



**Study Session Agenda
City of Council Bluffs, Iowa
March 9, 2020, 3:45 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

STUDY SESSION AGENDA

- A. City Readiness Initiative COVID-19 - Matt Wyant
- B. SolSmart Solar - Mike Wolf
- C. Review Agenda
- D. Discussion regarding activities at/near The Cube Ultra Lounge

Executive Session

- A. Pending Litigation - Sara Bauer
- B. Property Acquisition



**Council Agenda, City of Council Bluffs, Iowa
Regular Meeting March 9, 2020, 7:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of Agenda & tape recordings of these proceedings to be incorporated into the official minutes.
- B. Reading, correction and approval of the February 14, 2020 and February 24, 2020 City Council Meeting Minutes.
- C. Resolution 20-69
Resolution of necessity and intent to establish the Veterans Memorial Highway Urban Revitalization Area as legally described in the Council packet. Location: 706 Veterans Memorial Highway.
- D. Resolution 20-70
Resolution setting a public hearing for 7:00 p.m. on March 23, 2020 for the South 1st Street Neighborhood Rehab, Phase XI. Project # PW21-12
- E. Resolution 20-71
Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.
- F. Resolution 20-76
Resolution to dispose of city-owned property generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M.
- G. Right of Redemption
- H. Claims

4. MAYORS PROCLAMATIONS

- A. National Natural Gas Utility Workers' Day Proclamation

5. PUBLIC HEARINGS

A. Resolution 20-72

Resolution to dispose of city property described as Lot 4, Block 1, Evans' Bridge Addition. Location: the property formerly addressed as 2815 Avenue A.

B. Resolution 20-73

Resolution granting final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street. Location: South of 16th Avenue, West of South 11st Street.

6. RESOLUTIONS

A. Resolution 20-74

Resolution accepting the bid of Bluffs Paving and Utility Company Inc. in the amount of \$1,531,240.47 for the Segment 4 Sewer Relocations. Project # PW17-15

B. Resolution 20-75

Resolution authorizing the Mayor to execute a \$342,540 grant agreement with the Flood Mitigation Board for the acquisition and demolition of properties identified as sustaining foundation collapses as part of the 2019 flood disaster declaration.

C. Resolution 20-77

Resolution to abolish one vacant position and add one new position in the Finance Department.

D. Resolution 20-78

Resolution authorizing the Mayor to execute an agreement with HDR Engineering, Inc. for engineering services in connection with Levee Certification Projects, Geotechnical MR_6, 8, and 9.

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor Licenses

1. The BLK Squirrel, 154 W Broadway
2. The Dock Bar & Grill, 401 Veterans Memorial Hwy
3. Dusty's Lounge, 1501 Avenue A
4. FiftyOne 501 Grill 'n Bar, 4104 Rivers Edge Parkway
5. Sakura Sushi & Hibachi LLC, 3502 Metro Dr

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 Special Meeting Minutes February 14, 2020

CALL TO ORDER

Mayor Walsh called the meeting to order at 12:00 pm on Friday February 14, 2020.

Council Members Disalvo, Hannan and Sandau present.

Council Member Wolf present via telephone.

Council Member Head absent.

Staff Present: Richard Wade & Jodi Quakenbush

CONSENT AGENDA

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

Roger Sandau and Chad Hannan moved and seconded approval of Consent Agenda. Unanimous, 4-0 vote. (Absent: Head)

RESOLUTIONS

Amended Resolution 20-38

Resolution authorizing the mayor and city clerk to execute an agreement with Midwest Netting Solutions to install protective netting at the Council Bluffs recreation complex, as amended with Option_____.

Option 1)	Install netting canopy on fields 1-4	\$102,651.49
	Install netting canopy on fields 7-10	\$112,142.28
Option 2)	Install netting Canopy on fields 7-10	\$112,142.28

Roger Sandau and Chad Hannan moved and seconded approval of Resolution 20-38, as amended with option one. Unanimous, 4-0 vote. (Absent: Head)

Amended Resolution 20-39

Resolution authorizing the mayor and city clerk to execute an agreement with Odeys to install bleacher canopies at the council bluffs recreation complex, as amended with Option_____.

Option 1) Install bleacher shade structures fields 5-6 \$31,392.87

Option 2) Install bleacher shade structures fields 1-6 \$85,480.00

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 20-39, as amended with option one. Unanimous, 4-0 vote.
(Absent: Head)

ADJOURNMENT

Mayor Walsh adjourned the meeting at 12:09 pm.
(Absent: Head)

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



City Council Meeting Minutes February 24, 2020

CALL TO ORDER

Mayor Matthew J. Walsh called the meeting to order on Monday February 24, 2020 at 7:00 p.m.

Council Members present: Chad Hannan, Melissa Head, Rgoer Sandau and Mike Wolf.

Council Member absent: Joe Disalvo

Staff Present: Matt Mardesen, Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

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

Reading, correction and approval of the February 10, 2020 City Council Meeting Minutes.

Resolution 20-46

Resolution of intent to vacate and dispose and setting a Public Hearing for March 9, 2020 at 7:00 p.m. for City property described as Lot 4, Block 1, Evans' Bridge Addition. Location: the property formerly addressed as 2815 Avenue A. OTB-20-003

City Council Boards, December FY20 Financial Reports, Right of Redemption and Claims

Chad Hannan and Melissa Head moved and seconded approval of Consent Agenda. Unanimous, 4-0 vote. (Absent: Disalvo)

PUBLIC HEARINGS

Resolution 20-47

Resolution approving the plans and specifications for the Mid-America Center Restroom Renovation Project. Project #BM20-02

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-47. Unanimous, 4-0 vote.
(Absent: Disalvo)

Resolution 20-48

Resolution instituting proceedings to take additional action for the issuance of not to exceed \$700,000 General Obligation Bonds, Series 2020B (General Corporate Purpose).

Roger Sandau and Melissa Head moved and seconded approval of Resolution 20-48. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-49

Resolution instituting proceedings to take additional action for the issuance of not to exceed \$300,000 General Obligation Bonds, Series 2020B (General Corporate Purpose).

Roger Sandau and Melissa Head moved and seconded approval of Resolution 20-49. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-50

Resolution instituting proceedings to take additional action for the issuance of not to exceed \$700,000 General Obligation Bonds, Series 2020B (General Corporate Purpose).

Melissa Head and Mike Wolf moved and seconded approval of Resolution 20-50. Unanimous, 4-0 vote.
(Absent: Disalvo)

Resolution 20-51

Resolution instituting proceedings to take additional action for the issuance of not to exceed \$11,000,000 General Obligation Bonds, Series 2020B (Essential Corporate Purpose).

Chad Hannan and Melissa Head moved and seconded approval of Resolution 20-51. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-52

Resolution approving the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2021.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-52. Unanimous, 4-0 vote.
(Absent: Disalvo)

ORDINANCES ON 3RD READING

Ordinance 6405

Ordinance to amend the zoning map as adopted by reference in section 15.02.070 and setting a Public Hearing for February 10, 2020 at 7:00 p.m. by rezoning property legally described as being part of Lots 3 through 6, in Block 6, Bryan and Clark's Subdivision; part of Lots 1 through 5, Block 5, Ferry's Addition; and vacated streets and alleys adjacent, more specifically described in the Council packet, from C-2/Commercial District to MCR/Mixed Commercial Residential District as defined in chapter 15.12. Location: A parcel of land that is bounded by West Broadway, South 34th Street, 2nd Avenue, and South 32nd Street. ZC-20-001

Mike Wolf and Melissa Head moved and seconded approval of Third Consideration of Ordinance 6405. Ordinance passes to law.. Unanimous, 4-0 vote.

(Absent: Disalvo)

RESOLUTIONS

Resolution 20-53

Resolution authorizing the issuance of \$5,115,000 General Obligation Bonds, Series 2020B and levying a tax for the payment thereof.

Roger Sandau and Chad Hannan moved and seconded approval of Resolution 20-53. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-54

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

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 20-54. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-55

Resolution to approve the tentative agreement by and between the City of Council Bluffs and the Communication Workers of America (AFL/CIO) Clerical and Technical Employees.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-55. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-56

Resolution to approve the tentative agreement reached by and between the City of Council Bluffs and the Fraternal Order of Police, Lodge #1.

Melissa Head and Mike Wolf moved and seconded approval of Resolution 20-56. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-57

Resolution accepting the bid of Bluffs Paving and Utility Co. Inc. in the amount of \$917,246.15 for the Gifford Road Reconstruction, Phase III. Project # PW20-24

Mike Wolf and Roger Sandau moved and seconded approval of Resolution 20-57. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-58

Resolution to adopt the 2020 City Council Rules of Procedure.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-58, as amended keep Rule 3 b, as originally stated.. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-59 - 20-63

Resolutions granting approval of tax abatement on improvements made to real property within Urban Revitalization Areas during the 2020 tax assessment year (2019 Calendar year)

Chad Hannan and Melissa Head moved and seconded approval of Resolution 20-59 through Resolution 20-63. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-64

Resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-64. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-65

Resolution accepting the bid of MCC Mechanical Contractors in the amount of \$190,720.00 for the UP Museum Boiler and Chiller Replacement Project. Project #BM-20-04

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 20-65. Unanimous, 4-0 vote.

(Absent: Disalvo)

Resolution 20-66

Resolution accepting the bid of Judds Bros. Construction Co. in the amount of \$297,500.00 for the 6th Avenue Pump Station Trash Rack Rehab. Project #PW20-14

Melissa Head and Roger Sandau moved and seconded approval of Resolution 20-66. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-67

Resolution certifying the FY2020 Water, Sewer and Refuse collection lien schedule for nonpayment to the County Treasurer to be assessed against the owner's property.

Chad Hannan and Roger Sandau moved and seconded approval of Resolution 20-67. Unanimous, 4-0 vote. (Absent: Disalvo)

Resolution 20-68

Resolution declaring the intent of the City to accept a proposal received in accordance with the requests for proposals and to enter into a purchase, sale, and development agreement based on the selected proposal

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-68. Unanimous, 4-0 vote.

(Absent: Disalvo)

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses; 1) The Barrel, 144 W Broadway, 2) Cellar 19 Wine & Deli, 928 Valley View Village, 3) Council Bluffs Travel Center, 3210 S 7th St, 4) Glory Days, 106 W Broadway, 5) Holiday Inn Hotel & Suites, 2202 River Rd, 6) Lansky's, 1131 N Broadway, 7) Pomodoro Fresh Italian, 722 Creek Top (New), 8) The Porch House, 2327 S 24th St, 9) Saint Albert Catholic Schools, 400 Gleason Ave (New), 10) Super Saver IV, 1141 N Broadway, 11) 3rd Base Bar and Grill, 800 N 8th St.

Melissa Head and Roger Sandau moved and seconded approval of Applications for permits and cancellations, Liquor Licenses, Item 7A 1-11.

Unanimous, 4-0 vote.

(Absent: Disalvo)

CITIZENS REQUEST TO BE HEARD

Heard from:

Bruce Kelly, 864 McKenzie Avenue

Paul Funk, 1017 20th Avenue,

Motion by Sandau, seconded by Head to receive and file item from Mr. Funk.

OTHER BUSINESS

Sherwood Forest Apartments

Council decision/vote on request to waive and/or reduce late fees.

Roger Sandau and Chad Hannan moved and seconded approval of Motion to Deny request to waive rental registration fees by Sherwood Forest Apartments. Unanimous, 4-0 vote.

(Absent: Disalvo)

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:18 p.m.

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Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development

Case/Project No.: URV-20-001

Submitted by: Courtney Harter,
Housing & Economic Development
Manager, Community Development

Resolution 20-69
ITEM 3.C.

Council Action: 3/9/2020

Description

Resolution of necessity and intent to establish the Veterans Memorial Highway Urban Revitalization Area as legally described in the Council packet. Location: 706 Veterans Memorial Highway.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
URV-20-001 Staff Report	Other	3/4/2020
Boundary Map	Map	2/27/2020
Draft Veterans Memorial Highway Urban Revitalization Plan	Other	2/27/2020
Resolution 20-69	Resolution	3/4/2020

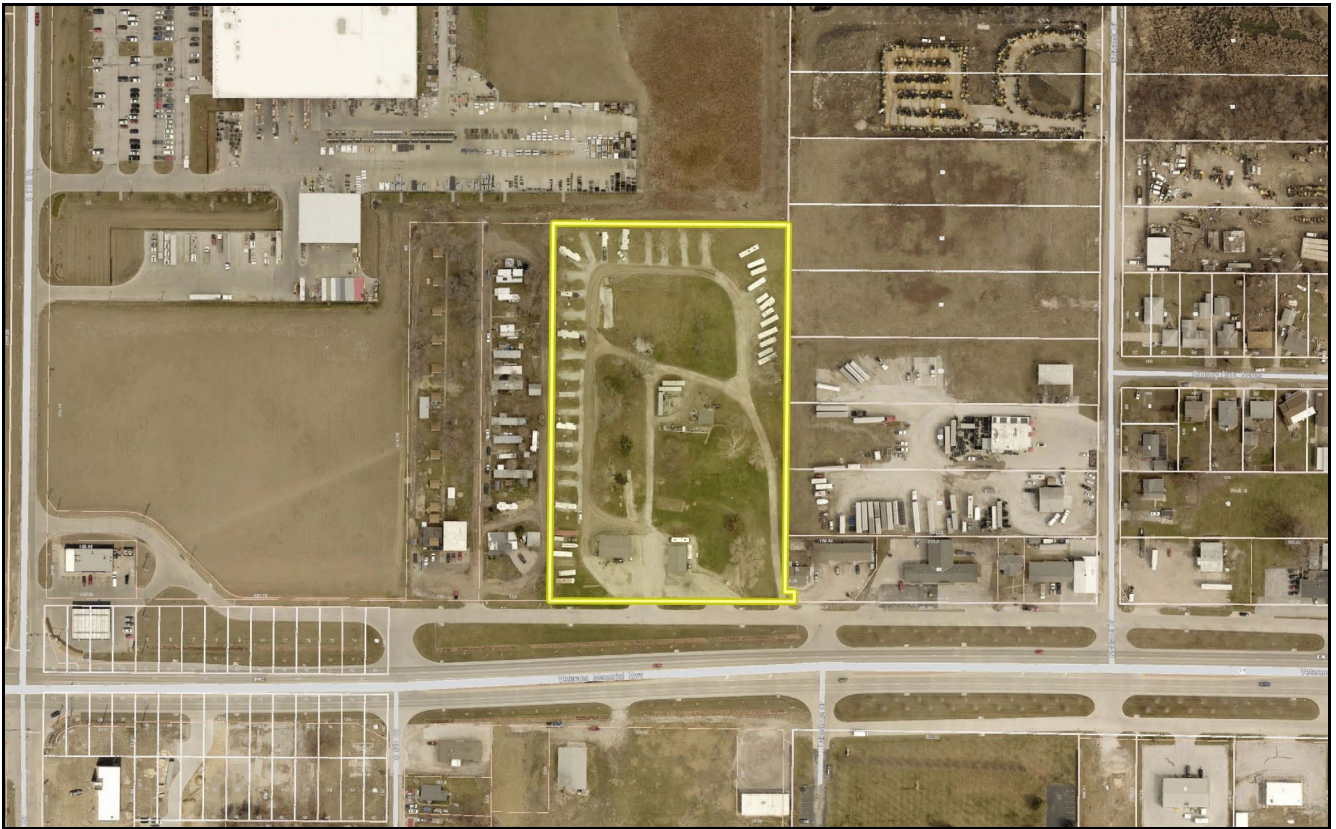
Council Communication

Department: Community Development CASE # URV-20-001	Resolution No. _____ Ordinance No. _____	City Council: 3/09/2020 City Council Public Hearing: 4/20/2020 1 st Reading: 4/20/2020 2 nd Reading: 5/04/2020 3 rd Reading: REQUEST TO WAIVE
Subject/Title		
Establishment of the Veterans Memorial Highway Urban Revitalization Area. Location: 706 Veterans Memorial Highway.		
Background/Discussion		
<p><u>Background</u></p> <p>McGregor Interests, Inc. has a purchase agreement with the current owner of the subject property and intends to redevelop it as a commercial storage facility to be known as 'Lockbox Storage.' The proposed location at 706 Veterans Memorial Highway will be one of the multiple locations of 'Lockbox Storage' across Iowa and Nebraska. McGregor Interests, Inc. proposes to construct eight storage buildings on the subject property.</p> <p><u>Discussion</u></p> <p>Iowa Code permits the City to establish urban revitalization areas which satisfy one of the five conditions outlined in Section 404.1. Staff believes this project meets the criteria under 404.1.2: An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.</p> <p>Staff has prepared a resolution of intent to establish this project area as an urban revitalization area. The resolution directs staff to develop an urban revitalization plan as required by the Iowa Code, notify property owners and occupants and set April 20, 2020 as a public hearing date. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area, the City is permitted to grant tax abatement to qualified projects.</p> <p>If approved, the project as proposed could be eligible for either a full exemption from taxation for three years, or a ten year declining property tax abatement on the actual value added by the improvements.</p>		
Recommendation		
The Community Development Department recommends City Council adopt a resolution of necessity and intent to establish an urban revitalization plan and area for 706 Veterans Memorial Highway.		
Attachments		
Boundary Map and Draft Plan		

Veterans Memorial Highway Urban Revitalization Plan – Boundary Map



Veterans Memorial Highway Urban Revitalization Plan



Prepared by

Community Development Department
City of Council Bluffs, Iowa

Adopted by

City Council on [REDACTED], 2020

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
INTRODUCTION.....	2
LEGAL DESCRIPTION OF AREA	4
PROPERTY OWNERS & ASSESSED VALUATIONS.....	5
EXISTING ZONING & PROPOSED LAND USE	5
PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES	7
RELOCATION PROVISIONS.....	7
OTHER PUBLIC ASSISTANCE	8
APPLICABILITY & TAX EXEMPTION SCHEDULE	8
APPLICATION & REVIEW PROCESS	9
ATTACHMENT A: TAX PARCEL INFORMATION.....	10
ATTACHMENT B: PLAN OF OPERATIONS	13
ATTACHMENT C: SITE PLAN.....	14

INTRODUCTION

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate renovation of a blighted area. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.
3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.
4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

The City of Council Bluffs concluded that the Veterans Memorial Highway Urban Revitalization Area meets the criteria of element 2. Consequently, on [REDACTED], the City Council adopted Resolution No. 20- [REDACTED], which directed staff to prepare a plan for the proposed revitalization area. Illustration 1 is the City Council Resolution.

Veterans Memorial Highway Urban Revitalization Area

Illustration 1 – Resolution

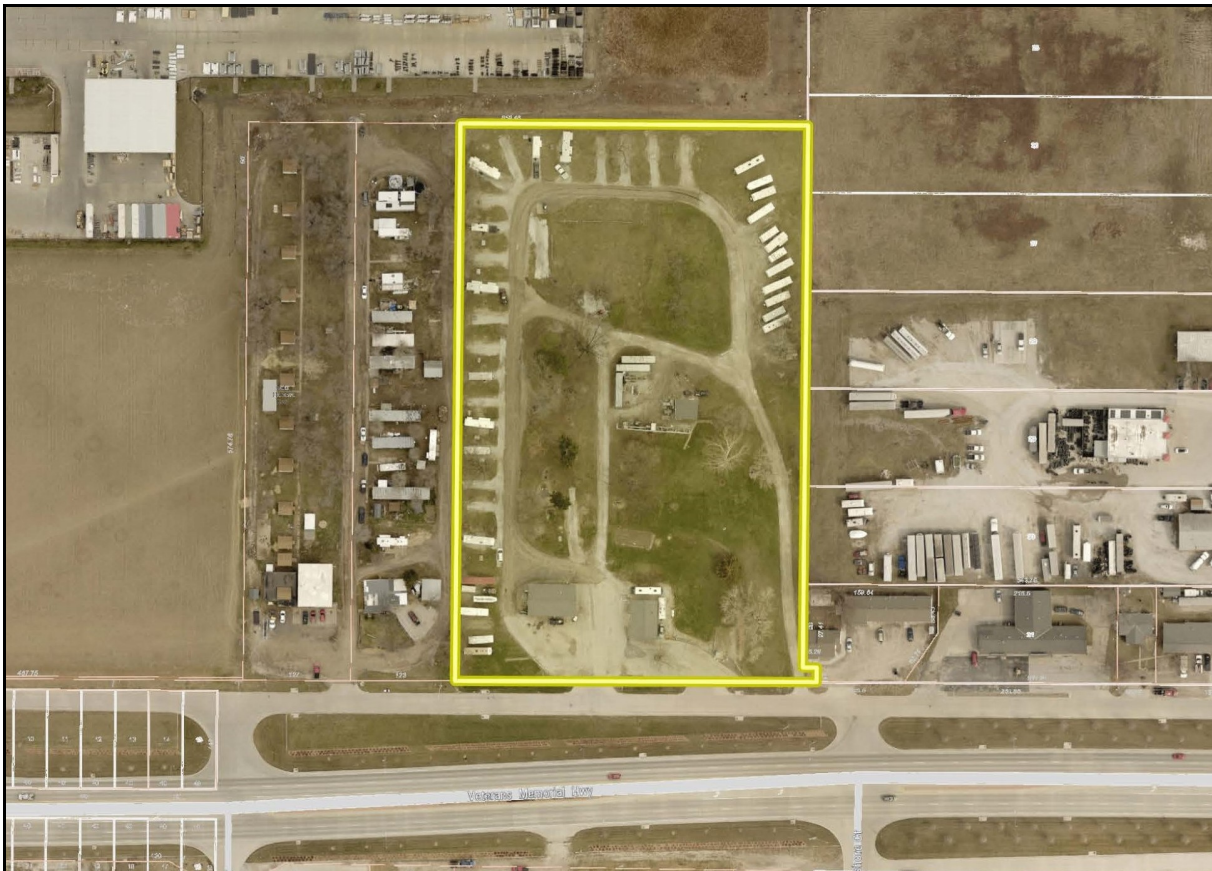
LEGAL DESCRIPTION

The Veterans Memorial Highway Urban Revitalization Area is a tract of land containing parcel number 744412351011, legally described as:

The North 660 feet of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12-74-44, except the West 250 feet, and the West 16.5 feet of the South 20 feet north of the highway in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12-74-44, City of Council Bluffs, Pottawattamie County, Iowa

Illustration 2 shows the location and the boundary of the Veterans Memorial Highway Urban Revitalization Area, which consists of 6.18 acres.

Veterans Memorial Highway Urban Revitalization Area
Illustration 2 – Boundary



PROPERTY OWNERS AND ASSESSED VALUATIONS

The Veterans Memorial Highway Urban Revitalization Area will be comprised of 6.18 acres on one parcel of land owned by Tomes Inc. McGregor Interests, Inc. has a purchase agreement with the current owner of the property. Tomes Inc currently operates Tomes RV Park on the property.

Valuation was obtained from the records of the Pottawattamie County Assessor.

Parcel Number	Zoning	Owner & Address	Land Valuation	Dwelling Valuation	Building Valuation	Total Valuation
744412351011	I-2/ General Industrial District	Tomes Inc 706 Veterans Memorial Hwy Council Bluffs, IA 51501	\$309,000	\$ -	\$101,000	\$410,000

EXISTING ZONING AND PROPOSED LAND USE

Veterans Memorial Highway Urban Revitalization Area is currently zoned I-2 in parcel 744412351011. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

The proposed principal use of the Veterans Memorial Highway Urban Revitalization Area is 'commercial storage,' which is a permitted use in an I-2/General Industrial District. A conditional use permit is required for the ancillary exterior storage component proposed by the McGregor Interests, Inc. The conditional use permit was granted by the Zoning Board of Adjustment on 1/21/2020.

Surrounding properties to the west, north and northeast are also zoned I-2. Properties east of the subject property are zoned C-2/Commercial District. The majority of properties south of Veterans Memorial Highway are also zoned C-2. There is also some land southeast of the subject property that is zoned R-4/High Density Multi-Family Residential District and R-3/Low Density Multi-Family Residential District. Illustration 3 depicts the existing on-site and surrounding zoning.

Existing land uses in the general vicinity include: a truck equipment supplier and dealer to the north; a tire shop to the east; a restaurant, a gas station, a clothing store, a medical clinic, a window supplier, a sign shop and an automotive repair shop to the southwest; and multiple residential uses to the west and across Veterans Memorial Highway to the southeast. Additionally, two non-conforming residential structures abut the subject property to the southeast.

The future land use map of the *Bluffs Tomorrow: 2030 Comprehensive Plan* designates the subject property as Local Commercial. The plan defines "Local Commercial" as areas that include "*uses oriented primarily towards goods and services that meet the demand of*

Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots.”

McGregor Interests, Inc. has a purchase agreement with the current owner of the subject property, and intends to redevelop it as a commercial storage facility to be known as ‘Lockbox Storage.’ The proposed location at 706 Veterans Memorial Highway will be one of the multiple locations of ‘Lockbox Storage’ across Iowa and Nebraska.

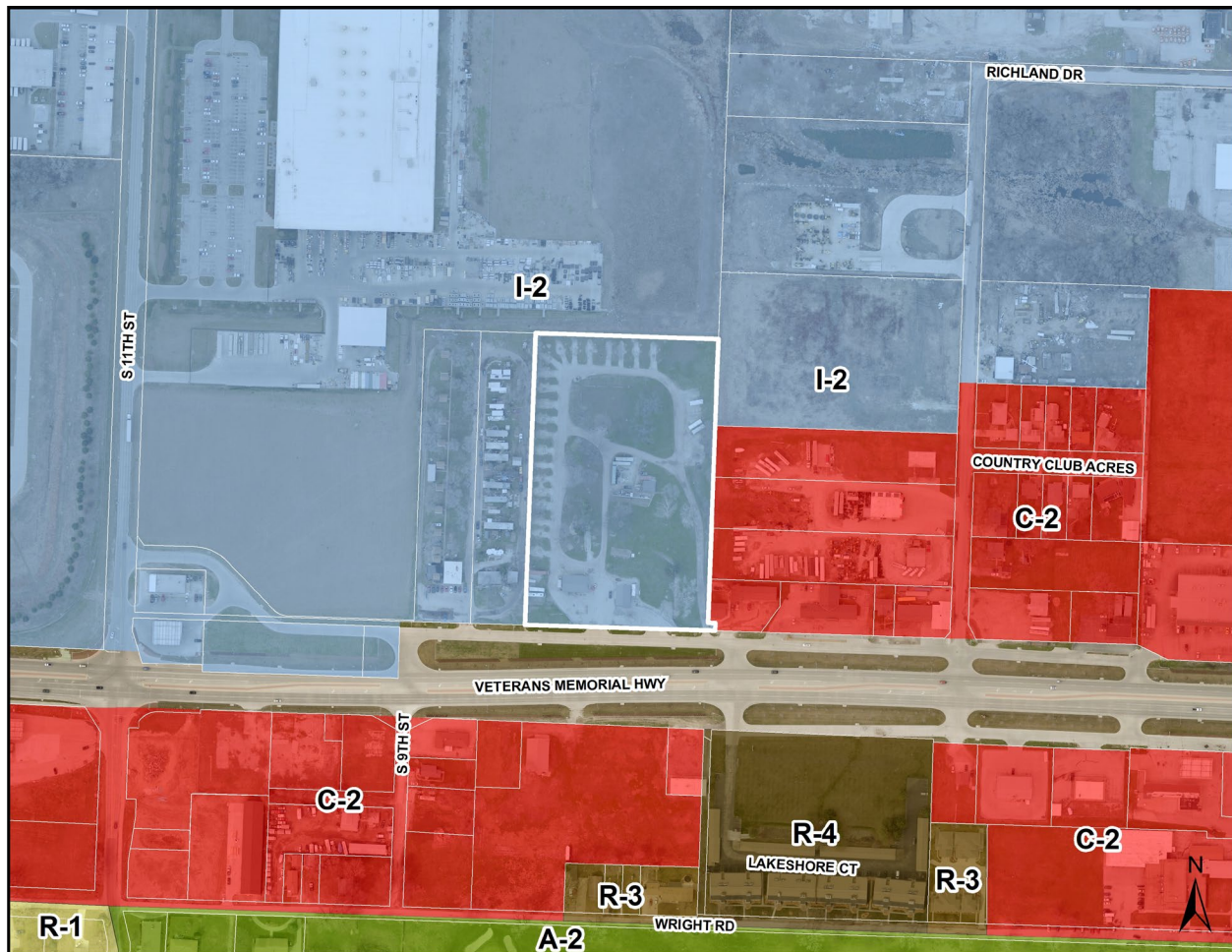
McGregor Interests, Inc. proposes to construct eight (8) storage buildings on the subject property. The submitted site plan shows that the proposed structures will range in size from 6,000 square feet to 23,250 square feet. The largest building is proposed to be the only climate-controlled structure on site and will be located on the southwest corner of the subject property. A 450-square foot office area will be located on the southeast corner of said building. An eight-foot fence is proposed to enclose the subject property. The site will be accessed through two existing entrances located along the service road that runs parallel to Veterans Memorial Highway. Electronic gates will be installed at these two access points. The west entrance will serve as the main access point to the site while the gate at the east entrance will be locked at all times and only be used as an emergency access point. A keypad will allow customers to access the site through the main gate.

The site plan also shows ninety-six (96) total parking spaces will be provided on the subject property. Five (5) parking spaces will serve as customer parking and will be located east of the office area. One (1) of those spaces will be designated as handicap parking. As part of this development, McGregor Interests, Inc. proposes to provide exterior storage for boats, recreational vehicles (RVs), trailers and campers as an ancillary use.

The submitted plan of operations (Attachment B) indicates that there will be one full-time onsite property manager at this location, one part-time employee to cover for the full-time employee and an offsite manager who will coordinate maintenance and repairs. Additionally, a company will be contracted to provide security services.

Veterans Memorial Highway Urban Revitalization Area

Illustration 3 – Zoning



PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES

The proposed Veterans Memorial Highway Urban Revitalization Area is currently served with all municipal services (sanitary sewer, water and storm sewer) and can be accessed by a dedicated roadway. Electricity and gas service are also available to the project. The project is located along Veterans Memorial Highway, which is adequate to handle the additional traffic generated by this proposed project.

RELOCATION PROVISIONS

The proposed Veterans Memorial Highway Urban Revitalization Area has one commercial entity operated by the current owner at the 706 Veterans Memorial Hwy location. There are no other tenants at the location; therefore, the City will not displace any residential or non-residential tenants as a result of proposed improvements in the urban revitalization area.

OTHER PUBLIC ASSISTANCE

The developer is requesting property tax exemption. The developer has not requested any additional public assistance.

APPLICABILITY AND TAX EXEMPTION SCHEDULE

1. Eligibility – The Veterans Memorial Highway Urban Revitalization Plan will apply to commercial and industrial land uses.

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion.

2. Term - The term of this Plan shall be until December 31, 2040 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.
- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the

15% increase requirement applies only to the structure or structures upon which the improvements were made.

- If no structures were located on the property prior to the improvements, any improvements may qualify.

5. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

APPLICATION AND REVIEW PROCESS

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.
2. The applicant completes the required forms and submits them along with all required data by February 1st to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.
3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.
4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.
5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.
6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1st as required by Chapter 404 of the Iowa Code.

ATTACHMENT A

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

7444 12 351 011

--- Permanent Property Address --- ----- Mailing Address -----

TOMES INC TOMES INC
706 VETERANS MEMORIAL HWY 706 VETERANS MEMORIAL HWY
COUNCIL BLUFFS, IA 51501 COUNCIL BLUFFS, IA 51501

District: 002 CO BLUFFS CITY/LC SCHOOL

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744412351011>

===== TAX DESCRIPTION* =====

* Not to be used on legal documents

SECTION 12-74-44 EXC W250' N660' NE SW

===== ASSESSED VALUE =====

* Class is for Assessment purposes only - Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
\$309,000	\$0		\$101,000	\$410,000		2018	C
\$309,000	\$0		\$101,000	\$410,000		2019	C

===== EXEMPTIONS & CREDITS =====

2018 BPTC \$3,362.75

===== OWNERS =====

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D TOMES INC book/page:

===== ASSESSMENT DATA =====

PDF: 8 MAP: 21-8 C.B COMMERCIAL

Interior Listing: Estimated Date Listed: 03/11/2016 JAC Date Reviewed: 03/06/2019 GMS

LAND.....269200 sqFt 6.18 acres

Commercial Building 1 of 3 -- Store - Retail Small (201)

DBA: TOMES RV PARK CAMPING

STRUCTURE....1 story 876 base SF 0 bsmt SF 876 gross SF

Year Built: 1930 Eff Year: 1930 Condition: Normal

VERTICALS....Foundation: C'Blk or Tile w/o Bsmt

Ext Wall: Alum - Frame

Int Wall: Panel - Softwood

Panel - Hardwood

Front/Doors: Incl. w / Base

Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk

Ceiling: Suspended Blk-Fiber

Struc Floor: 4" R'Concrete

Floor Cover: Asphalt Tile

Partitions: Retail Store(Small)

Framing: Wood - Average

HVAC: Suspended Unit Heater (Gas)

Lighting: Retail Store (Small)

ADJUSTMENTS..A/C - deduct (876)

Commercial Building 2 of 3 -- Metal Shop - Steel Frame (605)

DBA: TOMES RV PARK CAMPING

STRUCTURE....1 story 1450 base SF 0 bsmt SF 1450 gross SF

Year Built: 1930 Eff Year: 1930 Condition: Normal

VERTICALS....Foundation: Reinforced Concrete w/o Bsmt

Ext Wall: Metal Sandwich Panel - 2"

Int Wall: Unfinished

Front/Doors: Incl. w / Base

Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk

Ceiling: Metal Liner

Struc Floor: 6" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - Average

HVAC: Suspended Unit Heater (Gas)

Lighting: Service Station With Bays

PLUMBING....Toilet Room (2)

BLDG EXTRAS..2 Door: O.H. Door - Manual, 10 Ft Wide, 10 Ft High

Commercial Building 3 of 3 -- Manufactured Home Park (703)

DBA: TOMES RV PARK CAMPING

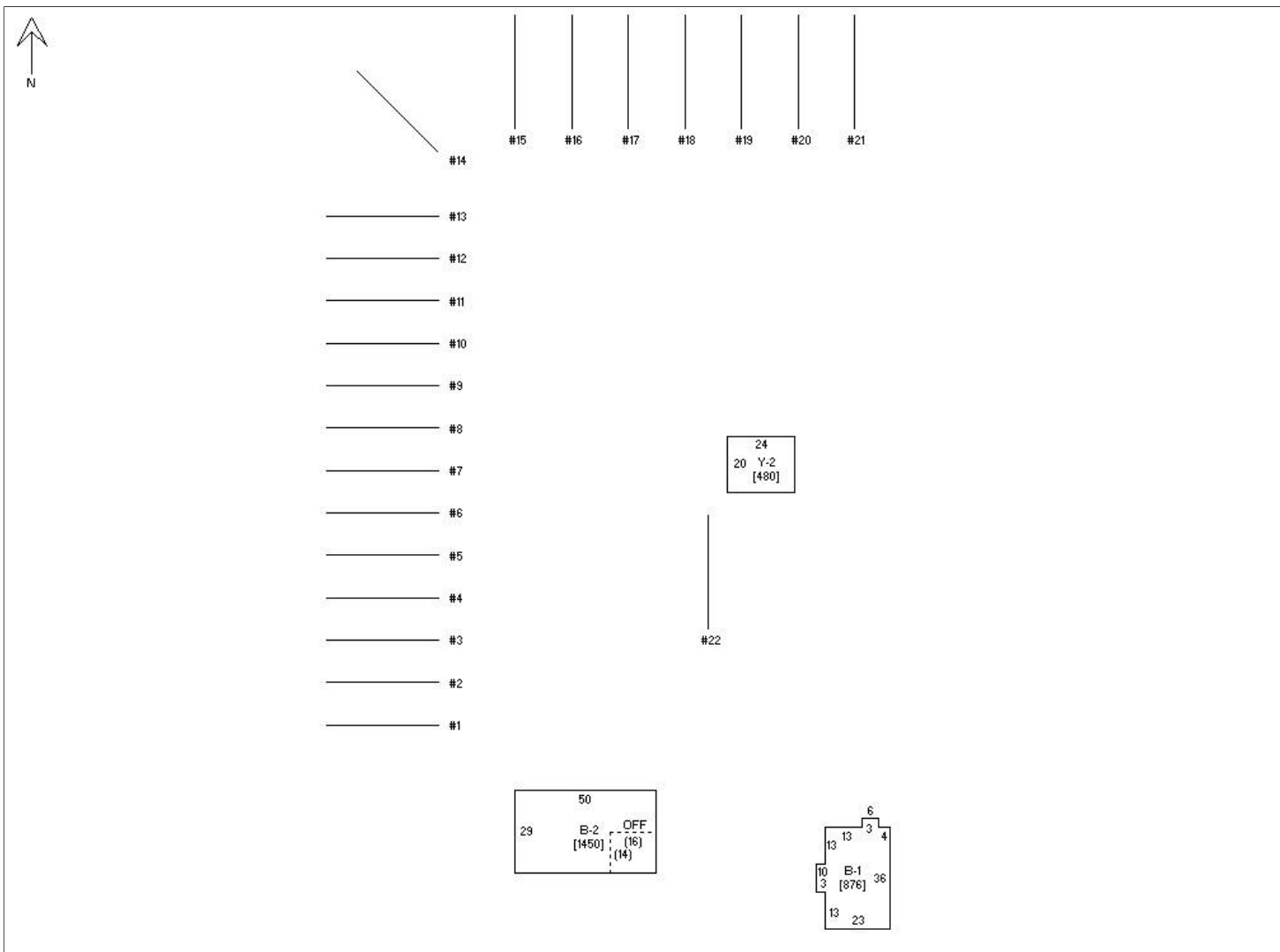
STRUCTURE....0 story 0 base SF 0 bsmt SF 0 gross SF

Year Built: 1962 Eff Year: 1962 Condition: Normal

YARD EXTRAS..Paving - Asphalt 16,500 SF, Asphalt Parking

Garage 480 SF, Frame

Fencing - Chain No Barbs, 6 Ft-Hgh, 1,475 LF, 0 LF-Gates



706 VETERANS MEMORIAL HWY, TOMES INC

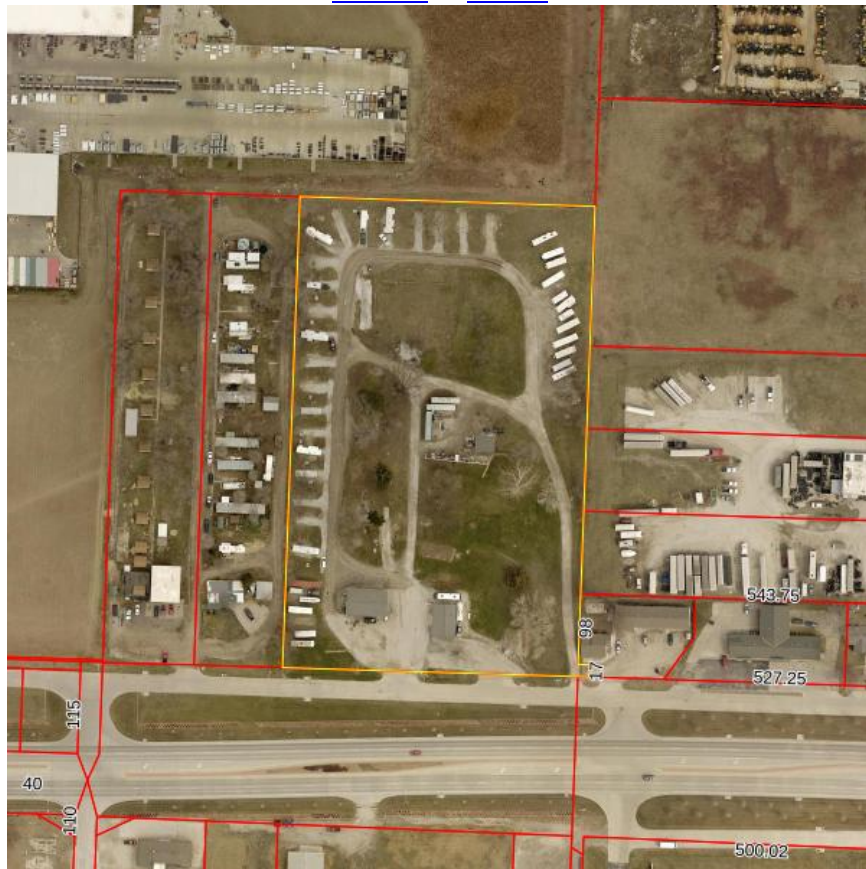


706 VETERANS MEMORIAL HWY, TOMES INC, 1 03/11/2016



706 VETERANS MEMORIAL HWY, TOMES INC, 2 03/11/2016

[Zoom Out](#) [Zoom In](#)



1200ft x 1200ft

[Click any parcel to go to its web page](#)

See [more maps](#) at the [County GIS Department](#).

As of:

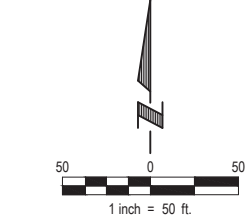
[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

ATTACHMENT B

Plan of operations:

1. **Business hours:** 9am -4:30 pm Monday-Saturday. Closed Sunday.
2. **Gate hours:** 5 am till 10 P.M. 24/7 gate hours to customers who provide reason for need and pay 24/7 access fee.
3. **Employment:** One full time property manager onsite during business hours, one part time employee to cover for full time. Security company to be employed. One offsite property manager to coordinate repairs and maintenance.
4. **Description of Activity:** Applicate intends to operate Lockbox Storage brand onsite. Lockbox Storage is affiliated with McGregor Interests Inc. Lockbox Storage has 10 locations in the Midwest and averages 10 customers per day for similar sized facilities.
5. **Parking:** Office area will be approximately 450 square feet and will contain our receptionist, and miscellaneous packing supplies, and locks for re-sale. 5 parking stalls will be provided adjacent to the office for current and potential patrons.
6. **Security:** The property will be fully fenced with either 8' press point fencing or chain link fence. Security cameras will be installed about the property. Electronic gates will be installed with keypad access.
7. **Access:** Access to the property will be via the service road that runs parallel with Veterans Memorial Highway. The Site will have two access points onto the service road. The main gate will have keypad access and the secondary gate will be locked at all times and only used as a back up or emergency access point.
8. **Signage** is expected to be located on the office exterior walls, as well as a pole sign located south east of the main gate, to create visibility from Veterans Memorial HWY.
9. **Lighting** on the property shall be via LED wall packs that have adjustable lighting to avoid light pollution onto the adjacent properties.

Any questions please call Geoff McGregor at 402-334-2123 or Geoff@mcgregorint.com



SITE STATISTICS	
BUILDING TYPE	BUILDING SIZE
CLIMATE CONTROLLED	23,250 S.F.
TOTAL ADDED STORAGE	65,370 S.F.
GRAND TOTAL STORAGE	88,620 S.F.

Proj No: M2019.310.001

Date: 12/9/2019

Designed By: MAT

Drawn By: MAT

Scale: 1" = 50'

Sheet: 1 of 1

Revisions

Date	Description
12/9/2019	MAT
	MAT

12/9/2019 9:02 AM K:\Project\2019\310\01\Planning & Paving\Planning\Concept\CAD Concept\Map\Gregg - Manawa Project\Concept\000.dwg

Matthew Tunks

SELF STORAGE

POTAWATTAMIE COUNTY, IOWA



E & A CONSULTING GROUP, INC.
Engineering Answers

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10930 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.865.1700 • Fax: 402.865.3525
www.eaeg.com

RESOLUTION NO. 20-69

A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE VETERANS MEMORIAL HIGHWAY URBAN REVITALIZATION AREA LEGALLY DESCRIBED AS THE NORTH 660 FEET OF THE NE ¼ SW ¼ SW ¼ OF SECTION 12-74-44, EXCEPT THE WEST 250 FEET, AND THE WEST 16.5 FEET OF THE SOUTH 20 FEET NORTH OF THE HIGHWAY IN THE SE ¼ SW ¼ OF SECTION 12-74-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

- WHEREAS, the subject area is an appropriate area as defined in Section 404.1.2 of the Iowa Code; and
- WHEREAS, a proposal has been submitted for the redevelopment of the area; and
- WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.2.

BE IT FURTHER RESOLVED

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than April 10, 2020.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on April 20, 2020.

**ADOPTED
AND
APPROVED:**

March 9, 2020

Matthew J. Walsh Mayor

ATTEST:

Jodi Quakenbush City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW21-12
Submitted by: Matthew Cox, Public
Works Director

Resolution 20-70
ITEM 3.D.

Council Action: 3/9/2020

Description

Resolution setting a public hearing for 7:00 p.m. on March 23, 2020 for the South 1st Street Neighborhood Rehab, Phase XI. Project # PW21-12

Background/Discussion

The South 1st Street neighborhood bounded by Pierce Street on the north, Palmer Avenue on the south, 1st Street on the west and Franklin Avenue on the east consists of some of the original town subdivision within the city.

Records indicate that the infrastructure in this area dates back prior to the 1950's and is in need of replacement. Storm sewers are lacking or undersized, sanitary sewers are leaking and broken and the pavements are in poor condition. Improvement projects will be phased over several years to replace and upgrade the aged infrastructure.

Phases I thru VIII are complete and included portions of Knepper Street, Damon Street, Hill Street, Stutsman Street, Langstrom Street, Franklin Avenue, Platner Street, Carson Avenue, Grace Street, Kappell Avenue, Charles Street, Garden Street, Bloomer Street, Clinton Street, Voorhis Street, Stahl Avenue and Grace Street. The Phase IX project has only minor punch list items remaining and included Iowa Avenue, Palmer Avenue, and Grove Street. The Phase X project is substantially complete with only punch list items and seeding remaining.

The next phase is scheduled for construction in 2020 and will continue the reconstruction along Franklin Avenue from 675 Franklin Avenue to Hazel Street, Hazel Street from Franklin Avenue to Iowa Avenue, Charles Street from Grace Street to Hazel Street and Iowa Avenue from 510 Iowa Avenue to Hazel Street.

This project is included in the FY21 CIP and includes a budget of \$1,350,000 in Sales Tax Funds.

The project schedule is as follows:	Set Public Hearing	March 9, 2020
	Hold Public Hearing	March 23, 2020
	Bid Letting	April 9, 2020
	Award	April 20, 2020
	Construction Start	May 2020

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
-------------	------	-------------

Map
Notice of Public Hearing
Resolution 20-70

Map 2/27/2020
Other 2/27/2020
Resolution 3/4/2020

PW 21-12
S. 1ST NEIGHBORHOOD
REHAB PH 11

PROJECT LOCATION

FRANKLIN AVE

GRACE ST

CHARLES ST

SCARLET OAKS LN

IOWA AVE

HAZEL ST

HAZEL ST E

Legend

 PW21-12

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
South 1st Street Neighborhood Rehab, Phase XI
Project #PW21-12

A public hearing will be held on March 23, 2020, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the South 1st Street Neighborhood Rehab, Phase XI project. The project will include construction of 4,719 square yards of concrete pavement, 1,153 lineal feet of storm sewer and 1,563 lineal feet of sanitary sewer. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council
of the
City of Council Bluffs, Iowa
Jodi Quakenbush, City Clerk

RESOLUTION
NO 20-70

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
SOUTH 1ST STREET NEIGHBORHOOD REHAB, PHASE XI
PROJECT #PW21-12**

WHEREAS, the City wishes to make improvements known as the
South 1st Street Neighborhood Rehab, Phase XI
within the City, as therein described; and

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

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

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the South 1st Street Neighborhood Rehab, Phase XI.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

March 9, 2020

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 20-71
ITEM 3.E.

Council Action: 3/9/2020

Description

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.

Background/Discussion

Effective April 17, 2019, the Administrative Code for the State of Iowa was changed as it relates to interfund transfers. The Code now requires all interfund transfers must be approved by Council resolution. A fund transfer resolution must be completed for all transfers between funds and must include the purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received and the dollar amount of the transfer.

This resolution is brought forward for approval of FY20 actual interfund transfers to date.

Recommendation

Approve the resolution.

ATTACHMENTS:

Description	Type	Upload Date
Fund transfers FY20 TYD Actuals	Other	3/4/2020
Resolution 20-71	Resolution	3/4/2020

Fund Transfers
Council Meeting: March 9, 2020

Transfer From		Transfer To		Amount	Purpose	Effective FY
Fund Category	Fund Name	Fund Category	Fund Name			
Special Revenue	Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	228,490	Final Funding for CIP PW1609X Franklin Ave Sidewalk Fund for CIP PW1814X Pump Station Trash Rack Rehab	FY20
Special Revenue	Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	236,381	Final Funding for CIP PW1814X Pump Station Trash Rack Rehab	FY20
Enterprise	Sewer Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	236,381	Final Funding for CIP PW1907X Kenmore/Harrison Sewer Repair	FY20
Special Revenue	Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	400,095	Final Funding for CIP PW1909X East Manawa Sewer Rehab Phase VII	FY20
Special Revenue	Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	1,121,943	Final Funding for CIP BM1901 Entertainment District Parking Lot Phase I	FY20
General	Gaming	Capital Projects	Capital Projects	851,078	Final Funding for CIP BM1902 Facility Needs Assessment Study	FY20
General	Gaming	Capital Projects	Capital Projects	35,000	Final Funding for CIP BM1904 MAC/Entertainment District Signage Program	FY20
General	Gaming	Capital Projects	Capital Projects	413,496	Final Funding for CIP BM1903 Mid America Scoreboard Replacement Project	FY20
General	Gaming Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	603,477	Final Funding for CIP PW 18-16C Mosquito Creek Mitigation	FY20
Special Revenue	Local Option Sales Tax (LOST)	Capital Projects	Capital Projects	62,546		FY20
Special Revenue	Employee Benefits Levy	General	General - Employee Benefits	8,989,118	Fund Employee Benefits	FY20
Tax Increment Financing (TIF)	MACC TIF	Special Revenue	Bass Pro Community Development Capital Project	40,000	Transfer TIF revenue to fund Bass Pro property expenses	FY20
Tax Increment Financing (TIF)	W. Broadway TIF	Capital Projects	Community Development Capital Project	59,751	Transfer TIF revenue for City reimbursement for W Broadway Redevelopment Project 00453	FY20
Tax Increment Financing (TIF)	W. Broadway TIF	Debt Service	Debt Service	4,711	Transfer TIF revenue for 2016B bond payment relates to Echo	FY20
Tax Increment Financing (TIF)	W. Broadway TIF	Debt Service	Debt Service	437,552	Transfer TIF revenue for 2016B bond payment relates to Echo	FY20
Tax Increment Financing (TIF)	W. Broadway TIF	Debt Service	Debt Service	158,101	Transfer TIF revenue for 2012C bond payment relates to Bunge	FY20
Tax Increment Financing (TIF)	Playland Park TIF	Debt Service	Debt Service	23,345	Transfer TIF revenue for 2010C bond payment relates to River's Edge project	FY20
Special Revenue	Emergency Levy	General	General	426,926	General Funding	FY20

Resolution 20-71

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.

WHEREAS, the Administrative Code for the State of Iowa, Section 545-2, was revised as it relates to interfund transfers, effective April 17, 2019.

WHEREAS, the Administrative Code now requires all interfund transfers must be approved by Council resolution. A fund transfer resolution must be completed for all transfers between funds and must include the purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received, and the dollar amount of the transfer.

Now, therefore, be it resolved by the City Council of the City of Council Bluffs, Iowa:

That the transfers identified are hereby approved and City Finance is authorized, empowered and directed to make the necessary transfers of said dollars between funds.

Adopted and Approved: March 9, 2020

Matthew J. Walsh, Mayor

Jodi Quakenbush, City Clerk

Council Communication

Department: Legal
Case/Project No.:
Submitted by: Graham Jura

Resolution 20-76
ITEM 3.F.

Council Action: 3/9/2020

Description

Resolution to dispose of city-owned property generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M.

Background/Discussion

The City has received an offer to purchase the property described above. The City attained title to this property through the abandoned building procedures as outlined in Iowa Code 657A.10A. Currently, there is an abandoned house residing on the property requiring demolition, as well as general maintenance of the property required to bring it into compliance with Council Bluffs Municipal Code. As consideration for the transfer of property, the District will demolish the building on the property within 30 days of receiving title, which would otherwise be the responsibility of the City at our cost. The District will also maintain the property in compliance with Council Bluffs Municipal Code.

Recommendation

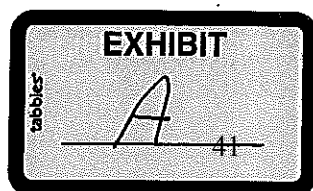
The City Legal Department recommends disposing of the property generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, under the terms described herein.

ATTACHMENTS:

Description	Type	Upload Date
Exhibit A-Legal description attachment	Other	2/28/2020
Aerial map attachment	Other	2/28/2020
Easement Restrictions attachment	Other	2/28/2020
Public Hearing Notice	Other	2/28/2020
Resolution 20-76	Resolution	3/4/2020

A parcel of land located in the SW¼ SW¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, as shown on Acquisition Plat Attachment B-7, attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the SW Corner of said Section 17, thence N0°43'55"E 899.95 feet along the west line of the SW¼ SW¼ of said Section 17; thence S89°16'05"E 115.94 feet to a point on the east right of way line of Interstate Route No. 29 and the northerly right of way line of CBEC Railway, the Point of Beginning; thence along said northerly right of way line for the following (2) courses, southeasterly 603.47 feet along a 1095.92 foot radius curve, concave northeasterly and having a chord bearing S74°12'32"E 595.87 feet; S89°59'01"E 637.75 feet to a point on the east line of the SW¼ SW¼ of said Section 17; thence S0°40'50"W 100.01 feet along said west line to a point on the southerly right of way line of CBEC Railway; thence along said southerly right of way line for the following (2) courses, N89°59'01"W 942.55 feet; S0°40'50"W 68.86 feet; thence N44°10'16"W 383.25 feet to a point on the east right of way line of Interstate Route No. 29; thence N0°29'13"E 56.03 feet along said east right of way line to the Point of Beginning, said parcel contains 132,872 square feet or 3.05 acres.





744318200007

744318400015

744318400008

MOSQUITO CREEK LEVEE

SIRE

29

QUIT CLAIM
744317300008
WITH BLANKET ACCESS EASEMENT
TO PARCELS WEST OF I-29

OLD CBEC
ROW

BNSF

Easement Restrictions

1. 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, City of Council Bluffs, IA.
2. 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 parties.
3. RIGHT OF ACCESS: Private parties shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including but not limited to the right to remove any unauthorized obstructions or structures placed or erected on the Easement Area.
4. 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.
5. DUTY TO REPAIR: Parties agrees that any drain tile, drive or access way, fence, yard or other improvement which may be damaged as a result of any entry made through an exercise of the Private Parties right of access shall be repaired at no expense to Grantor.
6. APPROVAL BY CITY COUNCIL: This Easement shall not be binding until it has received the final approval and acceptance by the Council Bluffs City Council by Resolution, which approval and acceptance shall be noted on this Easement by the City Clerk.
7. NONEXCLUSIVE: This grant of Easement for access shall be nonexclusive. Grantor reserves the right to use said access, and incorporate said access into any development plan proposed by grantor in the future.

**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 generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M. 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 23rd day of March, 2020, 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

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: City Legal Dept., Co. Bluffs, IA 51503 – Phone: (712) 890-5317

RESOLUTION NO. 20-76

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY GENERALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN THE SW ¼ SW ¼ OF SECTION 17, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City received multiple parcels of vacated CBEC railroad Right-of-Way, Pursuant to a Real Estate Transfer Agreement dated April 13, 2013, which covered the construction, maintenance and relocation of highway and railroad right-of-way that is identified as a part of IDOT Project IMN-029-3(65)54-OE-79 (Interstate 29 project); and

WHEREAS, disposal of the particular city-owned parcel above to CBEC would benefit adjacent CBEC and private-property access while restricting access to those same parcels over the City controlled levy; and

WHEREAS, the city will require, and stipulate on the deed, certain deed restrictions to maintain access under Interstate 29 to the referenced adjacent parcels, and that CBEC will grant an easement of access across their parcel to the private property owner.

**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 generally described as a parcel of land located in the SW ¼ SW ¼ of Section 17, Township 74 North, Range 43 West of the 5th P.M. Pottawattamie County, Iowa and legally described in Exhibit “A”; and

BE IT FURTHER RESOLVED

That a public hearing on the City’s intent to dispose of this property is hereby scheduled for March 23, 2020.

ADOPTED
AND
APPROVED:

March 9, 2020.

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

TO: PERSON IN POSSESSION, 2405 S 9TH ST COUNCIL BLUFFS IOWA 51501 - PERSON IN POSSESSION
JAMES BAHENSKY, 2405 S 9TH ST COUNCIL BLUFFS IOWA 51501 - OWNER
HEIR AND DEVISEE OF JAMES BAHENSKY C/O DAVID BAHENSKY, 2405 S 9TH ST COUNCIL BLUFFS IOWA 51501
- HEIR AND DEVISEE
HEIR AND DEVISEE OF JAMES BAHENSKY C/O LARRY BAHENSKY, 2405 S 9TH ST COUNCIL BLUFFS IOWA 51501
- HEIR AND DEVISEE
HEIR AND DEVISEE OF JAMES BAHENSKY C/O LARRY BAHENSKY, 1404 AVE C COUNCIL BLUFFS IOWA 51501 -
HEIR AND DEVISEE
HEIR AND DEVISEE OF JAMES BAHENSKY C/O LARRY BAHENSKY, 616 N 34TH ST COUNCIL BLUFFS IOWA
51501 - HEIR AND DEVISEE
CITY OF COUNCIL BLUFFS C/O CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IOWA 51503 - CITY LIMITS
LEDERMAN BONDING COMPANY C/O DAVID LEDERMAN, REGISTERED AGENT, 712 SYCAMORE ST WATERLOO
IOWA 50703 - MORTGAGE HOLDER
RED CREDIT SOLUTIONS LLC C/O JOHN GAMBLE, REGISTERED AGENT, 2540 73RD ST URBANDALE IOWA
50322 - JUDGMENT CREDITOR
RED CREDIT SOLUTIONS LLC, 6910 PACIFIC ST, STE 425 OMAHA NE 68106 - JUDGMENT CREDITOR
ANY OTHER UNKNOWN PERSONS WITH INTEREST

NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

In accordance with Iowa Code Section 447.9 you are hereby notified that:

1. The property described in paragraph 2 of this Notice was sold at tax sale on
the 19TH day of June, 2017. The purchaser at tax sale was ADAIR 0022 / BMO HARRIS.
2. The legal description of the property sold is:
LOTS 3 AND 4 IN BLOCK 10, BAYLISS 3RD ADDITION TO COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA. a/k/a PARCEL # 744401309002
3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of
the property is made within 90 days from the date of completed service of this Notice.
4. If the right of redemption is allowed to expire, a tax deed will be issued by the
Treasurer of POTTAWATTAMIE County.

By


Emily Perkins, agent

for ADAIR 0022 / BMO HARRIS

POTTAWATTAMIE 17-0007

RECORDED
25 FEB 20
2017

February 18, 2020
DATE

I acknowledge receiving a Notice of Expiration of Right of Redemption from Tax Sale for the property assessed to Manuel S. Tijerina which has a street address of 2220 S. 9th Street in Council Bluffs, Iowa 51501, and which is legally described as:

Lots 8, 9 and 10, Block 3, Bayliss Third Addition, Council Bluffs,
Pottawattamie County, Iowa,

which Notice is dated February 15, 2020 and signed by Curtis J. Heithoff as the attorney for GPF 62 LLC, the party giving the Notice of Expiration of Right of Redemption from Tax Sale.

[Signature]
COUNCIL BLUFFS CITY CLERK
Designee

Subscribed in my presence and sworn
to before me this 18 day of
February, 2020.



[Signature]
NOTARY PUBLIC

CLERK RCVD
18 FEB 20
4:08:54

NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION FROM TAX SALE

TO: Manuel S. Tijerina
2015 Avenue M
Council Bluffs, IA 51501

The Person in whose Name
the Following Described
Property is Assessed

TO: Manuel S. Tijerina and All Parties in Possession
2220 S. 9th Street
Council Bluffs, IA 51501

The Persons in Possession
of the Following Described
Property

You, and each of you, are notified that on the 19th day of June, 2017, the following described property, situated in Pottawattamie County, Iowa, to-wit:

Lots 8, 9 and 10, Block 3, Bayliss Third Addition, Council Bluffs, Pottawattamie County, Iowa,

which has an address of 2220 S. 9th Street, Council Bluffs, Iowa 51501, Tax Parcel No. 744401302005, was sold by the County Treasurer of Pottawattamie County, Iowa, for the then unpaid and delinquent real estate taxes and drainage assessments against said property to GPF 62 LLC, and a Certificate of Purchase at Tax Sale, Certificate No. 17/0203, was duly issued to GPF 62 LLC by the Pottawattamie County Iowa Treasurer, pursuant to said sale, which Certificate is now lawfully held and owned by GPF 62 LLC and that the right of redemption will expire and a Deed for said property will be executed and delivered unless redemption from said sale is made within ninety days from the completed service of this Notice.

DATED this 15th day of February, 2020.

GPF 62 LLC

BY: _____


Curtis J. Heithoff #2248
508 South 8th Street
Council Bluffs, Iowa 51501
Telephone: 712-325-0888
Email: cjheithoffcb@gmail.com

ITS ATTORNEY

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

CITY CLAIM NO. 20-PW-2056

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Greg Love DAY PHONE: _____

ADDRESS: _____ DOB: _____

DATE & TIME OF LOSS/ACCIDENT: 2-8-2020

LOCATION OF LOSS/ACCIDENT: 3017 Ave A

DESCRIPTION OF LOSS/ACCIDENT: Connection from house to sewer into city main. This city pipe was cracked and separated from house sewer which caused sewage to undermine alley which (USE BACK OF FORM, IF NECESSARY) (see back)

TOTAL DAMAGES CLAIMED: \$ 9500.00

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Viper Drain Cleaning

Alex Hildenstein or _____

Inspection Done by CB City Inspectors

WAS POLICE REPORT FILED ☒ YES ☐ NO McIntosh Plumbing Jason McIntosh

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: _____

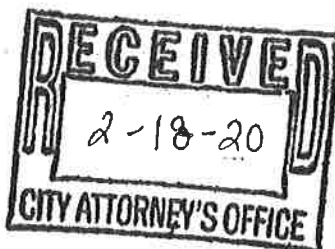
LIST INSURANCE PROVIDER AND COVERAGE: State Farm will not cover.

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

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

2-13-2020
DATE

Greg Love
CLAIMANT'S SIGNATURE



CLERK RCD
18 FEB 20
AM 9:57

Stopped drainage from the house sewer.

Fig - Concreted main over breakage & moved the tap down several feet down pipe & reconnected all the pipe back to the house with new pipe and back filled alley. Backed with grumping jack packed. Fine graded. Inspector gave approval to pour back concrete. Project done.

Due to all of the joints being shaken or vibrated apart. One would conclude that this damage was caused by all of the construction work done on Broadway and connecting side streets. Vibration & shaking was felt consistently in side house on a regular basis during this construction process.

City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS,** March 18th was the day of a tragic event that lead to the widespread odorization of natural gas and focus on the importance of safety among natural gas utility workers; and
- WHEREAS,** as a way to recognize natural gas utility workers for their hard work and accomplishments, The American Public Gas Association began recognizing March 18 as Natural Gas Utility Workers' Day in 2016; and
- WHEREAS,** natural gas utility workers demonstrate exemplary commitment to safety and ensuring natural gas is highly reliable; and
- WHEREAS,** on Natural Gas Utility Workers' Day and throughout the year, it is important to build awareness and promote education about the vital role of natural gas for economic development and resiliency.

NOW, THEREFORE, I,

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

March 18, 2020

As

NATIONAL NATURAL GAS UTILITY WORKERS' DAY

in the City of Council Bluffs in recognition of the dedication of these workers to their communities throughout the city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 9th day of March, in the year Two Thousand Twenty.


Matthew J. Walsh, Mayor



Council Communication

Department: Community

Development

Case/Project No.: OTB-20-003

Submitted by: Chris Meeks,

Planner

Resolution 20-72

ITEM 5.A.

Council Action: 3/9/2020

Description

Resolution to dispose of city property described as Lot 4, Block 1, Evans' Bridge Addition. Location: the property formerly addressed as 2815 Avenue A.

Background/Discussion

See attachments

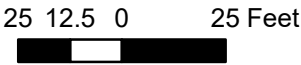
Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #OTB-20-003 Staff Report	Other	2/28/2020
Case #OTB-20-003 Attachment A	Map	2/28/2020
Resolution 20-72	Resolution	3/4/2020

Council Communication

<p>Department: Community Development</p> <p>CASE #OTB-20-003</p> <p>Applicant: Robert Daley 119 Wallace Avenue Council Bluffs, IA 51501</p>	<p>Resolution to Dispose No. _____</p>	<p>Public Hearing: 3/9/2020</p>
Subject/Title		
<p>Request of Robert Daley and Daley Construction to purchase property described as Lot 4, Block 1, Evans' Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2815 Avenue A.</p>		
Background/Discussion		
<p>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 residential dwelling. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$8,265.00. The applicant has submitted an \$830.00 down payment.</p> <p>No departments have indicated any costs incurred on the property, as the former building on the property appears to have been demolished prior to 1/1/2000.</p> <p>The subject property is 44 feet wide by 120 feet deep, and is 5,280 square feet in size, which exceeds the Site Development standards for a property located in the R-3/Low Density Multifamily Residential District that would be used for a single-family detached or single-family attached or duplex structure. The property is large enough to accommodate a residential dwelling, as the applicant has proposed.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of the property legally described as Lot 4, Block 1, Evans' Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa to Robert Daley/Daley Construction, subject to the following conditions:</p> <ol style="list-style-type: none">1. The purchase price shall be \$8,265.00, with the remaining balance beyond the submitted \$830.00 down payment being due at closing.2. Closing shall occur on the property within 60 days of the date of decision.		
Attachment A: Location map		
Prepared By: Chris Meeks, Planner, Community Development Department		



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) 890-5350

RESOLUTION NO. 20-72

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

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

WHEREAS, a public hearing has been held in this matter on March 9, 2020 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:

Robert Daley/Daley Construction, and all successors in interest: Lot 4, Block 1, Evans' Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be \$8,265.00, with the remaining balance beyond the submitted \$830.00 down payment being due at closing. Closing and the property closing must occur within 60 days of the date of approval.

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED:

March 9, 2020.

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community
Development
Case/Project No.: SUB-20-003
Submitted by: Chris Meeks,
Planner

Resolution 20-73
ITEM 5.B.

Council Action: 3/9/2020

Description

Resolution granting final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street. Location: South of 16th Avenue, West of South 11st Street.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #SUB-20-003 Staff Report	Other	2/28/2020
Attachment A - Case Map	Map	2/28/2020
Attachment B - Final Plat	Other	2/28/2020
Resolution 20-73	Resolution	3/4/2020

City Council Communication

<p>Department: Community Development</p> <p>Cases #SUB-20-003</p> <p>Applicant/Property Owner: Ryan C. Rogers P.O. Box 33 Council Bluffs, IA 51502</p> <p>Property Owner: MMTD LLC Rep: Tom Lustgraaf 19677 Deer Run Lane Council Bluffs, IA 51503</p> <p>Surveyor: Rogers Surveying Attn: Carl Rogers 1688 Rolling Hills Loop Council Bluffs, IA 51503</p>	<p>Resolution No. _____</p>	<p>Public Hearing: 3/9/2020</p>
<p style="text-align: center;">Subject/Title</p> <p>Request: Public hearing on the request of Ryan C. Rogers for final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: South of 16th Avenue, West of South 11th Street.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>The Community Development Department has received an application from Ryan C. Rogers requesting final plat approval for a four-lot minor subdivision to be known as Oakley Subdivision. Oakley Subdivision will be comprised of 1.932 acres of land, and will feature four lots, with three being for residential purposes and one being for commercial purposes. Currently, there is one residential dwelling on what will be known as Lot 1, Oakley Subdivision, and one commercial business on what will be known as Lot 4, Oakley Subdivision. The proposed Lots 1-3, Oakley Subdivision is owned by RCW Enterprises, which is represented by Ryan Rogers, the applicant. The proposed Lot 4, Oakley Subdivision is owned by MMTD, LLC., which is represented by Tom Lustgraaf, who has approved of the proposed subdivision.</p> <p>A portion of the proposed Oakley Subdivision will be comprised of the former right-of-way of the unimproved 17th Avenue, which was vacated with Resolution #16-21 in January of 2016. As a condition of the vacation of this right-of-way, a final subdivision plat was required of the subject property because the vacation would create lots of record that would have no frontage to a public right-of-way. The proposed Oakley Subdivision corrects the nonconformities that would have been created.</p>		

Current Zoning/Land Use – Lots 1-3, Oakley Subdivision are zoned R-3/Low Density Multifamily Residential District, and Lot 4, Oakley Subdivision is split-zoned between the C-1/Commercial District at the northerly portion of the property, and the R-3 District at the Southerly portion of the property (as shown on Attachment A). Lot 1, Oakley Subdivision features a single family dwelling, Lots 2 and 3, Oakley Subdivision are currently vacant, and Lot 4, Oakley Subdivision features a restaurant. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Low Density Residential. Surrounding zoning districts include R-3/Low Density Multifamily Residential District to the East and South, R-2/Two-Family Residential District to the West, and A-2/Parks, Estates and Agricultural District to the North. Surrounding land uses include Sunset Park to the North, and primarily residential dwellings to the East, West, and South, and the Emil Pavich Trail to the Southwest.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Zoning and Subdivision Ordinances.
2. Lots 1-4, Oakley Subdivision all exceed the size requirements for properties located within their respective zoning districts, and are therefore all developable lots.
3. All new structures constructed on the subject properties shall comply with the site development standards of their respective zoning districts.
4. Per Resolution #16-21, a permanent and perpetual utility easement shall remain over the South 15 feet of the former 17th Avenue right-of-way. This easement shall be to the benefit of the City of Council Bluffs and its licensees and/or franchise grantees.
5. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
6. No new right-of-ways are proposed to be dedicated to the City because of this subdivision.
7. The Council Bluffs Fire Marshal stated the Fire Department has no comments on the proposed subdivision.
8. The Council Bluffs Permits and Inspections Division stated it is in the best interest of future developers to only construct homes without basements due to the level of the groundwater in the area, though noted that prohibiting homes without basements cannot be done based on current City ordinances.
9. The Council Bluffs Public Works Division stated sidewalks shall be installed along the frontage of each lot at the time of development.
10. Council Bluff Water Works stated the lots will have frontage to existing water main on South 11th Street.
11. CenturyLink stated there is a conduit line located in the western side of the right-of-way of South 11th Street, but since the right-of-way of South 11th Street is not being altered there are no anticipated conflicts.
12. Cox Communications stated they have no issues with the proposed subdivision.
13. MidAmerican Energy stated they have no concerns with the proposed final plat, but noted the developer should contact MidAmerican Energy directly for any electrical distribution relocation or service extensions for future development.
14. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of \$1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of \$1,307.40. These values are established using the Street, Alley, and Public Ground Vacation fee schedule, and are stated in Resolution #16-21 which vacated the right-of-way of the former 17th Avenue.

The following attachments for this request are included with the staff report for reference purposes:

Attachment A: Location and Zoning Map

Attachment B: Oakley Subdivision Final Plat

Recommendation

The Community Development Department recommends approval of the four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and

the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. 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
2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
3. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
4. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house.
5. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of \$1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of \$1,307.40.

Attachments

Attachment A: Location and Zoning Map
Attachment B: Oakley Subdivision Final Plat


Surveyor: Carl Rogers, Rogers Surveying, 1688 Rolling Hills Loop, Council Bluffs, IA 51503


Prepared by: Chris Meeks, Planner, Community Development

CITY OF COUNCIL BLUFFS

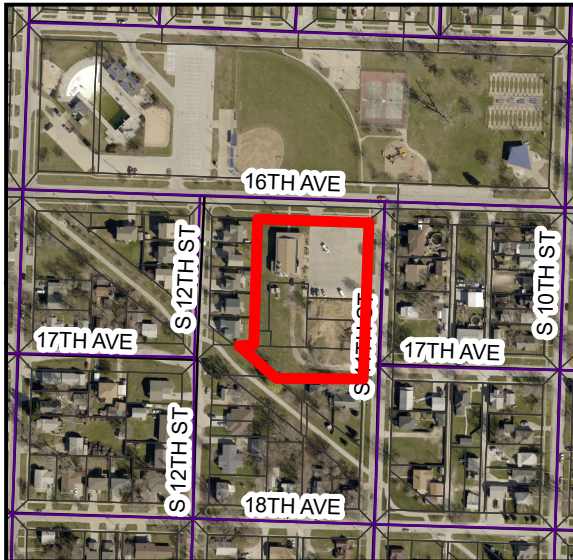
CASE #SUB-20-003 LOCATION/ZONING MAP

Map Legend

 Location of Proposed Final Plat

 Parcels

0 40 80
1 Inch = 80 Feet



Last Amended: 2/5/2020

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.



INDEX LEGEND
COUNTY: POTTAWATTAMIE
CITY: COUNCIL BLUFFS, IOWA
SUBDIVISION: HOWARD'S ADDITION
BLOCK(S): BLOCK 5
LOT(S): PART OF LOTS 1-8 AND PART OF 21,
ALL OF LOTS 9-20 AND ALL OF LOT 22
PROPRIETOR: RCW ENTERPRISES INC.
REQUESTED BY: RYAN C. ROGERS
PROPRIETOR: M M T D, LLC,
REQUESTED BY: THOMAS LUSTGRAAF
LAND SURVEYING COMPANY: ROGERS SURVEYING

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

PROPRIETOR'S DEDICATION AND STATEMENT

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

- A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.
- B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.
- C. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

KNOW ALL PERSONS BY THESE PRESENTS THAT RCW ENTERPRISES INC., BEING THE SOLE OWNER OF LOT 11 THROUGH LOT 13, INCLUSIVE, THE SOUTH 10.00 FEET OF LOT 14 AND THE EAST HALF OF THE ABUTTING VACATED NORTH/SOUTH ALLEY, ALL IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO THE ABUTTING RIGHT OF WAY OF VACATED 17TH AVENUE, HAS CAUSED SAID PROPERTY TO BE A PART OF AND SUBDIVIDED INTO LOT 1, LOT 2, LOT 3 AND LOT 4 AND TO BE KNOWN AS OAKLEY SUBDIVISION.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS DISPOSITION OF RCW ENTERPRISES INC. PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2020.

OWNER: RCW ENTERPRISES, INC. PRESIDENT, RYAN C. ROGERS

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED RYAN C. ROGERS, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF RCW ENTERPRISES INC. AND SAID RYAN C. ROGERS ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR SAID STATE

PROPRIETOR'S AND DEDICATION STATEMENT

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

- A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.
- B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.
- C. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

KNOW ALL PERSONS BY THESE PRESENTS THAT M M T D INC., BEING THE SOLE OWNER OF THE EAST 30 FEET OF LOT 21, THE EAST 30 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, LOT 9, LOT 10, THE NORTH 23.00 FEET OF LOT 14, LOT 15 THROUGH LOT 20, INCLUSIVE, LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS, EXCEPT THE EAST HALF OF THE VACATED NORTH/SOUTH ALLEY ABUTTING LOT 11 THROUGH LOT 13, INCLUSIVE, AND THE SOUTH 10.00 FEET OF LOT 14 OF BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO THE ABUTTING RIGHT OF WAY OF VACATED 17TH AVENUE, HAS CAUSED SAID PROPERTY TO BE A PART OF AND SUBDIVIDED INTO LOT 1, LOT 2, LOT 3 AND LOT 4 AND TO BE KNOWN AS OAKLEY SUBDIVISION.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS DISPOSITION OF M M T D, LLC, PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2020.

OWNER: M M T D, LLC, SOLE MEMBER - THOMAS LUSTGRAAF

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED THOMAS LUSTGRAAF, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN, DID SAY HE IS THE SOLE MEMBER OF M M T D, LLC AND SAID THOMAS LUSTGRAAF ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR SAID STATE

FINAL PLAT OF
OAKLEY SUBDIVISION

BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

OWNER: RCW ENTERPRISES INC., PRESIDENT- RYAN C. ROGERS
P.O. BOX 33, COUNCIL BLUFFS, IOWA 51502

OWNER: M M T D, LLC, SOLE MEMBER, THOMAS LUSTGRAAF
P O BOX 1874, COUNCIL BLUFFS, IOWA 51502

LEGAL DESCRIPTION:

BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF SAID BLOCK 5 AND POINT OF BEGINNING; THENCE NORTH 0°25'30" WEST, ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF LOT 22 OF SAID BLOCK 5; THENCE SOUTH 89°33'00" WEST, ALONG THE NORTH LINE OF SAID BLOCK 5 A DISTANCE OF 241.92 FEET TO THE NORTHEAST CORNER OF LOT 5 OF MALLOY'S SUBDIVISION, COUNCIL BLUFFS, IOWA; THENCE SOUTH 0°02'27" EAST, ALONG THE EAST LINE OF SAID MALLOY'S SUBDIVISION, A DISTANCE OF 280.00 FEET TO THE SOUTHEAST CORNER OF LOT 9 OF SAID MALLOY'S SUBDIVISION AND ALSO, BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF VACATED 17TH AVENUE; THENCE SOUTH 89°58'21" WEST, ALONG THE SOUTH LINE OF SAID LOT 9, AND ALSO BEING ALONG THE NORTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE, A DISTANCE OF 45.24 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE CITY OF COUNCIL BLUFFS, IOWA RAIL TO TRAILS CORRIDOR, BEING FORMERLY IOWA SOUTHERN RAILROAD COMPANY (FORMERLY WABASH RAILROAD COMPANY); THENCE SOUTH 53°18'30" EAST, ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID CITY OF COUNCIL BLUFFS RAIL TO TRAILS CORRIDOR, A DISTANCE OF 109.86 FEET TO A POINT ON THE NORTH LINE OF BLOCK 12 OF SAID HOWARD'S ADDITION, AND ALSO, BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE; THENCE NORTH 89°33'00" EAST, ALONG THE NORTH LINE OF SAID BLOCK 12 AND ALSO BEING ALONG THE SOUTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE, A DISTANCE OF 201.43 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 12; THENCE NORTH 0°25'30" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 84,178 SQUARE FEET (1.932 ACRES), MORE OR LESS.

NOTE: THE EAST LINE OF SAID BLOCK 5 IS ASSUMED TO BEAR NORTH 0°025'30" WEST FOR THIS DESCRIPTION.

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY

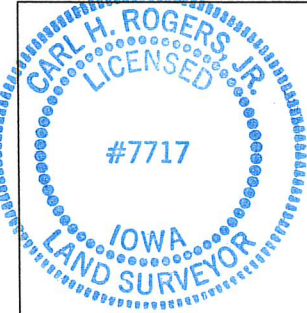
CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA.

I, LEA A. VOSS, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, DO HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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



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

Carl H. Rogers, Jr. FEB. 4 2020
CARL H. ROGERS, JR. DATE

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 & SHEET 2 OF 2

NOTES:

1. THE SOUTH 15.00 FEET OF LOT 3 AND LOT 4 IS SUBJECT TO A PERMANENT EASEMENT RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES. 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 REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

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

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

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

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

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

F) DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO GRANTOR AND TO GRANTOR'S SATISFACTION.

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

ROGERS SURVEYING		
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA		
	PHONE:	DRAWN BY: J.A.T.
DATE: 2-04-2020	(402) 689-1549	REVISED
TITLE: FINAL PLAT OF OAKLEY SUBDIVISION		
CLIENT: RCW ENTERPRISES INC., PRESIDENT- RYAN C. ROGERS P.O. BOX 33 COUNCIL BLUFFS, IOWA 51502		SHEET 1 OF 2

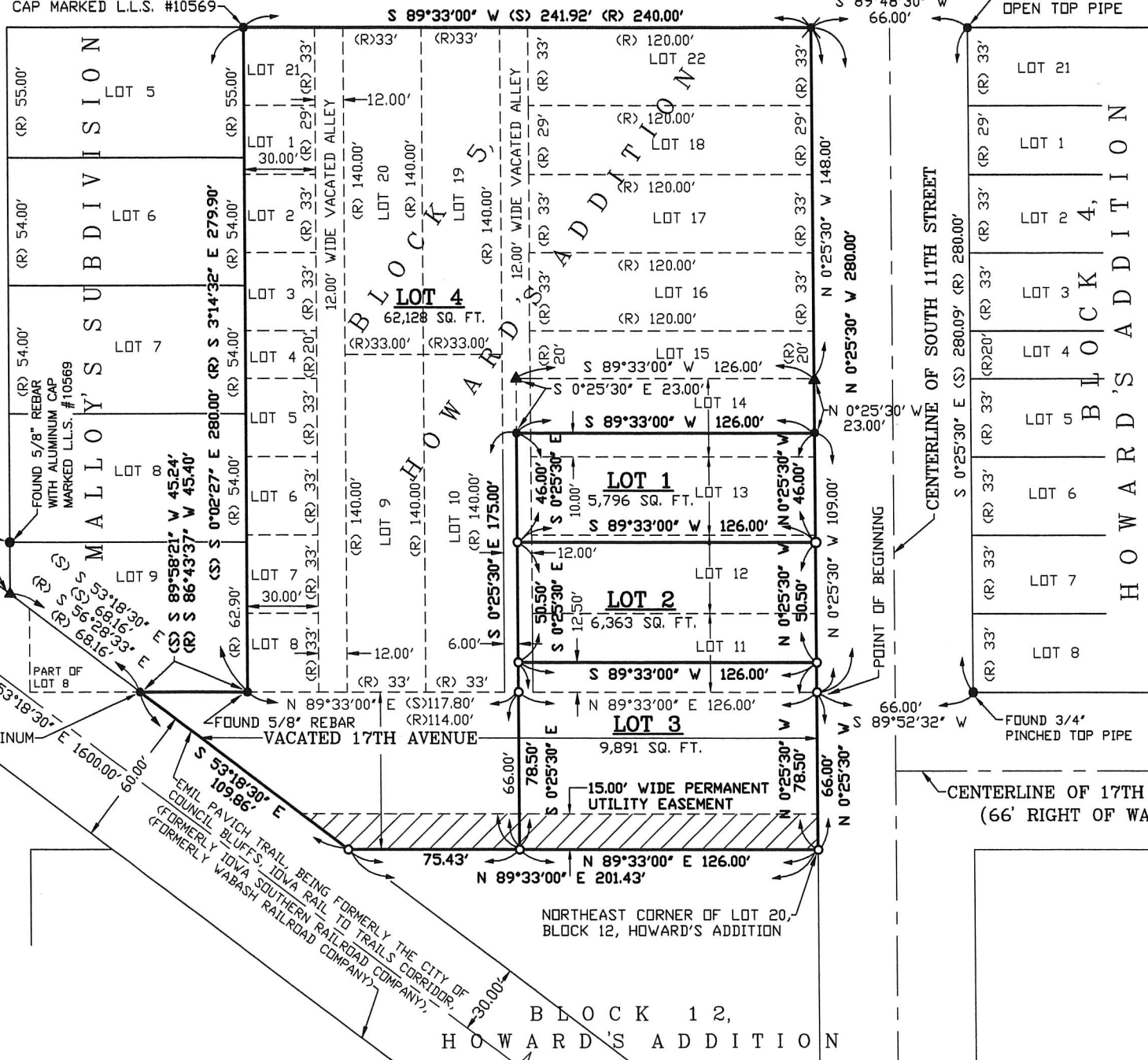
BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

**OWNER: M M T D, LLC, SOLE MEMBER, THOMAS LUSTGRAAF
P O BOX 1874, COUNCIL BLUFFS, IOWA 51502**

- - SET 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717
- - FOUND 5/8" REBAR W/CAP MARKED #7717, UNLESS OTHERWISE DESCRIBED ON DRAWING
- ✕ - FOUND CHISELED 'X' IN CONCRETE
- (with a jagged line symbol) - INDICATES LINE NOT TO SCALE
- ▲ - CALCULATED POINT
- (S) - SURVEYED AS
- (R) - RECORDED AS

40' 20' 0 40' 80'

FOUND 5/8" REBAR WITH ALUMINUM
CAP MARKED L.L.S. #10569



FOUND 5/8" REBAR WITH ALUMINUM
CAP MARKED L.L.S. #10569

CENTERLINE OF
17TH AVENUE

CENTERLINE OF 17TH AVENUE
(66' RIGHT OF WAY)

NORTHEAST CORNER OF LOT 20,
BLOCK 12, HOWARD'S ADDITION

B L O C K 1 2,
H O W A R D ' S A D D I T I O N

"X" IS APPROXIMATELY 4.5' NORTHWESTERLY OF
THE CENTERLINE OF SOUTH 11TH STREET

<h1 style="text-align: center;">ROGERS SURVEYING</h1> <p style="text-align: center;">1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA</p>		
SCALE: 1" = 40'	PHONE: (402) 689-1549	DRAWN BY: J.A.T.
DATE: 2-04-2020		REVISED
TITLE: FINAL PLAT OF OAKLEY SUBDIVISION		
CLIENT: RCW ENTERPRISES INC., PRESIDENT-RYAN C. ROGERS P.O. BOX 33 COUNCIL BLUFFS, IOWA 51502		SHEET 2 OF 2

RESOLUTION NO. 20-73

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FOUR-LOT MINOR SUBDIVISION TO BE KNOWN AS OAKLEY SUBDIVISION, BEING LEGALLY DESCRIBED AS A REPLAT OF THE EAST 30 FEET OF LOTS 1-8 AND LOT 21, AND THE ENTIRETY OF LOTS 9-20 AND LOT 22, ALL IN BLOCK 5, HOWARD'S ADDITION, AND BOTH OF THE VACATED NORTH/SOUTH ALLEYWAYS ADJACENT AND THE VACATED 17TH AVENUE RIGHT-OF-WAY LOCATED EASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE EMIL PAVICH TRAIL AND WEST OF THE RIGHT-OF-WAY LINE OF SOUTH 11TH STREET, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received an application from Ryan C. Rogers requesting final plat approval for a four-lot minor subdivision to be known as Oakley Subdivision, which will be comprised of 1.932 acres of land, and will feature four lots, with three being for residential purposes and one being for commercial purposes; and

WHEREAS, There is currently one residential dwelling on what will be known as Lot 1, Oakley Subdivision, and one commercial business on what will be known as Lot 4, Oakley Subdivision; and

WHEREAS, The proposed Lots 1-3, Oakley Subdivision is owned by RCW Enterprises, which is represented by the applicant, Ryan Rogers, and the proposed Lot 4, Oakley Subdivision is owned by MMTD, LLC., which is represented by Tom Lustgraaf, who has approved the proposed subdivision; and

WHEREAS, The following comments have been received:

- A. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Zoning and Subdivision Ordinances.
- B. Lots 1-4, Oakley Subdivision all exceed the size requirements for properties located within their respective zoning districts, and are therefore all developable lots.
- C. All new structures constructed on the subject properties shall comply with the site development standards of their respective zoning districts.
- D. Per Resolution #16-21, a permanent and perpetual utility easement shall remain over the South 15 feet of the former 17th Avenue right-of-way. This easement shall be to the benefit of the City of Council Bluffs and its licensees and/or franchise grantees.
- E. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
- F. No new right-of-ways are proposed to be dedicated to the City because of this subdivision.
- G. The Council Bluffs Fire Marshal stated the Fire Department has no comments on the proposed subdivision
- H. The Council Bluffs Permits and Inspections Division stated it is in the best interest of future developers to only construct homes without basements

due to the level of the groundwater in the area, though noted that prohibiting homes without basements cannot be done based on current City ordinances.

- I. The Council Bluffs Public Works Division stated sidewalks shall be installed along the frontage of each lot at the time of development.
- J. Council Bluff Water Works stated the lots will have frontage to existing water main on South 11th Street.
- K. CenturyLink stated there is a conduit line located in the western side of the right-of-way of South 11th Street, but since the right-of-way of South 11th Street is not being altered there are no anticipated conflicts.
- L. Cox Communications stated they have no issues with the proposed subdivision.
- M. MidAmerican Energy stated they have no concerns with the proposed final plat, but noted the developer should contact MidAmerican Energy directly for any electrical distribution relocation or service extensions for future development.
- N. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of \$1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of \$1,307.40. These values are established using the Street, Alley, and Public Ground Vacation fee schedule, and are stated in Resolution #16-21 which vacated the right-of-way of the former 17th Avenue; and

WHEREAS, The Community Development Department recommends approval of the four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a being a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

- A. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- B. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- C. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
- D. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house.

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

That the final plat approval of final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', is hereby approved subject to all local, state and federal regulations.

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

March 9, 2020.

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW17-15
Submitted by: Matthew Cox, Public
Works Director

Resolution 20-74
ITEM 6.A.

Council Action: 3/9/2020

Description

Resolution accepting the bid of Bluffs Paving and Utility Company Inc. in the amount of \$1,531,240.47 for the Segment 4 Sewer Relocations. Project # PW17-15

Background/Discussion

On February 18, 2020, bids were received by the DOT as follows:

Bluffs Paving and Utility Company Inc., Crescent, IA	\$1,531,240.47
Engineer's Estimate (HGM)	\$1,178,057.50

Only one bid was received for this project. Although the bid exceeds the engineer's estimate, rebidding the project is not a feasible alternative. A delay to the project schedule would not allow time for the sewer relocations to be completed when needed to accommodate the CBIS Segment 4 project schedule.

The Iowa DOT will be reconstructing the I-29/I-480 interchange in Council Bluffs. The reconstruction starts just north of the Union Pacific Railroad Bridge over I-29 and extends north to approximately 32nd Street. Within this corridor, the City has sanitary sewers that will need to be relocated and or rehabilitated to accommodate the new Interstate layout.

This project requires sanitary sewer relocations along 9th Avenue from Dodge Riverside Drive to Service Road B and from 9th Avenue to just north of 2nd Avenue along new right-of-way acquired by the Iowa DOT on the east side of I-29.

The sewer relocation project required for the Iowa DOT's Council Bluffs Interstate System Improvements are programmed and funded with STP Federal-aid Funds. The STP Federal-aid Funds were recently changed to Surface Transportation Block Grant Program (STBG) Federal-aid SWAP Fund with DOT Agreement No. STBG-SWAP-014. The benefit of changing the funding to STBG Federal-aid SWAP funds are less federal project development, oversight, and administrative requirements. Engineering costs associated with the project and construction costs above \$1,144,000 are funded with Sales Tax Funds. This project was included in the FY17 CIP and FY19 CIP with a total budget of \$2,170,000.

The project schedule is as follows:	Construction Start	April/May 2020
	Construction End	September 2020

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 20-74	Resolution	3/4/2020

R E S O L U T I O N
NO 20-74

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
BLUFFS PAVING AND UTILITY COMPANY INC. FOR THE
SEGMENT 4 SEWER RELOCATIONS
PROJECT #PW17-15**

WHEREAS, the plans, specifications, and form of contract for the Segment 4 Sewer Relocations are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on January 27, 2020 and the plans, specifications and form of contract were approved; and

WHEREAS, Bluffs Paving and Utility Company Inc. has submitted a low bid in the amount of \$1,531,240.47 for this contract.

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

That the bid of Bluffs Paving and Utility Company Inc. in the amount of \$1,531,240.47 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Segment 4 Sewer Relocations; and

BE IT FURTHER RESOLVED

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

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

March 9, 2020

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development

Case/Project No.:

Submitted by: Courtney Harter,
Housing & Economic Development
Manager

Resolution 20-75
ITEM 6.B.

Council Action: 3/9/2020

Description

Resolution authorizing the Mayor to execute a \$342,540 grant agreement with the Flood Mitigation Board for the acquisition and demolition of properties identified as sustaining foundation collapses as part of the 2019 flood disaster declaration.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Other	3/4/2020
Award Agreement	Agreement	3/2/2020
Resolution 20-75	Resolution	3/4/2020

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: 20-	City Council: March 9, 2020
Subject/Title		
Execute a grant agreement with the Flood Mitigation Board for the Council Bluffs Property Acquisition project related to the 2019 flood disaster declaration		
Location		
735 Benson Street, 4024 Avenue D and 4046 Avenue D		
Background/Discussion		
<p><u>Background</u></p> <p>In October 2019, Pottawattamie County Emergency Management Agency (EMA) notified us of a possible flood buyout program, funded by the State of Iowa, for residents affected by Missouri River flooding. We worked with EMA to solicit inquiries from all interested Council Bluffs residents. Residents within Council Bluffs city limits submitted a total of 230 inquiries. The cost to buyout 230 properties would be over \$30 million.</p> <p>Because of the widespread interest in the possible buyout program, City Staff identified key priorities for assessing properties for a buyout. Priority areas were determined based on (1) units with foundation collapses; (2) repeated impact by flash flooding annually causing continuous damage to properties; and (3) creating a buffer along the levee, allowing for easier access and maintenance. These three priority areas would ensure flood sustainability, mitigation, and continued resiliency for all residents of Council Bluffs.</p> <p>On February 5, the City submitted a request for State Flood Recovery Assistance for \$9.8 million to buyout 68 properties that met at least one of the three priorities.</p> <p><u>Discussion</u></p> <p>On February 14, the Flood Mitigation Board (FMB) awarded the City of Council Bluffs \$342,540 to acquire and demolish three properties that sustained foundation collapses. The FMB determined only projects that could show actual, critical damage would be awarded at this time with the hope for additional funding from FEMA, HUD Community Development Block Grant Disaster Recovery (CDBG-DR) program and the Iowa State Legislature.</p>		
Staff Recommendation		
The Community Development Department recommends authorizing the Mayor to execute a \$342,540 grant agreement with the Flood Mitigation Board for the acquisition and demolition of properties identified as sustaining foundation collapses as part of the 2019 flood.		

AWARD AGREEMENT

Between

THE FLOOD MITIGATION BOARD

And

CITY OF COUNCIL BLUFFS

AWARD TITLE: Council Bluffs - Property Acquisition

AWARD AGREEMENT NO: 2019-FRF- 0009

DUNS NUMBER: 051955433

AWARD DATE: 2/14/2020

PERFORMANCE PERIOD START DATE: 2/14/2020

PERFORMANCE PERIOD END DATE: 4/30/2023

FUNDS OBLIGATED AMOUNT: \$342,540.00

I. SCOPE OF WORK

This Award Agreement (AGREEMENT) is to provide City of Council Bluffs (RECIPIENT) with financial assistance from the Flood Recovery Fund in accordance with Iowa Code Chapter 418.16 to the maximum amount of **\$342,540.00**.

These funds are to assist the RECIPIENT with completing the approved scope of work in accordance with the work schedule, milestones, and application that were submitted to the Iowa Department of Homeland Security and Emergency Management (HSEMD) and approved by the Flood Mitigation Board (FMB). Any changes to the approved scope and / or budget must be submitted to HSEMD and approved by the FMB prior to executing the changes. This includes all Change Orders. The RECIPIENT is required to obtain all necessary permits before any construction begins.

These funds are intended to assist the RECIPIENT begin its immediate work to recover from the March 2019 disaster event. Financial assistance received from other federal or state resources for the same work will reduce this award and the duplicated amount is required to be returned to the FMB.

If these funds are used to meet the RECIPIENT's non-federal, local match requirement to a federal award, all requirements of this AGREEMENT are still in effect. Changes to the federal award may result in changes to this award.

II. AGREEMENTS

HSEMD will provide financial oversight and management as the awarding agency based on grant guidance in 2 CFR Part 200, Flood Recovery Fund Administrative Rules, and other state and federal guidelines that are applicable to this award. HSEMD will provide technical assistance and direction to the RECIPIENT on programmatic and financial requirements. HSEMD will provide all appropriate documents and forms and make payments to the RECIPIENT to complete the approved scope of work.

HSEMD is responsible for monitoring the RECIPIENT's activities to provide reasonable assurance that the RECIPIENT administers this award in compliance with state and HSEMD requirements. Responsibilities include reviewing the RECIPIENT's records that support receipts and expenditures, financial records are maintained and adequate for audit, proper cash management, and expenditures are eligible and allowable. A pre-award risk assessment is completed for each recipient to assist HSEMD in determining the minimum level of monitoring that will be needed throughout the life of this award.

Additionally, the RECIPIENT will be monitored periodically by HSEMD to ensure the program goals, objectives, timelines, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, and administrative records relative to each program, and will identify areas where technical assistance and other support may be needed.

The RECIPIENT will allow HSEMD and auditors to access any necessary records and financial information as indicated in 2 CFR, Part 200, Subpart D, Section 200.336 and Section 200.337.

The RECIPIENT will pass appropriate resolutions to assure HSEMD that it is participating, and will continue to participate, in the National Flood Insurance Program, if mapped.

The RECIPIENT must disclose in writing any potential conflicts of interest to HSEMD in accordance with 2 CFR, Part 200, Subpart D, Section 200.112.

The RECIPIENT must disclose in writing to HSEMD all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this award. Failure to make required disclosures can result in any of the remedies described in 2 CFR, Part 200, Subpart D, Section 200.338, Remedies for noncompliance, including suspension or debarment. (See also 2 CFR, Part 180 and 31 U.S.C. 3321.)

The RECIPIENT and the RECIPIENT's authorized representative agree to provide all supervision, inspection, accounting, and other services necessary to complete the scope of work from inception to closeout with the requirements set forth below.

III. PERIOD OF PERFORMANCE

The approved Period of Performance for this award is from **2/14/2020 through 4/30/2023**. All work must be completed prior to the end of the Period of Performance. HSEMD will not reimburse the RECIPIENT for costs that are obligated or incurred outside of the Period of Performance.

If a time extension is needed, one must be requested at least 90 days prior to the end of the Period of Performance. All requests must be supported by adequate justification and submitted to HSEMD in writing in order to be processed. The justification must include a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended performance period; milestones that are unmet; and a description of performance measures necessary to complete this award.

IV. AUTHORITIES AND REFERENCES

The RECIPIENT shall comply with all applicable laws and regulations. A non-exclusive list of laws and regulations follow hereto for reference only.

- Iowa Code, Chapter 418.16, Flood Recovery Fund
- Iowa Senate File 638, Division V Flood Recovery, as amended
- 2 CFR, Part 200 - http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
- RECIPIENT's application that was received by HSEMD and approved by the Flood Mitigation Board

V. GRANT MANAGEMENT SYSTEM

To ensure funds are awarded and expended appropriately, the RECIPIENT will establish and maintain a grant management system as outlined in 2 CFR, Part 200, Subpart D, Section 200.302 and internal controls as outlined in Section 200.303. The standards for recipient organizations stem from the Office of Management and Budget's (OMB) uniform administrative requirements and the cost principles in 2 CFR, Part 200. State, local and tribal organizations must follow the uniform administrative requirements standards in 2 CFR, Part 200. These standards combined with the audit standards provided within 2 CFR, Part 200, Subpart F plus the requirements of Generally Accepted Accounting Principles constitute the basis for all policies, processes and procedures set forth in this grant management system for the RECIPIENT.

The RECIPIENT's grant management system must include:

- internal controls based on the American Institute for Certified Public Accountants (AICPA) definitions and requirements in the government-wide administrative requirements and cost principles
- a chart of accounts that includes a separate cost center, fund, or accounting codes for each federal grant, program, or funding source

- procedures to minimize cash on hand in compliance with the Cash Management Improvement Act (CMIA) and good business processes
- the ability to track expenditures on a cash or accrual basis
- the ability to track expenditures in both financial and program budgets
- procedures to document all grant-related expenditures, broken down by budget line items
- procedures to ensure expenditures are eligible and allowable
- the ability to fulfill government-required financial reporting forms

VI. PROCUREMENT

This AGREEMENT requires that all procurement is executed by the RECIPIENT within the guidelines of 2 CFR, Part 200 Subpart D, Section 200.318 through Section 200.326 including Appendix II. Procurement standards must be in accordance with the written adopted procedures of the RECIPIENT, provided that the local procurement standards conform to applicable State and Federal law and the standards identified in 2 CFR, Part 200. The RECIPIENT must maintain written standards of conduct covering conflicts of interest as outlined in 2 CFR, Part 200 Subpart D, Section 200.318. The RECIPIENT will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. **The RECIPIENT must submit copies of its own written procurement guidelines, written conflict of interest guidelines, bid documents and contract documents to HSEMD prior to awarding or executing contracts. No contract will be accepted without HSEMD's prior review.**

VII. AUDIT

The RECIPIENT must comply with the requirements of the Single Audit Act Amendments of 1996 and 2 CFR, Part 200, Subpart F.

VIII. PAYMENT REQUEST PROCESS

The RECIPIENT may submit a payment request up to 30 days prior to an anticipated expenditure or disbursement. The RECIPIENT must be able to account for the receipt, obligation, and expenditure of funds.

Payments to RECIPIENTS are based on eligible expenditures that are specifically related to the approved award budget and scope of work. The RECIPIENT has two options available to them when requesting payments from HSEMD. RECIPIENTS can request **Reimbursement** for allowable expenditures already paid or request an **Advance** for expenditures to be paid within 30 days.

Payments shall be limited to the documented cash requirements submitted by the RECIPIENT. The RECIPIENT must submit a completed Payment Request Form and provide supporting documentation of eligible award costs to receive payment of funds.

- **Reimbursement** requests must also include payment verification (i.e. paid invoices, receipts, payroll records with personnel activity reports, cancelled checks, general ledger

print outs, etc.). HSEMD reserves the right to request that the RECIPIENT submit additional expenditure documentation upon request.

- **Advance** payment requests must include the detailed costs that the RECIPIENT is obligated to pay (i.e. invoices, executed contracts, accepted quotes, or other documents). Payment verification documents (same documents required for a Reimbursement request) for the advance must be submitted to HSEMD within 30 days after the advance, and before future advances are made. If the RECIPIENT is unable to demonstrate; the willingness to maintain written procedures that minimize the time elapsing between the transfer of funds and disbursement by HSEMD; a financial management system that meets the standards for fund control and accountability as established in 2 CFR, Part 200; or is considered a High Risk RECIPIENT; then reimbursement requests will be required.

No more than thirty (30) days should elapse between the date of receipt of the advance payment and pay out of the funds by the RECIPIENT. All supporting documentation must be submitted to HSEMD immediately following the RECIPIENT's pay out of the funds.

Required documents prior to payments from HSEMD. Payment of funds will not be made to a RECIPIENT until HSEMD has on file the following documents:

- Pre-Award Risk Assessment (attached to this AGREEMENT)
- Signed Award Agreement
- Substitute W9/Vendor Update Form (if not already on file at HSEMD)
- Chart of Accounts verifying that unique revenue and expenditure accounts, cost centers or account codes have been established within the RECIPIENT's cash management/accounting system for each program included in this AGREEMENT
- Floodplain development permit (if applicable)
- Procurement documents: written procurement and conflict of interest documents, method of procurement, bid specifications reviewed by HSEMD, copy of approved and executed contracts between the RECIPIENT and contractor
- Signed certification from the RECIPIENT's authorized representative for the payment request as outlined in 2 CFR, Part 200, Subpart D, Section 200.415

IX. REPORTING REQUIREMENTS

The Flood Mitigation Board requires monthly reports through June 30, 2020, with reports twice a year thereafter until the award is closed. Monthly reports shall be due on March 6, April 6, May 6, and June 6, 2020. Reports will include the current status of the award; the total expenditures and types of expenditures that have been made related to the award; the amount of total cost remaining as of the date the report is submitted. Recipients are required to complete the progress report forms that are provided by HSEMD and submit them by the due dates stated by HSEMD.

Upon completion of the scope of work, the RECIPIENT must submit the final as-builts for engineered projects to include the Geographic Information Systems (GIS) data -- project location and extent in a spatial data format (.shp, .gdb, .kml or .geojson).

X. CLOSE OUT

The RECIPIENT must prepare and submit by the end of the Period of Performance, and/or within 60 days of the completion of the approved scope of work, whichever comes first, all required financial, performance and other reports as outlined in 2 CFR, Part 200 Subpart D, Section 200.343 and Section 200.344. The RECIPIENT must liquidate all obligations incurred under the award by the end of the Period of Performance. The RECIPIENT must dispose of property purchased with award funds and dispose of or return government-furnished property no longer being used for award related activities. All accounts must be settled, including reimbursements for any remaining allowable costs and refunds to HSEMD of any unobligated cash that was advanced.

XI. RECORD RETENTION

The RECIPIENT must retain records pertinent to the award for three years after the date of the final expenditure report is submitted as outlined in 2 CFR Part 200, Subpart D, Section 200.333.

XII. WAIVERS

No conditions or provisions of this AGREEMENT can be waived unless approved by the FMB and the RECIPIENT, in writing. Unless otherwise stated in writing, HSEMD's failure to insist upon strict performance of any provision of this AGREEMENT, or to exercise any right based upon a breach, shall not constitute a waiver of any right or obligation specified under this AGREEMENT.

XIII. AMENDMENTS AND MODIFICATIONS

This AGREEMENT may be amended or modified in reference to the award funds provided, administrative procedures, or any other necessary matter, but not to take effect until approved, in writing, by the FMB and the RECIPIENT.

XIV. COMPLIANCE, TERMINATION AND OTHER REMEDIES

Unless otherwise stated in writing, HSEMD requires strict compliance by the RECIPIENT and its authorized representative(s) with the terms of this AGREEMENT, and the requirements of any applicable local, state and federal statute, rules, and regulations.

The FMB may suspend or terminate any obligation to provide funding or demand return of any unused funds, following notice from HSEMD, if the RECIPIENT fails to meet any obligations under this AGREEMENT or fails to make satisfactory progress toward administration or completion of said award. The RECIPIENT is responsible for repayment of funds as a result of subsequent refunds, corrections, overpayments, or disallowed costs for ineligible expenditures.

The RECIPIENT understands and agrees that HSEMD may enforce the terms of this AGREEMENT by any combination or all remedies available to HSEMD under this AGREEMENT, or under any other provision of law, common law, or equity.

XV. INDEMNIFICATION

It is understood and agreed by HSEMD, the FMB, and the RECIPIENT and its agents that this AGREEMENT is solely for the benefit of the parties to this award and gives no right to any other party. No joint venture or partnership is formed as a result of this AGREEMENT.

The RECIPIENT, on behalf of itself and its successors and assigns, agrees to protect, save, and hold harmless HSEMD, the FMB, and the State of Iowa, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the RECIPIENT or its authorized representative, its contractors, subcontractors, assigns, agents, licensees, arising out of, or in connection with, any acts or activities authorized by this AGREEMENT. The RECIPIENT's obligation to protect, save, and hold harmless as herein provided shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of HSEMD, the State of Iowa, or any of their authorized agents or employees.

The RECIPIENT further agrees to defend HSEMD, the FMB, the State of Iowa, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the RECIPIENT is required to protect, save, or hold harmless said parties pursuant to paragraph 2 of this part. The RECIPIENT's obligation to defend, or to pay attorney's fees for the defense of such claims or causes of action as herein provided, shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of HSEMD, the FMB, the State of Iowa, or any of their authorized agents or employees.

XVI. ACKNOWLEDGMENTS

The RECIPIENT shall include, in any public or private release of information regarding the activities supported by this award, language that acknowledges the funding contribution by HSEMD and the FMB.

XVII. INDEPENDENT CONTRACTOR STATUS OF APPLICANT

The RECIPIENT, its officers, employees, agents and council members shall all perform their obligations under this AGREEMENT as an independent contractor and not in any manner as officers, employees or agents of HSEMD, the FMB, or the State of Iowa. All references herein to the RECIPIENT shall include its officers, employees, city council/board members, and agents. HSEMD shall not withhold on behalf of any such officer, employee, city council/board member, or agent, or pay on behalf of any such person, any payroll taxes, insurance, or deductions of any kind from the funds paid to the RECIPIENT for administrative purposes.

XVIII. GOVERNING LAW, VENUE AND SEVERABILITY

The laws of Iowa shall govern this AGREEMENT and venue for any legal action hereunder shall be in the Polk County District Court of Iowa. If any provision under this AGREEMENT or its application to any person or circumstances is held invalid by any court of rightful jurisdiction, said invalidity does not affect other provisions of this AGREEMENT which can be given effect without the invalid provision.

XIX. NOTICES

The RECIPIENT shall comply with all public notices or notices to individuals as required by applicable state and federal laws, rules, and regulations and shall maintain a record of such compliance.

XX. RESPONSIBILITY FOR AWARD

While HSEMD undertakes to provide technical assistance to the RECIPIENT and its authorized representative in the administration of the award, said award remains the sole responsibility of the RECIPIENT in accomplishing award objectives and goals. HSEMD undertakes no responsibility to the RECIPIENT, or any third party, other than what is expressly set out in this AGREEMENT.

XXI. NOTICES AND COMMUNICATIONS BETWEEN HSEMD AND RECIPIENT

All written notices and communications to the RECIPIENT by HSEMD shall be to:

Courtney Harter, Housing & Economic Development Manager
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Or the Alternate Point of Contact,

Matthew Walsh, Mayor
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

All written communications to HSEMD by the RECIPIENT and its authorized representative shall be to:

Aimee Bartlett
Attention: Mitigation Bureau
Iowa Department of Homeland Security & Emergency Management
7900 Hickman Road, Suite 500
Windsor Heights, IA 50324

XXII. ENTIRE AWARD AGREEMENT

This AGREEMENT sets forth the entire AGREEMENT between the FMB and the RECIPIENT with respect to subject matter hereof. Commitments, warranties, representations and understandings or agreements not contained, or referred to, herein or amended thereto shall not be binding on either the FMB or the RECIPIENT. Except as may be expressly provided herein, no alteration of any of the terms or conditions of this AGREEMENT will be effective without written consent of both parties.

IN WITNESS WHEREOF, the FMB and the RECIPIENT have executed this AGREEMENT by the signatures of authorized persons of both entities and on the dates indicated below:

Flood Mitigation Board:

V. Joyce Flinn
Board Chair

Date

City of Council Bluffs:

Matthew Walsh
Mayor

Date

RECIPIENT'S Authorized Representative (optional):

Courtney Harter
Housing & Economic Development Manager

Date

Attachments:

- Exhibit A: Approved Scope of Work
- Exhibit B: Approved Budget
- Exhibit C: Permit Requirements
- Exhibit D: Copy of Pre-Award Risk Assessment

EXHIBIT A

City of Council Bluffs

Council Bluffs - Property Acquisition

APPROVED SCOPE OF WORK

(Attached)

**Iowa Flood Mitigation Program (FMP)
Flood Recovery Project Application**

I. Applicant Information

A. Applicant/Community Name	B. Address		City, State, Zip Code	
City of Council Bluffs	209 Pearl Street		Council Bluffs, Iowa 51503	

C. Point of Contact (POC) Name for Project	POC Title	POC Agency	POC Email	
Courtney Harter	Housing & Economic Dev. Manager	City of Council Bluffs	charter@councilbluffs-ia.gov	

POC PO Box and Zip Code	POC Street Address	POC City, State, Zip Code	POC Phone
	209 Pearl Street	Council Bluffs, Iowa 51503	712-890-5354

Alternate POC Name or Authorized Representative	Alt POC Title	Alt POC Agency	Alternate POC Email	
Matthew Walsh	Mayor	City of Council Bluffs	mwals@ councilbluffs-ia.gov	

Alt POC PO Box and Zip Code	Alt POC Street Address	Alt POC City, State, Zip Code	Alt POC Phone
	209 Pearl Street	Council Bluffs, Iowa 51503	712-890-5269

D. Federal Tax ID # / FEIN	E. County Name	F. US Congressional District(s)	State Legislative Districts	
42-600-4428	Pottawattamie	3	Senate	House
			8	16

G. Is the Applicant/Community participating in the National Flood Insurance Program (NFIP)?	Community's CID Number
Yes	190235#

II. Project Cost Information

A. Identify the requested funding source:

Permanent Work

B. Project Budget Summary

Flood Buyout Program (68 properties)	\$ 9,847,880.00
Total Project Budget Summary	\$ 9,847,880.00

C. Project Funding Source

Identify all anticipated funding sources for the project and the amounts.

State that you have applied for and/or received approved federal, state and/or local financial assistance.

Please insert additional rows as needed.

Identify source	Applied/ Received	Federal \$	State \$	Local \$	TOTAL
State Flood Recovery Fund	Applied	\$ -	\$ 9,847,880.00		\$ 9,847,880.00
			\$ -		\$ -
				\$ -	\$ -
		\$ -			\$ -
			\$ -		\$ -
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Total Project Funding Source		\$ -	\$ 9,847,880.00	\$ -	\$ 9,847,880.00

III. Project Plan Summary

A. Provide a brief description of the project and how the project supported flood response or will support future flood recovery and flood mitigation activities. This is a summary of Tab B - Project Plan.

The City of Council Bluffs requests assistance through the State Flood Recovery Fund to complete a flood buyout program for properties impacted by continued flooding and flood threat from the Missouri River. The City requests \$9,847,880 to create a buffer along the levee system with the possibility of developing additional stormwater detention. The proposed buyout program within identified priority areas will improve resiliency for the City of Council Bluffs and its residents that are provided flood risk reduction by the levee system.

B. Provide a brief description of the financial assistance need through the Flood Recovery Fund.

The City requests 100% funding assistance from the Flood Recovery Fund due to the location of proposed buyout program on the "dry side" of the levee. The City is eligible for neither FEMA nor Community Development Block Grant (CDBG) funds. This limits the available funding sources despite a great need in the community based on repeated and continual flood pressure. Funds will be used to buyout 68 properties located within three priority areas.

C. Explain how financial assistance through the Flood Recovery Fund is essential to meet the necessary expenses or serious needs of the applicant related to flood response, flood recovery, and flood mitigation.

Because the City is not eligible for FEMA or CDBG funding at this time, the State Flood Recovery Fund is the only available resource for the City of Council Bluffs to create a buyout program. In order to ensure the best use of funding, the City analyzed the list of interested households in the buyout program and identified four areas of significance. These property owners are primarily west of I-29, which can be attributed to the continuous impact of groundwater infiltration into basements, flooded streets from flash rain events, and reduced property values from the repeated flood events. After the initial interest, the City narrowed the list further to three priorities that will not only remove housing units from flood-prone areas, but also create benefit for the City of Council Bluffs levee system and allow for the possibility of a future stormwater detention system. This will benefit the City's long-term goals for flood sustainability and mitigation and continued resiliency.

D. Provide details of any additional funds that can be applied to the project.

At this time, the City of Council Bluffs is not eligible for FEMA or CDBG assistance.

E. Description of Project Location (i.e. Latitude and Longitude (minimum 6 digits after the decimal), Neighborhood, Subdivision, Geographic Boundaries, Driving Directions, etc.)

The City has three priority areas in the West End neighborhood identified for the proposed buyout program:

Priority 1A: properties that sustained structural damage relating to flooding

4024 Avenue D (41.265650/-95.913470); 4046 Avenue D (41.265630/-95.14240); 735 Benson St (41.269820/-95.909160)

Priority 1: Area southwest of the I-29/I-480 interchange generally bounded by South 37th Street to South 38th Street from 2nd Avenue to 4th Avenue)

Priority 2: Area bounded by 41st Street to the Missouri River levee and from Avenue B to Avenue G

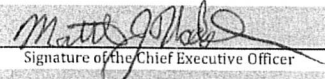
IV. Work Schedule

A. List the major milestones for this project.

Task	Months/Years from Award			Responsible Party
	Start	Complete		
Award		April 2020		
Hire Flood Consulting Firm	May 2020	June 2020		City Staff
Public Meeting	June 2020	June 2020		City Staff and Consulting Firm
Appraisals	July 2020	December 2021		Consulting Firm
Property Closings	September 2020	October 2022		City Staff and Consulting Firm
Demolition	October 2020	December 2022		City Staff and Consulting Firm
Final Closeout	January 2023	April 2023		City Staff and Consulting Firm
Total Project Duration:	36			

V. Certifications

To the best of my knowledge and belief, I certify that all data in this application packet is complete, true and correct. The governing body of the applicant has duly authorized this document and hereby applies for assistance as documented in this application. The applicant understands that the project shall not proceed until Flood Mitigation Board approval is granted.


 Signature of the Chief Executive Officer
 Matthew J. Walsh
 Name of the Chief Executive Officer
 Mayor
 Title
 City of Council Bluffs
 Organization
 February 5, 2020
 Date
 712-890-5269
 Phone Number

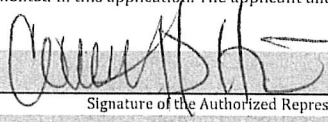

 Signature of the Authorized Representative
 Courtney D. Harter
 Name of Authorized Representative
 Housing & Economic Development Manager
 Title
 City of Council Bluffs
 Organization
 February 5, 2020
 Date
 209 Pearl Street
 PO Box / Street Address
 Council Bluffs, Iowa 51503
 City, State and Zip Code
 712-890-5354
 Phone Number
 charter@councilbluffs-ia.gov
 Email Address

EXHIBIT B

City of Council Bluffs

Council Bluffs - Property Acquisition

APPROVED BUDGET

The awarded funds must be used for the approved Scope of Work as identified in Exhibit A in accordance with this Approved Budget.

Cost Category	Amount
Flood Buyout Program	\$ 342,540.00
TOTAL AWARD	\$ 342,540.00

EXHIBIT C

PERMIT REQUIREMENTS

The RECIPIENT must consult with applicable Federal, State and Local agencies regarding permits required to complete construction or other relevant activities related to the award and the approved scope of work. HSEMD may require the RECIPIENT to provide documentation confirming consultation with applicable agencies to determine permit requirements.

Recommended agencies include, but are not limited to:

- U. S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- Environmental Protection Agency
- Federal Highway Administration
- Federal Railroad Administration
- Iowa Department of Transportation
- Iowa Department of Natural Resources
- Local City or County Administration

EXHIBIT D

City of Council Bluffs

COPY OF PRE-AWARD RISK ASSESSMENT

(Attached)



Recovery Division
Grant Pre-Award Risk Assessment

Applicant Information

Applicant: City of Council Bluffs
Applicant EIN: 42-6004428
Applicant DUNS: 051955433
Applicant Authorized Representative¹: Courtney Harter
Applicant Authorized Representative Phone: 712-890-5354
Applicant Authorized Representative Email: charter@councilbluffs-ia.org
Assessment Completed by: Christine Burkett
Assessment Date: 02/26/2020

Total Risk Assessment Score: 13 of 15. **Risk Level*:** Low (11-15)

Financial Stability points 2 of 2.

Mark all applicable items.

- ☐ Turnover in key staff in the past 12 months (i.e. city clerk, financial manager, superintendent, etc.) (-1 point)
- ☐ Special investigations performed by the Iowa State Auditor in the past five (5) years. (-1 point)
- ☒ For each Federal award, the applicant's accounting system has the ability to: (1 point)
 - ☒ Track revenues and expenditures separately from other expenditure and revenue sources. (including applicant matching funds) (i.e. separate accounts/work orders for each approved project)² Attach chart of accounts/work order listing with particular accounts/work orders noted.
 - ☒ Tie revenues and expenditures to approved grant budget(s) and scope(s) of work.
- ☒ Procedures for the segregation of duties³ Attach associated procedures. (1 point)

Quality Management Systems points 6 of 6.

Mark all applicable items.

- ☒ Procurement Policies. Attach procurement policies (1 point)

¹ 2 CFR §200.415 requires that fiscal reports (including grant agreements, payment requests, etc.) be "signed by an official who is authorized to legally bind the non-Federal entity".

² 2 CFR §200.302(3) requires that records must adequately identify the source and use of federally-funded activities.

³ Required per 2 CFR §200.303; Segregation of Duties is outlined in GAO-14-704G Federal Internal Control Standards 10.12-14

- ☒ Includes documentation to ensure that contractor/vendor is not suspended or disbarred from federally-funded projects.⁴ (1 point)
- ☒ Includes procedure to document affirmative solicitation of small and minority businesses, and women's business enterprises.⁵ (1 point)
- ☒ Includes Contract Provisions for Non-Federal Entity Contracts Under Federal Awards⁶ (1 point)
- ☒ Conflict of Interest Policies.⁷ Attach associated policies. (1 point)
- ☒ Procedures for accounting for the entirety of employee time by individual Federal award and other non-Federally funded work (Personnel Activity Reports or similar). Attach employee time keeping procedures and examples of associated documentation. (1 point)

Performance History points 5 of 5

- ☐ New applicant (-1 point)
- ☐ Applicant has an outstanding balance with HSEMD (-1 point)
- ☒ Applicant is not suspended or disbarred from federal awards.⁴ (1 point)

Prior Grant Awards (list only previous 4 programs)

(1 point for each grant in which all projects are completed and closed on or under budget)

CFDA #	# of Projects	Total \$ Obligated	Total \$ Expended	# Projects Completed and Closed	# of Quarterly Reports Completed	# of issues identified
97.036/4181	7	\$ 811,588.75	\$ 811,588.75	7	5	0
97.039/1998	1	\$ 653,972.06	\$ 653,972.06	1	12	0
97.039/1930	1	\$ 1,598,994.23	\$ 1,598,994.23	1	11	0
97.036/1998	94	\$ 15,707,172.70	\$ 13,289,079.19	94.00	9	0

Prior Grant Monitoring Actions by HSEMD (list only 5 most recent)

(-1 point for each identified issue).

Desk Review or Site Visit	Date	CFDA #	# of Projects Monitored	# of Issues Identified
Select One				0
Select One				
Select One				
Select One				
Select One				

⁴ Must include documentation of check of contractor/vendor on Excluded Parties List System (EPLS) (<https://www.sam.gov>) (2 CFR §200.212)

⁵ 2 CFR § 200.321; Listing available at <https://www.sam.gov>

⁶ 2 CFR §200 Appendix II

⁷ 2 CFR 200.112

Prior Audit Findings points (1)

Review two (2) most recent audits of Federal Awards, and document findings on Federal awards.⁸

(-1 point for each audit finding on a Federal award.)

Fiscal Year Audited	CFDA #	Auditor Opinion (Qualified, Unqualified, Disclaimer, or Adverse)	Finding Type(s) (Internal Control, Material Weakness, Significant Deficiency)	# of Findings	# of Findings Resolved
2018	14.218	Unqualified	Internal Control	1	1
2017	14.228	Unqualified	Select One	0	0
		Select One	Select One		
		Select One	Select One		
		Select One	Select One		

Statutory and Regulatory Requirement Implementation points 1 of 2.

Mark all applicable items

- ☒ Procedures for reporting all violations of Federal criminal law involving fraud, bribery, or gratuity violations possibly affecting Federal awards.⁹ *Attach associated policies (1 point)*
- ☐ Policies and procedures to safeguard personally identifiable information (i.e. Social Security numbers, dates of birth, medical information, etc.)¹⁰ *Attach associated policies (1 point)*

***Risk Level:**

(Note: Attachments must be included in order for the point to be awarded)

Points	Level	Actions
<0-5	High	Site Monitoring Visit or Desk Review, regular site visit and administrative reviews by HSEMD staff.
6-10	Medium	Desk Review upon closeout of projects as needed; continued quarterly progress report monitoring and project closeout monitoring.
11-15	Low	Continued quarterly progress report monitoring and project closeout monitoring.

⁸ Audit information is available at: <https://harvester.census.gov/idds2013/FY2013.aspx> or <http://auditor.iowa.gov/reports/search.php>

⁹ 2 CFR §200.113 requires that all non-Federal entities and applicants for a Federal award must disclose in a timely manner and in writing to the Federal awarding agency or pass-through entity any violations that may affect the Federal award.

¹⁰ 2 CFR §200.303

RESOLUTION NO. 20-75

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A \$342,540 GRANT AGREEMENT WITH THE FLOOD MITIGATION BOARD FOR THE ACQUISITION AND DEMOLITION OF PROPERTIES IDENTIFIED AS SUSTAINING FOUNDATION COLLAPSES AS PART OF THE 2019 FLOOD DISASTER DECLARATION.

WHEREAS, the City of Council Bluffs was awarded a grant from the Flood Mitigation Board in the amount of \$342,540 to acquire and demolish properties that sustained foundation collapses due to the 2019 flood; and

WHEREAS the City must officially accept the Flood Mitigation Board award and authorize the Mayor to execute all necessary documentation.

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

That the Mayor is hereby authorized to execute the \$342,540 grant agreement with the Flood Mitigation Board for the acquisition and demolition of properties identified as sustaining foundation collapses as part of the 2019 flood.

ADOPTED

AND

APPROVED:

March 9, 2020

Matthew J. Walsh

Mayor

ATTEST:

Jodi Quakenbush

City Clerk

Council Communication

Department: Human Resources

Case/Project No.:

Submitted by: Kathy Knott and Jon Finnegan

Resolution 20-77
ITEM 6.C.

Council Action: 3/9/2020

Description

Resolution to abolish one vacant position and add one new position in the Finance Department.

Background/Discussion

The position to be abolished is vacant, so now is an ideal time to make the change as it doesn't negatively impact any employee.

The Senior Financial Analyst will work closely with management by providing internal reporting and analysis to help in the decision making process. This forward thinking leader will also focus their attention on process improvements and standardized reporting. This role will also add a key step in succession planning for the Finance Team.

The new position is in the same pay grade as the abolished position, so this change will have no impact on the budget.

Recommendation

Approval of the Resolution.

ATTACHMENTS:

Description	Type	Upload Date
Job Description	Resolution	2/28/2020
Resolution 20-77	Resolution	3/4/2020



City of Council Bluffs

Job Description

Senior Financial Analyst

Department: Finance

Supervisor: Sr. Accounting Manager

Location: City Hall

FLSA Status: Exempt

Prepared By: Mallory Davis, Recruiter

Prepared Date: Feb 2020

Union: Non-Union

Pay Grade: 21

Summary: Performs financial accounting, reporting and analysis. Works closely with management to ensure they have the necessary reporting to make sound financial decisions.

Essential Duties and Responsibilities:

- Develops a standard internal reporting package for management to review comparing actual, budget and prior year results
- Assists in the design and development of financial statements and reports required for budget, external reporting and other corporate reporting requirements.
- Works with all levels of management to gather, analyze, summarize and prepare recommendations regarding financials plans and forecasts
- Conducts analytical review of specific financial actions and prepares recommendations
- Develop a standard set of key performance indicators that are updated on a regular basis for management to review
- Prepares schedules for the annual audit and assists with the audit process
- Facilitates the preparation of the City's annual and amended budget
- Leads process improvement projects that require cross-functional collaboration
- Develops as a leader in finance functional area
- Regular and predictable attendance is required
- Other duties as assigned

Supervisory Responsibilities:

This job has no direct supervisory responsibilities; however, incumbent could potentially lead and direct the work of others.

Qualifications:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience:

- Bachelor's Degree from an accredited institution in Accounting or Finance
- Four-Five (4-5) years of experience in an accounting or finance role
- Any equivalent combination of education and experience which provide the required knowledge, skills, and abilities

Certificates, Licenses, Registrations:

- Additional position consideration given to those applicants who have passed the CPA

Physical Demands:

- While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and see, talk, and hear.
- The work environment is an office setting that is customer facing, with periods of very busy and relatively quiet cycles.

Other Skills and Abilities:

- Excellent knowledge of generally accepted accounting principles and application to business situations
- Excellent knowledge of Microsoft Office (Excel, Word, Outlook, PowerPoint)
- Strong financial analysis and acumen
- Demonstrated project leadership experience in process improvement
- Strong interpersonal and written communication skills
- Accuracy and integrity
- High level of motivation, team orientation, and professionalism

RESOLUTION 20-77

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

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

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

That the following position changes are hereby adopted and approved effective the dates listed below:

Abolish one (1) Revenue Supervisor position effective March 9, 2020.

Add one (1) Financial Analyst position effective March 9, 2020.

Adopted
and
Approved

March 9, 2020

MATTHEW WALSH, MAYOR

JODI QUAKENBUSH, CITY CLERK

Council Communication

Department: Public Works Admin
Case/Project No.: PW18-06D
Submitted by: Matthew Cox, Public
Works Director

Resolution 20-78
ITEM 6.D.

Council Action: 3/9/2020

Description

Resolution authorizing the Mayor to execute an agreement with HDR Engineering, Inc. for engineering services in connection with Levee Certification Projects, Geotechnical MR_6, 8, and 9.

Background/Discussion

The City of Council Bluffs owns or sponsors multiple levee segments which encompass the City Federal Levee System, providing flood protection from the Missouri River, Mosquito Creek, and Indian Creek. These levee systems are currently shown on FEMA floodplain maps as being accredited and are identified as providing protection from the 100-year flood or 1% annual chance flood event.

In order to maintain the level of protection identified on the FEMA Flood Insurance Rate Map, it is necessary to provide documentation to FEMA that complies with the requirements of 44 CFR 65.10. If the levees are not certified, they will be de-accredited and FEMA will begin the process of updating maps. Areas previously protected by the levees will be identified as flood-prone.

In order to meet the criteria for levee certification, improvements to each of the levee systems will be necessary. The purpose of the Geotechnical MR_6, 8, and 9 projects are to resolve levee seepage and stability deficiencies. The scope may also incorporate the correction of any noted deficiencies in the project area from the latest USACE inspection.

The design engineer will be responsible for developing contract documents for construction that comply with USACE requirements while maintaining the existing level of flood protection. They will also acquire all necessary regulatory permits and oversee construction.

The fee for engineering services for these projects is estimated to be greater than \$200,000.

The Engineer was selected based on their ability to provide the necessary services utilizing the selection criteria outlined in the Professional Services Policy. Statements of qualifications were solicited from nine engineering firms on the pre-qualified list. Four submittals were received and each was reviewed and individually scored by the selection team. The evaluation criteria included team qualifications (40%); past experience on similar projects (30%); project approach and understanding (25%); and clarity and conciseness of the proposal (5%). HDR partnered with Thiele and Lamp, Rynearson and Associates received the highest score and was selected as the most qualified for this particular project. Other firms who submitted proposals included FYRA, Snyder & Associates, and SEH.

Each year of the FY14 thru FY21 CIP budgets have included a programmed amount in Local Option Sales Tax funds for levee improvements. In addition to LOST funds, the City is able to capture a portion of the State sales tax revenues through the Iowa Flood Mitigation Program. Through this program, the City is eligible to receive \$57M over a 20-year period. The accelerated schedule of the levee program requires a funding strategy that will allow large expenditures to occur in the next few years. The financing plan will likely include borrowing money for the short-term and then leveraging the IFMP reimbursements to pay back the loan over a longer period of time. The City's consultant, PFM, is exploring multiple scenarios for borrowing

the necessary funds.

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	3/3/2020
Resolution 20-78	Resolution	3/4/2020

**MASTER SHORT FORM AGREEMENT FOR PROFESSIONAL SERVICES
LEVEE CERTIFICATION PROJECTS
GEOTECHNICAL MR_6, MR_8, AND MR_9**

THIS AGREEMENT is made as of this _____ day of _____, 2020, between City of Council Bluffs, Iowa, hereinafter referred to as "OWNER", and HDR Engineering, Inc., hereinafter referred to as "ENGINEER" or "CONSULTANT," for engineering services as described in this Agreement.

WHEREAS, OWNER desires to retain ENGINEER, a professional engineering firm, to provide professional engineering, consulting and related services ("Services") on one or more projects in which the OWNER is involved; and

WHEREAS, ENGINEER desires to provide such services on such projects as may be agreed, from time to time, by the parties;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION I. PROJECT TASK ORDER

- 1.1 This Agreement shall apply to as many projects as OWNER and ENGINEER agree will be performed under the terms and conditions of this Agreement. Each project ENGINEER performs for OWNER hereunder shall be designated by a "Task Order." A sample Task Order is attached to this Agreement and marked as Exhibit "A". No Task Order shall be binding or enforceable unless and until it has been properly executed by both OWNER and ENGINEER. Each properly executed Task Order shall become a separate supplemental agreement to this Agreement.
- 1.2 In resolving potential conflicts between this Agreement and the Task Order pertaining to a specific project, the terms of this Agreement shall control.
- 1.3 ENGINEER will provide the Scope of Services as set forth in Part 2 of each Task Order.

SECTION II. RESPONSIBILITIES OF OWNER

In addition to the responsibilities described in paragraph 6 of the attached "HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams and Levee Professional Services for Council Bluffs, IA," OWNER shall have the responsibilities described in Part 3 of each Task Order.

SECTION III. COMPENSATION

Compensation for ENGINEER's Services shall be in accordance with Part 5 of each Task Order, and in accordance with paragraph 11 of the attached "HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams and Levee Professional Services for Council Bluffs, IA."

SECTION IV. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The "HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams and Levee Professional Services for Council Bluffs, IA", which are attached hereto in Exhibit B, are incorporated into this Agreement by this reference as if fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

"OWNER"

BY: _____

NAME: Matt Walsh

TITLE: Mayor

ADDRESS: 209 Pearl Street
Council Bluffs, IA 51503

HDR ENGINEERING, INC.
"ENGINEER"

BY: _____

NAME: Matthew B. Tondl

TITLE: Senior Vice President

ADDRESS: 1917 S. 67th Street
Omaha, NE 68106

EXHIBIT A

TASK ORDER

This Task Order pertains to an Agreement by and between City of Council Bluffs, Iowa, (“OWNER”), and HDR Engineering, Inc. (“ENGINEER”), dated _____, 20____, (“the Agreement”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER:

PROJECT NAME:

PART 1.0 PROJECT DESCRIPTION:

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

PART 3.0 OWNER’S RESPONSIBILITIES:

PART 4.0 PERIODS OF SERVICE:

PART 5.0 ENGINEER’S FEE:

PART 6.0 OTHER:

This Task Order is executed this _____ day of _____, 20__.

"OWNER"

HDR ENGINEERING, INC.
"ENGINEER"

BY: _____

BY: _____

NAME: _____

NAME: _____

TITLE: _____

TITLE: _____

ADDRESS: _____

ADDRESS: _____

EXHIBIT B
TERMS AND CONDITIONS

HDR Engineering, Inc. Terms and Conditions for Floodplain, Dams and Levee Professional Services for Council Bluffs, IA

1. STANDARD OF PERFORMANCE

Notwithstanding any other provision of any contract term between the ENGINEER and the OWNER, the standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

ENGINEER and OWNER agree that no other party is an intended or unintended third-party beneficiary of this contract, and that ENGINEER's duties run solely to OWNER.

2. INSURANCE/INDEMNITY

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$2,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for third party personal injury and property damage claims to the extent caused by ENGINEER's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages (including but not limited loss of use or opportunity; loss of good will; cost of substitute facilities, goods, or services; cost of capital; and/or fines or penalties), to loss of profits or revenue arising out of, resulting from, or in any way related to the project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. OWNER agrees to include ENGINEER as an indemnified party in OWNER's construction contracts for the work, which shall protect ENGINEER to the same degree as OWNER. Further, OWNER agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

5. CONTROLLING LAW

This Agreement is to be governed by the law of the state of Iowa. Any controversy or claim arising out of this Agreement may, if both parties agree, be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. The cost of the arbitration, if any, will be divided equally between the OWNER and the ENGINEER.

6. OWNER-PROVIDED SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to the project in OWNER's possession, and any requirements or budgetary limitations. The OWNER agrees to bear full responsibility for the technical accuracy and content of OWNER-furnished documents, information and services.

In performing services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests.

7. SUCCESSORS AND ASSIGNS

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other.

8. RE-USE OF DOCUMENTS

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. OWNER may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by OWNER or others on extensions of the project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, and OWNER will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving seven (7) days written notice, if the other party substantially fails to fulfill its obligations under the Agreement through no fault of the terminating party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination, and for a reasonable profit for services performed.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make prompt payments in response to ENGINEER's invoices.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date of the invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, purchase order, requisition, notice-to-proceed, or like document. In resolving inconsistent or contradictory provisions between this Agreement and any other document or understanding, the terms of these Terms and Conditions shall control.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

15. CERTIFICATIONS

The use of the word "certify" or "certification" by a registered professional engineer in the practice of professional engineering or land surveying constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification, and does not constitute a warranty or guarantee, either expressed or implied. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices and OWNER approved design loads. Certification of "as built" conditions is a statement that the structure(s) has been built according to specifically identified drawings, specifications and contract documents to the extent the structure(s) is readily observable, is in place, and is fully functioning. The definition and legal effect of any and all certifications shall be limited as stated herein.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This

Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.

17. ALLOCATION OF RISK

OWNER AND ENGINEER HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING ENGINEER'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE RISKS, SO, TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF ENGINEER (AND ITS RELATED CORPORATIONS, SUBCONSULTANTS AND EMPLOYEES) TO OWNER AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE LESSER OF \$1,000,000 OR ITS FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF ENGINEER'S SERVICES OR THIS AGREEMENT REGARDLESS OF CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for engineering services when gathering information and documents and shall pay ENGINEER its standard rates for providing expert witness services when attending depositions, hearings, and trial.

If ENGINEER is made a party to any litigation concerning OWNER's flood control structures, OWNER shall reimburse ENGINEER for all costs of defense pending a final determination of ENGINEER's professional liability. If ENGINEER is found by a court of competent jurisdiction to have been negligent, ENGINEER shall reimburse OWNER the costs of defense paid by OWNER, and shall satisfy any judgment up to ENGINEER's limitation of liability. Any amount in excess of ENGINEER's limitation of liability shall be paid by OWNER.

19. MAINTENANCE OF STRUCTURES AND SYSTEMS

OWNER agrees that structures and systems studied, reviewed, analyzed or designed by the ENGINEER are dependent upon OWNER's continued operation and maintenance of the project structures and systems in accordance with all permits, laws and regulations that permit the construction and operation of the structures and systems, including any Engineer prepared operations and maintenance plans. Should OWNER fail to maintain the structures to be in full compliance with permits, approvals, and operations and maintenance plans, ENGINEER shall have no liability to OWNER, and OWNER shall indemnify, release and hold ENGINEER and its employees harmless from any liability resulting from any direct or consequential damage resulting from such non-compliance, including but not limited to claims made by third-parties against ENGINEER.

20. VISUAL INSPECTIONS

For visual inspections, OWNER hereby releases, holds harmless, indemnifies and agrees to defend ENGINEER against any claims, damages, losses, liabilities, expenses or costs arising out of any failure to detect hidden, covered, inaccessible, or internal structural or material defects, corrosion, or damages in components, embedment, reinforcing, anchorages and parts of equipment, structures, or mechanisms being inspected, that are not readily discernible by external visual inspection through reasonable efforts.

21. ACT OF GOD DISCLAIMER

Prevailing science and understanding of natural forces including, but not limited to, flood, rain, temperature, earthquakes and wind indicates a dynamic and non-stationary system of potential loads. The Owner acknowledges and accepts all liability for the selection of appropriate return intervals and selection of extreme natural events for the use in the design of the dam, levee or flood control system. Owner acknowledges they have taken into account the impacts of the various natural events when selecting the design criteria for the project.

22. MISCELLANEOUS

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

i. Compliance with Regulations: The Engineer shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract

ii. Nondiscrimination- The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "B" of the Regulations.

iii. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

iv. Information and Reports: The Engineer shall provide all Information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Council Bluffs, the Iowa Department of Transportation, or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of an engineer is in the exclusive possession of another who fails or refuses to furnish this information, the Engineer shall so certify to the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

v. Sanctions for Noncompliance: In the event of the Engineer's noncompliance with the nondiscrimination provisions of this contract, the City of Council Bluffs shall impose such contract sanctions as it, the Iowa Department of Transportation or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the Engineer under the contract until the Engineer complies; and/or,
- b. cancellation, termination or suspension of the contract, in whole or in part.

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

**RESOLUTION
NO 20-78**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HDR ENGINEERING, INC. FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
LEVEE CERTIFICATION PROJECTS, GEOTECHNICAL MR_6, 8, and 9
PROJECT #PW18-06D**

WHEREAS, the city wishes to make improvements known as Levee Certification Projects, Geotechnical MR_6, 8, and 9 within the city, as therein described; and

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

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

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

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with HDR Engineering, Inc. for engineering services relative to the Levee Certification Projects, Geotechnical MR_6, 8, and 9.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

March 9, 2020

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Liquor Licenses
ITEM 7.A.

Council Action: 3/9/2020

Description

1. The BLK Squirrel, 154 W Broadway
2. The Dock Bar & Grill, 401 Veterans Memorial Hwy
3. Dusty's Lounge, 1501 Avenue A
4. FiftyOne 501 Grill 'n Bar, 4104 Rivers Edge Parkway
5. Sakura Sushi & Hibachi LLC, 3502 Metro Dr

Background/Discussion

1. The BLK Squirrel, 154 W Broadway
 - a. 1/15/20- 11:55 pm- Complaint of outside speakers playing music too loud.
 - b. 6/10/19- 12:15 am- Large disturbance inside the bar. 3 males arrested for Disorderly Conduct.
2. The Dock Bar & Grill, 401 Veterans Memorial Hwy
 - a. 11/29/19- 8:18 pm- Disturbance in the parking lot
3. Dusty's Lounge, 1501 Avenue A
 - a. No calls for service
4. FiftyOne 501 Grill 'n Bar, 4104 Rivers Edge Parkway
 - a. No calls for service
5. Sakura Sushi & Hibachi LLC, 3502 Metro Dr
 - a. No calls for service

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Liquor License Applications, 3.9.20	Other	3/3/2020

State of Iowa
ALCOHOLIC
BEVERAGES DIVISION[Home](#)
[About](#)
[Alcohol](#)
[Tobacco](#)
[Links](#)
[Contact](#)

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CW</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>B6 for SC</u>	Issued _____	
ZONING <u>C9</u>	Expires _____	
Council _____		

Help	License Search	License List	On-Demand Reporting	Keg Registration Search	User Profile	Logoff
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- License
- Privileges
- Applicant
- Status Of Business
- Ownership
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

Applicant LC0042382, The BLK Squirrel, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

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

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

Address of Premise: 154 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (402) 214-8465

Cell / Home Phone:

Same Address

Mailing Address: 168 Crestmont Drive

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Andrew Mead

Phone: (402) 214-8465

Email Address: Cannon_ale@yahoo.com

[Prev](#)

[Next](#)

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**Contact Us**

Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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[Privacy Policy](#)

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[About](#)
[Alcohol](#)
[Tobacco](#)
[Links](#)
[Contact](#)

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>FR</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>Bldg for SC</u>	Issued _____	
ZONING <u>BT</u>	Expires _____	
Council _____		

Help	License Search	License List	On-Demand Reporting	Keg Registration Search	User Profile	Logoff
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- ▶ License
- ▶ Privileges
- ▶ **Applicant**
- ▶ Status Of Business
- ▶ Ownership
- ▶ Criminal History
- ▶ Premises
- ▶ General Premises
- ▶ Applicant Signature
- ▶ Dram Cert
- ▶ Local Endorse
- ▶ History

Applicant LC0045123, The Dock Bar & Grill , Council Bluffs

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

Name/Partnership Name(s): The Dock Bar & Grill

Address of Premise: 401 Veterans Memorial Hwy

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 689-7394

Cell / Home Phone:

Same Address

Mailing Address: 208 Kestrel Ct

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Trisha Gillespie

Phone: (402) 689-7394

Email Address: trisha@mobilismed.com

[Prev](#)

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[Links](#)
[Contact](#)

<input checked="" type="checkbox"/> RENEWAL <input type="checkbox"/> NEW <input type="checkbox"/> SPECIAL EVENT	
POLICE <u>RL</u>	Local Amt _____
FIRE <u>AP</u>	Endorsed _____
BUILDING <u>BG for SC</u>	Issued _____
ZONING <u>CB</u>	Expires _____
	Council _____

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[License List](#)
[On-Demand Reporting](#)
[Keg Registration Search](#)
[User Profile](#)
[Logoff](#)

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

Applicant LC0037535, Dusty's Lounge, Council Bluffs

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

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

Address of Premise: 1501 Avenue A

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 323-2227

Cell / Home Phone: (402) 917-1737

Same Address

Mailing Address: 44 skyview drive

Mailing Address Line 2: _____

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Dusty McNeal

Phone: (402) 917-1737

Email Address: Dustymc58@gmail.com

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[Links](#)
[Contact](#)

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POLICE <u>PR</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>3G for SC</u>	Issued _____	
ZONING <u>OS</u>	Expires _____	
Council _____		

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

- ▶ Applicant
- ▶ Ownership
- ▶ Criminal History
- ▶ Applicant Signature
- ▶ Local Endorse

Applicant LC0045491, FiftyOne 501 Grill 'n Bar, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): FiftyOne 501 (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): FiftyOne 501 Grill 'n Bar

Address of Premise: 4104 Rivers Edge Parkway

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 517-7955

Cell / Home Phone: _____

Same Address

Mailing Address: 4054 Ave. B

Mailing Address Line 2: _____

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Brian Young

Phone: (402) 517-7955

Email Address: fiftyone501gnb@gmail.com

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POLICE	ff	Local Amt	
FIRE	Ar	Endorsed	
BUILDING	BC for SC	Issued	
ZONING	CG	Expires	
		Council	

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

Applicant LC0042476, Sakura Sushi & Hibachi LLC, Council Bluffs

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

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

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

Address of Premise: **3502 Metro Dr**

Address Line 2:

City: **Council Bluffs**

County: **Pottawattamie**

Zip: **51503**

Business Phone: **(712) 366-9888**

Cell / Home Phone:

Same Address

Mailing Address: **3502 Metro Dr**

Mailing Address Line 2:

City: **Council Bluffs**

State: **Iowa**

Zip: **51503**

Contact Name: **Jackie**

Phone: **(507) 381-8417**

Email Address: **xchen9082@gmail.com**

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