

## Review Agenda

### Executive Session



## **City Council Meeting Minutes September 10, 2018**

### **CALL TO ORDER**

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday September, 2018 at 7:00 p.m.

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

Staff Present: Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

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

Reading, correction and approval of the August 27, 2018 City Council Meeting Minutes.

#### Resolution 18-260

Resolution setting a Public Hearing for September 24, 2018 at 7:00 p.m. for the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C.

#### Resolution 18-261

Resolution of intent to dispose and setting a Public Hearing for September 24, 2018 at 7:00 p.m. on certain property interest located on parts Lot 2, Block 3, River's Edge Subdivision Replat 2 and Block 4, River's Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa by granting an easement for the benefit of MidAmerican Energy Company. Location: South of the intersection of Avenue 'B' and North 40th Street within the River's Edge Development. MIS-18-004

#### Resolution 18-262

Resolution accepting the work of Hawkins Construction Company as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 1.  
Project # PW17-20.

Claims

Offers to Buy

Lawsuit (R&F)

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

## **MAYORS PROCLAMATIONS**

## **PUBLIC HEARINGS**

Ordinance 6348

Ordinance to amend the Zoning Map as adopted by Reference in Section 15.02.070, by rezoning 39.50 acres of land, more fully described in Council packet, from P-C/Planned Commercial District to P-I/ Planned Industrial District as defined in Chapter 15.19.  
Location: East of College Rd, West of Interstate I-80, and South of East Kanesville Blvd (U.S. Hwy 6). ZC-18-010

Roger Sandau and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6348. Unanimous, 5-0 vote.

Melissa Head and Sharon White moved and seconded approval of Motion to Waive Third Consideration of Ordinance 6348. Ordinance Passes into Law.. Unanimous, 5-0 vote.

Resolution 18-263

Resolution adopting the planned industrial development plan approval over the area proposed to be known as Lot 1, Black Hills Subdivision.  
Location: East of College Rd, West of Interstate I-80, and South of East Kanesville Blvd (U.S. Hwy 6). PI-18-001

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-263. Unanimous, 5-0 vote.

Resolution 18-264

Resolution granting final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision. Location East of College Rd, West of Interstate I-80, and South of East Kanerville Blvd (U.S. Hwy 6). SUB-18-012

Sharon White and Melissa Head moved and seconded approval of Resolution 18-264. Unanimous, 5-0 vote.

## **RESOLUTIONS**

Resolution 18-265

Resolution approving the City Street Financial Report ending June 30, 2018.

Sharon White and Nate Watson moved and seconded approval of Resolution 18-265. Unanimous, 5-0 vote.

Resolution 18-266

Resolution approving the assignment and assumption of the Declaration of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision.

Melissa Head and Nate Watson moved and seconded approval of Resolution 18-266. Unanimous, 5-0 vote.

## **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

Liquor License Renewals

- 1) 3rd Base Bar & Grill, 800 North 8th Street
- 2) Atherton Automotive Services, 2900 West Broadway
- 3) Council Bluffs Sinclair, 1305 N 25th Street
- 4) Golden Q Billiards & Sports Lounge, 807 S 21st Street
- 5) Hilton Garden Inn, 2702 Mid American Drive
- 6) Hy-Vee C-Store #1, 21 South 25th Street
- 7) LPL's, 1707 Harry Langdon Blvd
- 8) Sam's Club, 3221 Manawa Centre Drive

Nate Watson and Sharon White moved and seconded approval of Applications for permits and cancellations 6A 1-8, inclusive.. Unanimous, 5-0 vote.

## **CITIZENS REQUEST TO BE HEARD**

Heard from Bruce Kelly, 864 McKenzie Avenue regarding Bike Trail and second Lane on Kanerville.

## **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:05 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each

respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk



### Council Communication

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

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

Council Action: 9/10/2018

<b>Description</b>
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<b>Background/Discussion</b>
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<b>Recommendation</b>
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### Council Communication

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

Reading, correction and approval of the August  
27, 2018 City Council Meeting Minutes.

Council Action: 9/10/2018

<b>Description</b>
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<b>Background/Discussion</b>
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<b>Recommendation</b>
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**ATTACHMENTS:**

Description

[8-27-18 Minutes](#)

Type

Other

Upload Date

8/31/2018



## **City Council Meeting Minutes August 27, 2018**

### **CALL TO ORDER**

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday August 27, 2018 at 7:00 p.m.

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

Staff Present: Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

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

Reading, correction and approval of the August 13, 2018 City Council Meeting Minutes.

Ordinance 6348, Ordinance to amend the Zoning Map and setting Public Hearing for September 10, 2018 at 7:00 p.m. as adopted by Reference in Section 15.02.070 of the 2015 Municipal Code of Council Bluffs, Iowa, by rezoning 39.50 acres of land, legally described as being a parcel of land being a portion of the Northeast ¼ of Section 28, Township 75 North, Range 43 West, more particularly described below, from P-C/Planned Commercial District to P-I/ Planned Industrial District as defined in Chapter 15.19. Location: Generally located East of College Road, West of Interstate I-80, and South of East Kanesville Boulevard (U.S. Highway 6). ZC-18-010

Mayor's Appointments: Municipal Housing Agency, July FY19 Financial Reports, Claims

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

### **PUBLIC HEARINGS**

Resolution 18-250

Resolution authorizing the Mayor to execute the Option Agreement with The Pottawattamie County Development Corporation d/b/a The 712 Initiative, an Iowa non-profit corporation.

Heard from the following citizens in favor of the project:

- 1) Sheryl Garst, Executive Director of The 712 Initiative
- 2) Skip Thompson, 301 South 8th Street
- 3) Sharon Babbitt, 200 Park Avenue
- 4) Susan Opperman, 331 South 8th Street
- 5) Lisa Gusman, 923 5th Avenue
- 6) Turner Morgan, 533 Clark Avenue

- 7) Steve Gorman, 203 5th Avenue
- 8) Alicia Brady, 903 S 3rd Street
- 9) Jackie Thompson, 309 S. 8th Street

Sharon White and Melissa Head moved and seconded approval of Resolution 18-250. Unanimous, 5-0 vote.

Resolution 18-251

Resolution to dispose of City property legally described as Lots 1 and 2, Block 1, Bushnell's Addition. Location: Formerly addressed as 2200 Avenue D. OTB-18-025

Sharon White and Melissa Head moved and seconded approval of Resolution 18-251. Unanimous, 5-0 vote.

Resolution 18-252

Resolution granting final plat approval of a six-lot commercial subdivision to be known as The Marketplace, Replat 3, legally described as being a Replat of Lots 1 and 2, The Marketplace Replat 2. Location: Southeast corner of Interstate 80/29 and South 24th Street. SUB-18-010

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 18-252. Voice Vote, 4-0 vote. (Abstain: White)

Resolution 18-253

Resolution granting final plat approval of a six lot residential subdivision to be known as New Horizon Subdivision, Replat 2. Location: South of College Road, Northwest of Interstate 80, East of Valley View Drive. SUB-18-013

Melissa Head and Roger Sandau moved and seconded approval of Resolution 18-253. Unanimous, 5-0 vote.

## **RESOLUTIONS**

Resolution 18-254

Resolution authorizing the Mayor to execute an agreement with EMC Risk Services, LLC for Workers Compensation Third Party Administrative Services.

Sharon White and Melissa Head moved and seconded approval of Resolution 18-254. Unanimous, 5-0 vote.

Resolution 18-255

Resolution granting preliminary plan approval for a 13-lot commercial subdivision to be known as 24 Park Place. Location: Southwest corner of the intersection of South 24th Street and Richard Downing Avenue. SUB-18-011

Sharon White and Nate Watson moved and seconded approval of Resolution 18-255. Unanimous, 5-0 vote.

#### Resolution 18-256

Resolution to extend the deadline for the sale of City owned property legally described as Lot 1, Franklin Heights Subdivision, as established by Resolution Number 18-013. Location: Legally described as Lot 1, Franklin Heights Subdivision. OTB-18-013

Roger Sandau and Melissa Head moved and seconded approval of Resolution 18-256. Unanimous, 5-0 vote.

#### Resolution 18-257

Resolution adding a Payroll Manager to the authorized strength of the City.

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-257. Unanimous, 5-0 vote.

#### Resolution 18-258

Resolution amending the planned commercial development plan for The Marketplace Subdivision, relative to landscaping, building setbacks, lot coverage, and shared parking/driveways for proposed lots 1-6, The Marketplace, Replat 3. Location: Southeast corner of Interstate 80/29 and South 24th Street. Location: Southeast corner of Interstate 80/29 and South 24th Street. PC-18-001

Melissa Head and Roger Sandau moved and seconded approval of Resolution 18-258. Voice Vote, 4-0 vote. (Abstain: White)

#### Resolution 18-259

Resolution adopting the planned commercial development plan for property located in the North 1/2 of the SE1/4 of Section 10-74-44 and part of the NW1/4 of the SW1/4 of Section 11-74-44 and more particularly described on Attachment "A". Location: Southwest corner of the intersection of South 24th Street and Richard Downing Avenue. PC-18-002

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-259. Unanimous, 5-0 vote.

### **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

#### Liquor License Renewals

- 1) Big K Mart, 2803 E Kanseville
- 2) Casey's General Store, #3203
- 3) Elk's Lodge, 380 McKenzie Avenue
- 4) La Mesa, 3036 S Expressway
- 5) Lakeside Ampride, 4040 South Expressway
- 6) Mo Fish, 2403 Nash Blvd
- 7) Primos Mexican Rest, 930 5th Avenue
- 8) Quarthouse Lounge, 107 Pearl Street
- 9) Tobacco Hut, 3134 Manawa Center Drive #9
- 10) Thunderbowl & McCoy's on the Bluff, 1900 Madison Avenue

Iowa League of Cities Annual Conference permits

- 1) Fireworks
- 2) Special Event Liquor License

Roger Sandau and Melissa Head moved and seconded approval of Applications for Permits and Cancellations 6A & 6B. Unanimous, 5-0 vote.

### **CITIZENS REQUEST TO BE HEARD**

Heard from the following citizens:

- 1) Turner Morgan, 533 Clark, regarding block party trailer.
- 2) LeAnn Hughes, 1420 N 21st Street, regarding insurance for block parties.
- 3) Skip Thompson, 309 S 8th Street, Regarding Fire/Police calls.
- 4) Sheryl Garst, 112 S Main, regarding block party trailer.

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.

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Matthew J. Walsh, Mayor

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Attest: Jodi Quakenbush, City Clerk

## **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:32 p.m.

## Council Communication

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

Resolution 18-260

Council Action: 9/10/2018

### Description

Resolution setting a Public Hearing for September 24, 2018 at 7:00 p.m. for the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C.

### Background/Discussion

The Eastern Hills Drive Segment D (PW19-16A) project and the Steven Road East (PW18-16B) project require the construction of four large box culverts in the existing channel of Little Pony Creek and in one tributary of Little Pony Creek.

The construction of the box culverts creates stream impacts that are required to be mitigated per the USACE 404 Permit.

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

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

The estimated construction cost for the project is \$280,000 with funding provided by the City of Council Bluffs and Pottawattamie County. The City's 50% share will be paid using Sales Tax Funds.

The project schedule is as follows:	Set Public Hearing	September 10, 2018
	Hold Public Hearing	September 24, 2018
	Bid Letting	October 11, 2018
	Award	October 22, 2018
	Construction Start	November 2018

### Recommendation

Approval of this resolution.

### ATTACHMENTS:

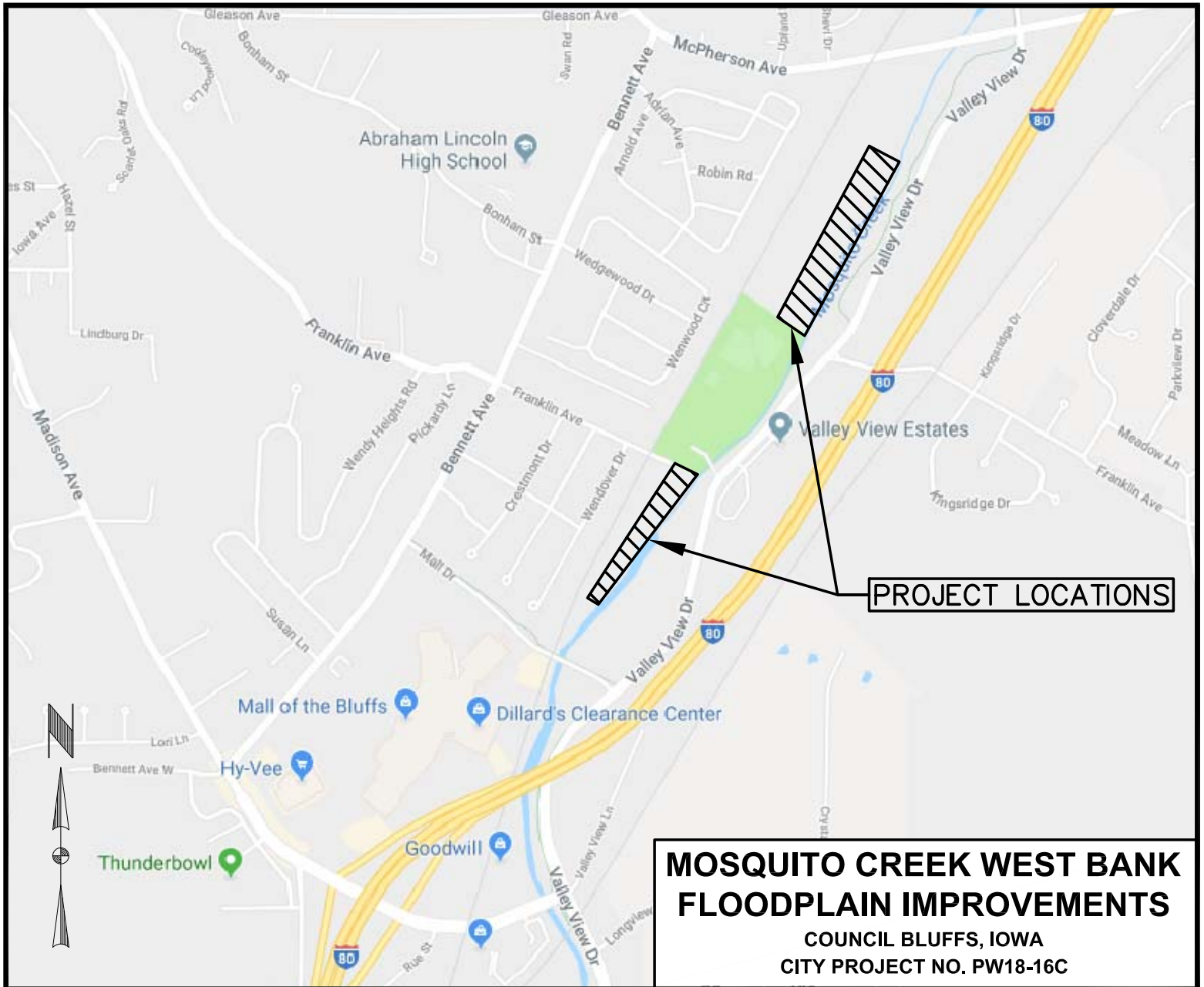
Description	Type	Upload Date
<a href="#">Notice of Public Hearing</a>	Other	8/30/2018
<a href="#">Map</a>	Map	8/30/2018
<a href="#">Resolution 18-260</a>	Resolution	9/4/2018



Notice of Public Hearing  
on the  
Plans, Specifications, Form of Contract and Cost Estimate  
for the  
Mosquito Creek West Bank Floodplain Improvements  
Project # PW18-16C

A public hearing will be held on September 24, 2018, 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 Mosquito Creek West Bank Floodplain Improvements project. The project will include 1.86 acres of clearing and grubbing, 990 cubic yards of stripping and spreading topsoil, 5 acres of seeding, and 2,282 cubic yards of excavation. 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 18-260**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
MOSQUITO CREEK WEST BANK FLOODPLAIN IMPROVEMENTS  
PROJECT #PW18-16C**

WHEREAS,           the City wishes to make improvements known as  
                          the Mosquito Creek West Bank Floodplain Improvements  
                          project 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 Mosquito Creek West Bank Floodplain Improvements setting September 24, 2018, at 7:00 p.m. as the date and time of said hearing.

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

September 10, 2018

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: MIS-18-004  
Submitted by: Christopher N. Gibbons, Planning  
Coordinator

Resolution 18-261

Council Action: 9/10/2018

### Description

Resolution of intent to dispose and setting a Public Hearing for September 24, 2018 at 7:00 p.m. on certain property interest located on parts Lot 2, Block 3, River's Edge Subdivision Replat 2 and Block 4, River's Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa by granting an easement for the benefit of MidAmerican Energy Company. Location: South of the intersection of Avenue 'B' and North 40th Street within the River's Edge Development. MIS-18-004

### Background/Discussion

See case attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">MIS-18-004 Staff Report</a>	Other	8/31/2018
<a href="#">MIS-18-004 Attachment A</a>	Agreement	8/31/2018
<a href="#">MIS-18-004 Attachment B</a>	Agreement	8/31/2018
<a href="#">MIS-18-004 Public Hearing Notice</a>	Other	8/31/2018
<a href="#">Resolution 18-261</a>	Resolution	9/4/2018

### City Council Communication

Department: Community Development		
Case #MIS-18-004	Resolution of Intent No. _____	Set Public Hearing: 9-10-18
Applicant: City of Council Bluffs	Resolution to Dispose No. _____	Public Hearing: 9-24-18
<b>Subject/Title</b>		
A resolution of intent to dispose of certain property interest located on parts Lot 2, Block 3, River's Edge Subdivision Replat 2 and Block 4, River's Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa by granting an easement for the benefit of MidAmerican Energy Company. Location: South of the intersection of Avenue 'B' and North 40 <sup>th</sup> Street within the River's Edge Development.		
<b>Background/Discussion</b>		
MidAmerican Energy Company needs to install underground electrical service across and/or through the North 10 feet of City-owned properties legally described as Lot 2, Block 3, River's Edge Subdivision and Block 4, River's Edge Subdivision in conjunction with the River's Edge redevelopment project. At this time, MidAmerican Energy Company has requested two underground easements as shown in Attachments 'A' and 'B' to accommodate this work.		
<b>Staff Recommendation</b>		
The Community Development Department recommends setting a public hearing for September 24, 2018 to consider disposal of said property rights by granting easements.		
<b>Attachments</b>		
Attachment A: Easement request for Lot 2, Block 3, River's Edge Subdivision Replat 2 Attachment B: Easement request for Block 4, River's Edge Subdivision		

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

Approved by: Brandon Garrett, Director, Community Development Department

Prepared by and return to: Colby Hannasch 712-277-7581  
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES 401 Douglas St, Sioux City, IA 51101-9980

**MIDAMERICAN ENERGY COMPANY  
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>2018-5944</u>	State of	<u>Iowa</u>
Work Req. No.	<u>2018-2691624</u>	County of	<u>Pottawattamie</u>
Project No.	<u>N/A</u>	Section	<u>28</u>
		Township	<u>75</u> North
		Range	<u>44</u> West of the 5 <sup>th</sup> P.M.

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

**DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:**

**LOT TWO (2), BLOCK THREE (3), OF RIVERS EDGE SUBDIVISION REPLAT TWO, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**EASEMENT AREA:**

**An underground electric easement described as follows:  
THE NORTH TEN (10) FEET OF LOT TWO (2).**

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



3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.
4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.
5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area.
6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.
7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter of dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.
8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.
9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

City of Council Bluffs, Pottawattamie County, Iowa

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Typed or printed name of Mayor

Attest:

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Typed or printed name of City Clerk

STATE OF Iowa )  
COUNTY OF Pottawattamie ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Pottawattamie County, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. \_\_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2018; and \_\_\_\_\_ and \_\_\_\_\_ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Seal



\_\_\_\_\_  
Signature of Notary Public

Corporation Seal



# EXHIBIT "A"

## Legend

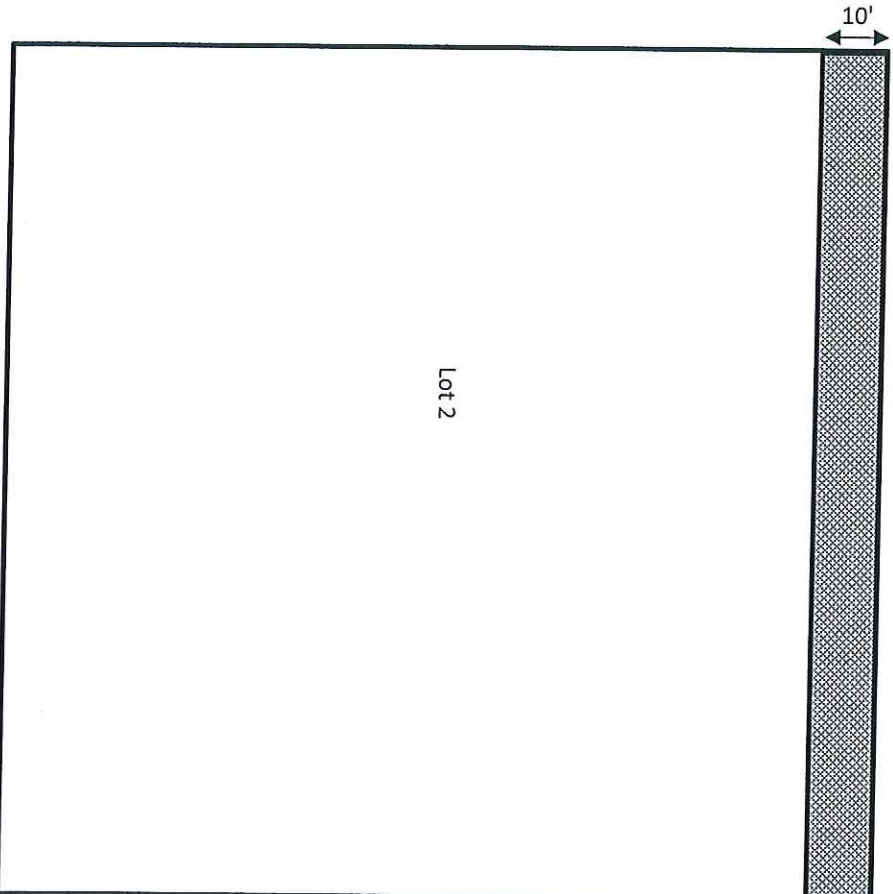
-  - Subject Property Line & ROW
-  - Easement


## Parcel Legal Description:

Lot Two (2), Block Three (3), of  
Rivers Edge Subdivision Replat  
Two, City of Council Bluffs,  
Pottawattamie County, Iowa.

## Easement Area:

The North Ten (10) feet of Lot Two (2).



 <b>MidAmerican</b> ENERGY <small>CREATING RELIABILITY AT YOUR SERVICE</small>		Customer: City of Council Bluffs			
Address: 209 Pearl St		Scale: Not to Scale		Date: June 27, 2018	
City: Council Bluffs	State: Iowa	Parcel: 754428358003	Sec 28, T 75 N, R 44 W		
Job Desc: Electric Underground and Overhead Easements					



Prepared by and return to: Colby Hannasch 712-277-7581  
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES 401 Douglas St, Sioux City, IA 51101-9980

**MIDAMERICAN ENERGY COMPANY  
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>2018-5944</u>	State of	<u>Iowa</u>
Work Req. No.	<u>2018-2691624</u>	County of	<u>Pottawattamie</u>
Project No.	<u>N/A</u>	Section	<u>28</u>
		Township	<u>75</u> North
		Range	<u>44</u> West of the 5 <sup>th</sup> P.M.

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

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

**BLOCK FOUR (4), RIVER'S EDGE SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

EASEMENT AREA:

**An underground electric easement described as follows:  
THE NORTH TEN (10) FEET OF BLOCK FOUR (4).**

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



3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.

5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area.

6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter of dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.

9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

City of Council Bluffs, Pottawattamie County, Iowa

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Typed or printed name of Mayor

Attest:

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Typed or printed name of City Clerk

STATE OF     Iowa          )  
  ) ss  
COUNTY OF   Pottawattamie\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Pottawattamie County, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. \_\_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2018; and \_\_\_\_\_ and \_\_\_\_\_ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Seal

\_\_\_\_\_  
Signature of Notary Public

Corporation Seal

# EXHIBIT "A"

## Legend

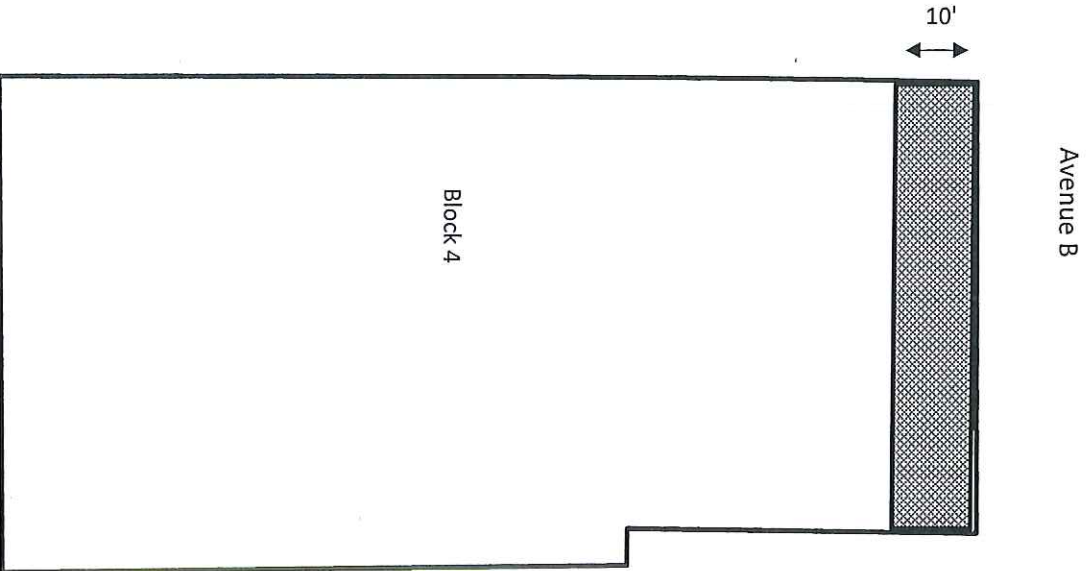
- Subject Property Line & ROW
- Easement



## Parcel Legal Description:

Block Four (4), River's Edge Subdivision,  
City of Council Bluffs, Pattawattamie  
County, Iowa

## Easement Area:

The North Ten (10) Feet of Block Four  
(4).



	Customer: City of Council Bluffs		Scale: Not to Scale	Date: June 27, 2018	
	Address: 209 Pearl St				
	City: Council Bluffs	State: Iowa	Parcel: 754428356004	Sec 28, T 75 N, R 44 W	
Job Desc: Electric Underground and Overhead Easements					

**NOTICE OF PUBLIC HEARING  
ON INTENT TO DISPOSE OF AN INTEREST IN PUBLIC PROPERTY BY  
GRANTING TWO TEN-FOOT WIDE UTILITY EASEMENTS TO  
MIDAMERICAN ENERGY COMPANY**

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 certain property interest located on parts of Lot 2, Block 3, River's Edge Subdivision Replat 2 and Block 4, River's Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa by granting an easement for the benefit of Mid American Energy Company.

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 24<sup>th</sup> day of September, 2018 in the City Council Chambers, 2<sup>nd</sup> 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

**RESOLUTION NO. 18-261**

**A RESOLUTION OF INTENT TO DISPOSE OF CERTAIN PROPERTY INTEREST LOCATED ON PART OF LOT 2, BLOCK 3, RIVER'S EDGE SUBDIVISION REPLAT 2 AND BLOCK 4, RIVER'S EDGE SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA BY GRANTING AN EASEMENT FOR THE BENEFIT OF MIDAMERICAN ENERGY COMPANY.**

**WHEREAS,** MidAmerican Energy Company needs to install underground electrical service across and/or through the North 10 feet of City-owned properties legally described as Lot 2, Block 3, River's Edge Subdivision and Block 4, River's Edge Subdivision in conjunction with the River's Edge redevelopment project; and

**WHEREAS,** this City Council hereby declares its intent to consider the disposal of certain property interest by granting an easement across and/or through the North 10 feet of Lot 2, Block 3, River's Edge Subdivision and Block 4, River's Edge Subdivision for the benefit of MidAmerican Energy Company; and

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

That this City Council hereby declares its intent to consider granting the easements described above;  
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this certain property interest is hereby set for September 24, 2018.

ADOPTED  
AND  
APPROVED

September 10, 2018.

\_\_\_\_\_  
MATTHEW J. WALSH

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH

\_\_\_\_\_  
City Clerk



## Council Communication

Department: Public Works Admin  
Case/Project No.: PW 17-20  
Submitted by: Matthew Cox, City Engineer

Resolution 18-262

Council Action: 9/10/2018

### Description

Resolution accepting the work of Hawkins Construction Company as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 1.  
Project # PW17-20.

### Background/Discussion

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

Segment 1 of the reconstruction project completely rebuilt West Broadway from 36<sup>th</sup> Street to 33<sup>rd</sup> Street including the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers. The project also included streetscape amenities such as decorative pedestrian lights, brick paver bands behind the curbs and at intersections, ornamental fencing, ornamental arms for street lights, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, neighborhood masonry columns, and trees.

Council Bluffs Water Works has significant facilities within West Broadway and replacement of the water main and service lines were included in the project. The total for Division V costs was \$972,589.59 and will be fully reimbursed by CBWW.

As a condition of the Transfer of Jurisdiction, Iowa DOT has provided \$20 million in funding for assuming ownership of the roadway previously identified as US-6. This project was included in the FY17 CIP with a budget of \$4,500,000 in IDOT funding and \$1,500,000 in sales tax funds. The Iowa West Foundation has agreed to provide funding for the streetscape amenities and decorative features of the project for the purpose of corridor beautification. The reimbursement amount from IWF totals \$927,028.62.

The Contractor completed the project on time and did not receive any non-compliance notices. A total incentive of \$150,000 was earned by the contractor for completing three critical closure stages early. A disincentive amount of \$15,000 was assessed for one stage which was not completed on time.

	Division I <u>General</u>	Division II <u>Pavement</u>	Division III <u>Storm Sewer</u>	Division V <u>Water</u>	Division VI <u>Traffic Signals</u>	Division VIII <u>Lighting</u>	Division IX <u>Streetscape</u>	<u>Total</u>
Original Contract Amount	\$672,589.13	\$2,215,425.96	\$768,693.89	\$1,030,932.69	\$425,693.13	\$234,149.65	\$784,212.73	\$6,131,697.18
Change Orders (-1.02%)	(\$6,729.84)	(\$102,591.71)	(\$3,503.04)	(\$58,343.10)	\$2,851.35	(\$6,123.49)	\$112,188.55	(\$62,251.28)
Final Contract Amount	\$665,859.29	\$2,112,834.25	\$765,190.85	\$972,589.59	\$428,544.48	\$228,026.16	\$896,401.28	\$6,069,445.90
Less Previous Payments	\$659,025.00	\$2,091,168.73	\$757,337.03	\$930,343.37	\$424,145.95	\$225,638.15	\$887,541.45	\$5,975,199.68
Retainage Due Contractor	\$6,834.29	\$21,665.52	\$7,853.82	\$42,246.22	\$4,398.53	\$2,388.01	\$8,859.83	\$94,246.22

### Recommendation

Approval of this resolution.

### ATTACHMENTS:

Description

[Resolution 18-262](#)

Type

Resolution

Upload Date

9/4/2018



**RESOLUTION  
NO 18-262**

**RESOLUTION ACCEPTING THE WORK OF  
HAWKINS CONSTRUCTION COMPANY IN CONNECTION WITH  
THE WEST BROADWAY RECONSTRUCTION, SEGMENT 1  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$94,246.22  
PROJECT #PW17-20**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Hawkins Construction Company, Omaha, NE for the West Broadway Reconstruction, Segment 1; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$94,246.22 to Hawkins Construction Company, has been submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$94,246.22 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

**AND BE IT FURTHER RESOLVED**

That the finance director is hereby authorized and directed to issue a city check in the amount of \$94,246.22 payable to Hawkins Construction Company from budget codes Division I, G21600-676000; Division II, G21600-676200; Division III, G21600-676500; Division V, G21600-678000; Division VI, G21600-676800; Division VIII, G21600-676900; Division XI, G21600-676950, Project #00558.

**ND 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

September 10, 2018

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

**Council Communication**

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

Claims

Council Action: 9/10/2018

<b>Description</b>
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<b>Background/Discussion</b>
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<b>Recommendation</b>
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**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Claims</a>	Other	9/4/2018

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

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Heather M. Moore DAY PHONE: 712 890 8047  
ADDRESS: 515 Iowa Ave AB, IA 51503 DOB: 3/12/1981

DATE & TIME OF LOSS/ACCIDENT: 6/12/18 1:15pm

LOCATION OF LOSS/ACCIDENT: Willow Ave / Main Street

DESCRIPTION OF LOSS/ACCIDENT: Car went into wpt concrete because it was not blocked off. Received damage to bumper - also have problems w/ my brakes now - waiting to get estimate - make sure it's related to problem (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 820.90

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

WAS POLICE REPORT FILED ☒ YES ☐ NO

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

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: Bumper has discoloration / scrapes bottom on both sides of bumper.

LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

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

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

8/9/18  
DATE

Heather Moore  
CLAIMANT'S SIGNATURE

CLERK RCVD

22 AUG'18

PK2:14



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

CITY CLAIM NO. 18-PW-1904

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: TANNER EDDY DAY PHONE: 402-253-5818  
ADDRESS: 6926 S. 176<sup>TH</sup> AVE OMAHA NE 68136 DOB: 5-21-86  
DATE & TIME OF LOSS/ACCIDENT: 8-20-18 7:00 AM  
LOCATION OF LOSS/ACCIDENT: 901 10<sup>TH</sup> AVE FLEET MAINT EAST PARKING  
DESCRIPTION OF LOSS/ACCIDENT: HEAVY RAIN / WIND CAUSED EMPLOYEE PARKING  
SIGN TO BE BLOWN OVER INTO MY CAR.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 731.60

WITNESS(ES) (Name(s), Address(es), Phone No(s)) GLENDIA SLIGER - 402-679-4794  
DONNIE GITTINS - 402-740-4130

WAS POLICE REPORT FILED YES ☒ NO

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

NONE

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: HOOD + FENDER ON PASSENGER SIDE.

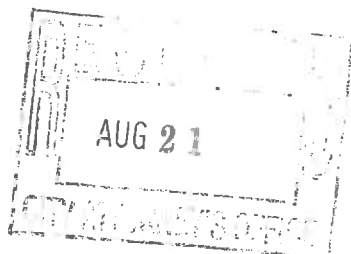
LIST INSURANCE PROVIDER AND COVERAGE: ESURANCE - FULL COVERAGE

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

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

8/21/18  
DATE

[Signature]  
CLAIMANT'S SIGNATURE



CLERK RCVD

23 AUG'18

AM 10:15

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

CITY CLAIM NO. 18-PK-1906

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: LARRY J. THORNTON DAY PHONE: 712-256-1905  
ADDRESS: 4119 AVE D COUNCIL BLUFFS, IA 51501 DOB: 06-15-47

DATE & TIME OF LOSS/ACCIDENT: 08/20/18 APPROX 10:00 AM  
LOCATION OF LOSS/ACCIDENT: 4119 AVE D COUNCIL BLUFFS, IA 51501  
DESCRIPTION OF LOSS/ACCIDENT: TREE ON CITY ALLEY FELL ON MY FENCE  
AND FLAG POLE AND GARDEN FENCE

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ \_\_\_\_\_

WITNESS(ES) (Name(s), Address(es), Phone No(s)): SHIRLEY E. THORNTON  
4119 AVE D COUNCIL BLUFFS, IA 51501  
712-256-1905

WAS POLICE REPORT FILED ☐ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: NONE YET  
PICTURES AVAILABLE

LIST INSURANCE PROVIDER AND COVERAGE: SALTER

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)

08/23/18  
DATE

[Signature]  
CLAIMANT'S SIGNATURE

AUG 23

CLERK RCVD

23 AUG'18

AM 11:00

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

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Phillip Stevens DAY PHONE: 712-355-2320  
ADDRESS: 3742 4th Ave Council Bluffs DOB: \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: 08/20/2018

LOCATION OF LOSS/ACCIDENT: House 3742 4th Ave

DESCRIPTION OF LOSS/ACCIDENT: Sewer backed up and flooded basement furnace & water heater ~~no~~ does not work Now. Also, washer & dryer not working.  
(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 7,000

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Phillip Stevens 712-355-2320  
John Persman - 402-619-8076

WAS POLICE REPORT FILED \_\_\_\_\_ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? \_\_\_\_\_ YES ☒ NO

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

LIST INSURANCE PROVIDER AND COVERAGE: American Family Insurance

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)

08/24/18  
DATE

Phillip Stevens  
CLAIMANT'S SIGNATURE

AUG 24

CLERK RCD

24 AUG 18

AM 11:45

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

CITY CLAIM NO. 18-PW-1908

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Gerald Reid DAY PHONE: 712-246-9535  
ADDRESS: 2317 Ave E, Council Bluffs DOB: \_\_\_\_\_  
DATE & TIME OF LOSS/ACCIDENT: 08-16-18-  
LOCATION OF LOSS/ACCIDENT: Ave B  
DESCRIPTION OF LOSS/ACCIDENT: Hub Cab, wheel liner

(USE BACK OF FORM, IF NECESSARY)

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

WAS POLICE REPORT FILED \_\_\_\_ YES \_\_\_\_ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? \_\_\_\_ YES \_\_\_\_ NO

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

LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

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)

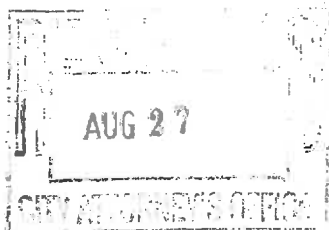
08-23-18  
DATE

Gerald Reid  
CLAIMANT'S SIGNATURE

CLERK RCVD

28 AUG'18

PM2:47



TURN TO

CITY OF COUNCIL BLUFFS IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS IA 51501

CITY CLAIM NO.

AUG 29

CLERK RCD

29 AUG 18

AWB:41

## NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT Verona Anne JorgensenDAY PHONE 402-490-662ADDRESS 2222 Ave H.DOB: 05-11-1961DATE & TIME OF LOSS ACCIDENT Aug 10<sup>th</sup> 2018 - 9:45 p.m.LOCATION OF LOSS ACCIDENT 152 Helan Ave. Co. Bluffs. in the street

DESCRIPTION OF LOSS ACCIDENT. stepped off the curb, hit some loose broken, un-  
black top and fell down. Broke right ankle in 3 places, cut m,  
free and twisted-sprained or possibly broke Left foot.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$

WITNESSES (Name(s), Address(es), Phone No(s)) Nolan Pogue (grandson)WAS POLICE REPORT FILED ☐ YES ☒ NO

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

Urgent Care @ Jennie Edmonson on (8-11-18) at 12:00 Noon  
seen Dr T Bender.

Seen Dr Larose on Monday 8-13-18 at Miller Orthopedic  
go back to Dr Larose on 8-23-18

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: Blue Cross Blue Shield - Group Policy through  
work.

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

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

8-20-18  
DATE

Verona Anne Jorgensen  
CLAIMANT'S SIGNATURE



**Council Communication**

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

Offers to Buy

Council Action: 9/10/2018

<b>Description</b>
--------------------

<b>Background/Discussion</b>
------------------------------

<b>Recommendation</b>
-----------------------

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Offers to Buy</a>	Other	9/4/2018

# APPLICATION TO PURCHASE CITY PROPERTY

CLERK ROOM  
30 AUG 19  
PM 2:23

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

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

Southeast Part of lot 13, Ross' Place

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

Own surrounding property & would like to acquire it to complete.

Buyers offer a total sum of \$ 483.75

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

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

Victor M. Moreno 8-30-18  
Buyer Signature Date

Victor M. Moreno

Print Name

Address 154 Grant Street

Phone/Email 712-325-9521

jimeta2@centurylink.net

Buyer Signature Date

Print Name

Address

Phone/Email

## Internal Use Only

Buildable Lot  
Remnant Parcel  
Previously Vacated ROW

Date Received  
Case #Assigned  
Payment with Offer

Offer Sufficient for Review

Approved for Processing:

# APPLICATION TO PURCHASE CITY PROPERTY

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

DATE OF COMPLETION: 8/28/18  
DATE / TIME: 8:47:55  
OFFICIAL: J. QUAKENBUSH  
CHECK/DEPOSIT CARD #: 7701  
STAMP: [unintelligible]  
SIGNED BY: J. QUAKENBUSH

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

Lot 8, Block 14, Pierce's Subdivision  
1815 8th Ave

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

additional yard space

Buyers offer a total sum of \$ \$624.00

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

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

Joseph Jones 8/28/18  
Buyer Signature Date  
Joseph Jones  
Print Name  
1813 8th Ave  
Address  
712-328-8221  
Phone/Email

\_\_\_\_\_  
Buyer Signature Date  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone/Email

## Internal Use Only

\_\_\_\_\_  
Buildable Lot  
\_\_\_\_\_  
Remnant Parcel  
\_\_\_\_\_  
Previously Vacated ROW

\_\_\_\_\_  
Date Received  
OTG-18-024  
Case #Assigned  
\_\_\_\_\_  
Payment with Offer

\_\_\_\_\_  
Offer Sufficient for Review  
\_\_\_\_\_  
Approved for Processing:

**Council Communication**

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

Lawsuit (R&F)

Council Action: 9/10/2018

<b>Description</b>
--------------------

<b>Background/Discussion</b>
------------------------------

<b>Recommendation</b>
-----------------------

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Lawsuit</a>	Other	9/4/2018

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

<div>R.I.C. 24 LTD. and REALTY INCOME CORPORATION,</div> <div>Plaintiffs,</div> <div>v.</div> <div>CITY OF COUNCIL BLUFFS,</div> <div>Defendant.</div>	<div>Case No. _____</div> <div>ORIGINAL NOTICE</div>
--	--

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendant in this action. A copy of the petition and any documents filed therewith are attached to this notice. The attorneys for the plaintiff are Howard Roston and Kristy Dahl Rogers of Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota, 55402-1425. Their telephone number is (612) 492-7000, and their facsimile number is (612) 492-7077.

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

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712) 279-6035. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

(SEAL)

CLERK OF COURT  
Pottawattamie County Courthouse  
Council Bluffs, Iowa

CLERK RCD  
28 AUG'18

PK2:47

IMPORTANT

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

AUG 27

**STATE OF IOWA JUDICIARY**

Case No. CVCV118176

County Pottawattamie

Case Title RIC 24 LTD AND REALTY INCOME CORP VS CITY OF CB

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

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

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

**FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:**

<http://www.iowacourts.state.ia.us/EFile>

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

Scheduled Hearing:

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

Date Issued 08/22/2018 11:51:23 AM



District Clerk of Pottawattamie

County

/s/ Cody Huebert

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

<div>R.I.C. 24 LTD. and REALTY INCOME CORPORATION,</div> <div>Plaintiffs,</div> <div>v.</div> <div>CITY OF COUNCIL BLUFFS,</div> <div>Defendant.</div>	<div>Case No. _____</div> <div>PETITION</div>
--	---

R.I.C. 24 Ltd. and Realty Income Corporation (collectively “Realty Income”), in support of this petition, state to the Court as follows:

1. Plaintiff R.I.C. 24 Ltd. is a California limited partnership with its headquarters in Escondido, California, and is authorized to conduct business in the State of Iowa.
2. Plaintiff Realty Income Corporation is a Maryland corporation with its headquarters in San Diego, California, and is authorized to conduct business in the State of Iowa.
3. Realty Income owns land located at 2826 W. Broadway in Council Bluffs, Iowa, more particularly described as the eastern 14 feet of Lot 11 and all of Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 1, Evans Bridge Addition, City of Council Bluffs, Pottawattamie County, Iowa.
4. Existing on the land is a commercial retail building owned by Realty Income and an adjacent parking lot with two driveways that provide a means of ingress and egress to its land and reasonably suitable and convenient access to West Broadway.
5. The building on the property is currently operated as a retail auto parts store by O'Reilly Automotive Stores, Inc., a Missouri corporation, pursuant to a lease agreement with Realty Income Corporation.

6. The City of Council Bluffs (“Defendant” or “City”) has condemned certain property rights in a segment of Realty Income’s land for the purpose of the construction of improvements as part of the West Broadway Corridor Master Plan adopted by the City. In particular, the City has condemned Realty Income’s rights in 311 square feet of its land adjacent to West Broadway for the installation and maintenance of a bus stop shelter as part of the construction plan known as West Broadway Reconstruction, Segment 2. A copy of the Permanent Easement stating a legal description of said easement is attached hereto as Exhibit A and incorporated into this Petition by reference.

7. On April 26, 2018, the Pottawattamie County Compensation Commission (“Compensation Commission”) awarded \$3,732.00 in damages as compensation for the permanent easement with respect to 311 square feet of its land on which the City intends to construct a bus stop shelter. In an action arising out of the same project and same set of facts, Realty Income challenges the sufficiency of that award as compensation for the condemnation of Realty Income’s property rights in that land.

8. As part of the construction of the West Broadway Reconstruction, Segment 2, the City also intends to physically enter and use land owned by Realty Income that is outside the permanent easement area for the construction of improvements to the other frontage property owned by Realty Income along West Broadway.

9. The planned construction outside the permanent easement area will result in the elimination of one of the two driveways that provide a means of ingress and egress to and from its land and reasonably suitable and convenient access between West Broadway and the parking lot located on Realty Income’s land. In particular, the City intends to eliminate the westernmost driveway.



10. Realty Income learned of the plan to eliminate the driveway from an artist's rendering depicting an aerial view of the planned bus stop and other improvements planned for the surrounding area provided by the City.

11. In March 2018, Realty Income and counsel for the City exchanged correspondence in which Realty Income declined to authorize the City to make changes to Plaintiffs' frontage property along West Broadway outside the permanent easement area without compensation.

12. On March 29, 2018, Deputy Assistant Attorney Graham Jura sent an email to Realty Income confirming that the City did not and will not offer any compensation to Realty Income for planned improvements taking place outside the permanent easement area in its frontage property along West Broadway.

13. On April 18, 2018, undersigned counsel sent a letter to counsel for the City on behalf of Realty Income demanding compensation for the permanent elimination of the driveway and point of access between the parking lot on Realty Income's land and West Broadway.

14. To date, the City has neither offered nor paid any compensation to Realty Income for the permanent elimination of the driveway and point of access between its parking lot and West Broadway or the associated loss of access to its commercial retail property.

15. To date, the City has not initiated formal condemnation proceedings concerning the permanent elimination of the driveway and point of access between its parking lot and West Broadway or the associated loss of access to its commercial retail property.

#### **COUNT I: INVERSE CONDEMNATION**

16. Realty Income incorporates by reference the facts alleged in the preceding paragraphs as if fully set forth herein.

17. Realty Income has constitutionally protected interests in its land and in the right of access to its land pursuant to Article I, section 18 of the Iowa Constitution and the Fifth Amendment to the United States Constitution.

18. The City plans to eliminate a driveway and point of access between the parking lot on Realty Income's land and West Broadway for a public use without Realty Income's authorization as part of planned improvements being undertaken pursuant to the West Broadway Corridor Master Plan.

19. The City has not initiated formal condemnation proceedings concerning its permanent elimination of the driveway and point of access between the parking lot on Realty Income's land and West Broadway.

20. The City has neither offered nor paid just compensation to Realty Income to compensate it for the permanent elimination of the driveway and point of access between the parking lot on its land and West Broadway.

21. Plaintiffs have demanded just compensation from the City for the permanent elimination of the driveway and point of access between the parking lot on its land and West Broadway.

22. The permanent elimination of the driveway and point of access between the parking lot on Realty Income's land and West Broadway will substantially interfere with Realty Income's use and enjoyment of its land and will cause Realty Income damages including, but not limited to, loss of market value of its fee interest in the land; loss of use of its land; loss of a means of ingress and egress to and from its land; loss of reasonably suitable and convenient access to its land; loss of vehicular circulation within its parking lot for trucks, employees, and customers; and consequential damages.

WHEREFORE, Plaintiffs ask this Court to ascertain the damages to which Realty Income is entitled for the permanent elimination of the driveway and point of access by the City and enter an order awarding such damages plus attorney fees and reasonable costs and granting such other further relief as the Court deems appropriate. Realty Income further requests a trial by jury.

**COUNT II: MANDAMUS**

23. Realty Income incorporates by reference the facts alleged in the preceding paragraphs as if fully set forth herein.

24. The permanent elimination of a driveway and point of access between the parking lot on Realty Income's land and West Broadway by the City for a public use during its construction of planned improvements pursuant to the West Broadway Corridor Master Plan without authorization constitutes a temporary and permanent taking for which Realty Income has a right to just compensation pursuant to Article I, section 18 of the Iowa Constitution and the Fifth Amendment to the United States Constitution. Any physical intrusion on Realty Income's land by the City constitutes a temporary and permanent taking for which Realty Income has a right to just compensation pursuant to Article I, section 18 of the Iowa Constitution and the Fifth Amendment to the United States Constitution.

25. The City has a clear duty to compensate Realty Income for said takings.

26. The City has neither compensated Realty Income for said takings nor initiated formal condemnation proceedings concerning said takings.

27. Realty Income has demanded just compensation from the City for said takings.

28. The takings by the City and its nonperformance of its duty to compensate Realty Income for said takings will cause damages to Realty Income including, but not limited to, loss

of market value of its fee interest in the land; loss of use of its land; loss of a means of ingress and egress to and from its land; loss of reasonably suitable and convenient access to its land; loss of vehicular circulation within its parking lot for trucks, employees, and customers; and consequential damages.

WHEREFORE, pursuant to Iowa Code section 661.1, Realty Income asks the Court to issue a writ of mandamus directing the City to fulfill its duty to Realty Income by initiating formal condemnation proceedings and compensating Realty Income appropriately for the takings.

Respectfully submitted this 21<sup>st</sup> day of August, 2018.

*/s/ Howard A. Roston*

Howard A. Roston (AT0012873)

Kristy Dahl Rogers (AT0012773)

**FREDRIKSON & BYRON, P.A.**

200 South Sixth Street

Suite 4000

Minneapolis, MN 55402-1425

Telephone: (612) 492-7000

Facsimile: (612) 492-7077

Email: hroston@fredlaw.com

krogers@fredlaw.com

**ATTORNEYS FOR R.I.C. 24 LTD. AND REALTY  
INCOME CORPORATION**

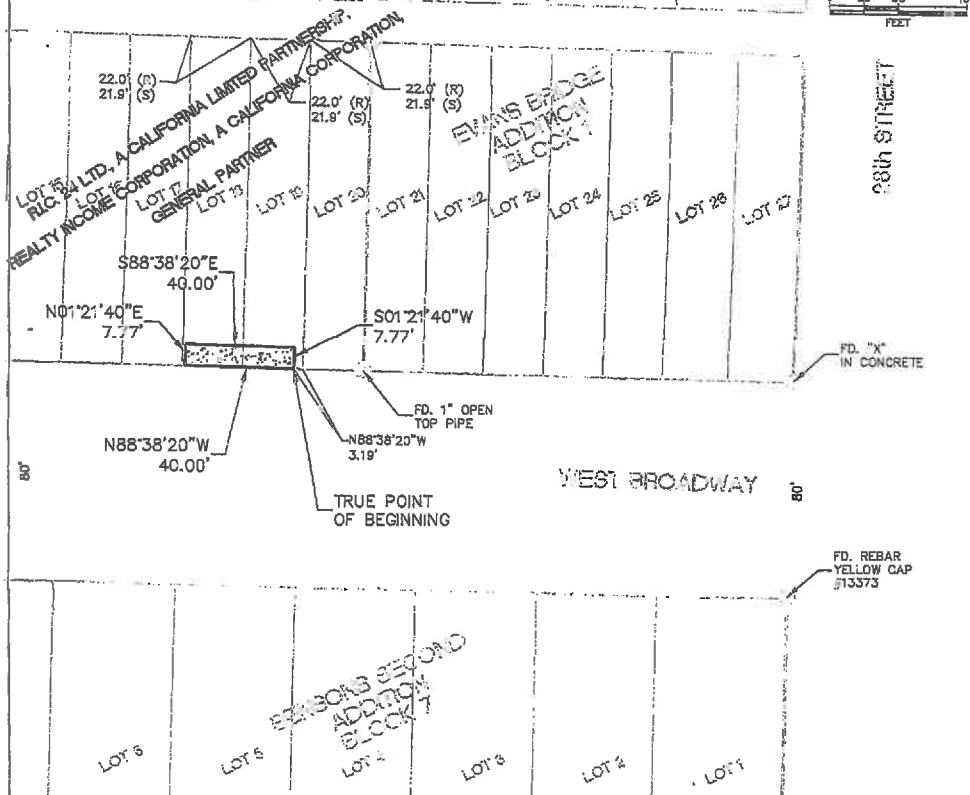
PROJECT NO. PW18-20  
WEST BROADWAY SEGMENT 2EXHIBIT "A"  
PERMANENT EASEMENTPAGE 1 OF 1  
PARCEL NO. 2-18ACQUIRED FROM R.I.C. 24 LTD., A CALIFORNIA LIMITED PARTNERSHIP,  
REALTY INCOME CORPORATION, A CALIFORNIA CORPORATION,  
GENERAL PARTNER

## LEGEND

- SET 5/8"x18" REBAR  
w/YELLOW PLASTIC CAP  
MARKED "HGM ASSOC.  
PLS 10569"

(S) SURVEYED

(R) RECORDED



## LEGAL DESCRIPTION - PERMANENT EASEMENT

A PARCEL OF LAND BEING A PORTION OF LOT 18 AND LOT 19, BLOCK 1, EVANS BRIDGE ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 19:

THENCE ALONG THE SOUTH LINE OF SAID LOT 19, NORTH 88 DEGREES 38 MINUTES 20 SECONDS WEST, 3.19 FEET TO THE TRUE POINT OF BEGINNING;

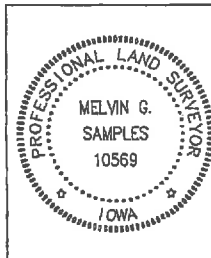
THENCE CONTINUING ALONG THE SOUTH LINE, OF SAID LOT 19 AND ALONG IT'S WESTERLY PROLONGATION, NORTH 88 DEGREES 38 MINUTES 20 SECONDS WEST, 40.00 FEET;

THENCE NORTH 01 DEGREE 21 MINUTES 40 SECONDS EAST, 7.77 FEET;

THENCE SOUTH 88 DEGREES 38 MINUTES 20 SECONDS EAST, 40.00 FEET;

THENCE SOUTH 01 DEGREE 21 MINUTES 40 SECONDS WEST, 7.77 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 311 s.f. (0.0071 ACRE), MORE OR LESS.

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

*Melvin G. Samples* NOVEMBER 7, 2017  
MELVIN G. SAMPLES DATE  
LICENSE NUMBER 10569

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES OR SHEETS COVERED BY THIS SEAL:

SHEET 1 OF 1

POTTAWATTAMIE COUNTY

PROJECT NO. 151315A

DATE DRAWN 10-11-17 DRAWN BY JND

CONTRACT DATED \_\_\_\_\_  
CONSIDERATION \$ \_\_\_\_\_  
EVANS BRIDGE ADDITION  
SUBDIVISION 1  
BLOCK(S) 18, 19  
LAND ACQUISITION 0 s.f.  
PERMANENT EASEMENT 311 s.f.  
ACQUIRED BY \_\_\_\_\_

## Council Communication

Department: City Clerk  
Case/Project No.: ZC-18-010  
Submitted by: Chris Meeks, Planer

Ordinance 6348

Council Action: 9/10/2018

### Description

Ordinance to amend the Zoning Map as adopted by Reference in Section 15.02.070, by rezoning 39.50 acres of land, more fully described in Council packet, from P-C/Planned Commercial District to P-I/ Planned Industrial District as defined in Chapter 15.19. Location: East of College Rd, West of Interstate I-80, and South of East Kanesville Blvd (U.S. Hwy 6). ZC-18-010

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SUB-18-012, ZC-18-010 and PI-18-001 Staff Report Including Attachs</a>	Other	8/16/2018
<a href="#">SUB-18-012, ZC-18-010, and PI-18-001 PH Notice</a>	Other	8/16/2018
<a href="#">Ordinance 6348</a>	Ordinance	8/22/2018

Council Communication

<p>Department: Community Development Department</p>	<p>Resolution No. _____</p>	<p>City Council: 8/27/18</p>
<p>CASES #SUB-18-012, #ZC-18-010, and #PI-18-001</p>	<p>Ordinance No. _____</p>	<p>Planning Commission: 8/14/18</p>
<p>Applicant/Owner: Iowa Western Community College Foundation Attn: Dr. Dan Kinney 2700 College Road Council Bluffs, IA 51503</p>	<p>Resolution No. _____</p>	
<p>Engineer: HGM Associates Inc. Attn: John Jorgenson 640 5<sup>th</sup> Avenue Council Bluffs, IA 51501</p>		

**Subject/Title**

**Request:** CASES #SUB-18-012, #ZC-18-010, and #PI-18-001 - Combined public hearings on the request of Iowa Western Community College Foundation, represented by John Jorgensen of HGM Associates, for the following:

- 1) Rezone 39.50 acres of land, legally described as being A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ OF SECTION 28; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 54 MINUTES 53 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 59 DEGREES 11 MINUTES 34 SECONDS WEST, 136.52 FEET; 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET; 3) SOUTH 24 DEGREES 18 MINUTES 05 SECONDS WEST, 411.71 FEET; 4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET; 5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 505.88 FEET; 6) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET; 7) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 8) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to P-I/Planned Industrial District; and
- 2) Final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision and concurrent adoption of a planned industrial development plan on 10.27 acres of land, legally described as A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAL, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ CORNER OF SECTION 28; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST 1015.64 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 37.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.69 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST 351.54 FEET; 2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa.

**Location:** Generally located East of College Road, West of Interstate I-80, and South of East Kanesville Boulevard (U.S. Highway 6)

#### **Background/Discussion**

The Community Development Department has received applications from the Iowa Western Community College Foundation, represented by John Jorgenson of HGM Associates Inc., to 1) execute a Final Plat for a one lot minor subdivision to be known as Black Hills Subdivision; 2) to rezone approximately 39.5 acres of land from P-C/Planned Commercial to P-I/Planned Industrial; and 3) to append a planned industrial development plan over the area proposed to be known as Lot 1, Black Hills Subdivision. The applicant has submitted these applications to accommodate an Operations Center and Training Facility for the Black Hills Corporation.

#### **Land Use and Zoning**

The subject property is currently undeveloped, and is zoned P-C/Planned Commercial District. Surrounding land uses and zoning districts are as follows:

North: Undeveloped land that is zoned P-C/Planned Commercial

South: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

East: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

West: The Iowa Western Community College campus which is zoned A-2/Parks, Estates and Agricultural District, and housing associated with Iowa Western Community College which is zoned R-3/Low Density Multifamily Residential.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial.

CASE #SUB-18-012: Minor subdivision final plat approval of a one (1) lot industrial subdivision to be known as Black Hills Subdivision. Access to the subdivision will come from a private drive to the north of the proposed lot that is partially constructed and intersecting at College Road. The subdivision contains one (1) lot that is approximately 10.27 acres in size.

The Letter of Intent (see Attachment B) as submitted by the applicant states that the site will be served by sanitary sewer, water, electric, and gas facilities. The applicant states that a Storm Water Pollution Prevention Plan will be developed in accordance with Iowa DNR requirements, and will incorporate Best Management Practices during construction.



CASE #ZC-18-010: Rezone approximately 39.5 acres of land located in Northeast ¼ of Section 28-75-43 from P-C/Planned Commercial to P-I/Planned Industrial. This rezoning will accommodate the Operation Center and Training Facility that is proposed for the site, as well as allow additional industrial development on the remaining acreage included in this request. Prior to development on the properties that are zoned as P-I/Planned Industrial District, the developer will be required to submit a development plan for review and approval of the Planning Commission and City Council (the development plan for the Black Hills Subdivision is included with this report).

CASE #PI-18-001: Review and approval of a development plan that will cover Lot 1 of the proposed Black Hills Subdivision, which will encompass approximately 10.27 acres of land, and will be home to an Operations Center and Training Facility for the Black Hills Corporation. Per the submitted letter of intent, the Operation Center and Training Facility will be an approximately 75,000 gross square foot mixed occupancy building that will be two stories in height, and will provide office space for roughly 150 employees, along with classrooms and labs for the training of employees in the region. The facility will also include material storage and a garage area for the support of the daily services Black Hills provides, as well as a meter shop which will test, refurbish, and distribute gas meters across all Black Hills service areas.

As a part of this development, the site will also include an outdoor large equipment training area, and simulation training area to be known as "Gas Town". The Gas Town area will feature small, non-habitable buildings that simulate houses, along with roadways and other features that a neighborhood may have (see Attachment H). The Gas Town simulation area is designed to provide training in a controlled environment that would subject trainees to situations that would occur in a community, such as broken gas meters, gas leaks, or replacement of gas utilities. The large equipment training area as well as the roadways in the Gas Town area are proposed to be graveled to allow the areas to be easily reset after training sessions. The proposed parking areas, material storage yard, equipment storage yard, drive aisles, and rear surface lot are all proposed to be hard surface paved in accordance with City of Council Bluffs requirements.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed replat and planned commercial development plan with comments incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated they have no comments regarding any of the cases.
- The Public Works Department has the following comments:
  - 1) No comments on the rezoning request.
  - 2) No direct comments on the Planned Industrial Development Plan.
  - 3) The following comments pertain to the Subdivision request:
    - a) Platting- Lot line easement note needs to include standard restrictions notes.
    - b) A sidewalk will need to be installed along the College Road frontage of the property.
    - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
    - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
    - e) Utility improvements are noted as stated.
- Council Bluffs Water Works stated a main extension agreement to extent the water main on college road has been signed by the developer.
- MidAmerican Energy stated they have no objections to the proposed plat, and has overhead utilities that will be able to serve the site. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Preliminary Subdivision Plan

Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

### **Comments**

Subdivision Final Plat- The Community Development Director has determined that the proposed subdivision qualifies as a minor subdivision, then the minor subdivision shall be exempt from major subdivision requirements and procedures of this title. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.

1. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
2. The proposed lot in the P-I/Planned Industrial District must comply with the site development regulations as set forth in the development plan.
3. The subdivision is proposed to be accessed by a private road to the North that will be constructed to City of Council Bluffs Public Works Department standards. Lot 1 of the proposed subdivision will have frontage on to College Road. A 50 foot wide ingress/egress easement for access to the subdivision will be recorded as a separate instrument, but referenced on the final plat.
4. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
5. A water main extension agreement with Council Bluffs Water Works has been signed by the developer.
6. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.
7. The standard 10 foot and 5 foot utility easements along the front and rear property lines should be stated on the final plat.
8. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
9. Any future subdivision of the land will also require formal subdivision platting.

### Rezoning-

1. The subject property is currently zoned P-C/Planned Commercial District. Surrounding zoning districts include P-C/Planned Commercial District to the North, A-2/Parks, Estates and Agricultural District to the East, South, and West, and R-3/Low Density Multifamily Residential District to the West.
2. The applicant has proposed to rezone the subject property to P-I/Planned Industrial District.
3. A development plan will be required prior to the development of any parcels, as per the requirements of the P-I/Planned Industrial District.
4. The one lot subdivision to be known as Black Hills Subdivision will house an Operation Center and Training Facility for the Black Hills Corporation. This use is consistent with the principal uses that have been established for the P-I/Planned Industrial District.
5. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial. The proposed rezoning is consistent with future land use plan.
6. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. No comments have been received as of the date of this report.

### Development Plan-

1. The proposed development plan shows a two-story building to be used as offices, classrooms, material storage, garage area, and a gas meter shop to be used by the Black Hills Corporation.
2. The exterior site plan shows an employee and guest parking area, a material storage yard, an equipment storage yard, a truck loading/unloading area, a large equipment training area, and an outdoor training area to be known as "Gas Town".
3. The site development standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
4. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
5. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area.
6. The subject property has frontage along College Road, though the applicant proposes to access the site from a private road to the North of the subject property. The property will have no direct access on to College Road.
7. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas.
8. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
9. Sidewalks must be constructed along College Road, as required by the Public Works Department. Sidewalks shall be installed at the time of building construction on the property, and shall be completed prior to the issuance of a certificate of occupancy.
10. The parking requirements for the site must be calculated per the standards set forth in Section 15.23.060(04), *Parking spaces required* of the Council Bluffs Municipal Code (Zoning Ordinance).
11. The building exterior, as submitted by the applicant (see Attachment G) is made of up glass, stone, and varieties of metal paneling, and is generally acceptable. Design standards shall be as follows:
  - A) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
  - B) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
12. Signage requirements shall be designed in compliance with Chapter 15.33 – *Signs*, of the Council Bluffs Zoning Ordinance.
13. The landscaping of the site shall include the following features.
  - A) Trees shall be planted along the frontage of College Road to the West and the Private Drive to the North.
  - B) Landscaping around the Western and Northern sides of the building (excluding the area in front of the garage bays) shall consist of a four foot wide landscaping bed with grass, shrubs, and other related plants, and shall be designed to limit the use of inorganic planting materials (such as river/landscaping rock).
  - C) A berm shall be installed along the westerly boundary of Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.

- D) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- E) Fencing along the frontage of College Road and the Private Drive to the North shall be limited to an ornamental iron fence in material, and may not include any barbed wire. Barbed wire will be allowed on the Eastern and Southern sides of the property adjacent to the right-of-way of Interstate 80. Fencing should otherwise be consistent with the standards established in Section 15.24.040 – *Fence regulations* of the Zoning Ordinance.
- F) All outdoor storage areas shall be screened from view with a minimum six foot tall privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

#### **Recommendation**

The Community Development Department recommends:

1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a) The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b) A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
  - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e) With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f) An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g) All utilities shall be located underground.
  - h) 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
  - a) A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
  - a) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40%

corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.

- b) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
- c) The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
- d) Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
- e) All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
- f) A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.
- g) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h) Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i) All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

### **Public Hearing**

Speakers in favor:

- 1. Ron Tekippe, HGM Associates, 640 5<sup>th</sup> Avenue, Council Bluffs, IA 51501
- 2. Wes Ashton, Black Hills Corporation, 1205 SW 37<sup>th</sup> Street, Grimes, IA 50111
- 3. Eric Monroe, Black Hills Corporation, 7001 Mt. Rushmore Road, Rapid City, SD 57702

Speakers against: None.

### **Planning Commission Recommendation**

The Planning Commission recommends:

- 1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a. The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c. Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.

- d. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g. All utilities shall be located underground.
  - h. 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
    - a. A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
    - a. The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
    - b. The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
    - c. The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
    - d. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
    - e. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
    - f. A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.

- g. A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h. Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i. All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

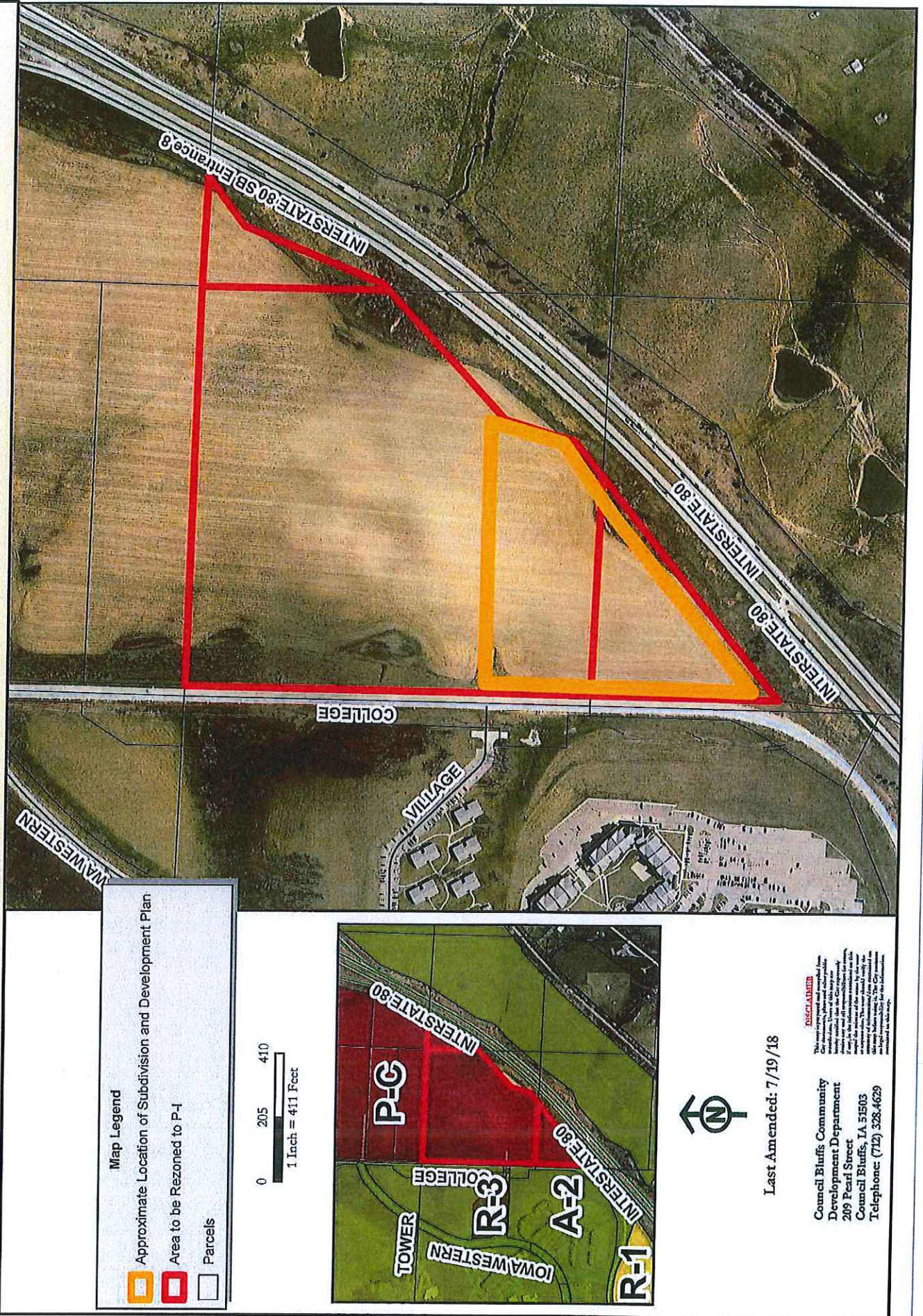
VOTE: AYE 6    NAY 0    ABSTAIN 1    ABSENT 0    VACANT 4    Motion: Carried

Attachment A: Location and Zoning Map  
Attachment B: Letter of Intent  
Attachment C: Preliminary Subdivision Plan  
Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

Prepared by: Chris Meeks, Planner



# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SUB-18-012, CASE #ZC-18-010, and CASE #PI-18-001





**LETTER OF INTENT**  
**Black Hills Subdivision / Development Plan**

HGM# 107318

July 2018

Black Hills Corporation (BHC) is proposing to construct an Operations Center and Training Facility on approximately 10 acres of land between Iowa Western Community College and Interstate 80. The new BHC - Operations and Training Center will include a roughly 75,000 GSF mixed occupancy building with off street parking, training and material storage areas located on site. The two-story building will serve BHC with office space for roughly 150 employees and will include classrooms and labs for the training of employees around the region. The building also incorporates a meter shop which tests, refurbishes, and distributes gas meters across all the BHC service areas. Finally, an essential asset of the building is a material storage and garage area that supports the daily service activities for gas service to the surrounding area. The design of this building, as the first of this development, aims to serve as a positive example of how to design a commercial and industrial property as a good neighbor to the surrounding community.

Extension of the public Sanitary Sewer (10") and public Water Main (12") on the east side of College Road are currently being designed by others to serve this site. 15" and 24" public storm sewer currently existing on the east side of College Road and a culvert extends under Interstate 80. Existing MidAmerican Energy overhead power currently exists on the west side of College Road.

The proposed civil site infrastructure improvements include: private fire/domestic water and sanitary sewer services connecting to the public system, private storm sewer system which will drain to the site detention basin. Site improvements will include a concrete parking lot for public and employee parking with approximately 200 stalls, concrete sidewalks and storage yards. The site will be designed to accommodate semi tractor-trailer and the site will be secured with fencing and access gates.

A Storm Water Pollution and Prevention Plan will be developed base on Iowa DNR requirements and will incorporate Best Management Practices (BPM's) include silt fence, filter socks and silt control basins. In addition, a Post Construction (PCSMP) plan will be developed to meet the City of Council Bluffs requirements.

The parking lot lighting will include pole placement, buried electrical cable in conduit and electrical service for the exterior lighting system. Landscaping improvements will be included to comply with the City of Council Bluffs requirements

A geotechnical report was prepared by Thiele Geotechnical Inc. HGM is currently working with the Public Works Department on developing the site drainage report.

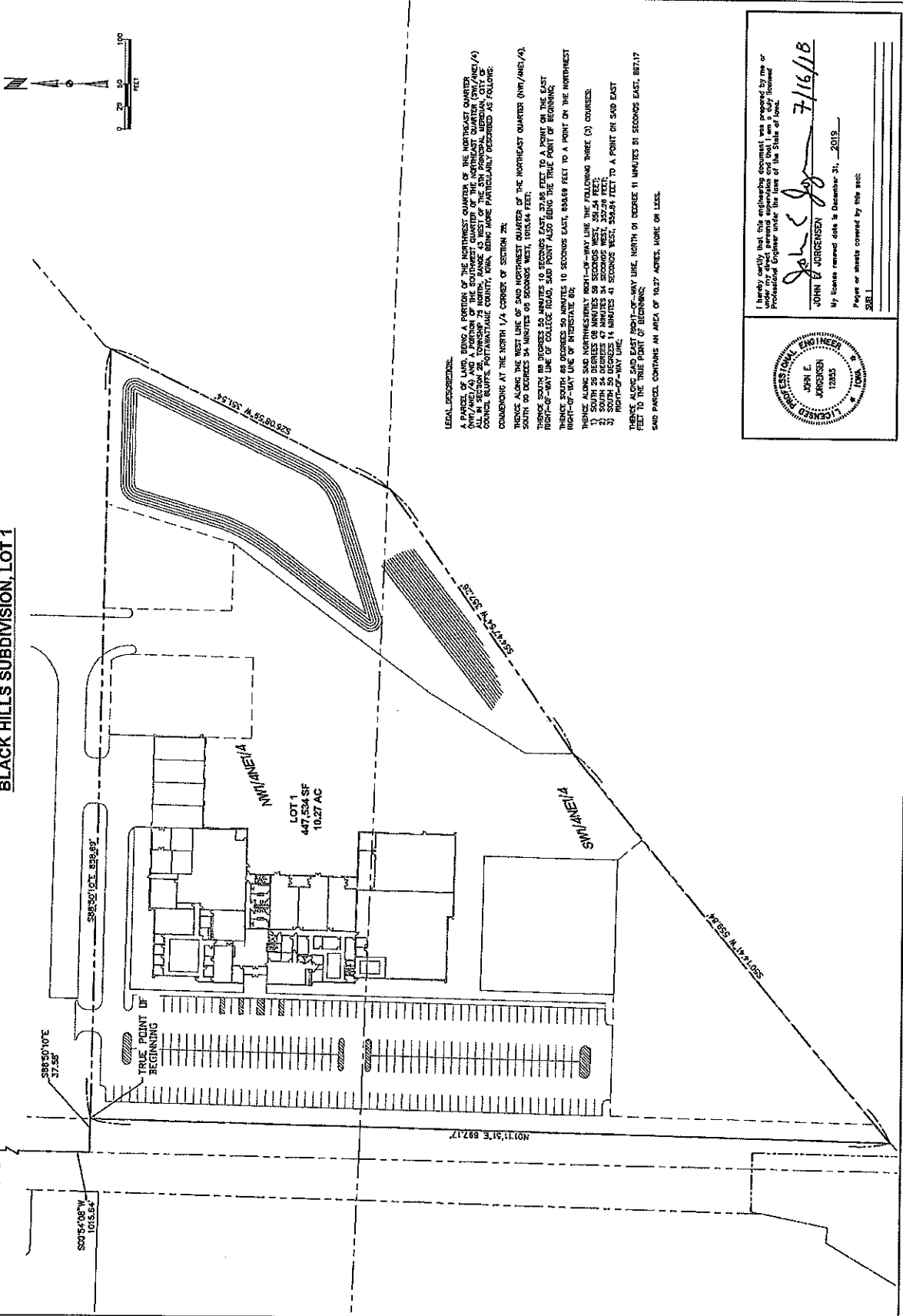
Construction is schedule to start this fall/winter with all work scheduled to be complete by May 2020. All project work will be completed as one phase.

*This letter was authored by John Jorgensen, PE, HGM Associates Inc.*

Attachment C

N1/4 CORNER  
SECTION 26-75-13

BLACK HILLS SUBDIVISION, LOT 1



LEGAL DESCRIPTION:  
A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER  
SECTION 26, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 10TH PRINCIPAL MERIDIAN,  
COUNTY BLUFFS, POTTAWAMETTE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 26;  
THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4)  
SOUTH 90 DEGREES 54 MINUTES 05 SECONDS WEST, 1015.64 FEET;  
THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 324.85 FEET TO A POINT ON THE EAST  
RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 68 DEGREES 50 MINUTES 10 SECONDS EAST, 858.68 FEET TO A POINT ON THE NORTHWEST  
RIGHT-OF-WAY LINE OF INTERSTATE 80;  
THENCE ALONG SAID NORTHWESTLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:  
1) SOUTH 50 DEGREES 47 MINUTES 54 SECONDS WEST, 324.85 FEET;  
2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 324.85 FEET;  
3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST  
RIGHT-OF-WAY LINE;  
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 887.17  
FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.



I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.  
*John L. Jorgensen* 7/16/18  
JOHN L. JORGENSEN  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal:  
SUB 1

THIS SEAL IS VALID FOR THE STATE OF IOWA ONLY. IT IS NOT VALID FOR ANY OTHER STATE. THE SEALING IS VOID IF THE SEAL IS NOT PLACED ON THE DOCUMENT AT THE TIME OF SEALING.

**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

DATE	7/16/18
BY	JLJ
APPROVED	
DATE	
BY	
APPROVED	

Project: BLACK HILLS SUBDIVISION, LOT 1  
Client: BLACK HILLS ENERGY  
Type: PRELIMINARY PLAN

Project No. 107218  
Sheet  
**SUB 1**

Attachment D

RECORDING INDEX	
BOOK	1400
PAGE	1
RECORDING DATE	12/12/2018
RECORDING TIME	10:00 AM
RECORDING OFFICE	RECORDING DIVISION
RECORDING FEE	15.00
RECORDING TYPE	PLAT
RECORDING METHOD	ORIGINAL
RECORDING STATUS	RECORDED
RECORDING COMMENTS	

OWNER:  
IOWA WESTERN FOUNDATION  
2700 COLLEGE ROAD  
COUNCIL BLUFFS, IOWA 51903

DEVELOPER:  
BLACK HILLS CORPORATION  
P.O. BOX 1400  
RAPID CITY, SOUTH DAKOTA 57705

NOTE:

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

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE \_\_\_\_\_

CITY CLERK: JOEL QUAKENBUSH DATE \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE \_\_\_\_\_


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

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VEEB DATE \_\_\_\_\_

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF:

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

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



NOTARY PUBLIC STATE OF IOWA  
JONATHAN M. LECHNER  
14453  
MY LICENSE NUMBER  
DATE 12/31/2021  
PAGE 1 OF 2 - SHEET 2 OF 2

FINAL PLAT OF  
BLACK HILLS SUBDIVISION

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 28;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4), SOUTH 00 DEGREES 54 MINUTES 00 SECONDS WEST, 1015.64 FEET;

THENCE SOUTH 88 DEGREES 00 MINUTES 10 SECONDS EAST, 372.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 828.68 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80;

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

1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 351.54 FEET;

2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.25 FEET;

3) SOUTH 14 DEGREES 41 MINUTES 41 SECONDS WEST, 358.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT IOWA WESTERN FOUNDATION, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREIN, HAS VOLUNTARILY AND WITHOUT RESERVE, CAUTION AND GUARANTEE CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1, SAID PROPERTY TO BE KNOWN AS BLACK HILLS SUBDIVISION.


IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE IOWA WESTERN FOUNDATION PROPERTY AS CONTAINED HEREIN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
TOM WHITSON (PRESIDENT)  
STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY KNOWN TO ME AND TO THE PUBLIC, TOM WHITSON, PRESIDENT OF IOWA WESTERN FOUNDATION, WHO BEING BY ME DULY SWORN, DO SAY HE IS THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREIN, AND THAT HE HAS VOLUNTARILY AND WITHOUT RESERVE, CAUTION AND GUARANTEE CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1, SAID PROPERTY TO BE KNOWN AS BLACK HILLS SUBDIVISION, AND THAT SAID TOM WHITSON HAS REQUESTED THAT I, THE NOTARY PUBLIC, EXECUTE THIS VOLUNTARY ACT AND DEED OF SAID FOUNDATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES \_\_\_\_\_



hgm ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
COUNCIL BLUFFS, IOWA

Black Hills Corporation  
P.O. Box 1400, Rapid City, South Dakota 57705  
Final Plat  
W 2 NE 1/4, Section 28-75-43  
Black Hills Subdivision

107318  
1 OF 2



# Attachment E

N/4 CORNER  
SECTION 29-75-43

TRUE POINT OF  
BEGINNING

S87°53'54"E 1617.60'

S87°53'54"E 42.81'

IOWA WESTERN  
COMMUNITY COLLEGE

N/4 CORNER

S89°11'34"W 136.52'

S31°37'46"W 154.14'

S24°16'05"W 411.71'

S21°57'35"W 85.83'

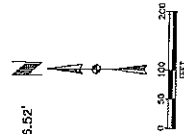
COLLEGE ROAD  
N01°11'51"E 1912.10'

S89°23'38"W 508.85'

INTERSTATE 80  
S28°08'59"W 358.27'

S84°27'52"E 358.27'

S83°55'14"E 210.55'



**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE, SUITE 100  
POTOMAC, MD 20854  
PHONE: 712-323-0530

DATE	7/17/2018
BY	hgm
FOR	hgm
PROJECT	hgm
DESCRIPTION	hgm
REVISION	hgm
APPROVED	hgm
DATE	hgm

PROJECT: IOWA WESTERN COMM. COLLEGE FOUNDATION  
CLIENT: IMCC FOUNDATION  
SHEET: ZONING EXHIBIT

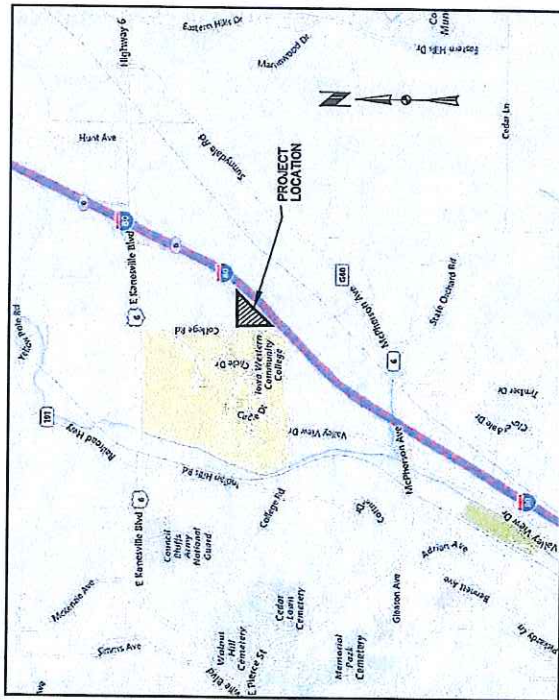
PROJECT NO.  
107318  
SHEET  
ZON 1

**LEGAL DESCRIPTION:**  
A PARCEL OF LAND, BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST, POTOMAC COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 29;  
THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4), SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 1617.60 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 21 DEGREES 57 MINUTES 35 SECONDS EAST, 85.83 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF INTERSTATE 80;  
THENCE ALONG SAID NORTHEAST RIGHT-OF-WAY LINE THE FOLLOWING RIGHT (R) COURSE:  
1) SOUTH 89 DEGREES 23 MINUTES 38 SECONDS WEST, 508.85 FEET;  
2) SOUTH 28 DEGREES 09 MINUTES 59 SECONDS WEST, 358.27 FEET;  
3) SOUTH 84 DEGREES 27 MINUTES 52 SECONDS WEST, 358.27 FEET;  
4) SOUTH 83 DEGREES 55 MINUTES 14 SECONDS WEST, 210.55 FEET;  
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 11 DEGREES 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL CONTAINS AN AREA OF 38.45 ACRES, MORE OR LESS.

# DEVELOPMENT PLAN BLACK HILLS SUBDIVISION, LOT 1

## VERTICAL CONTROL

BENCHMARK OF ORIGIN: NOS F134, 1989  
IN COUNCIL BLUFFS, AT 0.30 MI. EASTERLY ALONG MOHPERSON STREET FROM  
ITS JUNCTION WITH BENNETT AVENUE, SET VERTICALLY IN THE SOUTHEAST FACE  
OF THE CONCRETE CURB OF THE WEST BRIDGE SPANS OF THE C&N RAILROAD,  
THE WEST ABUTMENT OF A ROAD BRIDGE SPANS OF THE C&N RAILROAD, AND  
AND PACIFIC RAILROAD, 119.1 FT. WEST OF THE NEAR RAIL, 9.2 FT. NORTH OF  
THE CENTER OF THE ROAD, 2.0 FT. BELOW THE LEVEL OF THE TRACKS, AND 0.7  
FT. ABOVE THE GROUND SURFACE.



VICINITY MAP - NO SCALE

## CURRENT OWNER/DEVELOPER:

INCC FOUNDATION  
2700 COLLEGE ROAD  
COUNCIL BLUFFS, IOWA 51503

## ENGINEER:

HGM ASSOCIATED, INC.  
640 FIFTH AVENUE  
COUNCIL BLUFFS, IOWA 51502

## ZONING:

EXISTING ZONING OF THE SITE IS  
COMMERCIAL (P-C).  
PROPOSED ZONING OF PROPOSED  
INDUSTRIAL SUBDIVISION IS  
PLANNED INDUSTRIAL (P-I).

## EXISTING FLOOD PLAINS:

MISSOURI RIVER FLOOD PLAIN  
FEMA FLOOD ZONE - OTHER AREA  
NO FLOODWAY OR FRINGE ENCROACHMENT

## STORM WATER DETENTION:

CONSTRUCTION OF NEW DETENTION IN  
ACCORDANCE WITH SUDAS DESIGN STANDARDS.

## BOUNDARY SURVEY:

BOUNDARY SURVEY WILL BE PROVIDED BY  
HGM ASSOCIATES INC.

## NOTES:

SURFACE RUNOFF: STORM SEWER TO PROPOSED  
SUBDIVISION DETENTION.  
EASEMENTS: 500 FOOT WIDE PERMANENT  
EASEMENT ALONG ALL LOT LINES, A  
10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL  
FRONT LOT LINES, AND A 5.00 FOOT WIDE  
PERMANENT EASEMENT ALONG ALL REAR LOT LINES,  
ALL EASEMENTS TO BE INSTALLED AND  
MAINTENANCE OF UTILITIES.

## SPECIFICATIONS

THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC  
IMPROVEMENTS, 2018, AND CITY OF COUNCIL BLUFFS  
SUPPLEMENTARY SPECIFICATIONS 2018, SHALL APPLY  
TO THIS PROJECT.

## INDEX

PAGE NO.	DESCRIPTION
A.01	TITLE SHEET
A.02	AREA PLAN
G.01	SITE / DEVELOPMENT PLAN



I hereby certify that this engineering document was prepared by me or  
under my direct personal supervision and that I am a duly licensed  
Professional Engineer under the laws of the State of Iowa.  
  
JOHN E. JORGENSEN  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal:  
A.01, A.02, AND G.01

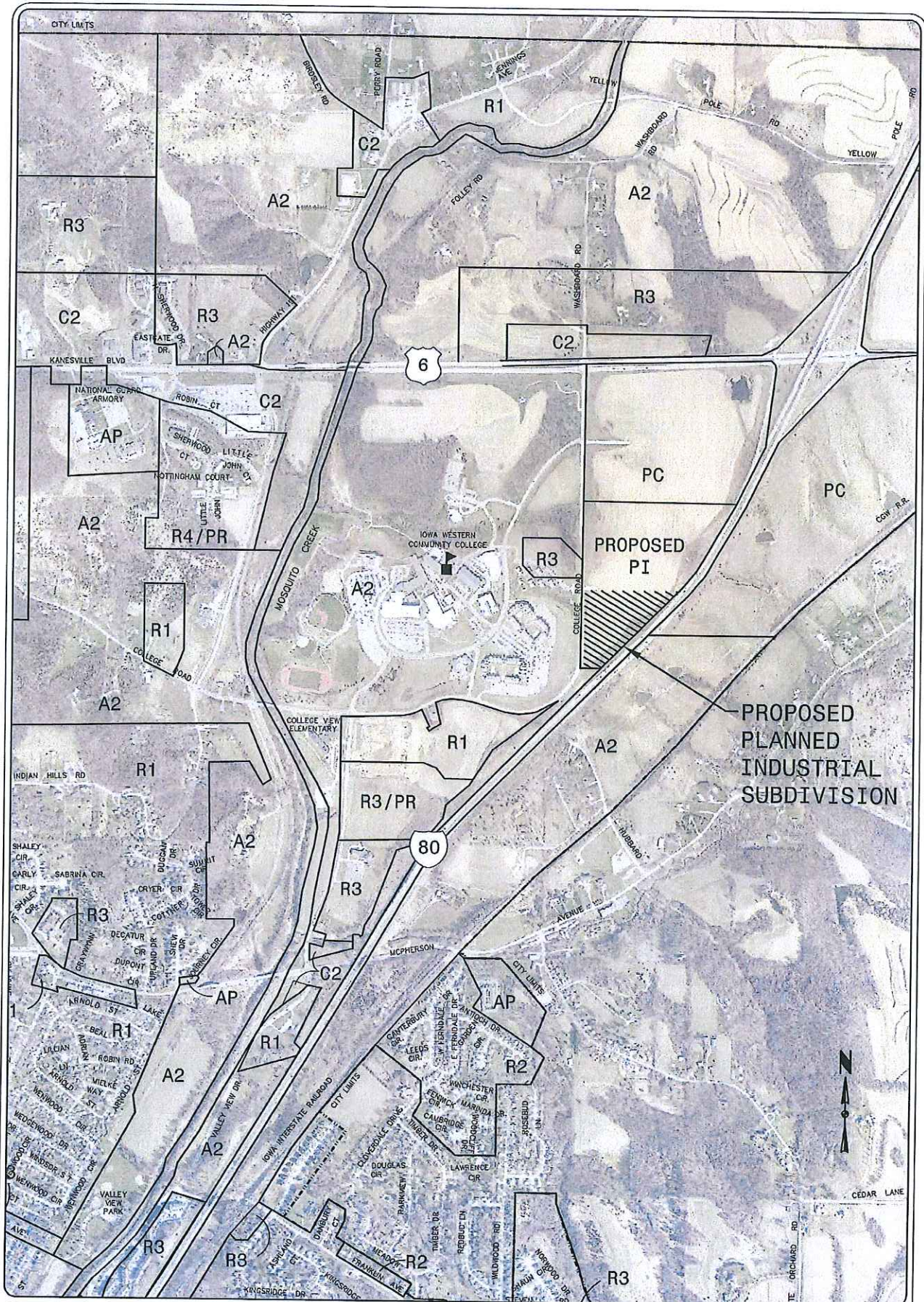
Project: BLACK HILLS SUBDIVISION, LOT 1  
Sheet: BLACK HILLS ENERGY  
TITLE SHEET

Project No.: 107318  
Sheet: A.01

**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

The Engineer is hereby making this statement in full knowledge of the law and the facts of the case, and that the same is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which might render this statement false or misleading.





A02

project BLACK HILLS SUBDIVISION, LOT 1

client BLACK HILLS ENERGY

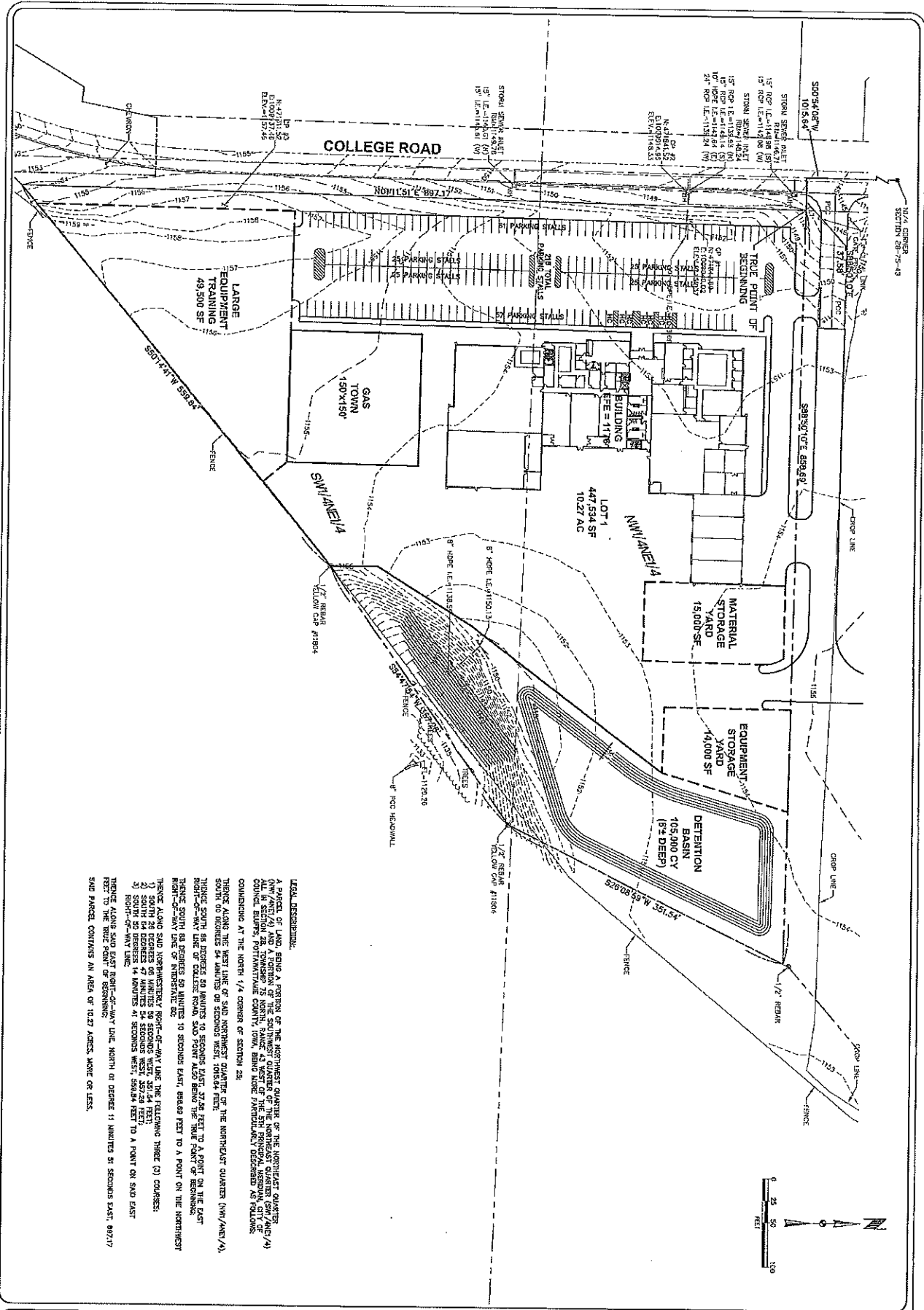
sheet AREA MAP

BCI	_____	date	_____
DESIGNED	_____	date	_____
APPROVED	_____	date	_____
DATE	6/18	date	_____

**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

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





**LEGAL DESCRIPTION:**

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4NE/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4NE/4) OF SECTION 28, TOWNSHIP 54 NORTH, RANGE 14 WEST, 10TH PRINCIPAL MERIDIAN, SIOUX COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 28;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4NE/4), SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 688.09 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD; THENCE S 88 DEGREES 50 MINUTES 10 SECONDS EAST, 257.29 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 892.17 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.

PROJECT NO.  
107318  
SHEET  
G01

PROJECT: BLACK HILLS SUBDIVISION, LOT 1  
CLIENT: BLACK HILLS ENERGY  
SHEET: SITE / DEVELOPMENT PLAN

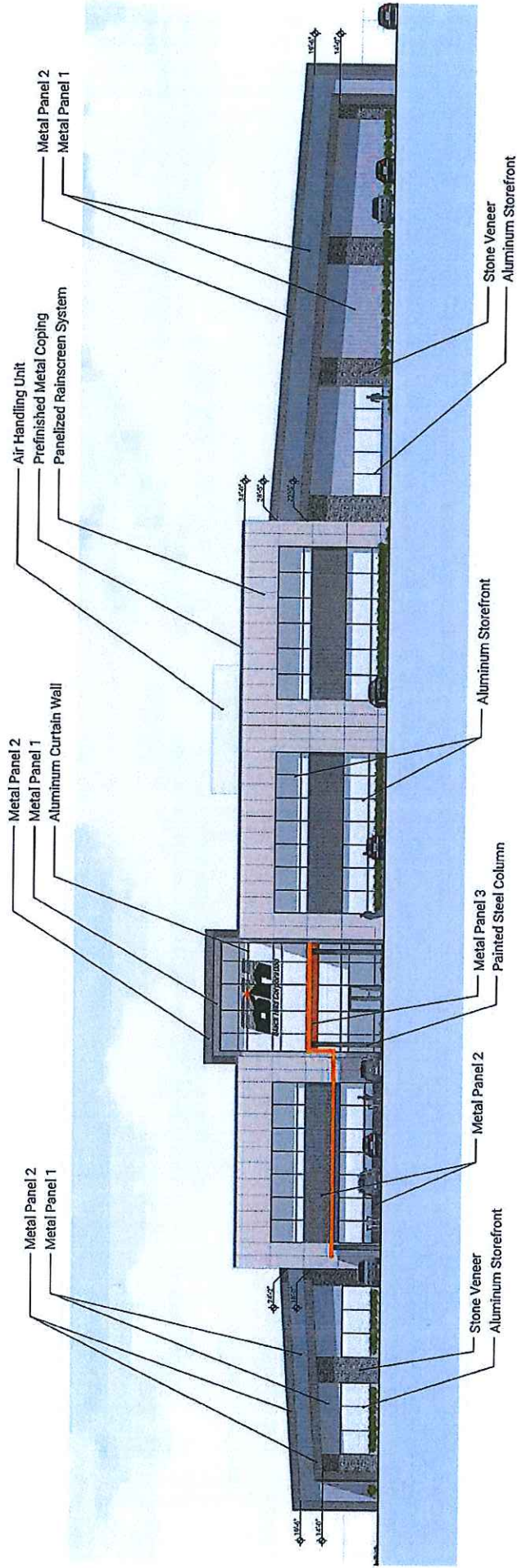
BY: [Signature]  
DATE: JUL 18, 2018  
REVISION: 68

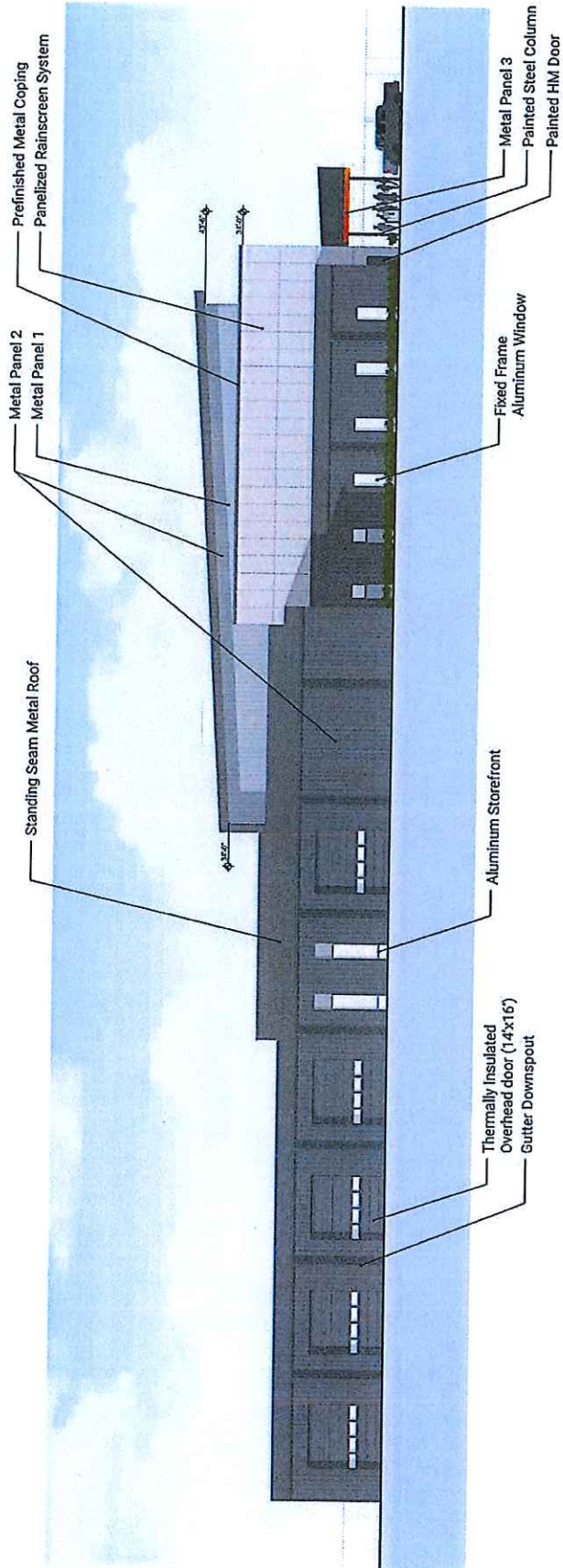
**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

This drawing is being made available for use by the client for the project for which it was prepared. It is not to be used for any other project without the written consent of HGM Associates Inc. The client agrees to indemnify and hold HGM Associates Inc. harmless from all claims, damages, costs and expenses, including reasonable attorneys' fees, arising out of or from the use of this drawing for any purpose other than that for which it was prepared.

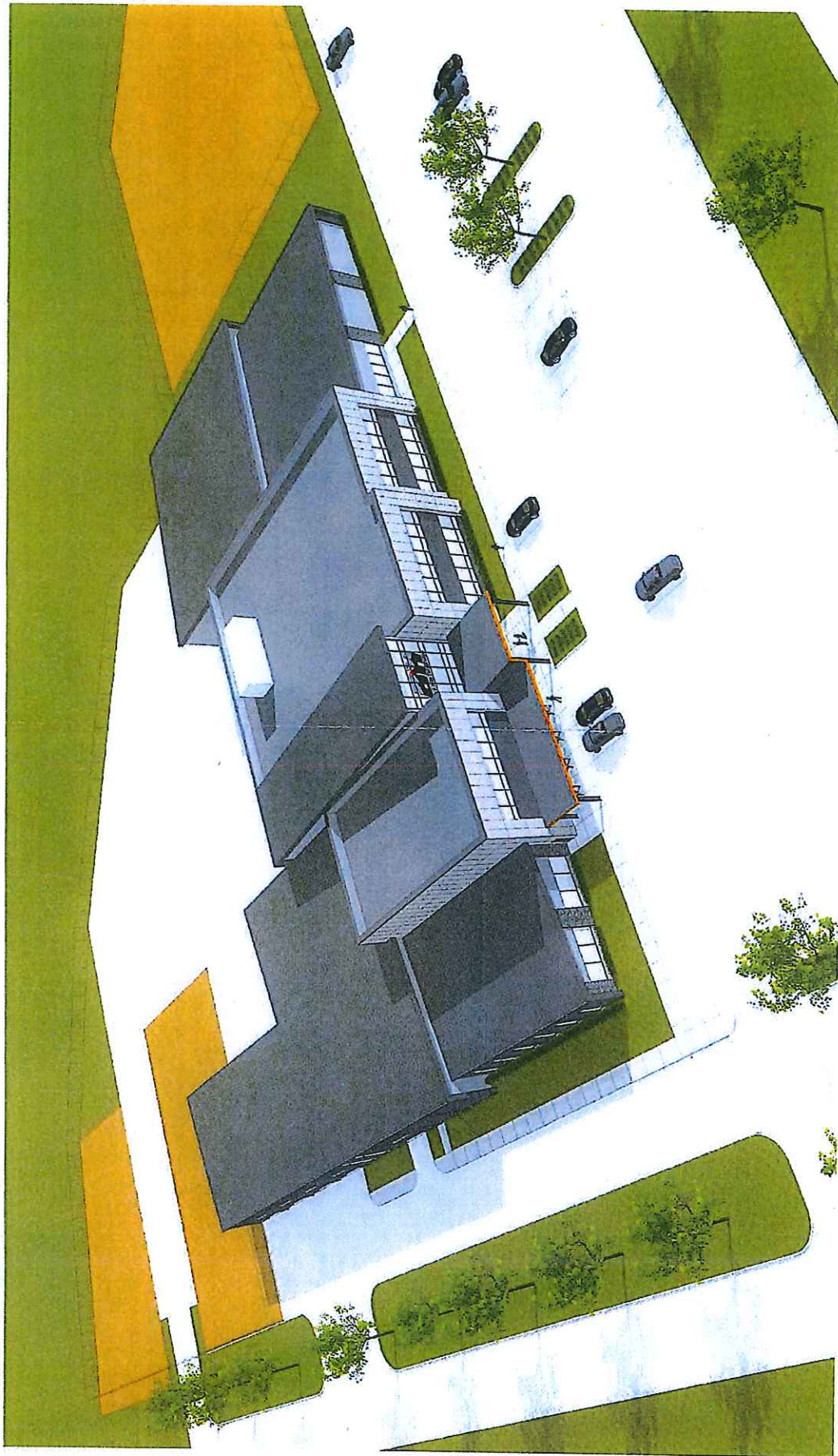


# Attachment G









BHC - COUNCIL BLUFFS | EXTERIOR RENDERING



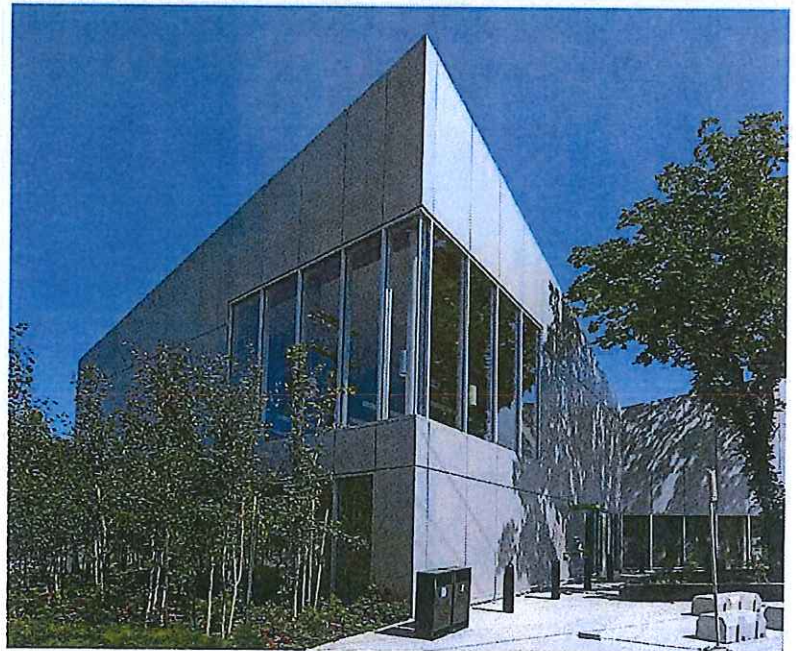
**BLACK HILLS CORPORATION - COUCIL BLUFFS  
OPERATIONS AND TRAINING CENTER**

**MATERIAL REFERENCE IMAGES**

**\*\* THESE IMAGES ARE FOR REFERENCE ONLY AND  
INTENDED TO PROVIDE INDICATION OF THE TYPE AND  
QUALITY OF MATERIALS. THEY DO NOT REPRESENT  
FINAL MANUFACTURER AND COLOR/FINISH  
SELECTIONS WHICH WILL BE REPRESENTED IN THE  
PROJECT PERMIT DRAWINGS.**



**PANELISED RAINSCREEN SYSTEM -  
NEOLITH SKYLINE PRODUCT IMAGE**



**METAL PANEL 3 & PANELISED RAINSCREEN SYSTEM  
ALTERNATE - ALUCOBOND PANEL PRODUCT IMAGE**

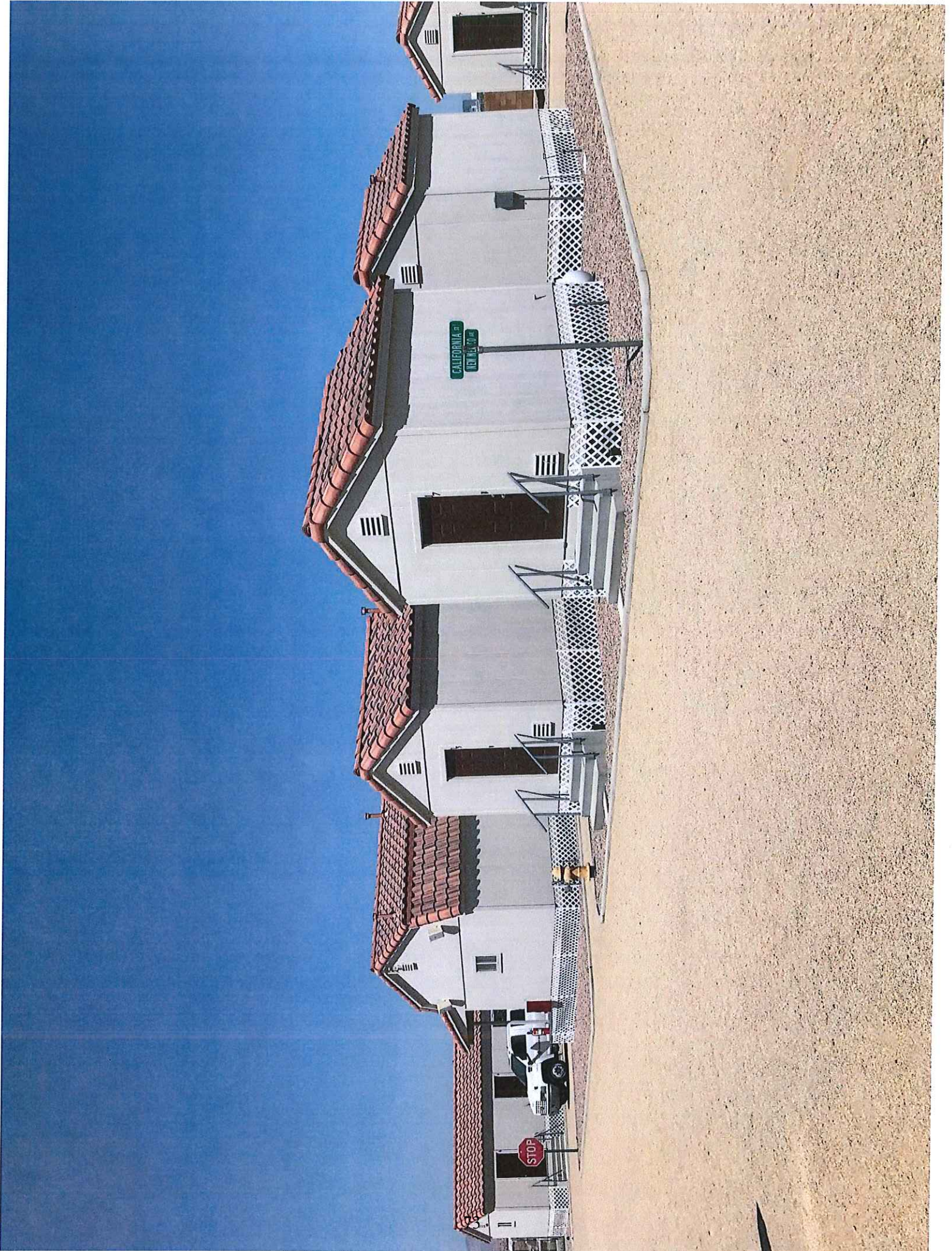


**STONE VENEER**

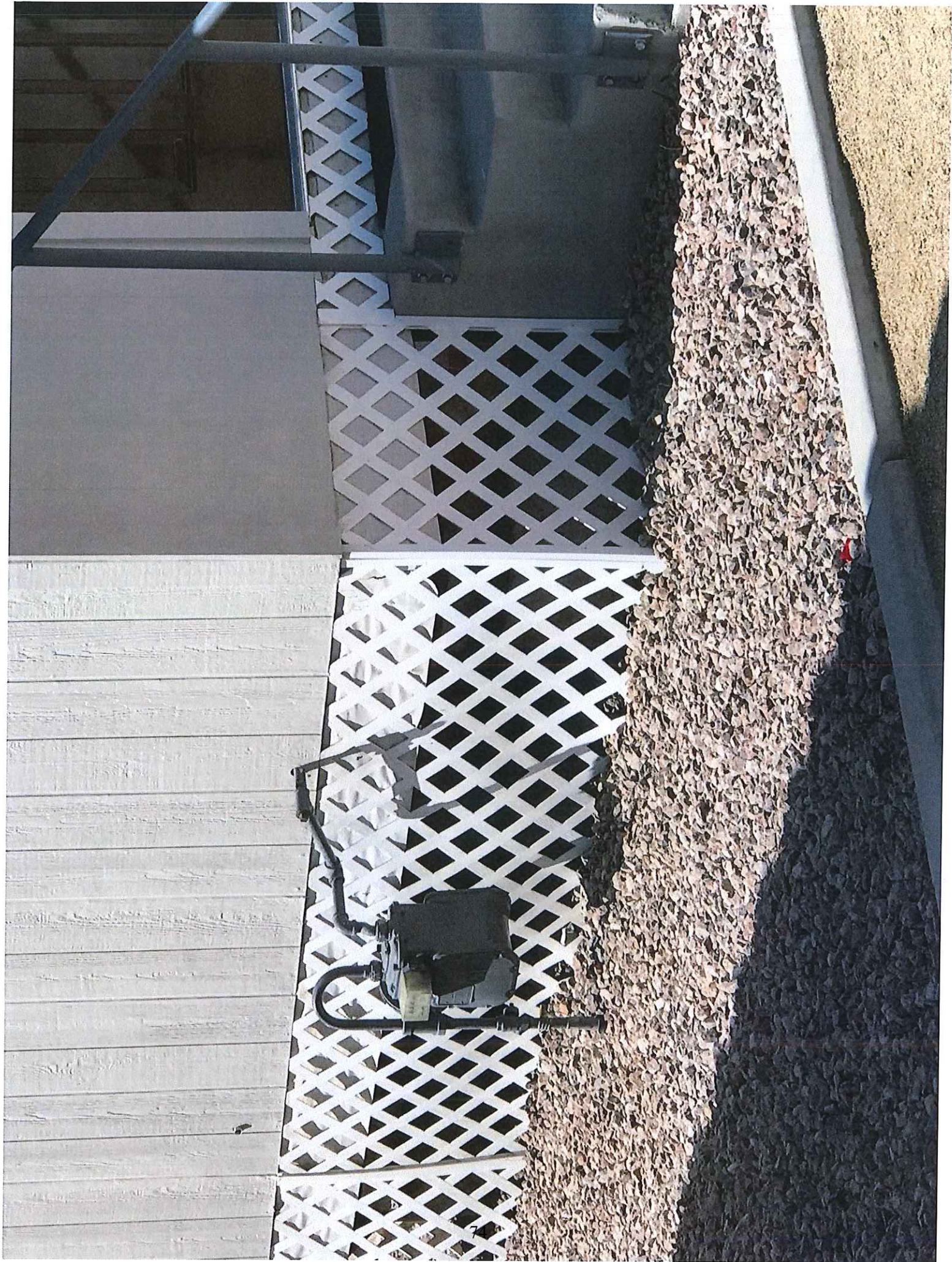


**METAL PANEL 1 & 2 - METAL BUILDING WALL PANEL**

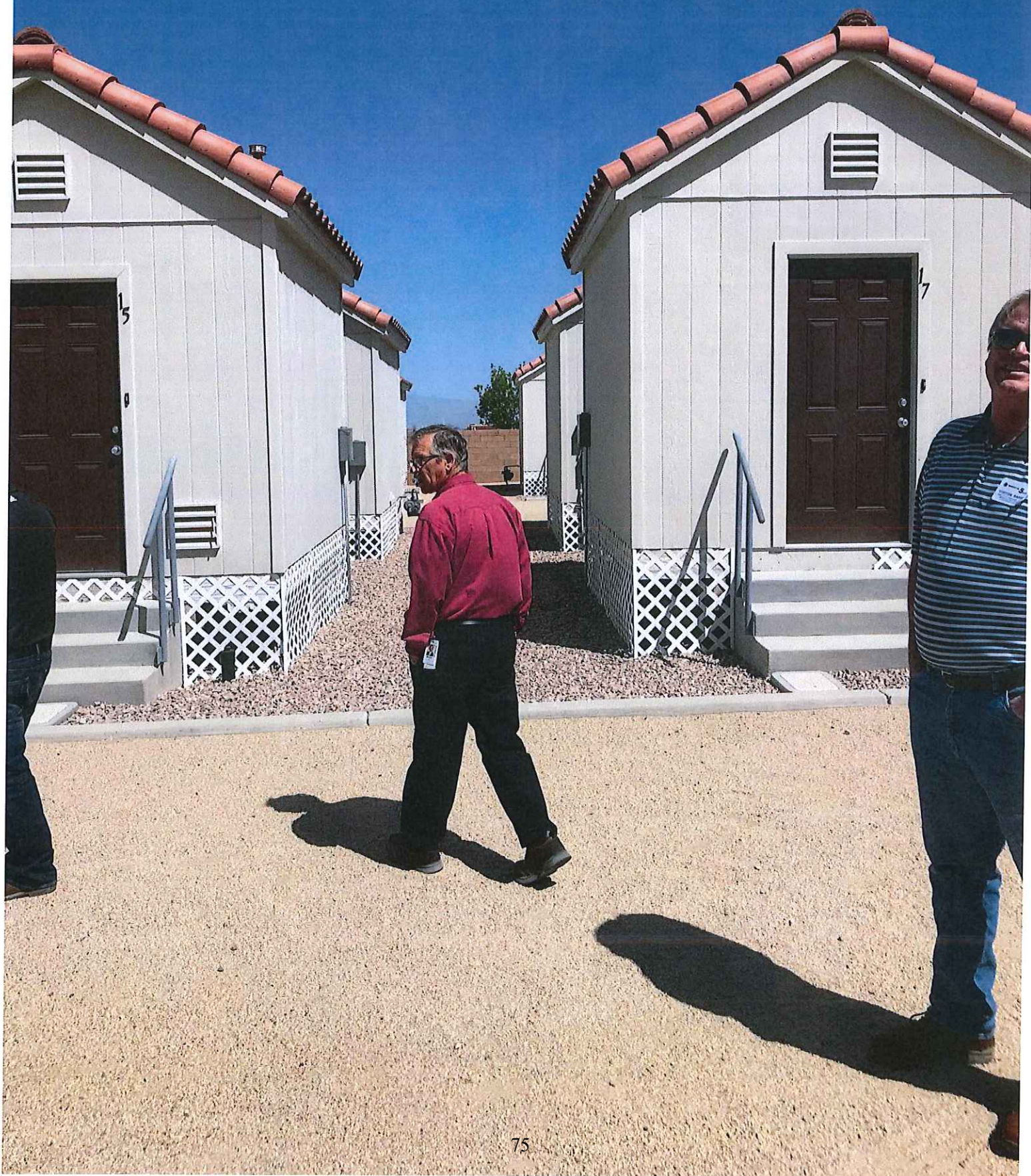




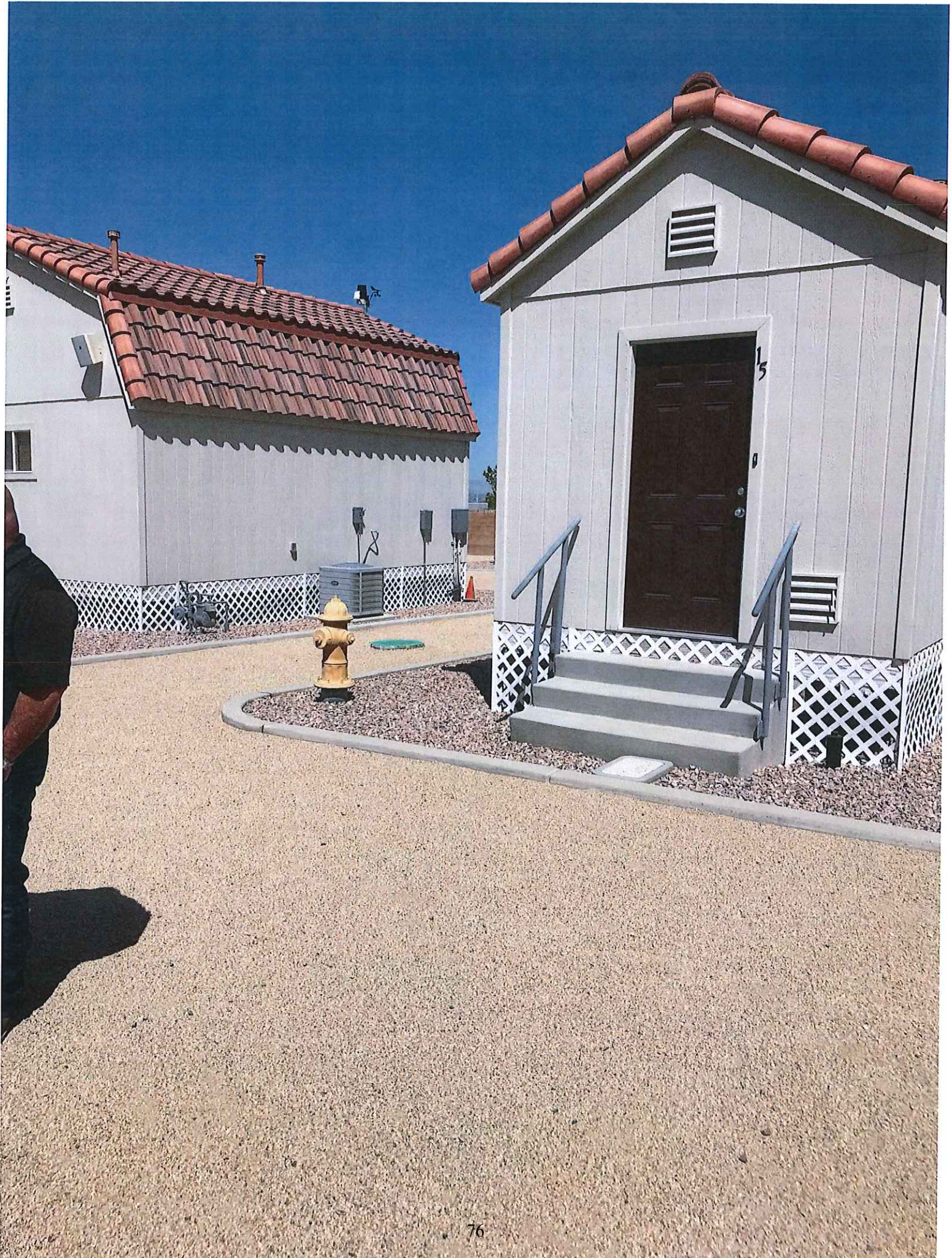


















## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a Public Hearing on an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, for the following request:

Rezone 39.50 acres of land, legally described as being A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH  $\frac{1}{4}$  OF SECTION 28; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 54 MINUTES 53 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 59 DEGREES 11 MINUTES 34 SECONDS WEST, 136.52 FEET; 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET; 3) SOUTH 24 DEGREES 18 MINUTES 05 SECONDS WEST, 411.71 FEET; 4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET; 5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 505.88 FEET; 6) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET; 7) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 8) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to P-I/Planned Industrial District; and

Final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision and concurrent adoption of a planned industrial development plan on 10.27 acres of land, legally described as A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH  $\frac{1}{4}$  CORNER OF SECTION 28; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST 1015.64 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 37.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.69 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE

(3) COURSES; 1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST 351.54 FEET; 2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that the Public Hearings on said matters will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 10<sup>th</sup> day of September, 2018, in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

---

Jodi Quakenbush, City Clerk

## **ORDINANCE NO. 6348**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING 39.50 ACRES OF LAND, LEGALLY DESCRIBED AS BEING A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, MORE PARTICULARLY DESCRIBED BELOW, FROM P-C/PLANNED COMMERCIAL DISTRICT TO P-I/PLANNED INDUSTRIAL DISTRICT AS DEFINED IN CHAPTER 15.19 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.**

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

**SECTION 1.** That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to 39.50 acres of land, legally described as being A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ OF SECTION 28; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 54 MINUTES 53 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 59 DEGREES 11 MINUTES 34 SECONDS WEST, 136.52 FEET; 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET; 3) SOUTH 24 DEGREES 18 MINUTES 05 SECONDS WEST, 411.71 FEET; 4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET; 5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 505.88 FEET; 6) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET; 7) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 8) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to P-I/Planned Industrial District as defined in Chapter 15.19 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED  
AND  
APPROVED

September 10, 2018.

\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest: \_\_\_\_\_  
JODI QUAKENBUSH City Clerk

First Consideration: 8-27-18  
Second Consideration: 9-10-18  
Public Hearing: 9-10-18  
Third Consideration: \_\_\_\_\_

## Council Communication

Department: Community Development  
Case/Project No.: PI-18-001  
Submitted by: Chris Meeks, Planner

Resolution 18-263

Council Action: 9/10/2018

### Description

Resolution adopting the planned industrial development plan approval over the area proposed to be known as Lot 1, Black Hills Subdivision.  
Location: East of College Rd, West of Interstate I-80, and South of East Kanesville Blvd (U.S. Hwy 6). PI-18-001

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SUB-18-012, ZC-18-010 and PI-18-001 Staff Report Including Attachs</a>	Other	8/17/2018
<a href="#">Resolution 18-263</a>	Resolution	9/4/2018

Council Communication

<p>Department: Community Development Department</p> <p>CASES #SUB-18-012, #ZC-18-010, and #PI-18-001</p> <p>Applicant/Owner: Iowa Western Community College Foundation Attn: Dr. Dan Kinney 2700 College Road Council Bluffs, IA 51503</p> <p>Engineer: HGM Associates Inc. Attn: John Jorgenson 640 5<sup>th</sup> Avenue Council Bluffs, IA 51501</p>	<p>Resolution No. _____</p> <p>Ordinance No. _____</p> <p>Resolution No. _____</p>	<p>City Council: 8/27/18</p> <p>Planning Commission: 8/14/18</p>
---	--	--

**Subject/Title**

**Request:** CASES #SUB-18-012, #ZC-18-010, and #PI-18-001 - Combined public hearings on the request of Iowa Western Community College Foundation, represented by John Jorgensen of HGM Associates, for the following:

- 1) Rezone 39.50 acres of land, legally described as being A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ OF SECTION 28; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 54 MINUTES 53 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 59 DEGREES 11 MINUTES 34 SECONDS WEST, 136.52 FEET; 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET; 3) SOUTH 24 DEGREES 18 MINUTES 05 SECONDS WEST, 411.71 FEET; 4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET; 5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 505.88 FEET; 6) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET; 7) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 8) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to P-I/Planned Industrial District; and
  
- 2) Final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision and concurrent adoption of a planned industrial development plan on 10.27 acres of land, legally described as A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAL, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ CORNER OF SECTION 28; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST 1015.64 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 37.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.69 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST 351.54 FEET; 2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa.

**Location:** Generally located East of College Road, West of Interstate I-80, and South of East Kaneshville Boulevard (U.S. Highway 6)

#### **Background/Discussion**

The Community Development Department has received applications from the Iowa Western Community College Foundation, represented by John Jorgenson of HGM Associates Inc., to 1) execute a Final Plat for a one lot minor subdivision to be known as Black Hills Subdivision; 2) to rezone approximately 39.5 acres of land from P-C/Planned Commercial to P-I/Planned Industrial; and 3) to append a planned industrial development plan over the area proposed to be known as Lot 1, Black Hills Subdivision. The applicant has submitted these applications to accommodate an Operations Center and Training Facility for the Black Hills Corporation.

#### **Land Use and Zoning**

The subject property is currently undeveloped, and is zoned P-C/Planned Commercial District. Surrounding land uses and zoning districts are as follows:

North: Undeveloped land that is zoned P-C/Planned Commercial

South: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

East: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

West: The Iowa Western Community College campus which is zoned A-2/Parks, Estates and Agricultural District, and housing associated with Iowa Western Community College which is zoned R-3/Low Density Multifamily Residential.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial.

CASE #SUB-18-012: Minor subdivision final plat approval of a one (1) lot industrial subdivision to be known as Black Hills Subdivision. Access to the subdivision will come from a private drive to the north of the proposed lot that is partially constructed and intersecting at College Road. The subdivision contains one (1) lot that is approximately 10.27 acres in size.

The Letter of Intent (see Attachment B) as submitted by the applicant states that the site will be served by sanitary sewer, water, electric, and gas facilities. The applicant states that a Storm Water Pollution Prevention Plan will be developed in accordance with Iowa DNR requirements, and will incorporate Best Management Practices during construction.



CASE #ZC-18-010: Rezone approximately 39.5 acres of land located in Northeast ¼ of Section 28-75-43 from P-C/Planned Commercial to P-I/Planned Industrial. This rezoning will accommodate the Operation Center and Training Facility that is proposed for the site, as well as allow additional industrial development on the remaining acreage included in this request. Prior to development on the properties that are zoned as P-I/Planned Industrial District, the developer will be required to submit a development plan for review and approval of the Planning Commission and City Council (the development plan for the Black Hills Subdivision is included with this report).

CASE #PI-18-001: Review and approval of a development plan that will cover Lot 1 of the proposed Black Hills Subdivision, which will encompass approximately 10.27 acres of land, and will be home to an Operations Center and Training Facility for the Black Hills Corporation. Per the submitted letter of intent, the Operation Center and Training Facility will be an approximately 75,000 gross square foot mixed occupancy building that will be two stories in height, and will provide office space for roughly 150 employees, along with classrooms and labs for the training of employees in the region. The facility will also include material storage and a garage area for the support of the daily services Black Hills provides, as well as a meter shop which will test, refurbish, and distribute gas meters across all Black Hills service areas.

As a part of this development, the site will also include an outdoor large equipment training area, and simulation training area to be known as "Gas Town". The Gas Town area will feature small, non-habitable buildings that simulate houses, along with roadways and other features that a neighborhood may have (see Attachment H). The Gas Town simulation area is designed to provide training in a controlled environment that would subject trainees to situations that would occur in a community, such as broken gas meters, gas leaks, or replacement of gas utilities. The large equipment training area as well as the roadways in the Gas Town area are proposed to be graveled to allow the areas to be easily reset after training sessions. The proposed parking areas, material storage yard, equipment storage yard, drive aisles, and rear surface lot are all proposed to be hard surface paved in accordance with City of Council Bluffs requirements.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed replat and planned commercial development plan with comments incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated they have no comments regarding any of the cases.
- The Public Works Department has the following comments:
  - 1) No comments on the rezoning request.
  - 2) No direct comments on the Planned Industrial Development Plan.
  - 3) The following comments pertain to the Subdivision request:
    - a) Platting- Lot line easement note needs to include standard restrictions notes.
    - b) A sidewalk will need to be installed along the College Road frontage of the property.
    - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
    - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
    - e) Utility improvements are noted as stated.
- Council Bluffs Water Works stated a main extension agreement to extent the water main on college road has been signed by the developer.
- MidAmerican Energy stated they have no objections to the proposed plat, and has overhead utilities that will be able to serve the site. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Preliminary Subdivision Plan

Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

### **Comments**

Subdivision Final Plat- The Community Development Director has determined that the proposed subdivision qualifies as a minor subdivision, then the minor subdivision shall be exempt from major subdivision requirements and procedures of this title. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.

1. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
2. The proposed lot in the P-I/Planned Industrial District must comply with the site development regulations as set forth in the development plan.
3. The subdivision is proposed to be accessed by a private road to the North that will be constructed to City of Council Bluffs Public Works Department standards. Lot 1 of the proposed subdivision will have frontage on to College Road. A 50 foot wide ingress/egress easement for access to the subdivision will be recorded as a separate instrument, but referenced on the final plat.
4. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
5. A water main extension agreement with Council Bluffs Water Works has been signed by the developer.
6. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.
7. The standard 10 foot and 5 foot utility easements along the front and rear property lines should be stated on the final plat.
8. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
9. Any future subdivision of the land will also require formal subdivision platting.

### Rezoning-

1. The subject property is currently zoned P-C/Planned Commercial District. Surrounding zoning districts include P-C/Planned Commercial District to the North, A-2/Parks, Estates and Agricultural District to the East, South, and West, and R-3/Low Density Multifamily Residential District to the West.
2. The applicant has proposed to rezone the subject property to P-I/Planned Industrial District.
3. A development plan will be required prior to the development of any parcels, as per the requirements of the P-I/Planned Industrial District.
4. The one lot subdivision to be known as Black Hills Subdivision will house an Operation Center and Training Facility for the Black Hills Corporation. This use is consistent with the principal uses that have been established for the P-I/Planned Industrial District.
5. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial. The proposed rezoning is consistent with future land use plan.
6. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. No comments have been received as of the date of this report.

### Development Plan-

1. The proposed development plan shows a two-story building to be used as offices, classrooms, material storage, garage area, and a gas meter shop to be used by the Black Hills Corporation.
2. The exterior site plan shows an employee and guest parking area, a material storage yard, an equipment storage yard, a truck loading/unloading area, a large equipment training area, and an outdoor training area to be known as "Gas Town".
3. The site development standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
4. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
5. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area.
6. The subject property has frontage along College Road, though the applicant proposes to access the site from a private road to the North of the subject property. The property will have no direct access on to College Road.
7. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas.
8. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
9. Sidewalks must be constructed along College Road, as required by the Public Works Department. Sidewalks shall be installed at the time of building construction on the property, and shall be completed prior to the issuance of a certificate of occupancy.
10. The parking requirements for the site must be calculated per the standards set forth in Section 15.23.060(04), *Parking spaces required* of the Council Bluffs Municipal Code (Zoning Ordinance).
11. The building exterior, as submitted by the applicant (see Attachment G) is made of up glass, stone, and varieties of metal paneling, and is generally acceptable. Design standards shall be as follows:
  - A) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
  - B) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
12. Signage requirements shall be designed in compliance with Chapter 15.33 – *Signs*, of the Council Bluffs Zoning Ordinance.
13. The landscaping of the site shall include the following features.
  - A) Trees shall be planted along the frontage of College Road to the West and the Private Drive to the North.
  - B) Landscaping around the Western and Northern sides of the building (excluding the area in front of the garage bays) shall consist of a four foot wide landscaping bed with grass, shrubs, and other related plants, and shall be designed to limit the use of inorganic planting materials (such as river/landscaping rock).
  - C) A berm shall be installed along the westerly boundary of Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.

- D) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- E) Fencing along the frontage of College Road and the Private Drive to the North shall be limited to an ornamental iron fence in material, and may not include any barbed wire. Barbed wire will be allowed on the Eastern and Southern sides of the property adjacent to the right-of-way of Interstate 80. Fencing should otherwise be consistent with the standards established in Section 15.24.040 – *Fence regulations* of the Zoning Ordinance.
- F) All outdoor storage areas shall be screened from view with a minimum six foot tall privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

#### **Recommendation**

The Community Development Department recommends:

1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a) The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b) A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
  - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e) With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f) An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g) All utilities shall be located underground.
  - h) 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
  - a) A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
  - a) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40%

corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.

- b) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
- c) The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
- d) Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
- e) All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
- f) A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.
- g) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h) Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i) All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

### **Public Hearing**

Speakers in favor:

- 1. Ron Tekippe, HGM Associates, 640 5<sup>th</sup> Avenue, Council Bluffs, IA 51501
- 2. Wes Ashton, Black Hills Corporation, 1205 SW 37<sup>th</sup> Street, Grimes, IA 50111
- 3. Eric Monroe, Black Hills Corporation, 7001 Mt. Rushmore Road, Rapid City, SD 57702

Speakers against: None.

### **Planning Commission Recommendation**

The Planning Commission recommends:

- 1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a. The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c. Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.

- d. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g. All utilities shall be located underground.
  - h. 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
    - a. A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
    - a. The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
    - b. The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
    - c. The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
    - d. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
    - e. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
    - f. A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.

- g. A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h. Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i. All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

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

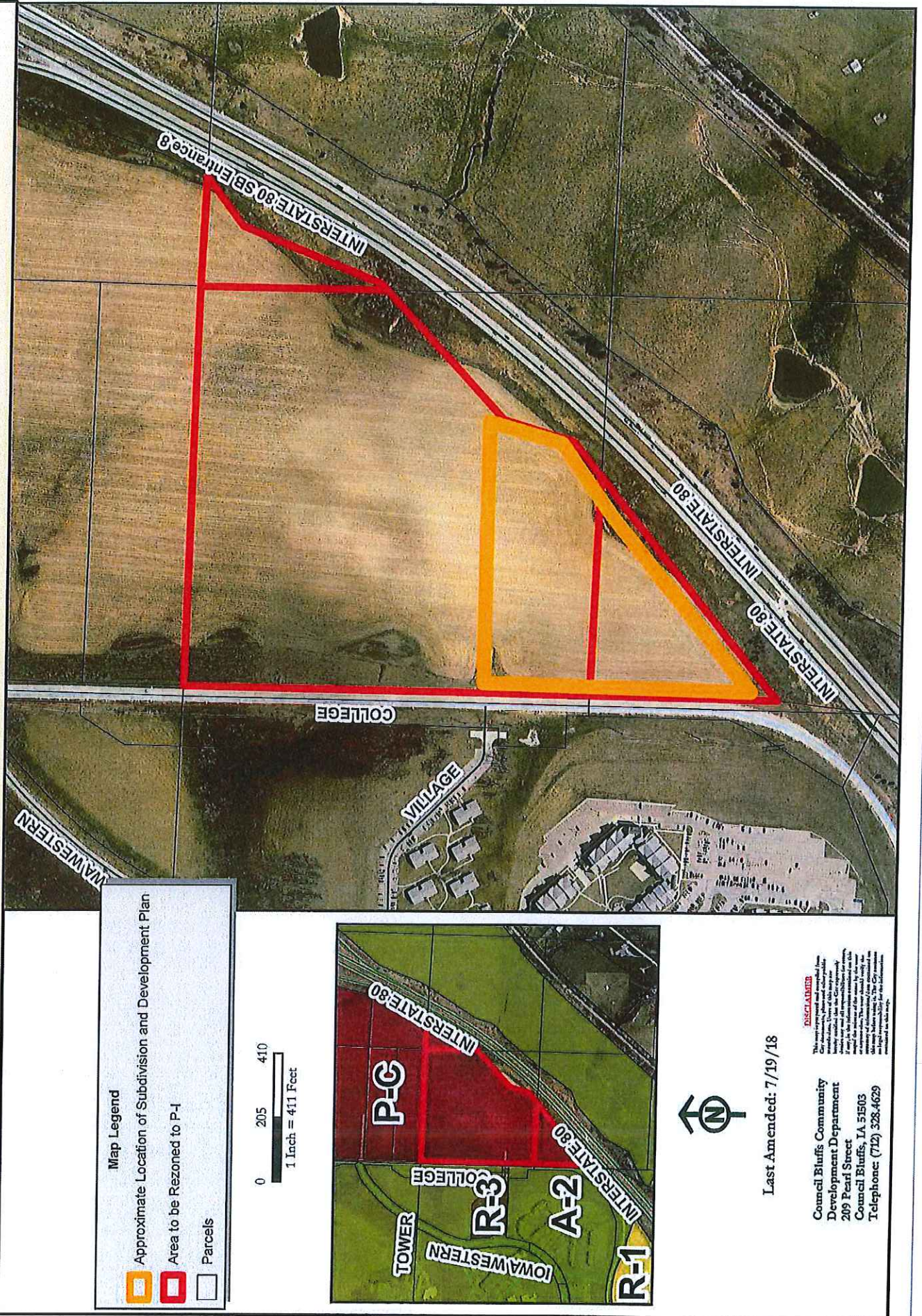
Attachment A: Location and Zoning Map  
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Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

Prepared by: Chris Meeks, Planner



# Attachment A

## CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SUB-18-012, CASE #ZC-18-010, and CASE #PI-18-001





**LETTER OF INTENT**  
**Black Hills Subdivision / Development Plan**

HGM# 107318

July 2018

Black Hills Corporation (BHC) is proposing to construct an Operations Center and Training Facility on approximately 10 acres of land between Iowa Western Community College and Interstate 80. The new BHC - Operations and Training Center will include a roughly 75,000 GSF mixed occupancy building with off street parking, training and material storage areas located on site. The two-story building will serve BHC with office space for roughly 150 employees and will include classrooms and labs for the training of employees around the region. The building also incorporates a meter shop which tests, refurbishes, and distributes gas meters across all the BHC service areas. Finally, an essential asset of the building is a material storage and garage area that supports the daily service activities for gas service to the surrounding area. The design of this building, as the first of this development, aims to serve as a positive example of how to design a commercial and industrial property as a good neighbor to the surrounding community.

Extension of the public Sanitary Sewer (10") and public Water Main (12") on the east side of College Road are currently being designed by others to serve this site. 15" and 24" public storm sewer currently existing on the east side of College Road and a culvert extends under Interstate 80. Existing MidAmerican Energy overhead power currently exists on the west side of College Road.

The proposed civil site infrastructure improvements include: private fire/domestic water and sanitary sewer services connecting to the public system, private storm sewer system which will drain to the site detention basin. Site improvements will include a concrete parking lot for public and employee parking with approximately 200 stalls, concrete sidewalks and storage yards. The site will be designed to accommodate semi tractor-trailer and the site will be secured with fencing and access gates.

A Storm Water Pollution and Prevention Plan will be developed base on Iowa DNR requirements and will incorporate Best Management Practices (BPM's) include silt fence, filter socks and silt control basins. In addition, a Post Construction (PCSMP) plan will be developed to meet the City of Council Bluffs requirements.

The parking lot lighting will include pole placement, buried electrical cable in conduit and electrical service for the exterior lighting system. Landscaping improvements will be included to comply with the City of Council Bluffs requirements

A geotechnical report was prepared by Thiele Geotechnical Inc. HGM is currently working with the Public Works Department on developing the site drainage report.

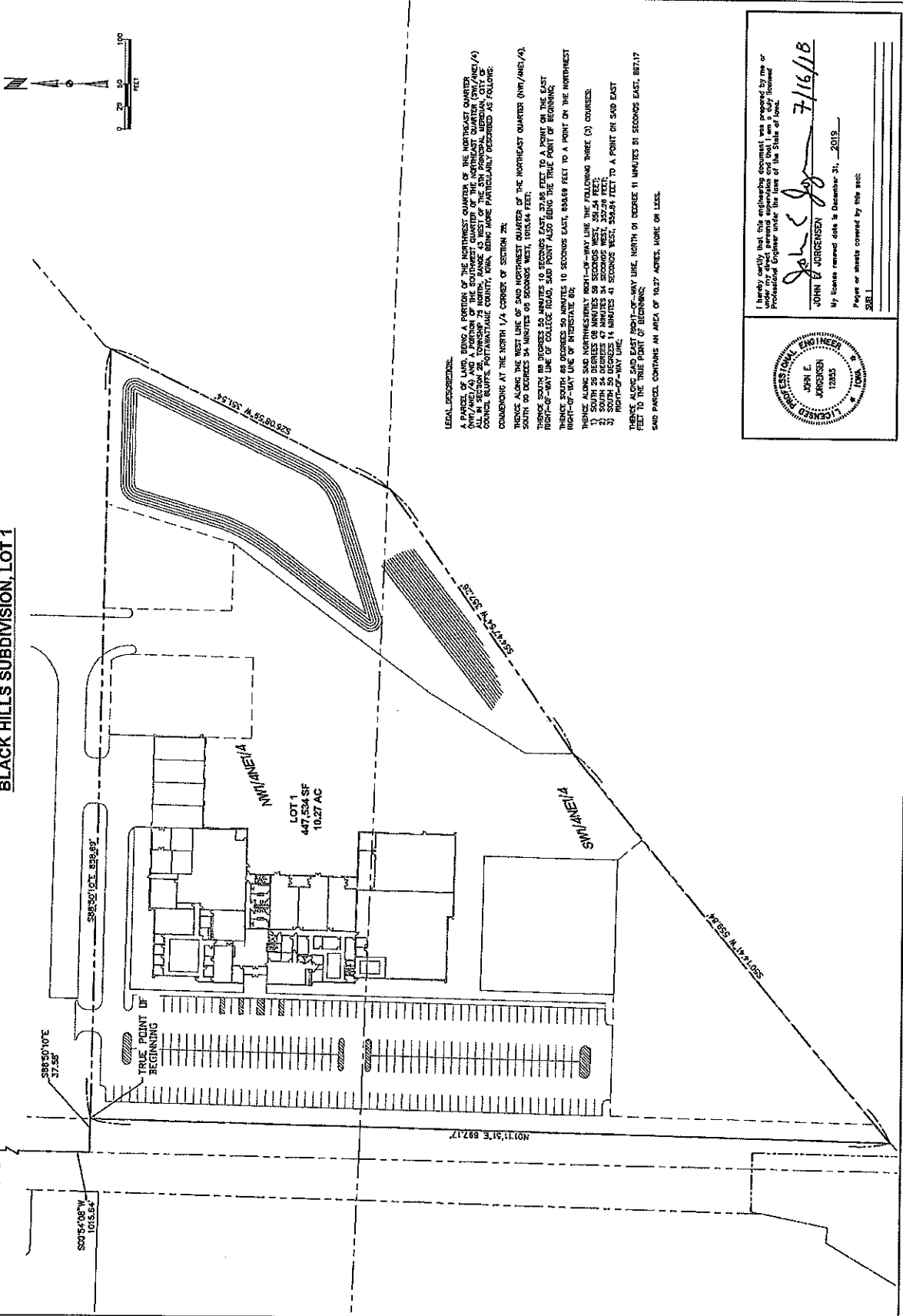
Construction is schedule to start this fall/winter with all work scheduled to be complete by May 2020. All project work will be completed as one phase.

*This letter was authored by John Jorgensen, PE, HGM Associates Inc.*

Attachment C

N1/4 CORNER  
SECTION 86-75-13

BLACK HILLS SUBDIVISION, LOT 1



LEGAL DESCRIPTION:  
A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER  
SECTION 86, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY BLUFFS, POTOMAC COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 2N,  
THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4),  
SOUTH 90 DEGREES 54 MINUTES 05 SECONDS WEST, 1015.64 FEET;  
THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 324.85 FEET TO A POINT ON THE EAST  
RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 68 DEGREES 50 MINUTES 10 SECONDS EAST, 858.68 FEET TO A POINT ON THE NORTHWEST  
RIGHT-OF-WAY LINE OF INTERSTATE 80;  
THENCE ALONG SAID NORTHWESTLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:  
1) SOUTH 50 DEGREES 47 MINUTES 54 SECONDS WEST, 324.85 FEET;  
2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 324.85 FEET;  
3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST  
RIGHT-OF-WAY LINE;  
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 887.17  
FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.



I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.  
*John L. Jorgensen* 7/16/18  
JOHN L. JORGENSEN  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal:  
SUB 1

THIS SEAL IS VALID FOR THE STATE OF IOWA ONLY. IT IS NOT VALID FOR ANY OTHER STATE. IT IS THE RESPONSIBILITY OF THE ENGINEER TO OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**hym**  
ASSOCIATES INC.  
640 FIFTH AVENUE, COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

DATE	7/16/18
BY	JLJ
APPROVED	
DATE	
BY	
APPROVED	

Project: BLACK HILLS SUBDIVISION, LOT 1  
Client: BLACK HILLS ENERGY  
Type: PRELIMINARY PLAN

Project No. 107218  
Sheet  
**SUB 1**

**OWNER:**  
IOWA WESTERN FOUNDATION  
2700 COLLEGE ROAD  
COUNCIL BLUFFS, IOWA 51503

**DEVELOPER:**  
BLACK HILLS CORPORATION  
P.O. BOX 1400  
RAPID CITY, SOUTH DAKOTA 57709

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

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE \_\_\_\_\_

ATTESTED TO BY: \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR:	BRANDON GARRETT	DATE
---------------------------------	-----------------	------

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

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING INFORMATION WAS RECORDED WITH THE POTTSWATMINE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THIS PLAN:

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

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



HEREBY CERTIFY THAT THIS LAND SURVIVING DOCUMENT WAS PREPARED  
 AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY  
 DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED  
 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
 \_\_\_\_\_  
 JULY 20, 2012  
 DATE  
 \_\_\_\_\_  
 MURRAY HAN M. LUDWIGER  
 LICENSE NUMBER 14132  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018  
 \_\_\_\_\_  
 PAGES ON SHEETS COVERED BY THIS SEAL:  
 \_\_\_\_\_  
 SHEETS 1 OF 2 SHEETS 3 OF 3

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NE1/4) IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF REGOINCL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4), SOUTH 00 DEGREES 54 MINUTES 00 SECONDS WEST, 1015.64 FEET;

RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.68 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 80;

1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 351.54 FEET;  
2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 184.00 FEET.

# THE LOST HISTORY OF THE

SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES MORE OR LESS

KNOW ALL PERSONS BY THESE PRESENTS THAT IOWA WESTERN FOUNDATION, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1, SAID PROPERTY TO BE KNOWN AS BLACK HILLS SUBDIVISION

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
TOM WHITSON (PRESIDENT)  
STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) SS.

ON THIS DAY OF \_\_\_\_\_, 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED TOM WHITSON, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF IOWA WESTERN FOUNDATION, THAT NO SEAL HAS BEEN PROCURED BY SAID FOUNDATION, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID FOUNDATION BY AUTHORITY OF ITS MEMBERS AND THAT SAID TOM WHITSON ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID FOUNDATION BY IT VOLUNTARILY EXECUTED

**NOTARY PUBLIC IN AND FOR SAID STATE**

ANY COMMISSION: EXPIRES



K1/4 CORNER -  
SECTION 28-75-43

S87°53'54"E 42.81'

S87°53'54"E 1617.60'

LINE 1A  
S59°11'34"W 136.52'

S31°37'46"W 154.14'

NW1/4NE1/4

27

-521°57'35"W 65.93'

COLLEGE ROAD  
N0711'51"E 1912.10'

INTERSTATE 80  
S26°02'59"W 358.27'

55-47154-W-357287

55074741 W 559.87  
48'59

**LEGAL DESCRIPTION**

A PARCEL OF LAND, BEING A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

28

THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE1/4), SOUTH 67 DEGREES 53 MINUTES 04 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 1617.00 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF AUTUMNVIEW RD.

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES:

1) 300° 18' 35" DEGREES 11 MINUTES 48" SECONDS WEST, 136.52 FEET;  
2) 300° 18' 35" DEGREES 11 MINUTES 48" SECONDS WEST, 154.14 FEET;  
3) 300° 18' 35" DEGREES 11 MINUTES 48" SECONDS WEST, 431.79 FEET.

4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET;  
5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 805.88 FEET;

6) SOUTH 28 DEGREES 09 MINUTES 59 SECONDS WEST, 358.27 FEET;  
7) SOUTH 28 DEGREES 47 MINUTES 34 SECONDS WEST, 357.28 FEET;  
8) SOUTH 50 DEGREES 14 MINUTE 41 SECOND WEST, 356.29 FEET;

RIGHT-OF-WAY LINE;

REFERENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH D1 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL, CONTAINS AN AREA OF 39.50 ACRES, MORE OR LESS.

the group is being made  
efforts to get involved in  
the use of the product in  
various ways including  
participation in purchasing  
decisions, this movement has  
become an important part of  
the company's strategy for  
improving its products and  
services.

# hgm

0120 \_\_\_\_\_ unspool \_\_\_\_\_  
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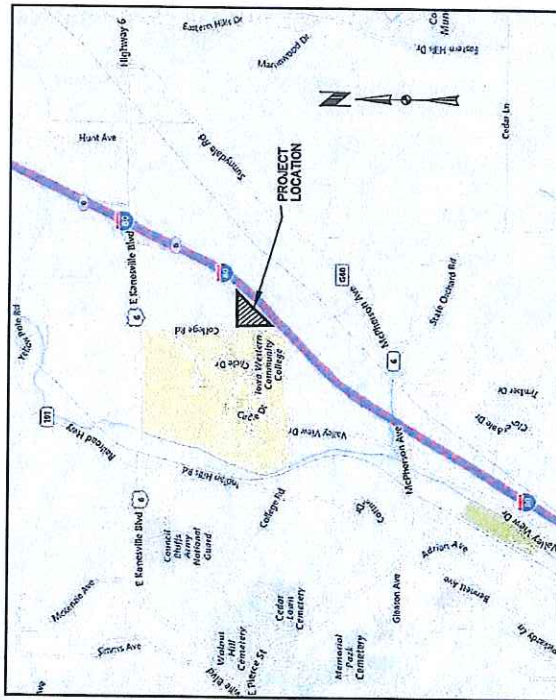
000001 JOHN WESTERN COMM. COLLEGE FOUNDATION  
000002 IWCC FOUNDATION  
000003 ZONING EXHIBIT

project no.  
107318  
sheet  
**ZON 1**

# DEVELOPMENT PLAN BLACK HILLS SUBDIVISION, LOT 1

## VERTICAL CONTROL

BENCHMARK OF ORIGIN: NOS F134, 1989  
IN COUNCIL BLUFFS, AT 0.30 MI. EASTERLY ALONG MOHPERSON STREET FROM  
ITS JUNCTION WITH BENNETT AVENUE, SET VERTICALLY IN THE SOUTHEAST FACE  
OF THE CONCRETE CURB OF THE WEST BRIDGE SPANS OF THE C&N RAILROAD,  
THE WEST ABUTMENT OF A ROAD BRIDGE SPANS OF THE C&N RAILROAD, AND  
AND PACIFIC RAILROAD, 119.1 FT. WEST OF THE NEAR RAIL, 9.2 FT. NORTH OF  
THE CENTER OF THE ROAD, 2.0 FT. BELOW THE LEVEL OF THE TRACKS, AND 0.7  
FT. ABOVE THE GROUND SURFACE.



VICINITY MAP - NO SCALE

## CURRENT OWNER/DEVELOPER:

INCC FOUNDATION  
2700 COLLEGE ROAD  
COUNCIL BLUFFS, IOWA 51503

## ENGINEER:

HGM ASSOCIATED, INC.  
640 FIFTH AVENUE  
COUNCIL BLUFFS, IOWA 51502

## ZONING:

EXISTING ZONING OF THE SITE IS  
COMMERCIAL (P-C).  
PROPOSED ZONING OF PROPOSED  
INDUSTRIAL SUBDIVISION IS  
PLANNED INDUSTRIAL (P-I).

## EXISTING FLOOD PLAINS:

MISSOURI RIVER FLOOD PLAIN  
FEMA FLOOD ZONE - OTHER AREA  
NO FLOODWAY OR FRINGE ENCROACHMENT

## STORM WATER DETENTION:

CONSTRUCTION OF NEW DETENTION IN  
ACCORDANCE WITH SDAS DESIGN STANDARDS.

## BOUNDARY SURVEY:

BOUNDARY SURVEY WILL BE PROVIDED BY  
HGM ASSOCIATES INC.

## NOTES:

SURFACE RUNOFF: STORM SEWER TO PROPOSED  
SUBDIVISION DETENTION.  
EASEMENTS: 500 FOOT WIDE PERMANENT  
EASEMENT ALONG ALL LOT LINES, A  
10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL  
FRONT LOT LINES, AND A 5.00 FOOT WIDE  
PERMANENT EASEMENT ALONG ALL REAR LOT LINES,  
ALL EASEMENTS FOR INSTALLATION AND  
MAINTENANCE OF UTILITIES.

## SPECIFICATIONS

THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC  
IMPROVEMENTS, 2018, AND CITY OF COUNCIL BLUFFS  
SUPPLEMENTARY SPECIFICATIONS 2018, SHALL APPLY  
TO THIS PROJECT.

## INDEX

PAGE NO.	DESCRIPTION
A.01	TITLE SHEET
G.01	SITE / DEVELOPMENT PLAN



I hereby certify that this engineering document was prepared by me or  
under my direct personal supervision and that I am a duly licensed  
Professional Engineer under the laws of the State of Iowa.  
  
JOHN E. JORGENSEN  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal:  
A.01, A.02, AND G.01

Project: BLACK HILLS SUBDIVISION, LOT 1  
Sheet: BLACK HILLS ENERGY  
TITLE SHEET

Project No.: 107318  
Sheet: A.01

**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

The Engineer is hereby making this statement in full knowledge of the law and the facts of the case, and that the same is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which might render the same false or misleading.

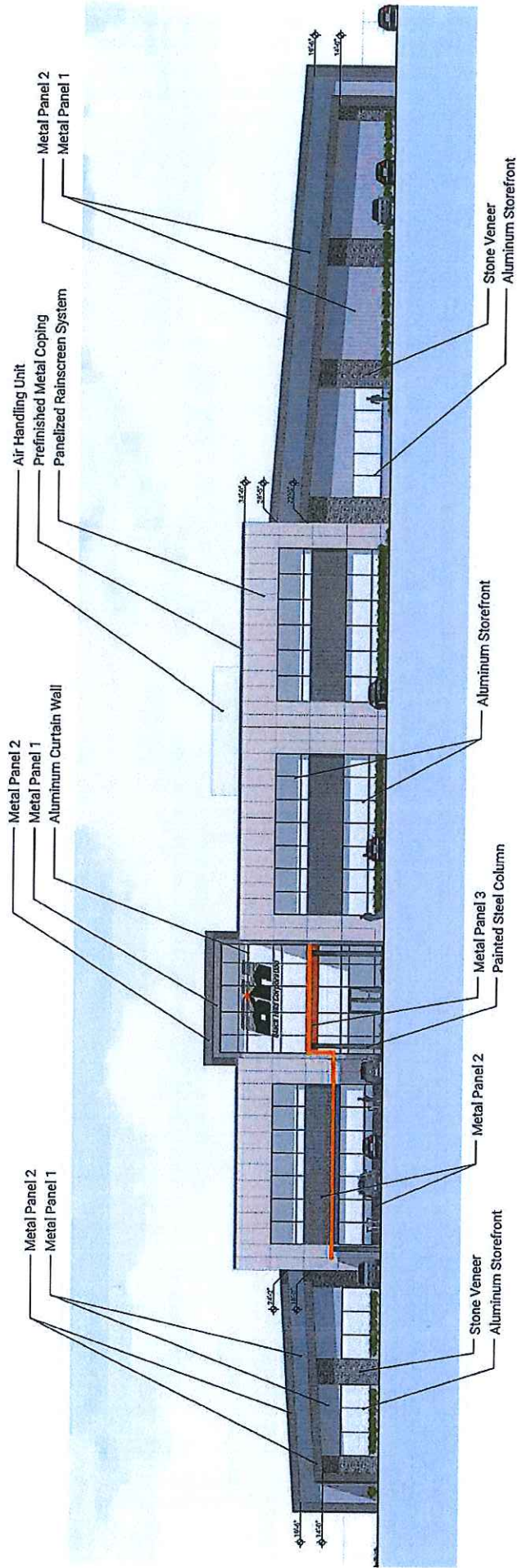






This strategy is being made available by Lysa smoking too, for the use on this project is in accordance with Lysa smoking's full agreement for promotional purposes. Lysa smoking has no intention to lobby for any use of this strategy of any part thereof except in accordance with the terms of the above agreement.

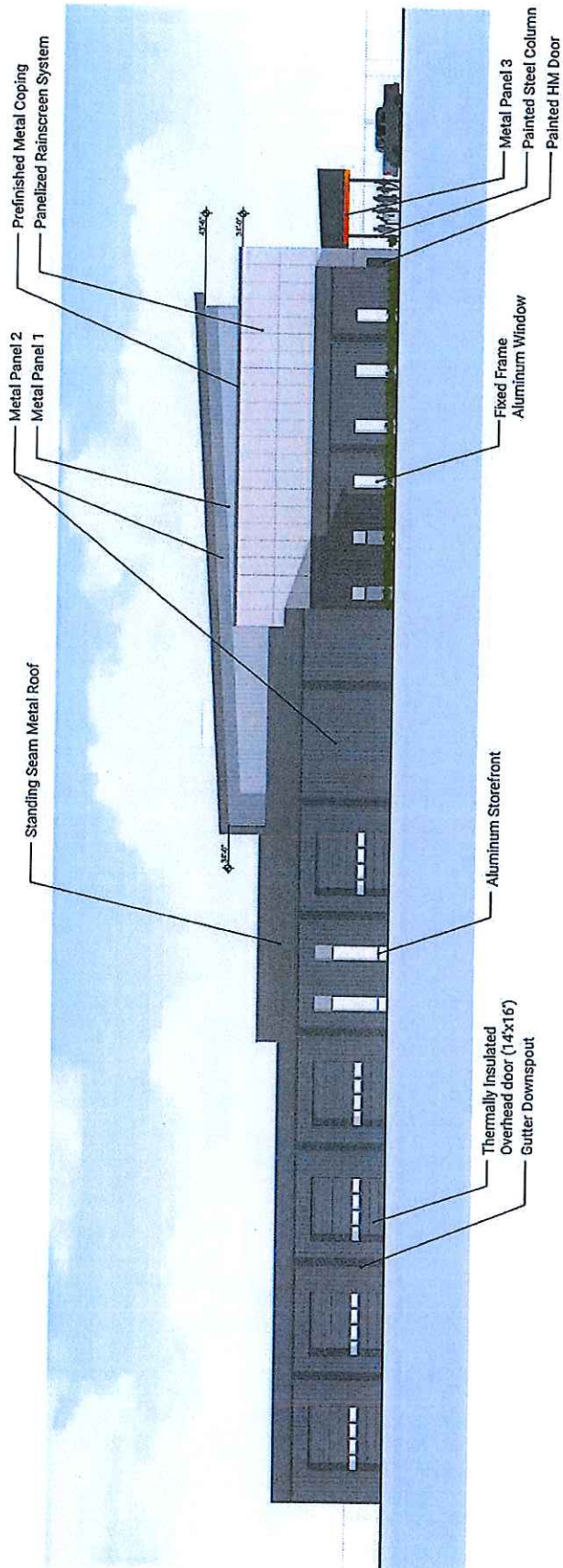
# Attachment G



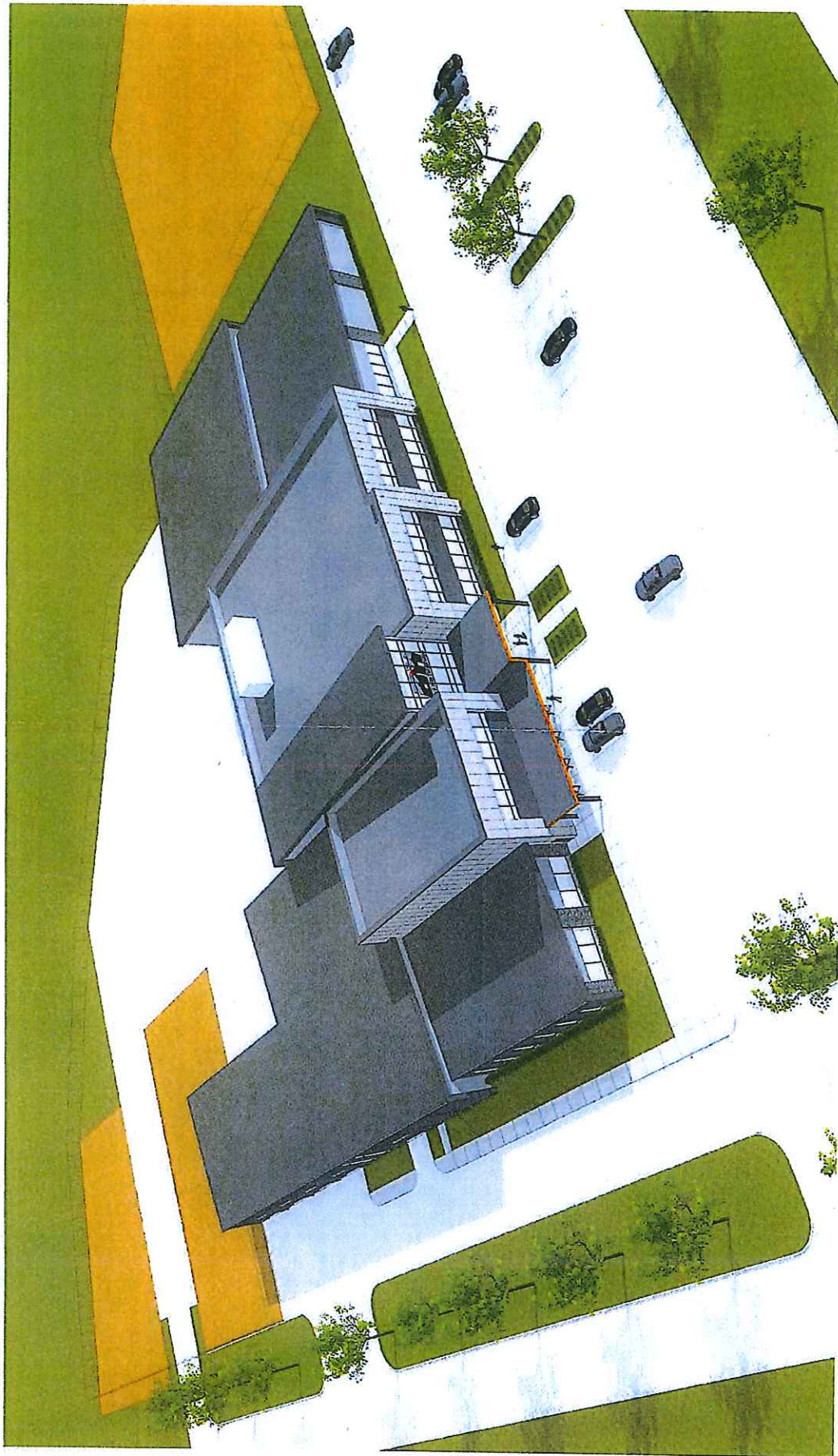
BHC - COUNCIL BLUFFS | WEST ELEVATION

12 JULY 2018  
1:48 PM

PAGE 12







BHC - COUNCIL BLUFFS | EXTERIOR RENDERING



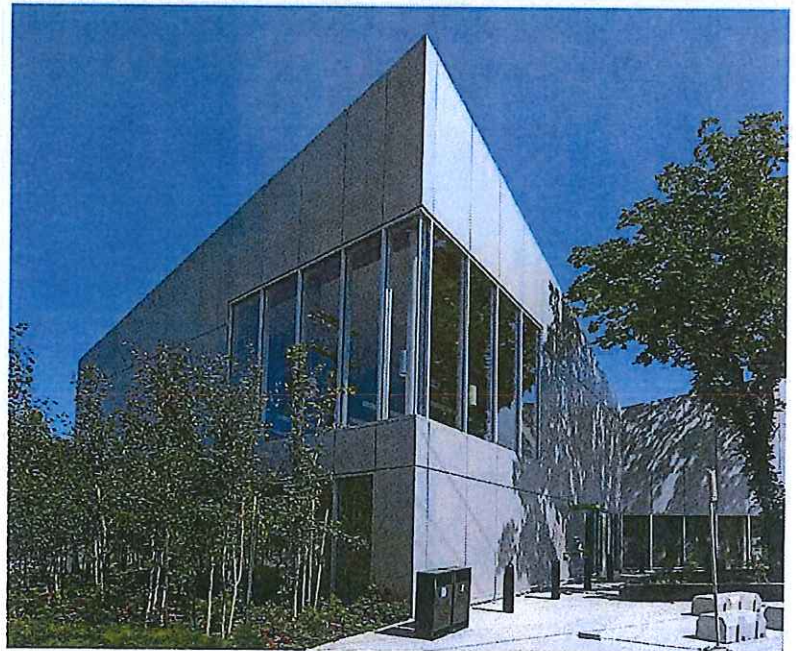
**BLACK HILLS CORPORATION - COUCIL BLUFFS  
OPERATIONS AND TRAINING CENTER**

**MATERIAL REFERENCE IMAGES**

**\*\* THESE IMAGES ARE FOR REFERENCE ONLY AND  
INTENDED TO PROVIDE INDICATION OF THE TYPE AND  
QUALITY OF MATERIALS. THEY DO NOT REPRESENT  
FINAL MANUFACTURER AND COLOR/FINISH  
SELECTIONS WHICH WILL BE REPRESENTED IN THE  
PROJECT PERMIT DRAWINGS.**



**PANELISED RAINSCREEN SYSTEM -  
NEOLITH SKYLINE PRODUCT IMAGE**



**METAL PANEL 3 & PANELISED RAINSCREEN SYSTEM  
ALTERNATE - ALUCOBOND PANEL PRODUCT IMAGE**

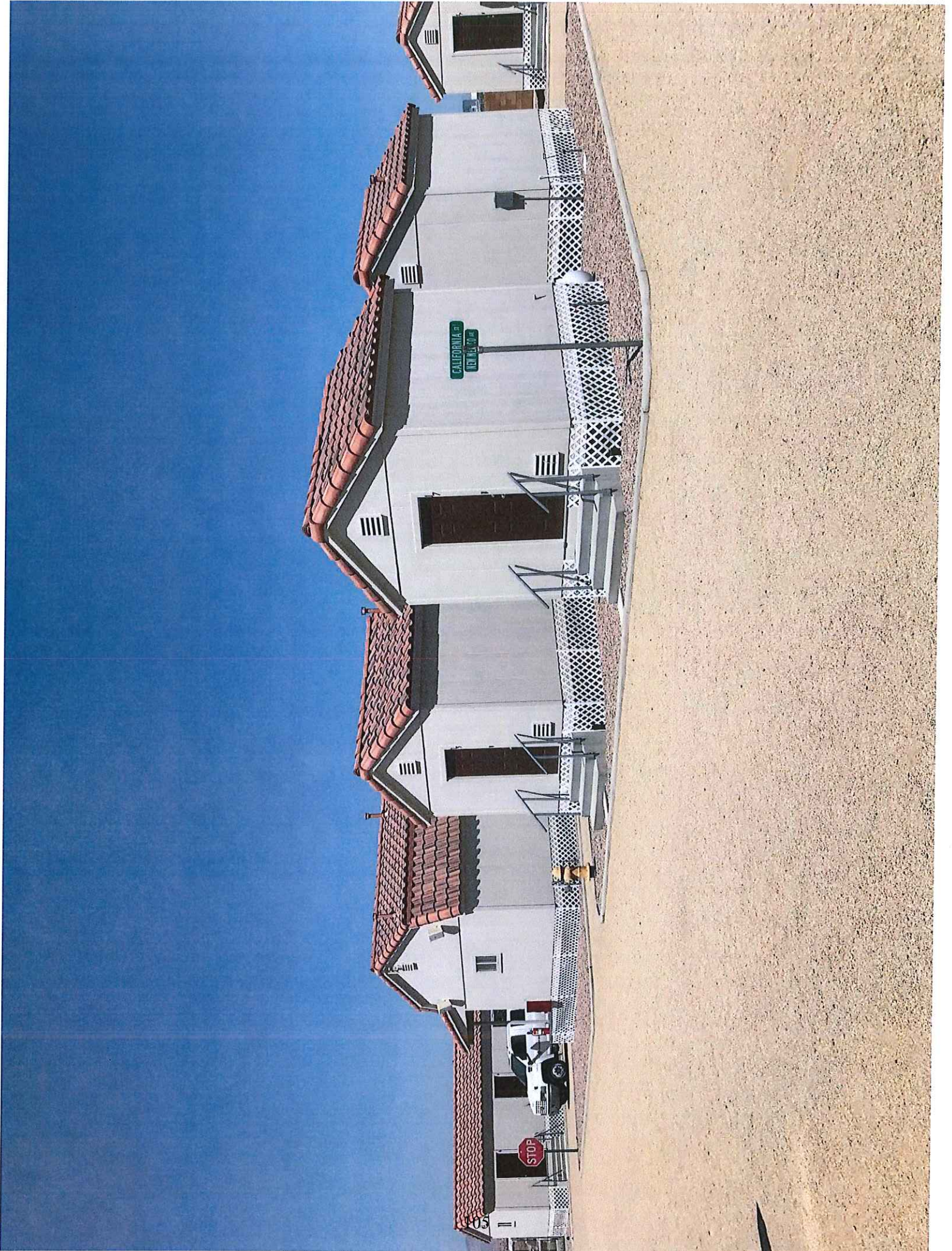


**STONE VENEER**

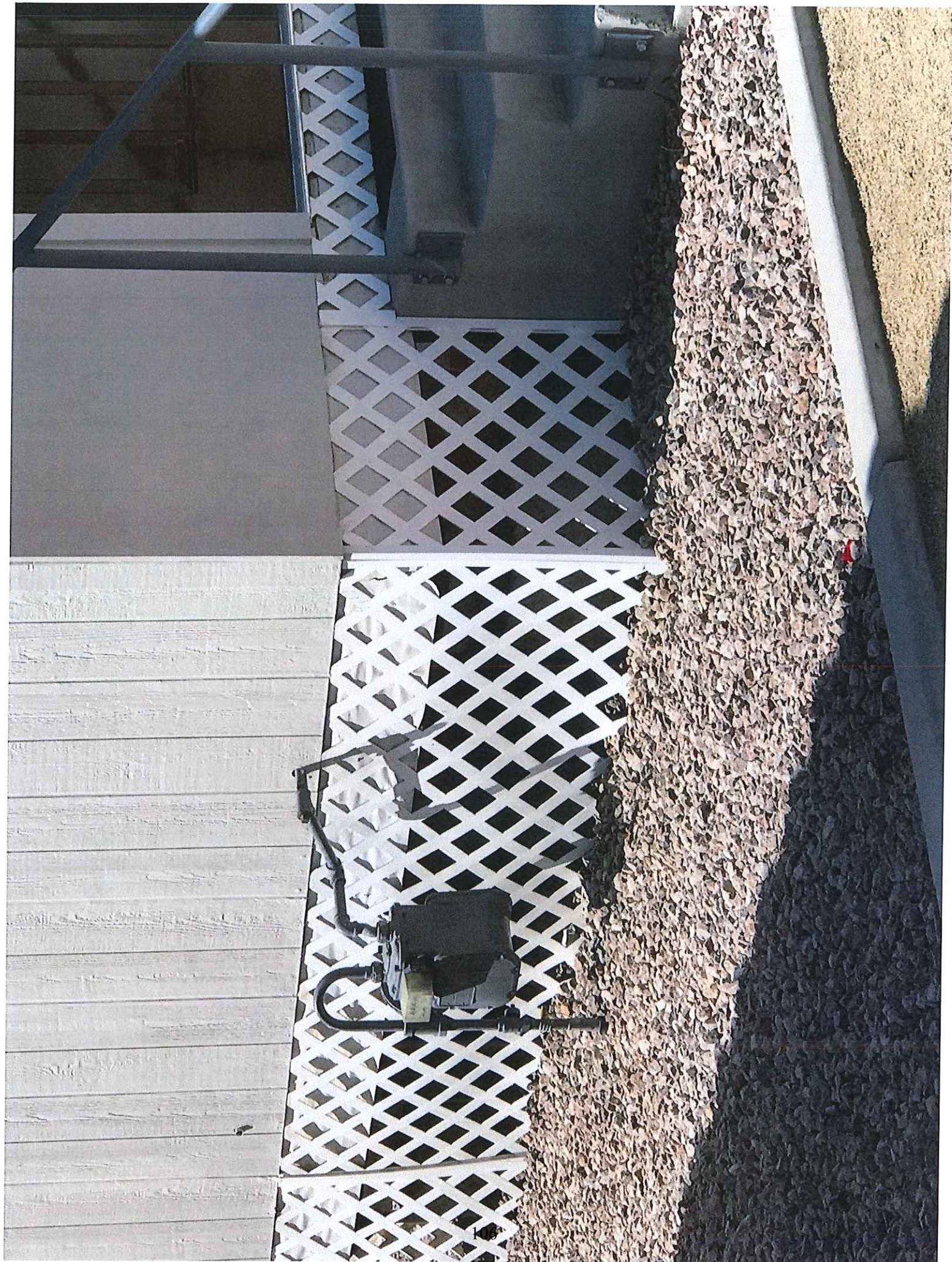


**METAL PANEL 1 & 2 - METAL BUILDING WALL PANEL**

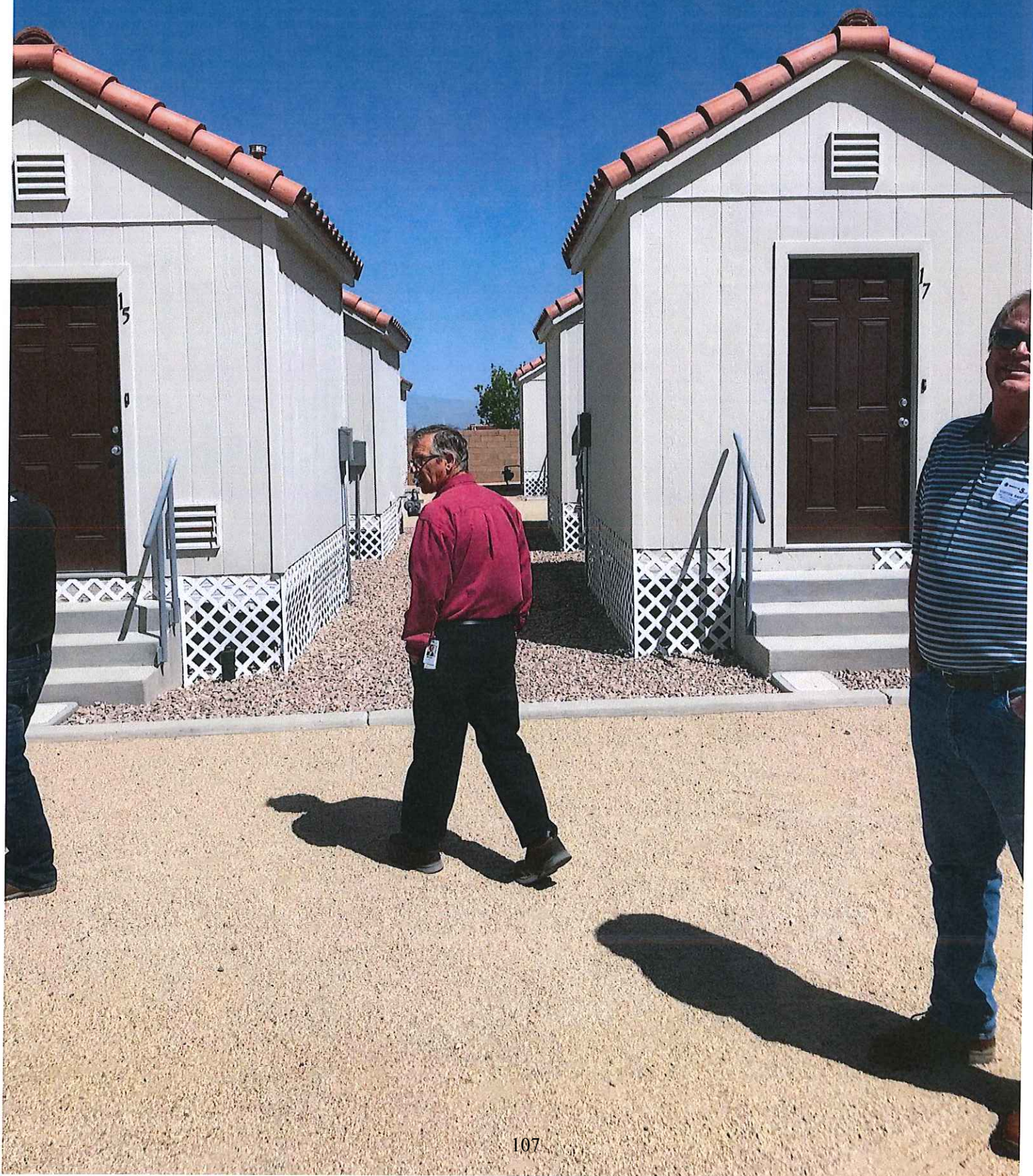




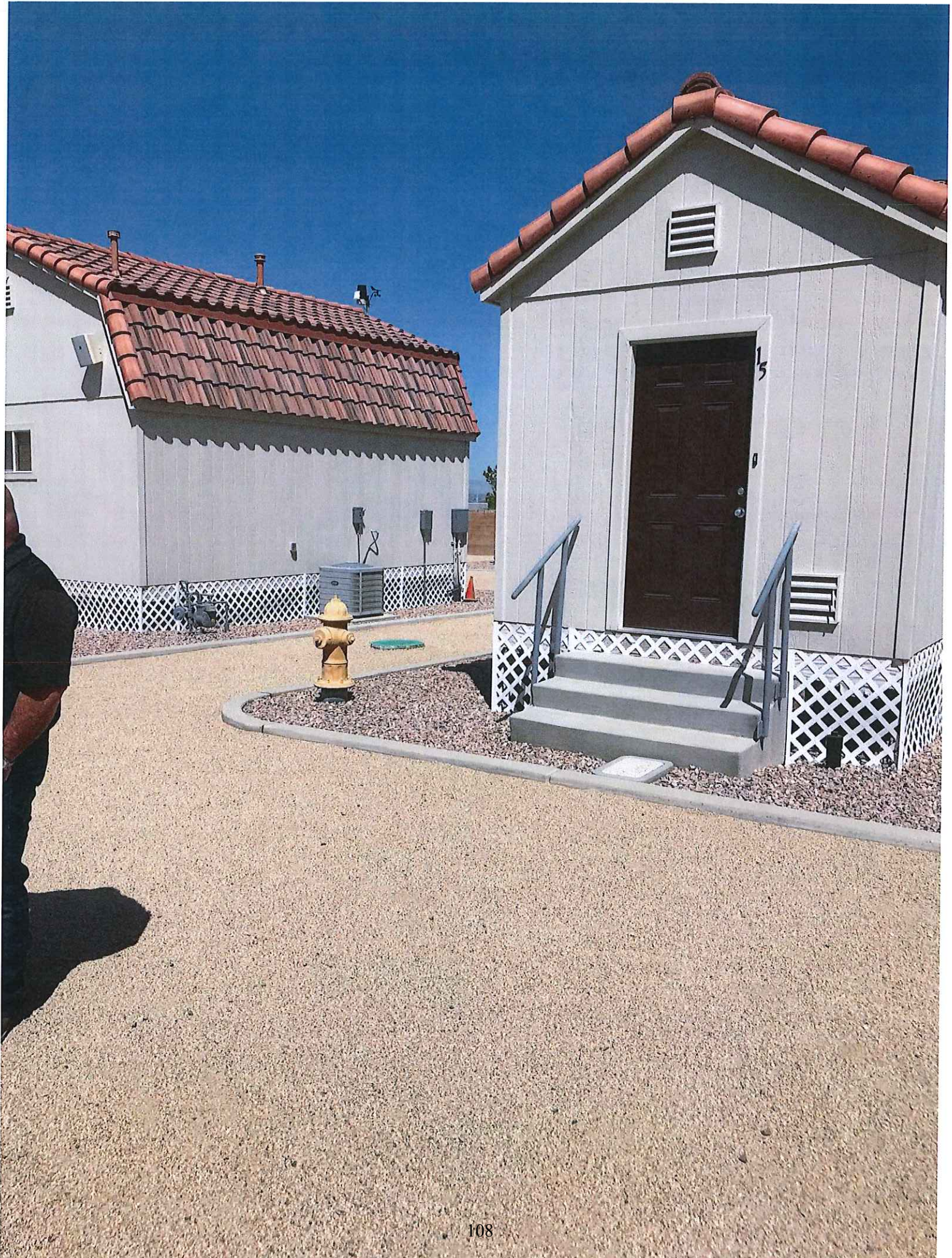


















## **RESOLUTION NO. 18-263**

### **A RESOLUTION ADOPTING THE PLANNED INDUSTRIAL DEVELOPMENT PLAN OVER THE AREA PROPOSED TO BE KNOWN AS LOT 1, BLACK HILLS SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Iowa Western Community College Foundation has submitted a request to append a Planned Industrial Development Plan over the area proposed to be known as Lot 1, Black Hills Subdivision; and

**WHEREAS,** The subject property is 10.27 acres of land and will be home to an Operations Center and Training Facility for the Black Hills Corporation that is estimated to be approximately 75,000 gross square feet; and

**WHEREAS,** The Community Development Department recommends approval of the Planned Industrial Development Plan subject to the following conditions:

- a) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
- b) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
- c) The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
- d) Gravel will be permitted in the “Gas Town” area and Large Equipment Training area to allow ease of resetting the site between training exercises. The “Gas Town” Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the “Gas Town” area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.

- e) All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
- f) A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.
- g) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road. Landscaping around the western and north sides of the building (excluding the area in front of the garage bays) shall consist of a four foot-wide landscaping beds with grass, shrubs, and other related plants, and shall be designed to limit the use of inorganic planting materials such as river/landscaping rock.
- h) Ornamental iron fencing, without barb wire, shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North. Barbed wire fencing shall only be allowed on the eastern/southerly side of the property adjacent to the right-of-way Interstate 80. All fencing shall be designed in accordance with the standards stated in Section 15.24.040 – *Fence Regulations* of the Municipal Code (Zoning Ordinance).
- i) All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.
- j) All off-street parking on the site shall comply with the standards stated in Section 15.23, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance).
- k) Sidewalks shall be constructed along College Road, as required by the Public Works Department, prior to issuance of a certificate of occupancy for a building on the subject property.
- l) All signage shall be designed to comply with the standards stated in Chapter 15.33, Signs, of the Municipal Code (Zoning Ordinance).

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

That the Planned Industrial Development Plan for Lot 1, Black Hills Subdivision as shown in Attachment “F”, is hereby approved.

Planning Case No. PI-18-001

RESOLUTION NO. \_\_\_\_\_

PAGE 3

ADOPTED  
AND  
APPROVED

September 10 2018.

\_\_\_\_\_  
MATTHEW J. WALSH

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH

\_\_\_\_\_  
City Clerk

Planning Case No. PI-18-001



## Council Communication

Department: Community Development  
Case/Project No.: SUB-18-012  
Submitted by: Chris Meeks, Planner

Resolution 18-264

Council Action: 9/10/2018

### Description

Resolution granting final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision. Location East of College Rd, West of Interstate I-80, and South of East Kanesville Blvd (U.S. Hwy 6). SUB-18-012

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SUB-18-012, ZC-18-010 and PI-18-001 Staff Report Including Attachs</a>	Other	8/17/2018
<a href="#">Resolution 18-264</a>	Resolution	9/4/2018

Council Communication

<p>Department: Community Development Department</p>	<p>Resolution No. _____</p>	<p>City Council: 8/27/18</p>
<p>CASES #SUB-18-012, #ZC-18-010, and #PI-18-001</p>	<p>Ordinance No. _____</p>	<p>Planning Commission: 8/14/18</p>
<p>Applicant/Owner: Iowa Western Community College Foundation Attn: Dr. Dan Kinney 2700 College Road Council Bluffs, IA 51503</p>	<p>Resolution No. _____</p>	
<p>Engineer: HGM Associates Inc. Attn: John Jorgenson 640 5<sup>th</sup> Avenue Council Bluffs, IA 51501</p>		

**Subject/Title**

**Request:** CASES #SUB-18-012, #ZC-18-010, and #PI-18-001 - Combined public hearings on the request of Iowa Western Community College Foundation, represented by John Jorgensen of HGM Associates, for the following:

- 1) Rezone 39.50 acres of land, legally described as being A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ OF SECTION 28; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 42.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 54 MINUTES 53 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 59 DEGREES 11 MINUTES 34 SECONDS WEST, 136.52 FEET; 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET; 3) SOUTH 24 DEGREES 18 MINUTES 05 SECONDS WEST, 411.71 FEET; 4) SOUTH 21 DEGREES 57 MINUTES 35 SECONDS WEST, 65.93 FEET; 5) SOUTH 49 DEGREES 23 MINUTES 38 SECONDS WEST, 505.88 FEET; 6) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET; 7) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 8) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to P-I/Planned Industrial District; and
- 2) Final plat approval of a one-lot industrial subdivision to be known as Black Hills Subdivision and concurrent adoption of a planned industrial development plan on 10.27 acres of land, legally described as A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW ¼ NE ¼) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAL, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ CORNER OF SECTION 28; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼ ) SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST 1015.64 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 37.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.69 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST 351.54 FEET; 2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING; City of Council Bluffs, Pottawattamie County, Iowa.

**Location:** Generally located East of College Road, West of Interstate I-80, and South of East Kaneshville Boulevard (U.S. Highway 6)

#### **Background/Discussion**

The Community Development Department has received applications from the Iowa Western Community College Foundation, represented by John Jorgenson of HGM Associates Inc., to 1) execute a Final Plat for a one lot minor subdivision to be known as Black Hills Subdivision; 2) to rezone approximately 39.5 acres of land from P-C/Planned Commercial to P-I/Planned Industrial; and 3) to append a planned industrial development plan over the area proposed to be known as Lot 1, Black Hills Subdivision. The applicant has submitted these applications to accommodate an Operations Center and Training Facility for the Black Hills Corporation.

#### **Land Use and Zoning**

The subject property is currently undeveloped, and is zoned P-C/Planned Commercial District. Surrounding land uses and zoning districts are as follows:

North: Undeveloped land that is zoned P-C/Planned Commercial

South: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

East: Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District

West: The Iowa Western Community College campus which is zoned A-2/Parks, Estates and Agricultural District, and housing associated with Iowa Western Community College which is zoned R-3/Low Density Multifamily Residential.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial.

CASE #SUB-18-012: Minor subdivision final plat approval of a one (1) lot industrial subdivision to be known as Black Hills Subdivision. Access to the subdivision will come from a private drive to the north of the proposed lot that is partially constructed and intersecting at College Road. The subdivision contains one (1) lot that is approximately 10.27 acres in size.

The Letter of Intent (see Attachment B) as submitted by the applicant states that the site will be served by sanitary sewer, water, electric, and gas facilities. The applicant states that a Storm Water Pollution Prevention Plan will be developed in accordance with Iowa DNR requirements, and will incorporate Best Management Practices during construction.



CASE #ZC-18-010: Rezone approximately 39.5 acres of land located in Northeast ¼ of Section 28-75-43 from P-C/Planned Commercial to P-I/Planned Industrial. This rezoning will accommodate the Operation Center and Training Facility that is proposed for the site, as well as allow additional industrial development on the remaining acreage included in this request. Prior to development on the properties that are zoned as P-I/Planned Industrial District, the developer will be required to submit a development plan for review and approval of the Planning Commission and City Council (the development plan for the Black Hills Subdivision is included with this report).

CASE #PI-18-001: Review and approval of a development plan that will cover Lot 1 of the proposed Black Hills Subdivision, which will encompass approximately 10.27 acres of land, and will be home to an Operations Center and Training Facility for the Black Hills Corporation. Per the submitted letter of intent, the Operation Center and Training Facility will be an approximately 75,000 gross square foot mixed occupancy building that will be two stories in height, and will provide office space for roughly 150 employees, along with classrooms and labs for the training of employees in the region. The facility will also include material storage and a garage area for the support of the daily services Black Hills provides, as well as a meter shop which will test, refurbish, and distribute gas meters across all Black Hills service areas.

As a part of this development, the site will also include an outdoor large equipment training area, and simulation training area to be known as "Gas Town". The Gas Town area will feature small, non-habitable buildings that simulate houses, along with roadways and other features that a neighborhood may have (see Attachment H). The Gas Town simulation area is designed to provide training in a controlled environment that would subject trainees to situations that would occur in a community, such as broken gas meters, gas leaks, or replacement of gas utilities. The large equipment training area as well as the roadways in the Gas Town area are proposed to be graveled to allow the areas to be easily reset after training sessions. The proposed parking areas, material storage yard, equipment storage yard, drive aisles, and rear surface lot are all proposed to be hard surface paved in accordance with City of Council Bluffs requirements.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed replat and planned commercial development plan with comments incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated they have no comments regarding any of the cases.
- The Public Works Department has the following comments:
  - 1) No comments on the rezoning request.
  - 2) No direct comments on the Planned Industrial Development Plan.
  - 3) The following comments pertain to the Subdivision request:
    - a) Platting- Lot line easement note needs to include standard restrictions notes.
    - b) A sidewalk will need to be installed along the College Road frontage of the property.
    - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
    - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
    - e) Utility improvements are noted as stated.
- Council Bluffs Water Works stated a main extension agreement to extent the water main on college road has been signed by the developer.
- MidAmerican Energy stated they have no objections to the proposed plat, and has overhead utilities that will be able to serve the site. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Preliminary Subdivision Plan

Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

### **Comments**

Subdivision Final Plat- The Community Development Director has determined that the proposed subdivision qualifies as a minor subdivision, then the minor subdivision shall be exempt from major subdivision requirements and procedures of this title. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.

1. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
2. The proposed lot in the P-I/Planned Industrial District must comply with the site development regulations as set forth in the development plan.
3. The subdivision is proposed to be accessed by a private road to the North that will be constructed to City of Council Bluffs Public Works Department standards. Lot 1 of the proposed subdivision will have frontage on to College Road. A 50 foot wide ingress/egress easement for access to the subdivision will be recorded as a separate instrument, but referenced on the final plat.
4. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
5. A water main extension agreement with Council Bluffs Water Works has been signed by the developer.
6. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.
7. The standard 10 foot and 5 foot utility easements along the front and rear property lines should be stated on the final plat.
8. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
9. Any future subdivision of the land will also require formal subdivision platting.

### Rezoning-

1. The subject property is currently zoned P-C/Planned Commercial District. Surrounding zoning districts include P-C/Planned Commercial District to the North, A-2/Parks, Estates and Agricultural District to the East, South, and West, and R-3/Low Density Multifamily Residential District to the West.
2. The applicant has proposed to rezone the subject property to P-I/Planned Industrial District.
3. A development plan will be required prior to the development of any parcels, as per the requirements of the P-I/Planned Industrial District.
4. The one lot subdivision to be known as Black Hills Subdivision will house an Operation Center and Training Facility for the Black Hills Corporation. This use is consistent with the principal uses that have been established for the P-I/Planned Industrial District.
5. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial. The proposed rezoning is consistent with future land use plan.
6. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. No comments have been received as of the date of this report.

### Development Plan-

1. The proposed development plan shows a two-story building to be used as offices, classrooms, material storage, garage area, and a gas meter shop to be used by the Black Hills Corporation.
2. The exterior site plan shows an employee and guest parking area, a material storage yard, an equipment storage yard, a truck loading/unloading area, a large equipment training area, and an outdoor training area to be known as "Gas Town".
3. The site development standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
4. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
5. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area.
6. The subject property has frontage along College Road, though the applicant proposes to access the site from a private road to the North of the subject property. The property will have no direct access on to College Road.
7. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas.
8. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
9. Sidewalks must be constructed along College Road, as required by the Public Works Department. Sidewalks shall be installed at the time of building construction on the property, and shall be completed prior to the issuance of a certificate of occupancy.
10. The parking requirements for the site must be calculated per the standards set forth in Section 15.23.060(04), *Parking spaces required* of the Council Bluffs Municipal Code (Zoning Ordinance).
11. The building exterior, as submitted by the applicant (see Attachment G) is made of up glass, stone, and varieties of metal paneling, and is generally acceptable. Design standards shall be as follows:
  - A) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
  - B) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
12. Signage requirements shall be designed in compliance with Chapter 15.33 – *Signs*, of the Council Bluffs Zoning Ordinance.
13. The landscaping of the site shall include the following features.
  - A) Trees shall be planted along the frontage of College Road to the West and the Private Drive to the North.
  - B) Landscaping around the Western and Northern sides of the building (excluding the area in front of the garage bays) shall consist of a four foot wide landscaping bed with grass, shrubs, and other related plants, and shall be designed to limit the use of inorganic planting materials (such as river/landscaping rock).
  - C) A berm shall be installed along the westerly boundary of Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.



- D) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- E) Fencing along the frontage of College Road and the Private Drive to the North shall be limited to an ornamental iron fence in material, and may not include any barbed wire. Barbed wire will be allowed on the Eastern and Southern sides of the property adjacent to the right-of-way of Interstate 80. Fencing should otherwise be consistent with the standards established in Section 15.24.040 – *Fence regulations* of the Zoning Ordinance.
- F) All outdoor storage areas shall be screened from view with a minimum six foot tall privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

### **Recommendation**

The Community Development Department recommends:

1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a) The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b) A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
  - d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e) With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f) An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g) All utilities shall be located underground.
  - h) 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
  - a) A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
  - a) The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40%

corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.

- b) The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
- c) The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
- d) Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
- e) All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
- f) A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.
- g) A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h) Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i) All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

### **Public Hearing**

Speakers in favor:

- 1. Ron Tekippe, HGM Associates, 640 5<sup>th</sup> Avenue, Council Bluffs, IA 51501
- 2. Wes Ashton, Black Hills Corporation, 1205 SW 37<sup>th</sup> Street, Grimes, IA 50111
- 3. Eric Monroe, Black Hills Corporation, 7001 Mt. Rushmore Road, Rapid City, SD 57702

Speakers against: None.

### **Planning Commission Recommendation**

The Planning Commission recommends:

- 1. Approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:
  - a. The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
  - b. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
  - c. Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.

- d. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  - e. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
  - f. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
  - g. All utilities shall be located underground.
  - h. 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 building.
2. Approval of the request to rezone the subject properties from P-C/Planned Commercial to P-I/Planned Industrial, subject to the following condition.
    - a. A development plan shall be submitted and approved prior to the development of any parcel in the P-I/Planned Industrial District.
3. Adoption of the Development Plan for Lot 1, Black Hills Subdivision, for the Black Hills Corporation Operations Center and Training Facility, subject to the following conditions:
    - a. The front (West facing) elevation shall have a minimum of 30% Glass, 5% Stone Veneer, 25% as Metal Panel 3 as shown on Attachment G of this report or a precast concrete, and a maximum of 40% corrugated-style metal paneling that is shown as Metal Panel 1 & 2 on Attachment G of this report. Metal Panel 1 and 2 shall be of differing colors, and shall be installed at approximately 75% one color, and 25% a separate contrasting color. Metal Panel 3 shall be considered a separate building material from Metal Panel 1 and 2.
    - b. The North elevation shall incorporate a minimum of 25% Metal Panel 3 or precast concrete (or similar material used on the front façade), glass, or stone veneer.
    - c. The Site Development Standards for the lot shall include minimum setbacks of 15 feet in the front yard, 10 feet for an interior side yard, 10 feet for a street side yard, and 10 feet for a rear yard. The maximum height of any structure on the property shall be 75 feet, and the lot coverage for all structures shall not exceed 70%. Parking lots shall also have a 5 foot setback from all property lines.
    - d. Gravel will be permitted in the "Gas Town" area and Large Equipment Training area to allow ease of resetting the site between training exercises. The "Gas Town" Area shall be limited to 22,500 square feet in area, and the Large Equipment Training Area shall be limited to 49,500 square feet in area. The structures constructed in the "Gas Town" area shall be considered non-habitable accessory structures used for training purposes, and shall not be used for storage of equipment or material not used in training exercises. The Large Equipment Training Area shall also be used for training purposes, and shall not be used for storage of equipment or material not used in training exercises.
    - e. All proposed buildings and developments on the subject property shall be constructed to comply with all applicable fire codes as required by the Council Bluffs Fire Department.
    - f. A berm shall be installed along the Gas Town area, and large equipment training area where gravel will be utilized. The berm shall be installed to contain the gravel within the specified training areas.

- g. A landscaped buffer utilizing trees, tall hedges, or shrubs shall be planted west of the Gas Town area and Large Equipment Training area along to be used as a buffer between the training areas and College Road.
- h. Ornamental iron fencing shall be the only allowable fencing allowed along the frontage of College Road and the Private Drive to the North.
- i. All outdoor storage areas shall be screened from view with a minimum six foot privacy fence comprised of wood, vinyl, chain-link with slats, vegetation, or other related material.

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

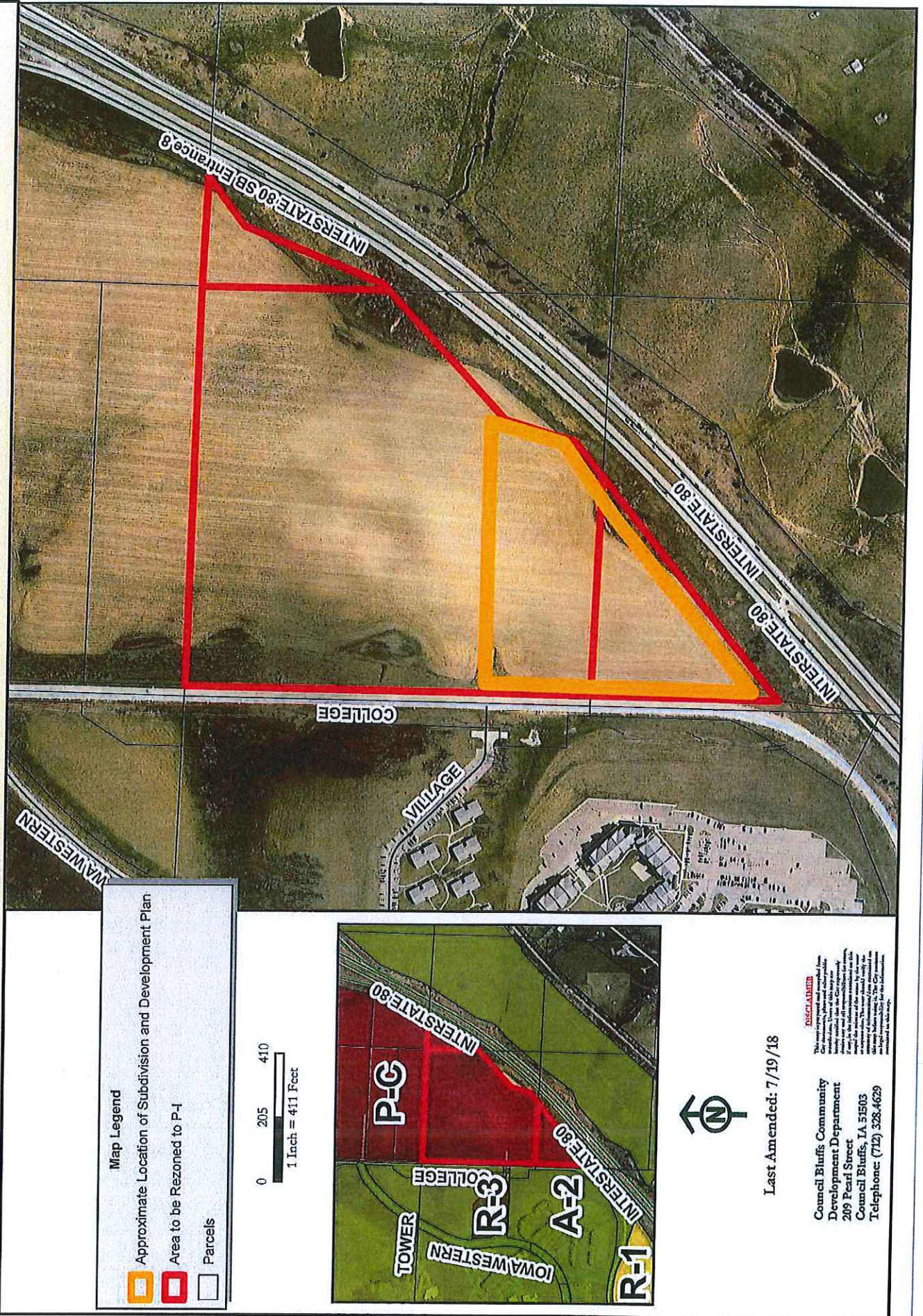
Attachment A: Location and Zoning Map  
Attachment B: Letter of Intent  
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Attachment D: Final Subdivision Plan  
Attachment E: Rezoning Map  
Attachment F: Development Plan Maps  
Attachment G: Proposed Building Rendering and Materials  
Attachment H: "Gas Town" Example Photos

Prepared by: Chris Meeks, Planner



# Attachment A

## CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SUB-18-012, CASE #ZC-18-010, and CASE #PI-18-001





**LETTER OF INTENT**  
**Black Hills Subdivision / Development Plan**

HGM# 107318

July 2018

Black Hills Corporation (BHC) is proposing to construct an Operations Center and Training Facility on approximately 10 acres of land between Iowa Western Community College and Interstate 80. The new BHC - Operations and Training Center will include a roughly 75,000 GSF mixed occupancy building with off street parking, training and material storage areas located on site. The two-story building will serve BHC with office space for roughly 150 employees and will include classrooms and labs for the training of employees around the region. The building also incorporates a meter shop which tests, refurbishes, and distributes gas meters across all the BHC service areas. Finally, an essential asset of the building is a material storage and garage area that supports the daily service activities for gas service to the surrounding area. The design of this building, as the first of this development, aims to serve as a positive example of how to design a commercial and industrial property as a good neighbor to the surrounding community.

Extension of the public Sanitary Sewer (10") and public Water Main (12") on the east side of College Road are currently being designed by others to serve this site. 15" and 24" public storm sewer currently existing on the east side of College Road and a culvert extends under Interstate 80. Existing MidAmerican Energy overhead power currently exists on the west side of College Road.

The proposed civil site infrastructure improvements include: private fire/domestic water and sanitary sewer services connecting to the public system, private storm sewer system which will drain to the site detention basin. Site improvements will include a concrete parking lot for public and employee parking with approximately 200 stalls, concrete sidewalks and storage yards. The site will be designed to accommodate semi tractor-trailer and the site will be secured with fencing and access gates.

A Storm Water Pollution and Prevention Plan will be developed base on Iowa DNR requirements and will incorporate Best Management Practices (BPM's) include silt fence, filter socks and silt control basins. In addition, a Post Construction (PCSMP) plan will be developed to meet the City of Council Bluffs requirements.

The parking lot lighting will include pole placement, buried electrical cable in conduit and electrical service for the exterior lighting system. Landscaping improvements will be included to comply with the City of Council Bluffs requirements

A geotechnical report was prepared by Thiele Geotechnical Inc. HGM is currently working with the Public Works Department on developing the site drainage report.

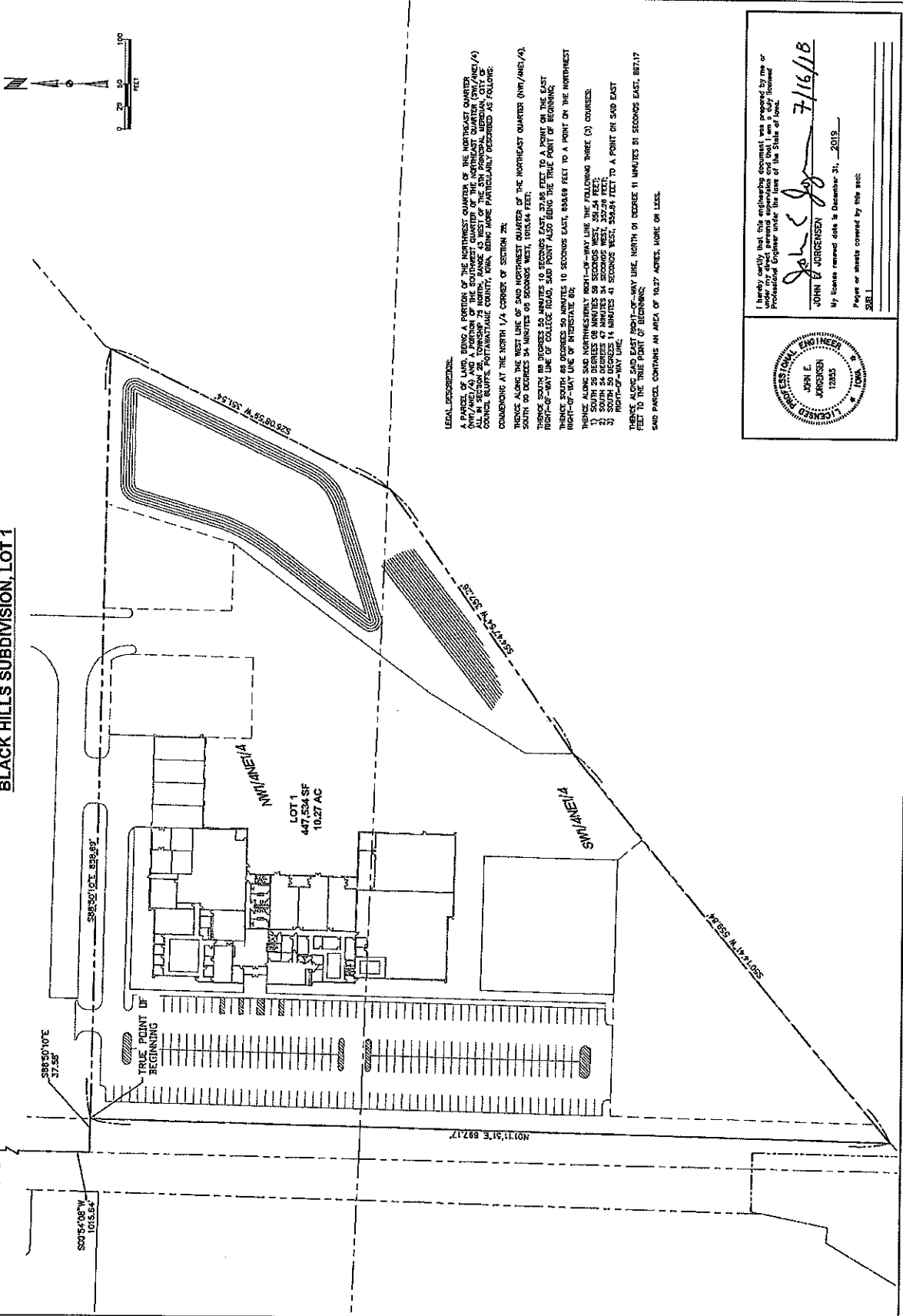
Construction is schedule to start this fall/winter with all work scheduled to be complete by May 2020. All project work will be completed as one phase.

*This letter was authored by John Jorgensen, PE, HGM Associates Inc.*

Attachment C

N1/4 CORNER  
SECTION 86-75-13

BLACK HILLS SUBDIVISION, LOT 1



LEGAL DESCRIPTION:  
A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER  
SECTION 86, TOWNSHIP 75 NORTH, RANGE 13 WEST OF THE 10TH PRINCIPAL MERIDIAN,  
COUNTY BLUFFS, POTOMAC COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 2N,  
THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4),  
SOUTH 90 DEGREES 54 MINUTES 05 SECONDS WEST, 1015.64 FEET;  
THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 324.85 FEET TO A POINT ON THE EAST  
RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 68 DEGREES 50 MINUTES 10 SECONDS EAST, 858.68 FEET TO A POINT ON THE NORTHWEST  
RIGHT-OF-WAY LINE OF INTERSTATE 80;  
THENCE ALONG SAID NORTHWESTLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:  
1) SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 324.85 FEET;  
2) SOUTH 44 DEGREES 47 MINUTES 34 SECONDS WEST, 552.84 FEET;  
3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 552.84 FEET TO A POINT ON SAID EAST  
RIGHT-OF-WAY LINE;  
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 887.17  
FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.



I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.  
*John L. Jorgensen*  
JOHN L. JORGENSEN  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal:  
SUB 1

Project: BLACK HILLS SUBDIVISION, LOT 1

Client: BLACK HILLS ENERGY

Sheet: SUB 1

Project No: 107218

hgm ASSOCIATES INC.

640 RYAN AVENUE COUNCIL BLUFFS, IA

PHONE: 712-323-0530

DATE: 7/16/18

BY: [Signature]

CHECKED: [Signature]

APPROVED: [Signature]

PRELIMINARY PLAN

[illegible]

DEVELOPER:  
BLACK HILLS CORPORATION  
P.O. BOX 1400  
RAPID CITY, SOUTH DAKOTA 57709

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

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

COMMUNITY DEVELOPMENT DIRECTOR:	BRANDON GARRETT	DATE
---------------------------------	-----------------	------

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

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTSWATMARE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE DEED:

A. ALL APPLICABLE RESTRICTIONS;

B. ALL COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT

C. RIGHT TO RESOLVE.



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

JONATHAN M. LUDWIGER \_\_\_\_\_ DATE JULY 20, 2028

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES ON SHEETS COVERED BY THIS SEAL: \_\_\_\_\_

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTAWATTAMIE COUNTY, IOWA.

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4), SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST, 1015.64 FEET;

BRIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TUDGE (2) COLLIERIES:

2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET;  
3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A CORNER ON SAID FENCE;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST

SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.

KNOW ALL PERSONS BY THESE PRESENTS THAT IOWA WESTERN FOUNDATION, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1, SAID PROPERTY TO BE KNOWN AS BLACK HILLS SUBDIVISION.

DAY OF \_\_\_\_\_ 2018

TOM WHITSON (PRESIDENT)  
STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) SS.

I THIS DAY OF \_\_\_\_\_, 2018, BEFORE ME A  
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED TONY WHITSON, TO ME  
 PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF IOWA  
 CENTRAL SOUTHERN FOUNDATION, THAT NO SEAL HAS BEEN PROCURED BY SAID FOUNDATION, AND THAT SAID  
 INSTRUMENT WAS SIGNED ON BEHALF OF SAID FOUNDATION BY AUTHORITY OF ITS MEMBERS AND  
THAT SAID TONY WHITSON ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE  
VOLUNTARY ACT AND DEED OF SAID FOUNDATION BY IT VOLUNTARILY EXECUTED

**ORDINARY PUBLIC IN AND FOR SAID STATE**

**COMMISSION: EXPIRES**





# Attachment E

N/4 CORNER  
SECTION 29-75-43

TRUE POINT OF  
BEGINNING

S87°53'54"E 1617.60'

S87°53'54"E 42.81'

IOWA WESTERN  
COMMUNITY COLLEGE

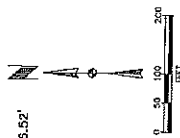
COLLEGE ROAD  
N07°11'51"E 1912.10'

S89°23'38"W 508.85'

INTERSTATE 80  
S28°08'59"W 358.27'

S84°27'52"E 358.27'

S83°55'14"E 210.55'



S89°11'34"W 136.52'

S31°37'46"W 154.14'

S24°16'05"W 411.71'

S21°57'35"W 85.83'

## LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST, POTTAWATOMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 29;

THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4), SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 1617.60 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 87 DEGREES 53 MINUTES 54 SECONDS EAST, 1617.60 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80;

THENCE ALONG SAID NORTHWEST RIGHT-OF-WAY LINE THE FOLLOWING RIGHT (R) COURSES:

- 1) SOUTH 89 DEGREES 23 MINUTES 38 SECONDS WEST, 508.85 FEET;
- 2) SOUTH 31 DEGREES 37 MINUTES 46 SECONDS WEST, 154.14 FEET;
- 3) SOUTH 24 DEGREES 16 MINUTES 05 SECONDS WEST, 411.71 FEET;
- 4) SOUTH 11 DEGREES 34 MINUTES 52 SECONDS WEST, 85.83 FEET;
- 5) SOUTH 24 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET;
- 6) SOUTH 28 DEGREES 08 MINUTES 59 SECONDS WEST, 358.27 FEET;
- 7) SOUTH 84 DEGREES 27 MINUTES 52 SECONDS WEST, 358.27 FEET;
- 8) SOUTH 83 DEGREES 55 MINUTES 14 SECONDS WEST, 210.55 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 11 DEGREES 51 MINUTES 51 SECONDS EAST, 1912.10 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 38.45 ACRES, MORE OR LESS.

THIS DOCUMENT IS A PRELIMINARY DRAFT. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE DRAFTER.

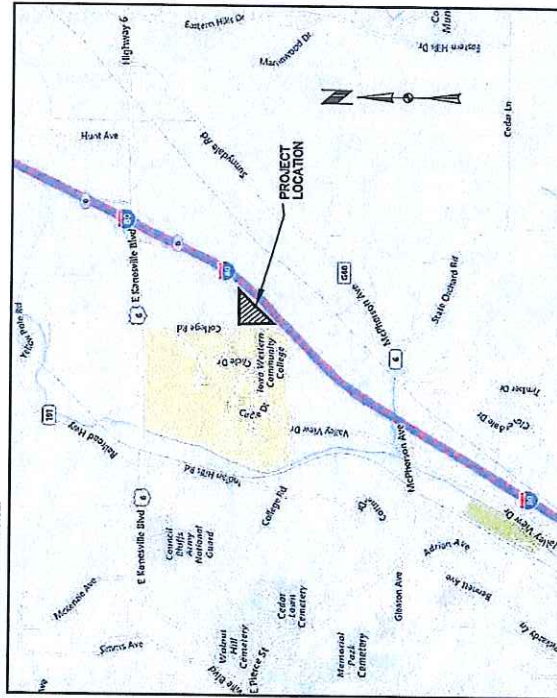
**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE, COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

DATE	REVISION
ALL 18	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED
12/1	APPROVED

PROJECT: IOWA WESTERN COMM. COLLEGE FOUNDATION  
CLIENT: IMCC FOUNDATION  
SHEET: ZONING EXHIBIT

PROJECT NO.  
107318  
DATE  
ZON 1

BENCHMARK OF ORIGIN: NGS FT34, 1989  
IN JUNCTION WITH NGS 2.0 MI EASTERLY ALONG MCPHERSON STREET FROM  
ITS JUNCTION WITH SENECA. LOCATED EXACTLY IN THE SOUTHEAST FACE  
OF THE MOST NORTHERLY OF A GROUP OF FOUR CONSECUTIVE ROCK ISLAND  
AND PACIFIC RAILROAD OF A ROAD BRIDGE SPANNING THE EAST END OF  
THE WEST ABUTMENT OF A ROAD BRIDGE SPANNING THE EAST END OF  
THE CENTER OF THE ROAD, 191.1 FT WEST OF THE NEAR RAIL 9.2 FT NORTH  
OF THE CENTER OF THE ROAD, 2.0 FT BELOW THE LEVEL OF THE TRACKS, AND 0.7  
FT ABOVE THE GROUND SURFACE.



---

PAGE NO.	DESCRIPTION
A.01	TITLE SHEET
A.02	AREA MAP
G.01	SITE / DEVELOPMENT

THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, 2018, AND CITY OF COUNCIL BLUFFS SUPPLEMENTAL SPECIFICATIONS 2018, SHALL APPLY TO THIS PROJECT.

---



1111

---

1000

1998

The drinking is being made  
irrevocable by liquor contracts  
for use on this point in  
negotiations with liquor  
contractors for prohibited  
liquor. Liquor contracts  
are no better for any use  
than drinking or any part thereof  
ought to be considered with the  
terms of the above agreement.

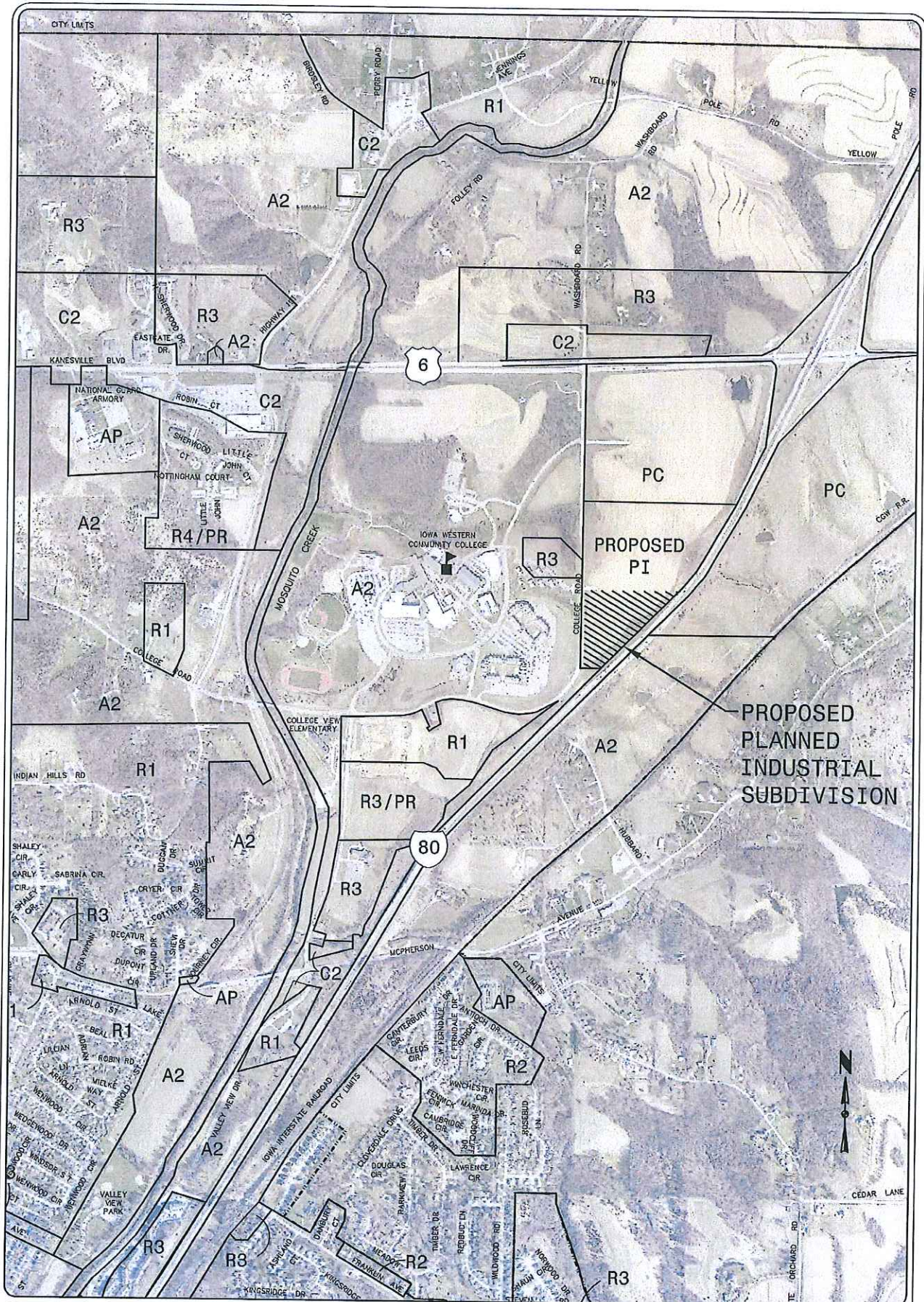
# hgy

date	revision
11/11/18	
revised	
(E.I.)	
designed	
(E.I.)	
drawn	
BCI	

Project BLACK HILLS SUBDIVISION, LOT 1  
Block BLACK HILLS ENERGY  
Title SHEET

project no.  
107318  
sheet  
A.01





A02

10/2/18

project BLACK HILLS SUBDIVISION, LOT 1

client BLACK HILLS ENERGY

sheet AREA MAP

BCI

drawn

DESIGNED

APPROVED

DATE

130

DATE

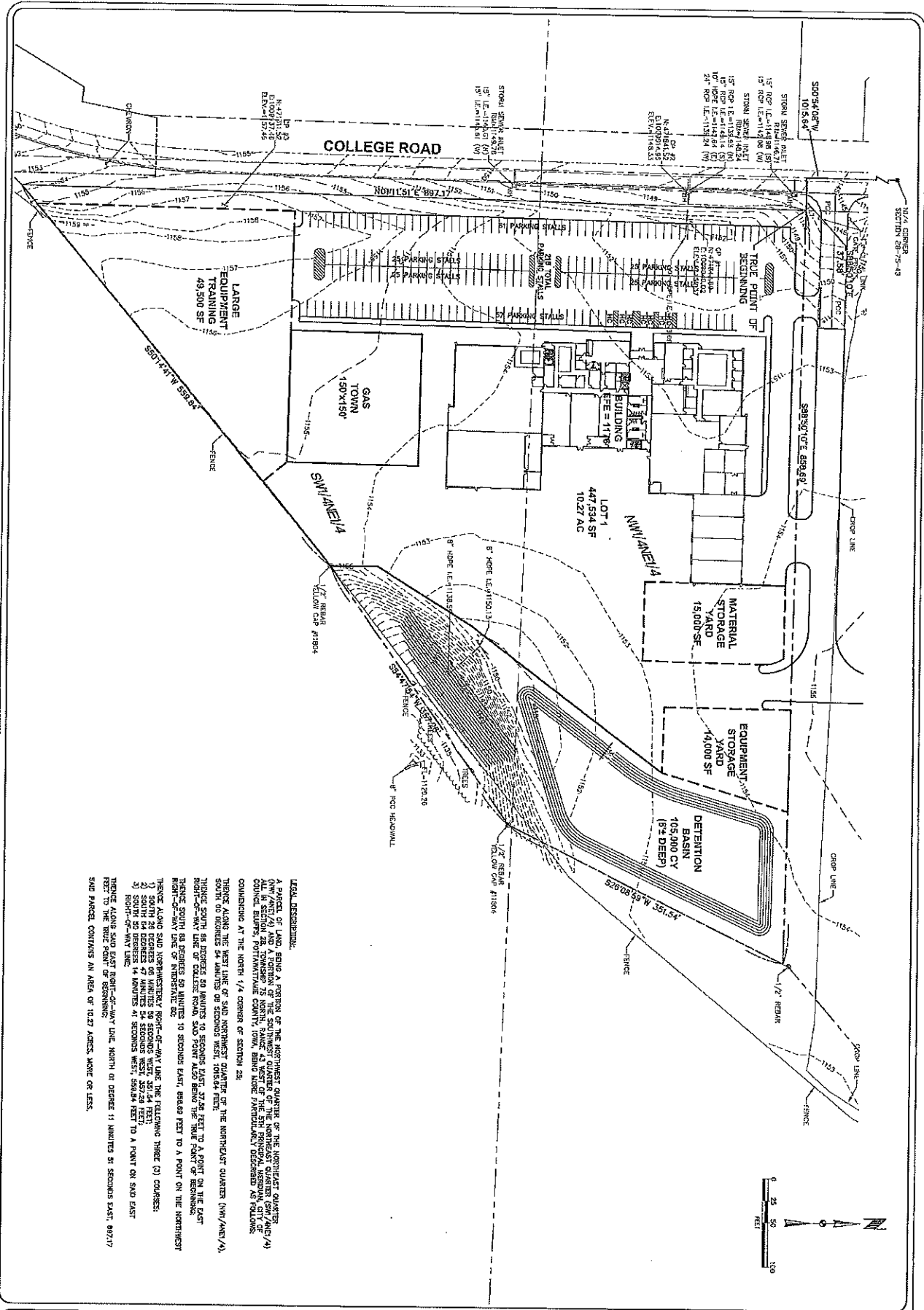
**hgm**

ASSOCIATES INC.

640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

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





**LEGAL DESCRIPTION:**

A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4NE/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4NE/4) OF SECTION 28, TOWNSHIP 14N, RANGE 10E, COUNTY OF BUTTE, STATE OF IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 28;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4NE/4), SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 688.09 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 892.17 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 10.27 ACRES, MORE OR LESS.

PROJECT NO.  
107318  
SHEET  
G01

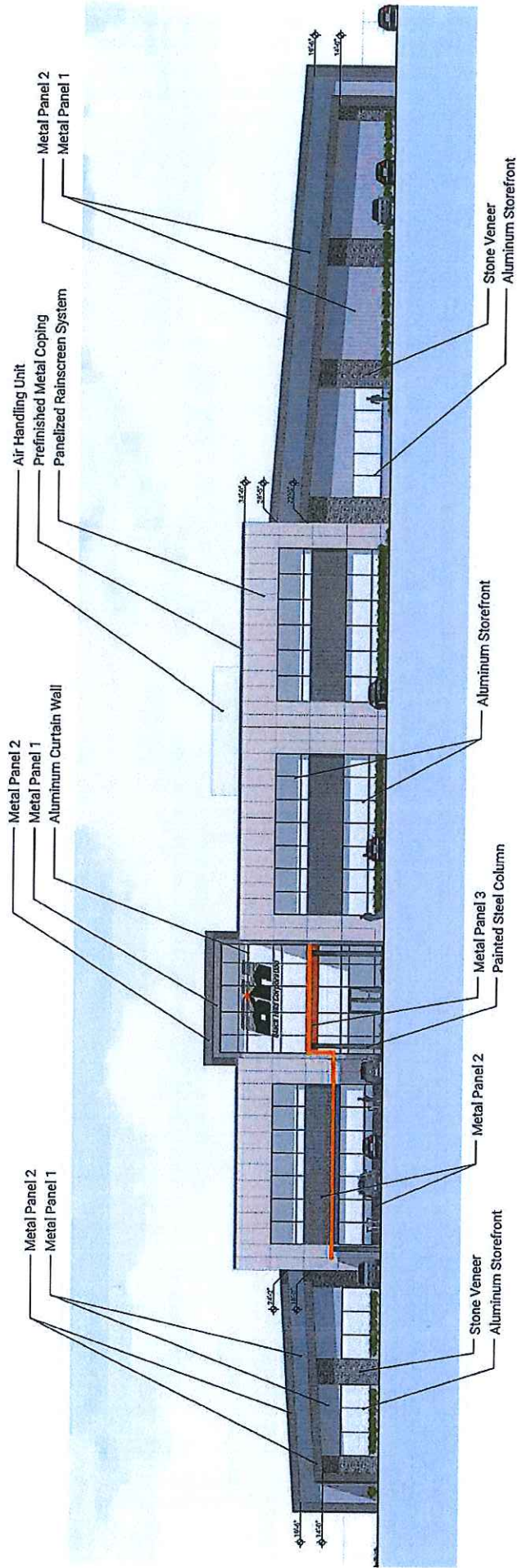
PROJECT: BLACK HILLS SUBDIVISION, LOT 1  
CLIENT: BLACK HILLS ENERGY  
SHEET: SITE / DEVELOPMENT PLAN

REV.	DATE	BY	CHKD.	APP'D.
1	7/17/18			

**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

This drawing is being made available for review only. It is not to be used for construction without the written approval of the engineer. The engineer assumes no liability for any errors or omissions in this drawing or for any consequences resulting from its use.

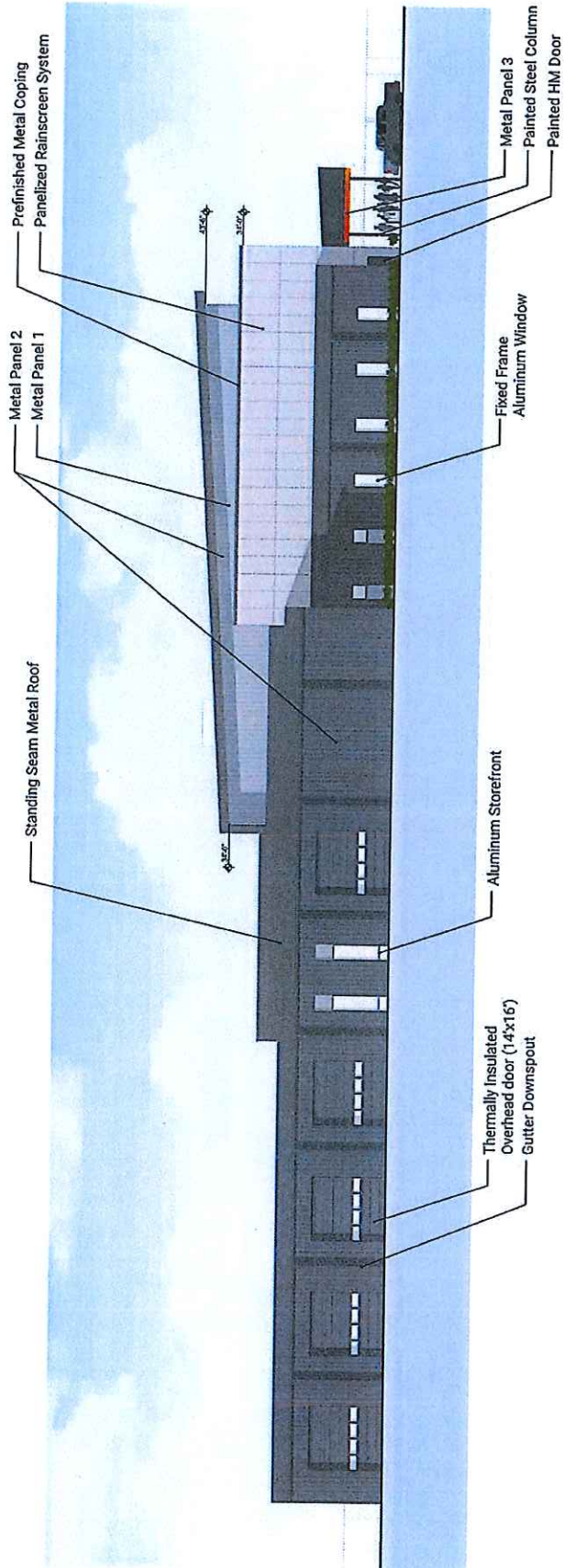
# Attachment G



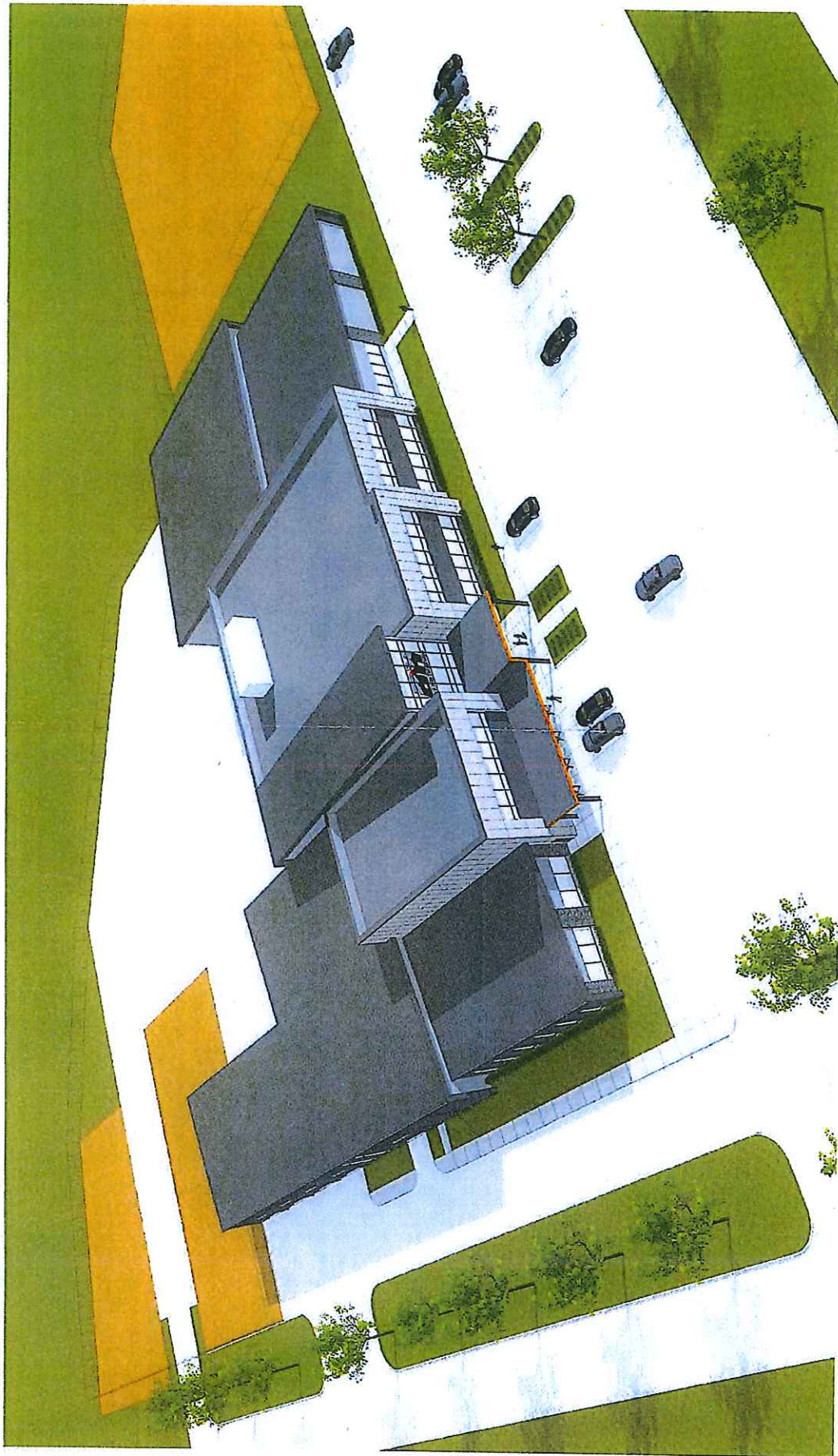
BHC - COUNCIL BLUFFS | WEST ELEVATION

12 JULY 2018  
1:48 PM

PAGE 12







BHC - COUNCIL BLUFFS | EXTERIOR RENDERING



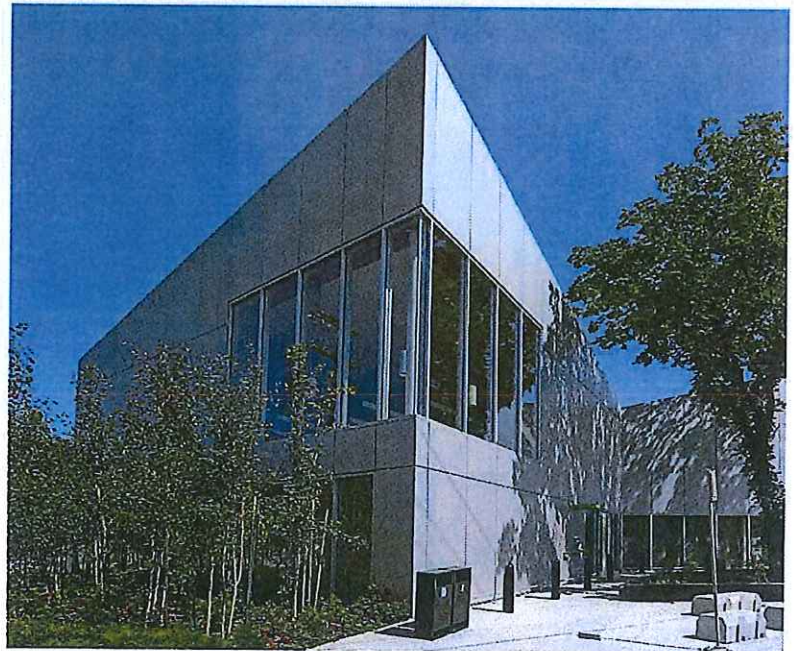
**BLACK HILLS CORPORATION - COUCIL BLUFFS  
OPERATIONS AND TRAINING CENTER**

**MATERIAL REFERENCE IMAGES**

**\*\* THESE IMAGES ARE FOR REFERENCE ONLY AND  
INTENDED TO PROVIDE INDICATION OF THE TYPE AND  
QUALITY OF MATERIALS. THEY DO NOT REPRESENT  
FINAL MANUFACTURER AND COLOR/FINISH  
SELECTIONS WHICH WILL BE REPRESENTED IN THE  
PROJECT PERMIT DRAWINGS.**



**PANELISED RAINSCREEN SYSTEM -  
NEOLITH SKYLINE PRODUCT IMAGE**



**METAL PANEL 3 & PANELISED RAINSCREEN SYSTEM  
ALTERNATE - ALUCOBOND PANEL PRODUCT IMAGE**

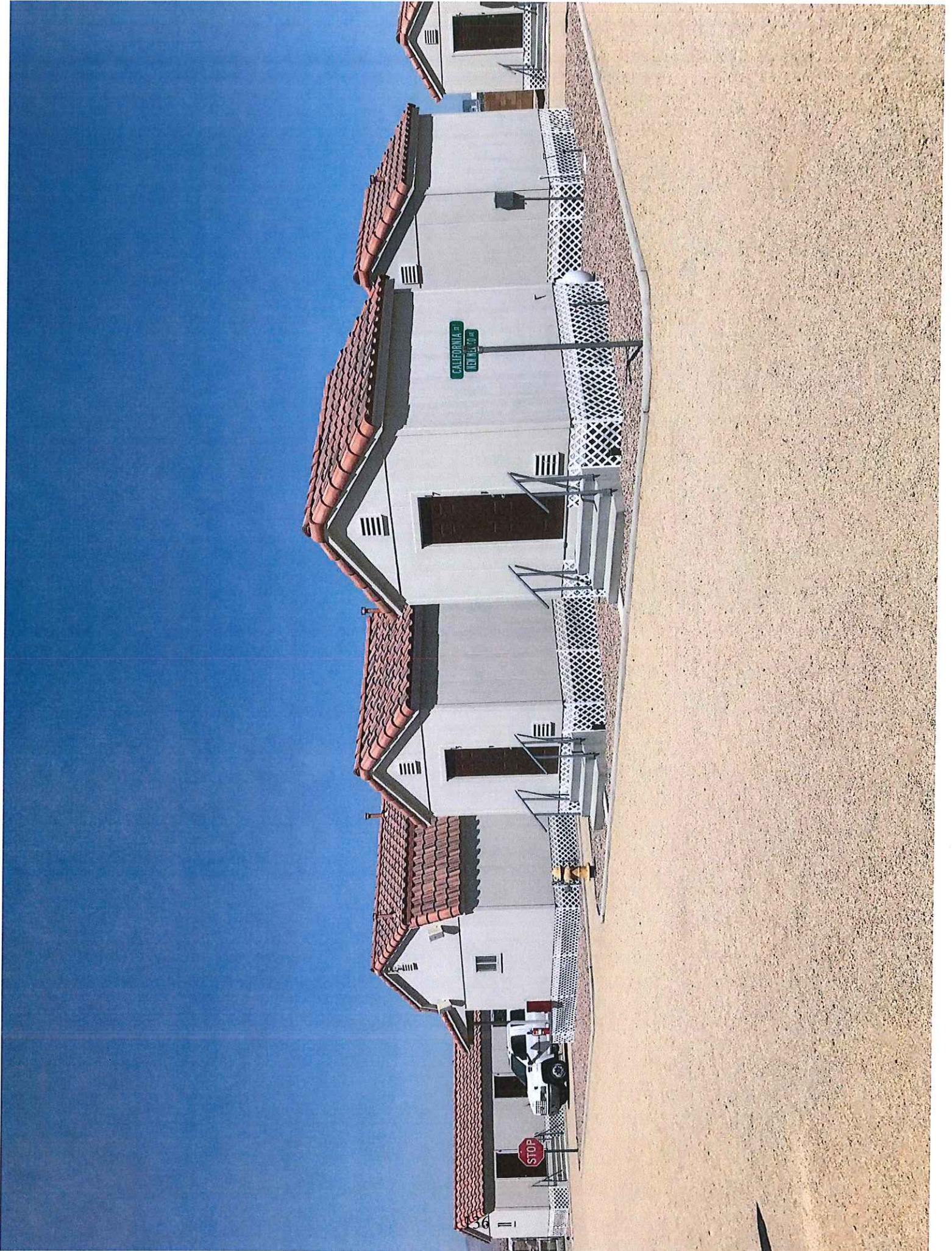


**STONE VENEER**

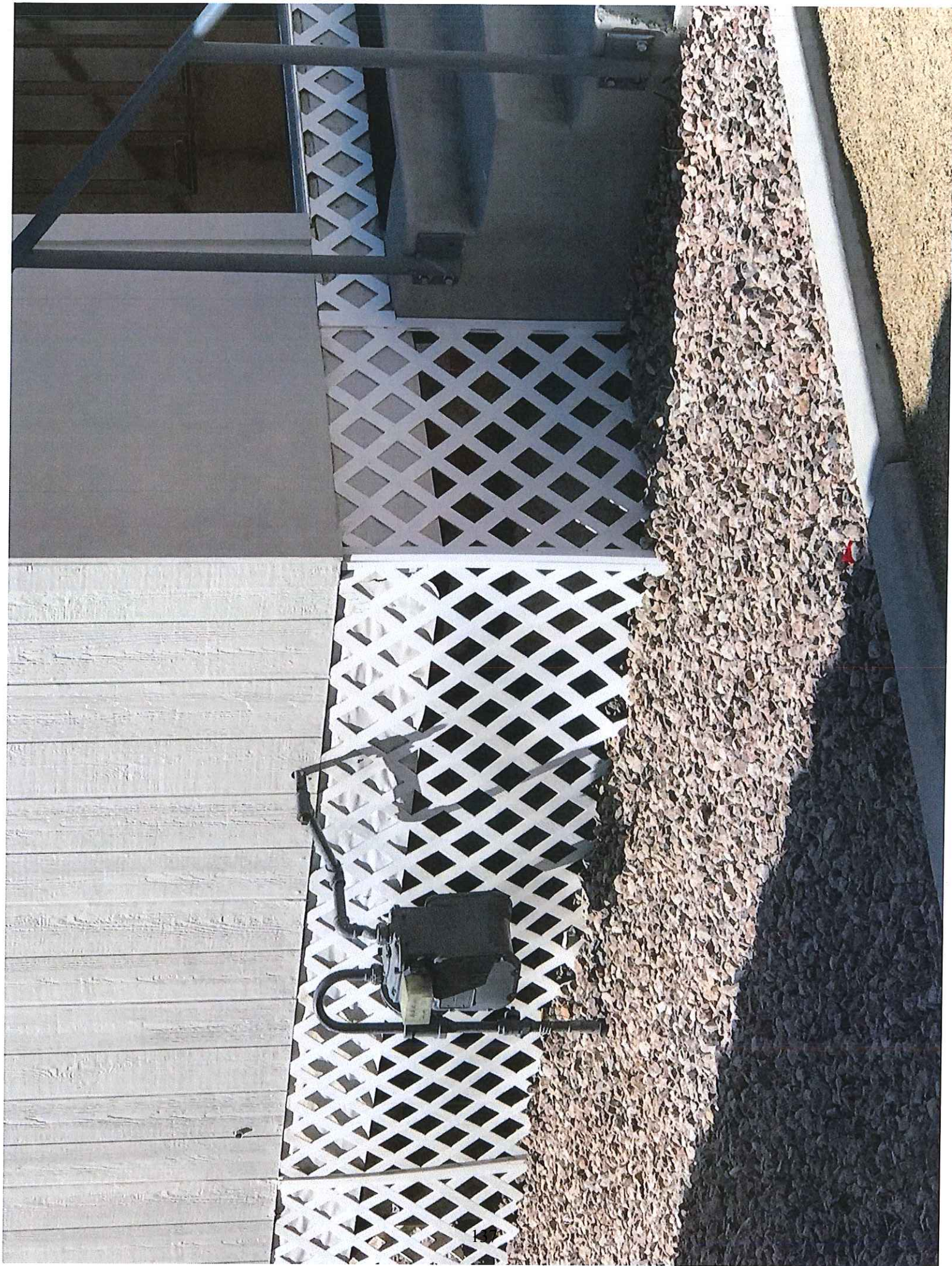


**METAL PANEL 1 & 2 - METAL BUILDING WALL PANEL**





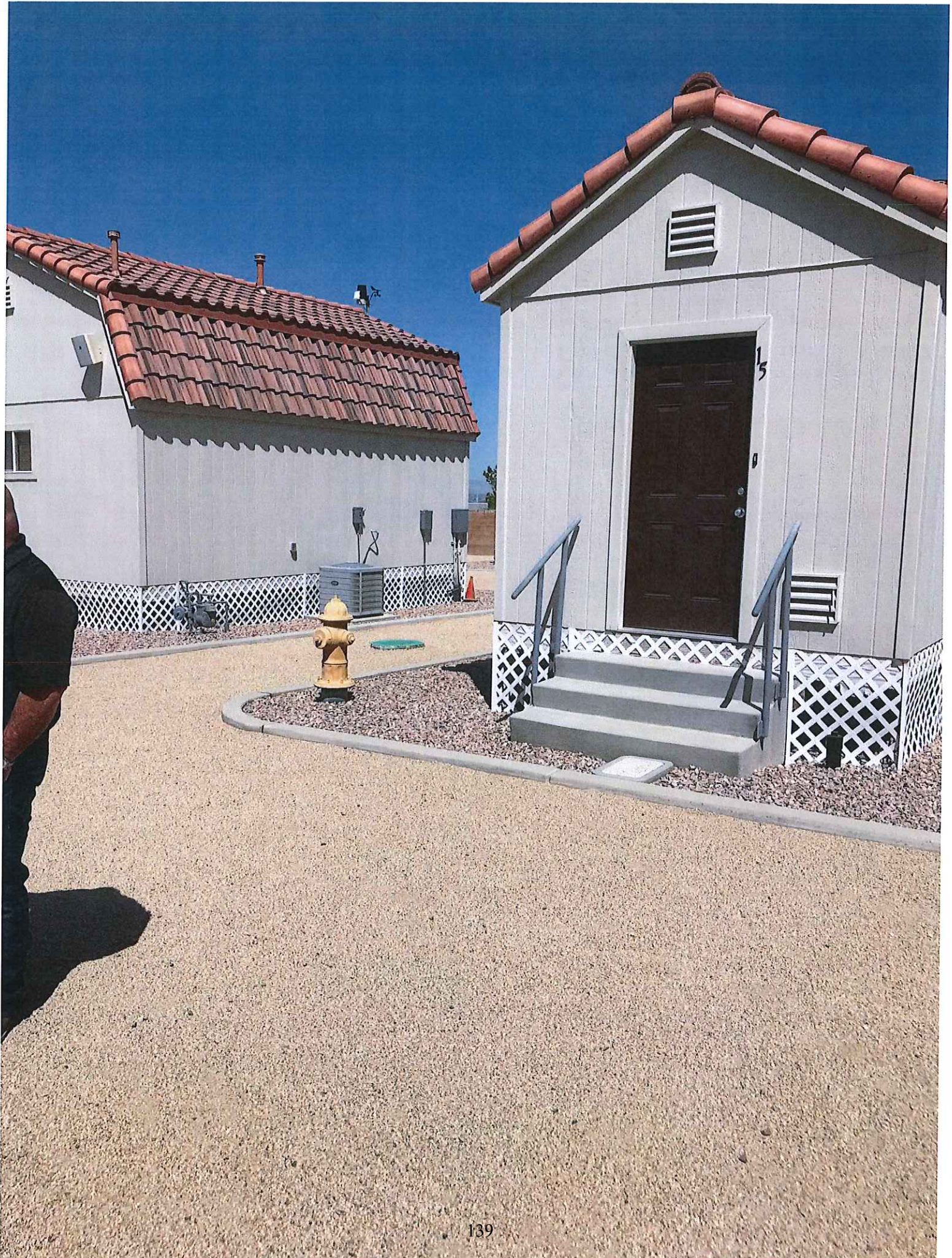


















## **RESOLUTION NO. 18-264**

### **A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A ONE-LOT INDUSTRIAL SUBDIVISION TO BE KNOWN AS BLACK HILLS SUBDIVISION.**

**WHEREAS,** Iowa Western Community College Foundation has submitted a request for final plat approval for one-lot industrial subdivision to be known as Black Hills Subdivision; and

**WHEREAS,** The replat is 10.27 acres of land generally located East of College Road, West of Interstate I-80, and South of East Kaneshville Boulevard (U.S. Highway 6) and is legally described as A PARCEL OF LAND, BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH  $\frac{1}{4}$  CORNER OF SECTION 28; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) SOUTH 00 DEGREES 54 MINUTES 08 SECONDS WEST 1015.64 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 37.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 50 MINUTES 10 SECONDS EAST, 858.69 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE 80; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1) SOUTH 26 DEGREES 08 MINUTES 59 SECONDS WEST 351.54 FEET; 2) SOUTH 54 DEGREES 47 MINUTES 54 SECONDS WEST, 357.26 FEET; 3) SOUTH 50 DEGREES 14 MINUTES 41 SECONDS WEST, 559.84 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 11 MINUTES 51 SECONDS EAST, 897.17 FEET TO THE TRUE POINT OF BEGINNING, City of Council Bluffs, Pottawattamie County, Iowa; and

**WHEREAS,** The Community Development Director has determined that the proposed subdivision qualifies as a minor subdivision, then the minor subdivision shall be exempt from major subdivision requirements and procedures of this title. A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.

1. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
2. The proposed lot in the P-I/Planned Industrial District must comply with the

- site development regulations as set forth in the development plan.
3. The subdivision is proposed to be accessed by a private road to the North that will be constructed to City of Council Bluffs Public Works Department standards. Lot 1 of the proposed subdivision will have frontage on to College Road. A 50 foot wide ingress/egress easement for access to the subdivision will be recorded as a separate instrument, but referenced on the final plat.
  4. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
  5. A water main extension agreement with Council Bluffs Water Works has been signed by the developer.
  6. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. The developer will be responsible to install the transformer pad and conduits, and provide MidAmerican Energy electric loads.
  7. The standard 10 foot and 5 foot utility easements along the front and rear property lines should be stated on the final plat.
  8. Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
  9. Any future subdivision of the land will also require formal subdivision platting; and

**WHEREAS,** The Community Development Department recommends approval of a one (1) lot subdivision to be known as Black Hills Subdivision, as shown on Attachment C, subject to the comments above and conditions below:

- a) The names of the owner on the final plat must be corrected to "Iowa Western Community College Foundation" as it states on the deed, from "Iowa Western Foundation". This shall be corrected under the "Owner" section and "Dedication" section of the final plat.
- b) A final subdivision plat approved by the city council must be recorded at the office of the Pottawattamie County Recorder by the subdivider within ninety (90) days of its approval. If a final subdivision plat is not recorded within this time period, the plat shall be null and void, unless an extension of time has been requested by the subdivider and approved by the Community Development Department Director.
- c) Stormwater Management will be required for both quantity and quality as noted with a PCSM being developed at the time of development.
- d) Stormwater drainage released through the Iowa Department of Transportation's utilities will require IDOT permitting and approval.
- e) With adequate engineering and construction controls, the land is suitable for



the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.

- f) An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
- g) All utilities shall be located underground.
- h) 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 building.

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

That the final plat approval for a final plat for one-lot industrial subdivision to be known as Black Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved subject to all local, state and federal regulations; and

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

September 10, 2018.

\_\_\_\_\_  
MATTHEW J. WALSH

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH

\_\_\_\_\_  
City Clerk

## Council Communication

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

Resolution 18-265

Council Action: 9/10/2018

### Description

Resolution approving the City Street Financial Report ending June 30, 2018.

### Background/Discussion

The City of Council Bluffs is required to prepare and submit to the Iowa Department of Transportation an annual report showing all receipts and expenditures for road maintenance and road construction. All revenues and expenditures are summarized on the City Street Financial Report for fiscal year 2018.

The report is required to be approved by resolution and submitted to the Iowa Department of Transportation by September 30, 2018.

### Recommendation

Approve the resolution.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">City Street Financial Report</a>	Resolution	8/27/2018
<a href="#">Resolution 18-265</a>	Resolution	9/4/2018



Form 517007 {5-2018}  
Office of Local Systems  
Ames, IA 50010

City Name
COUNCIL BLUFFS
City Number
1642

# City Street Financial Report

Report Generated
8/27/2018 11:51 AM
Fiscal Year
2018
Sheet
1 of 12

## Cover Sheet

Now therefore let it be resolved that the city council COUNCIL BLUFFS, Iowa  
(City Name)

On did hereby approve and adopt the annual  
(month/day/year)

City Street Financial Report from July 1, 2017 to June 30, 2018  
(Year) (Year)

### Contact Information

Name	E-mail Address	Street Address	city	ZIP Code
Patricia L. Hendrix, Reporting Manager	phendrix@councilbluffs-ia.gov	209 Pearl St	Council Bluffs, Ia	51503-0000
Hours	Phone	Extension	Phone(Altenative)	
8:00 A.M to 5:00 P.M.	712-890-5310		712-890-5307	

### Preparer Information

Name	E-mail Address	Phone	Extension
Patricia L. Hendrix	phendrix@councilbluffs-ia.gov	712-890-5310	

### Mayor Information

Name	E-mail Address	Street Address	city	ZIP Code
Matthew Walsh	mwalsh@councilbluffs-ia.gov	209 Pearl St	Council Bluffs, Ia	51503-0000
Phone	Extension			
712-890-5269				

Resolution Number

Signature Mayor

Signature City Clerk





Form 517007 {5-2018}  
Office of Local Systems  
Ames, IA 50010

City Name
COUNCIL BLUFFS
City Number
1642

# City Street Financial Report

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## Summary Statement Sheet

Column 1  
Road use  
Tax Fund

Column 2  
Other Street  
Monies

Column 3  
Street Debt

Column 4  
Totals

Round Figures to Nearest Dollars

A.BEGINNING BALANCE				
1. July 1 Balance	\$5,182,016	\$10,322,125	\$365,700	\$15,869,841
2. Adjustments (Note on Explanation Sheet)	\$0	\$0	\$0	\$0
3. Adjusted Balance	\$5,182,016	\$10,322,125	\$365,700	\$15,869,841
B. REVENUES				
1. Road Use Tax	\$7,939,935			\$7,939,935
2. Property Taxes		\$3,308,804	\$2,448,666	\$5,757,470
3. Special Assessments		\$0	\$0	\$0
4. Miscellaneous		\$7,211,628	\$0	\$7,211,628
5. Proceeds from Bonds, Notes, and Loans		\$3,204,500	\$2,426,050	\$5,630,550
6. Interest Earned		\$0	\$0	\$0
7. Total Revenues (Lines B1 thru B6)	\$7,939,935	\$13,724,932	\$4,874,716	\$26,539,583
C. Total Funds Available (Line A3 + Line B7)	\$13,121,951	\$24,047,057	\$5,240,416	\$42,409,424

Column 1  
Road use  
Tax Fund

Column 2  
Other Street  
Monies

Column 3  
Street Debt

Column 4  
Totals

Round Figures to Nearest Dollars

EXPENSES				
D. Maintenance				
1. RoadWay Maintenance	\$6,090,555	\$0	\$0	\$6,090,555
2. Snow and Ice Removal	\$634,855	\$0	\$0	\$634,855
E.Construction, Reconstruction and Improvements				
1. Engineering	\$537,190	\$1,419,470	\$0	\$1,956,660
2. Right of Way Purchased	\$0	\$170,946	\$0	\$170,946
3. Street/Bridge Construction	\$0	\$12,278,184	\$0	\$12,278,184
4. Traffic Services	\$0	\$749,834	\$0	\$749,834
F. Administration	\$266,576	\$193,681	\$0	\$460,257
G. Equipment	\$368,650	\$0	\$0	\$368,650
H. Miscellaneous		\$0	\$0	\$0
J. street Debt				
1. Bonds, Notes and Loans -Principal Paid	\$0	\$0	\$4,831,750	\$4,831,750
2. Bonds, Notes and Loans - Interest Paid	\$0	\$0	\$408,666	\$408,666
TOTALS				
K. Total Expenses (Lines D thru J)	\$7,897,826	\$14,812,115	\$5,240,416	\$27,950,357
L. Ending Balance (Line C-K)	\$5,224,125	\$9,234,942	\$0	\$14,459,067
M. Total Funds Accounted For (K + L = C)	\$13,121,951	\$24,047,057	\$5,240,416	\$42,409,424



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Miscellaneous Revenues and Expenses Sheet

Code Number and Itemization of Miscellaneous Revenues (Line B4 on the Summary Statement Sheet)(See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
191---Licenses and Permits	\$88,140.00	\$0.00
170---Reimbursements (misc.)	\$30,766.00	\$0.00
181---Junk and Old	\$51,673.00	\$0.00
190---Other Miscellaneous	\$4,100.00	\$0.00
122---RISE Funds	\$652,159.00	\$0.00
192---Donations	\$978,451.00	\$0.00
174---Sales Tax / Local Option	\$3,754,001.00	\$0.00
124---Iowa DOT	\$1,652,338.00	\$0.00
Line B4 Totals	\$7,211,628.00	\$0.00

Code Number and Itemization of Miscellaneous Expenses (Line H on the Summary Statement Sheet) "On street" parking expenses, street maintenance, buildings, insurance, administrative costs for printing, legal fees,bond fees etc. (See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
Line H Totals		



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Bonds, Notes and Loans Sheet

New Bond ?	Debt Type	Debt Purpose	DOT Use Only	Issue Date	Issue Amount	% Related to Street	Year Due	Principal Balance as of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance as of 6/30	
<input type="checkbox"/>	General Obligation	Street Improvements	101	12/13/2016	\$6,095,000	6	2026	\$6,095,000	\$100,000	\$147,450	\$6,000	\$8,847	\$5,995,000	
<input checked="" type="checkbox"/>	General Obligation	Street Improvements	102	06/11/2018	\$22,605,000	19	2038	\$22,605,000	\$0	\$0	\$0	\$0	\$22,605,000	
<input checked="" type="checkbox"/>	General Obligation	Street Improvements	103	08/03/2017	\$9,540,000	14	2037	\$9,540,000	\$690,000	\$242,642	\$96,600	\$33,970	\$8,850,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	303	04/29/2014	\$7,630,000	60	2025	\$5,560,000	\$570,000	\$146,638	\$342,000	\$87,983	\$4,990,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	305	03/24/2015	\$3,620,000	82	2021	\$2,960,000	\$695,000	\$87,700	\$569,900	\$71,914	\$2,265,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	307	10/21/2011	\$3,165,000	60	2019	\$970,000	\$480,000	\$19,400	\$288,000	\$11,640	\$490,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	308	04/24/2012	\$4,095,000	35	2019	\$1,000,000	\$505,000	\$14,010	\$176,750	\$4,904	\$495,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	311	06/09/2009	\$7,165,000	28	2024	\$4,035,000	\$4,035,000	\$72,997	\$1,129,800	\$20,439	\$0	
<input type="checkbox"/>	General Obligation	Paving & Construction	321	07/12/2010	\$7,300,000	43	2025	\$3,865,000	\$3,865,000	\$121,940	\$1,661,950	\$52,434	\$0	
<input type="checkbox"/>	General Obligation	Paving & Construction	322	11/28/2012	\$14,880,000	35	2027	\$9,590,000	\$865,000	\$287,700	\$302,750	\$100,695	\$8,725,000	
<input type="checkbox"/>	General Obligation	Paving & Construction	323	05/15/2013	\$2,535,000	60	2020	\$1,320,000	\$430,000	\$26,400	\$258,000	\$15,840	\$890,000	
		New Bond Totals		\$32,145,000		\$5,630,550		Totals	\$67,540,000	\$12,235,000	\$1,166,877	\$4,831,750	\$408,666	\$55,305,000





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### Project Final Costs Sheet

For construction, reconstruction, and improvement projects with costs equal to or greater than 90% of the bid threshold in effect as the beginning of the fiscal year.

[Check here if there are no entities for this year](#) ☐

### Project Final Costs Sheet (Section A)

1. Project Number	2. Estimated Cost	3. Project Type	4. Public Letting?	5. Location/Project Description (limits, length, size of structure)
16-20 Harmony St Rehab	\$797,969	RDWY	Yes	Benton St to Frank St & Baughn St from Kanesville to Harmony St. .22 miles.
17-10 Bennett Rehab Ph VII	\$1,286,415	RDWY	Yes	Bonham, Wenwood, Wedgwood & Windsor, including Wenwood Court. .70 miles.
17-21 CBAC Ave J Reconstruct	\$530,300	RDWY	Yes	Ave J from 16th St to 17th St, including intersection at 17th St. .19 miles.
18-09 E Manawa Sewer Ph VI	\$851,019	RDWY	Yes	Blackhawk from Huron S to Victor; Victor from Osage to Blackhawk. .13 miles.

### Project Final Costs Sheet (Section B)

1. Project Number	6. Contractor Name	7. Contract Price	8. Additions/ Deductions	9. Labor	10. Equipment	11. Materials	12. Overhead	13. Total
16-20 Harmony St Rehab	Compass Utility	\$820,948	-\$12,942	\$0	\$0	\$0	\$0	\$808,006
17-10 Bennett Rehab Ph VII	Compass Utility	\$1,322,357	-\$47,115	\$0	\$0	\$0	\$0	\$1,275,242
17-21 CBAC Ave J Reconstruct	Carley Construction	\$566,888	-\$41,990	\$0	\$0	\$0	\$0	\$524,898
18-09 E Manawa Sewer Ph VI	Compass Utility	\$781,730	-\$20,572	\$0	\$0	\$0	\$0	\$761,158



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## Road/Street Equipment Inventory Sheet

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
AR160	2003	Ford F-150 4x4 Pickup	\$18,461	\$0		\$0		No	NOCH
AR161A	2012	Isuzu Truck Mounted Paint Striper	\$177,154	\$0		\$0		No	NOCH
AR400A	1999	Ford F-250 Utility box/power	\$16,976	\$0		\$0		No	NOCH
AR401A	2014	Chevy Silverado 1500 Crew Cab LT	\$31,594	\$0		\$0		No	NOCH
AR402A	2014	Ford F-350 Reg Cab DRW 4x4	\$47,504	\$0		\$0		No	NOCH
AR403	2008	Ford Ranger	\$15,051	\$0		\$0		No	NOCH
AR406A	2012	Ford F-150 1/2 ton Pickup	\$23,082	\$0		\$0		No	NOCH
AR407	2006	Ford F-150 Reg Cab	\$26,040	\$0		\$0		No	NOCH
AR408A	2014	Ford F-350 4x2 Reg Cab	\$41,955	\$0		\$0		No	NOCH
AR409	2011	Chevrolet Silverado Extended Cab 4x4	\$24,475	\$0		\$0		No	NOCH
AR412	2007	GMC Classic Sierra Crew Cab	\$26,027	\$0		\$0		No	NOCH
AR420A	2001	Ford F-150	\$16,027	\$0		\$0		No	NOCH
AR431	1999	Ford F-250	\$16,276	\$0		\$0		No	NOCH
AR436A	2004	Chevy Silverado 4x4 1500	\$16,348	\$0		\$0		No	NOCH
AR625A	2009	Ford F-350	\$26,500	\$0		\$0		No	NOCH
AS637A	2012	Ford F-150 1/2 ton Pickup	\$23,620	\$0		\$0		No	NOCH
BR411	2008	International Flat Bed Truck	\$64,500	\$0		\$0		No	NOCH
BR411A	2007	Sulair Air Compressor 185 cfm	\$13,989	\$0		\$0		No	NOCH
BR415	2004	International Dump with Wing Plow 150	\$86,094	\$0		\$0		No	NOCH



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## Road/Street Equipment Inventory Sheet

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
BR418	2005	International 7400 Dump Truck	\$96,851	\$0		\$0		No	NOCH
BR419	2005	International 7400 Dump Truck	\$84,030	\$0		\$0		No	TRAD
BR424	2006	International Dump Truck (belly / tank)	\$99,800	\$0		\$0		No	NOCH
BR427	2007	International Dump Truck (belly)	\$89,758	\$0		\$0		No	NOCH
BR437A	2013	International 7400 Hook Truck	\$183,345	\$0		\$0		No	NOCH
BR442A	2011	International Dump Truck	\$136,680	\$0		\$0		No	NOCH
BR443A	2013	International 7400 Dump Truck	\$194,088	\$0		\$0		No	NOCH
BR469A	2016	International 7400 Dump Truck	\$82,525	\$0		\$0		No	NOCH
BR485A	2010	International Work Star Hook Truck	\$104,632	\$0		\$0		No	NOCH
BR486A	2015	International 7400 Dump Truck	\$158,730	\$0		\$0		No	NOCH
BR487A	2011	International Dump Truck	\$135,451	\$0		\$0		No	NOCH
BR488	2000	Sterling Tandem Dump Truck	\$83,298	\$0		\$0		No	SOLD
BR490	2015	International 7600 6x4 Tandem Dump Truck	\$260,804	\$0		\$0		No	NOCH
BR615	2004	International Dump Truck	\$74,785	\$0		\$0		No	NOCH
BRC17	1995	Mack Tandem Semi-Tractor	\$9,500	\$0		\$0		No	NOCH
BS438A	2013	International 7400 Dump Truck	\$137,019	\$0		\$0		No	NOCH
BS489	2002	International 4900 Tandem w/ spread	\$87,544	\$0		\$0		No	SOLD
DR435	2015	Bobcat E-55 Compact Excavator	\$66,927	\$0		\$0		No	NOCH
DR464	1990	Bomag BW138AD Tandem Roller	\$43,040	\$0		\$0		No	NOCH
DR466	1998	Dynapac Steel On Rubber Tire Roller	\$22,764	\$0		\$0		No	NOCH





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## Road/Street Equipment Inventory Sheet

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
DR477	2008	Stepp SPH Asphalt Hot Box	\$17,935	\$0		\$0		No	NOCH
DR478	2010	Stepp 3 yd. Asphalt Pre-Heater	\$35,415	\$0		\$0		No	NOCH
DR479	2011	Cimline Crack Sealer	\$39,950	\$0		\$0		No	NOCH
DR480	2012	Falcon 4 Ton Asphalt Recycler	\$39,591	\$0		\$0		No	NOCH
DR481	2015	LeeBoy 8515C Asphalt Paver	\$186,750	\$0		\$0		No	NOCH
DR498	2014	Sullair S185 Compressor	\$20,326	\$0		\$0		No	NOCH
DR499	1990	Tennant Sweeper M6500	\$19,783	\$0		\$0		No	NOCH
ER410A	2012	JCB Backhoe	\$100,900	\$0		\$0		No	NOCH
ER444	2014	Komatsu GD655-5 Motor Grader	\$200,278	\$0		\$0		No	NOCH
ER473	2009	Johnston Sweeper	\$150,000	\$0		\$0		No	NOCH
ER632A	2013	Elgin MegaWind Vacuum Sweeper	\$242,506	\$0		\$0		No	NOCH
ER635	2000	Freightliner Flusher Truck FL70	\$76,705	\$0		\$0		No	NOCH
ES626	2001	Hyundai Loader HL 760	\$95,135	\$0		\$0		No	NOCH
MR13	2012	Addco Message Board	\$8,550	\$0		\$0		No	NOCH
MR26	2012	Arrow Board Trailer (Solar powered)	\$5,297	\$0		\$0		No	NOCH
MR27	2004	Addco D.O.T. Sign Trailer (Solar powered)	\$26,177	\$0		\$0		No	NOCH
MR28	2004	Addco D.O.T. Sign Trailer (Solar powered)	\$26,177	\$0		\$0		No	NOCH
MR29	2010	Portable Signal Light (Master)	\$29,975	\$0		\$0		No	NOCH
MR29A	2010	Portable Signal Light (Slave)	\$29,775	\$0		\$0		No	NOCH
MR36	1984	Lowboy Trailer w/ directional arrow	\$7,000	\$0		\$0		No	NOCH



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## Road/Street Equipment Inventory Sheet

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
MR404	1991	LeRoi Air Compressor 185 cfm	\$8,750	\$0		\$0		No	NOCH
MR412	2014	ARS 4'x4' Split-Channel Portable Asphalt Htr	\$6,000	\$0		\$0		No	NOCH
MR41A	2014	Towmaster TC14 Deck Over Trailer	\$8,542	\$0		\$0		No	NOCH
MR420	2008	26" Husqvarna Concrete Saw	\$10,968	\$0		\$0		No	NOCH
MR422	1990	Towmaster T16 Trailer/Asphalt Paver	\$7,235	\$0		\$0		No	NOCH
MR433	2015	Coneqtec Asphalt Cold Planer	\$13,916	\$0		\$0		No	NOCH
MR435	2015	E55 Excavator Breaker	\$6,352	\$0		\$0		No	NOCH
MR441	2005	Bobcat 24" Planer (Concrete/Asphalt)	\$11,000	\$0		\$0		No	NOCH
MR441C	2008	Hydraulic Breaker	\$5,732	\$0		\$0		No	NOCH
MR51	2007	Minnick Dowel Drill	\$6,559	\$0		\$0		No	NOCH
MR54	1999	Towmaster Roller Trailer	\$7,105	\$0		\$0		No	NOCH
MR57	2009	Towmaster Trailer	\$5,465	\$0		\$0		No	NOCH
MR59	2010	Metal Forms Concrete Screed	\$10,560	\$0		\$0		No	NOCH
MR648	2011	Bobcat Breaker	\$6,352	\$0		\$0		No	NOCH
MS613	2004	Sullivan Air Compressor 185 cfm	\$9,120	\$0		\$0		No	NOCH
AR154B	2015	Chevy Silverado 1500 1/2 ton pickup 4x4 - 5.3L	\$28,591	\$0		\$0		No	NOCH
BR491	2017	International 7600 Tandem Dump Truck	\$253,103	\$0		\$0		No	NOCH
MR58A	2016	EDCO 8" Walk Behind Scarifier	\$5,000	\$0		\$0		No	NOCH
BR492	2017	International 7600 6x4 Tandem Dump Truck	\$253,103	\$0		\$0		No	NOCH
MR423	2015	Felling 50' Deckover Tilt Trailer	\$41,165	\$0		\$0		No	NOCH



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## Road/Street Equipment Inventory Sheet

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used On Project this FY?	8. Status
DR482	2015	KM T-2 Asphalt Recycler	\$83,170	\$0		\$0		No	NOCH
MR16	2012	Addco Message Board	\$8,550	\$0		\$0		No	NOCH
MR48	2007	Minnick Pin Drill A1	\$7,755	\$0		\$0		No	NOCH
MR48A	2009	Minnick Dower Drill A-1-48	\$7,755	\$0		\$0		No	NOCH
AR414	2001	Ford F350 Flatbed	\$21,359	\$0		\$0		No	NOCH
BR413A	2017	International 7400 SBA Dump Truck	\$161,700	\$0		\$0		No	NOCH
DR432C	2016	Case Tractor Loader	\$77,599	\$0		\$0		No	NOCH
DR647I	2016	Bobcat Steer Loader	\$40,251	\$0		\$0		No	TRAD
ER440B	2016	Case Articulated Wheel Loader	\$157,212	\$0		\$0		No	NOCH
ER450	2016	Case Articulated Wheel Loader	\$154,271	\$0		\$0		No	NOCH
ER454A	2016	John Deere AWD Motor Grader	\$218,727	\$0		\$0		No	NOCH
DR648E	2016	Bobcat Skid Steer Loader	\$40,251	\$0		\$0		No	TRAD
DR441I	2016	Bobcat Track Loader	\$61,008	\$0		\$0		No	NOCH
BR419A	2018	International 7400 4x4 Dump Truck	\$211,266	\$0		\$0		No	NEW
BR488A	2018	International 7600 6x4 Dump Truck	\$193,342	\$0		\$0		No	NEW
BS489A	2018	International 7600 6x4 Dump Truck	\$122,689	\$0		\$0		No	NEW
DR647J	2017	Bobcat S650 Skid Steer Loader	\$42,351	\$0		\$0		No	NEW
DR648F	2017	Bobcat Skid Steer Loader	\$42,351	\$0		\$0		No	NEW





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Explanation Sheet

Comments



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## Monthly Payment Sheet

Month	Road Use tax Payments
July	\$806,238.06
August	\$833,247.47
September	\$813,606.99
October	\$534,907.78
November	\$718,784.46
December	\$623,281.73
January	\$519,142.74
February	\$874,859.74
March	\$554,205.52
April	\$302,645.63
May	\$747,474.72
June	\$611,539.81
Totals	\$7,939,934.65

Resolution 18-265

A Resolution approving the City Street Financial Report ending June 30, 2018.

WHEREAS, the City of Council Bluffs is required to prepare and submit to the Iowa Department of Transportation an annual report showing all street receipts and expenditures for the City for the previous fiscal year ending June 30, 2018; and

WHEREAS, the City Street Financial Report must be received and approved by the Iowa Department of Transportation by September 30, 2018; and

WHEREAS, it is in the best interest of the City of Council Bluffs, Iowa, for the City Council to approve said report.

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

The City Council further directs the Finance Director to submit the City Street Financial Report to the Iowa Department of Transportation.

ADOPTED  
AND  
APPROVED

September 10, 2018

---

Matthew J. Walsh, Mayor

ATTEST:

---

Jodi Quakenbush, City Clerk



## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Brenda Carrico

Resolution 18-266

Council Action: 9/10/2018

### Description

Resolution approving the assignment and assumption of the Declaration of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision.

### Background/Discussion

### Recommendation

#### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Staff report</a>	Other	8/31/2018
<a href="#">Assignment document</a>	Other	8/31/2018
<a href="#">Resolution 18-266</a>	Resolution	9/4/2018

### Council Communication

Department: Community Development	Resolution No.: 18-	City Council: September 10, 2018
<b>Subject/Title</b>		
Resolution approving the assignment and assumption of Declarations of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision		
<b>Location</b>		
The southern half of the 2900 block between Avenues J and K		
<b>Background/Discussion</b>		
<p>The City and New Community Development Corporation dba NeighborWorks Home Solutions collaborated to redevelop the former Walnut Grove Elementary School site into seven single-family residential lots in 2015. Currently, one house has been sold and five are under construction.</p> <p>The City required covenants be adopted as a part of the new Walnut Grove Subdivision. NeighborWorks Home Solutions wishes to propose changes to the covenants and assume the responsibility of covenant enforcement.</p>		
<b>Staff Recommendation</b>		
<p>The Community Development Department recommends authorizing the Mayor to execute an assignment and assumption of Declarations of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision with New Community Development Corporation dba NeighborWorks Home Solutions and the current homeowner of Lot 2.</p>		
<b>Attachments</b>		
<p>Assignment and assumption of Declarations of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision</p>		

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

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**Type of Document:**            **ASSIGNMENT AND ASSUMPTION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

**Return Document to:**        Brenda Carrico  
City of Council Bluffs  
Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503

**Tax Information:**            N/A

**Between:**                      City of Council Bluffs and  
New Community Development Corporation dba NeighborWorks  
Home Solutions and  
Rachel L. Neubauer

**Legal Description:**        Lots 1-7, Walnut Grove Subdivision



**ASSIGNMENT AND ASSUMPTION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

THIS ASSIGNMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Assignment and Assumption”) is made as of the \_\_\_\_\_ day of September, 2018 by NEW COMMUNITY DEVELOPMENT CORPORATION DBA NEIGHBORWORKS HOME SOLUTIONS, an Iowa not-for-profit corporation (hereinafter “NWHS”) and the CITY OF COUNCIL BLUFFS, IOWA, an Iowa Municipality (hereinafter the “City”).

**PRELIMINARY STATEMENT**

By DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated May 25, 2017 and recorded on June 26, 2017 at Book 2017, Pages 08434, et. seq. of the records of the Recorder’s Office of Pottawattamie County, Iowa, certain restrictions, easements and covenants were imposed on Lots 1-7 of Walnut Grove Subdivision.

The City desires to assign and transfer its rights, powers, reservations and obligations under the Declarations to NWHS.

NOW, THEREFORE, in consideration of the foregoing, the continuation of the Declarations of Covenants, Conditions and Restrictions and such other valuable consideration, the receipt and sufficiency are hereby acknowledged and agree as follows:

1. As of the date set forth above, the City hereby assigns and transfers all of its rights, powers, reservations and obligations in, to and under the Declarations of Covenants, Conditions and Restrictions to NWHS and NWHS hereby assumes such rights, powers, reservations and obligations in, to and under the Declarations.

2. Except as provided in Paragraph 1 above, the Declarations of Covenants, Conditions and Restrictions shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the undersigned have caused this ASSIGNMENT AND ASSUMPTION OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS to be executed pursuant to due and proper authority as of the date first set forth above.

CITY OF COUNCIL BLUFFS, IOWA  
An Iowa municipality

By: \_\_\_\_\_  
Matthew J. Walsh, Mayor

Attest: \_\_\_\_\_  
Jodi Quakenbush, City Clerk

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Matthew J. Walsh and Jodi Quakenbush, to me personally known and who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a municipal corporation; and that the instrument was signed on behalf of the City of Council Bluffs by authority of its City Council and that Matthew J. Walsh and Jodi Quakenbush acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City of Council Bluffs, by it voluntarily executed.

\_\_\_\_\_  
Notary Public

NEW COMMUNITY DEVELOPMENT CORPORATION  
DBA NEIGHBORWORKS HOME SOLUTIONS

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_, to me personally known and who being by me duly sworn, did say that they are an authorized representative of New Community Development Corporation dba NeighborWorks Home Solutions; and that the instrument was signed on behalf of New Community Development Corporation dba NeighborWorks Home Solutions and acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of New Community Development Corporation dba NeighborWorks Home Solutions.

\_\_\_\_\_  
Notary Public



**COUNTERPART SIGNATURE PAGE FOR ASSIGNMENT AND ASSUMPTION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

Rachel L. Neubauer, the owner of Lot 2, Walnut Grove Subdivision, consents and joins in the Assignment and Assumption of Covenants, Conditions and Restrictions as set forth above.

IN WITNESS WHEREOF, the undersigned has caused this Assignment and Assumption of Covenants, Conditions and Restrictions to be executed pursuant to due and proper authority as of the date first set forth above.

By: \_\_\_\_\_  
Rachel L. Neubauer  
Date: \_\_\_\_\_

STATE OF IOWA  
COUNTY OF POTTAWATTAMIE

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Rachel L. Neubauer, to me personally known and who being by me duly sworn, that she is the authorized homeowner of Lot 2, Walnut Grove Subdivision; and that the instrument was signed voluntarily and acknowledge the execution of the instrument to be her voluntary act and deed.

\_\_\_\_\_  
Notary Public

**RESOLUTION NO. 18-266**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF COVENANTS, CONDITIONS AND RESTRICTIONS WITH NEW COMMUNITY DEVELOPMENT CORPORATION DBA NEIGHBORWORKS HOME SOLUTIONS FOR LOTS 1-7, WALNUT GROVE SUBDIVISION.**

**WHEREAS,** the City and New Community Development Corporation dba NeighborWorks Home Solutions collaborated to redevelop the former Walnut Grove Elementary School site into seven single family residential lots; and

**WHEREAS,** the City required covenants be adopted as a part of the new Walnut Grove Subdivision; and

**WHEREAS,** NeighborWorks Home Solutions wishes to propose changes to the covenants and assume the responsibility of enforcement.

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

That the Mayor is hereby authorized and directed to execute an assignment and assumption of Declarations of Covenants, Conditions and Restrictions for Lots 1-7, Walnut Grove Subdivision with New Community Development Corporation dba NeighborWorks Home Solutions and the current homeowner of Lot 2.

ADOPTED  
AND  
APPROVED

September 10, 2018

\_\_\_\_\_  
Matthew J. Walsh      Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush      City Clerk

## Council Communication

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

Liquor License Renewals

Council Action: 9/10/2018

### Description

- 1) 3rd Base Bar & Grill, 800 North 8th Street
- 2) Atherton Automotive Services, 2900 West Broadway
- 3) Council Bluffs Sinclair, 1305 N 25th Street
- 4) Golden Q Billiards & Sports Lounge, 807 S 21st Street
- 5) Hilton Garden Inn, 2702 Mid American Drive
- 6) Hy-Vee C-Store #1, 21 South 25th Street
- 7) LPL's, 1707 Harry Langdon Blvd
- 8) Sam's Club, 3221 Manawa Centre Drive

### Background/Discussion

No calls for service on these establishments this licensing period.

### Recommendation

### ATTACHMENTS:

Description

[Liquor License Renewal Applications](#)

Type

Other

Upload Date

9/4/2018





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## Applicant LC0042878, 3rd Base Bar and Grill, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): 3rd Base Bar and Grill LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

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

Address of Premise: 800 N 8th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 968-6820

Cell / Home Phone: (402) 968-6820

Same Address

Mailing Address: 2414 S 10th Street

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Eric Wilson

Phone: (402) 968-6820

Email Address: iowaew@hotmail.com

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## Applicant BC0017261, Atherton Automotive Service, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Atherton Automotive Center, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Atherton Automotive Service

Address of Premise: 2900 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 322-2900

Cell / Home Phone:

Same Address

Mailing Address: 2900 West Broadway

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501-0000

State: Iowa

Contact Name: Matt Atherton Sr.

Phone: (712) 322-2900

Email Address: matt@athertonauto.com

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## Applicant LE0002516, Council Bluffs Sinclair, Council Bluffs

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**Corporation Name/Sole Proprietor** Shiv Shakti LLC (Sole Proprietorship, Partnership, Corporation, etc.)

**Name/Partnership Name(s):**

**Name of Business (D/B/A):** Council Bluffs Sinclair

**Address of Premise:** 1305 N 25th Street

**Address Line 2:**

**City:** Council Bluffs

**County:** Pottawattamie

**Zip:** 51501

**Business Phone:** (712) 328-9281

**Cell / Home Phone:** (712) 490-8054

**Same Address**

**Mailing Address:** 4305 46th Street

**Mailing Address Line 2:**

**City:** Sioux City

**Zip:** 51108

**State:** Iowa

**Contact Name:** Nick Patel

**Phone:** (712) 490-8054

**Email Address:** sinccb14@gmail.com

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## Applicant LC0042824, Golden Q Billiards and Sports Lounge, Council Bluffs

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Corporation Name/Sole Proprietor: GOLDEN Q BILLIARDS AND SPO (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): Golden Q Billiards and Sports Lounge

Address of Premise: 807 south 21st street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 347-6769

Cell / Home Phone: (402) 917-1009

Same Address

Mailing Address: 807 S 21st Street

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: john I stewart

Phone: (402) 917-1009

Email Address: stewartjohn@aol.com

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## Applicant LC0037182, Hilton Garden Inn Council Bluffs, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): 23rd Street Hotel Associates, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Hilton Garden Inn Council Bluffs

Address of Premise: 2702 Mid American Dr.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 309-9000

Cell / Home Phone:

Same Address

Mailing Address: 2 Quail Creek Circle

Mailing Address Line 2:

City: North Liberty

State: Iowa

Zip: 52317

Contact Name: Michelle Schultz

Phone: (319) 626-8343

Email Address: mschultz@kinseth.com

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## Applicant BC0030204, Hy-Vee C-Store #1, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Hy-Vee, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Hy-Vee C-Store #1

Address of Premise: 21 South 25th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 328-9792

Cell / Home Phone:

Same Address

Mailing Address: 5820 Westown Pkwy

Mailing Address Line 2:

City: West Des Moines

State: Iowa

Zip: 50266

Contact Name: Jackie Russo

Phone: (515) 267-2874

Email Address: jrusso@hy-vee.com

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## Applicant LC0037930, LPL's, Council Bluffs

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Corporation Name/Sole Proprietor: Tri-Ten LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

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

Address of Premise: 1707 Harry Langdon Blvd

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 325-9617

Cell / Home Phone: (712) 323-5296

Same Address

Mailing Address: 1707 Harry Langdon Blvd

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Danah Lustgraaf

Phone: (402) 880-9133

Email Address: Danahlustgraaf@gmail.com

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## Applicant LE000762, Sams Club #6472, Council Bluffs

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**Corporation Name/Sole Proprietor** Sam's West Inc

(Sole Proprietorship, Partnership, Corporation, etc.)

**Name/Partnership Name(s):** Sams Club #6472

**Name of Business (D/B/A):** Sams Club #6472

**Address of Premise:** 3221 Manawa Centre Dr

**Address Line 2:**

**City:** Council Bluffs

**County:** Pottawattamie

**Zip:** 51501-0000

**Business Phone:** (712) 366-0130

**Cell / Home Phone:**

**Same Address**

**Mailing Address:** 508 SW 8th Street

**Mailing Address Line 2:**

**City:** Bentonville

**State:** Arkansas

**Zip:** 72716-0500

**Contact Name:** Cynthia Montero

**Phone:** (479) 277-4656

**Email Address:** cynthia.montero@walmart.co

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