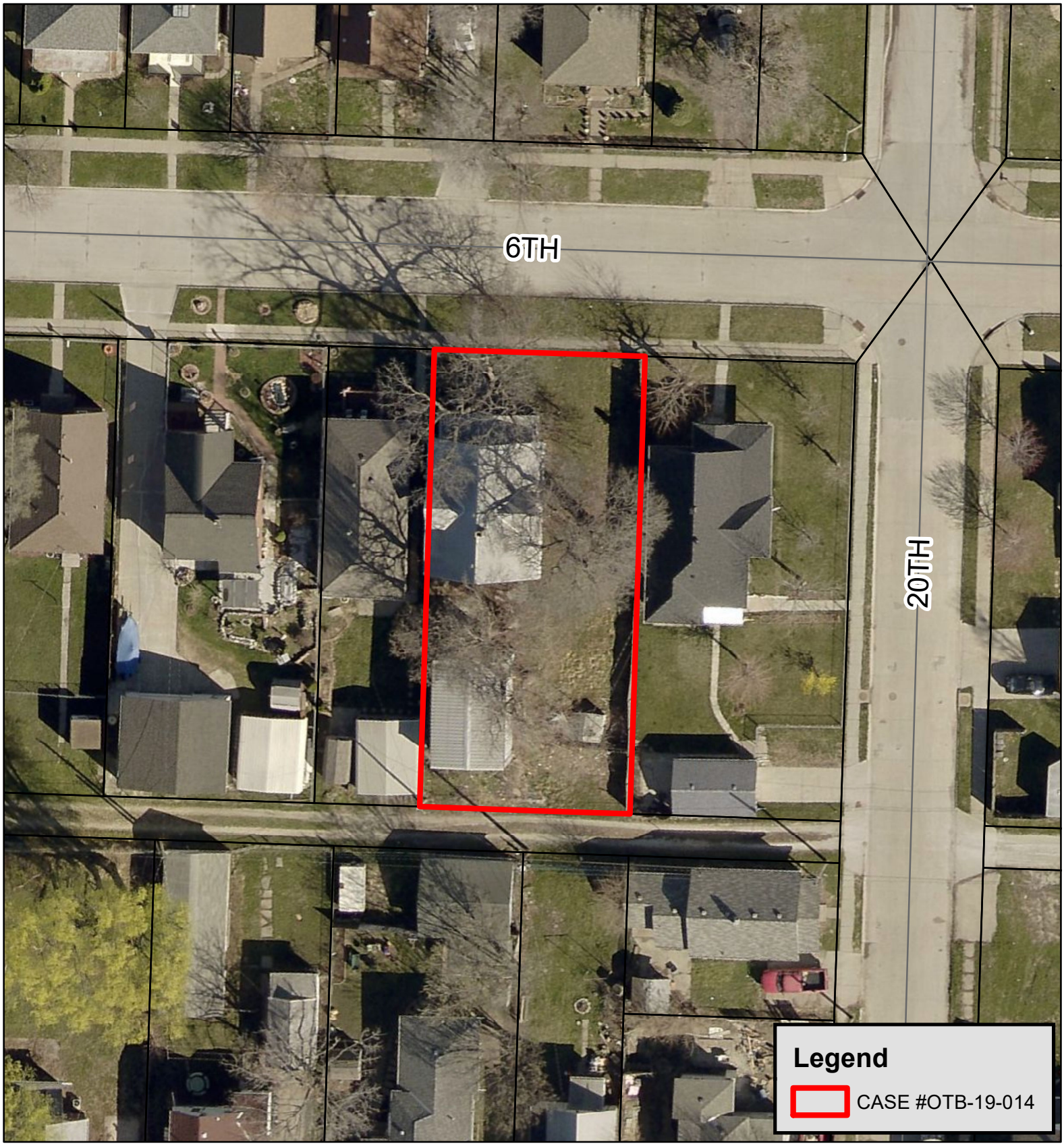
The Community Development Department recommends disposal of the property legally described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Susan Kemp subject to the following conditions:

1. The purchase price shall be $12,250.00, with the remaining balance beyond the $1,225.00

submitted down payment being forgiven upon the issuance of a Certificate of Occupancy for a constructed home on the parcel. 2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the property.
Attachment A: Location map **Attachment B:** Front Elevation of the Home as proposed by the Applicant
Prepared By: Chris Meeks, Planner, Community Development Department

Attachment A

CASE #OTB-19-014



50 25 133 0 50 Feet

N W E S

Attachment B

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. 19-199

A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 3 AND 4, BLOCK 5, VAN BRUNT AND RICE'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on August 26, 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:

Susan Kemp and all successors in interest: Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $12,250.00, with costs beyond the $1,250.00 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Closing and the property closing must occur within 60 days of the date of approval.

ADOPTED
AND
APPROVED: August 26, 2019.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-015
Submitted by: Chris Meeks, Planner

Resolution 19-200
ITEM 4.C.

Council Action: 8/26/2019

Description

Resolution to vacate and dispose of City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: Formerly addressed as 2007 6th Avenue. OTB-19-015

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-015 Staff Report	Other	8/15/2019
OTB-19-015 Attachment A	Map	8/15/2019
OTB-19-015 Attachment B	Letter	8/15/2019
Resolution 19-200	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-015 Applicant: NeighborWorks Home Solutions Attn: David Hazelwood 222 S. 6th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019

Subject/Title

Request of NeighborWorks Home Solutions, represented by David Hazelwood, to purchase property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2007 6th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lot to construct a new affordable residential dwelling in the next 3 to 4 months that would be sold to a homebuyer in the community. 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 $12,159.00. The applicant has submitted a $1,215.90 down payment, and has asked for the entire value of the property to be forgiven using a forgivable mortgage (the applicant is also requesting that the down payment be refunded). The property is eligible for a forgivable mortgage as it has been on the City Property Disposal list for greater than 24 months.

The following costs have been incurred on this property:

Permits and Inspections Division:	$19,000.00- Demolition
Total	$19,000.00

The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.

There is a competing offer on this same property that has been assigned the case number of #OTB-19-014. The competing offer is from Susan Kemp who also proposes to construct a single family dwelling on the property. The two offers are currently scheduled to be reviewed at the same public hearing.

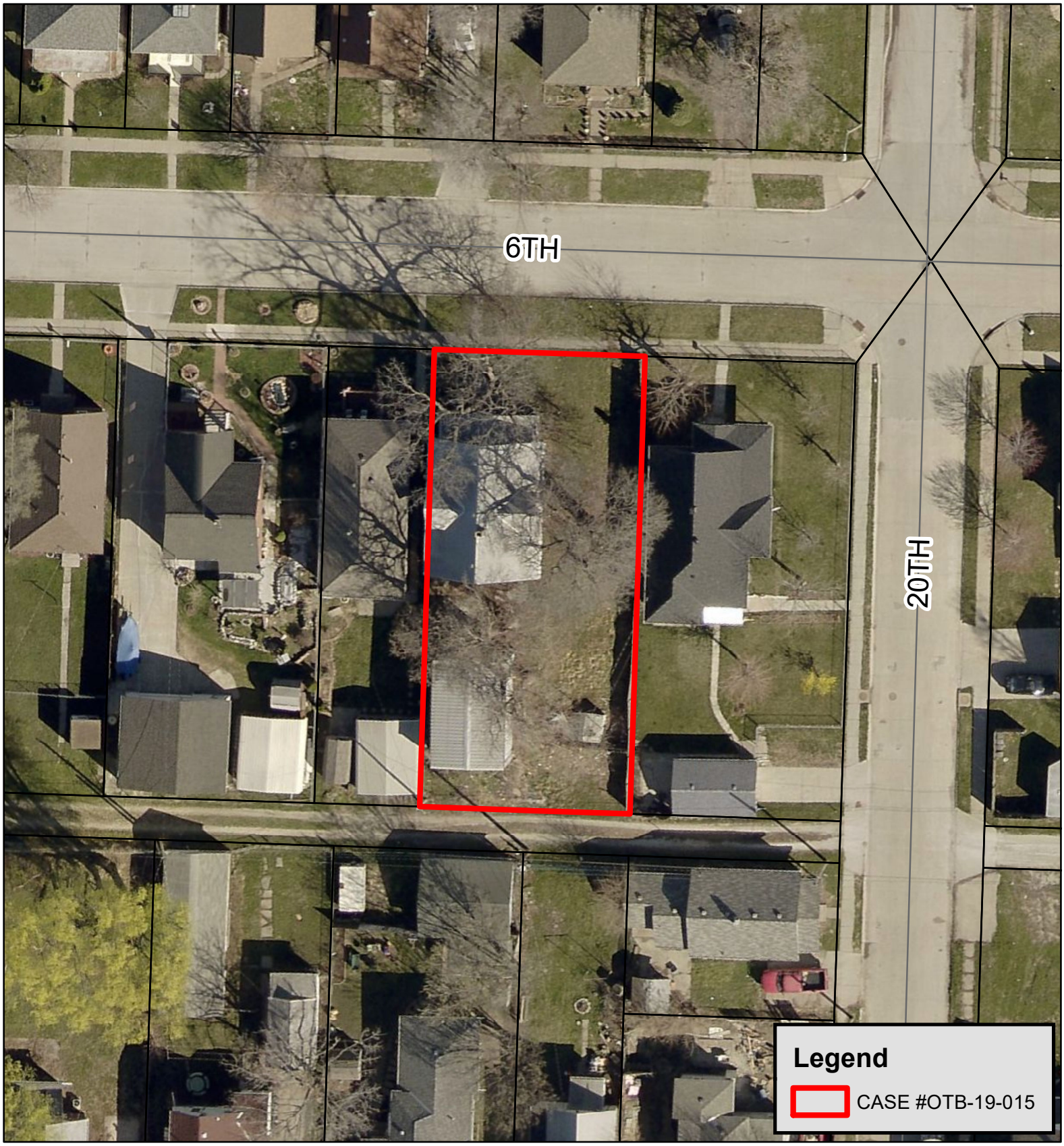
Recommendation

The Community Development Department recommends disposal of the property legally described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Neighborworks Home Solutions, subject to the following conditions:

1. The purchase price shall be $12,159.00, with the remaining balance beyond the $1,215.90 submitted down payment being forgiven upon the issuance of a Certificate of Occupancy for a constructed home on the parcel. 2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the property.
Attachment A: Location map **Attachment B:** Letter of Intent
Prepared By: Chris Meeks, Planner, Community Development Department

Attachment A

CASE #OTB-19-015



50 25 139 0 50 Feet

N
W E
S

Attachment B

NeighborWorks®
HOME SOLUTIONS

Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435184006; 2007 6th Avenue; Van Brunt and Rices Addition Subdivision; Block 5; Lot 3-4. We are requesting a "Forgivable Mortgage" for the listed property.

Granting NeighborWorks Home Solutions this property would allow us to construct one single family dwelling in the next 3-4 months. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels

Sincerely,

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee

PO Box 111578
3250 Lake Street
Omaha, NE 68111

402.451.2939
www.nwhomesolutions.org

222 South 6th Street
Council Bluffs, IA 51501

EQUAL HOUSING OPPORTUNITY

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. 19-200

A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 3 AND 4, BLOCK 5, VAN BRUNT AND RICE'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on August 26, 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:

Neighborworks Home Solutions and all successors in interest: Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $12,159.00, with costs beyond the $1,215.90 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Closing and the property closing must occur within 60 days of the date of approval.

ADOPTED
AND
APPROVED: August 26, 2019.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-022
Submitted by: Chris Meeks, Planner

Resolution 19-201
ITEM 4.D.

Council Action: 8/26/2019

Description

Resolution to vacate and dispose of City property described as Lots 11 and 12, Block 8, Pierce's Subdivision. Location: formerly addressed as 1828 7th Avenue. OTB-19-022

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-022 Staff Report	Other	8/16/2019
OTB-19-022 Attachment A	Map	8/16/2019
OTB-19-022 Attachment B	Letter	8/16/2019
Resolution	Resolution	8/16/2019
Resolution 19-201	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-022 Applicant: NeighborWorks Home Solutions Attn: David Hazelwood 222 S. 6th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019

Subject/Title

Request of NeighborWorks Home Solutions, represented by David Hazelwood, to purchase property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 1828 7th Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lot to construct a new affordable residential dwelling in the next 4 months that would be sold to a homebuyer in the community. 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 $12,159.00.

The applicant has submitted a $1,215.90 down payment, and has is asked for the entire value of the property to be forgiven using a forgivable mortgage (the applicant is also requesting that the down payment be refunded). As is stated in the adopted Inventory and Disposal Policy for Surplus City Policy, any property that has been listed on the Disposal list for greater than 24 months is eligible for a forgivable mortgage. Because this property was only acquired by the City of Council Bluffs on July 9, 2018, approximately 13 months ago, it is not administratively eligible for a forgivable mortgage. The applicant has asked for the forgivable mortgage to be granted as an exception, as they are a non-profit affordable housing developer.

The following costs have been incurred on this property:

Permits and Inspections Division:	$ 1,130.00- Board-Up
Permits and Inspections Division:	$13,684.00- Demolition
Total	$14,814.00

The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.

Recommendation
The Community Development Department recommends disposal of the property legally described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa to Neighborworks Home Solutions to allow them to construct a home for a low to moderate income family, subject to the following conditions: 1. The purchase price shall be $12,159.00, with the remaining balance beyond the $1,215.90 submitted down payment being forgiven upon the issuance of a Certificate of Occupancy for a constructed home on the parcel. 2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the property. 3. The home and proposed sale price of said home shall be approved as being for a low to moderate income family by the Community Development Department.
Attachment A: Location map **Attachment B:** Letter of Intent
Prepared By: Chris Meeks, Planner, Community Development Department

Attachment A

CASE #OTB-19-022

50 25 145 0 50 Feet

N W E S

Attachment B

NeighborWorks®
HOME SOLUTIONS

July 23, 2019

Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435186009; 1828 7th Avenue; Pierces Addition Subdivision; Block 8; Lots 11-12. We are requesting a "Forgivable Mortgage" for the property listed.

NeighborWorks® Home Solutions recognizes the property listed as 1828 7th Avenue has not met the requirements for a "Forgivable Mortgage" consideration. NeighborWorks® Home Solutions would respectfully request the Community Development Department and the Council Bluffs City Council approves an exception to this policy and provide the "forgivable mortgage" to NWHS as the affordable housing developer and non-profit.

Granting NeighborWorks® Home Solutions this property would allow us to construct one single family dwelling in a 4-month timeline. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels.

Sincerely,

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee
Down Payment

PO Box 111578
3250 Lake Street
Omaha, NE 68111

402.451.2939
www.nwhomesolutions.org

222 South 6th Street
Council Bluffs, IA 51501

EQUAL HOUSING OPPORTUNITY

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. _____

A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 8, PIERCE'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on August 23, 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:

Neighborworks Home Solutions, and all successors in interest: Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $12,159.00, with costs beyond the $1,215.90 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Closing and the property closing must occur within 60 days of the date of approval.

BE IT FURTHER RESOLVED

The home and proposed sale price of said home shall be approved as being for a low to moderate income family by the Community Development Department.

ADOPTED
AND
APPROVED: _____, 2019.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

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. 19-201

A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 8, PIERCE'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on August 23, 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:

Neighborworks Home Solutions, and all successors in interest: Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $12,159.00, with costs beyond the $1,215.90 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Closing and the property closing must occur within 60 days of the date of approval.

BE IT FURTHER RESOLVED

The home and proposed sale price of said home shall be approved as being for a low to moderate income family by the Community Development Department.

ADOPTED
AND
APPROVED: August 26, 2019.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-016
Submitted by: Chris Meeks, Planner

Resolution 19-202
ITEM 4.E.

Council Action: 8/26/2019

Description

Resolution to dispose of City property generally described as Lot 10 and the west half of the vacated alley adjacent, and the northerly portions of Lots 13-14 and the east half of vacated alley adjacent, all in Block 86, Railroad Addition. Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street. OTB-19-016

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-016 Staff Report	Other	8/16/2019
OTB-19-016 Attachment A	Map	8/16/2019
OTB-19-016 Attachment B	Legal Description	8/16/2019
OTB-19-016 Attachment C	Legal Description	8/16/2019
Resolution 19-202	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #OTB-19-016 Applicant: City of Council Bluffs	Resolution to Dispose No. _____	Public Hearing: 8/26/2019

Subject/Title

Request of the City of Council Bluffs to dispose of surplus city property associated with the former right-of-way of 29th Avenue, a roadway which has been converted to an alleyway. The subject properties are generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street

Background/Discussion

In June of 2018, the Iowa Department of Transportation deeded to the City of Council Bluffs a portion of property near the former right-of-way of 29th Avenue, which was previously acquired by the Iowa DOT to accommodate the Interstate 80/Interstate 35 Interstate project. It was determined by the Community Development Department, Public Works Department, and City Owned Property Committee that the best course of action to dispose of these surplus properties would be to offer them to adjacent property owners in a manner that would correct any nonconformities (if any), keep lot shapes as square as possible, and to allow property owners to most reasonably use the property. It was determined that the value for each property should be established using the adopted Street, Alley, and Public Ground Vacation schedule. Since none of the properties are exclusively buildable, the City Owned Property Committee has proposed to sell the properties to adjacent property owners using a forgivable mortgage, requiring an initial 10% down payment with the remaining value being forgiven after 2 years of satisfactory maintenance of the property.

The following property owners were offered the opportunity to purchase a section of the surplus property:

- Michael Miller, owner of the property addressed as 2819 S. 13th Street, has indicated he is willing to purchase the North 52 feet of Lots 13 and 14, Block 86, Railroad Addition and the East half of the vacated alleyway adjacent (As shown on Attachment B). The property contains 3,744 square feet, with a total land value established at $591.60.
- Paul and Jennifer Kyndesen, owners of the property addressed as 2823 S. 13th Street, have indicated they are willing to purchase the property generally described as all of Lot 10 and the West half of the vacated alley adjacent, and a Portion of Lots 13 and 14, all in Block 86, Railroad Addition and a portion of the East half of the vacated alley adjacent to Lot 13 (As shown on Attachment C). The property contains 9,895 square feet, with a total land value established at $3,227.50.

Recommendation

The Community Development Department recommends disposing of the above described properties subject to the following conditions:

1. Michael Miller, owner of the property addressed as 2819 S. 13th Street, will acquire the North 52 feet of Lots 13 and 14, Block 86, Railroad Addition and the East half of the vacated alleyway adjacent (As shown

on Attachment B) for a total down payment of $59.16, with the remaining costs of the $591.60 total value being forgiven after 2 years of satisfactory maintenance.

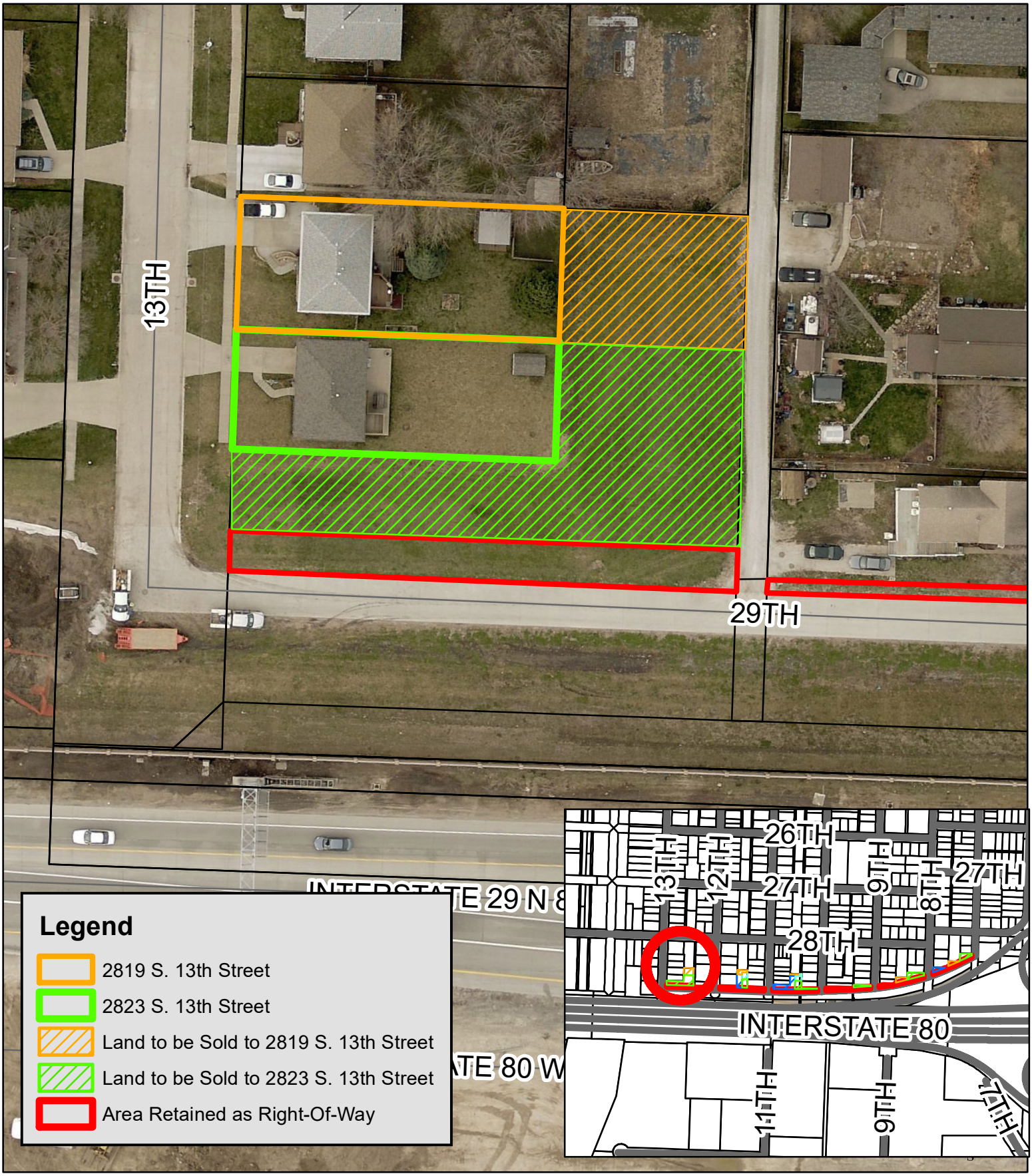
2. Paul and Jennifer Kyndesen, owners of the property addressed as 2823 S. 13th Street, will acquire all of Lot 10 and the West half of the vacated alley adjacent, and a Portion of Lots 13 and 14, all in Block 86, Railroad Addition and a portion of the East half of the vacated alley adjacent to Lot 13 (As shown on Attachment C) for a total down payment of $322.75, with the remaining costs of the $3,227.50 total value being forgiven after 2 years of satisfactory maintenance.

Closing shall occur within 60 days of the date of approval.

Attachment A: Case map
Attachment B: Survey of Property adjacent to 2819 S. 13th Street
Attachment C: Survey of Property adjacent to 2823 S. 13th Street

Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-19-016
CASE MAP



50 25 0 50 Feet

Attachment B

RECORDER'S INDEX
LOT: 13 AND 14
BLOCK: 86
SUBDIVISION: RAILROAD ADDITION
ALIQUOT PART:
SECTION: /TOWNSHIP: / RANGE:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: CITY OF COUNCIL BLUFFS
REQUESTED BY: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY:

RETURN TO: DAVE VERMILLION CITY OF COUNCIL BLUFFS PUBLIC WORKS 209 PEARL ST. COUNCIL BLUFFS, IA 51503
PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

PROJECT
29TH AVENUE

EXHIBIT "A"

PARCEL NO. 2

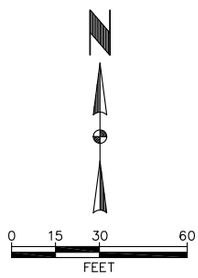
PLAT OF SURVEY FOR RIGHT OF WAY

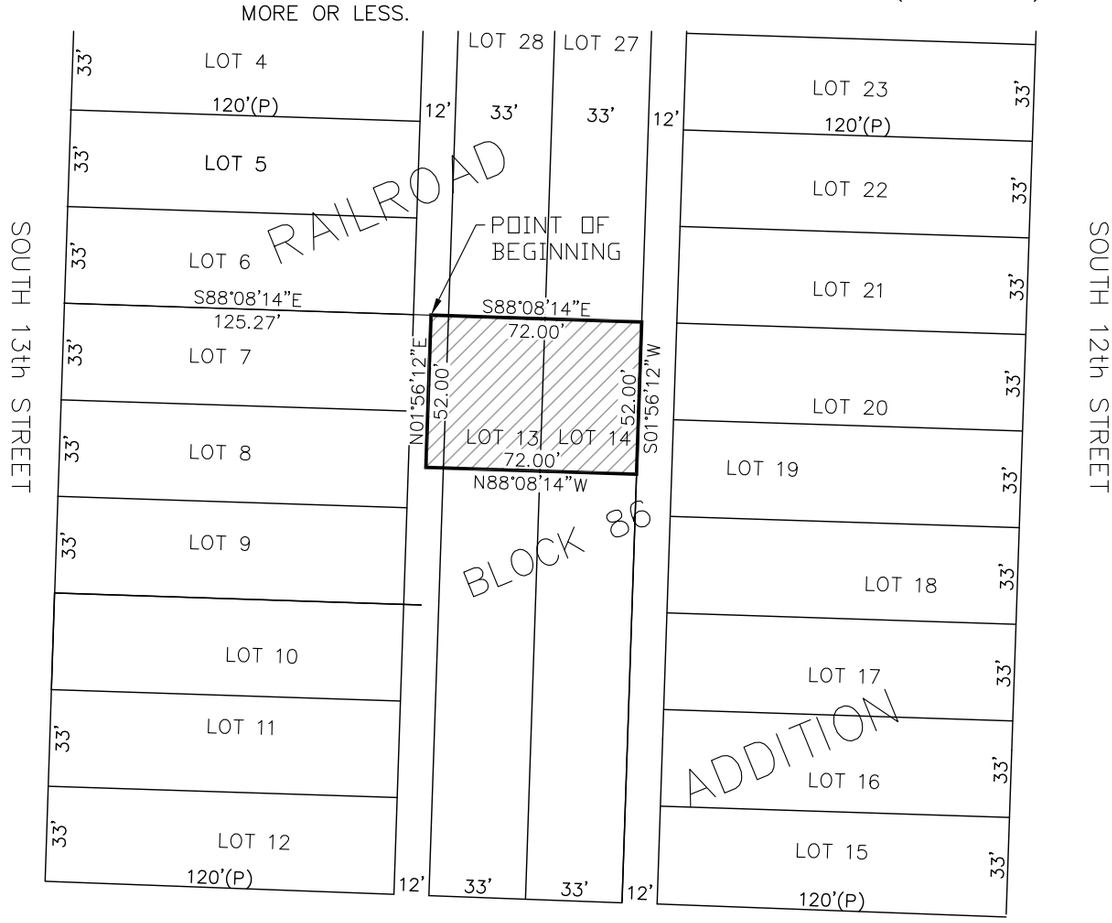
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 13, A PORTION OF LOT 14 AND A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 13, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7 IN SAID RAILROAD ADDITION; THENCE ON THE NORTH LINE OF SAID LOT 7 AND ON IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 125.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 72.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE ON THE EAST LINE OF SAID LOT 14, SOUTH 01 DEGREE 56 MINUTES 12 SECONDS WEST, 52.00 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 14 SECONDS WEST, 72.00 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 12 SECONDS EAST, 52.00 FEET TO THE POINT OF BGINNING.

SAID PARCEL CONTAINS AN AREA OF 3,744 SQUARE FEET (0.086 ACRE), MORE OR LESS.





CONTRACT DATED _____
CONSIDERATION $ _____
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY _____
RANGE _____
EXCESS RIGHT-OF-WAY 3,744 s.f.
TOWNSHIP _____
SECTION _____

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
14415
IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

JONATHAN M. LEISINGER — JULY 18, 2019 DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018.

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 1

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

DATE DRAWN 07-16-2019 DRAWN BY DEF

S:\Survey\Drafting\150717-003_CBPW 29th Ave ROW\Engineering\Dwgs\Survey\150717-ROW VACATE.DWG

Attachment C

RECORDER'S INDEX
LOT: 10, 13 AND 14
BLOCK: 86
SUBDIVISION: RAILROAD ADDITION
ALIQUOT PART:
SECTION: /TOWNSHIP: / RANGE:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: CITY OF COUNCIL BLUFFS
REQUESTED BY: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY:

RETURN TO: DAVE VERMILLION CITY OF COUNCIL BLUFFS PUBLIC WORKS 209 PEARL ST. COUNCIL BLUFFS, IA 51503
PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

PROJECT
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1
PARCEL NO. 1

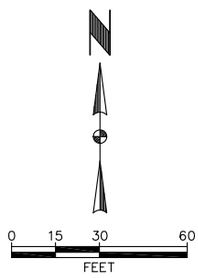
EXCESS RIGHT-OF-WAY

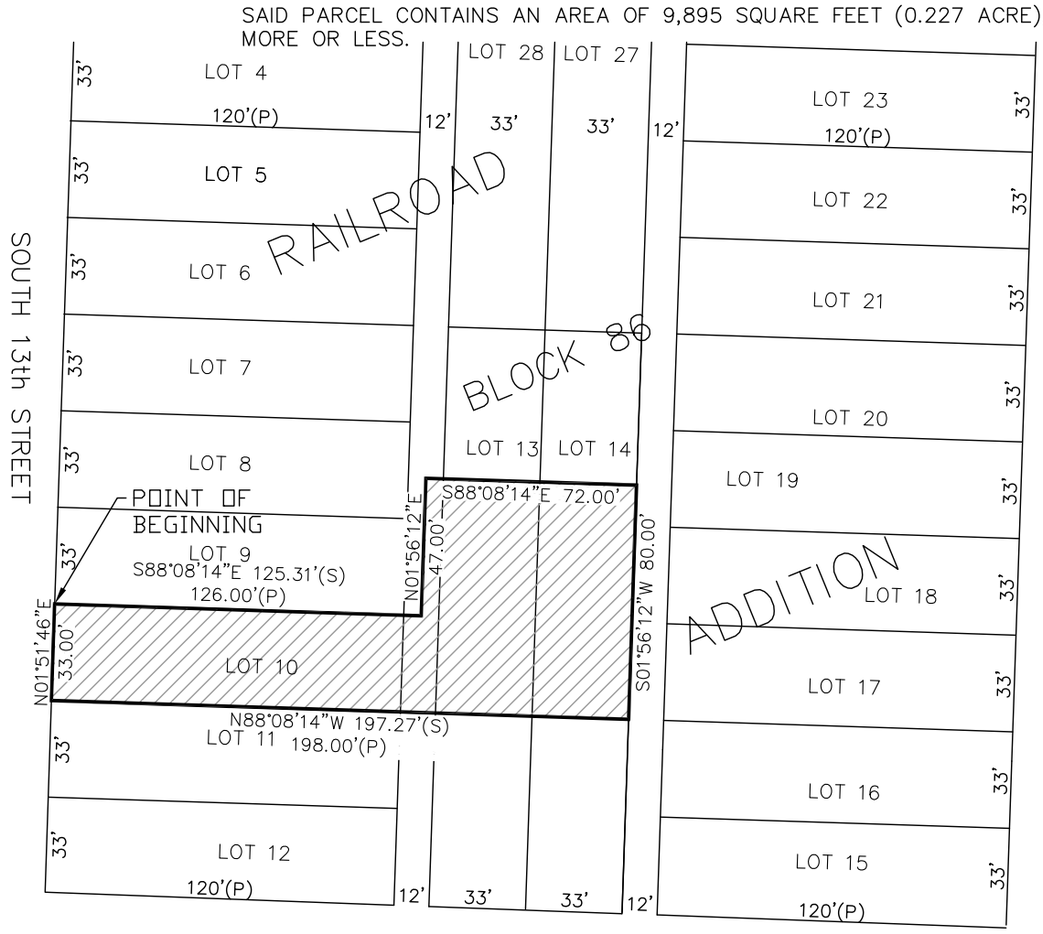
LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF LOT 10, A PORTION OF LOT 13, A PORTION OF LOT 14 AND A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 13, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10; THENCE ON THE NORTH LINE OF SAID LOT 10 AND IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 125.31 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 12 SECONDS EAST, 47.00 FEET; THENCE SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 72.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE ON SAID EAST LINE, SOUTH 01 DEGREE 56 MINUTES 12 SECONDS WEST, 80.00 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 10; THENCE ON SAID EASTERLY PROLONGATION AND SAID SOUTH LINE, NORTH 88 DEGREES 08 MINUTES 14 SECONDS WEST, 197.27 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE ON THE WEST LINE OF SAID LOT 10, NORTH 01 DEGREE 51 MINUTES 46 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 9,895 SQUARE FEET (0.227 ACRE), MORE OR LESS.





CONTRACT DATED ____
CONSIDERATION $ ____
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY ____
RANGE ____
TOWNSHIP ____
SECTION ____
EXCESS RIGHT-OF-WAY 9,895 s.f.

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
14415
IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

JONATHAN M. LEISINGER — JULY 18, 2019 DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018.

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 1

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

DATE DRAWN 07-16-2019 DRAWN BY DEF

S:\Survey\Drafting\150717-003_CBPW 29th Ave ROW\Engineering\Dwgs\Survey\150717-ROW VACATE.DWG

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. 19-202

A RESOLUTION TO DISPOSE OF CITY PROPERTY GENERALLY DESCRIBED AS LOT 10 AND THE WEST HALF OF THE VACATED ALLEY ADJACENT, AND THE NORTHERLY PORTIONS OF LOTS 13-14 AND THE EAST HALF OF VACATED ALLEY ADJACENT, ALL IN BLOCK 86, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa and legally described in Exhibit "A" attached hereto; and

WHEREAS, a public hearing has been held in this matter on August 26, 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:

Michael Miller, and all successors in interest: The North 52 feet of Lots 13 and 14, Block 86, Railroad Addition, and the East half of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa (As shown on Attachment B) for a total purchase price of $591.60; and

Paul and Jennifer Kyndesen, and all successors in interest: all of Lot 10 and the West half of the vacated alley adjacent, and a Portion of Lots 13 and 14, all in Block 86, Railroad Addition, and the East half of the vacated alley adjacent to Lot 13, City of Council Bluffs, Pottawattamie County, Iowa (As shown on Attachment C) for a total purchase price of $3,227.50; and

BE IT FURTHER RESOLVED

Property closing must occur within 60 days of the date of approval. The remaining balance beyond a 10% down payment for each party will be forgiven after two years of satisfactory maintenance.

ADOPTED
AND
APPROVED: August 26, 2019.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-19-007
Submitted by: Christopher N. Gibbons, AICP, Planning Coordinator

Resolution 19-203
ITEM 4.F.

Council Action: 8/26/2019

Description

Resolution granting Final Plat approval of a two-lot minor subdivision to be known as River Road Subdivision. Location: Lying north of 2849 River Road.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-19-007 Staff Report	Other	8/16/2019
SUB-19-007 Attachment A	Legal Description	8/16/2019
SUB-19-007 Attachment B	Map	8/16/2019
SUB-19-007 Attachment C	Other	8/16/2019
Resolution 19-203	Resolution	8/20/2019

Council Communication

Department: Community Development CASE #SUB-19-007 Applicant/Owner City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503 Surveyor: Johnathan M. Leisinger, L.S. HGM Associates Inc. 640 5th Avenue Council Bluffs, Iowa 51501	Resolution No. _____	City Council: 8/26/19

Subject/Title

Request: Final plat approval of a two-lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Lying north of 2849 River Road

Background/Discussion

The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a two lot minor industrial subdivision to be known as River Road Subdivision, as legally described on Attachment 'A'. The subdivision is comprised of 48.479 acres more/less and is bounded by Nebraska Avenue to the north, Interstate 29 right-of-way and SIECK Levee to the east, Warren Distribution to the south, and River Road to the west. The subdivision plat documents all existing easements on the property, as well, as establishes a new 30 foot-wide easement for a future sanitary sewer extension along River Road, and a 300 foot-wide critical zone for the SIECK Levee. The purpose of this subdivision is to create parcels of land that can be used for new industrial development in the City.

Land Use/Zoning

The subject property is zoned I-2/General Industrial District and consists of 48.479 acres more/less of undeveloped land (see Attachment B). Surrounding zoning includes I-2 District to the south and west, along with P-C District to the northwest. Existing land uses in the general vicinity of the request includes Warren Distribution, Cargill, Ameristar Casino, and Interstate 29. The future land use plan of the Bluffs Tomorrow: 2030 Plan shows the property designated as Light Industrial.

Comments

1. The minimum lot size in an I-2 District is 15,000 square feet, lot width is 75 feet, and lot depth is 150 feet, as per Section 15.21.050, Site development Regulations of the Municipal Code (Zoning Ordinance). Proposed Lot 1, River Road Subdivision contains 39.479 acres, and proposed Lot 2, River Road Subdivision contains 9.0 acres. Both lots exceed the minimum I-2 District lot size requirements.

2. All construction within this subdivision shall comply with standards stated in Chapter 15.21, I-2/ General Industrial District.

3. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

4. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0560E, dated February 4, 2005, and is protected from Missouri River flooding by an industrial levee that is maintained by a collection of property owners in the general vicinity of this request, see Attachment 'C'. In 2016, D.E.B. Partnership conveyed ownership of this land to the City of Council Bluffs, which then made the City responsible for 16.1878% of the ongoing industrial levee maintenance costs. The City intends to transfer their share of the ongoing levee maintenance costs to the future owners of Lots 1 and 2, River Road Subdivision in manner that is equitable to the size of property being purchased. Based on the configuration of this subdivision, the future owner of Lot 1, River Road Subdivision (39.479 acres) will be responsible for 13.1819% of the levee maintenance cost; and the future owner of Lot 2, River Road Subdivision (9.0 acres) will responsible for 3.006% of the maintenance costs.

5. The City of Council Bluffs, with assistance from Advance Southwest Iowa, has held discussions with a private company who is interested in purchasing Lot 1, River Road Subdivision to develop new industrial warehouses on it. The company has proposed to purchase and develop the warehouses in several phases. A purchase agreement between the City and this company is being drafted and will appear before City Council for consideration in the near future.

6. Warren Distribution has submitted an offer to buy application to the Community Development Department to purchase proposed Lot 2, River Road Subdivision for a $261,000.00 (see Case #OTB-19-024). The purpose of their request is obtain ownership of the land they are currently leasing from the City for truck parking, and to have additional land area available for a future warehouse expansion, should the need arise. The resolution of intent for Warren's offer to buy request will appear before City Council on August 26, 2019, and the public hearing to dispose of the property will be held on September 9, 2019 by City Council.

7. All lots in this subdivision have direct access to River Road, which is a public roadway. No street extensions are required to be completed for the proposed two-lot subdivision.

8. All proposed lots have access to utilities either along River Road or via existing service lines along the easterly/southerly boundary of the subdivision. The plat shows a new 30 foot wide utility easement along the westerly boundary of proposed Lots 1 and 2, River Road Subdivision to facilitate the expansion of sewer services along River Road should the need arise. No utility extensions are required to be completed for proposed two-lot subdivision. This easement is also intended to be used for other municipal purposes such as the installation and maintenance of sidewalks, and/or bike trail along River Road. A notation must be provided on the plat that describes this easement as being used for utilities and other municipal purposes prior to being executed.

9. Section 14.14.040, <u>Sidewalks/pedestrian ways</u> of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all new subdivisions. The City has discussed the possibility of extending River Road to the south to connect into Richard Downing Avenue. This connection will provide better vehicular circulation, as well as, improve upon the existing bike network along River Road. Since there are many unknowns associated with this proposed street extension (e.g., timing, design, rights-of-way needs, etc.) it is premature to require sidewalks be provided along this segment of River Road at this time. The Community Development Department with concurrence from Public Works and the Parks and Recreations Department recommends that each entity who purchases a lot in the River Road Subdivision be required to submit a payment to the City equal to the total cost of the required sidewalk along their frontage in lieu of constructing a sidewalk. The money generated from this arrangement

will be used to fund future sidewalks and/or bike trail improvements in this vicinity once River Road is extended. The City will collect this payment at the time of closing on each parcel.

10. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.

11. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed.

12. All City Departments and local utilities were provided a copy of the proposed River Road Subdivision to review. The following comments were received:

    a. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
    b. Council Bluffs Police Department stated they have no comments for the request.
    c. Council Bluffs Water Works confirmed that public water mains are available within River Road to service the proposed subdivision.
    d. Council Bluffs Public Works Department stated the following:
        - Plat symbols used should match the legend;
        - All easements should be verified against the plat of survey for the property;
        - The proposed lot line between lots 1 & 2 requires a bearing and distance; and
        - Subdivision legal description should be verified.

        The Community Development Department will continue to work with HGM Associates to address all of the above technical corrections prior to the plat being executed.

    e. Black Hills Energy stated they have no concerns about the subdivision request.
    f. Iowa Department of Transportation (IDOT) stated the subdivision is located within their Council Bluffs Interstate System Corridor Preservation Zone and that they have a temporary access easement on the southeasterly portion of the property for grading and shaping of the interstate roadway embankment that is valid through December 2020.

        The Community Development Department informed IDOT that since this easement is temporary it will not be stated on the plat; however, the City will make all future landowners of Lots 1 and 2, River Road Subdivision aware of the easement prior to any real estate closing transactions.

Recommendation

The Community Development Department recommends final plat approval of a two lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the

Department of Public Works Standards for Public Improvements;

d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City;
e. The City will accept payment in lieu of installation of sidewalks by the future owners of Lots 1 and 2, River Road Subdivision at the time of closing for each parcel of land; and
f. All future buyers of Lots 1 and 2, River Road Subdivision shall be responsible for their portion of the industrial levee maintenance costs.

Attachments

Attachment A: River Road Subdivision final plat
Attachment B: Location/zoning map
Attachment C: Copy of the 1982 Levee Maintenance Agreement updated 2011 Assessment Schedule

Surveyor: Johnathan M. Leisinger, L.S., HGM Associates Inc., 640 5th Avenue, Council Bluffs, Iowa 51501

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator

RIVER ROAD SUBDIVISION

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RECORDER'S INDEX
LOT:
BLOCK:
GOVERNMENT LOTS: 2, 3 AND 4 AND ACCRETIONS
SECTION: 04 /TOWNSHIP: 74 / RANGE: 44
ALIQUOT PART:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: CITY OF COUNCIL BLUFFS
REQUESTED BY: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY: JULY 13, 2019

PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

OWNER/DEVELOPER:
CITY OF COUNCIL BLUFFS
209 PEARL STREET
COUNCIL BLUFFS, IOWA 51503

LEGAL DESCRIPTION — (DEED RECORDED IN BOOK 2016, PAGE 17366)

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 04;

THENCE ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, NORTH 86 DEGREES 33 MINUTES 57 SECONDS WEST, 1028.90;

THENCE SOUTH 03 DEGREES 26 MINUTES 03 SECONDS WEST, 827.85 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SIECK LEVEE, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY TO WHICH POINT A RADIAL LINE BEARS NORTH 52 DEGREES 10 MINUTES 39 SECONDS EAST, 2779.79 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

1) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04 DEGREES 22 MINUTES 45 SECONDS, 212.46 FEET;
2) SOUTH 33 DEGREES 26 MINUTES 36 SECONDS EAST, 352.43 FEET:
3) SOUTH 15 DEGREES 50 MINUTES 39 SECONDS EAST, 120.55 FEET;
4) SOUTH 04 DEGREES 07 MINUTES 13 SECONDS EAST, 635.95 FEET;

THENCE NORTH 88 DEGREES 25 MINUTES 36 SECONDS WEST, 1246.45 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1) NORTH 07 DEGREES 17 MINUTES 22 SECONDS WEST, 1624.03 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 82 DEGREES 31 MINUTES 41 SECONDS WEST, 341.28 FEET;
2) NORTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09 DEGREES 59 MINUTES 18 SECONDS, 59.50 FEET;
3) NORTH 02 DEGREES 35 MINUTES 52 SECONDS EAST, 421.06 FEET TO A POINT THAT IS 10.00 FEET NORMALLY DISTANT SOUTHEASTERLY FROM THE CENTERLINE OF TRACK OF THE UNION PACIFIC RAILROAD AS IT CURRENTLY IS CONSTRUCTED AND OPERATED;

THENCE PARALLEL AND/OR CONCENTRIC WITH AND 10.00 FEET NORMALLY DISTANT SOUTHEASTERLY FROM SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:

1) NORTH 39 DEGREES 52 MINUTES 58 SECONDS EAST, 171.24 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 448.37 FEET;
2) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12 DEGREES 25 MINUTES 24 SECONDS, 97.22 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 37 DEGREES 49 MINUTES 21 SECONDS EAST, 1401.20 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 48.479 ACRES, MORE OR LESS.

NOTE:

THIS LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY IN A QUIT CLAIM DEED RECORDED IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE AT BOOK 98, PAGE 1914 (SPECIFIC LEGAL DESCRIPTION PAGES 1918-1920) WITH THE EXCEPTION OF RECENT IaDOT ACQUISITIONS FOR INTERSTATE RIGHT-OF-WAY RECORDED IN BOOK 2010, PAGE 4002 AND BOOK 2011, PAGE 3547.

NOTE:

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

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 RIVER ROAD SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT CITY OF COUNCIL BLUFFS, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1 AND LOT 2, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS RIVER ROAD SUBDIVISION.

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, A 30.00 FEET WIDE ACCESS EASEMENT ACROSS THE NORTHERLY PORTION OF LOT 1 AS SHOWN ON THE DRAWING.

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS A 30.00 FEET WIDE UTILITY EASEMENT ALONG THE WEST SIDE OF LOT 1 AND LOT 2 AS SHOWN ON THE DRAWING.

THE DEDICATION OF THESE EASEMENTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

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 SURFACE 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, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

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.

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

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE CITY OF COUNCIL BLUFFS PROPERTY AS CONTAINED HEREIN ON THIS

_____DAY OF_____, 2019.

BY: _____

THE HONORABLE MATTHEW J. WALSH, MAYOR

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF_____, 2019, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MATTHEW J. WALSH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE MAYOR OF THE CITY OF COUNCIL BLUFFS, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CITY OF COUNCIL BLUFFS, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID CITY OF COUNCIL BLUFFS BY AUTHORITY OF THE CITY COUNCIL AND SAID MATTHEW J. WALSH ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CITY OF COUNCIL BLUFFS BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE MY COMMISSION EXPIRES _____

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
14415
IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

AUGUST 12, 2019
JONATHAN M. LEISINGER DATE
LICENSE NUMBER 14415
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

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hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

revision	date
DEF drawn	
DEF designed	
JML approved	
JUN.'19 date	

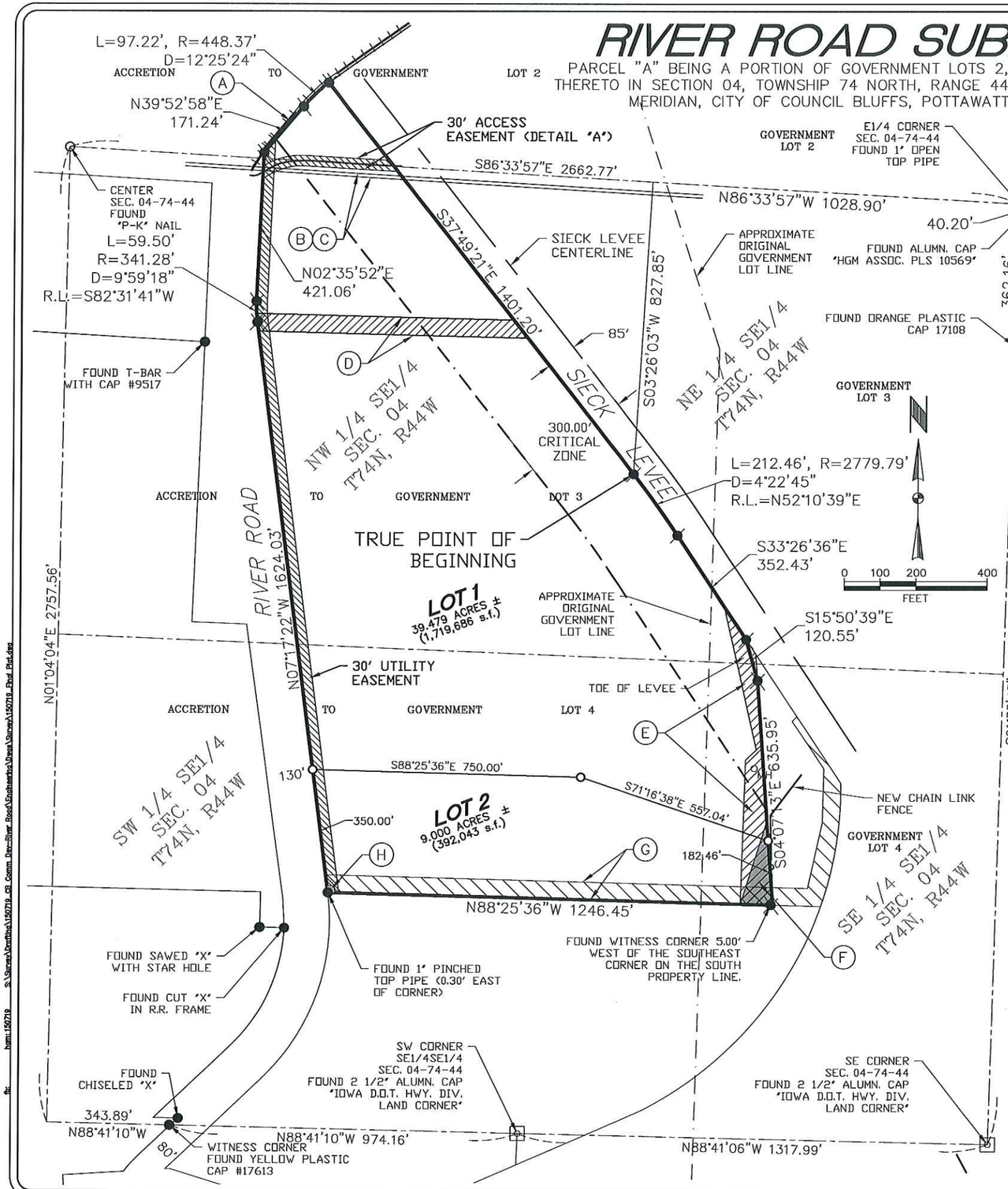
project RIVER ROAD SUBDIVISION
GOV. LOTS 2, 3 AND 4 AND ACCRETIONS THERETO 04-74-44
client 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502
sheet

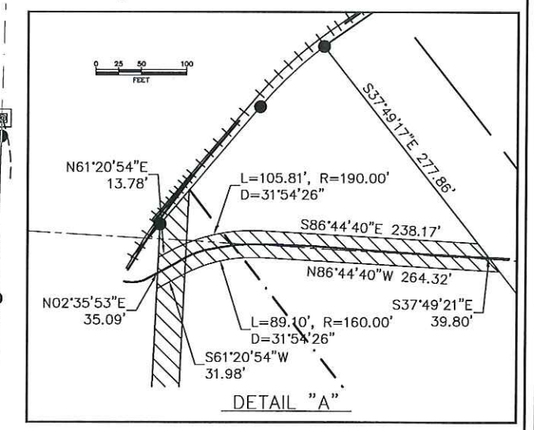
project no. 150719
sheet 1 OF 2

ATTACHMENT A

RIVER ROAD SUBDIVISION

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.





LEGEND

- FOUND SECTION CORNER
- FOUND PROPERTY PIN
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"
- SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 14415"
- (S) SURVEY

RIGHT-OF-WAY NOTE:

(A) UNION PACIFIC RAILROAD RIGHT-OF-WAY IS 10.00 FEET EACH SIDE OF CENTERLINE FOR THEIR TRACK AS SHOWN ON THEIR STATION MAP OF THE IOWA NEBRASKA RIVER INDUSTRIAL PARK (I.N.R.I.P.). THE MAP IS FROM THE OFFICE OF CHIEF ENGINEER, UNION PACIFIC RAILROAD, OMAHA, NEBRASKA DATED JUNE 1, 1981 (C.E. DRAWING NO. 83014).

EASEMENT NOTES:

(B) 10.00 FEET WIDE ELECTRICAL EASEMENT GRANTED TO IOWA POWER AND LIGHT COMPANY RECORDED IN BOOK 1226, PAGE 345 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(C) 10.00 FEET WIDE TELEPHONE LINE EASEMENT GRANTED TO NORTHWESTERN BELL TELEPHONE RECORDED IN BOOK 1228, PAGE 63 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(D) 50.00 FEET WIDE STORM WATER, STORM SEWER AND SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 102, PAGE 26672 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(E) SEWER LINE AND INGRESS/EGRESS EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 4003 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(F) SEWER LINE EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 40013 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(G) 50.00 FEET WIDE SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 99, PAGE 18467 AND BOOK 99, PAGE 22497 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(H) ANCHOR EASEMENT GRANTED TO MIDAMERICAN ENERGY COMPANY RECORDED IN BOOK 2014, PAGE 1977 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

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hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

revision	date

DEF drawn
DEF designed
JML approved
JUN.'19 date

project RIVER ROAD SUBDIVISION
GOV. LOTS 2, 3 AND 4 AND ACCRETIONS THERETO 04-74-44

client 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502

sheet

project no. 150719

sheet 2 OF 2

CITY OF COUNCIL BLUFFS - CITY COUNCIL LOCATION/ZONING MAP CASE #SUB-19-007

Map Legend

- CASE #SUB-19-007 Subject Property
- Parcels

0 250 500

1 Inch = 500 Feet

2016 Aerial Photograph

Note: Subject property is highlighted in red.

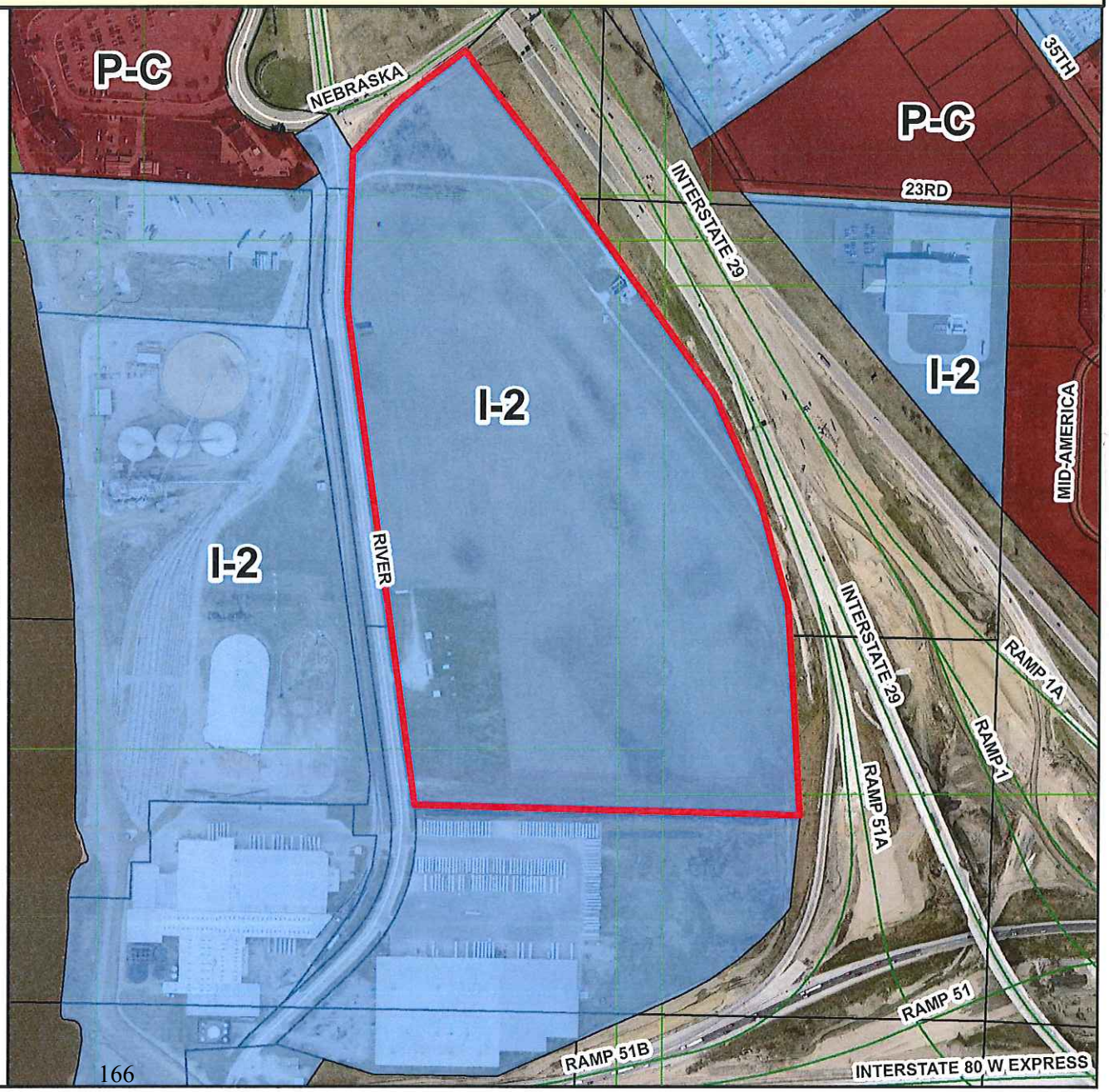
N

Last Amended: 6/24/19

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.



ATTACHMENT B

February 24, 2012

1982 Levee Maintenance Agreement Updated 2011 Assessment Schedule

In 1982, the parties located within the industrial park agreed to enter into joint levee project to protect their properties located along the Missouri River. Each of the landowners within the project agreed to grant the City of Council Bluffs a perpetual easement to construct and maintain a levee on their properties.

The area subject to the 1982 Levee Maintenance Agreement and Easement ("Agreement") was divided into ten parcels, and each parcel was accorded a percentage of the completion cost. *See Exhibit B.* The rationale behind the allocation of the cost is unclear, and there is no reference in the Agreement as to how the numbers were reached. However, what is clear is that the Agreement requires that landowners and their successors "shall pay such cost of repairs and maintenance in accordance with the percentages set forth in ... Exhibit B." *Levee Maintenance Agreement and Easement (Agreement)* p. 3.

The Agreement states that any landowner who divides one of the properties shall allocate a percentage of the amount carried by the property to the subdivided property in accordance with §455.56 of the Iowa Code (now codified 468.49). *Agreement* p. 3. The original ten properties have changed hands over time, and there is no evidence that the property owners filed any documents appropriate to meet the requirements of §468.49 upon the transfer of the property with the recording office. Therefore, the City has reviewed the property transactions after the fact and thereby allocated the cost of repairs to the 2011 owners.

CALCULATING BASE ACRES AT TIME OF AGREEMENT

Attached to the Agreement are detailed descriptions of the properties made party to the Agreement, only some of which contain the size of the parcel in acres, making it impossible to retrospectively allocate the percentage due when the property is subsequently subdivided. Therefore, it is necessary to find an "original acreage basis" for each parcel identified in the Agreement, and thereby

allocate away from the "original base acres" the subsequently subdivided acres in the transferring deeds.

The acreage allocated to each parcel within the levee varies greatly depending year and site plan. Therefore, the City has chosen the 1980 HDR map to provide the baseline acreage numbers for the tabulation of percentage of allocation for transfers after the Agreement based their similarity to the corresponding parcels in the 1980 HDR site plan (see below), and because of the contemporaneous nature of the Agreement's creation and the 1980 HDR map.

Exhibit A of Agreement	1980 HDR Site Plan Map Acreage
	19.6
	18.6
	1.73
3.937 acres	3.9
	2.1
	2.1
	10.1
	13.8 + 9.3 = 23.1
2.2 acres	2.2
3.872 acres	3.9
69.1 acres	69.1
0.78 acres	0.8

(*Note that not all of the acreage numbers were included in the Agreement descriptions.)

It should be noted that whichever parcel map is selected to provide the original base acres will produce the same percentage allocation per parcel, because the percent of allocation in the original Agreement bore no relation to the size of the parcel. Rather, it is the accurate determination of the acres that are subdivided away from the parcel that will assure an accurate allocation of the percentage due transfer between the parcel owners.

SUBDIVIDED PARCELS 1980 TO 2011

The accurate calculation of parcel percentage using the 1980 HDR Site Plan requires not only the inclusion of property transactions subsequent to the Agreement, it also requires the inclusion property

transactions prior to the Agreement, but after the 1980 HDR map was completed. Therefore, the City began its analysis from 1980 forward.

	Subdivision of Parcels
Parcel 1	5/22/1981 Cargill to Warren (1.665 acres) & 5/6/1985 Cargill to Warren (1.517 acres)
Parcel 2	None
Parcel 3	None
Parcel 4	None
Parcel 5	None
Parcel 6	None
Parcel 7	None
Parcel 8	None
Parcel 9	None
Parcel 10	None
Parcel 11	D.E.B. (49.7 acres) and Warren (19.14 acres)
Parcel 12	None

2011 OWNERSHIP AND PERCENTAGES

The City's analysis of title search has resulted in the following allocation of property. Properties transferred, but not subdivided are listed under their current ownership.

Parcel #	1980%	1980 Acres	2011 Acres	2011 Owners	2011 Percentages
1	27.58	19.6			
2	9.33	18.6	(19.6+18.6=38.2) [illegible] =35.018	Cargill	32.43%
3	0.71	1.73			
4	3.67	2.1			
5	0.88	2.1			
6	1.43	3.9	9.83+2.2+1.666+1.517=15.212	Warren "West"	11.22%
7	6.32	10.1			
8	27.18	23.1	33.2	Ameristar	33.50%
9	0.06	2.2	2.2	Added to Warren "West"	
10	0.2	3.9			
11	22.39	69.1	49.7 & [illegible]	D.E.B. & [illegible]	D.E.B. = 16.1028% & Warren =6.4%
12	0.25	0.8	2.393	Allocated to whole	0.25% (+ 0.0902% unknown)

The City's calcualtion allocated 99.9098% of the 1980 burden to the current 2011 owners, although some of the burden was left unassignable (0.0902%). The most likely cause for the discrepancy is the City's right-of-way improvements within the industrial park. Parcel 12 has also been subsumed by the I-29 ramp, which now located with in the industiral park. In accordance with the Agreement and §468.49 of the Iowa Code the unassignable percentages were totaled and divided among the property holders now of record. *Agreement* p.3. Therefore, based on the property transactions to date the

current percentages per owner in 2011 are: Ameristar 33.585%; Cargill 32.515%; D.E.B. 16.1878%; Warren Distribution 17.7122%.

RESOLUTION NO. 19-203

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS RIVER ROAD SUBDIVISION, LEGALLY DESCRIBED AS PARCEL 'A' BEING A PORTION OF GOVERNMENT LOTS 2, 3, AND 4 AND ACCRETIONS THERETO IN SECTION 4-74-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a two lot minor industrial subdivision to be known as River Road Subdivision, as legally described on Attachment 'A'; and

WHEREAS, The subdivision is comprised of 48.479 acres more/less and is bounded by Nebraska Avenue to the north, Interstate 29 right-of-way and SIECK Levee to the east, Warren Distribution to the south, and River Road to the west; and

WHEREAS, The purpose of this subdivision is to create parcels of land that can be used for new industrial development in the City; and

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

1. The minimum lot size in an I-2 District is 15,000 square feet, lot width is 75 feet, and lot depth is 150 feet, as per Section 15.21.050, Site development Regulations of the Municipal Code (Zoning Ordinance). Proposed Lot 1, River Road Subdivision contains 39.479 acres, and proposed Lot 2, River Road Subdivision contains 9.0 acres. Both lots exceed the minimum I-2 District lot size requirements.
2. All construction within this subdivision shall comply with standards stated in Chapter 15.21, I-2/ General Industrial District.
3. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
4. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0560E, dated February 4, 2005, and is protected from Missouri River flooding by an industrial levee that is maintained by a collection of property owners in the general vicinity of this request, see Attachment 'C'. In 2016, D.E.B. Partnership conveyed ownership of this land to the City of Council Bluffs, which then made the City responsible for 16.1878% of the ongoing industrial levee maintenance costs. The City intends to transfer their share of the ongoing levee maintenance costs to the future owners of Lots 1 and 2, River Road Subdivision in manner that is equitable to the size of property being purchased. Based on the configuration of this subdivision, the future owner of Lot 1, River Road Subdivision (39.479 acres) will be responsible for 13.1819% of the levee maintenance cost; and the future owner of Lot 2, River Road Subdivision (9.0 acres) will responsible for 3.006% of the maintenance costs.

5. The City of Council Bluffs, with assistance from Advance Southwest Iowa, has held discussions with a private company who is interested in purchasing Lot 1, River Road Subdivision to develop new industrial warehouses on it. The company has proposed to purchase and develop the warehouses in several phases. A purchase agreement between the City and this company is being drafted and will appear before City Council for consideration in the near future.
6. Warren Distribution has submitted an offer to buy application to the Community Development Department to purchase proposed Lot 2, River Road Subdivision for a $261,000.00 (see Case #OTB-19-024). The purpose of their request is obtain ownership of the land they are currently leasing from the City for truck parking, and to have additional land area available for a future warehouse expansion, should the need arise. The resolution of intent for Warren's offer to buy request will appear before City Council on August 26, 2019, and the public hearing to dispose of the property will be held on September 9, 2019 by City Council.
7. All lots in this subdivision have direct access to River Road, which is a public roadway. No street extensions are required to be completed for the proposed two-lot subdivision.
8. All proposed lots have access to utilities either along River Road or via existing service lines along the easterly/southerly boundary of the subdivision. The plat shows a new 30 foot wide utility easement along the westerly boundary of proposed Lots 1 and 2, River Road Subdivision to facilitate the expansion of sewer services along River Road should the need arise. No utility extensions are required to be completed for proposed two-lot subdivision. This easement is also intended to be used for other municipal purposes such as the installation and maintenance of sidewalks, and/or bike trail along River Road. A notation must be provided on the plat that describes this easement as being used for utilities and other municipal purposes prior to being executed.
9. Section 14.14.040, Sidewalks/pedestrian ways of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all new subdivisions. The City has discussed the possibility of extending River Road to the south to connect into Richard Downing Avenue. This connection will provide better vehicular circulation, as well as, improve upon the existing bike network along River Road. Since there are many unknowns associated with this proposed street extension (e.g., timing, design, rights-of-way needs, etc.) it is premature to require sidewalks be provided along this segment of River Road at this time. The Community Development Department with concurrence from Public Works and the Parks and Recreations Department recommends that each entity who purchases a lot in the River Road Subdivision be required to submit a payment to the City equal to the total cost of the required sidewalk along

their frontage in lieu of constructing a sidewalk. The money generated from this arrangement will be used to fund future sidewalks and/or bike trail improvements in this vicinity once River Road is extended. The City will collect this payment at the time of closing on each parcel.

10. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.
11. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed.
12. All City Departments and local utilities were provided a copy of the proposed River Road Subdivision to review. The following comments were received:
    a. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
    b. Council Bluffs Police Department stated they have no comments for the request.
    c. Council Bluffs Water Works confirmed that public water mains are available within River Road to service the proposed subdivision.
    d. Council Bluffs Public Works Department stated the following:
        - Plat symbols used should match the legend;
        - All easements should be verified against the plat of survey for the property;
        - The proposed lot line between lots 1 & 2 requires a bearing and distance; and
        - Subdivision legal description should be verified.

        The Community Development Department will continue to work with HGM Associates to address all of the above technical corrections prior to the plat being executed.

    e. Black Hills Energy stated they have no concerns about the subdivision request.
    f. Iowa Department of Transportation (IDOT) stated the subdivision is located within their Council Bluffs Interstate System Corridor Preservation Zone and that they have a temporary access easement on the southeasterly portion of the property for grading and shaping of the interstate roadway embankment that is valid through December 2020.

The Community Development Department informed IDOT that since this easement is temporary it will not be stated on the plat; however, the City will make all future landowners of Lots 1 and 2, River Road Subdivision aware of the easement prior to any real estate closing transactions; and

WHEREAS, The Community Development Department recommends final plat approval of a two lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City;
e. The City will accept payment in lieu of installation of sidewalks by the future owners of Lots 1 and 2, River Road Subdivision at the time of closing for each parcel of land; and
f. All future buyers of Lots 1 and 2, River Road Subdivision shall be responsible for their portion of the industrial levee maintenance costs.

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

That the final plat approval of a two-lot minor subdivision to be known as River Road Subdivision, legally described as Parcel 'A' being a portion of Government Lots 2, 3, and 4 and Accretions thereto in Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A, is hereby approved subject to all local, state and federal regulations; and

BE IT FURTHER RESOLVED

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

Planning Case No. #SUB-19-007

ADOPTED
AND August 26, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Planning Case No. #SUB-19-007

Council Communication

Department: Legal
Case/Project No.:
Submitted by: Legal Dept.

Ordinance 6401
ITEM 5.A.

Council Action: 8/26/2019

Description

An Ordinance to amend Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by amending Section 8.85.026 "Providing Alcohol to Minor".

Background/Discussion

It has come to our attention that Iowa Code Section 123.47 indicates that persons of all ages are prohibited from selling, giving or otherwise supplying alcohol to minors. In order to remain consistent with the the Iowa Code, we've removed the age requirement from Section 8.85.026.

Recommendation

It is my recommendation that this Ordinance be adopted.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance with amendments highlighted	Other	8/16/2019
Ordinance 6401	Ordinance	8/20/2019

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 8, PUBLIC SAFETY AND MORALS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.85.026 "PROVIDING ALCOHOL TO MINORS".

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

SECTION 1. That Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 8.85.026 "Providing Alcohol to Minor" to read as follows:

8.85.026-Providing alcohol to minor.

(a) No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the legal age. No person shall allow, permit, or tolerate any other person, knowing or having reasonable cause to believe him or her to be under the legal age, to possess (individually or jointly), consume, or drink alcoholic liquor, wine or beer on premises or property, either real or personal, owned, leased, rented, inhabited, or otherwise controlled by such person.

(b) Exception. It is not illegal for alcoholic liquor, wine, or beer to be given to, possessed or consumed by a person under the legal age, provided it is within a private residence and with the knowledge, presence and consent of the minor's parent or guardian. Further, a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee, under the laws of the state of Iowa or the ordinances of the city of Council Bluffs.

(c) Prompt notification of law enforcement officials, and prior to the arrival of law enforcement officers, of the occurrence of a person under legal age possessing, consuming, or drinking alcoholic liquor, wine, or beer on the premises or property owned, leased, rented, inhabited, or otherwise controlled by him or her shall be sufficient to show lack of authorization or permission.

(d) A person who violates any provision of this section shall be guilty of a simple misdemeanor. Each minor who is sold, given, provided, permitted, allowed or tolerated to possess, consume, or drink alcoholic liquor, wine, or beer shall constitute a separate offense.

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.

PASSED
AND _____, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: _____
Second Consideration: _____
Public Hearing: _____
Third Consideration: _____

ORDINANCE NO. 6401

AN ORDINANCE TO AMEND TITLE 8, PUBLIC SAFETY AND MORALS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.85.026 "PROVIDING ALCOHOL TO MINORS".

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

SECTION 1. That Title 5, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 8.85.026 "Providing Alcohol to Minor" to read as follows:

8.85.026-Providing alcohol to minor.

(a) No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that person to be under the legal age. No person shall allow, permit, or tolerate any other person, knowing or having reasonable cause to believe him or her to be under the legal age, to possess (individually or jointly), consume, or drink alcoholic liquor, wine or beer on premises or property, either real or personal, owned, leased, rented, inhabited, or otherwise controlled by such person.

(b) Exception. It is not illegal for alcoholic liquor, wine, or beer to be given to, possessed or consumed by a person under the legal age, provided it is within a private residence and with the knowledge, presence and consent of the minor's parent or guardian. Further, a person under legal age may handle alcoholic beverages, wine and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee, under the laws of the state of Iowa or the ordinances of the city of Council Bluffs.

(c) Prompt notification of law enforcement officials, and prior to the arrival of law enforcement officers, of the occurrence of a person under legal age possessing, consuming, or drinking alcoholic liquor, wine, or beer on the premises or property owned, leased, rented, inhabited, or otherwise controlled by him or her shall be sufficient to show lack of authorization or permission.

(d) A person who violates any provision of this section shall be guilty of a simple misdemeanor. Each minor who is sold, given, provided, permitted, allowed or tolerated to possess, consume, or drink alcoholic liquor, wine, or beer shall constitute a separate offense.

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.

PASSED
AND September 9, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19
Second Consideration: 9-9-19
Public Hearing: N/A
Third Consideration: _____

Council Communication

Department: Community Development
Case/Project No.: MIS-19-002
Submitted by: Christopher Gibbons, Planning Coordinator

Resolution 19-204
ITEM 6.A.

Council Action: 8/26/2019

Description

Resolution authorizing the Mayor to make an application for a Certified Local Government (CLG) Grant to fund a portion of the 2021 Preserve Iowa Summit to be held in Council Bluffs.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CASE #MIS-19-002 CLG Preserve Iowa Summit Grant staff report	Other	8/15/2019
Resolution 19-204	Resolution	8/20/2019

Council Communication

Department: Community Development Case #MIS-19-002	Resolution No.	City Council: 8/26/2019

Subject/Title

Application for a Certified Local Government (CLG) grant through the State Historic Preservation Office to fund the 2021 Preserve Iowa Summit

Background/Discussion

The Certified Local Government (CLG) grant program is administered jointly by the National Park Service and the State Historic Preservation Office and is intended to promote historic preservation at the grassroots level. The CLG program seeks to develop and maintain local historic preservation programs that will influence local decisions critical to historic properties and to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining preservation standards established by the Secretary of the Interior. The City of Council Bluffs is a CLG and is in good standing with the State Historic Preservation office. The grant application submittal is September 6, 2019.

The grant program is a matching grant program requiring at least 40% local match of the project budget. The local match is allowed to be cash funds or in-kind. In-kind contributions may include labor, materials, or the use of facilities or services.

The Community Development Department proposes to work in partnership with the City Historic Preservation Commission, the State Historic Preservation Office, Preservation Iowa, the Council Bluff's Visitor's Bureau, Pottawattamie Arts, Culture and Entertainment (PACE), the Historical Society of Pottawattamie County, local and regional businesses, and other organizations and individuals to host the Preserve Iowa Summit in 2021 at the Hoff Family Arts and Culture Center. The Preserve Iowa Summit is the premier statewide annual conference for professionals and volunteers involved in historic preservation in Iowa. This event will attract 300 to 400 preservation enthusiasts from throughout the state and region. Not only will this event generate significant tourism dollars, but will also serve to as an opportunity to showcase both the Hoff Family Arts and Culture Center, a local brownfield redevelopment project that utilized historic tax credits, and the city's collection of historic resources.

The grant application is to help fund a portion of the costs associated with hosting this conference in Council Bluffs. The estimated cost is approximately $42,500.00. The Community Development Department is requesting $12,500.00 of Certified Local Government Grant funds to contribute towards the total conference expense. The remaining $30,000.00 balance will be paid for using ticket sales and sponsorships as well as in-kind volunteer work. The table below is a breakdown of the proposed conference expenditures and fund sources:

Expense Detail ($)	CLG Grant Request ($)	Cash Match ($)	In-Kind Match ($)	Total ($)
Conference brochures, marketing, and signage		$2,500		$2,500

Speaker fees and travel costs	$6,000	$3,500		$9,500
Site rental fees , food, AV equipment	$6,000	$8,500		$14,500
Registration packets and nametags		$2,500		$2,500
Conference website for registration	$500	$1,000		$1,500
Transportation for tours		$2,000		$2,000
Conference staff and volunteers (500 hours x $20.00)			$10,000	$10,000
Totals	**$12,500**	**$20,000**	**$10,000**	**$42,500**

Recommendation

The Community Development Department recommends adoption of a resolution authorizing the Mayor to make an application for a Certified Local Government (CLG) grant to fund a portion of the 2021 Preserve Iowa Summit.

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator, Community Development Department

RESOLUTION NO. 19-204

A RESOLUTION AUTHORIZING THE MAYOR TO MAKE AN APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT (CLG) GRANT TO FUND A PORTION OF THE 2021 PRESERVE IOWA SUMMIT TO BE HELD IN COUNCIL BLUFFS.

WHEREAS, An application for a Certified Local Government (CLG) grant through the State Historic Preservation Office is available to assist in funding for the 2021 Preserve Iowa Summit; and

WHEREAS, The Certified Local Government (CLG) grant program is administered jointly by the National Park Service and the State Historic Preservation Office and is a matching grant program requiring at least 40% local match of the project budget intended to promote historic preservation at the grassroots level; and

WHEREAS, The Certified Local Government (CLG) grant program seeks to develop and maintain local historic preservation programs that will influence local decisions critical to historic properties and to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining preservation standards established by the Secretary of the Interior; and

WHEREAS, This grant application is available to help fund a portion of the costs associated with hosting this conference in Council Bluffs that is estimated to be approximately $42,500.00; and

WHEREAS, The Community Development Department is requesting $12,500.00 of Certified Local Government (CLG) grant funds to contribute towards the total conference expense; and

WHEREAS, The Community Development Department recommends adoption of a resolution authorizing the Mayor to make an application for a Certified Local Government (CLG) grant to fund a portion of the 2021 Preserve Iowa Summit; and

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

That the Mayor is hereby authorized to make an application for a Certified Local Government (CLG) grant to fund a portion of the 2021 Preserve Iowa Summit.

ADOPTED AND APPROVED August 26, 2019.

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW21-13
Submitted by: Matthew Cox, Public Works Director

Resolution 19-205
ITEM 6.B.

Council Action: 8/26/2019

Description

Resolution authorizing the Mayor to execute IDOT Agreement No. 4-19-HBP-SWAP-10 for a Federal-aid Swap City Highway Bridge Program project for the North Broadway Bridge over Indian Creek, IDOT Project No. BHM-SWAP-1642(683)--SA-78.

Background/Discussion

The Iowa DOT annually makes Federal and State funds available for the purposes of rehabilitating or replacing structurally deficient or functionally obsolete bridges. Bridges are ranked to receive funding based on a priority point system.

The North Broadway Bridge over Indian Creek (FHWA Structure 043960) ranked high enough among other bridges in the state to qualify for participation in the program.

Highway Bridge Program funds allow for 80% funding for construction of the North Broadway Bridge replacement with maximum eligible costs of $1,000,000.00. The preliminary estimate for the project is $2,735,000.00. The Iowa DOT in coordination with the City also submitted an application for a Federal program to replace several deteriorated bridges statewide. If the Competitive Highway Bridge Program is awarded, the project will proceed using Federal and State funds for construction and the City only paying for engineering.

This project is planned for the FY21 CIP. It is recommended that we enter an agreement with IDOT and proceed with conceptual engineering. This will allow the project scope and cost to be further defined and appropriately budgeted. After completing a selection process, a separate item will be submitted to the City Council for approval of the engineering agreement.

The IDOT agreement allows 3 years for the bridge project to be let.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	8/16/2019
Resolution 19-205	Resolution	8/20/2019

IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR CITY BRIDGE FEDERAL-AID SWAP FUNDING

CITY: Council Bluffs

PROJECT NO.: BHM-SWAP-1642(683)--SA-78

AGREEMENT NO.: 4-19-HBP-SWAP-10

This is an agreement between the City of Council Bluffs, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department), for funding through the Federal-aid Swap City Highway Bridge Program (HBP) under 761 Iowa Administrative Code (IAC) Chapter 161.

The parties agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out this agreement.

2. All notices required under this agreement shall be in writing to the Department and the Recipient's contact person. The Department's contact persons shall be the Local Systems Project Development Engineer, Christy VanBuskirk, and Western Region Local Systems Field Engineer, Brian J. Catus. The Recipient's contact person shall be the Public Works Director.

3. The Recipient shall be responsible for the development and completion of the following bridge project:

   A. FHWA Structure Number: 043960

   B. Location: North Broadway over Indian Creek

   C. Preliminary Estimated Total Eligible Costs: $2,735,000

4. The eligible project construction limits shall include the bridge plus grading and paving to reach a "touchdown point" determined by the Department. Eligible project costs include construction costs. Non-construction costs incurred for engineering, inspection, and right-of-way, may be applied towards the local match for Construction. Certain activities necessary to comply with Federal or State environment or permit requirements, including studies and mitigation of the project's environmental impacts, are also eligible. Costs associated with permitting and studies may be applied towards the local match for Construction. With prior approval of the Department utility relocations, construction of items related to mitigation activities, and Railroad activities that are associated with work inside the eligible project construction limits, but performed outside of the Prime Contractor's contract may be reimbursed as construction costs.

5. Costs associated with work outside the eligible project construction limits, routine maintenance activities, operations, and monitoring expenses are not eligible. In addition, administrative costs, and fees or interest associated with bonds or loans are not eligible.

6. 80% of the eligible construction project costs incurred after the effective date of this agreement shall be paid from Federal-aid Swap funds up to a maximum of $1,000,000. At no time will the reimbursed amount exceed $1,000,000. Non-construction costs related to the development of the construction project may be applied toward the 20% match required for the Recipient. Non-construction costs are identified in paragraph 4. Eligible non-construction costs may be used to decrease the 20% local match for Construction. Any reduction in the 20% local match for Construction will be reimbursable after the Prime Contractor's retainage is paid and the local Construction contract is closed. The maximum amount paid to the Recipient will be the total actual construction cost after non-construction costs are applied to the 20% match or $1,000,000 whichever is less. The Recipient shall pay 100% of the non-eligible project costs. Reimbursed costs will be limited to state funds that are made available to cities through the County and City Bridge Construction Funds outlined in 761 Iowa Administrative Code, Chapter 161

7. The Recipient shall conduct project development and implementation in compliance with applicable laws, ordinances, and administrative rules. For projects which also include Farm-to-Market funds, the Recipient shall follow all administrative and contracting procedures required for Farm-to-Market projects.

8. The Recipient shall pay for all project costs not reimbursed with City Bridge Program funds.

9. The project shall be let to contract within 3 years of the date this agreement is signed by the Department. If not, the Recipient may be in default, for which the Department may revoke funding commitments. This agreement may be extended for a period of 6 months upon receipt of a written request from the Recipient at least 30 days prior to the 3-year deadline.

10. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.

11. This agreement is not assignable without the prior written consent of the Department.

12. It is the intent of both (all) parties that no third party beneficiary be created by this agreement.

13. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient. No representations, promises, or warranties have been made by either party that are not fully expressed in this agreement. Any change or alteration to the terms of this agreement must be made in the form of an addendum to this agreement which shall be effective only upon written acceptance of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block

By_____ Date _____, 20_____

_____
Title of city official

I,_____, certify that I am the City Clerk of Council Bluffs, and that_____, who signed said Agreement for and on behalf of the city was duly authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____ day of _____, 20_____.

Signed_____ Date _____, 20_____

City Clerk of Council Bluffs, Iowa

IOWA DEPARTMENT OF TRANSPORTATION
Highway Administration

By_____ Date _____, 20_____

Brian J. Catus, P.E.
Local Systems Field Engineer
Western Region

EXHIBIT 1
General Agreement Provisions for use of Federal-aid Swap Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

1. General Requirements.

a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: https://www.iowadot.gov/local_systems/ publications/im/lpa_ims.htm. The Recipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.

b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Recipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Recipient agrees to comply with the requirements outlined in I.M. 1.070, Title VI and Nondiscrimination Requirements.

c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.

d. To the extent allowable by law, the Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.

e. As required by the 2 CFR 200.501 “Audit Requirements,” a non-Federal entity expending $750,000 or more in Federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in Subpart F of 2 CFR 200. The Federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal Domestic Assistance (CFDA) number and title as shown on the first page of this agreement. If the Recipient will pay initial project costs and request reimbursement from the Department, the Recipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Recipient shall not report this project on its SEFA.

f. The Recipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170.

g. The Recipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:

   i. The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

   ii. The Recipient shall comply with the requirements of I.M. 5.010, DBE Guidelines.

   iii. The Department’s DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the Department may impose

sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2. Programming and Federal Authorization.

a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, Federal funds cannot be authorized.

b. Before beginning any work for which Federal funding reimbursement will be requested, the Recipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Recipient shall submit a written request for FHWA authorization to the Department. After reviewing the Recipient's request, the Department will forward the request to the FHWA for authorization and obligation of Federal funds. The Department will notify the Recipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with Federal funds.

c. Upon receiving FHWA Authorization, the Recipient must show federal aid funding activity to receive the programmed amount authorized for the project. If there are no funding activity for nine or more months after the previous activity, the remaining unused programmed amount will be de-obligated from the project and there will be no further federal aid reimbursement issued for the project. If the recipient knows in advance that funding activity will not occur for the nine months, the Contract Administrator needs to be notified to determine if programming of fund can be adjusted or other options can be explored.

3. Federal Participation in Work Performed by Recipient Employees.

a. If Federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.330, Federal-aid Participation in In-House Services.

b. If Federal reimbursement will be requested for construction performed by employees of the Recipient, the Recipient shall follow the procedures in I.M. 6.010, Federal-aid Construction by Local Agency Forces.

c. If the Recipient desires to claim indirect costs associated with work performed by its employees, the Recipient shall prepare and submit to the Department an indirect cost rate proposal and related documentation in accordance with the requirements of 2 CFR 200. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the Federal agency providing the largest amount of Federal funds to the Recipient. If approved, the approved indirect cost rate shall be incorporated by means of an amendment to this agreement.

4. Design and Consultant Services

a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

b. If the Recipient requests Federal funds for consultant services, the Recipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Recipient shall follow the procedures for selecting and using consultants outlined in I.M. 3.310, Federal-aid Participation in Consultant Costs.

c. If Preliminary Engineering (PE) work is Federally funded, and if right-of-way acquisition or actual construction of the road is not started by the close of the tenth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay to the Department the amount of Federal funds reimbursed to the Recipient for such PE work. PE includes work that is part of the development of the PS&E for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.

5. Environmental Requirements and other Agreements or Permits.

a. The Recipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Recipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in I.M. 3.020, Concept Statement Instructions, 4.030, Environmental Data Sheet Instructions, 4.020, NEPA Class of Action, and 4.120, Cultural Resource Regulations.

b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Recipient shall follow the procedures in I.M. 4.170, Farmland Protection Policy Act.

c. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the procedures in I.M. 4.130, 404 Permit Process, 4.140, Storm Water Permits, 4.190, Highway Improvements in the Vicinity of Airports or Heliports, and 4.160, Asbestos Inspection, Removal, and Notification Requirements.

d. In all contracts entered into by the Recipient, and all subcontracts, in connection with this project that exceed $100,000, the Recipient shall comply with the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Recipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

6. Right-of-Way, Railroads and Utilities.

a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Right of Way Bureau Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no Federal funds are used for right-of-way activities. The Recipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal funding for right-of-way acquisition, the Recipient shall also obtain FHWA authorization before purchasing any needed right-of-way.

b. If the project right-of-way is Federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay the amount of Federal funds reimbursed for right-of-way costs to the Department.

c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way, and I.M. 3.680, Federal-aid Projects Involving Railroads.

d. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's Policy for Accommodating Utilities on Primary Road System. Certain utility relocation, alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal funding reimbursement. The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

e. If the Recipient desires Federal reimbursement for utility costs, it shall submit a request for FHWA Authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in I.M. 3.650, Federal-aid Participation in Utility Relocations.

7. Contract Procurement.

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.

b. For projects let through the Department, the Recipient shall be responsible for the following:

i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.

ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department.

iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents and return to Department.

c. For projects that are let locally by the Recipient, the Recipient shall follow the procedures in I.M. 5.120, Local Letting Process- Federal-aid.

d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project shall not receive FHWA Authorization for construction or be advertised for bids until after the Department has reviewed and approved the Project Development Certification.

e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.

f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice the Iowa DOT has concurred in the contract award.

8. Construction.

a. A full-time employee of the Recipient shall serve as the person in responsible charge of the project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.

b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.

c. For projects let through the Department, the project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and

responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: http://www.iowadot.gov/erl/current/IM/navigation/nav.htm.

d. For projects let locally, the Recipient shall provide materials testing and certifications as required by the approved specifications.

e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.

f. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

9. Reimbursements.

a. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least annually but not more than bi-weekly.

b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1 if possible, but no later than August 15.

c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.

d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the Federal share of construction costs or 5% of the total Federal funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal funds withheld.

e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any Federal or State funds received, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:

1) in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or

2) refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate State fund account in the amount of refunds received from the Recipient.

10. Project Close-out.

a. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final audit, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects. Failure to comply with the procedures will result in loss of federal fund, reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving federal fund on future projects until the Recipient has demonstrated responsible management of federal funds on roadway projects.

b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.

c. Final reimbursement of Federal funds shall be made only after the Department accepts the project as complete.

d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the Federal Government. Copies of these materials shall be furnished by the Recipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Recipient of the record retention date.

e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.

R E S O L U T I O N
NO 19-205

RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE IDOT AGREEMENT NO. 4-19-HBP-SWAP-10
PROJECT NO. BHM-SWAP-1642(683)--SA-78
IN CONNECTION WITH
NORTH BROADWAY BRIDGE OVER INDIAN CREEK
PROJECT #PW21-13

WHEREAS, the city wishes to make improvements known as the North Broadway Bridge over Indian Creek, within the city, as therein described; and

WHEREAS, IDOT has submitted a Federal-aid Swap City Highway Bridge Program Project agreement for said improvements; and

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

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

That the Mayor is hereby authorized and directed to execute an IDOT Agreement No. 4-19-HBP-SWAP-10 in connection with the North Broadway Bridge over Indian Creek. Project No. BHM-SWAP-1642(683)--SA-78.

ADOPTED
AND
APPROVED August 26, 2019

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: N/A
Submitted by: Brenda Carrico

Resolution 19-206
ITEM 6.C.

Council Action: 8/26/2019

Description

Resolution for approval of the request for proposals for the redevelopment of approximately 8.5 acres of land between 32nd and 34th Streets from West Broadway to 2nd Avenue.

Background/Discussion

See attachment

Recommendation

The Community Development Department recommends approval of the request for proposals for the redevelopment of approximately 8.5 acres of land between 32nd and 34th Streets from West Broadway to 2nd Avenue.

ATTACHMENTS:

Description	Type	Upload Date
Staff report	Other	8/16/2019
Request for Proposal	Other	8/16/2019
Resolution 19-206	Resolution	8/20/2019

Council Communication

Department: Community Development	Resolution No.: 19 -	City Council: August 26, 2019

Subject/Title

1. Approval of the request for proposal for the redevelopment of approximately 8.5 acres of land at 34th Street and 1st Avenue; and
2. Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the West Broadway Urban Renewal Area and soliciting proposals in accordance with the request for proposals.

Background/ Discussion

Background

Starting in 2012, the City began acquiring property in the west end, specifically between West Broadway and 2nd Avenue from 28th Street to 35th Street. Demolition of structures and site grading have occurred and developers have expressed interest in redeveloping some of the property. Because the property is located in the West Broadway Urban Renewal Area, the process for land disposition is dictated by urban renewal law. It is in the best interest of the City to request proposals for the redevelopment of the sites through a RFP process, beginning with the property located between 32nd and 34th Streets from West Broadway to 2nd Avenue.

Discussion

In order to initiate the property disposal process, the City must undertake certain actions on the property to ensure reasonable competitive bidding procedures and allow 30 days to respond. This also includes providing notice by publication in a newspaper having a general circulation to the community 30 days prior to the execution of a contract involving the transfer of property.

Attached is a copy of the request for proposal that will be direct mailed and/or emailed to developers, real estate firms and other parties soliciting submissions. The proposal's availability will be published in the legal ad section of the Nonpareil and posted on the City's website. The attached resolution asks for City Council approval of this form and content.

A separate resolution also directs the City Clerk to publish notice inviting redevelopment proposals to be submitted. Proposals are due by 5:00 p.m. on September 30, 2019 to the Community Development Department. Lastly, the resolution approves October 7, 2019 as the date of public hearing on the intent to accept the selected redevelopment proposal submitted.

Attachments

The request for proposal for the redevelopment of approximately 8.5 acres of land at 34th Street and 1st Avenue is attached, along with a resolution asking for approval of the minimum development requirements, competitive criteria and notice for soliciting redevelopment proposals.

Submitted by Brenda Carrico, Project Coordinator, Community Development
Approved by: Brenda Carrico, Project Coordinator, Community Development Department

City of Council Bluffs, Iowa
Request for Proposals
Redevelopment of Land Located at 34th Street and 1st Avenue
Proposal Due Date: September 30, 2019

The City of Council Bluffs through its Community Development Department is accepting proposals for the purchase and development of approximately 8.5 acres of real estate located in west Council Bluffs for the development of multi-family or mixed-use housing with a minimum of 220 units and a minimum of 20,000 sq. ft. of commercial. The north portion of the subject property is located at the southeast corner of West Broadway and 34th Street and is approximately 3 acres in size. The south portion of the subject property is located between 32nd and 34th Streets, on the north side of 2nd Avenue, and is approximately 5.5 acres in size (See Attachment A). The City is currently replatting the property to create lots for development, right-of-way dedication and vacation of South 33rd Street. Based on these actions, the size of the property may slightly change.

Because the subject property is between the commercial district to the north and single-family neighborhood to the south, the City wishes to increase density along the 1st Avenue corridor but be sensitive to the aesthetics of the original neighborhood. In 2020, the City plans to construct a trail as well as plan for a new public transportation mode in the 1st Avenue corridor.

City Objectives
The city is seeking proposals to develop the site in conformance with applicable ordinances, as well as in compliance with the following stated objectives. These objectives include, but are not limited to:

- To maximize the use of public and private resources by locating higher density and mixed use developments within the area, which has existing infrastructure, access to public transportation, employment, commercial/retail establishments, schools and other supportive services.
- To create a higher density development with a minimum of 40 units per acre on the south portion of the subject property (MCR/Mixed Commercial Residential District).
- The south portion of the property is located within the City's MCR District, which focuses on aesthetically pleasing development and provides opportunities for human interactions on adjacent rights-of-way, limits the placement of parking lots to the sides and rears of buildings and creates additional opportunities for multiple modes of transportation (i.e. transit, automobiles and bicycles).
- To cause the construction of new housing units with occupancy on or before December 31, 2022 and new commercial space on or before December 31, 2022 unless otherwise agreed upon.
- To provide a positive impact on the city resulting in increased tax revenues and contribute to the city's long term economic and community growth objectives.
- To implement the recommendations contained in the West Broadway Urban Renewal Plan and the West Broadway Corridor Plan.

Site Description
The property is located within an area of the City commonly referred to as the "West Broadway Corridor" which is the primary east/west commercial corridor that connects downtown Council Bluffs with downtown Omaha.

The land was acquired by the city for the purposes of blight removal and redevelopment. All structures have been removed and the property is vacant. The property will be conveyed in an as-is condition.

The parcel is served with water, sanitary sewer and storm sewer, but individual service lines may need to be extended to accommodate the project. The city will require the installation of underground storm water detention for the development at the developer's cost.

The subject property directly abuts 1st Avenue, which is currently an unimproved 66-foot wide right-of-way that extends from South 36th Street to downtown Council Bluffs. The West Broadway Corridor Plan identified 1st Avenue as being a multi-modal transportation corridor that is capable of supporting public transit, pedestrian sidewalks, a bike trail and storm water management. The Community Development Department and the Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy (FIRST AVE) Advisory Committee are working with consultants on the design for a trail in 1st Avenue. Once the final design is complete, the segment of 1st Avenue that abuts the subject property will be constructed as part of the future development project at the developer's cost and will provide residents direct access to different transportation modes. No direct vehicular access to 1st Avenue shall be granted and submitted concepts shall show alternative access approaches.

The north portion of the property is zoned C-2/Commercial District and is located in the CDO/Corridor Design Overlay District. The CDO is intended to ensure quality site development within the West Broadway Corridor. Items such as curb cuts, pedestrian facilities, plantings, screening/buffering, signage, architecture and lighting requirements are all detailed in the CDO and must be followed. Buildings shall orient their primary entrances to face West Broadway and/or the intersecting north/south streets. Submitted development plans shall show at least one building placement at the corner of South 34th Street and West Broadway. Mixed-use projects are also encouraged but would require a change of zone to MCR District. Service entrances, loading docks, dumpsters and mechanical equipment shall not face 1st Avenue. Internal pedestrian walkways (a minimum of five feet wide) shall be provided to connect this project site to the proposed trail along 1st Avenue. Commercial uses are limited to those allowed in the MCR District.

The south portion of the property is being rezoned to MCR District. The MCR District requires that the City Planning Commission and City Council review and adopt a development plan, which allows the public an opportunity to participate in the discussion of the development proposal. The MCR District requires a minimum of 40 dwellings units per acre, which can come from a variety of housing typologies including multi-family apartment buildings, mixed commercial/residential structures and/or townhomes that have at least four attached units. These units must be presented in two or more buildings. Buildings shall be designed and constructed so that the primary façade entrances face 1st Avenue and 2nd Avenue. Service entrances, loading docks, dumpsters and mechanical equipment shall not face 1st Avenue. Internal pedestrian walkways (a minimum of five feet wide) shall be provided to connect this project site to the proposed trail along 1st Avenue. Site amenity space is encouraged to be located adjacent to 1st Avenue.

For complete regulations regarding the MCR and C-2 zoning designations and the Corridor Design Overlay, refer to Attachment B of this notice.

The property is located in flood Zone X (protected by levee).

Value of the Property

The appraised market value of the property is $1,870,000.

Site Condition

Several Phase I Environmental Site Assessment (ESA) have been completed and are available upon request.

Inquiries, Questions and Deadlines
All inquiries/questions regarding this RFP must be directed to Brandon Garrett via email. Any changes or additions to the RFP information will be emailed to each Developer who has submitted an email of interest with pertinent contact information.

RFP Issued: August 27, 2019

Q&A Ends: September 24, 2019 at 3:00 pm (CST)

Answers to all questions will be posted no later than September 25, 2019 at 3:00 pm (CST).

RFP Due: September 30, 2019 by 5:00 p.m.

Responses should be in sealed packages, clearly marked with the Developer name and "34th Street and 1st Avenue Redevelopment" as the proposal name. Proposal can be mailed or hand delivered to the addresses below:

Mailing Address:	Hand Delivery or Overnight Delivery:
City of Council Bluffs	City of Council Bluffs
Attn: Brandon Garrett, Director	Community Development Department
209 Pearl Street	403 Willow Avenue
Council Bluffs, Iowa 51503	Council Bluffs, Iowa 51503

Proposals submitted by facsimile transmission (fax) or electronic mail (email) will not be accepted. Proposals received after the submission deadline will not be accepted.

Proposal and Submittal Requirements
In a clear and concise manner, developers must submit proposals that demonstrate the developer's capacity to satisfy the requirements of this RFP. Proposals do not need to be elaborate or costly, but should be prepared in a professional manner. Developers are required to submit **five** hard copy sets and **one** electronic set of the proposals and must include the following information to be submitted for consideration:

1. Application – must be completed and attached as proposal cover page (see Attachment D).

2. Project Summary – A brief written description of the project.

3. Project Plans – A scaled plot plan of the proposed development. The plot plan should illustrate the location of structures, parking areas, ingress and egress, open or landscape areas, etc. The developer must also submit additional information such as elevation drawings, photos of similar projects, typical floor plans, etc.

4. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development.

5. Project Timeline – A timeline for the project design, bidding, construction and occupancy.

6. Financial Summary – Developer must provide a proposed cost and source of funding for the project, including a 10-year project proforma. Developer must also outline expected funding sources and projected date all financing will be secured.

7. Project Contingencies – Indicate any special assistance needed to implement the project, such as financial assistance, state or federal applications, or other public participation.

Proposal Evaluation

The project proposals will be reviewed based on the following evaluation criteria:

1. Design, Aesthetics and Quality of Construction Materials and Landscaping (40%): As the first redevelopment project along the corridor, the quality of design and materials is essential. A combination of durable materials and transparency with an urban appearance must be utilized. The residential building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines and upper floor step back to articulate building elevations. Residential building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval. A list of materials and visual renderings of the site layout, units and exterior design must be provided as a part of this submittal. Building materials for the commercial and residential project components shall be complementary in nature and compatible in appearance.

2. Developer's Experience and Capacity (30%): The makeup/description of the developer's project team. The preferred developer will have significant experience in the construction of urban-style, multi-family complexes (representative examples provided in Attachment C). The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including the staff and other professionals.

3. Number of Units Proposed and Unit Sizes (15%): Preference will be given to developers who maximize the number of units. Provide a target resident type (senior, family, etc.) if applicable. Proposals will also be scored on the length of time it will take to construct and occupy the project.

4. Funding Sources (15%): Preference will be given to Developers not utilizing either 4% or 9% Low Income Housing Tax Credits (LIHTC). No income restrictions are applicable to the property. Preference will be given to developers who propose projects with 80% or more market rate housing. Provide a list of proposed funding sources and when the funds are expected to be awarded/confirmed.

The above information will be used to select qualified developers. Upon developer selection, development agreements will be negotiated and executed.

Potential Development Incentives Available

- Brownfield/Grayfield Tax Credits through the Iowa Economic Development Authority may be available. Tax credits of up to 24% for qualifying costs of a Brownfield project and 30% if the project meets green building requirements. Tax credits of up to 12% of qualifying costs of a Grayfield project and 15% if the project meets green building requirements. Tax credits are available on an annual basis, with a maximum tax credit per project of $1,000,000 (http://www.iowaeconomicdevelopment.com/Regulatory/brownfield).

- The property may be eligible for Tax Increment Financing and/or property tax exemption and these items will be negotiated by the city on a project specific basis.

- Possible energy incentives may be obtained from MidAmerican Energy and Black Hills Energy depending on project design. Consultation should be initiated with each company prior to final design.
- Possible land contribution or reduced purchase price.

General Provisions

1) Submittal Ownership/Costs: Upon submission, all information becomes the property of the City of Council Bluffs. The City has the right to use any or all ideas presented in any submission in the response to this RFP, whether or not the submittal results in a contract with the submitting Developer. All costs for development of the written submittal and any oral presentation are entirely the obligation of the Developer and shall not be reimbursed.

2) Non-Warranty of Request for Qualifications: The City shall not be responsible for any error or omission in this RFP, nor for the failure on the part of the Developers to ensure that they have all the information necessary to affect their submittals.

3) Request for Clarification: The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers, either orally or in writing.

4) Acceptance/Rejection of Submittals: The City reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities, or to accept submittals or portions thereof, which, in the City's judgment, best serve the interest of the City of Council Bluffs.

   The City reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contract, which results from this RFP.

5) Indemnification: Developer shall: (1) faithfully perform said Contract on City's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the City from all costs and damages which said City may suffer by reason of failure to do so; and (3) fully reimburse and repay said City all outlay and expenses which said City may incur in making good any default.

   The Developer shall protect, defend, indemnify and save harmless the City, its agents, boards and employees, collectively referred to as "Indemnitees", from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Developer, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Developer's direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services. The Developer's indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Developer shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

6) Insurance: The Developer shall carry and maintain during the life of the Contract insurance as follows:

   Developer, and any Subcontractors utilized by Developer herein, shall obtain insurance naming the City of Council Bluffs as additional insured in the minimum amounts and areas of coverage as stated in this section and shall maintain such coverage throughout the duration of this agreement. Prior to

commencing any work or services in accordance with this agreement, Developer, and any Subcontractors utilized by Developer herein, shall provide a current Certificate of Insurance as part of this agreement AND the City shall have accepted the same by written approval to Developer and/or Subcontractor.

The Certificate of Insurance must stipulate 30 days' notice of cancellation from the insurance company. Furthermore, Developer, and any Subcontractors utilized by Developer herein, agree and understand that any subrogation under the agreement is hereby waived in favor of the City in Developer's General Liability policy. Developer shall not alter or otherwise change any current insurance coverage submitted under this agreement without prior written approval from the City.

General Liability: The Developer's General Liability policy shall provide for an unimpaired General Aggregate pursuant to this section. The Developer's insurance coverage shall be primary and noncontributory to any valid and/or collectible excess insurance coverage carried by or available to the City, and shall carry the following minimum levels and areas of coverage:

The General Liability Policy shall have limits of not less than $1,000,000.00 per occurrence, and $2,000,000.00 Aggregate. The Commercial General Liability provides: (1) Bodily Injury and Property Damage Liability; (2) Personal and Advertising Injury Liability; (3) Contractual Liability covering this contract; (4) Independent Developer's Liability; (5) Premises and Operations, with the City of Council Bluffs named as Additional Insured; (6) Completed Operations, with the City of Council Bluffs named as Additional Insured.

Worker's Compensation Insurance and Employer's Liability Insurance: The Developer, and any Subcontractors utilized by Developer herein, shall provide applicable statutory Worker's Compensation and Employers Liability Insurance. In the event that Worker's Compensation and Employers Liability Insurance is not required by statute or is otherwise deferred, such party shall execute a Worker's Compensation Release Form prior to commencing any work or services in accordance with this agreement.

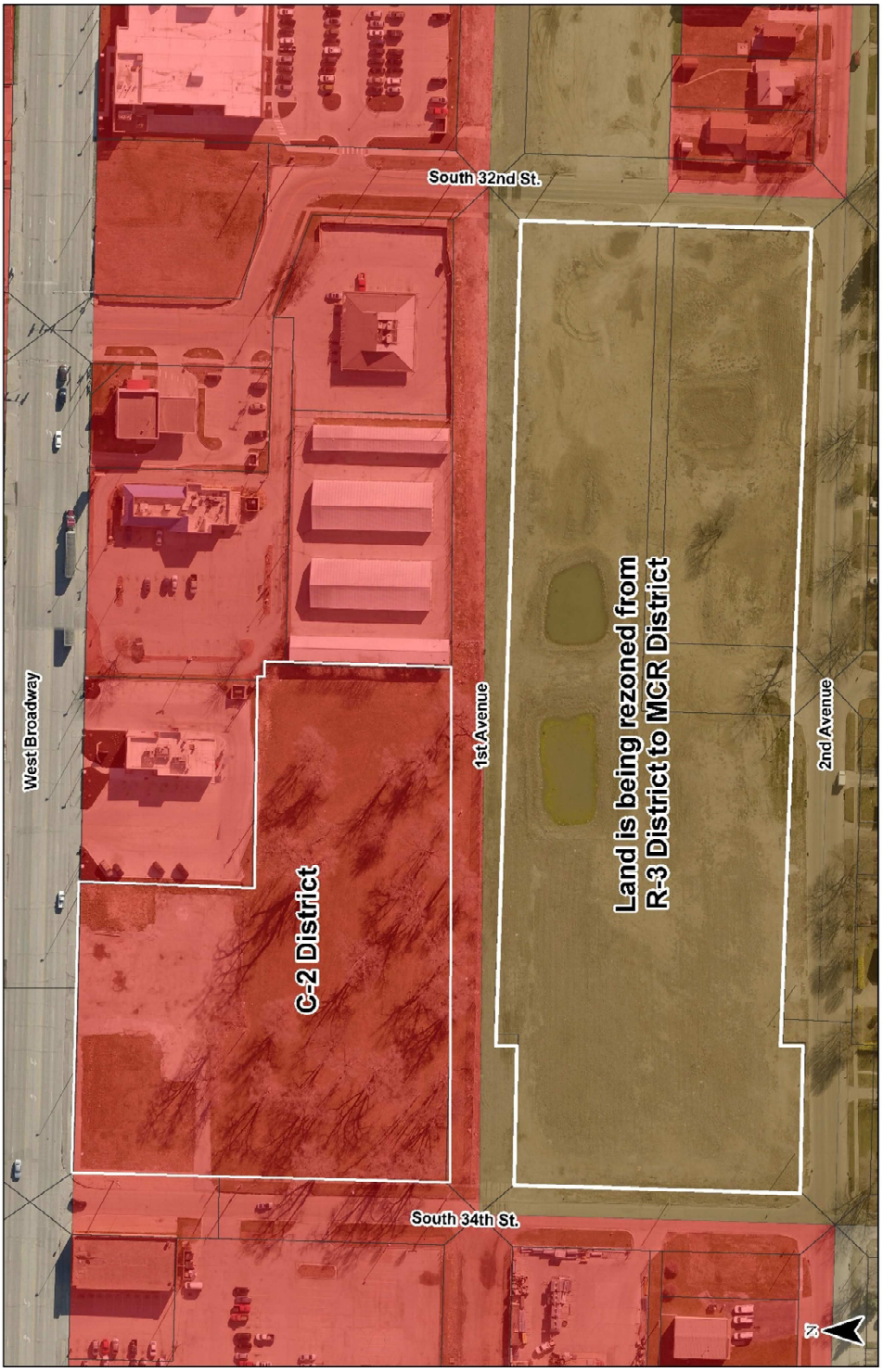
Commercial Automobile: The Developer, and any Subcontractors utilized by Developer herein, shall provide coverage for all owned, non-owned, leased, rented, or borrowed vehicles with injury minimum limits of at least $1,000,000.00.

7) Collusion: The Developer, by submitting a Proposal, declares that the submission is made without any previous understanding, agreement or connections with any persons, Developers or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.

8) Consideration of Submittals: Proposals will be considered from Developers normally engaged in providing and performing services as specified in this RFP. The Developer must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City. The City reserves the right to inspect the facilities and organization or to take any other action necessary to determine the ability to perform in accordance with specifications, terms and conditions before recommending any award.

9) Discrimination Clause: According to the City of Council Bluffs Municipal Code 1.40, discrimination of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, age or mental or physical disability is prohibited in any form. This extends to any and all partner agencies and contractual obligations.

Attachment A
Site Map



Attachment B
Zoning Regulations

Chapter 15.15 - C-2/COMMERCIAL DISTRICT

Sections:

15.15.010 - Statement of intent.

The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

(Ord. 5458 § 2 (part), 1999).

15.15.020 - Principal uses.

The following principal uses shall be permitted outright in a C-2 district:

(1) Automobile repair, minor;

(2) Automobile service establishment;

(3) Building material, retail sales only;

(4) Business, professional office;

(5) Business service establishment;

(6) Club or lodge;

(7) Commercial recreation (indoor and outdoor);

(8) Consumer service establishment;

(9) Contractor shop;

(10) Cultural service;

(11) Financial service;

(12) General government use;

(13) Hotel/motel;

(14) Kennel, commercial;

(15) Local utility service;

(16) Park and recreation services;

(17) Pawn shops;

(18) Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);

(19) Private and public parking lots;

(20) Public safety services;

(21) Religious assembly;

(22) Restaurant (drive-in/fast food, limited and general);

(23) Retail shopping establishment;

(24) School;

(25) Secondhand store;

(26) Tattoo parlor;

(27) Tavern, as limited by Section 15.15.060;

(28) Veterinary service;

(29) Warehousing and distribution, limited (fifty thousand (50,000) square feet or less);

(30) Funeral service;

(31) Consumer fireworks sales;

(32) Small alcohol production facility.

(Ord. 5557 § 1, 2001).

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018).

Editor's note— Ord. No. 6085, § 1, adopted June 14, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5555, § 1, 2001; Ord. No. 6026, § 1, 2-23-2009.

15.15.030 - Conditional uses.

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in Chapter 15.27:

(1) Adult entertainment, as further limited by Section 15.15.060;

(2) Automobile repair, major;

(3) Automobile sales and rental, as further limited by Section 15.15.060;

(4) Commercial storage;

(5) Communication tower;

(6) Day care services;

(7) Manufacturing, light (fifty thousand (50,000) square feet or less);

(8) Warehousing and distribution (limited).

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017).

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former § 15.15.030, and enacted a new § 15.15.030 as set out herein. The former § 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

15.15.040 - Accessory uses.

The following accessory uses shall be permitted in a C-2 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5458 § 2 (part), 1999).

15.15.050 - Site development regulations.

Minimum Lot Size	
Lot area	5,000 square feet
Lot width	50 feet
Lot depth	100 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	15 feet	15 feet
Interior side yard	5 feet	5 feet
Street side yard	10 feet	10 feet
Rear yard	10 feet	10 feet
Maximum height	50 feet	18 feet
Lot coverage, all structures:	60% maximum	

(Ord. 5458 § 2 (part), 1999).

15.15.060 - Additional regulations.

(a) None of the adult entertainment activities as defined in Chapter 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.

(b) No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

Exception: The two hundred (200) foot distance limitation from conforming multifamily residential uses as noted above shall not apply to taverns which do not exceed three thousand (3,000) square feet in gross floor area if located within a commercial development with one hundred twenty-five thousand (125,000) square feet or more of leasable retail/commercial space.

(c) Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time

with additional parking based on the size of the building used for sales and accessory repairs and service.

(d) Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6026, § 3, 2-23-2009; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018).

Editor's note— Ord. No. 6026, § 3, adopted Feb. 23, 2009, repealed the former § 15.15.060, and enacted a new § 15.15.060 as set out herein. The former § 15.15.060 pertained to similar subject matter and derived from Ord. No. 5940, § 1, adopted 2007.

15.15.070 - Signs.

Signage in this district shall comply with Chapter 15.33, Signs.

(Ord. 5458 § 2 (part), 1999).

Chapter 15.32 - CDO/CORRIDOR DESIGN OVERLAY

Sections:

15.32.010 - Statement of intent.

The purpose and intent of this chapter is to ensure consistent site development of properties located within the boundaries as defined in Section 15.32.030. The minimum standards below will aid to unify the appearance of the corridor.

(Ord. 5955 § 2 (part), 2007).

15.32.020 - Establishment of a corridor design overlay.

The CDO overlay is established as part of this title. The CDO shall overlay all other zoning districts established within the boundaries as described in Section 15.32.030 following. One and two family uses are exempted from the regulations of this chapter. The requirements apply to all:

01. New construction of commercial, industrial and multifamily structures and sites;

02. Substantial rehabilitation of or additions to commercial, industrial and multifamily structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Pottawattamie County assessor;

03. The reoccupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into compliance;

04. All new signage and sign refacing requiring a permit shall comply with the limitations of Section 15.32.080; and

05. Exterior modifications which equal to fifty (50) percent of the structure's total street facade shall comply with the limitations of Section 15.32.090.

(Ord. 5955 § 2 (part), 2007).

15.32.030 - Overlay boundaries.

The boundaries of the CDO overlay are described as follows:

01. West Broadway Corridor. All properties abutting West Broadway between Interstate 29 on the west end and 13th Street and Indian Creek on the east and all properties abutting streets which intersect with West Broadway including 13th Street through 36th Street between Avenue A to the north and Second Avenue to the south.

(Ord. 5955 § 2 (part), 2007).

15.32.040 - Curb cuts.

01. Either one two-way curb cut or two one-way curb cuts are allowed on the applicable corridor street where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on the applicable corridor street where property has less than one hundred fifty (150) feet of frontage.

02. For corner lots, a maximum of one curb cut is allowed on each intersecting side street (other than the applicable corridor street) that each property has frontage on regardless of the length of the frontage.

03. Curb cut widths and design shall be in accordance with adopted public works standards.

04. The applicable corridor street curb cuts shall be located not less than seventy-five (75) feet from the intersecting street's curb. Side street curb cuts shall be located not less than twenty-eight (28) feet on un-signalized intersections and seventy-five (75) feet on signalized intersections from the applicable corridor street's curb.

05. Shared curb cuts (between properties) are encouraged.

(Ord. 5955 § 2 (part), 2007).

15.32.050 - Pedestrian facilities.

01. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's front door with the public sidewalk on the applicable corridor street (and adjacent side street on corner lots). An accessible route may be designated with painted markings on parking lot pavement.

02. The sidewalk on the applicable corridor street shall be a minimum of eight feet wide, as measured from back of curb. At least four feet of that width, as measured from the back of sidewalk, shall be free of vertical or horizontal obstructions and have a maximum cross slope of two percent.

03. Construction or reconstruction of sidewalks and decorative street improvements shall be in accordance with adopted public works standards.

(Ord. 5955 § 2 (part), 2007).

15.32.060 - Planting.

01. A ten (10) feet wide landscape frontage strip shall be installed on each property abutting the applicable corridor street as measured from the back of sidewalk or property line, whichever is farther from the curb.

02. A five feet wide intersecting street landscape frontage strip shall be installed as measured from the back of sidewalk or property line, whichever is farther from the intersecting street's curb on all streets intersecting the applicable corridor street.

03. Planting in the landscape frontage strips shall include not less than the following:

(a) One large deciduous shade tree for each thirty-five (35) feet of frontage.

(b) A minimum of one deciduous or evergreen shrub per two lineal feet of street frontage shall be planted in the landscaping frontage strip and a minimum of one deciduous or evergreen shrub per three lineal feet of side street frontage shall be planted in the intersecting street landscaping frontage strip. Shrub species shall be selected from the attached plant list and conform to the minimum sizes specified therein.

04. Automatically controlled underground irrigation shall be installed for all lawns and planting in the landscape frontage strips.

05. Site planting requirements:

(a) At least ten (10) percent of the gross site square footage shall be pervious, unpaved planted surfaces. Any frontage or side street planting strips shall be included in the calculation of planted areas.

(b) All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within three years of the planting date. Open mulch or rock beds shall not be accepted as planting area.

(c) Large deciduous shade trees shall be installed in parking lots in excess of thirty (30) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on site.

(d) Public right-of-way areas that are disturbed by construction on private sites shall be graded smooth and planted with sod.

(e) Maintenance: property owners shall maintain all planting and irrigation systems located on private property. All planting shall respect city codes for sight lines at intersections and electric line restrictions.

(Ord. 5955 § 2 (part), 2007).

15.32.070 - Screening and buffering.

01. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.

(a) Screening planting shall include a six feet minimum width planting strip with a tall hedge as defined in the attached plant list. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from the attached plant list and conform to the minimum sizes and spacing specified therein.

02. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of six feet in height. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building, and shall include a matching lockable gate that when closed, completely eliminates the view of the trash area and its contents.

(Ord. 5955 § 2 (part), 2007).

15.32.080 - Signs.

01. The on-premises sign height and area regulations available for property within seven hundred (700) feet of the interstate highway system are not applicable within the corridor overlay district.

02. A total of one detached on-premises sign shall be allowed for each property.

03. Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed five feet in width. The maximum height for monument signs shall be ten (10) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not be greater than each property's linear feet of street frontage, as measured on one adjacent street, or one hundred fifty (150) square feet, whichever is less.

04. Off-premises signs are not permitted within the district.

05. All signs shall be removed within ninety (90) days after abandonment of the business use. Removal shall include the sign face, all supports, poles and framing.

06. Refacing existing signs are allowed only in conformance with this chapter.

(Ord. 5955 § 2 (part), 2007).

15.32.090 - Architecture.

01. Commercial building wall materials shall be brick, stone masonry, stucco like exterior systems, architectural CMU block, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least eighty (80) percent of the street facade is constructed of approved masonry.

02. Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true.

03. Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines. They shall be lit indirectly without the use of ground-mounted floodlights.

(Ord. 5955 § 2 (part), 2007).

15.32.100 - Lighting.

01. Light poles on private property shall not exceed twenty-five (25) feet in height from existing grade.

02. Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.

(Ord. 5955 § 2 (part), 2007).

Chapter 15.12 – MCR/Mixed Commercial-Residential District

Sections:

15.12.010 - Statement of intent.

The MCR district is intended to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.

15.12.020 - Principal uses.

The following principal uses shall be permitted outright in an MCR district:

(1) Congregate housing, life care facility, or nursing home;
(2) Community recreation services;
(3) Dwelling, multifamily
(4) Dwellings, townhome (minimum four attached units)
(5) Family home
(5) Group care home
(6) Mixed commercial/residential structure (containing one or more of the following uses)
  a. Business, professional office;
  b. Consumer service establishments (limited to the following):
    i. Accountants;
    ii. Architects;
    iii. Arts and crafts studio;
    iv. Attorneys;
    v. Banks, savings and loans, and credit unions;
    vi. Barber shops and beauty shops;
    vii. Dress makers and tailors;
    viii. Insurance agencies;
    ix. Laundry and dry cleaning pick-up stations;
    x. Management consultants;
    xi. Medical office or clinic for people;
    xii. Pet shops;
    xiii. Photographers' studios;
    xiv. Real estate office; and
    xv. Travel agencies.
  c. Retail Shopping Establishment (limited to the following):
    i. Antique stores;
    ii. Appliance, television and radio sales;
    iii. Art galleries, commercial;
    iv. Art supplies;
    v. Bakeries;
    vi. Bicycle sales and repair shop;
    vii. Bookstores;

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viii. Candy and ice cream stores;
ix. Clothing, clothing accessories and dry goods;
x. Department stores;
xi. Drug stores;
xii. Floor coverings;
xiii. Florists;
xiv. Furniture stores;
xv. Gift and card shop;
xvi. Grocery, delicatessen, and specialty food store;
xvii. Hardware, paint, and wallpaper stores;
xviii. Jewelry, leather goods and luggage stores;
xix. Music stores;
xx. News and tobacco stores;
xxi. Photographic equipment and supplies;
xxii. Second hand store;
xxiii. Shoe stores;
xxiv. Sporting goods;
xxv. Toy and hobby stores; and
xxvi. Variety stores;

"Retail shopping establishment" shall not be construed or interpreted to include any adult entertainment activities.

d. Other
i. Religious assembly;
ii. Restaurant (limited, general); and
iii. Tattoo parlor

(7) Park and recreation services;
(8) Private parking lot;
(9) Public parking lot; and
(10) Public safety services.

15.12.030 - Conditional uses.

The following conditional uses shall be permitted in an MCR district, when authorized in accordance with the requirements set forth in Chapter 15.21:

(1) Mixed commercial/residential structure (containing one or more of the following uses):
i. Any land use proposed with a drive-thru window;
ii. College or universities;
iii. Day care services;
iv. School
v. Small alcohol production facility; and
vi. Tavern.

(2) Garage (private, public);
(3) Government maintenance facility; and
(4) Local utility services.

15.12.040 - Accessory uses.

The following uses shall be permitted in an MCR district:

01. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.12.050 – Site development regulations.

Lots or parcels of land zoned MCR after the effective date of this chapter shall submit a development plan for consideration by the Planning Commission and City Council concurrent with the rezoning application. The development plan review shall follow the procedure stated in this Chapter, and all components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this Title. All proposed development projects shall include, but not be limited to, the following standard regulations as part of the associated development plan:

Required Yards	**Principal Structure** The base of a principal structure shall be constructed within 10 feet of a property line that abuts a public right-of-way or a private street. The base of a principal structure may be as much as 20 feet from a public right-of-way or private street if the additional setback area is developed with active outdoor space (e.g. dining, courtyard, patios, etc.) between the building and public right-of-way and/or private street. Maximum interior and rear yards shall be determined as part of the adoption of a development plan.	**Accessory Structure** Minimum five (5) feet from rear or side property lines and cannot be located between a building façade and any abutting public or private street.
Maximum Height	**Principal Structure** 100 feet	**Accessory Structure** 24 feet
Lot Coverage: all structures	80% maximum	
Minimum residential density	40 units per acre	

01. Adopted master plans

A. All properties in the MCR District that are located within an area of the City that has an adopted master plan by City Council shall be developed in accordance with said adopted master plan(s).

02. Architectural details

A. Building façades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval.

B. Building façade walls shall be constructed primarily out of high quality, durable materials such as natural/cast stone (1.5" thick or greater), fire-clay brick, burnished or split face CMU block, transparent glass (non-mirrored/non-tinted), architectural grade metal panels, or architectural grade precast concrete with an approved finished treatment. Complementary materials such as fiber cement board, EIFS/stucco, or wood siding may be used on less prominent areas of a building façade in a manner that complements the primary building material. Complimentary materials shall comprise no more than 40% of the total gross square footage of all building elevations, and no single complimentary material shall comprise more than 50% of the gross square footage of a single building facade. Complimentary materials may only be used when located a minimum of four feet above the base of a building.

For the purpose of this Chapter, a 'building elevation' is defined as the perimeter surface of a building set approximately parallel to a lot line; and a 'building façade' is defined as that portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

C. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design. Roof-mounted mechanical equipment shall be located below the highest vertical element of a building, and shall be screened from view with parapet walls, equipment wells, architectural screens, or similar features that are compatible to the overall design of the building to which they are attached to.

D. Buildings shall be constructed to front at least one street or public rights-of-way. All street-facing façades within 10 feet of a street or public rights-of-way shall include an accentuated

entrance that is clearly distinguished using covered walkways, awnings, canopies, porches, and/or projected or recessed building mass.

E. Attached signage, balconies, canopies, decks, eaves, overhangs, and/or other architectural features that are not integral to the structural support of a building may project into public rights-of-way subject to issuance of a permit from the Public Works Department.

03. Landscaping

A. All areas on a site that are not covered by buildings, structures, paving or impervious surface are considered landscape areas and shall be landscaped in accordance with an adopted development plan.

04. Exterior lighting

A. Light pole materials on private property shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
B. Light poles on private property that are used to illuminate vehicular access and parking areas shall not exceed twenty five (25) feet in height from existing grade.
C. Sidewalks and walkways on private property shall be illuminated with pedestrian scale lighting that does not exceed 15 feet in height from existing grade.
D. Low-scale, decorative lighting may be used to illuminate accent architectural details, building entries, or signs.
E. Building façade accent lighting shall be limited to an upward angle of 45 degrees and shall be focused on the building to minimize light spillover onto adjacent properties and right-of-ways.
F. All lighting on private property shall comply with the standards stated in Section 15.24.050, Lighting controls, of this Title.

05. Parking

A. All off-street parking in the MCR District shall conform with Chapter 15.23 of this Title, except when determining the total amount of required off-street parking for a multi-family residential use or mixed commercial/residential use, which shall be based upon the following:

Land Use	Required Off-Street Parking
Multi-Family Residential & Townhomes	Minimum of 1 parking stall per dwelling unit Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stalls for any development.
Mixed Commercial/Residential	Minimum of 1 stall per dwelling unit + 1 space per every 250 square feet of gross floor area of commercial space. Additional parking may be provided but shall not exceed 25% of the total

	number of required off-street parking stalls for any development.

B. Off-street parking in this District is encouraged to be designed as an integral component of a principal structure when feasible; however, surface parking lots shall be allowed when designed to comply with the following standards:

   i. Surface parking areas, vehicular drive aisles, and loading/unloading area shall be located behind and/or to the side of a principal building, and shall not be permitted between a principal building and a primary street frontage. The primary street frontage for a development shall be determined by the Community Development Department at the time of plan review. Surface parking areas visible from a public right-of-way shall be screened with a maximum four-foot tall masonry wall in combination with landscaping, or a maximum six-foot tall wrought iron fence in combination with landscaping.

   ii. Large, non-ornamental, deciduous shade trees shall be installed in parking lots in excess of fifteen (15) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on-site.

C. The total number of required off-street parking spaces may be reduced by an amount to be determined through a parking demand study establishing that sufficient parking is or can be met by the subject use(s) through shared parking with an adjacent property, or nearby on-street parking. The parking demand study shall provide information about the anticipated parking demand at peak times during the day and the distance relationship between available on-street parking or shared parking spaces and the specific use(s) served.

D. Direct vehicular access to all off-street parking, drive aisles, and loading/unloading areas shall come from an alley, a non-arterial street, and/or via shared parking facilities with an adjacent property owner. Direct vehicular access shall not be allowed to any arterial street, or to any rights-of-way with a designated pedestrian walking trail or bicycle lane, unless approved by City Council as part of an adopted development plan.

E. On-street parking shall be constructed as a component of new developments, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.

F. Bicycle parking shall be provided with all residential developments at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.

06. Pedestrian facilities

A. A minimum five foot-wide accessible, pedestrian route shall be installed to connect each building entrance with a public sidewalk. Exception: Service entrances that do not provide the general public access to a building are not required to provide any pedestrian facilities.

B. Construction or reconstruction of adjacent sidewalks and/or street improvements shall be in accordance with adopted Public Works Standards, and shall be included in a project's adopted development plan.

07. Screening and utilities

A. All exterior dumpsters, garbage/recycling storage, loading/unloading areas, ground-mounted HVAC units, and other utility apparatuses/appurtenances shall be completely screened from view using architectural design features, landscaping, fencing, or a combination thereof. Wall mount air conditioning units shall be integrated into the design of the building in order to be screened from view.

B. Deciduous, non-ornamental street canopy trees shall be planted between sidewalks and streets. A minimum of 50 square feet shall be provided for planting space with no less than six feet of width. Spacing of trees shall be no greater than 50 feet. Initial tree plantings shall be no less than two inches in diameter.

C. Utility services shall be installed underground, unless determined unpractical by the Community Development Director.

D. Required stormwater detention shall be contained underground in accordance with all adopted Public Works standards. Best Management Practices for stormwater are encouraged. Surface stormwater features may be considered only if designed as a site amenity.

08. Signs

A. Signage shall be approved as part of the adopted development plan, and shall comply with Chapter 15.33 of this Title.

15.12.60 – Additional regulations.

A. All residential developments shall include an active outdoor site amenity such as playgrounds, plazas, decks, roof-top patios, swimming pools, and recreation areas. Passive areas such as landscape setbacks, bicycle parking, tree plantings, berms, and basic stormwater features do not qualify. A minimum of 50 square feet of site amenity space is required per dwelling unit.

B. Property owners shall maintain all buildings, landscaping, and other site features in accordance with the adopted development plan.

DRAFT

15.12.070 – Development plan review procedure.

01. Application. A completed application form, ten (10) copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:

(A) A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;

(B) The development name and legal description of the boundary;

(C) A north arrow, scale, bar scale, and date;

(D) The names and addresses of the owner, and the architect or engineer preparing the plan;

(E) A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;

(F) All established floodway or floodway fringe encroachment limits;

(G) A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;

(H) Location and size of any sites to be considered for dedication to public use;

(I) Layout, numbers, and dimensions of proposed lots;

(J) The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;

(K) The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;

(L) Existing and proposed contour intervals of not more than five feet;

(M) All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;

(N) The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;

(O) Proposed signage plan;

(P) Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

02. Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed

development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.

03. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

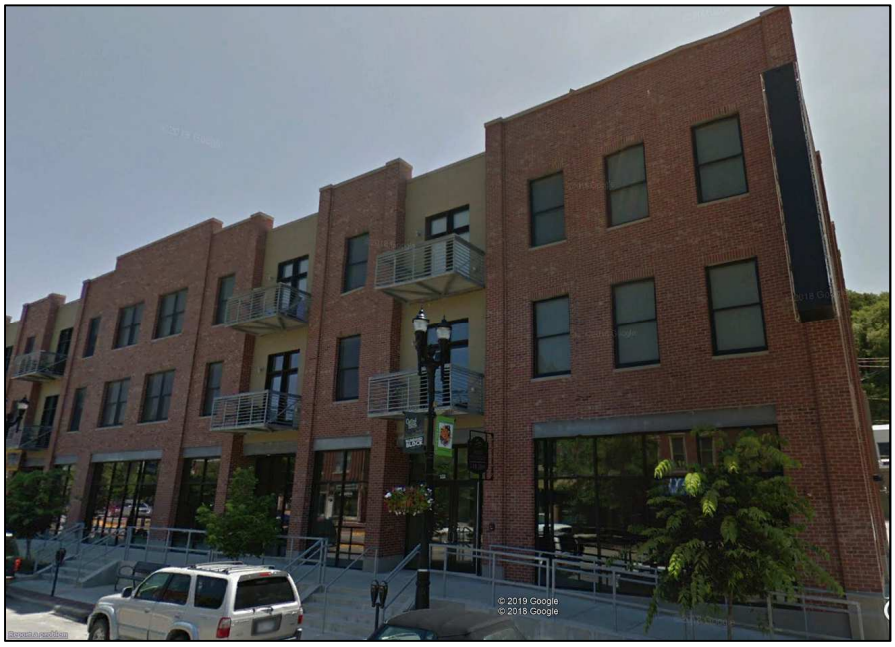
04. Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.

05. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

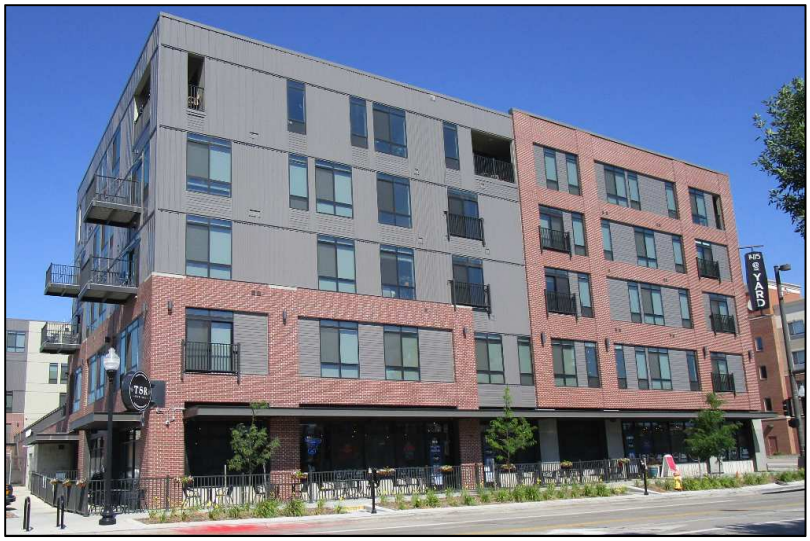
DRAFT

Attachment C
Representative Building Examples in Council Bluffs and Omaha

The Rise at 103 W. Broadway



The Sawyer Building at 125 W. Broadway



The Yard at 415 Cuming Street

Townhomes on South 10th Street

Dundee Flats at 4829 Dodge Street

Attachment D

Proposal Cover Page

City of Council Bluffs, Iowa

Request for Proposals Cover Page

Received by: _____ Date: _____ Time: _____
(For Office Use Only)

Project Information

Project Name _____

Organization Information

Name of Developer _____

Mailing Address _____

_____

Contact Person _____

_____

Telephone _____ Fax _____

Email Address _____

Partnering Developers

Type	Name and Address	Contact Person
Project Development		
Architectural Firm		
Engineering Firm		
Other (specify)		
Other (specify)		
Other (specify)		

Resolution 19-206

ITEMS TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
August 26, 2019
7:00 P.M.

West Broadway Urban Renewal Plan

- Resolution approving request for proposals

- Resolution approving minimum development requirements, competitive criteria, and procedures for disposition of certain property located within the Urban Renewal Area; and soliciting proposals in accordance with the request for proposals

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.

August 26, 2019

The City Council of the City of Council Bluffs in the State of Iowa, met in _____ session, in City Hall, City Council Chambers, 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: _____

Council Member _____ introduced the following proposed Resolution entitled "RESOLUTION APPROVING REQUEST FOR PROPOSALS" and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was:

AYES: _____

_____

NAYS: _____

WHEREUPON, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO.19-206

RESOLUTION APPROVING REQUEST FOR PROPOSALS

WHEREAS, this Council has previously found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and, by Resolution No. 87-570 in 1987, approved and adopted the West Broadway Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the West Broadway Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan has been amended five times by amendments adopted in 1988, 2001, 2002, 2014, and 2015; and

WHEREAS, the City owns certain real property located within the Urban Renewal Area (the "Development Property"); and

WHEREAS, the Plan provides for, among other things, the disposition of properties for development or redevelopment as an urban renewal project; and

WHEREAS, the City desires to sell the Development Property to a private developer for development into multi-family or mixed-use housing; and

WHEREAS, City staff has caused a Request for Proposals to be prepared, attached hereto as Exhibit 1 and made a part hereof, which sets forth information regarding the Development Property and requirements and evaluation criteria for proposals to develop the Development Property; and

WHEREAS, this Council believes it is in the best interest of the City and the Plan to act as expeditiously as possible to offer the Development Property for redevelopment as set out herein.

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

1. That the form and content of the Request for Proposal attached hereto, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed.

2. That City staff is are hereby authorized, empowered, and directed to do all such acts and things as may be necessary to carry out and comply with the provisions of the Request for Proposals, and the City's receipt of proposals thereunder.

3. The Development Property offered for sale and redevelopment in accordance with the Request for Proposals is legally described as follows:

   Lots 1, 2 and 3 of the proposed Main Line Subdivision

PASSED AND APPROVED this 26th day of August, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of said City showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individual named therein as officers to their respective positions.

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

_____
City Clerk, City of Council Bluffs, Iowa

(SEAL)

ATTACH REQUEST FOR PROPOSALS AS EXHIBIT 1

01623253-1\10342-101

Council Communication

Department: Community Development
Case/Project No.: N/A
Submitted by: Brenda Carrico

Resolution 19-207
ITEM 6.D.

Council Action: 8/26/2019

Description

Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the West Broadway Urban Renewal Area and soliciting proposals in accordance with the request for proposals.

Background/Discussion

See attached.

Recommendation

Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the West Broadway Urban Renewal Area and soliciting proposals in accordance with the request for proposals.

ATTACHMENTS:

Description	Type	Upload Date
Staff report	Other	8/16/2019
Publisher's Affidavit	Other	8/16/2019
Resolution 19-207	Resolution	8/20/2019

Council Communication

Department: Community Development	Resolution No.: 19 -	City Council: August 26, 2019

Subject/Title

1. Approval of the request for proposal for the redevelopment of approximately 8.5 acres of land at 34th Street and 1st Avenue; and
2. Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the West Broadway Urban Renewal Area and soliciting proposals in accordance with the request for proposals.

Background/ Discussion

Background

Starting in 2012, the City began acquiring property in the west end, specifically between West Broadway and 2nd Avenue from 28th Street to 35th Street. Demolition of structures and site grading have occurred and developers have expressed interest in redeveloping some of the property. Because the property is located in the West Broadway Urban Renewal Area, the process for land disposition is dictated by urban renewal law. It is in the best interest of the City to request proposals for the redevelopment of the sites through a RFP process, beginning with the property located between 32nd and 34th Streets from West Broadway to 2nd Avenue.

Discussion

In order to initiate the property disposal process, the City must undertake certain actions on the property to ensure reasonable competitive bidding procedures and allow 30 days to respond. This also includes providing notice by publication in a newspaper having a general circulation to the community 30 days prior to the execution of a contract involving the transfer of property.

Attached is a copy of the request for proposal that will be direct mailed and/or emailed to developers, real estate firms and other parties soliciting submissions. The proposal's availability will be published in the legal ad section of the Nonpareil and posted on the City's website. The attached resolution asks for City Council approval of this form and content.

A separate resolution also directs the City Clerk to publish notice inviting redevelopment proposals to be submitted. Proposals are due by 5:00 p.m. on September 30, 2019 to the Community Development Department. Lastly, the resolution approves October 7, 2019 as the date of public hearing on the intent to accept the selected redevelopment proposal submitted.

Attachments

The request for proposal for the redevelopment of approximately 8.5 acres of land at 34th Street and 1st Avenue is attached, along with a resolution asking for approval of the minimum development requirements, competitive criteria and notice for soliciting redevelopment proposals.

Submitted by Brenda Carrico, Project Coordinator, Community Development
Approved by: Brenda Carrico, Project Coordinator, Community Development Department

CERTIFICATE OF PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

RESOLUTION NO. _____

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the NonPareil, a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2019.

WITNESS my official signature at Council Bluffs, Iowa, this _____ day of _____, 2019.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01623570-1\10342-101

Resolution 19-207

ITEMS TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
August 26, 2019
7:00 P.M.

West Broadway Urban Renewal Plan

- Resolution approving request for proposals

- Resolution approving minimum development requirements, competitive criteria, and procedures for disposition of certain property located within the Urban Renewal Area; and soliciting proposals in accordance with the request for proposals

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.

August 26, 2019

The City Council of the City of Council Bluffs in the State of Iowa, met in _____ session, in City Hall, City Council Chambers, 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: _____

Council Member _____ introduced the following proposed Resolution entitled "RESOLUTION APPROVING MINIMUM DEVELOPMENT REQUIREMENTS, COMPETITIVE CRITERIA, AND PROCEDURES FOR DISPOSITION OF CERTAIN PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA; AND SOLICITING PROPOSALS IN ACCORDANCE WITH THE REQUEST FOR PROPOSALS" and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was:

AYES: _____

_____

NAYS: _____

WHEREUPON, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 19-207

RESOLUTION APPROVING MINIMUM DEVELOPMENT REQUIREMENTS, COMPETITIVE CRITERIA, AND PROCEDURES FOR DISPOSITION OF CERTAIN PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA; AND SOLICITING PROPOSALS IN ACCORDANCE WITH THE REQUEST FOR PROPOSALS

WHEREAS, this Council has previously found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and, by Resolution No. 87-570 in 1987, approved and adopted the West Broadway Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the West Broadway Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan has been amended five times by amendments adopted in 1988, 2001, 2002, 2014, and 2015; and

WHEREAS, the City owns certain real property located within the Urban Renewal Area consisting of a north portion located at the southeast corner of West Broadway and 34th Street, approximately 3 acres in size, and a south portion located between 32nd and 34th Streets, on the north side of 2nd Avenue, approximately 5.5 acres in size (the "Development Property"); and

WHEREAS, the Plan provides for, among other things, the disposition of properties for development or redevelopment as an urban renewal project; and

WHEREAS, the City desires to sell the Development Property to a private developer for development into multi-family or mixed-use housing in accordance with the provisions of the Request for Proposals approved by this Council on August 26, 2019 for the Development Property, which sets forth minimum requirements for proposals to develop the Development Property and evaluation criteria for such proposals; and

WHEREAS, in order to comply with Iowa Code Section 403.8, the City is establishing reasonably competitive bidding procedures for the disposition of the Development Property and all developers interested in submitting a proposal to compete for the sale and redevelopment of the Development Property must submit a proposal meeting the requirements set forth in the Request for Proposal and set forth herein; and

WHEREAS, to give full and fair opportunity for developers interested in submitting a proposal for the sale and redevelopment of the Development Property, this Council should by this Resolution:

1. Approve the minimum requirements for the sale of and redevelopment of the Development Property.

2. Set a date for receipt of competing proposals and the opening thereof; and provide for review of such proposals with recommendations to this Council in accordance with established procedures.

3. Approve and direct publication of a notice to advise any would-be bidders of the opportunity to compete for the sale of the Development Property on the terms and conditions set forth herein.

WHEREAS, this Council believes it is in the best interest of the City and the Plan to act as expeditiously as possible to offer the Development Property for redevelopment as set out herein.

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

1. The Development Property offered for sale and redevelopment in accordance with the terms and conditions contained in this Resolution, the Plan, and the Request for Proposals is legally described as follows:

   Lots 1, 2 and 3 of the proposed Main Line Subdivision

2. It is hereby determined that the requirements set forth in the Request for Proposals shall be considered the minimum development requirements, which requires that each proposal must (1) provide for a minimum of 220 residential units and a minimum of 20,000 sq. ft. of commercial space, (2) include and provide for the developer's purchase of the Development Property at not less than the fair value for use in accordance with the Plan, and (3) include the following information:

   a. Application – Included in the Request for Proposals;

   b. Project Summary – A brief written description of the project;

   c. Project Plans – A scaled plot plan of the proposed development. The plot plan should illustrate the location of structures, parking areas, ingress and egress, open or landscape areas, etc. The developer must also submit additional information such as elevation drawings, photos of similar projects, typical floor plans, etc.;

   d. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development;

   e. Project Timeline – A timeline for the project design, bidding, construction and occupancy;

   f. Financial Summary – Developer must provide a proposed cost and source of funding for the project, including a 10-year project proforma. Developer must

also outline expected funding sources and projected date all financing will be secured; and

g. Project Contingencies – Indicate any special assistance needed to implement the project, such as financial assistance, state or federal applications, or other public participation;

3. It is hereby determined that the evaluation criteria set forth in the Request for Proposals shall constitute the competitive criteria by which any proposals submitted shall be evaluated, which includes the following criteria:

a. Design, Aesthetics and Quality of Construction Materials and Landscaping (40%): As the first redevelopment project along the corridor, the quality of design and materials is essential. A combination of durable materials and transparency with an urban appearance must be utilized. The residential building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines and upper floor step back to articulate building elevations. Residential building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval. A list of materials and visual renderings of the site layout, units and exterior design must be provided as a part of this submittal. Building materials for the commercial and residential project components shall be complementary in nature and compatible in appearance.

b. Developer's Experience and Capacity (30%): The makeup/description of the developer's project team. The preferred developer will have significant experience in the construction of urban-style, multi-family complexes. The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including the staff and other professionals.

c. Number of Units Proposed and Unit Sizes (15%): Preference will be given to developers who maximize the number of units. Provide a target resident type (senior, family, etc.) if applicable. Proposals will also be scored on the length of time it will take to construct and occupy the project.

d. Funding Sources (15%): Preference will be given to Developers not utilizing either 4% or 9% Low Income Housing Tax Credits (LIHTC). No income restrictions are applicable to the property. Preference will be given to developers who propose projects with 80% or more market rate housing. Provide a list of proposed funding sources and when the funds are expected to be awarded/confirmed.

4. This action of the Council shall be considered to be and does hereby constitute notice to all concerned of the intention of this Council to accept proposals for the sale and redevelopment of the Development Property in accordance with the procedures set forth in this Resolution and in the Request for Proposals, which Request for Proposals is on file for public inspection at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503.

7. The City Clerk is authorized and directed to secure immediate publication of the text of this Resolution in the NonPareil, a newspaper having general circulation in the community.

8. Written proposals for the purchase of the Development Property must be received by the City's Community Development Department at or before 5:00 P.M. on September 30, 2019. Said proposals must be mailed or delivered in accordance with the instructions set forth in the Request for Proposals. The Community Development Director, or his designee, is hereby authorized and directed to make a preliminary analysis of each such proposal for compliance with the minimum requirements established by this Resolution and by the Request for Proposals, and to advise the Council with respect thereto. Proposals meeting the minimum requirements will then be presented to the City Council at 7:00 P.M. on October 7, 2019, at its meeting to be held in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503. The Council shall judge the strength of the proposals meeting the foregoing minimum requirements by the criteria set forth above and shall make the final evaluation and selection of a proposal.

9. The minimum development requirements, competitive criteria, and procedures set forth in this Resolution and in the Request for Proposals are hereby determined to be "reasonable competitive bidding procedures" in substantial conformance with the provisions of Iowa Code Section 403.8. If there is any discrepancy between this Resolution and the Request for Proposal, the more detailed Request for Proposal shall control.

10. In the event qualified proposals are timely submitted and the City Council accepts a proposal, the City will file or publish notice of the intent of the City of Council Bluffs, Iowa to accept a proposal, to the extent required by law.

PASSED AND APPROVED this 26th day of August, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of said City showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individual named therein as officers to their respective positions.

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

_____
City Clerk, City of Council Bluffs, Iowa

(SEAL)

01623058-1\10342-101

Council Communication

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

Liquor Licenses
ITEM 7.A.

Council Action: 8/26/2019

Description

1. Bluffs Lodge No. 531 B.P.O. Elks, 380 McKenzie Avenue
2. Bucksnort Grill and Sports Bar, 25 Scott Street
3. Casey's General Store #3203, 1928 Sherwood Drive
4. CB Quick Stop, 3500 Avenue A
5. Hy-Vee C-Store #1, 21 South 25th Street
6. Horseshoe Casino, 2701 23rd Avenue
7. Lakeside Ampride, 4040 S Expressway
8. LPL's, 1707 Harry Langdon Blvd
9. Sam's Club #6472, 3221 Manawa Centre Drive
10. Super Quik Stop, 2800 Twin City Drive (new license application)
11. Thunderbowl & McCoy's on the Bluff, 1900 Madison Avenue

Background/Discussion

Horseshoe Casino
10-06-18—At 2:19 am, Officers were dispatched to the Horseshoe for an intoxicated female. The call was handled by Officers, with no arrests or reports made.
10-27-18—At 10:23 pm, Officers were dispatched for an intoxicated man and woman that were refusing to leave the casino. The man repeatedly poked a Security Officer in the chest. Officers arrested the female for public intoxication and the male for simple assault and public intoxication.
12-16-19—At 2:37 am, Officers were dispatched to the casino for an intoxicated male refusing to leave. The man was arrested for public intoxication, disobedience to peace officers and resisting arrest.
12-16-19—At 11:10 pm, Officers were dispatched to the Casino for an intoxicated man who was refusing to leave. Officers arrested the man for public intoxication.
01-08-19—At 7:07 pm, Officers were dispatched for an intoxicated man who was refusing to leave. The man was gone prior to the arrival of the Officers.
02-02-19—At 2:02 am, Officers were dispatched for an intoxicated man who was refusing to leave the casino. The man was arrested for public intoxication.
02-27-19—At 4:13 am, Officers were dispatched to the casino for an intoxicated female. Officers arrived and handled the call. No reports or arrests were made.
03-18-19—At 12:51 am, Offices were sent to the casino for two intoxicated males at the north entrance, refusing to leave. Officers handled the call, with no arrests or reports made.
04-02-19—At 4:00 pm, Officers were dispatched to the casino for an intoxicated man. The man was arrested for public intoxication.
05-15-19—At 1:49 am, Officers were sent to the casino for an intoxicated man, refusing to leave. The man was arrested for public intoxication.
05-22-19—At 12:16 am, Officers were dispatched to the casino for an intoxicated male. The man was arrested for public intoxication
05-27-19—At 11:51 pm, Officers were dispatched to the north door for an intoxicated man who was refusing to leave. The man left prior to the arrival of the Officers.
06-16-19--At 2:22 am, Officers were sent to the Horseshoe Casino for an assault that occurred on property. Officers made contact with a female, who stated that her aunt had struck her in the face. The Aunt was gone prior to the arrival of the Officers. The Officers applied for a warrant for the arrest of the Aunt.

06-23-19—At 12:39 am, Officers were dispatched to the Horseshoe for an intoxicated male refusing to take a taxi ride home, or comply with Security Officers. The man left in the taxi prior to the arrival of Officers.
07-04-19—At 10:10 pm, Officers were dispatched to the Horseshoe for an intoxicated man who had been removed from the casino, but would not comply with Security Officers. Officers arrived and handled the situation. No arrests or reports were made.
07-13-19—At 8:32 am, Officers were dispatched to the Horseshoe for two intoxicated men near the poker tables. They were uncooperative with Security Officers, so 911 was called. Both men left prior to the arrival of Officers.
07-21-19—At 12:44 am, Officers were dispatched the Horseshoe for an intoxicated male at the west entrance. Officers arrived and handled the situation. No arrests or reports were made.
07-26-19—At 3:33 am, Officers were dispatched to the Horseshoe for an intoxicated man, asleep on the casino floor. The man was arrested for public intoxication.

Thunderbowl and McCoy's on the Bluffs
10-01-18--At 10:44 pm, Officers were dispatched to the bar area for man yelling at other patrons and causing a disturbance. The man left prior to the arrival of the Officers.

There were no alcohol related calls for service or arrests at any of the other listed businesses.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Liquor License Applications, 8.26.19	Other	8/20/2019

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Applicant LC0007673, Bluffs Lodge No. 531 B. P. O. Elks, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Bluffs Elks Lodge No 531 (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Bluffs Lodge No. 531 B. P. O. Elks
Address of Premise: 380 Mc Kenzie Avenue
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 323-2589 **Cell / Home Phone:** (712) 326-5071

Same Address
Mailing Address: 380 Mc Kenzie Avenue
Mailing Address Line 2:
City: Council Bluffs **State:** Iowa
Zip: 51503

Contact Name: LuAnn Pribyl
Phone: (402) 212-4211 **Email Address:** laopribyl@gmail.com

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Applicant LC0042841, bucksnort grill and sports bar, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): DNJP0426 LLC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): bucksnort grill and sports bar
Address of Premise: 25 scott st
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 309-1140
Cell / Home Phone:

Same Address
Mailing Address: 761 parkwild dr
Mailing Address Line 2:
City: council bluffs
State: Iowa
Zip: 51503

Contact Name: jule carberry pleas
Phone: (712) 309-1140
Email Address: bigdpleas@yahoo.com

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Applicant LE0002659, Casey's General Store #3203, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Casey's Marketing Company (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Casey's General Store #3203
Address of Premise: 1928 Sherwood Dri
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 328-9684 **Cell / Home Phone:**

Same Address
Mailing Address: PO Box 3001
Mailing Address Line 2:
City: Ankeny **State:** Iowa
Zip: 50021

Contact Name: Jessica Fisher, Store Operations
Phone: (515) 446-6404 **Email Address:** jessica.fisher@caseys.com

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Applicant LE0002257, CB Quick Stop, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): LALA INC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): CB Quick Stop
Address of Premise: 3500 Ave A
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 256-4410
Cell / Home Phone: (402) 321-1926

Same Address
Mailing Address: 3500 Ave A
Mailing Address Line 2:
City: Council Bluffs
State: Iowa
Zip: 51501

Contact Name: Khalid Mehmood
Phone: (402) 321-1926
Email Address: cbquickstop@gmail.com

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Applicant LC0030427, Horseshoe Casino, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Harveys BR Management Compar (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Horseshoe Casino
Address of Premise: 2701 23rd Ave
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 323-2500
Cell / Home Phone:

Same Address
Mailing Address: 2701 23rd Ave
Mailing Address Line 2:
City: Council Bluffs
State: Iowa
Zip: 51501

Contact Name: Tim Howarth
Phone: (712) 329-6411
Email Address: thowarth@harrahs.com

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Applicant BC0030204, Hy-Vee C-Store #1, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Hy-Vee, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Hy-Vee C-Store #1
Address of Premise: 21 South 25th Street
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 328-9792
Cell / Home Phone:

Same Address
Mailing Address: 5820 Westown Pkwy
Mailing Address Line 2:
City: West Des Moines
State: Iowa
Zip: 50266

Contact Name: Samantha McMahon
Phone: (515) 267-2874
Email Address: smcmahon@hy-vee.com

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Applicant BC0030203, Lakeside Ampride, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Heartland CO-OP (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Lakeside Ampride
Address of Premise: 4040 South Expressway
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 323-7167 **Cell / Home Phone:**

Same Address
Mailing Address: 4040 South Expressway
Mailing Address Line 2:
City: Council Bluffs **State:** Iowa
Zip: 51501

Contact Name: Gary Fellman
Phone: (712) 323-7167 **Email Address:** gfellman@heartlandcoop.com

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Applicant LC0037930, LPL's, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Tri-Ten LLC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): LPL's
Address of Premise: 1707 Harry Langdon Blvd
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 325-9617 **Cell / Home Phone:** (712) 323-5296

Same Address
Mailing Address: 1707 Harry Langdon Blvd
Mailing Address Line 2:
City: Council Bluffs **State:** Iowa
Zip: 51503

Contact Name: Danah Lustgraaf
Phone: (402) 880-9133 **Email Address:** Danahlustgraaf@gmail.com

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Applicant LE0000762, Sams Club #6472, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Sam's West Inc (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Sams Club #6472
Address of Premise: 3221 Manawa Centre Dr
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501-0000
Business Phone: (712) 366-0130 **Cell / Home Phone:**

Same Address
Mailing Address: 702 SW 8th Street Dept. 8916 MS 0500
Mailing Address Line 2:
City: Bentonville **State:** Arkansas
Zip: 72716-0500

Contact Name: Cynthia Montero
Phone: (479) 277-4656 **Email Address:** cynthia.montero@walmart.com

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Applicant LE_V_88512, Super Quik Stop, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Blue Nile, LLC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Super Quik Stop
Address of Premise: 2800 Twin City Dr.
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 366-2375 **Cell / Home Phone:** (619) 781-7050

Same Address
Mailing Address: 2800 Twin City Dr.
Mailing Address Line 2:
City: Council Bluffs **State:** Iowa
Zip: 51501

Contact Name: Biset D. Misganew
Phone: (619) 781-7050 **Email Address:** amisganew@gmail.com

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Applicant LC0040387, Thunderbowl & McCoy's on the Bluff, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): SSCD,LLC (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Thunderbowl & McCoy's on the Bluff
Address of Premise: 1900 Madison Ave
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 328-2374
Cell / Home Phone: (402) 650-1777

Same Address
Mailing Address: 1900 Madison Ave
Mailing Address Line 2:
City: Council Bluffs
State: Iowa
Zip: 51503

Contact Name: Connie Ratliff
Phone: (402) 650-1777
Email Address: connie@thunderbowl.com

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