

Lincoln Avenue Traffic Speed Study - Greg Reeder

Review Agenda



## **City Council Meeting Minutes September 24, 2018**

### **CALL TO ORDER**

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday September 24, 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 September 10, 2018 City Council Meeting Minutes.

#### **Ordinance 6349**

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070 and setting a Public Hearing for October 8, 2018 at 7:00 p.m., for rezoning property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, from R-3/Low Density Multifamily Residential District to C-2/Commercial District defined in Chapter 15.15. Location: 1600 McPherson Avenue. ZC-18-012

#### **Resolution 18-267**

Resolution of intent and setting Public Hearing for October 8, 2018 at 7:00 p.m. to vacate that 66' by 252' section of 26th Avenue right-of-way extending from the West right-of-way line of the South 13th Street, and abutting Blocks 54 and 59, Railroad Addition. Location: South of property addressed at 2532 South 13th Street. SAV-18-013

#### **Resolution 18-268**

Resolution setting a public hearing for 7:00 p.m. on October 8, 2018 for the Steven Road East Construction. Project # PW18-16A

Resolution 18-269

Resolution of intent to dispose City property and setting Public Hearing for October 8, 2018 at 7:00 p.m. described as the Southeast corner of Lot 13, Ross's Place; more particularly described in Council Packet. Location: formerly 907 ½ North 8th Street. OTB-18-027

August 2018 Financial Reports

Mayor's Appointments

Offers to Buy

Claims

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

**MAYORS PROCLAMATIONS**

**PUBLIC HEARINGS**

Resolution 18-270

Resolution 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, 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

Roger Sandau and Nate Watson moved and seconded approval of Resolution 18-270. Unanimous, 5-0 vote.

Resolution 18-271

Resolution approving the plans and specifications for the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C.

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-271. Unanimous, 5-0 vote.

Resolution 18-272

Resolution granting final plat approval of a Five-Lot Industrial Subdivision to be known as South Pointe Subdivision, Phase 2. Location: A southerly extension of South Pointe Subdivision from South 19th Street at Gifford Road. SUB-18-014

Heard from Matt O'Reilly, 312 E. Ferndale Avenue, on behalf of the CB

Industrial Foundation, objecting to the requirements of sidewalk for the industrial area.

Sharon White and Melissa Head moved and seconded approval of Resolution 18-272 as recommended with an exception of removing the sidewalk requirements. Unanimous, 5-0 vote.

#### Resolution 18-273

Resolution granting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being a part of NE  $\frac{1}{4}$  of Section 29-75-43. Location: Immediately north of the intersection of Railroad Avenue and College Road. SUB-18-015

Heard from the following opposing the Resolution:

- 1) Deborah Peterson, 215 S. Main Street on behalf of the Midlands Humane Society
- 2) Bruce Kelly, 864 McKenzie Avenue
- 3) Ron Wolf, 536 College Road
- 4) Keith Skinner, 1123 College Road
- 5) John Shull, 813 College Road
- 6) Lynn Shull, 813 College Road

Sharon White and Nate Watson moved and seconded approval of Resolution 18-273, subject to Items A through F as listed in the staff report recommendation. Unanimous, 5-0 vote.

### **ORDINANCES ON 1ST READING**

#### Ordinance 6350

Ordinance to amend Chapter 3.56 "Soliciting Gifts" by repealing existing Section 3.56.010 and Section 3.56.020.

Sharon White and Nate Watson moved and seconded approval of First consideration of Ordinance 6350, Second Consideration is scheduled for October 8, 2018 at 7:00 p.m.. Unanimous, 5-0 vote.

### **RESOLUTIONS**

#### Resolution 18-274

Resolution assessing unpaid costs of solid waste abatement against listed properties.

Melissa Head and Nate Watson moved and seconded approval of Resolution 18-274. Unanimous, 5-0 vote.

#### Resolution 18-275

Resolution assessing unpaid costs of weed abatement against listed properties.

Roger Sandau and Nate Watson moved and seconded approval of Resolution 18-275. Unanimous, 5-0 vote.

Resolution 18-276

Resolution authorizing the Mayor to submit a IDOT Federal Recreational Trails Funding application and execute any related contracts with IDOT upon award of funds.

Sharon White and Melissa Head moved and seconded approval of Resolution 18-276. Unanimous, 5-0 vote.

Resolution 18-277

Resolution committing to maintain the First Avenue Trail for a minimum of 20 years.

Mike Wolf and Sharon White moved and seconded approval of Resolution 18-277. Unanimous, 5-0 vote.

Resolution 18-278

Resolution authorizing the Mayor and City Clerk to execute an agreement with Anderson Excavating for the 2nd Avenue Sites Demolition and Restoration Project.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 18-278. Unanimous, 5-0 vote.

Resolution 18-279

Resolution certifying the FY2018 Water, Sewer and Refuse Collection lien schedule for nonpayment to the County Treasurer to be assessed against the owner's property.

Roger Sandau and Melissa Head moved and seconded approval of Resolution 18-279. Unanimous, 5-0 vote.

Resolution 18-280

Resolution dedicating right-of-way along the relocated 29th Avenue (Alleyway) from South 13th Street east to South 7th Street, north of I-80/I-29.

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-280. Unanimous, 5-0 vote.

## **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

### **Liquor Licenses**

- 1) Bertha's, 1322 North 16<sup>th</sup> Street
- 2) CB Quick Stop, 3500 Avenue A
- 3) Goldmine Bar & Grill, 1601 Harry Langdon Blvd
- 4) Kwik Shop, 1749 W Broadway
- 5) Super Quick Stop, 2800 Twin City Drive

### **Cigarette Permit**

- 1) Alohma, LLC, 3134 Manawa Center Drive

Roger Sandau and Nate Watson moved and seconded approval of



Applications for Permits and Cancellations, Items 7A 1-5 & 7B.  
Unanimous, 5-0 vote.

## **OTHER BUSINESS**

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

Heard from Bruce Kelly, 864 McKenzie Avenue, regarding bike trail on McKenzie and an additional lane on Kanesville near McKenzie.

### **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 8:17 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: 9/24/2018

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

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

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

### Council Communication

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

Reading, correction and approval of the  
September 10, 2018 City Council Meeting  
Minutes.

Council Action: 9/24/2018

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

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

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

**ATTACHMENTS:**

Description

[9-10-18 minutes](#)

Type

Other

Upload Date

9/11/2018



## **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.

## **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 Kanesville 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 Kaneshville.

## **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: Community Development  
Case/Project No.: ZC-18-012  
Submitted by: Chris Meeks, Planner

Ordinance 6349

Council Action: 9/24/2018

### Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070 and setting a Public Hearing for October 8, 2018 at 7:00 p.m., for rezoning property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, from R-3/Low Density Multifamily Residential District to C-2/Commercial District defined in Chapter 15.15. Location: 1600 McPherson Avenue. ZC-18-012

### Background/Discussion

See attachment.

### Recommendation

See attachment.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">ZC-18-012 Staff Report Including Attach A and B</a>	Other	9/12/2018
<a href="#">Ordinance 6349</a>	Ordinance	9/18/2018

## Council Communication

Department: Community Development  CASE # ZC-18-012  Applicant/Property Owner: Indian Hills Holdings, Inc. Attn: Neal Drickey 2023 South 181 <sup>st</sup> Circle Omaha, NE 68130  Representative: Paul J. Kelly Architecture Attn: Paul J. Kelly 440 N. 61 <sup>st</sup> Street Omaha, NE 68132	Ordinance No. _____	City Council: 9/24/18  Planning Commission: 9/11/18
---	---------------------	---

### Subject/Title

**Request:** Public hearing on the request of Indian Hills Holdings, Inc., represented by Paul J. Kelly Architecture, to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multifamily Residential District to C-2/Commercial District. Said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways. Location: 1600 McPherson Avenue.

**Location:** 1600 McPherson Avenue

### Background

The Community Development Department has received an application from Indian Hills Holdings, Inc. and Neal Drickey, represented by Paul J. Kelly of Paul J. Kelly Architecture, to rezone the property legally described as being the East 292.67 Feet of the Southerly 566 Feet of Lot 2, excluding the South 178 Feet of the East 74.87 Feet, Auditor's Subdivision of the SE ¼ of the SW ¼ of Section 29-75-43; The 355.92 Foot by 291.45 Foot Triangle in the Southeast Corner of Lot 1, Auditor's Subdivision of the SE ¼ of the SW ¼ of Section 29-75-43; and the Westerly 203.92 Feet of Lot 1, Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ of Section 32-75-43 from R-3/Low Density Multi-Family Residential District to C-2/Commercial District. The applicant is proposing this rezoning to allow an existing building on the site to be renovated and converted from its current state, a vacant nursing home, to a commercial storage



building. Commercial Storage is not a permitted use in the R-3/Low Density Residential District, but would be considered a conditional use in the C-2/Commercial District.

Land Use and Zoning

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

North: Residential structures that are zoned in the R-1/Single Family Residential District.

South: A combination of commercial and residential buildings located in the C-1/Commercial District and R-1/Single Family Residential District.

East: A combination of undeveloped property and residential properties located in the R-1/Single Family Residential District.

West: Residential properties and St. Albert Jr/Sr. High School that are located in the R-1/Single Family Residential District.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as High Density Residential.

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

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

- The Council Bluffs Fire Marshall stated they have no comments on the request.
- The Permits and Inspections Division stated they have no comments on the request.
- The Public Works Department stated they have no comments regarding the rezoning request.
- Council Bluffs Water Works stated the building has water service, but it has been shut off. The developer will need to contact Council Bluffs Water Works with any questions regarding the water service.
- MidAmerican Energy stated they have no objections to the request.

The following attachments are included with the case staff report:

Attachment A: Location/zoning map

Attachment B: Proposed Building Renderings and Site Plans

**Discussion**

1. While the proposed rezoning is not directly consistent with the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, the property is adjacent to area designated for commercial uses.
2. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the C-2/Commercial District.
3. The rezoning of the property will allow a vacant building to be renovated to serve a new purpose. The building may not otherwise suit the needs of a future developer, and would have required demolition.
4. Prior to being used for commercial storage, a Conditional Use Permit will need to be approved by the Zoning Board of Adjustment.

**Recommendation**

The Community Development Department recommends approval of the request to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence

North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways, from R-3/Low Density Multi-Family Residential District to C-2/Commercial District, based on reasons stated above.

### **Public Hearing**

Speakers in favor:

1. Paul Kelly, Paul J. Kelly Architecture, 440 North 61<sup>st</sup> Street, Omaha, NE 68132
2. Clint Brunow, 16935 State Orchard Road, Council Bluffs, IA 51503

Speakers against: None.

### **Planning Commission Recommendation**

The Planning Commission recommends approval of the request to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways, from R-3/Low Density Multi-Family Residential District to C-2/Commercial District, based on reasons stated above.

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

### **Attachments**

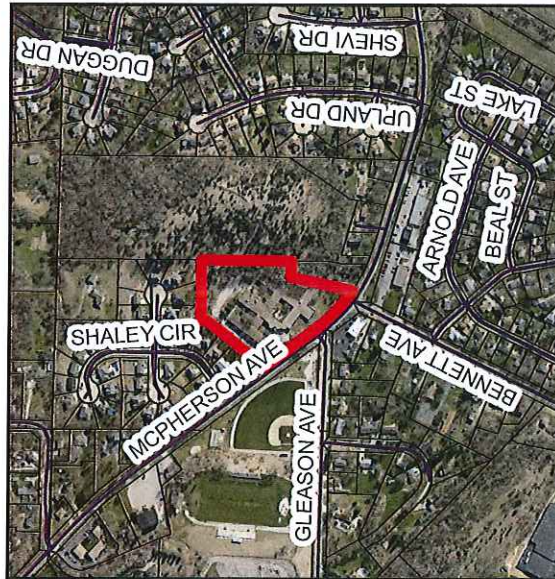
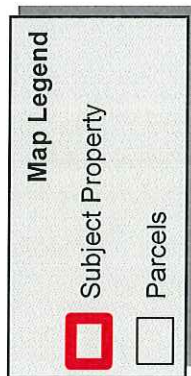
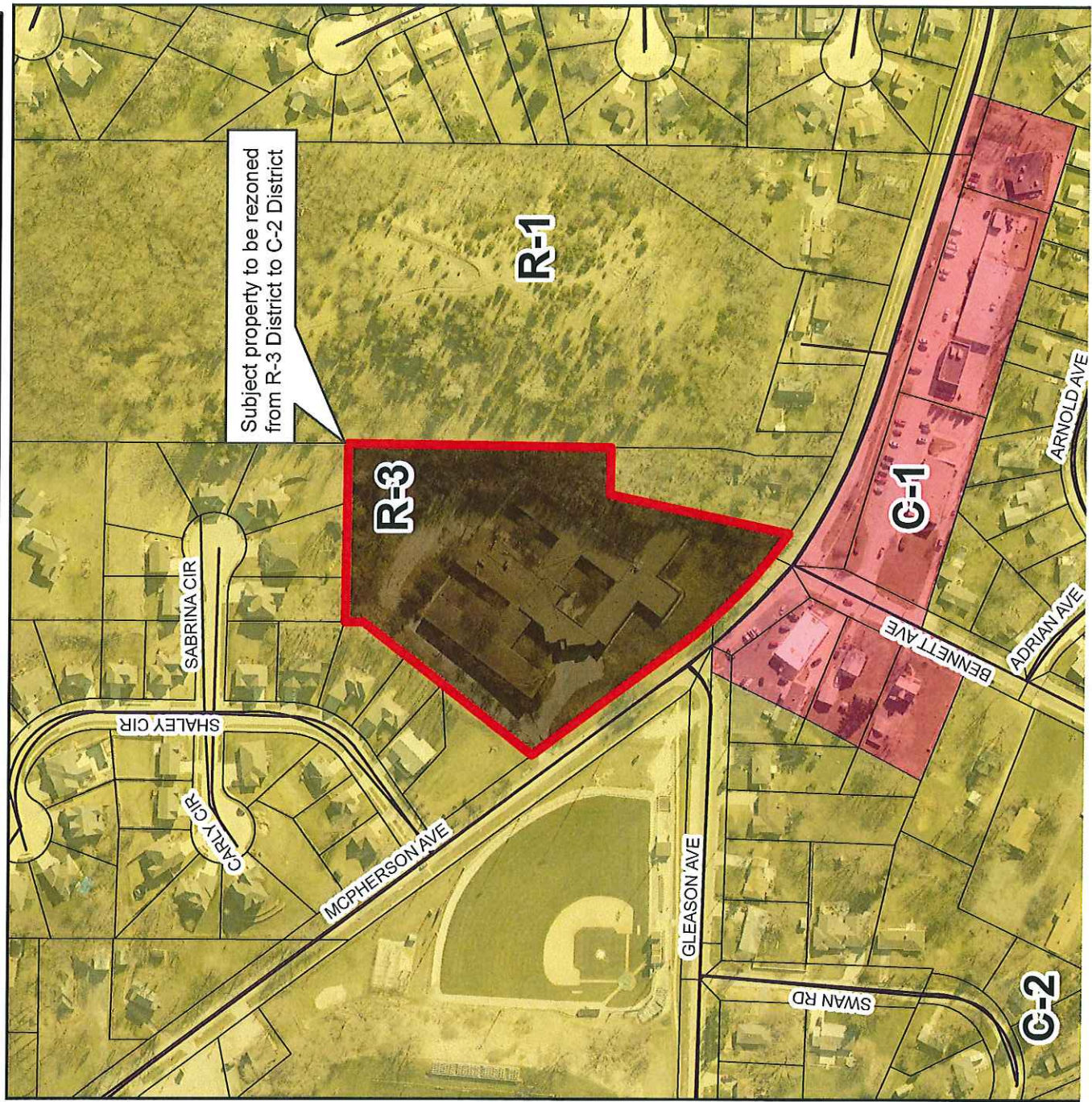
Attachment A: Location/zoning map

Attachment B: Proposed Building Renderings and Site Plans

Prepared by: Chris Meeks, Planner



# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #ZC-18-012 LOCATION/ZONING MAP



Last Amended: 8/21/18

**DISCLAIMER**  
This map is prepared and compiled from City documents, plans and other public information. The City does not warrant, represent or guarantee the accuracy, completeness or timeliness of the information contained on this map. The user of this map assumes all responsibility for the information contained on this map.

Council Bluffs Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328-4629



## Attachment B

NEW PERIMETER BUILDINGS AT EXISTING PARKING AREAS WITH MANSARD ROOFS, BRICK WAINSCOT & PIERS, AND LAP SIDING AT SITE PERIMETER ELEVATIONS.

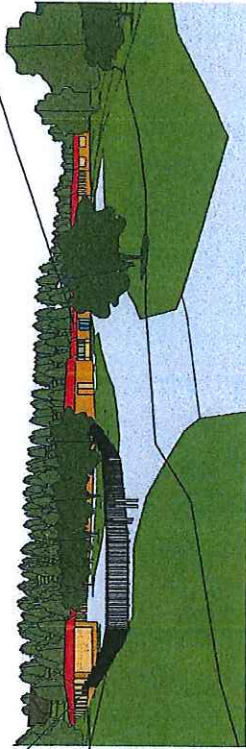
NEW PRESS POINT FENCING WITH MOTORIZED GATE AT MCPHERSON AVENUE ENTRANCE AND ALONG THE WEST PROPERTY LINE.



Existing Southwest Aerial View

NEW PERIMETER BUILDINGS AT EXISTING PARKING AREAS WITH MANSARD ROOFS, BRICK WAINSCOT & PIERS, AND LAP SIDING AT SITE PERIMETER ELEVATIONS.

NEW PRESS POINT FENCING WITH MOTORIZED GATE AT MCPHERSON AVENUE ENTRANCE AND ALONG THE WEST PROPERTY LINE.



Entry View

BUSINESS OFFICE ACCESS AT EXISTING SOUTH ENTRANCE

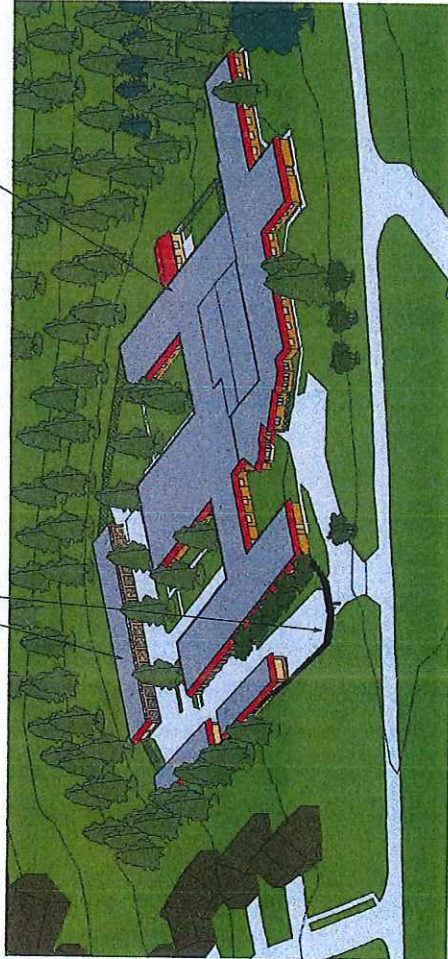


Existing Southeast Aerial View

EXISTING BUILDING TO BE ADAPTED FOR RE-USE AS A SELF-STORAGE FACILITY

EXISTING PERIMETER TREE BUFFER TO REMAIN

EXISTING COURTYARD INFILLED WITH LOW PROFILE ROOF



Aerial View from Southwest



Aerial View from Southeast

## Indian Hills Storage

Indian Hills Holdings, Inc.  
1600 McPherson Ave, Council Bluffs, Iowa 51503



Paul J. Kelly  
Architecture  
440 North 4th Street  
Council Bluffs, Iowa 51503  
phone: 319.333.1111  
10-02-01  
12-April-2018



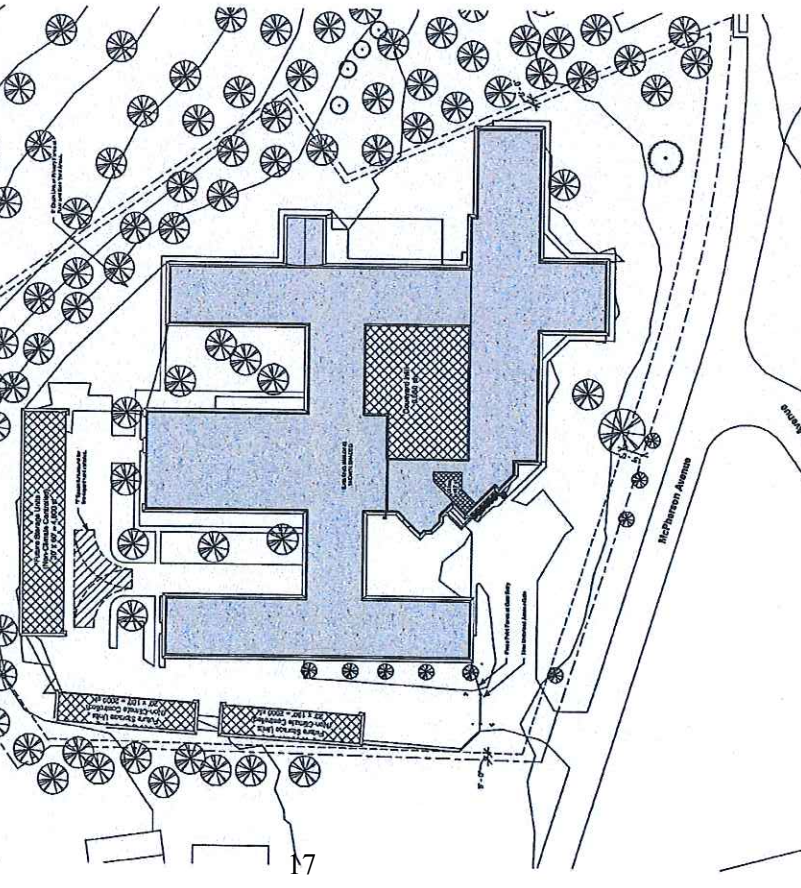
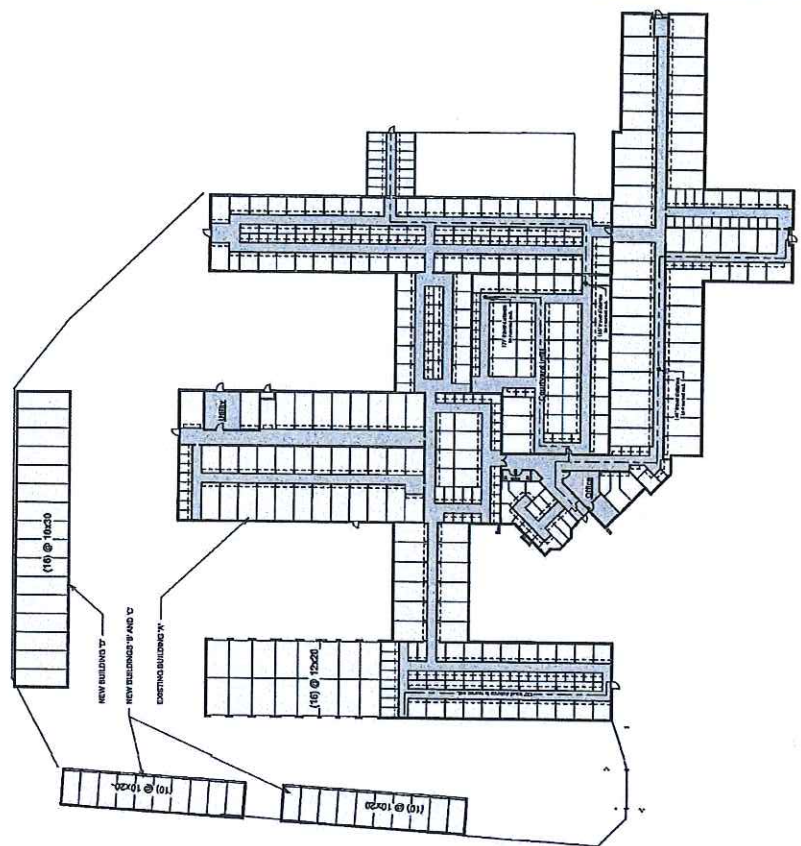
Existing Site: 232,348 sf

Impervious Coverage (Existing): 90,700 sf (40%)  
 Impervious Coverage (Max Buildings): 116,174 sf (max 50% allowed)  
 Existing Building: 54,693 sf (23.5%)  
 Proposed Additions: 15,360 sf (6.6%)  
 Total Proposed Bldg Coverage: 70,053 sf (30.1%)

Front Yard: 20  
 Side Yard (Interior): 15  
 Side Yard (Street): 10  
 Rear Yard: 10  
 Max Height: 60  
 Lot Coverage: 45%

Indian Hills - Unit Mix									
Climate Controlled									
Unit Size	Unit SF	A	B	C	D	Total SF			
3 x 5	25	127				3,175			
5 x 7	35	81				4,025			
5 x 10	50					5,000			
10 x 10	100	110				11,000			
10 x 15	150	46				6,900			
10 x 20	200	45				9,000			
10 x 23	230	35				5,290			
12 x 20	240	36				5,840			
Subtotal:						41,305			
Non Climate Controlled									
Unit Size	Unit SF	A	B	C	D	Total SF			
10 x 1	30					3,000			
10 x 1	30					3,000			
10 x 1	30					3,000			
Subtotal =						9,000	16		
Total =						50,305	48,125		

PROPOSED PLANS		
No.	Description	Date



2. PROPOSED FLOOR PLAN  
 T = 30'-0"

1. SITE PLAN - PROPOSED  
 T = 60'-0"



Paul J. Kelly  
 Architecture  
 440 North 6th Street  
 Omaha, Nebraska 68132  
 (402) 233-4121  
 paul@pkj.com

Project No. 1800241  
 Date 11 August 2018

Indian Hills Storage  
 Indian Hills Holdings, Inc.  
 1600 McPherson Ave, Council Bluffs, Iowa 51503  
 Master Planning

## ORDINANCE NO. 6349

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS BEING PART OF LOT 2, AUDITOR'S SUBDIVISION OF THE SE1/4 SW1/4 OF SECTION 29-75-43, AND A PART OF LOT 1, AUDITOR'S SUBDIVISION OF THE NE1/4 NW1/4 OF SECTION 32-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA FROM R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT TO C-2/COMMERCIAL DISTRICT AS DEFINED IN CHAPTER 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.**

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

**SECTION 1.** That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa, and more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District as defined in Chapter 15.15 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

October 8, 2018.

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

\_\_\_\_\_  
Mayor

Attest:

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

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

First Consideration: 9-24-18

Second Consideration: 10-8-18

Public Hearing: 10-8-18

Third Consideration: \_\_\_\_\_

## Council Communication

Department: Community Development  
Case/Project No.: SAV-18-013  
Submitted by: Chris Meeks, Planner

Resolution 18-267

Council Action: 9/24/2018

### Description

Resolution of intent and setting Public Hearing for October 8, 2018 at 7:00 p.m. to vacate that 66' by 252' section of 26th Avenue right-of-way extending from the West right-of-way line of the South 13th Street, and abutting Blocks 54 and 59, Railroad Addition. Location: South of property addressed at 2532 South 13th Street. SAV-18-013

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SAV-18-013 Hansen Staff Report Including Attach A and B</a>	Other	9/13/2018
<a href="#">PH Notice</a>	Other	9/14/2018
<a href="#">Resolution 18-267</a>	Resolution	9/18/2018



## Council Communication

<p>Department: Community Development</p> <p>Case #SAV-18-013</p> <p>Property Owner: John Kilnoski 1403 McPherson Avenue Council Bluffs, IA 51503</p> <p>Applicant: Larry Hansen P.O. Box 492 Council Bluffs, IA 51502</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>City Council: 09/24/18</p> <p>Planning Commission: 09/11/18</p> <p>Set Public Hearing: 09/24/18</p> <p>Public Hearing: 10/8/18</p>
---	--	---

### Subject/Title

Request: Public hearing on the request of Larry Hanson to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition and west of South 13th Street right-of-way.

**Location:** South of property addressed at 2532 South 13th Street.

### Background

The Community Development Department has received an application from Larry Hansen, representing John Kilnoski, to vacate and dispose of an unimproved section of 26<sup>th</sup> Avenue located West of South 13<sup>th</sup> Street. The applicant wishes to vacate this section of right-of-way to allow him additional land area to develop the property directly south of the proposal with single family dwellings.

The following attachments have been included for reference:

**Attachment A:** Location and Zoning Map

**Attachment B:** Site Photos

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

1. *To provide due process and citizen participation in the application and review process for vacations.*  
There are two property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:  
North – Residential property owned by Paul and Lynda Lewis  
South – Undeveloped property owned by John Kilnoski

All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley that abuts their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.*  
Both adjacent properties have frontage on to South 13<sup>th</sup> Street. The property to the north, addressed as 2532 South 13<sup>th</sup> Street, appears to have a driveway on the subject right-of-way that is used to access accessory structures in the rear yard. The property owner has indicated they are not willing to acquire their portion of right-of-way, and may need to find other means of accessing the accessory structures behind their house.

The Community Development Department has contacted the applicant and made them aware that the proposed vacation request will restrict access to the accessory structures on property addressed as 2532 S. 13<sup>th</sup> Street. Through these discussions, the applicant has agreed that as part of the final platting process they will dedicate the land where the existing driveway is located to this property owner. The Community Development Department supports this approach by the applicant and recommends that the right-of-way not be disposed of until the applicant has an approved final plat. This will insure that the property owner at 2532 S. 13<sup>th</sup> Street can maintain access to their accessory structures.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the 26<sup>th</sup> Avenue right-of-way between South 13<sup>th</sup> Street and the levee right-of-way of Indian Creek.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

All City Departments and utilities were notified of the request. The following responses were received:

- Public Works Department noted there are utilities in the right-of-way of South 13<sup>th</sup> Street, and stated that the levee right-of-way shall not be infringed upon.
- The Fire Marshall stated he has no comments.
- The Permits and Inspections Division stated they have no comments.
- Council Bluffs Water Works stated they have no utilities in the subject alleyway.
- MidAmerican Energy noted there are overhead utilities in the subject 26<sup>th</sup> Avenue right-of-way serving the home addressed as 2532 S. 13<sup>th</sup> Street, and stated they have no objections to the proposed vacation, provided that the existing utility easements remain.

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

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The request is to vacate the entire 26<sup>th</sup> Avenue right-of-way between South 13<sup>th</sup> Street and the Indian Creek levee.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
- John Kilnoski stated he is in favor of the request and willing to acquire the portion of right-of-way adjacent to his property.
  - Paul and Lynda Lewis stated they are in favor of the request, though not willing to acquire the portion of right-of-way adjacent to their property.
- Based on the information above, the entirety of the right-of-way will be offered to John Kilnoski or his successors in interest for \$6,596.00.

### **Recommendation**

The Community Development Department recommends approval to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition, and lying West of South 13<sup>th</sup> Street, based on reasons stated above, and subject to the following conditions:

1. The vacation shall not be finalized until a final plat is approved by the City Council for the subject 26<sup>th</sup> Avenue right-of-way and the adjacent properties to the south.
2. The applicant shall dedicate the northerly portion of the subject 26<sup>th</sup> Avenue right-of-way to the property owner located at 2532 S. 13<sup>th</sup> Street in order to insure access is provided to their accessory structures. This dedication shall occur as part of the final plat of the subject 26th Avenue right-of-way and the adjacent properties to the south.

### **Public Hearing**

Speakers in favor: None.

Speakers against: None.

### **Planning Commission Recommendation**

The Planning Commission recommends The Community Development Department recommends approval to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition, and lying West of South 13<sup>th</sup> Street, based on reasons stated above, and subject to the following conditions:

1. The vacation shall not be finalized until a final plat is approved by the City Council for the subject 26<sup>th</sup> Avenue right-of-way and the adjacent properties to the south.
2. The applicant shall dedicate the northerly portion of the subject 26<sup>th</sup> Avenue right-of-way to the property owner located at 2532 S. 13<sup>th</sup> Street in order to insure access is provided to their accessory structures. This dedication shall occur as part of the final plat of the subject 26th Avenue right-of-way and the adjacent properties to the south.

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

**Attachment A** – Location and Zoning Map


**Attachment B** – Site Photos


**Prepared By:** Chris Meeks, Planner, Community Development Department



# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-18-013 LOCATION AND ZONING MAP

**Map Legend**

 Subject Right-of-Way

 Parcels



Last Amended: 8/21/18

**DISCLAIMER**  
This map was prepared and compiled from City documents, plans and other public information. The City of Council Bluffs hereby certifies that the City approved this map for publication. The City does not warrant the accuracy of the information contained on this map. The user of this map assumes all responsibility for the information contained on this map.

Council Bluffs Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328-4629





## Attachment B:

### Site Photos



Aerial photo of subject right-of-way (highlighted in red)

Google Street View photo of subject right-of-way.

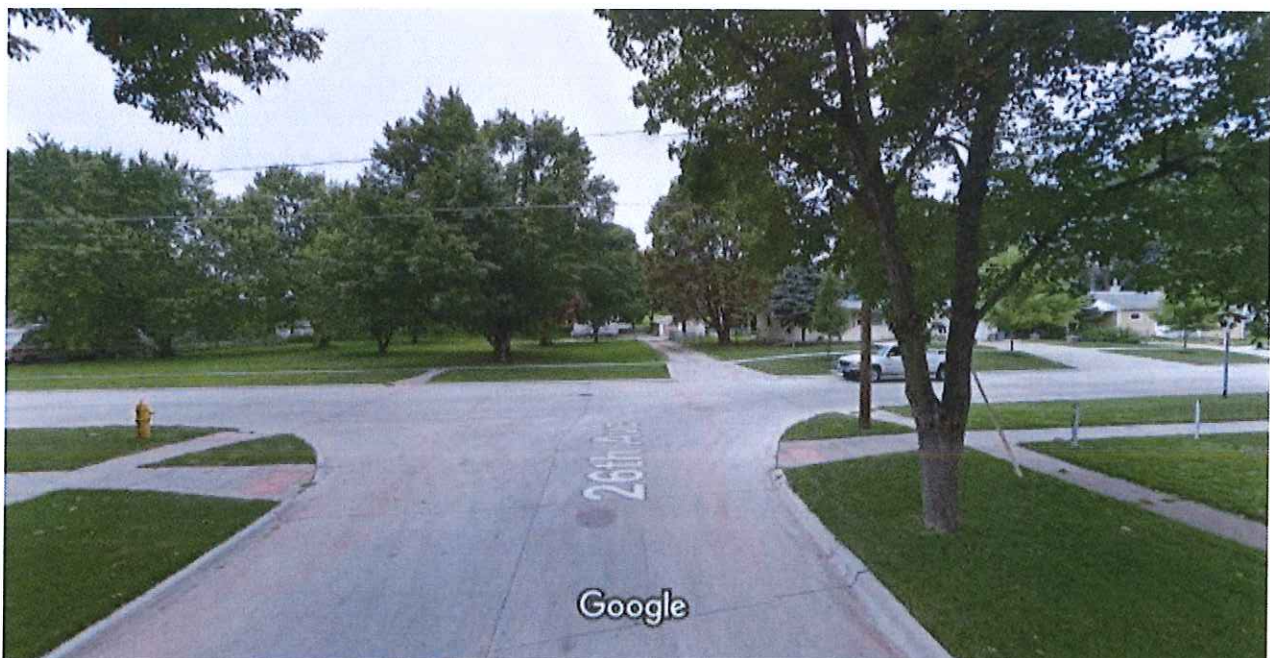


Image capture: Aug 2011 © 2018 Google

**NOTICE OF PUBLIC HEARING  
ON INTENT TO VACATE CITY PROPERTY**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Larry Hansen, a representative of the property currently owned by John Kilnoski, to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition and west of Westerly right-of-way line of South 13th Street.

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 8<sup>th</sup> day of October, 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

(Case #SAV-18-013)

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 18-267

A RESOLUTION OF INTENT TO VACATE THAT 66' BY 252' SECTION OF 26<sup>TH</sup> AVENUE RIGHT-OF-WAY EXTENDING FROM THE WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTH 13<sup>TH</sup> STREET, AND LOCATED BETWEEN BLOCKS 54 AND 59, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Larry Hansen, representing the property currently owned by John Kilnoski, requests the vacation of that 66' by 252' portion of 26th Avenue right-of-way, lying West of the Westerly right-of-way line of the South 13<sup>th</sup> Street and located between Blocks 54 and 59, Railroad Addition; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

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

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

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for October 8, 2018.

ADOPTED  
AND  
APPROVED:

September 24, 2018

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

ATTEST:

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

Planning Case #SAV-18-013

## Council Communication

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

Resolution 18-268

Council Action: 9/24/2018

### Description

Resolution setting a public hearing for 7:00 p.m. on October 8, 2018 for the Steven Road East Construction. Project # PW18-16A

### Background/Discussion

In January of 2016, a Record of Decision was signed for the Eastern Hills Drive project. This completed a 7-year process for the documentation required to comply with the National Environmental Policy Act (NEPA).

The Eastern Hills Drive project will improve the transportation network in eastern Council Bluffs by completing Eastern Hills Drive between US Highway 6 and Iowa Highway 92, while providing improved connections to developments along Greenview Road, Steven Road, and Cottonwood Road. The continuity for the local transportation system will support future land development, increases the capacity of existing roads to accommodate traffic demands and improves emergency access.

The Steven Road East project will construct Cedar Lane from 900 ft. west of Eastern Hills Drive to 2,200 feet west on existing alignment and then 2,300 feet southwest on new alignment to State Orchard Road. A 10 foot wide paved trail will be included on the south side of Cedar Lane\Steven Road.

The estimated construction cost for the project is \$2,986,700.

The project received Federal funding from a \$3.5M appropriation and \$10.2M in earmarks. A previously approved funding agreement (Transportation Federal Aid Agreement No. 04-18-HDP-5) authorized Iowa DOT to administer the project. Federal funds support 80% of the improvement costs with the remaining 20% shared by the City of Council Bluffs and Pottawattamie County. The City's match will be paid using sales tax funds.

The project schedule is as follows:	Set Public Hearing	September 24, 2018
	Hold Public Hearing	October 8, 2018
	Bid Letting	October 16, 2018
	Award	November 2018
	Construction Start	Winter\Spring 2019

### Recommendation

Approval of this resolution.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	9/13/2018
<a href="#">Notice of Public Hearing</a>	Other	9/13/2018
<a href="#">Resolution 18-268</a>	Resolution	9/18/2018



# PW18-16A STEVEN ROAD EAST



Notice of Public Hearing  
on the  
Plans, Specifications, Form of Contract and Cost Estimate  
for the  
Steven Road East Construction  
Project # PW18-16A

A public hearing will be held on October 8, 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 Steven Road East Construction. The project will include construction of 13,649 square yards of concrete pavement, 400 cubic yards of structural concrete for box culverts, 26,213 cubic yards of roadway embankment, and 4,979 square yards of trail pavement. 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 18-268**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
STEVEN ROAD EAST CONSTRUCTION  
PROJECT #PW18-16A**

WHEREAS, the City wishes to make improvements known as the Steven Road East Construction, 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 Steven Road East Construction setting October 8, 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 24, 2018

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

ATTEST:

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



## Council Communication

Department: Community Development  
Case/Project No.: OTB-18-027  
Submitted by: Chris Meeks, Planner

Resolution 18-269

Council Action: 9/24/2018

### Description

Resolution of intent to dispose City property and setting Public Hearing for October 8, 2018 at 7:00 p.m. described as the Southeast corner of Lot 13, Ross's Place; more particularly described in Council Packet. Location: formerly 907 ½ North 8th Street.

OTB-18-027

### Background/Discussion

See attachment.

### Recommendation

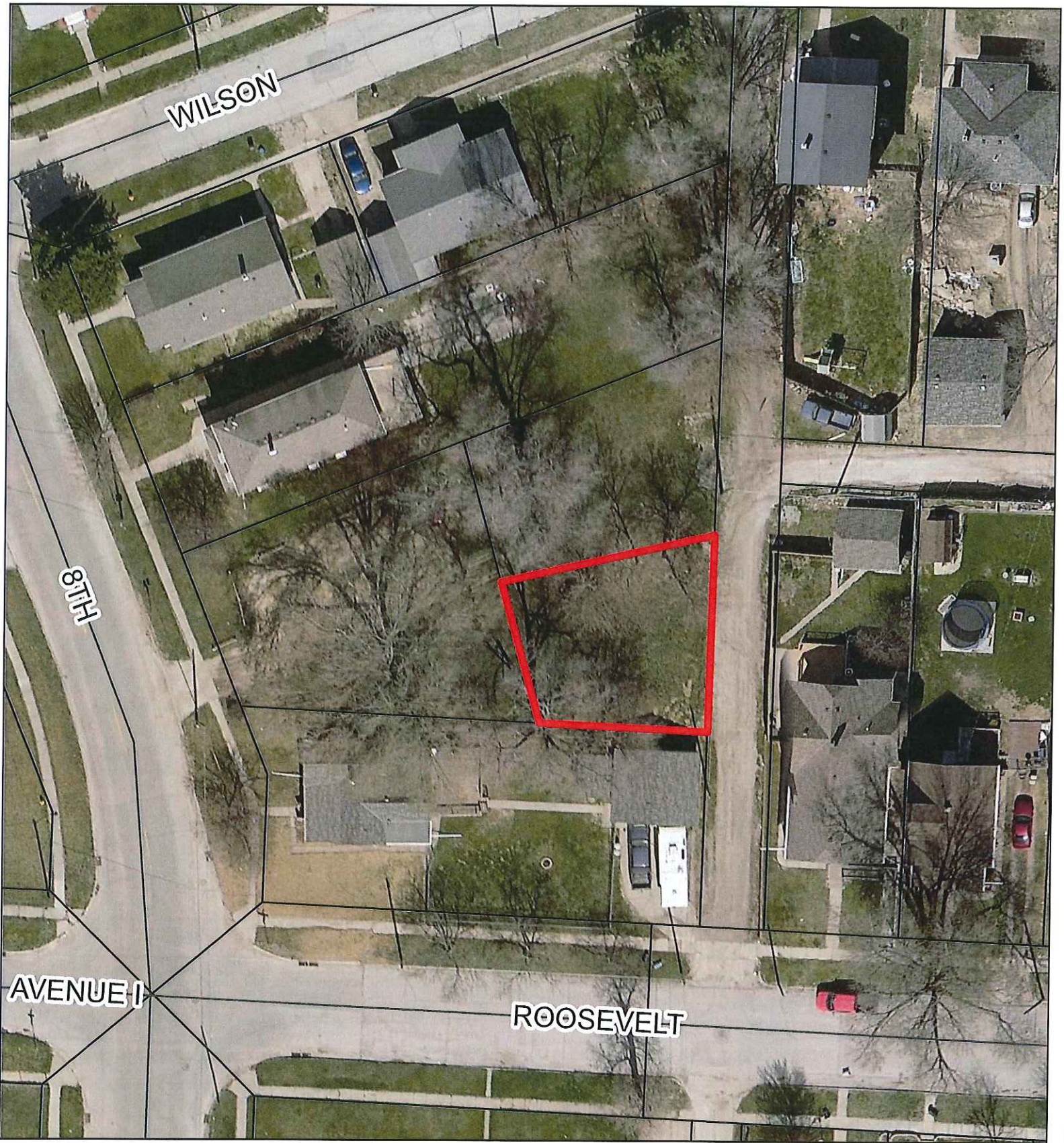
### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">OTB-18-027 Moreno Staff Report Including Attach A CC</a>	Other	9/13/2018
<a href="#">OTB-18-027 Moreno PH Notice CC</a>	Other	9/13/2018
<a href="#">Resolution 18-269</a>	Resolution	9/18/2018

## Council Communication

Department: Community Development  CASE #OTB-18-027  Applicant: Victor M. Moreno 154 Grant Street Council Bluffs, IA 51503	Resolution of Intent No. _____  Resolution to Dispose No. _____	Set Public Hearing: 9/24/2018  Public Hearing: 10/8/2018
<b>Subject/Title</b>		
Request of Victor M. Moreno to purchase property described as the Southeast Corner of Lot 13, Ross's Place; more particularly described as: Commencing at a point on the South line of said Lot 13, 96 feet from the Southwest Corner of Lot 13, thence Northerly 50 feet on a line which extends from the place of beginning to a point on the Northerly line of Lot 13, which is 96 feet from the Northwest Corner of said Lot 13, thence Easterly to a point on the East line of said Lot 13, which is 57 feet 3 inches North of the Southeast Corner of said Lot 13, thence West along the South line of Lot 13 to the place of beginning. The property was formerly addressed as 907 ½ North 8 <sup>th</sup> Street.		
<b>Background/Discussion</b>		
<p>The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'non-buildable'. According to the adopted policy of April 23, 2018, the property should be priced at the value established by the most recent fee schedule for street/alley vacations, which on this property would be \$483.75. The applicant owns the remainder of Lot 13, Ross's Place, and wishes to acquire the remainder of the platted lot. The application has offered \$483.75 to purchase the property, and has submitted a \$50.00 down payment.</p> <p>The Legal Department has indicated this property was acquired through the 657a process in 2009, and legal costs have exceeded the \$483.75 that was offered for this property, so the City will not need to remit the additional money back to the courts.</p> <p>The Public Works Department, Permits and Inspections Division, and Community Development Department all note that the property in its current state does not have street frontage, and would not be buildable. The Departments request a deed restriction be placed on the property that would require the entirety of the platted Lot 13, Ross's Place to remain as one parcel, to prevent further subdivision without the review of City Staff.</p>		
<b>Recommendation</b>		
The Community Development Department recommends setting a public hearing on the disposal of the property described as the Southeast Corner of Lot 13, Ross's Place, City of Council Bluffs, Pottawattamie County, Iowa on the October 8, 2018 City Council Meeting.		
<b>Attachment:</b> Location map. <b>Prepared By:</b> Chris Meeks, Planner, Community Development Department		







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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose property described as the Southeast Corner of Lot 13, Ross's Place; more particularly described as: Commencing at a point on the South line of said Lot 13, 96 feet from the Southwest Corner of Lot 13, thence Northerly 50 feet on a line which extends from the place of beginning to a point on the Northerly line of Lot 13, which is 96 feet from the Northwest Corner of said Lot 13, thence Easterly to a point on the East line of said Lot 13, which is 57 feet 3 inches North of the Southeast Corner of said Lot 13, thence West along the South line of Lot 13 to the place of beginning, Ross's Place, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 8<sup>th</sup> day of October, 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

CWM

RESOLUTION NO. 18-269

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS THE SOUTHEAST CORNER OF LOT 13, ROSS'S PLACE; MORE PARTICULARLY DESCRIBED AS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID LOT 13, 96 FEET FROM THE SOUTHWEST CORNER OF LOT 13, THENCE NORTHERLY 50 FEET ON A LINE WHICH EXTENDS FROM THE PLACE OF BEGINNING TO A POINT ON THE NORTHERLY LINE OF LOT 13, WHICH IS 96 FEET FROM THE NORTHWEST CORNER OF SAID LOT 13, THENCE EASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 13, WHICH IS 57 FEET 3 INCHES NORTH OF THE SOUTHEAST CORNER OF SAID LOT 13, THENCE WEST ALONG THE SOUTH LINE OF LOT 13 TO THE PLACE OF BEGINNING, ROSS'S PLACE, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Victor M. Moreno to purchase the City owned property described as the Southeast Corner of Lot 13, Ross's Place; more particularly described as: Commencing at a point on the South line of said Lot 13, 96 feet from the Southwest Corner of Lot 13, thence Northerly 50 feet on a line which extends from the place of beginning to a point on the Northerly line of Lot 13, which is 96 feet from the Northwest Corner of said Lot 13, thence Easterly to a point on the East line of said Lot 13, which is 57 feet 3 inches North of the Southeast Corner of said Lot 13, thence West along the South line of Lot 13 to the place of beginning, Ross's Place, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as the Southeast Corner of Lot 13, Ross's Place; more particularly described as: Commencing at a point on the South line of said Lot 13, 96 feet from the Southwest Corner of Lot 13, thence Northerly 50 feet on a line which extends from the place of beginning to a point on the Northerly line of Lot 13, which is 96 feet from the Northwest Corner of said Lot 13, thence Easterly to a point on the East line of said Lot 13, which is 57 feet 3 inches North of the Southeast Corner of said Lot 13, thence West along the South line of Lot 13 to the place of beginning, Ross's Place, City of Council Bluffs, Pottawattamie County, Iowa.; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for October 8, 2018.

ADOPTED  
AND  
APPROVED:

September 24, 2018

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush

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

(Case #OTB-18-027)



## Council Communication

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

August 2018 Financial Reports

Council Action: 9/24/2018

### Description

### Background/Discussion

### Recommendation

#### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">August Receipts and Expenditures by Fund</a>	Other	9/18/2018
<a href="#">List of Bills by Amount</a>	Other	9/18/2018
<a href="#">List of Bills by vendor</a>	Other	9/18/2018

City of Council Bluffs

Receipts by Fund

For the Month of August FY19

General Fund	3,458,094.71
Special Revenue	2,319,916.06
Debt Service	0.00
Capital Project	498,922.34
Enterprise	1,272,953.37
Total Revenue	<u>7,549,886.48</u>

Expenditures by Fund

For the Month of August FY19

General Fund	6,740,252.63
Special Revenue	1,596,514.82
Debt Service	0.00
Capital Project	2,607,291.80
Enterprise	843,455.11
Total Expense	<u>11,787,514.36</u>

<b>CITY OF COUNCIL BLUFFS</b>	<b>AUGUST 2018</b>	<b>VENDOR PAYMENT LIST</b>
<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
PAYROLL	2,775,265.94	CITY EMPLOYEE PAYROLL
HAWKINS CONSTRUCTION COMPANY	1,130,916.45	CONSTRUCTION
TWO RIVERS INSURANCE COMPANY INC	790,212.44	HEALTH INSURANCE
EFTPS	765,850.42	EMPLOYEE TAXES
SAMPSON CONSTRUCTION CO INC	720,377.00	CONSTRUCTION
MFPRSI	674,662.50	PAYROLL EXPENDITURES
COMPASS UTILITY LLC	339,323.81	CONSTRUCTION
RED RIVER WASTE SOLUTIONS LP	294,131.93	REFUSE COLLECTION
IPERS	284,062.35	RETIREMENT
WESTERN ENGINEERING COMPANY INC	249,504.21	CONSTRUCTION
US BANK	207,176.28	BASS PRO LOAN
IOWA DEPT OF REVENUE	191,508.00	EMPLOYEE TAXES
COUNCIL BLUFFS CONVENTION & VISITORS BUREAU	156,250.00	CONTRACTURAL SVC
STUDIO 15 COMMERCIAL INTERIORS INC	152,797.25	CONTRACT LABOR
MIDAMERICAN ENERGY	149,725.13	ELECTRICITY
HGM ASSOCIATES INC	148,346.87	PROFESSIONAL SVCS
VALLEY CORPORATION	133,249.45	CONSTRUCTION
LANDSCAPES UNLIMITED LLC	115,782.30	CONTRACTURAL SVC
PAYROLL	101,017.48	MAC OPERATING EXPENDITURES
NATIONWIDE RETIREMENT SOLUTIONS INC	95,329.83	EMPLOYEE CONTRIB
US BANK	90,645.90	BANK SERVICES
CARLEY CONSTRUCTION LLC	87,546.38	CONSTRUCTION
PAYROLL	82,478.08	DODGE OPERATING EXPENDITURES
BLUFFS PAVING & UTILITY INC	80,138.06	CONSTRUCTION
SIEMENS INDUSTRY INC	68,617.80	EQUIPMENT/PARTS
READY MIXED CONCRETE	67,357.00	SUPPLIES
TRANSIT AUTHORITY OF THE CITY OF OMAHA	66,173.00	BUS SERVICE
SJ ELECTRO SYSTEMS INC	62,421.60	EQUIPMENT/PARTS
PETROLEUM TRADERS CORPORATION	60,579.91	FUEL
HDR ENGINEERING INC	60,119.66	PROFESSIONAL SVCS
ECHO ELECTRIC SUPPLY	50,873.76	SUPPLIES
BLUFFS ARTS COUNCIL	50,000.00	CONTRACTURAL SVC
DIAL PROPERTIES	44,442.00	MOWING/GROUNDS MAINT
MIDSTATES BANK, NA	38,954.93	WORK COMP
IOWA WASTE SYSTEMS	37,669.11	SOLID WASTE DISPOSAL
NEXT PHASE ENVIRONMENTAL	37,543.00	CONTRACTURAL SVC
GENERAL TRAFFIC CONTROLS INC	29,676.00	CONTRACTURAL SVC
SNYDER & ASSOCIATES INC	29,048.50	PROFESSIONAL SVCS
SAPP BROTHERS INC	28,016.56	FUEL
NODDLE DEVELOPMENT COMPANY	27,166.66	CONSULTANT
IOWA DEPARTMENT OF REVENUE	26,218.00	DODGE OPERATING EXPENDITURES
RPL UTILITY LLC	25,746.81	CONSTRUCTION
SOUTHWEST IOWA PLANNING COUNCIL	25,186.42	CONTRACTURAL SVC
PETERS LAW FIRM PC	25,001.38	ATTORNEY FEES
EHRHART GRIFFIN & ASSOCIATES INC	24,559.75	PROFESSIONAL SVCS

ESO SOLUTIONS INC	22,476.00	HARDWARE/SOFTWARE
COUNCIL BLUFFS WINSUPPLY	21,262.01	SUPPLIES
CANINE TACTICAL LLC	21,000.00	SAFETY EQUIPMENT
OMNI ENGINEERING	20,860.05	STREET MAINTENANCE SUPLS
IOWA WORKFORCE DEVELOPMENT	19,884.77	UNEMPLOYEMENT
INSIGHT PUBLIC SECTOR INC	19,763.44	HARDWARE/SOFTWARE
HISTORICAL GENERAL DODGE HOUSE FDN INC	18,750.00	QUARTERLY CONTRACT PAYMENT
GREEN ACRES RECYCLING	18,688.88	SOLID WASTE DISPOSAL
COX BUSINESS	17,816.19	PHONE/INTERNET SVC
BARCO MUNICIPAL PRODUCTS INC	17,719.00	SUPPLIES
COUNCIL BLUFFS WATER WORKS	17,473.35	WATER
RASMUSSEN MECHANICAL SERVICE CORP	16,910.43	REPAIRS
GUNDERSON LAWN CARE	16,423.53	CONTRACTURAL SVC
VOYA RETIREMENT INSURANCE & ANNUITY CO	15,769.00	EMPLOYEE CONTRIB
ICMA RETIREMENT TRUST	15,141.45	PAYROLL EXPENDITURES
MARCO TECHNOLOGIES LLC	14,934.61	COPY/PRINTER MAINTANCE
PROJECT ADVOCATES	14,580.95	CONTRACTURAL SVC
EBS - FLEX ACOCUNT	14,469.00	PAYROLL EXPENDITURES
COLLECTION SERVICES CENTER	13,699.17	GARNISHMENT
DIAMOND MARKETING SOLUTIONS GROUP INC	13,561.68	POSTAGE & LEASE COST
TERRY HUGHES TREE SERVICE	12,450.00	CONTRACTURAL SVC
THE SCOTTS COMPANY	12,288.22	REFUSE COLLECTION
FELSBURG HOLT & ULLEVIG INC	12,113.27	PROFESSIONAL SVCS
HOEFER WY SOCKI ARCHITECTS, LLC	12,056.37	PROFESSIONAL SVCS
LAWN WIZARDS INC	12,054.00	MOWING/GROUNDS MAINT
JEO CONSULTING GROUP INC	11,805.70	CONSULTANT
KAL CONSTRUCTION INC	10,580.00	CONSTRUCTION
SMARTWAVE TECHNOLOGIES LLC	10,376.65	HARDWARE/SOFTWARE
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACTURAL SVC
DAVID S AND KAREN S DAPPEN	10,250.00	RIGHT OF WAY EASEMENTS
J & L SERVICES	10,037.00	RENTAL EXPS
VERIZON WIRELESS SERVICES LLC	9,958.22	CELL PHONE
ZIMCO SUPPLY CO	9,678.10	DODGE OPERATING EXPENDITURES
VOLTMER, INC.	9,334.82	CONTRACTURAL SVC
LANDSCAPES MGMT COMPANY	9,018.71	DODGE OPERATING EXPENDITURES
MID AMERICAN SIGNAL INC	8,996.00	EQUIPMENT/PARTS
ELECTRIC PUMP	8,972.02	EQUIPMENT/PARTS
BAKER & TAYLOR INC	8,627.67	BOOKS/PERIODICALS/SUB
ARROW TOWING	8,490.40	TOWING/STORAGE/AUCTION
ASPHALT AND CONCRETE MATERIALS CO	8,378.85	STREET MAINTENANCE SUPLS
JEREDITH BRANDS LLC	8,156.50	JANITORIAL SERVICE
SOUTHWEST IOWA NARCOTICS	8,024.99	REIMBURSEMENT
WORKMAN PRECAST CORP	8,002.00	SUPPLIES
HOLT WOODWORKING INC	7,900.00	REPAIRS
IOWA DEPARTMENT OF REVENUE	7,580.00	MAC OPERATING EXPENDITURES
MIDWEST TAPE	7,205.33	DVD/AUDIO/CD
COMMSYS INC	7,068.75	HARDWARE/SOFTWARE

ELAVON INC	6,714.52	FEES
ABBA PUMP PARTS & SERVICE	6,646.00	EQUIPMENT/PARTS
SILVERSTONE RISK SERVICES INC	6,410.00	INSURANCE
CUSTOM AUTO REBUILDERS	6,352.16	VEHICLE REPAIR
SOLARWINDS INC	6,230.00	HARDWARE/SOFTWARE
LOESS HILLS LANDSCAPING	6,195.80	CONTRACTURAL SVC
STRATUM CONSULTING PARTNERS INC	6,120.00	CONTRACTURAL SVC
HEARTLAND TIRES & TREADS INC	6,113.51	TIRE REPLACEMENT/REPAIR
KELTEK INCORPORATED	6,062.80	EQUIPMENT/PARTS
SPRINGSTED INCORPORATED	5,687.50	CONSULTANT
GARAGE DOOR SERVICES	5,664.00	CONTRACTURAL SVC
KAYS CUSTOMS	5,316.50	CONTRACTURAL SVC
DOSTALS CONSTRUCTION CO INC	5,250.00	CONSTRUCTION
STAGEPAY SERVICES INC	5,249.98	CONTRACTURAL SVC
NATHAN N SORENSEN	5,045.00	CONTRACTURAL SVC
IOWA RECYCLING ASSOCIATION	5,000.00	DUES/MEMBERSHIP
ROGER F AND MAUREEN E HARVEY	5,000.00	RIGHT OF WAY EASEMENTS
CLARK EQUIPMENT COMPANY	4,854.50	EQUIPMENT/PARTS
BOBCAT OF OMAHA	4,786.18	EQUIPMENT/PARTS
ALVINE AND ASSOCIATES INC	4,700.00	PROFESSIONAL SVCS
POTTAWATTAMIE COUNTY AUDITOR	4,529.67	LAW ENFORCEMENT COMPLEX
MIDSTATES CONSTRUCTION PRODUCTS INC	4,506.50	EQUIPMENT/PARTS
D&K PRODUCTS	4,483.86	DODGE OPERATING EXPENDITURES
TRANS-IOWA EQUIPMENT INC	4,478.52	EQUIPMENT/PARTS
AQUA-CHEM INCORPORATED	4,468.55	SUPPLIES
INDUSTRIAL ORGANIZATIONAL SOLUTIONS INC.	4,468.00	CONSULTANT
ULTRAMAX AMMUNITION	4,374.40	SUPPLIES
LIKES MEYERSON HATCH LLC	4,273.50	CONSULTANT
CHAMPLIN TIRE RECYCLING INC	4,178.00	TIRE DISPOSAL
SYSCO - LINCOLN	4,044.95	DODGE OPERATING EXPENDITURES
JEFFREY KOTERBA	4,000.00	CONTRACTURAL SVC
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,920.00	EMPLOYEE CONTRIB
BACKYARD TREE EXPERTS	3,905.00	TREE WORK
BEST QUALITY COUNTERTOPS INC	3,789.00	REPAIRS
ALEXIS FIRE EQUIPMENT	3,750.00	EQUIPMENT/PARTS
FAMOUS DAVES	3,734.59	MAC OPERATING EXPENDITURES
VERMEER SALES & SERVICE INC	3,709.27	EQUIPMENT/PARTS
LOCKTON CO, LLC -KC SERIES	3,679.00	DODGE OPERATING EXPENDITURES
CFI TIRE SERVICE	3,624.52	TIRE REPLACEMENT/REPAIR
GENUINE PARTS COMPANY-NAPA	3,606.26	EQUIPMENT/PARTS
A & A SHEET METAL PRODUCTS INC	3,560.00	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,520.00	EMPLOYEE CONTRIB
IMPACT7G INC	3,500.00	CONTRACTURAL SVC
DOLL DISTRIBUTING LLC	3,498.65	DODGE OPERATING EXPENDITURES
TREASURER STATE OF IOWA/SALES TAX	3,413.00	SALES TAX
PACIFIC SPRINGS GOLF CLUB	3,248.57	DODGE OPERATING EXPENDITURES
STRYKER MEDICAL	3,138.00	EQUIPMENT/PARTS

THE OFFICE CLEANERS	3,102.05	JANITORIAL SERVICE
GREGORY A PETERSON CONSULTING INC	3,100.00	CONSULTANT
M & M STAFFING INC	3,099.59	CONTRACTURAL SVC
OLSSON ASSOCIATES	3,094.35	CONSULTANT
WYSS ASSOCIATES, INC	3,083.52	CONTRACTURAL SVC
FRATERNAL ORDER OF POLICE	3,080.00	PAYROLL EXPENDITURES
PITNEY BOWES CORPORATION	3,040.76	POSTAGE & LEASE COST
CREDIT CARD AND BANK FEES	2,953.32	DODGE OPERATING EXPENDITURES
MCINTIRE BRASS WORKS INC	2,950.00	EQUIPMENT/PARTS
BLUFFS ELECTRIC INC	2,946.33	ELECTRICAL REPAIR
CERTIFIED TRANSMISSION	2,922.60	REPAIRS
FIRST NATIONAL BANK PCARDS ACH	2,889.14	DODGE OPERATING EXPENDITURES
THE RETROFIT COMPANIES INC	2,835.70	CONTRACTURAL SVC
KONECRANES	2,769.96	CONTRACTURAL SVC
COBERLY'S REAL IMAGES	2,751.60	UNIFORMS
AIR CLEANING TECHNOLOGIES INC	2,742.63	EQUIPMENT/PARTS
DAILY NONPAREIL	2,728.32	ADVERTISEMENT
SAFETY GUARD INC	2,712.00	REPAIRS
RHOMAR INDUSTRIES INC	2,664.34	SUPPLIES
KENNETH LOGHRY	2,620.00	MOWING/GROUNDS MAINT
STERN OIL CO., INC	2,601.50	SUPPLIES
DATABASE LLC	2,600.00	HARDWARE/SOFTWARE
WINDSTREAM CORPORATION	2,507.16	TELEPHONE
R J NELSON COMPANY INCORPORATED	2,470.00	REPAIRS
MOBOTREX INC	2,449.20	SUPPLIES
BLACK HILLS UTILITY HOLDINGS INC	2,448.41	NATURAL GAS
MICHAEL O'BRADOVICH	2,400.00	CONSULTANT
HARCROS CHEMICALS INC	2,398.00	SUPPLIES
ALL WEATHER SERVICES LLC	2,350.00	CONTRACTURAL SVC
EBSCO INFORMATION SERVICES	2,342.00	SUBSCRIPTION
AFSCME IOWA COUNCIL 61	2,276.52	DUES EMPLOYEE
ERIC M LITWIN	2,250.00	PROFESSIONAL SVCS
EXELON CORPORATION	2,249.01	NATURAL GAS
PEPSI BEVERAGES CO	2,234.70	DODGE OPERATING EXPENDITURES
ELLIOTT AUTO SUPPLY COMPANY INC	2,155.90	SUPPLIES
RIVERSIDE BUILDING MAINTENANCE INC	2,142.00	JANITORIAL SERVICE
THE DAVEY TREE EXPERT COMPANY	2,100.00	CONTRACTURAL SVC
CABANA COFFEE	2,084.80	MAC OPERATING EXPENDITURES
MIDWEST TURF & IRRIGATION	2,062.04	EQUIPMENT/PARTS
ALEGENT HEALTH-BERGAN MERCY HEALTH SYSTEM	2,000.00	MEDICAL SUPPLIES
CITY OF COUNCIL BLUFFS	1,986.83	DODGE OPERATING EXPENDITURES
DMG INC	1,978.00	MAC OPERATING EXPENDITURES
SCHILDBERG CONSTRUCTION COMPANY INC	1,855.92	STREET MAINTENANCE SUPLS
IOWA PRISON INDUSTRIES	1,847.70	SUPPLIES
CORNHUSKER INTERNATIONAL TRUCKS	1,793.15	EQUIPMENT/PARTS
NEBRASKA AIR FILTER INC	1,775.88	SUPPLIES
AIRCAD INC	1,768.00	EQUIPMENT/PARTS

GRAINGER	1,757.81	EQUIPMENT/PARTS
WASTE CONNECTIONS OF NEBRASKA INC	1,714.93	SOLID WASTE DISPOSAL
INDUSTRIAL SALES COMPANY INC	1,712.64	SUPPLIES
CIT GROUP	1,707.82	DODGE OPERATING EXPENDITURES
EXECUTIVE SECURITY OF OMAHA	1,705.00	MAC OPERATING EXPENDITURES
GREAT PLAINS UNIFORMS	1,704.00	UNIFORMS
ED M FELD EQUIPMENT COMPANY INC	1,686.67	EQUIPMENT/PARTS
IOWA DEPARTMENT OF NATURAL RESOURCE	1,625.00	CONTRACTURAL SVC
OMAHA DOOR & WINDOW CO INC	1,617.70	REPAIRS
ROCK MILLS ENTERPRISES INC	1,597.50	EQUIPMENT/PARTS
DXP ENTERPRISES INC	1,557.94	EQUIPMENT/PARTS
BEST CARE EMPLOYEE ASSISTANCE PROGRAM	1,510.52	MEDICAL SUPPLIES
ELECTRONIC SOUND INC1	1,500.00	MAC OPERATING EXPENDITURES
CARROLL CONSTRUCTION SUPPLY	1,478.56	EQUIPMENT/PARTS
DEAN HOLDING COMPANY	1,476.87	CONTRACTURAL SVC
TRANE U.S. INC	1,442.64	REPAIRS
PREMIER MIDWEST BEVERAGE CO	1,436.40	DODGE OPERATING EXPENDITURES
PROTEX CENTRAL INCORPORATED	1,431.34	CONTRACTURAL SVC
LANDSCAPES UNLIMITED	1,428.37	DODGE OPERATING EXPENDITURES
FUNNEL CAKE	1,423.55	MAC OPERATING EXPENDITURES
DAVID W WOODY	1,422.94	SUPPLIES
NEBRASKA MACHINERY COMPANY	1,413.52	EQUIPMENT/PARTS
ENTERPRISE RENT A CAR MIDWEST	1,379.48	RENTAL EXPS
SWAGIT PRODUCTIONS LLC	1,375.00	CONTRACTURAL SVC
ECOSOLUTIONS LLC	1,371.00	SUPPLIES
MALLOY ELECTRIC	1,346.72	EQUIPMENT/PARTS
ROSE EQUIPMENT INC	1,330.52	EQUIPMENT/PARTS
COMPUTER CABLE CONNECTION	1,300.00	HARDWARE/SOFTWARE
HD SUPPLY FAC MAINTENANCE LTD	1,289.96	SUPPLIES
ARNOLD MOTOR SUPPLY LLP	1,285.20	EQUIPMENT/PARTS
MICHAEL TODD AND COMPANY INC	1,275.57	EQUIPMENT/PARTS
MITCHELL AND ASSOCIATES INC	1,250.00	CONTRACTURAL SVC
BLUFFS TAXI & COURIER	1,227.30	PROFESSIONAL SVCS
DOLL DISTRIBUTING INC	1,218.00	MAC OPERATING EXPENDITURES
OCLC NETLIBRARY	1,210.47	SUBSCRIPTION
THURMAN PSYCHOLOGICAL LLC	1,210.00	MEDICAL SUPPLIES
TY'S OUTDOOR POWER & SERVICE	1,208.97	EQUIPMENT/PARTS
I-80 LIQUOR & TOBACCO	1,198.59	DODGE OPERATING EXPENDITURES
ABSTRACT PAINTING & DECORATING INC	1,190.00	CONTRACTURAL SVC
AHLERS & COONEY PC	1,174.50	ATTORNEY FEES
SKARSHAUG TESTING LABORATORY INC	1,170.65	CONTRACTURAL SVC
ACUSHNET COMPANY	1,134.44	DODGE OPERATING EXPENDITURES
TWEEDT ENGINEERING & CONSTRUCTION	1,120.00	CONTRACTURAL SVC
OMAHA WORLD HERALD	1,114.02	ADVERTISEMENT
DATA POWER TECHNOLOGY LLC	1,077.00	REPAIRS
CENTURYLINK	1,069.92	TELEPHONE
TERRACON CONSULTANTS OF NEB INC	1,050.00	PROFESSIONAL SVCS

STATE INDUSTRIAL PROUCTS	1,035.60	SUPPLIES
TURFWERKS	1,025.56	DODGE OPERATING EXPENDITURES
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,000.00	EMPLOYEE CONTRIB
YANT EQUIPMENT	993.90	REPAIRS
TRIPLE PLAY TURF	975.00	DODGE OPERATING EXPENDITURES
D & K PRODUCTS	972.64	SUPPLIES
ALEX AIR APPARATUS INC	970.15	EQUIPMENT/PARTS
WALKERS INC	965.75	UNIFORMS
ABM ONSITE SERVICES-MIDWEST INC	937.25	JANITORIAL SERVICE
DIVE RESCUE INTERNATIONAL INC	927.50	TRAINING
RECORDED BOOKS LLC	917.57	DVD/AUDIO/CD
MID-AMERICA CLEANING SYSTEMS INC	907.79	EQUIPMENT/PARTS
CONQUER DIAMONDS MFG CO	896.00	SUPPLIES
OVERDRIVE INC	895.83	BOOKS/PERIODICALS/SUB
MIDWEST LABORATORIES INC	895.00	CONTRACTURAL SVC
PASSPORT LABS INC	892.75	PARK FEES
EDWARDS CHEVROLET-CADILLAC INC	880.02	EQUIPMENT/PARTS
MIDLAND SCIENTIFIC INC	856.71	SUPPLIES
LARSEN SUPPLY COMPANY INC	848.86	SUPPLIES
TRAFFIC CONTROL CORP	840.00	EQUIPMENT/PARTS
CENGAGE LEARNING INC	832.52	BOOKS/PERIODICALS/SUB
BRYAN PREGON	820.00	FEES
MYRON WILDER	820.00	FEES
YMCA OF GREATER OMAHA	810.00	CONTRACTURAL SVC
LPL FINANCIAL LLC	804.36	DODGE TRUST REIMBURSEMENT
M & R WELDING	804.00	WELDING SUPPLIES/SERVICE
ROAD BUILDERS MACH & SUPPLY CO INC	794.00	EQUIPMENT/PARTS
DEX MEDIA EAST LLC	775.50	ADVERTISEMENT
OUTDOOR CUSTOM SPORTSWEAR LLC	772.40	DODGE OPERATING EXPENDITURES
CHILD SUPPORT SERVICES DIVISION	771.48	GARNISHMENT
AIR-SIDE COMPONENTS INCORPORATED	766.70	EQUIPMENT/PARTS
JOHNSON HARDWARE CO	750.00	MAC OPERATING EXPENDITURES
ACTION TARGET	747.18	EQUIPMENT/PARTS
NEBRASKA CHILD SUPPORT PAYMENT CTR	744.93	EMPLOYEE CONTRIB
POTTAWATTAMIE COUNTY RECORDER	733.00	FEES
AGRILAND F S INC	731.95	SUPPLIES
MARK WARNEKE	725.00	CONTRACTURAL SVC
AVI SYSTEMS INC	720.00	HARDWARE/SOFTWARE
LAWSON PRODUCTS INCORPORATED	715.91	SUPPLIES
IOWA ONE CALL	703.90	CONTRACTURAL SVC
FASTENAL COMPANY	692.35	SUPPLIES
MCMULLEN FORD INC	691.70	EQUIPMENT/PARTS
NEBRASKA DISTRIBUTING	679.50	MAC OPERATING EXPENDITURES
THOMSON REUTERS	675.21	SUBSCRIPTION
C & J INDUSTRIAL SUPPLY	669.35	JANITORIAL SERVICE
ABC ELECTRIC INCORPORATED	665.85	REPAIRS
WELLMARK	660.24	REFUND



CHRISTINE PETERSEN	659.50	REFUND
UMR	643.84	DODGE OPERATING EXPENDITURES
JONES AUTOMOTIVE INCORPORATED	624.20	EQUIPMENT/PARTS
HEARTLAND CO-OP	622.00	FUEL
TEMPLE UNIVERSITY	612.00	MAC OPERATING EXPENDITURES
BOMGAARS SUPPLY INC	591.71	SUPPLIES
MECHANICAL SALES PARTS INCORPORATED	587.50	SUPPLIES
OMAHA CHILDREN'S MUSEUM	569.00	CONTRACTURAL SVC
JIMMY CAVANAUGH	549.18	REFUND
MIDWEST GLASS	534.24	REPAIRS
U S AUTO FORCE/U S LUBRICANTS	532.08	SUPPLIES
ATHLETICO EXCEL NEBRASKA LLC	529.00	PROFESSIONAL SVCS
BISHOP BUSINESS EQUIPMENT COMPANY	517.08	SUPPLIES
WATER ENGINEERING INC	509.14	CONTRACTURAL SVC
WEST BEND MUTUAL INSURANCE COMPANY	502.00	INSURANCE
HART GOLF	493.00	DODGE OPERATING EXPENDITURES
TURF CARS LTD	492.00	DODGE OPERATING EXPENDITURES
MATHESON TRI GAS INC.	489.33	WELDING SUPPLIES/SERVICE
AGRIVISION EQUIPMENT GROUP	468.30	EQUIPMENT/PARTS
STEPP MANUFACTURING CO INC	463.57	EQUIPMENT/PARTS
TITAN MACHINERY INC	455.63	EQUIPMENT/PARTS
TOYNE INC	455.62	EQUIPMENT/PARTS
SITEONE LANDSCAPE SUPPLY	440.06	DODGE OPERATING EXPENDITURES
MIDWEST AG SERVICES INC	425.00	CONSULTANT
VERONICA WALKER	425.00	REFUND
VOICE & DATA SYSTEMS INC	413.00	TELEPHONE
CHEMSEARCHFE	406.33	SUPPLIES
JULIE CORBETT	400.00	TRAINING
MURPHY TRACTOR & EQUIPMENT CO CORP	392.87	SUPPLIES
CENTER POINT LARGE PRINT	385.29	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	382.40	BOOKS/PERIODICALS/SUB
DALTON PREGON	375.00	FEES
MARTIN PRODUCT SALES LLC	373.70	SUPPLIES
PLC	372.00	MOWING/GROUNDS MAINT
ABLE LOCKSMITHS	367.50	CONTRACTURAL SVC
THERMO KING CHRISTENSEN	365.43	SUPPLIES
DUNCAN PARKING TECHNOLOGIES INC	360.50	EQUIPMENT/PARTS
FIRE SERVICE TRAINING BUREAU	350.00	TRAINING
TYLER TECHNOLOGIES INC	350.00	HARDWARE/SOFTWARE
BOFA	347.54	MAC OPERATING EXPENDITURES
BUCKS INC	333.96	VEHICLE WASH
GOVDEALS INC	333.68	ONLINE PAYMENT FEES
JERRY R BARLOW	325.00	CONTRACTURAL SVC
HHH INC	315.17	SUPPLIES
MIDWEST TURF & IRRIGATION	315.17	DODGE OPERATING EXPENDITURES
ASP ENTERPRISES INC	308.00	EQUIPMENT/PARTS
KARIN LEWIS	300.00	REPAIRS

LESLIE ELIZABETH GODDARD	300.00	CONTRACTURAL SVC
MICHAEL MANNING	300.00	REIMBURSEMENT
MIDWEST DISTRIBUTING CORPORATION	300.00	LEASE
WASTE COMMISSION OF SCOTT COUNTY	300.00	CONTRACTURAL SVC
WEST BROADWAY CLINIC P C	285.00	CONSULTANT
MARCO INC.	280.94	LOAN PAYMENTS
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	280.00	EMPLOYEE CONTRIB
CARRIER ENTERPRISE LLC	277.79	EQUIPMENT/PARTS
O'REILLY AUTOMOTIVE INC	275.74	SUPPLIES
READING EQUIPMENT & DISTRIBUTION, LLC	275.72	EQUIPMENT/PARTS
MULTIPLE OPTIONS INC	275.00	HARDWARE/SOFTWARE
RDG GEOSCIENCE & ENGINEERING INC	257.25	PROFESSIONAL SVCS
A + UNITED RADIATOR REPAIR INC.	250.00	REPAIRS
JANICE DAMON	250.00	REFUND
J&M GOLF	246.06	DODGE OPERATING EXPENDITURES
U S MANUFACTURING INC	244.50	EQUIPMENT/PARTS
EAGLE SERVICES	244.00	DODGE OPERATING EXPENDITURES
ONE SOURCE THE BACKGROUND CHECK COMPANY	244.00	CONSULTANT
JIM HAWK TRUCK TRAILERS INC	241.28	EQUIPMENT/PARTS
PARAMOUNT LINEN & UNIFORMS	233.06	DODGE OPERATING EXPENDITURES
CONRECO INC	228.00	SUPPLIES
POTTAWATTAMIE COUNTY CLERK OF COURT	225.00	COURT COSTS
SITEONE LANDSCAPE SUPPLY HOLDING LLC	223.03	LANDSCAPING SUPPLIES
BGNE	222.00	SUPPLIES
ASPEN EQUIPMENT CO	197.00	EQUIPMENT/PARTS
CAVENDISH SQUARE PUBLISHING LLC	195.54	BOOKS/PERIODICALS/SUB
RAY MABBITT	195.00	CONTRACTURAL SVC
RED RIVER WASTE SOLUTIONS LP	191.47	DODGE OPERATING EXPENDITURES
HOTSY EQUIPMENT COMPANY	190.39	REPAIRS
JODI R QUAKENBUSH	179.85	TRAVEL REIMBURSEMENT
NATIONAL FIRE PROTECTION ASSN	175.00	BOOKS/PERIODICALS/SUB
CANON SOLUTIONS AMERICA INC	166.43	COPY/PRINTER MAINTANCE
ECHO ELECTRIC SUPPLY	165.00	MAC OPERATING EXPENDITURES
RESPOND FIRST AID SYSTEMS	160.45	MEDICAL SUPPLIES
DANA SCHOTT	160.00	MAC OPERATING EXPENDITURES
GENIE PEST CONTROL	160.00	PEST CONTROL
JONATHAN C FINNEGAN	156.96	TRAVEL REIMBURSEMENT
REVOLUTION WRAPS LLC	154.46	ADVERTISEMENT
J & R LIQUOR	152.96	MAC OPERATING EXPENDITURES
SAFETY KLEEN CORPORATION	150.00	CONTRACTURAL SVC
HAWKEYE TRUCK EQUIPMENT	149.70	EQUIPMENT/PARTS
ROTARY CLUB OF COUNCIL BLUFFS	140.00	DUES/MEMBERSHIP
HELGET SAFETY SUPPLY INCORPORATED	127.00	SUPPLIES
BAYLOR UNIVERISTY	120.00	BOOKS/PERIODICALS/SUB
MCINTOSH PLUMBING INC	118.52	CONTRACTURAL SVC
COX BUSINESS	116.20	DODGE OPERATING EXPENDITURES
INTERSTATE INDUSTRIAL INSTRM INC	116.00	SUPPLIES

INTERSTATE POWER SYSTEMS INC	113.42	EQUIPMENT/PARTS
CONNIE JENKINS	113.34	REFUND
UNITED PARCEL SERVICE	111.39	FREIGHT/POSTAGE
SIGMA-ALDRICH RTC INC	110.51	SUPPLIES
ECHO ELECTRIC SUPPLY	106.70	MAC OPERATING EXPENDITURES
WANITA E PRINTY-ZIKA	105.00	CONSULTANT
MELISSA RIDER	100.00	REFUND
ST PETERS CATHOLIC CHURCH	100.00	CONSULTANT
THE WALMAN OPTICAL COMPANY	98.95	SAFETY EQUIPMENT
KEVIN ROBINSON	98.00	REIMBURSEMENT
TYLER SCHIRM	98.00	REIMBURSEMENT
GREAT AMERICA FINANCIAL SERV	95.22	DODGE OPERATING EXPENDITURES
HARRIS GOLF CARS	94.47	DODGE OPERATING EXPENDITURES
MATHESON TRI GAS INC	92.40	MAC OPERATING EXPENDITURES
AMERICAN NATIONAL BANK	88.24	BANK SERVICES
ESTATE OF FRANK S BONE	83.80	REFUND
PATRICIA K GRELL	83.36	REFUND
ALICIA MAHONEY	83.21	REFUND
BRIAN NELSON	80.54	REFUND
FIRESRING	80.10	PRINTING/BINDING
DAVID C ANDERSEN	80.00	CONTRACTURAL SVC
QBQ INDUSTRIES LLC	80.00	PROFESSIONAL SVCS
FIREFIGHTERS UNION #15	79.00	PAYROLL EXPENDITURES
ECHO ELECTRIC SUPPLY	78.00	MAC OPERATING EXPENDITURES
BETTER HOMES REMODELING	77.80	REFUND
VICKI SMITH	70.00	REFUND
HYDRONIC ENERGY INC	69.00	MAC OPERATING EXPENDITURES
MID STATES BANK	67.74	MAC OPERATING EXPENDITURES
DATASHIELD CORPORATION	65.00	CONTRACTURAL SVC
RACHEL NAGUNST	64.20	CONTRACTURAL SVC
AUTOZONE STORES LLC	63.16	EQUIPMENT/PARTS
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	62.86	EQUIPMENT/PARTS
JEBRO INCORPORATED	60.00	CONTRACTURAL SVC
JEREMY SMITH	60.00	CONTRACTURAL SVC
RICOH USA INC	58.43	EQUIPMENT/PARTS
SPRINT SOLUTIONS INC	57.48	CELL PHONE
IOWA STATE UNIVERSITY EXTENSION	55.00	FEES
PRESTO X	55.00	PROFESSIONAL SVCS
ECHO ELECTRIC SUPPLY	54.00	MAC OPERATING EXPENDITURES
DULTMEIER SALES	53.92	SUPPLIES
MIDSTATES BANK, NA	53.84	BANK SERVICES
LINDSAY GENTILE	50.00	REFUND
LKQ MIDWEST AUTO	50.00	EQUIPMENT/PARTS
3M COMPANY	49.44	SUPPLIES
REGENT BOOK COMPANY	48.47	SUPPLIES
COUNCIL BLUFFS CHAMBER OF COMMERCE	40.00	CONTRACTURAL SVC
THERESA ZIMMERMAN	39.95	REIMBURSEMENT

LORETTA GOESCHEL	38.70	TRAVEL REIMBURSEMENT
TURFWERKS	38.52	EQUIPMENT/PARTS
AMERITAS LIFE INS CORP	37.92	DODGE OPERATING EXPENDITURES
MIDWEST SOUND & LIGHTING INC	36.50	MAC OPERATING EXPENDITURES
ALEX PATRICK CROWL	35.00	CONTRACTURAL SVC
NATIONAL RAILROAD SAFETY SERVICES INC	35.00	TRAINING
TIFOSI OPTICS INC	32.03	DODGE OPERATING EXPENDITURES
MUTUAL OF OMAHA	32.00	DODGE OPERATING EXPENDITURES
CIVIL PROCESS SERVERS	30.00	PROFESSIONAL SVCS
AMERICAN MESSAGING SERVICES LLC	29.47	TELEPHONE
IOWA DEPARTMENT OF REVENUE	29.25	GARNISHMENT
MENARDS	27.75	SUPPLIES
DOUGLAS COUNTY TREASURER	25.59	FEES
DEBORAH WHITE	25.00	FEES
GOOGLE LLC	25.00	DODGE OPERATING EXPENDITURES
GORDON D OR ETTA MAYE SMITH	25.00	REFUND
MATTHEW M KRZYCKI	25.00	TRAVEL REIMBURSEMENT
LINCOLN NATIONAL LIFE INS CO	24.40	DODGE OPERATING EXPENDITURES
JACQUELINE L HURD	23.40	REFUND
JULIANNE M JOHNSON	22.46	TRAVEL REIMBURSEMENT
PAYPAL INC	19.95	CONTRACTURAL SVC
SUPPLYWORKS	18.52	SAFETY EQUIPMENT
GALLS INCORPORATED	16.84	EQUIPMENT/PARTS
GMRI INC	15.00	REFUND
IOWA WESTERN COMMUNITY COLLEGE	15.00	QUARTERLY CONTRACT PAYMENT
CHARLES WORAM	10.00	REFUND
HYDRONIC ENERGY INC	9.57	MAC OPERATING EXPENDITURES
JAMIE N RUPPERT	8.83	TRAVEL REIMBURSEMENT
JUAN RAMOS	8.64	REFUND
FED EX	8.05	DODGE OPERATING EXPENDITURES
UNION BANK & TRUST FSA	3.50	DODGE OPERATING EXPENDITURES
MIDWEST SOUND & LIGHTING INC	2.56	MAC OPERATING EXPENDITURES
UNION BANK & TRUST	2.00	DODGE OPERATING EXPENDITURES
CHARLENE CHASE	1.34	REFUND
DISCOVER	0.52	MAC OPERATING EXPENDITURES

---



---

11,787,514.36

<b>CITY OF COUNCIL BLUFFS</b>	<b>AUGUST 2018</b>	<b>VENDOR PAYMENT LIST</b>
<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
3M COMPANY	49.44	SUPPLIES
A & A SHEET METAL PRODUCTS INC	3,560.00	EQUIPMENT/PARTS
A + UNITED RADIATOR REPAIR INC.	250.00	REPAIRS
ABBA PUMP PARTS & SERVICE	6,646.00	EQUIPMENT/PARTS
ABC ELECTRIC INCORPORATED	665.85	REPAIRS
ABLE LOCKSMITHS	367.50	CONTRACTURAL SVC
ABM ONSITE SERVICES-MIDWEST INC	937.25	JANITORIAL SERVICE
ABSTRACT PAINTING & DECORATING INC	1,190.00	CONTRACTURAL SVC
ACTION TARGET	747.18	EQUIPMENT/PARTS
ACUSHNET COMPANY	1,134.44	DODGE OPERATING EXPENDITURES
AFSCME IOWA COUNCIL 61	2,276.52	DUES EMPLOYEE
AGRILAND F S INC	731.95	SUPPLIES
AGRIVISION EQUIPMENT GROUP	468.30	EQUIPMENT/PARTS
AHLERS & COONEY PC	1,174.50	ATTORNEY FEES
AIR CLEANING TECHNOLOGIES INC	2,742.63	EQUIPMENT/PARTS
AIRCAD INC	1,768.00	EQUIPMENT/PARTS
AIR-SIDE COMPONENTS INCORPORATED	766.70	EQUIPMENT/PARTS
ALEGENT HEALTH-BERGAN MERCY HEALTH SYSTEM	2,000.00	MEDICAL SUPPLIES
ALEX AIR APPARATUS INC	970.15	EQUIPMENT/PARTS
ALEX PATRICK CROWL	35.00	CONTRACTURAL SVC
ALEXIS FIRE EQUIPMENT	3,750.00	EQUIPMENT/PARTS
ALICIA MAHONEY	83.21	REFUND
ALL WEATHER SERVICES LLC	2,350.00	CONTRACTURAL SVC
ALVINE AND ASSOCIATES INC	4,700.00	PROFESSIONAL SVCS
AMERICAN MESSAGING SERVICES LLC	29.47	TELEPHONE
AMERICAN NATIONAL BANK	88.24	BANK SERVICES
AMERITAS LIFE INS CORP	37.92	DODGE OPERATING EXPENDITURES
AQUA-CHEM INCORPORATED	4,468.55	SUPPLIES
ARNOLD MOTOR SUPPLY LLP	1,285.20	EQUIPMENT/PARTS
ARROW TOWING	8,490.40	TOWING/STORAGE/AUCTION
ASP ENTERPRISES INC	308.00	EQUIPMENT/PARTS
ASPEN EQUIPMENT CO	197.00	EQUIPMENT/PARTS
ASPHALT AND CONCRETE MATERIALS CO	8,378.85	STREET MAINTENANCE SUPLS
ATHLETICO EXCEL NEBRASKA LLC	529.00	PROFESSIONAL SVCS
AUTOZONE STORES LLC	63.16	EQUIPMENT/PARTS
AVI SYSTEMS INC	720.00	HARDWARE/SOFTWARE
BACKYARD TREE EXPERTS	3,905.00	TREE WORK
BAKER & TAYLOR INC	8,627.67	BOOKS/PERIODICALS/SUB
BARCO MUNICIPAL PRODUCTS INC	17,719.00	SUPPLIES
BAYLOR UNIVERISTY	120.00	BOOKS/PERIODICALS/SUB
BEST CARE EMPLOYEE ASSISTANCE PROGRAM	1,510.52	MEDICAL SUPPLIES
BEST QUALITY COUNTERTOPS INC	3,789.00	REPAIRS
BETTER HOMES REMODELING	77.80	REFUND
BGNE	222.00	SUPPLIES
BISHOP BUSINESS EQUIPMENT COMPANY	517.08	SUPPLIES



BLACK HILLS UTILITY HOLDINGS INC	2,448.41	NATURAL GAS
BLUFFS ARTS COUNCIL	50,000.00	CONTRACTURAL SVC
BLUFFS ELECTRIC INC	2,946.33	ELECTRICAL REPAIR
BLUFFS PAVING & UTILITY INC	80,138.06	CONSTRUCTION
BLUFFS TAXI & COURIER	1,227.30	PROFESSIONAL SVCS
BOBCAT OF OMAHA	4,786.18	EQUIPMENT/PARTS
BOFA	347.54	MAC OPERATING EXPENDITURES
BOMGAARS SUPPLY INC	591.71	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	382.40	BOOKS/PERIODICALS/SUB
BRIAN NELSON	80.54	REFUND
BRYAN PREGON	820.00	FEES
BUCKS INC	333.96	VEHICLE WASH
C & J INDUSTRIAL SUPPLY	669.35	JANITORIAL SERVICE
CABANA COFFEE	2,084.80	MAC OPERATING EXPENDITURES
CANINE TACTICAL LLC	21,000.00	SAFETY EQUIPMENT
CANON SOLUTIONS AMERICA INC	166.43	COPY/PRINTER MAINTANCE
CARLEY CONSTRUCTION LLC	87,546.38	CONSTRUCTION
CARRIER ENTERPRISE LLC	277.79	EQUIPMENT/PARTS
CARROLL CONSTRUCTION SUPPLY	1,478.56	EQUIPMENT/PARTS
CAVENDISH SQUARE PUBLISHING LLC	195.54	BOOKS/PERIODICALS/SUB
CENGAGE LEARNING INC	832.52	BOOKS/PERIODICALS/SUB
CENTER POINT LARGE PRINT	385.29	SUPPLIES
CENTURYLINK	1,069.92	TELEPHONE
CERTIFIED TRANSMISSION	2,922.60	REPAIRS
CFI TIRE SERVICE	3,624.52	TIRE REPLACEMENT/REPAIR
CHAMPLIN TIRE RECYCLING INC	4,178.00	TIRE DISPOSAL
CHARLENE CHASE	1.34	REFUND
CHARLES WORAM	10.00	REFUND
CHEMSEARCHFE	406.33	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	771.48	GARNISHMENT
CHRISTINE PETERSEN	659.50	REFUND
CIT GROUP	1,707.82	DODGE OPERATING EXPENDITURES
CITY OF COUNCIL BLUFFS	1,986.83	DODGE OPERATING EXPENDITURES
CIVIL PROCESS SERVERS	30.00	PROFESSIONAL SVCS
CLARK EQUIPMENT COMPANY	4,854.50	EQUIPMENT/PARTS
COBERLY'S REAL IMAGES	2,751.60	UNIFORMS
COLLECTION SERVICES CENTER	13,699.17	GARNISHMENT
COMMSYS INC	7,068.75	HARDWARE/SOFTWARE
COMPASS UTILITY LLC	339,323.81	CONSTRUCTION
COMPUTER CABLE CONNECTION	1,300.00	HARDWARE/SOFTWARE
CONNIE JENKINS	113.34	REFUND
CONQUER DIAMONDS MFG CO	896.00	SUPPLIES
CONRECO INC	228.00	SUPPLIES
CORNHUSKER INTERNATIONAL TRUCKS	1,793.15	EQUIPMENT/PARTS
COUNCIL BLUFFS CHAMBER OF COMMERCE	40.00	CONTRACTURAL SVC
COUNCIL BLUFFS CONVENTION & VISITORS BUREAU	156,250.00	CONTRACTURAL SVC
COUNCIL BLUFFS WATER WORKS	17,473.35	WATER

COUNCIL BLUFFS WINSUPPLY	21,262.01	SUPPLIES
COX BUSINESS	17,816.19	PHONE/INTERNET SVC
COX BUSINESS	116.20	DODGE OPERATING EXPENDITURES
CREDIT CARD AND BANK FEES	2,953.32	DODGE OPERATING EXPENDITURES
CUSTOM AUTO REBUILDERS	6,352.16	VEHICLE REPAIR
D & K PRODUCTS	972.64	SUPPLIES
D&K PRODUCTS	4,483.86	DODGE OPERATING EXPENDITURES
DAILY NONPAREIL	2,728.32	ADVERTISEMENT
DALTON PREGON	375.00	FEES
DANA SCHOTT	160.00	MAC OPERATING EXPENDITURES
DATA POWER TECHNOLOGY LLC	1,077.00	REPAIRS
DATABASE LLC	2,600.00	HARDWARE/SOFTWARE
DATASHIELD CORPORATION	65.00	CONTRACTURAL SVC
DAVID C ANDERSEN	80.00	CONTRACTURAL SVC
DAVID S AND KAREN S DAPPEN	10,250.00	RIGHT OF WAY EASEMENTS
DAVID W WOODY	1,422.94	SUPPLIES
DEAN HOLDING COMPANY	1,476.87	CONTRACTURAL SVC
DEBORAH WHITE	25.00	FEES
DEX MEDIA EAST LLC	775.50	ADVERTISEMENT
DIAL PROPERTIES	44,442.00	MOWING/GROUNDS MAINT
DIAMOND MARKETING SOLUTIONS GROUP INC	13,561.68	POSTAGE & LEASE COST
DISCOVER	0.52	MAC OPERATING EXPENDITURES
DIVE RESCUE INTERNATIONAL INC	927.50	TRAINING
DMG INC	1,978.00	MAC OPERATING EXPENDITURES
DOLL DISTRIBUTING INC	1,218.00	MAC OPERATING EXPENDITURES
DOLL DISTRIBUTING LLC	3,498.65	DODGE OPERATING EXPENDITURES
DOSTALS CONSTRUCTION CO INC	5,250.00	CONSTRUCTION
DOUGLAS COUNTY TREASURER	25.59	FEES
DULTMEIER SALES	53.92	SUPPLIES
DUNCAN PARKING TECHNOLOGIES INC	360.50	EQUIPMENT/PARTS
DXP ENTERPRISES INC	1,557.94	EQUIPMENT/PARTS
EAGLE SERVICES	244.00	DODGE OPERATING EXPENDITURES
EBS - FLEX ACOCUNT	14,469.00	PAYROLL EXPENDITURES
EBSCO INFORMATION SERVICES	2,342.00	SUBSCRIPTION
ECHO ELECTRIC SUPPLY	50,873.76	SUPPLIES
ECHO ELECTRIC SUPPLY	165.00	MAC OPERATING EXPENDITURES
ECHO ELECTRIC SUPPLY	106.70	MAC OPERATING EXPENDITURES
ECHO ELECTRIC SUPPLY	78.00	MAC OPERATING EXPENDITURES
ECHO ELECTRIC SUPPLY	54.00	MAC OPERATING EXPENDITURES
ECOSOLUTIONS LLC	1,371.00	SUPPLIES
ED M FELD EQUIPMENT COMPANY INC	1,686.67	EQUIPMENT/PARTS
EDWARDS CHEVROLET-CADILLAC INC	880.02	EQUIPMENT/PARTS
EFTPS	765,850.42	EMPLOYEE TAXES
EHRHART GRIFFIN & ASSOCIATES INC	24,559.75	PROFESSIONAL SVCS
ELAVON INC	6,714.52	FEES
ELECTRIC PUMP	8,972.02	EQUIPMENT/PARTS
ELECTRONIC SOUND INC1	1,500.00	MAC OPERATING EXPENDITURES

ELLIOTT AUTO SUPPLY COMPANY INC	2,155.90	SUPPLIES
ENTERPRISE RENT A CAR MIDWEST	1,379.48	RENTAL EXPS
ERIC M LITWIN	2,250.00	PROFESSIONAL SVCS
ESO SOLUTIONS INC	22,476.00	HARDWARE/SOFTWARE
ESTATE OF FRANK S BONE	83.80	REFUND
EXECUTIVE SECURITY OF OMAHA	1,705.00	MAC OPERATING EXPENDITURES
EXELON CORPORATION	2,249.01	NATURAL GAS
FAMOUS DAVES	3,734.59	MAC OPERATING EXPENDITURES
FASTENAL COMPANY	692.35	SUPPLIES
FED EX	8.05	DODGE OPERATING EXPENDITURES
FELSBURG HOLT & ULLEVIG INC	12,113.27	PROFESSIONAL SVCS
FIRE SERVICE TRAINING BUREAU	350.00	TRAINING
FIREFIGHTERS UNION #15	79.00	PAYROLL EXPENDITURES
FIRESPRING	80.10	PRINTING/BINDING
FIRST NATIONAL BANK PCARDS ACH	2,889.14	DODGE OPERATING EXPENDITURES
FRATERNAL ORDER OF POLICE	3,080.00	PAYROLL EXPENDITURES
FUNNEL CAKE	1,423.55	MAC OPERATING EXPENDITURES
GALLS INCORPORATED	16.84	EQUIPMENT/PARTS
GARAGE DOOR SERVICES	5,664.00	CONTRACTURAL SVC
GENERAL TRAFFIC CONTROLS INC	29,676.00	CONTRACTURAL SVC
GENIE PEST CONTROL	160.00	PEST CONTROL
GENUINE PARTS COMPANY-NAPA	3,606.26	EQUIPMENT/PARTS
GMRI INC	15.00	REFUND
GOOGLE LLC	25.00	DODGE OPERATING EXPENDITURES
GORDON D OR ETTA MAYE SMITH	25.00	REFUND
GOVDEALS INC	333.68	ONLINE PAYMENT FEES
GRAINGER	1,757.81	EQUIPMENT/PARTS
GREAT AMERICA FINANCIAL SERV	95.22	DODGE OPERATING EXPENDITURES
GREAT PLAINS UNIFORMS	1,704.00	UNIFORMS
GREEN ACRES RECYCLING	18,688.88	SOLID WASTE DISPOSAL
GREGORY A PETERSON CONSULTING INC	3,100.00	CONSULTANT
GUNDERSON LAWN CARE	16,423.53	CONTRACTURAL SVC
HARCROS CHEMICALS INC	2,398.00	SUPPLIES
HARRIS GOLF CARS	94.47	DODGE OPERATING EXPENDITURES
HART GOLF	493.00	DODGE OPERATING EXPENDITURES
HAWKEYE TRUCK EQUIPMENT	149.70	EQUIPMENT/PARTS
HAWKINS CONSTRUCTION COMPANY	1,130,916.45	CONSTRUCTION
HD SUPPLY FAC MAINTENANCE LTD	1,289.96	SUPPLIES
HDR ENGINEERING INC	60,119.66	PROFESSIONAL SVCS
HEARTLAND CO-OP	622.00	FUEL
HEARTLAND TIRES & TREADS INC	6,113.51	TIRE REPLACEMENT/REPAIR
HELGET SAFETY SUPPLY INCORPORATED	127.00	SUPPLIES
HGM ASSOCIATES INC	148,346.87	PROFESSIONAL SVCS
HHH INC	315.17	SUPPLIES
HISTORICAL GENERAL DODGE HOUSE FDN INC	18,750.00	QUARTERLY CONTRACT PAYMENT
HOEFER WYSOCKI ARCHITECTS, LLC	12,056.37	PROFESSIONAL SVCS
HOLT WOODWORKING INC	7,900.00	REPAIRS

HOTSY EQUIPMENT COMPANY	190.39	REPAIRS
HYDRONIC ENERGY INC	9.57	MAC OPERATING EXPENDITURES
HYDRONIC ENERGY INC	69.00	MAC OPERATING EXPENDITURES
I-80 LIQUOR & TOBACCO	1,198.59	DODGE OPERATING EXPENDITURES
ICMA RETIREMENT TRUST	15,141.45	PAYROLL EXPENDITURES
IMPACT7G INC	3,500.00	CONTRACTURAL SVC
INDUSTRIAL ORGANIZATIONAL SOLUTIONS INC.	4,468.00	CONSULTANT
INDUSTRIAL SALES COMPANY INC	1,712.64	SUPPLIES
INSIGHT PUBLIC SECTOR INC	19,763.44	HARDWARE/SOFTWARE
INTERSTATE INDUSTRIAL INSTRM INC	116.00	SUPPLIES
INTERSTATE POWER SYSTEMS INC	113.42	EQUIPMENT/PARTS
IOWA DEPARTMENT OF NATURAL RESOURCE	1,625.00	CONTRACTURAL SVC
IOWA DEPARTMENT OF REVENUE	29.25	GARNISHMENT
IOWA DEPARTMENT OF REVENUE	26,218.00	DODGE OPERATING EXPENDITURES
IOWA DEPARTMENT OF REVENUE	7,580.00	MAC OPERATING EXPENDITURES
IOWA DEPT OF REVENUE	191,508.00	EMPLOYEE TAXES
IOWA ONE CALL	703.90	CONTRACTURAL SVC
IOWA PRISON INDUSTRIES	1,847.70	SUPPLIES
IOWA RECYCLING ASSOCIATION	5,000.00	DUES/MEMBERSHIP
IOWA STATE UNIVERSITY EXTENSION	55.00	FEES
IOWA WASTE SYSTEMS	37,669.11	SOLID WASTE DISPOSAL
IOWA WESTERN COMMUNITY COLLEGE	15.00	QUARTERLY CONTRACT PAYMENT
IOWA WORKFORCE DEVELOPMENT	19,884.77	UNEMPLOYEMENT
IPERS	284,062.35	RETIREMENT
J & L SERVICES	10,037.00	RENTAL EXPS
J & R LIQUOR	152.96	MAC OPERATING EXPENDITURES
J&M GOLF	246.06	DODGE OPERATING EXPENDITURES
JACQUELINE L HURD	23.40	REFUND
JAMIE N RUPPERT	8.83	TRAVEL REIMBURSEMENT
JANICE DAMON	250.00	REFUND
JEBRO INCORPORATED	60.00	CONTRACTURAL SVC
JEFFREY KOTERBA	4,000.00	CONTRACTURAL SVC
JEO CONSULTING GROUP INC	11,805.70	CONSULTANT
JEREDITH BRANDS LLC	8,156.50	JANITORIAL SERVICE
JEREMY SMITH	60.00	CONTRACTURAL SVC
JERRY R BARLOW	325.00	CONTRACTURAL SVC
JIM HAWK TRUCK TRAILERS INC	241.28	EQUIPMENT/PARTS
JIMMY CAVANAUGH	549.18	REFUND
JODI R QUAKENBUSH	179.85	TRAVEL REIMBURSEMENT
JOHNSON HARDWARE CO	750.00	MAC OPERATING EXPENDITURES
JONATHAN C FINNEGAN	156.96	TRAVEL REIMBURSEMENT
JONES AUTOMOTIVE INCORPORATED	624.20	EQUIPMENT/PARTS
JUAN RAMOS	8.64	REFUND
JULIANNE M JOHNSON	22.46	TRAVEL REIMBURSEMENT
JULIE CORBETT	400.00	TRAINING
KAL CONSTRUCTION INC	10,580.00	CONSTRUCTION
KARIN LEWIS	300.00	REPAIRS

KAYS CUSTOMS	5,316.50	CONTRACTURAL SVC
KELTEK INCORPORATED	6,062.80	EQUIPMENT/PARTS
KENNETH LOGHRY	2,620.00	MOWING/GROUNDS MAINT
KEVIN ROBINSON	98.00	REIMBURSEMENT
KONECRANES	2,769.96	CONTRACTURAL SVC
LANDSCAPES MGMT COMPANY	9,018.71	DODGE OPERATING EXPENDITURES
LANDSCAPES UNLIMITED	1,428.37	DODGE OPERATING EXPENDITURES
LANDSCAPES UNLIMITED LLC	115,782.30	CONTRACTURAL SVC
LARSEN SUPPLY COMPANY INC	848.86	SUPPLIES
LAWN WIZARDS INC	12,054.00	MOWING/GROUNDS MAINT
LAWSON PRODUCTS INCORPORATED	715.91	SUPPLIES
LESLIE ELIZABETH GODDARD	300.00	CONTRACTURAL SVC
LIKES MEYERSON HATCH LLC	4,273.50	CONSULTANT
LINCOLN NATIONAL LIFE INS CO	24.40	DODGE OPERATING EXPENDITURES
LINDSAY GENTILE	50.00	REFUND
LKQ MIDWEST AUTO	50.00	EQUIPMENT/PARTS
LOCKTON CO, LLC -KC SERIES	3,679.00	DODGE OPERATING EXPENDITURES
LOESS HILLS LANDSCAPING	6,195.80	CONTRACTURAL SVC
LORETTA GOESCHEL	38.70	TRAVEL REIMBURSEMENT
LPL FINANCIAL LLC	804.36	DODGE TRUST REIMBURSEMENT
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,920.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	280.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,520.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,000.00	EMPLOYEE CONTRIB
M & M STAFFING INC	3,099.59	CONTRACTURAL SVC
M & R WELDING	804.00	WELDING SUPPLIES/SERVICE
MALLOY ELECTRIC	1,346.72	EQUIPMENT/PARTS
MARCO INC.	280.94	LOAN PAYMENTS
MARCO TECHNOLOGIES LLC	14,934.61	COPY/PRINTER MAINTANCE
MARK WARNEKE	725.00	CONTRACTURAL SVC
MARTIN PRODUCT SALES LLC	373.70	SUPPLIES
MATHESON TRI GAS INC	92.40	MAC OPERATING EXPENDITURES
MATHESON TRI GAS INC.	489.33	WELDING SUPPLIES/SERVICE
MATTHEW M KRZYCKI	25.00	TRAVEL REIMBURSEMENT
MCINTIRE BRASS WORKS INC	2,950.00	EQUIPMENT/PARTS
MCINTOSH PLUMBING INC	118.52	CONTRACTURAL SVC
MCMULLEN FORD INC	691.70	EQUIPMENT/PARTS
MECHANICAL SALES PARTS INCORPORATED	587.50	SUPPLIES
MELISSA RIDER	100.00	REFUND
MENARDS	27.75	SUPPLIES
MFPRSI	674,662.50	PAYROLL EXPENDITURES
MICHAEL MANNING	300.00	REIMBURSEMENT
MICHAEL O'BRADOVICH	2,400.00	CONSULTANT
MICHAEL TODD AND COMPANY INC	1,275.57	EQUIPMENT/PARTS
MID AMERICAN SIGNAL INC	8,996.00	EQUIPMENT/PARTS
MID STATES BANK	67.74	MAC OPERATING EXPENDITURES
MID-AMERICA CLEANING SYSTEMS INC	907.79	EQUIPMENT/PARTS



MIDAMERICAN ENERGY	149,725.13	ELECTRICITY
MIDLAND SCIENTIFIC INC	856.71	SUPPLIES
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACTURAL SVC
MIDSTATES BANK, NA	38,954.93	WORK COMP
MIDSTATES BANK, NA	53.84	BANK SERVICES
MIDSTATES CONSTRUCTION PRODUCTS INC	4,506.50	EQUIPMENT/PARTS
MIDWEST AG SERVICES INC	425.00	CONSULTANT
MIDWEST DISTRIBUTING CORPORATION	300.00	LEASE
MIDWEST GLASS	534.24	REPAIRS
MIDWEST LABORATORIES INC	895.00	CONTRACTURAL SVC
MIDWEST SOUND & LIGHTING INC	36.50	MAC OPERATING EXPENDITURES
MIDWEST SOUND & LIGHTING INC	2.56	MAC OPERATING EXPENDITURES
MIDWEST TAPE	7,205.33	DVD/AUDIO/CD
MIDWEST TURF & IRRIGATION	2,062.04	EQUIPMENT/PARTS
MIDWEST TURF & IRRIGATION	315.17	DODGE OPERATING EXPENDITURES
MITCHELL AND ASSOCIATES INC	1,250.00	CONTRACTURAL SVC
MOBOTREX INC	2,449.20	SUPPLIES
MULTIPLE OPTIONS INC	275.00	HARDWARE/SOFTWARE
MURPHY TRACTOR & EQUIPMENT CO CORP	392.87	SUPPLIES
MUTUAL OF OMAHA	32.00	DODGE OPERATING EXPENDITURES
MYRON WILDER	820.00	FEES
NATHAN N SORENSEN	5,045.00	CONTRACTURAL SVC
NATIONAL FIRE PROTECTION ASSN	175.00	BOOKS/PERIODICALS/SUB
NATIONAL RAILROAD SAFETY SERVICES INC	35.00	TRAINING
NATIONWIDE RETIREMENT SOLUTIONS INC	95,329.83	EMPLOYEE CONTRIB
NEBRASKA AIR FILTER INC	1,775.88	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	744.93	EMPLOYEE CONTRIB
NEBRASKA DISTRIBUTING	679.50	MAC OPERATING EXPENDITURES
NEBRASKA MACHINERY COMPANY	1,413.52	EQUIPMENT/PARTS
NEXT PHASE ENVIRONMENTAL	37,543.00	CONTRACTURAL SVC
NODDLE DEVELOPMENT COMPANY	27,166.66	CONSULTANT
OCLC NETLIBRARY	1,210.47	SUBSCRIPTION
OLSSON ASSOCIATES	3,094.35	CONSULTANT
OMAHA CHILDREN'S MUSEUM	569.00	CONTRACTURAL SVC
OMAHA DOOR & WINDOW CO INC	1,617.70	REPAIRS
OMAHA WORLD HERALD	1,114.02	ADVERTISEMENT
OMNI ENGINEERING	20,860.05	STREET MAINTENANCE SUPLS
ONE SOURCE THE BACKGROUND CHECK COMPANY	244.00	CONSULTANT
O'REILLY AUTOMOTIVE INC	275.74	SUPPLIES
OUTDOOR CUSTOM SPORTSWEAR LLC	772.40	DODGE OPERATING EXPENDITURES
OVERDRIVE INC	895.83	BOOKS/PERIODICALS/SUB
PACIFIC SPRINGS GOLF CLUB	3,248.57	DODGE OPERATING EXPENDITURES
PARAMOUNT LINEN & UNIFORMS	233.06	DODGE OPERATING EXPENDITURES
PASSPORT LABS INC	892.75	PARK FEES
PATRICIA K GRELL	83.36	REFUND
PAYPAL INC	19.95	CONTRACTURAL SVC
PAYROLL	101,017.48	MAC OPERATING EXPENDITURES

PAYROLL	82,478.08	DODGE OPERATING EXPENDITURES
PAYROLL	2,775,265.94	CITY EMPLOYEE PAYROLL
PEPSI BEVERAGES CO	2,234.70	DODGE OPERATING EXPENDITURES
PETERS LAW FIRM PC	25,001.38	ATTORNEY FEES
PETROLEUM TRADERS CORPORATION	60,579.91	FUEL
PITNEY BOWES CORPORATION	3,040.76	POSTAGE & LEASE COST
PLC	372.00	MOWING/GROUNDS MAINT
POTTAWATTAMIE COUNTY AUDITOR	4,529.67	LAW ENFORCEMENT COMPLEX
POTTAWATTAMIE COUNTY CLERK OF COURT	225.00	COURT COSTS
POTTAWATTAMIE COUNTY RECORDER	733.00	FEES
PREMIER MIDWEST BEVERAGE CO	1,436.40	DODGE OPERATING EXPENDITURES
PRESTO X	55.00	PROFESSIONAL SVCS
PROJECT ADVOCATES	14,580.95	CONTRACTURAL SVC
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	62.86	EQUIPMENT/PARTS
PROTEX CENTRAL INCORPORATED	1,431.34	CONTRACTURAL SVC
QBQ INDUSTRIES LLC	80.00	PROFESSIONAL SVCS
R J NELSON COMPANY INCORPORATED	2,470.00	REPAIRS
RACHEL NAGUNST	64.20	CONTRACTURAL SVC
RASMUSSEN MECHANICAL SERVICE CORP	16,910.43	REPAIRS
RAY MABBITT	195.00	CONTRACTURAL SVC
RDG GEOSCIENCE & ENGINEERING INC	257.25	PROFESSIONAL SVCS
READING EQUIPMENT & DISTRIBUTION, LLC	275.72	EQUIPMENT/PARTS
READY MIXED CONCRETE	67,357.00	SUPPLIES
RECORDED BOOKS LLC	917.57	DVD/AUDIO/CD
RED RIVER WASTE SOLUTIONS LP	294,131.93	REFUSE COLLECTION
RED RIVER WASTE SOLUTIONS LP	191.47	DODGE OPERATING EXPENDITURES
REGENT BOOK COMPANY	48.47	SUPPLIES
RESPOND FIRST AID SYSTEMS	160.45	MEDICAL SUPPLIES
REVOLUTION WRAPS LLC	154.46	ADVERTISEMENT
RHOMAR INDUSTRIES INC	2,664.34	SUPPLIES
RICOH USA INC	58.43	EQUIPMENT/PARTS
RIVERSIDE BUILDING MAINTENANCE INC	2,142.00	JANITORIAL SERVICE
ROAD BUILDERS MACH & SUPPLY CO INC	794.00	EQUIPMENT/PARTS
ROCK MILLS ENTERPRISES INC	1,597.50	EQUIPMENT/PARTS
ROGER F AND MAUREEN E HARVEY	5,000.00	RIGHT OF WAY EASEMENTS
ROSE EQUIPMENT INC	1,330.52	EQUIPMENT/PARTS
ROTARY CLUB OF COUNCIL BLUFFS	140.00	DUES/MEMBERSHIP
RPL UTILITY LLC	25,746.81	CONSTRUCTION
SAFETY GUARD INC	2,712.00	REPAIRS
SAFETY KLEEN CORPORATION	150.00	CONTRACTURAL SVC
SAMPSON CONSTRUCTION CO INC	720,377.00	CONSTRUCTION
SAPP BROTHERS INC	28,016.56	FUEL
SCHILDBERG CONSTRUCTION COMPANY INC	1,855.92	STREET MAINTENANCE SUPLS
SIEMENS INDUSTRY INC	68,617.80	EQUIPMENT/PARTS
SIGMA-ALDRICH RTC INC	110.51	SUPPLIES
SILVERSTONE RISK SERVICES INC	6,410.00	INSURANCE
SITEONE LANDSCAPE SUPPLY	440.06	DODGE OPERATING EXPENDITURES

SITEONE LANDSCAPE SUPPLY HOLDING LLC	223.03	LANDSCAPING SUPPLIES
SJ ELECTRO SYSTEMS INC	62,421.60	EQUIPMENT/PARTS
SKARSHAUG TESTING LABORATORY INC	1,170.65	CONTRACTURAL SVC
SMARTWAVE TECHNOLOGIES LLC	10,376.65	HARDWARE/SOFTWARE
SNYDER & ASSOCIATES INC	29,048.50	PROFESSIONAL SVCS
SOLARWINDS INC	6,230.00	HARDWARE/SOFTWARE
SOUTHWEST IOWA NARCOTICS	8,024.99	REIMBURSEMENT
SOUTHWEST IOWA PLANNING COUNCIL	25,186.42	CONTRACTURAL SVC
SPRINGSTED INCORPORATED	5,687.50	CONSULTANT
SPRINT SOLUTIONS INC	57.48	CELL PHONE
ST PETERS CATHOLIC CHURCH	100.00	CONSULTANT
STAGEPAY SERVICES INC	5,249.98	CONTRACTURAL SVC
STATE INDUSTRIAL PROUCTS	1,035.60	SUPPLIES
STEPP MANUFACTURING CO INC	463.57	EQUIPMENT/PARTS
STERN OIL CO., INC	2,601.50	SUPPLIES
STRATUM CONSULTING PARTNERS INC	6,120.00	CONTRACTURAL SVC
STRYKER MEDICAL	3,138.00	EQUIPMENT/PARTS
STUDIO 15 COMMERCIAL INTERIORS INC	152,797.25	CONTRACT LABOR
SUPPLYWORKS	18.52	SAFETY EQUIPMENT
SWAGIT PRODUCTIONS LLC	1,375.00	CONTRACTURAL SVC
SYSCO - LINCOLN	4,044.95	DODGE OPERATING EXPENDITURES
TEMPLE UNIVERSITY	612.00	MAC OPERATING EXPENDITURES
TERRACON CONSULTANTS OF NEB INC	1,050.00	PROFESSIONAL SVCS
TERRY HUGHES TREE SERVICE	12,450.00	CONTRACTURAL SVC
THE DAVEY TREE EXPERT COMPANY	2,100.00	CONTRACTURAL SVC
THE OFFICE CLEANERS	3,102.05	JANITORIAL SERVICE
THE RETROFIT COMPANIES INC	2,835.70	CONTRACTURAL SVC
THE SCOTTS COMPANY	12,288.22	REFUSE COLLECTION
THE WALMAN OPTICAL COMPANY	98.95	SAFETY EQUIPMENT
THERESA ZIMMERMAN	39.95	REIMBURSEMENT
THERMO KING CHRISTENSEN	365.43	SUPPLIES
THOMSON REUTERS	675.21	SUBSCRIPTION
THURMAN PSYCHOLOGICAL LLC	1,210.00	MEDICAL SUPPLIES
TIFOSI OPTICS INC	32.03	DODGE OPERATING EXPENDITURES
TITAN MACHINERY INC	455.63	EQUIPMENT/PARTS
TOYNE INC	455.62	EQUIPMENT/PARTS
TRAFFIC CONTROL CORP	840.00	EQUIPMENT/PARTS
TRANE U.S. INC	1,442.64	REPAIRS
TRANS-IOWA EQUIPMENT INC	4,478.52	EQUIPMENT/PARTS
TRANSIT AUTHORITY OF THE CITY OF OMAHA	66,173.00	BUS SERVICE
TREASURER STATE OF IOWA/SALES TAX	3,413.00	SALES TAX
TRIPLE PLAY TURF	975.00	DODGE OPERATING EXPENDITURES
TURF CARS LTD	492.00	DODGE OPERATING EXPENDITURES
TURFWERKS	38.52	EQUIPMENT/PARTS
TURFWERKS	1,025.56	DODGE OPERATING EXPENDITURES
TWEEDT ENGINEERING & CONSTRUCTION	1,120.00	CONTRACTURAL SVC
TWO RIVERS INSURANCE COMPANY INC	790,212.44	HEALTH INSURANCE

TYLER SCHIRM	98.00	REIMBURSEMENT
TYLER TECHNOLOGIES INC	350.00	HARDWARE/SOFTWARE
TY'S OUTDOOR POWER & SERVICE	1,208.97	EQUIPMENT/PARTS
U S AUTO FORCE/U S LUBRICANTS	532.08	SUPPLIES
U S MANUFACTURING INC	244.50	EQUIPMENT/PARTS
ULTRAMAX AMMUNITION	4,374.40	SUPPLIES
UMR	643.84	DODGE OPERATING EXPENDITURES
UNION BANK & TRUST	2.00	DODGE OPERATING EXPENDITURES
UNION BANK & TRUST FSA	3.50	DODGE OPERATING EXPENDITURES
UNITED PARCEL SERVICE	111.39	FREIGHT/POSTAGE
US BANK	90,645.90	BANK SERVICES
US BANK	207,176.28	BASS PRO LOAN
VALLEY CORPORATION	133,249.45	CONSTRUCTION
VERIZON WIRELESS SERVICES LLC	9,958.22	CELL PHONE
VERMEER SALES & SERVICE INC	3,709.27	EQUIPMENT/PARTS
VERONICA WALKER	425.00	REFUND
VICKI SMITH	70.00	REFUND
VOICE & DATA SYSTEMS INC	413.00	TELEPHONE
VOLTMER, INC.	9,334.82	CONTRACTURAL SVC
VOYA RETIREMENT INSURANCE & ANNUITY CO	15,769.00	EMPLOYEE CONTRIB
WALKERS INC	965.75	UNIFORMS
WANITA E PRINTY-ZIKA	105.00	CONSULTANT
WASTE COMMISSION OF SCOTT COUNTY	300.00	CONTRACTURAL SVC
WASTE CONNECTIONS OF NEBRASKA INC	1,714.93	SOLID WASTE DISPOSAL
WATER ENGINEERING INC	509.14	CONTRACTURAL SVC
WELLMARK	660.24	REFUND
WEST BEND MUTUAL INSURANCE COMPANY	502.00	INSURANCE
WEST BROADWAY CLINIC P C	285.00	CONSULTANT
WESTERN ENGINEERING COMPANY INC	249,504.21	CONSTRUCTION
WINDSTREAM CORPORATION	2,507.16	TELEPHONE
WORKMAN PRECAST CORP	8,002.00	SUPPLIES
WYSS ASSOCIATES, INC	3,083.52	CONTRACTURAL SVC
YANT EQUIPMENT	993.90	REPAIRS
YMCA OF GREATER OMAHA	810.00	CONTRACTURAL SVC
ZIMCO SUPPLY CO	9,678.10	DODGE OPERATING EXPENDITURES

---



---

11,787,514.36

## Council Communication

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

Mayor's Appointments

Council Action: 9/24/2018

### Description

#### Background/Discussion

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

#### **CITY PLANNING COMMISSION**

Appoint the following with terms expiring 4/1/2023:

Joe Disalvo  
208 Kestrel Ct

Travis Halm  
109 S 38th St #237

Heath Haner  
2903 Renner Dr

#### Recommendation



**Council Communication**

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

Offers to Buy

Council Action: 9/24/2018

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

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

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

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Offers to Bu</a>	Other	9/18/2018

# APPLICATION TO PURCHASE CITY PROPERTY

000X370  
1234567  
8901234

Submit To: Marcy Worden, City Clerk  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, IA 51503

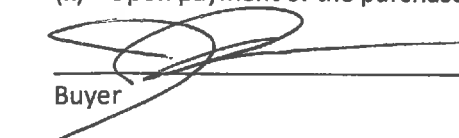
THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:  
Lot 2, NW Corner of Railroad Avenue and College Road

Buyers are applying to purchase this property for the following purpose(s):  
60 apartment units developed with Low Income Housing Tax Credits

Buyers offer a total sum of \$ 188,745

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.

 9-11-18  
Buyer Date  
Justin M. Zimmerman, Member  
Print Name

\_\_\_\_\_  
Buyer Date  
\_\_\_\_\_  
Print Name

Internal Use Only		
<input type="checkbox"/> Buildable Lot	<input type="checkbox"/> Date Received	<input type="checkbox"/> Offer Sufficient For Review
<input type="checkbox"/> Remnant Parcel		
<input type="checkbox"/> Previously Vacated ROW	<input type="checkbox"/> Case # Assigned	Approved For
<input type="checkbox"/> Other	<input type="checkbox"/> Payment W/Offer	Processing : _____

RECEIPT #: 638504  
CITY OF COUNCIL BLUFFS  
209 PEARL STREET  
COUNCIL BLUFFS IA 51503

DATE: 09/12/18 TIME: 11:38  
CLERK: kd  
PURCHASE LAND  
CHG: CODE 50.00  
\*\*\*MUST CHANGE CODE\*\*\*  
REFERENCE:  
PMT REF:

REVENUE:  
1 A16901 480000 50.00  
SALE OF LAND  
REF1: REF2: KD

CUSTOMER # & NAME: 0

AMOUNT PAID: 50.00  
PAID BY: ZIMMERMAN PROPERTIES  
PAYMENT METH: CHECK  
5766

AMT TENDERED: 50.00  
AMT APPLIED: 50.00  
CHANGE: .00

**Council Communication**

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

Claims

Council Action: 9/24/2018

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

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

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

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Claims</a>	Other	9/18/2018

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

CITY CLAIM NO. 18-PW-1910

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Michael Watkins DAY PHONE: 712-307-2905  
ADDRESS: 2611 2nd Ave Co Bluffs IA 51501 DOB: \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: 8/20/18

LOCATION OF LOSS/ACCIDENT: 2611 2nd Ave Co Bluffs IA 51501

DESCRIPTION OF LOSS/ACCIDENT: Reverse flow of water from city sewer system. Insured advised same issue occurred in 2011.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 13,206.64 payments are still pending

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: See attached photos and estimates

LIST INSURANCE PROVIDER AND COVERAGE: Farmers claim #5006245612

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)

9-7-18  
DATE

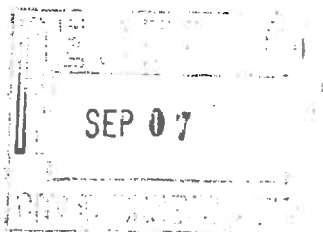
Andre Ybarra  
CLAIMANT'S SIGNATURE

Andre Ybarra  
512-533-8807  
Farmers Insurance Exchange

CLERK RCVD

7 SEP'18

PM2:40





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-1911

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Frances Stubbs DAY PHONE: 712-322-0179  
ADDRESS: 2731 Ave B DOB: 11-17-41  
DATE & TIME OF LOSS/ACCIDENT: 8-20-2018 10:00<sup>am</sup> - 12:00<sup>pm</sup>

LOCATION OF LOSS/ACCIDENT: 2731 Ave B  
DESCRIPTION OF LOSS/ACCIDENT: Water coming from outside street drains was coming into basement living quarters through the drain by the hot water heater & shower drain & busted the sump pump (from the water pressure) (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 25,000

WITNESS(ES) (Name(s), Address(es), Phone No(s)): State Farm Inspector & Tracy Hough  
928 Valley View Dr St. 4  
Council Bluffs IA 51503  
712-325-1906

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: on reverse side

LIST INSURANCE PROVIDER AND COVERAGE: State Farm (Tracy Hough)  
not covered from water from outside sewer

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)

9-4-2018  
DATE

Frances Stubbs  
CLAIMANT'S SIGNATURE

CLERK RCD

10 SEP'18

PM1:28

SEP 10

We got 8 to 10 inches through out the whole basement. Lots of ~~about~~ clothing, 2 bookcases, couch, loveseat, carpet, tiles (in 2 bedrooms, bathroom, Kitchen) all need replaced. The wall between the bedroom + bathroom needs fixed/repaired. 1 bedroom door needs replaced \$68.00 Paid Burton Plumbing \$3844.00 to suck up all the water Had to have a tanker truck brought in to get all the water out. State Farm came out + said there is at least 25,000 worth of damage but they will not pay because it was coming from the outside sewage drains, so they say they are not responsible to reimburse + to file a claim against the city. We have pictures + a video showing water coming out of the floor drain into the basement. Need to get a dumpster to get rid of all the ruined items from the basement.

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-PD-1912

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Sherry L. Holmes DAY PHONE: (402) 813-5899  
ADDRESS: 3106 35<sup>th</sup> Ave. Council Bluffs, Ia 51501 DOB: 10-19-1975  
DATE & TIME OF LOSS/ACCIDENT: 9-3-18 / 16:32  
LOCATION OF LOSS/ACCIDENT: 116 N 25<sup>th</sup> St.  
DESCRIPTION OF LOSS/ACCIDENT: Front, drivers side Fender & bumper  
was scrapped by a Police car pulling into a parking space  
in front of my car.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 948.95

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:

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)

9-11-18  
DATE

Sherry L. Holmes  
CLAIMANT'S SIGNATURE

CLERK RCD  
11 SEP'18

PM 2:36

SEP 11

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-1913

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Progressive Insurance/Elizabeth Bucci DAY PHONE: 515-829-3889  
ADDRESS: 1820 NW 118th St. Ste 100 Clive, IA 51325 DOB: —

DATE & TIME OF LOSS/ACCIDENT: 8/24/2018 9:00 am

LOCATION OF LOSS/ACCIDENT: S. 6th St. + 12th Ave.

DESCRIPTION OF LOSS/ACCIDENT: A temporary Stop sign was placed at the intersection facing WB traffic. This stop sign had fallen over, face down, in the road. This resulted in an accident at the above referenced day/time.

TOTAL DAMAGES CLAIMED: \$ Unknown at this time

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: Both vehicles involved one total losses - valuation is pending

LIST INSURANCE PROVIDER AND COVERAGE: Progressive - Claim # 18-2351898

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)

9/10/18  
DATE

[Signature]  
CLAIMANT'S SIGNATURE

CLERK RCD  
13 SEP'18

PM 2:44

SEP 13

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-1914

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Jennifer J. Johnson DAY PHONE: 402-444-5590  
ADDRESS: 2719 Avenue B, Council Bluffs, IA 51501 DOB: 6-23-78  
DATE & TIME OF LOSS/ACCIDENT: 21 AUGUST 2018 MONDAY  
LOCATION OF LOSS/ACCIDENT: Alleyway behind residence [Alleyway between A & B Sts]  
DESCRIPTION OF LOSS/ACCIDENT: while driving in alleyway went over water puddle that was a pothole or hole in gravel giving front RIGHT tire flat and misaligning vehicle (USE BACK OF FORM, IF NECESSARY)  
TOTAL DAMAGES CLAIMED: \$ 229.95  
WITNESS(ES) (Name(s), Address(es), Phone No(s)): JAMES THOMPSON, 2719 Avenue B, Council Bluffs, IA 51501, 402-213-8678

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: \$150.00 (TIRE) + \$79.95 (Alignment) = \$229.95  
4-wheel

See attached invoice (2 PGS), "Report Card" (2 PGS) & photographs

LIST INSURANCE PROVIDER AND COVERAGE: State Farm Insurance (A, C, D500, G500, H, B1, U, 9K)

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

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

DATE Aug 31, 2018

CLAIMANT'S SIGNATURE Jennifer J. Johnson  
402-686-8960

SEP 18

CLERK RCVD  
19 SEP'18  
PM 2:44

## Council Communication

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

Resolution 18-270

Council Action: 9/24/2018

### Description

Resolution 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, 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 attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">MIS-18-004 Staff Report Including Attach A and B</a>	Other	9/12/2018
<a href="#">Resolution 18-270</a>	Resolution	9/18/2018



### 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

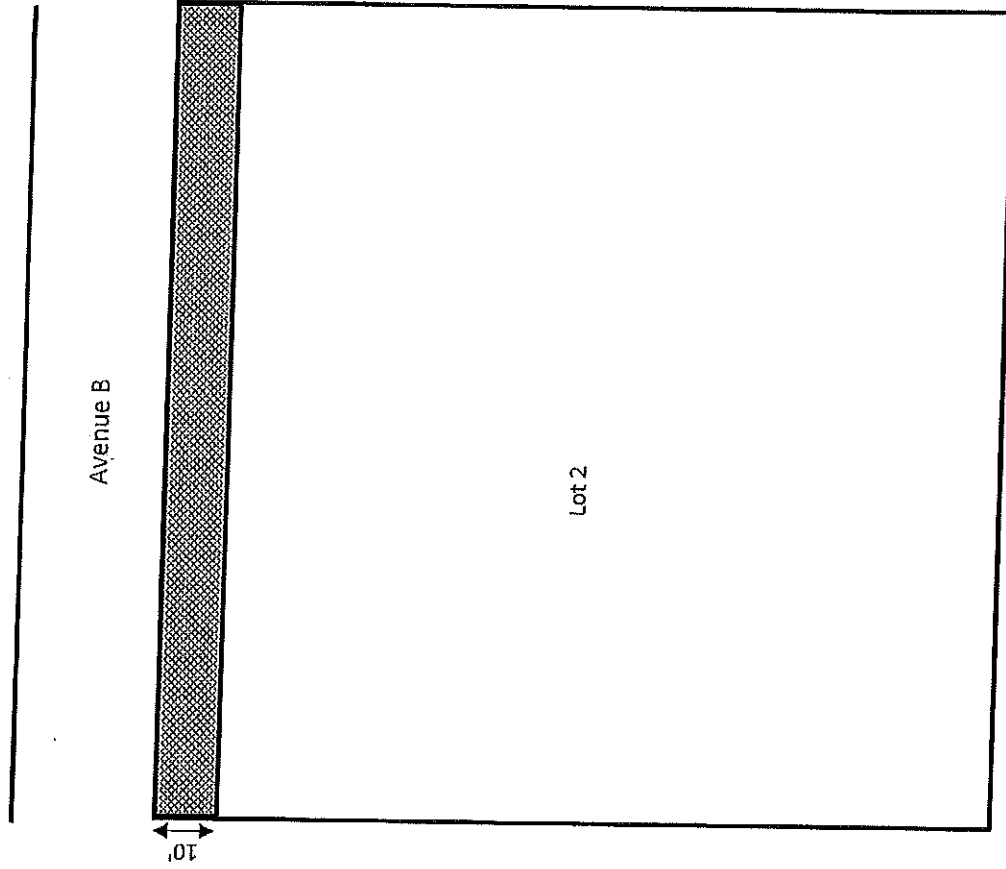
-  - Subject Property Line & ROW
-  - Easement



## 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).



	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 )  
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

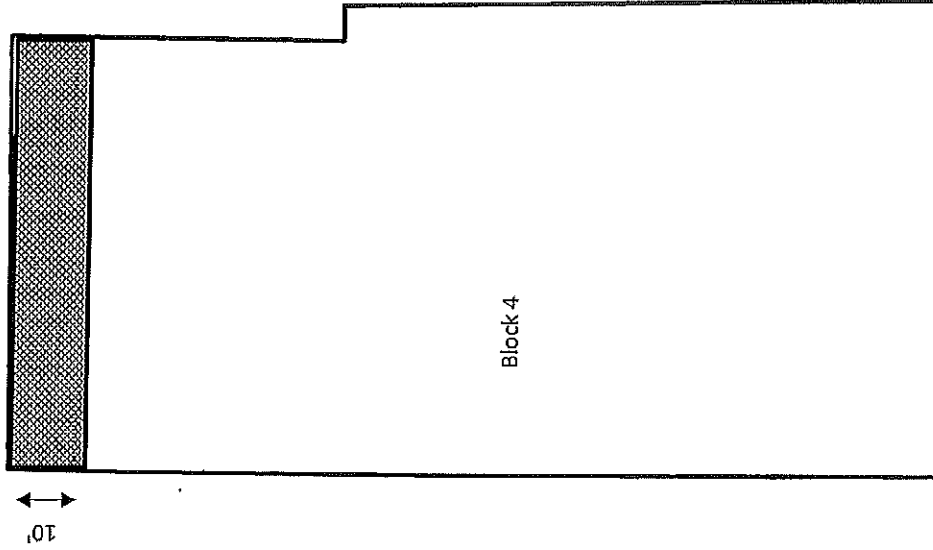
## Parcel Legal Description:

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).

Avenue B



Customer: City of Council Bluffs

Address: 209 Pearl St

City: Council Bluffs

State: Iowa

Scale: Not to Scale

Parcel: 754428356004

Date: June 27, 2018

Sec 28, T 75 N, R 44 W



Job Desc: Electric Underground and Overhead Easements

RESOLUTION NO. 18-270

A RESOLUTION 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, following public hearing and having given careful study to the proposal, the City Council determines disposing of certain property interest located across and/or through the North 10 feet of Lot 2, Block 3, River's Edge Subdivision and the North 10 feet of Block 4, River's Edge Subdivision by granting an easement for the benefit of the MidAmerican Energy Company is of no benefit to the public and should be granted; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City property interest; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record; and

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

That the interest in the City-owned property legally described as being the North 10 feet of Lot 2, Block 3, River's Edge Subdivision and the North 10 feet of Block 4, River's Edge Subdivision is

hereby disposed of by granting an easement for the benefit of MidAmerican Energy Company and all successors in interest; and

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED  
AND  
APPROVED:

September 24, 2018

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

ATTEST:

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

STATE OF IOWA    )  
COUNTY OF        )ss  
POTTAWATTAMIE)

On this \_\_\_\_\_ day of \_\_\_\_\_, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State

## Council Communication

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

Resolution 18-271

Council Action: 9/24/2018

### Description

Resolution approving the plans and specifications 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:	Hold Public Hearing	September 24, 2018
	Bid Letting	October 11, 2018
	Award	October 22, 2018
	Construction Start	November 2018

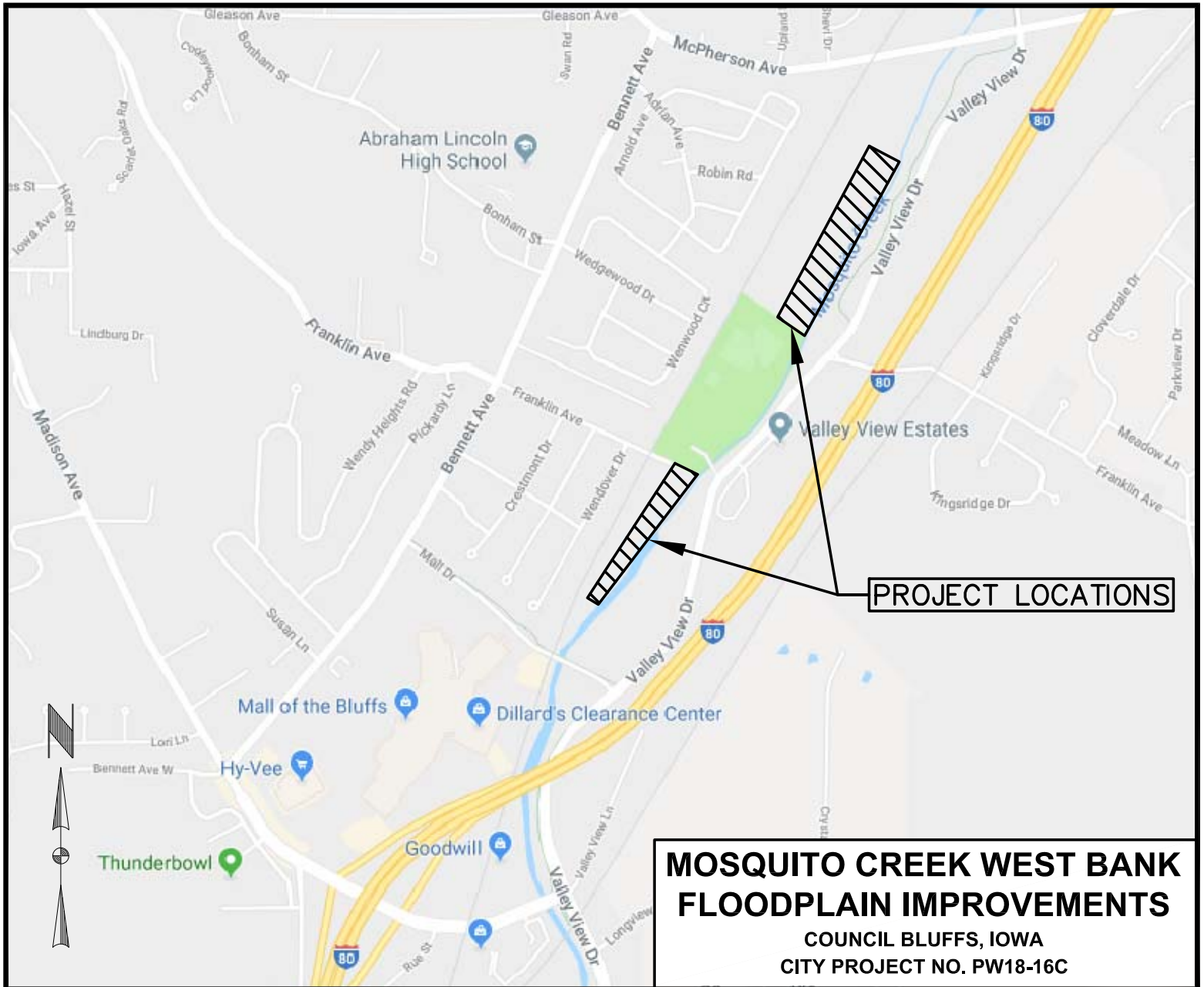
### Recommendation

Approval of this resolution.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	9/13/2018
<a href="#">Resolution 18-271</a>	Resolution	9/18/2018





**RESOLUTION  
NO 18-271**

**RESOLUTION APPROVING THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
MOSQUITO CREEK WEST BANK FLOODPLAIN IMPROVEMENTS  
PROJECT #PW18-16C**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Mosquito Creek West Bank Floodplain Improvements; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 24, 2018.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the Mosquito Creek West Bank Floodplain Improvements Project and the City Clerk is hereby authorized to advertise for bids for said project.

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 24, 2018

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

ATTEST:

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

## Council Communication

Department: Community Development  
Case/Project No.: SUB-18-014  
Submitted by: Christopher Gibbons, Planning  
Coordinator

Resolution 18-272

Council Action: 9/24/2018

### Description

Resolution granting final plat approval of a Five-Lot Industrial Subdivision to be known as South Pointe Subdivision, Phase 2. Location: A southerly extension of South Pointe Subdivision from South 19th Street at Gifford Road. SUB-18-014

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SUB-18-014 South Pointe Subdivision Final Plat PH Notice (9-24-18) CC</a>	Other	9/14/2018
<a href="#">SUB-18-014 South Pointe Subdivision Phase 2 Final Plat Staff Report (9-24-18) CC</a>	Other	9/14/2018
<a href="#">SUB-18-014 South Pointe Subdivision Phase 2 Final Plat Attach A (9-24-18) CC</a>	Other	9/14/2018
<a href="#">SUB-18-014 South Pointe Subdivision Phase 2 Final Plat Attach B (9-24-18) CC</a>	Other	9/14/2018
<a href="#">Resolution 18-272</a>	Resolution	9/18/2018

## **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 the request of the Council Bluffs Industrial Foundation for final plat approval of a five lot industrial subdivision to be known as South Pointe Subdivision, Phase 2, legally described as being part of the S1/2 NW1/4, a part of the SW1/4 NE1/4, and part of Government Lot 2, all in Section 14-74-44, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 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.

## City Council Communication

<p>Department: Community Development</p> <p>CASE #SUB-18-014</p> <p>Applicant/Owner: Council Bluffs Industrial Foundation 149 West Broadway Council Bluffs, Iowa 51503</p> <p>Representatives: Matthew G. O'Reilly, President Council Bluffs Industrial Foundation 312 East Ferndale Drive Council Bluffs, IA 51503</p> <p>Daniel Koenig, President/CEO Council Bluffs Chamber of Commerce 149 West Broadway Council Bluffs, Iowa 51503</p> <p>Surveyor: Johnathan M. Leisinger, L.S. HGM Associates Inc. 640 5<sup>th</sup> Avenue Council Bluffs, Iowa 51501</p>	<p>Resolution No. _____</p>	<p>Public Hearing: September 13, 2018</p>
<b>Subject/Title</b>		
<p><b>Request:</b> Final plat approval of a five lot industrial subdivision to be known as South Pointe Subdivision, Phase 2.</p> <p><b>Legal Description:</b> Being part of the S1/2 NW1/4, a part of the SW1/4 NE1/4, and part of Government Lot 2, all in Section 14-74-44, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p><b>Location:</b> A southerly extension of South Pointe Subdivision from South 19<sup>th</sup> Street at Gifford Road.</p>		
<b>Background/Discussion</b>		
<p>The Community Development Department has received an application from the Council Bluffs Industrial Foundation, represented by Matthew G. O'Reilly (President) requesting final plat approval of a five-lot industrial subdivision to be known as South Pointe Subdivision Phase 2. The proposed subdivision is comprised of 95.83 acres of land and is located along a southerly extension of South 19<sup>th</sup> Street and north/east of Gifford Road. Included in the subdivision are 3.21 acres of Gifford Road right-of-way and 2.79 acres of South 19<sup>th</sup> Street right-of-way that will be dedicated to the City of Council Bluffs. All lots in the subdivision will be fully served with public utilities and are planned to be developed with industrial land uses.</p>		

Zoning/Land Use

All 95.83 acres of land in the South Pointe Subdivision, Phase 2 are currently undeveloped. On October 12, 2015, the City Council adopted Ordinance No. 6247 which rezoned the land in the South Pointe Subdivision from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District. The rezoning will become effective upon the applicant executing the final plat, as per said Ordinance. Surrounding zoning includes I-2/General Industrial District to the north and A-2/Parks, Estates, and Agricultural District to the east, west, and south. Surrounding land uses can generally be categorized as industrial to the north, Indian Creek channel to the east, and agricultural and residential to the west and south.

The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the area as light industrial and office/industrial.

**Comments**

1. The proposed five-lot industrial subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
2. The South Pointe Subdivision, Phase 2 preliminary plan was approved by City Council on September 28, 2015 by Resolution No. 15-262. The preliminary plan showed eight lots along with an extension of South 19<sup>th</sup> Street, and improvements to Gifford Road. In 2016 and 2017, the applicant was granted one-year extensions of time to record a final plat for this subdivision by the City Planning Commission so that they could complete infrastructure improvements. Those improvements are now complete and the applicant must obtain final plat approval prior to September 28, 2018; otherwise, their preliminary plan will become null and void.
3. All lots in the subdivision exceed the minimum I-2/General Industrial District lot size requirements and have direct access to a public roadway (South 19<sup>th</sup> Street and/or Gifford Road).
4. All development in this subdivision shall comply with the standards stated in Section 15.21 *I-2/General Industrial District* of the Municipal Code (Zoning Ordinance).
5. Lot 5, South Pointe Subdivision, Phase 2 directly abuts the Indian Creek levee. The Public Works Department stated a 45-foot wide levee easement shall be established along the east property line of Lot 5, South Pointe Subdivision, Phase, adjacent to Indian Creek levee right-of-way. The purpose of this easement is to provide a clear zone for flood fighting as well as to provide for a levee integrity zone that will require City review of any planned intrusion to maintain the integrity of the levee system. The easement shall be stated on the final plat and shall be dedicated to the City of Council Bluffs.
6. A section of former county right-of-way known as "Murphy Road" extends across Lot 5, South Pointe Subdivision, Phase 2 from Indian Creek to Gifford Road. This section of right-of-way must be vacated in order to be incorporated into the land area for Lot 5, South Pointe Subdivision. The applicant shall vacate and acquire said Murphy Road right-of-way prior to the final plat being executed by the City.



7. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. The Council Bluffs Water Works has a 10 foot-wide water main easement along the west property line of Lot 5, South Pointe Subdivision, Phase 2. The location and recorded book and page number (2018-11480) for said easement shall be stated on the final plat.
8. MidAmerican Energy Company stated the applicant has not entered into an agreement to extend electrical distribution facilities into this subdivision. The applicant shall provide proof of an agreement with MidAmerican Energy Company for electrical distribution facilities in this subdivision prior to the City executing the final plat.
9. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the applicant and not the City.
10. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must also be stated on the final plat relative to easements within this subdivision:
  - i. **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
  - ii. **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld.
  - iii. **RIGHT OF ACCESS:** City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
  - iv. **REMOVAL AND REPLACEMENT:** With the exception of existing structures, the cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
  - v. **SURFACE RESTORATION:** City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.
  - vi. **DUTY TO REPAIR:** City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor and to Grantor's satisfaction.
  - vii. **EASEMENT RUNS WITH LAND:** This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
11. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for any new industrial development on each lot, at no cost to the City.
12. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.
13. The Council Bluffs Permits and Inspections Division stated they have no comments for the final plat.

14. The Council Bluffs Fire Department stated they have no comments for the final plat.
15. The Council Bluffs Parks and Recreation Department identified two potential connections from the Indian Creek Trail into this subdivision that could occur across portions of Lot 5, South Pointe Subdivision, Phase 2 (see Attachment B). The first connection would tie into S. 19<sup>th</sup> Street and the second would tie into Gifford Road. The Parks and Recreation Department and applicant should have a discussion to determine if these trail connections are possibility within this subdivision, prior to any development activity on Lot 5, South Pointe Subdivision, Phase 2.
16. The following technical corrections shall be made to the final plat:
  - a. The subdivision name “Council Pointe Subdivision, Phase 2” shall be revised to state “South Pointe Subdivision, Phase 2” in the second sentence of the dedication paragraph.
  - b. The word “thnce” shall be revised to state “Thence” in the eighth paragraph of the subdivision’s legal description.

### **Recommendation**

The Community Development Department recommends approval for a five-lot industrial subdivision to be known as South Pointe Subdivision, Phase 2 as shown on Attachment A, subject to the comments above and the conditions below:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. The applicant shall vacate and acquire former county right-of-way known as “Murphy Road” that extends across Lot 5, South Pointe Subdivision, Phase 2 from Indian Creek to Gifford Road prior to the final plat being executed by the City.
5. The applicant shall provide proof of an agreement with MidAmerican Energy Company for electrical distribution facilities in this subdivision to the City prior to final plat being executed.
6. All utilities shall be installed underground.
7. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for any new industrial development on each lot, at no cost to the City.

### **Attachment**

Attachment A: South Pointe Subdivision, Phase 2 final plat

Attachment B: Potential trail connections through Lot 5, South Pointe Subdivision, Phase 2

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

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

RECORDER'S INDEX	
LOT:	
BLOCK:	
SUBDIVISION:	
SECTION: 14	TOWNSHIP: 74N / RANGE: 44W
ALLOT PART:	S1/2NW1/4, SW1/4NE1/4, GOV. LOT 2
CITY:	COUNCIL BLUFFS
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	COUNCIL BLUFFS INDUSTRIAL FOUNDATION
REQUESTED BY:	COUNCIL BLUFFS INDUSTRIAL FOUNDATION
DATE OF FIELD SURVEY:	JULY 26, 2018

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

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT COUNCIL BLUFFS INDUSTRIAL 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 LOTS 1 THROUGH 5, INCLUSIVE AND PUBLIC STREET RIGHT-OF-WAY FOR GIFFORD ROAD. SAID PROPERTY TO BE KNOWN AS COUNCIL POINTE SUBDIVISION, PHASE 2. SAID COUNCIL BLUFFS INDUSTRIAL FOUNDATION DOES HEREBY DEDICATE TO THE PUBLIC THE RIGHT-OF-WAY FOR GIFFORD ROAD AS SHOWN IN THE DRAWING (3.218 ACRES, MORE OR LESS).

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

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

BY: \_\_\_\_\_

MATTHEW G. O'REILLY (PRESIDENT)

STATE OF IOWA )  
 ) SS.  
COUNTY OF POTTAWATTAMIE )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MATTHEW G. O'REILLY, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF THE COUNCIL BLUFFS INDUSTRIAL 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 MATTHEW G. O'REILLY 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

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

CITY COUNCIL

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

ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE \_\_\_\_\_

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

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN SOUTH POINTE SUBDIVISION, PHASE 2, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS 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 DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT,

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

NOTE:

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

FINAL PLAT OF  
SOUTH POINTE SUBDIVISION, PHASE 2

A PARCEL OF LAND, BEING A PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF GOVERNMENT LOT 2, ALL IN SECTION 14, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

OWNER/DEVELOPER:  
COUNCIL BLUFFS INDUSTRIAL FOUNDATION  
149 WEST BROADWAY  
COUNCIL BLUFFS, IOWA 51503

LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING A PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF GOVERNMENT LOT 2, ALL IN SECTION 14, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 14;

THENCE ALONG THE WEST LINE OF SAID SECTION 14, NORTH 02 DEGREES 24 MINUTES 29 SECONDS EAST, 1319.85 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4);

THENCE ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4) THE FOLLOWING TWO COURSES:

- SOUTH 87 DEGREES 34 MINUTES 32 SECONDS EAST, 1321.76 FEET;
- SOUTH 87 DEGREES 30 MINUTES 25 SECONDS EAST, 1321.63 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4);

THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4), SOUTH 87 DEGREES 21 MINUTES 51 SECONDS EAST, 118.40 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INDIAN CREEK;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 18 DEGREES 21 MINUTES 20 SECONDS WEST, 2753.28 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND CONDEMNED BY THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 1298, PAGE 1 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE;

THENCE ALONG SAID NORTH LINE, NORTH 87 DEGREES 29 MINUTES 29 SECONDS WEST, 189.42 FEET TO A POINT ON THE CENTERLINE OF GIFFORD ROAD;

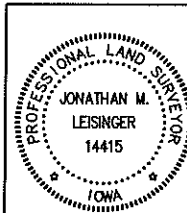
THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:

- NORTH 06 DEGREES 55 MINUTES 16 SECONDS EAST, 24.74 FEET;
- NORTH 15 DEGREES 37 MINUTES 57 SECONDS WEST, 1373.18 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SAID SECTION 14;

THENCE ALONG SAID SOUTH LINE AND ALONG SAID CENTERLINE, NORTH 87 DEGREES 36 MINUTES 28 SECONDS WEST, 68.29 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4) OF SAID SECTION 14;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4) AND ALONG SAID CENTERLINE, NORTH 87 DEGREES 36 MINUTES 28 SECONDS WEST, 1324.28 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS AN AREA OF 95.830 ACRES (INCLUDING 3.218 ACRES OF GIFFORD ROAD RIGHT-OF-WAY AND 2.799 ACRES OF SOUTH 19TH STREET RIGHT-OF-WAY), 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.

JONATHAN M. LEISINGER  
AUGUST 22, 2018  
DATE  
LICENSE NUMBER 14415  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018  
PAGES OR SHEETS COVERED BY THIS SEAL:  
SHEET 1 OF 2 SHEET 2 OF 2

This drawing is being made available by HGM Associates Inc. for use on the project in accordance with the conditions set forth herein. HGM Associates Inc. assumes no liability for any use of this drawing or any part thereof other than as intended by the terms of the above agreement.

hgm  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs amha

DEF. DESIGNED  
DEF. APPROVED  
JML  
AUG. 18  
date  
revision

project  
SOUTH POINTE SUBDIVISION, PHASE 2  
S1/2NW1/4, SW1/4NE1/4 AND GOV. LOT 2, SEC. 14-74-44  
client  
COUNCIL BLUFFS INDUSTRIAL FOUNDATION  
sheet  
FINAL PLAT

project no.  
108618  
sheet  
1 OF 2

# FINAL PLAT OF SOUTH POINTE SUBDIVISION, PHASE 2

A PARCEL OF LAND, BEING A PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S1/2NW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF GOVERNMENT LOT 2, ALL IN SECTION 14, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

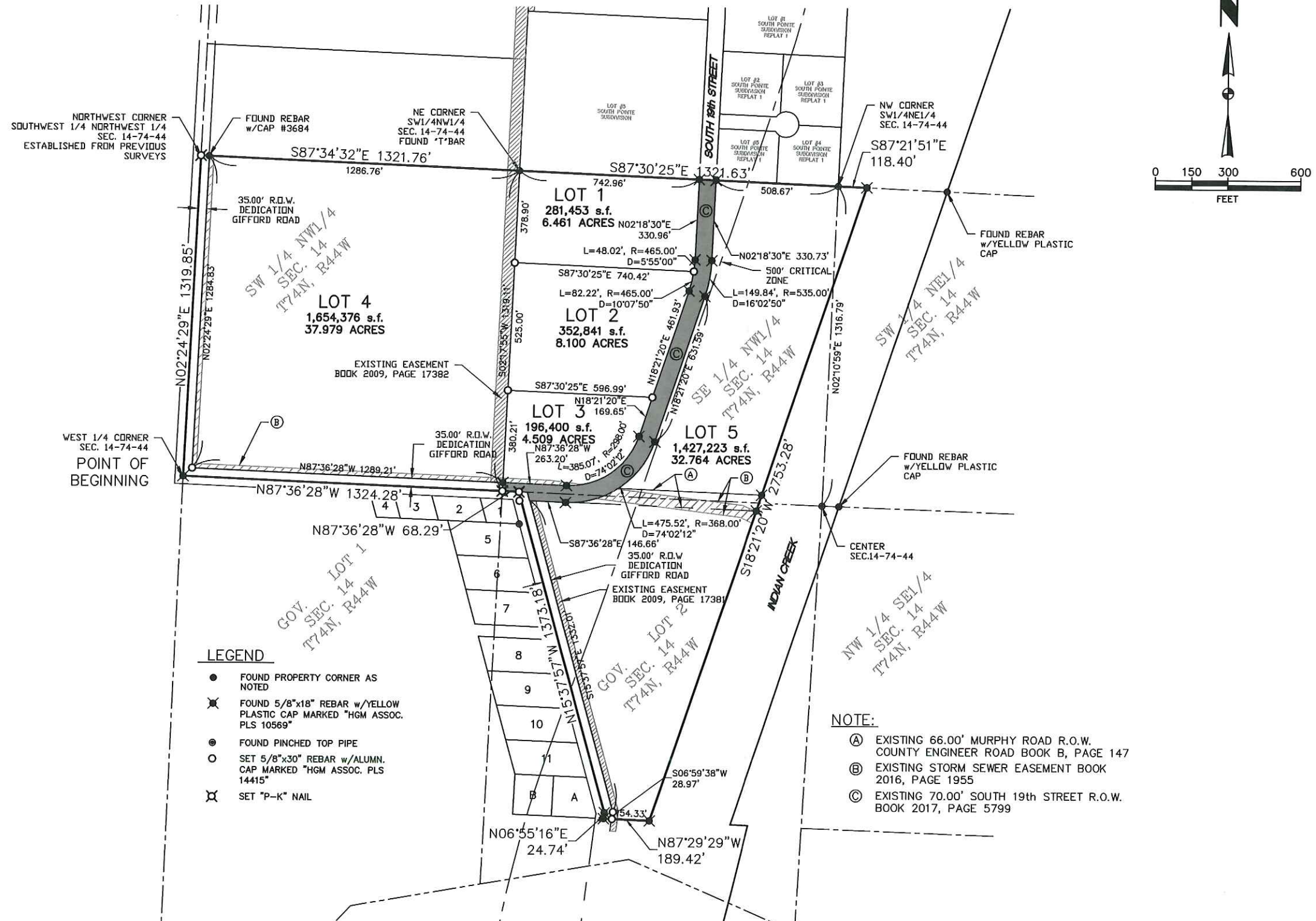
This plat is being made in accordance with the provisions of the Iowa Code, Chapter 422, and the rules and regulations of the Board of Surveyors, and is subject to the provisions of the Iowa Code, Chapter 422, and the rules and regulations of the Board of Surveyors.

**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs iowa

DEF. 10/18/18  
DES. 10/18/18  
JML  
AUG 18  
DATE

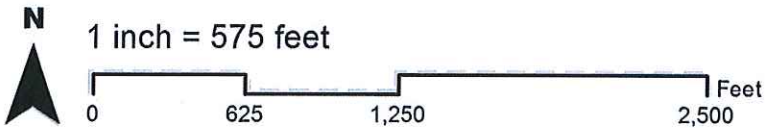
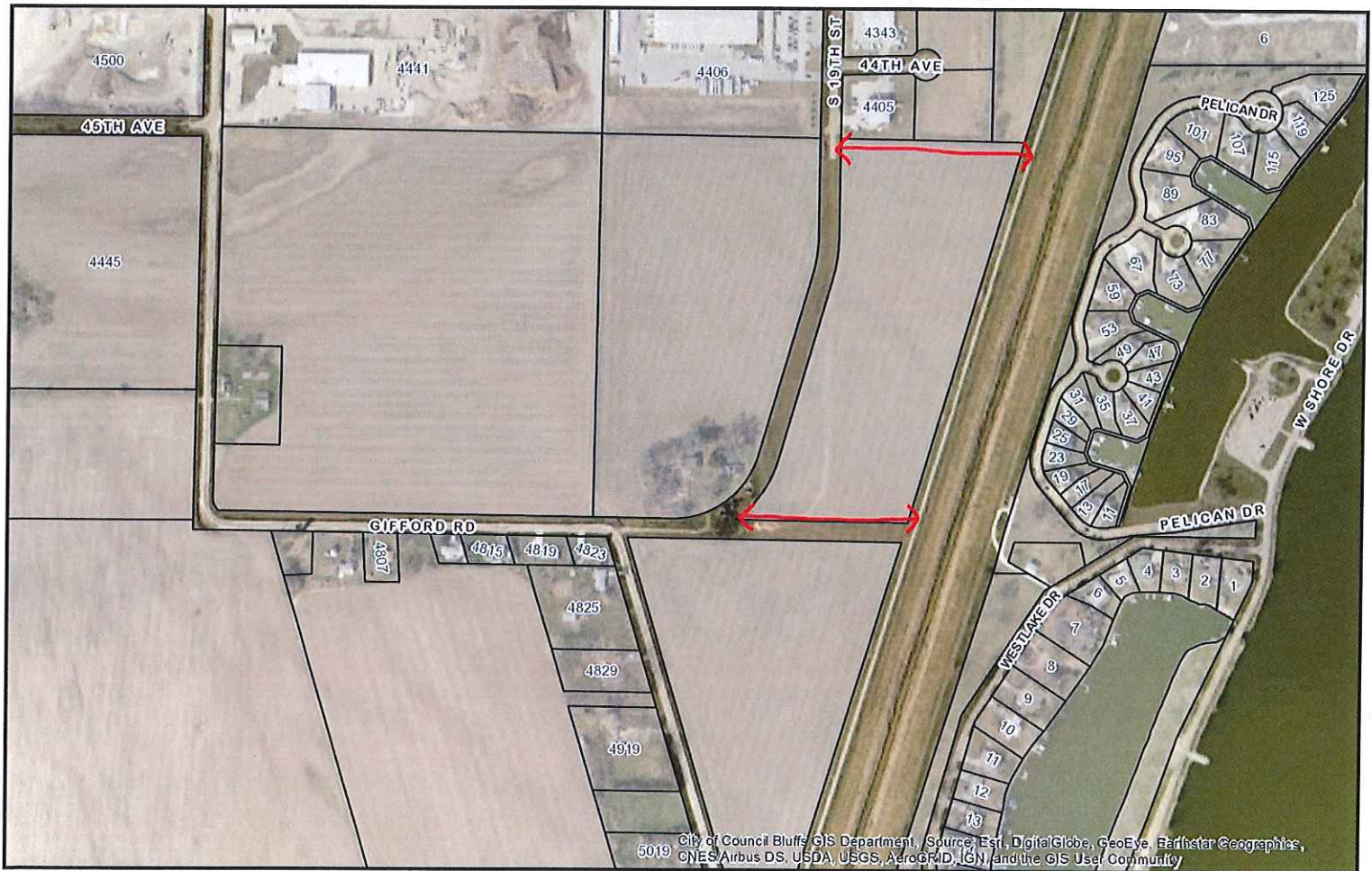
**SOUTH POINTE SUBDIVISION, PHASE 2**  
S1/2NW1/4, SW1/4NE1/4 AND GOV. LOT 2, SEC. 14-74-44  
COUNCIL BLUFFS INDUSTRIAL FOUNDATION  
FINAL PLAT

project no.  
108618  
sheet  
2 OF 2





## Community Development Web App Export



## Disclaimer

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map of the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.

## RESOLUTION NO. 18-272

### **A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FIVE-LOT INDUSTRIAL SUBDIVISION TO BE KNOWN AS SOUTH POINTE SUBDIVISION, PHASE 2.**

**WHEREAS,** Council Bluffs Industrial Foundation is requesting final plat approval of a five-lot industrial subdivision to be known as South Pointe Subdivision Phase 2; and

**WHEREAS,** The proposed subdivision is comprised of 95.83 acres of land and is located along a southerly extension of South 19<sup>th</sup> Street and north/east of Gifford Road including 3.21 acres of Gifford Road right-of-way and 2.79 acres of South 19<sup>th</sup> Street right-of-way that will be dedicated to the City of Council Bluffs; and

**WHEREAS,** The following comments were provided for the proposed subdivision request:

1. The proposed five-lot industrial subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
2. The South Pointe Subdivision, Phase 2 preliminary plan was approved by City Council on September 28, 2015 by Resolution No. 15-262. The preliminary plan showed eight lots along with an extension of South 19<sup>th</sup> Street, and improvements to Gifford Road. In 2016 and 2017, the applicant was granted one-year extensions of time to record a final plat for this subdivision by the City Planning Commission so that they could complete infrastructure improvements. Those improvements are now complete and the applicant must obtain final plat approval prior to September 28, 2018; otherwise, their preliminary plan will become null and void.
3. All lots in the subdivision exceed the minimum I-2/General Industrial District lot size requirements and have direct access to a public roadway (South 19<sup>th</sup> Street and/or Gifford Road).
4. All development in this subdivision shall comply with the standards stated in Section 15.21 *I-2/ General Industrial District* of the Municipal Code (Zoning Ordinance).
5. Lot 5, South Pointe Subdivision, Phase 2 directly abuts the Indian Creek levee. The Public Works Department stated a 45-foot wide levee easement shall be established along the east property line of Lot 5, South Pointe Subdivision, Phase, adjacent to Indian Creek levee right-of-way. The purpose of this easement is to provide a clear zone for flood fighting as well as to provide for a levee integrity zone that will require City review of any planned intrusion to maintain the integrity of the levee system. The easement shall be stated on the final plat and shall be dedicated to the City of Council Bluffs.
6. A section of former county right-of-way known as “Murphy Road” extends across Lot 5, South Pointe Subdivision, Phase 2 from Indian Creek to Gifford Road. This section of right-of-way must be vacated in order to be incorporated into the land area for Lot 5, South Pointe Subdivision. The applicant shall vacate and acquire said Murphy Road right-of-way prior to the final plat being executed by the City.

7. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. The Council Bluffs Water Works has a 10 foot-wide water main easement along the west property line of Lot 5, South Pointe Subdivision, Phase 2. The location and recorded book and page number (2018-11480) for said easement shall be stated on the final plat.
8. MidAmerican Energy Company stated the applicant has not entered into an agreement to extend electrical distribution facilities into this subdivision. The applicant shall provide proof of an agreement with MidAmerican Energy Company for electrical distribution facilities in this subdivision prior to the City executing the final plat.
9. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the applicant and not the City.
10. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must also be stated on the final plat relative to easements within this subdivision:
  - a. **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
  - b. **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld.
  - c. **RIGHT OF ACCESS:** City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
  - d. **REMOVAL AND REPLACEMENT:** With the exception of existing structures, the cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
  - e. **SURFACE RESTORATION:** City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.



- f. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor and to Grantor's satisfaction.
  - g. EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
- 11. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for any new industrial development on each lot, at no cost to the City.
  - 12. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.
  - 13. The Council Bluffs Permits and Inspections Division stated they have no comments for the final plat.
  - 14. The Council Bluffs Fire Department stated they have no comments for the final plat.
  - 15. The Council Bluffs Parks and Recreation Department identified two potential connections from the Indian Creek Trail into this subdivision that could occur across portions of Lot 5, South Pointe Subdivision, Phase 2 (see Attachment B). The first connection would tie into S. 19<sup>th</sup> Street and the second would tie into Gifford Road. The Parks and Recreation Department and applicant should have a discussion to determine if these trail connections are possibility within this subdivision, prior to any development activity on Lot 5, South Pointe Subdivision, Phase 2.
  - 16. The following technical corrections shall be made to the final plat:
  - 17. The subdivision name "Council Pointe Subdivision, Phase 2" shall be revised to state "South Pointe Subdivision, Phase 2" in the second sentence of the dedication paragraph.
  - 18. The word "thnce" shall be revised to state "Thence" in the eighth paragraph of the subdivision's legal description; and

**WHEREAS,** The Community Development Department recommends approval for a five-lot industrial subdivision to be known as South Pointe Subdivision, Phase 2 as shown on Attachment A, subject to the comments above and the conditions below:

- 1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
- 2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

Planning Case No. #SUB-18-014

3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. The applicant shall vacate and acquire former county right-of-way known as “Murphy Road” that extends across Lot 5, South Pointe Subdivision, Phase 2 from Indian Creek to Gifford Road prior to the final plat being executed by the City.
5. The applicant shall provide proof of an agreement with MidAmerican Energy Company for electrical distribution facilities in this subdivision to the City prior to final plat being executed.
6. All utilities shall be installed underground.
7. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for any new industrial development on each lot, at no cost to the City.

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

That the final plat approval for five-lot industrial subdivision to be known as South Pointe Subdivision, Phase 2, as shown on Attachment A, is hereby approved subject to all local, state and federal regulations; and

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

September 24, 2018.

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

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

## Council Communication

Department: Community Development  
Case/Project No.: SUB-18-015  
Submitted by: Christopher Gibbons, Planning  
Coordinator

Resolution 18-273

Council Action: 9/24/2018

### Description

Resolution granting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being a part of NE ¼ of Section 29-75-43. Location: Immediately north of the intersection of Railroad Avenue and College Road. SUB-18-015

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">SUB-18-015 Arbor Creek Subdivision Final Plat PH Notice (9-24-18) CC</a>	Other	9/14/2018
<a href="#">SUB-18-015 Arbor Creek Final Plat Staff Report</a>	Other	9/17/2018
<a href="#">SUB-18-015 Arbor Creek Final Plat Attach A</a>	Other	9/17/2018
<a href="#">SUB-18-015 Arbor Creek Final Plat Attach B</a>	Other	9/17/2018
<a href="#">Resolution 18-273</a>	Resolution	9/18/2018

## **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 the request of the Community Development Department for final plat approval of a five lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE1/4 of Section 29-75-44, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 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.

## Council Communication

<p>Department: Community Development</p> <p>CASE #SUB-18-015</p> <p>Applicant/Owner City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503</p> <p>Surveyor: Johnathan M. Leisinger, L.S. HGM Associates Inc. 640 5<sup>th</sup> Avenue Council Bluffs, Iowa 51501</p>	<p>Resolution No. _____</p>	<p>City Council: 9/24/18</p>
---	-----------------------------	------------------------------

### Subject/Title

Request: Final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being a part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Immediately north of the intersection of Railroad Avenue and College Road.

### Background/Discussion

The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described on Attachment 'A'. The subdivision is comprised of 29.86 acres of city-owned property and is located immediately north of the intersection of Railroad Avenue and College Road. Included in the subdivision are 0.04 acres of additional Railroad Avenue right-of-way and 0.59 acres of additional College Road right-of-way that will be dedicated to the City of Council Bluffs. The purpose of this subdivision is to create three new lots of record from City owned property and to delineate a section of Railroad Avenue right-of-way, which bisects the subdivision. Furthermore, this subdivision will establish post-construction stormwater easements over existing detention basins on proposed Lot 1, Arbor Creek.

#### Land Use/Zoning

All land in the proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. Midlands Human Society operates an animal shelter on proposed Lot 1, Arbor Creek. Proposed Lots 2 and 3, Arbor Creek are undeveloped. Surrounding zoning includes R-4/High Density Multi-Family Residential District w/Planned Residential Overlay to the north; A-2 District to the east and south; and R-1/Single-Family Residential District to the west. Existing land uses in the general vicinity of this request can be categorized as undeveloped land, BNSF railroad, Mosquito Creek, single-family residential dwellings on acreage lots, Iowa Western Community College, and Sherwood Apartments.

### Comments

1. The proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. The minimum lot size in an A-2 District is three acres, as per Section 15.05 of the Municipal Code (Zoning Ordinance). Proposed Lot 1, Arbor Creek contains 17.73 acres, Lot 2, Arbor Creek contains 6.19 acres, and Lot 3, Arbor Creek contains 2.30 acres. Lots 1 and 2, Arbor Creek are located west of Railroad Avenue and

are relatively uniform in shape, which makes them suitable for development. Both lots comply with A-2 District lot area, depth, and width requirements. Lot 3 is located east of Railroad Avenue and has limited development capabilities due to its irregular dimensions, which were caused by the construction of Railroad Avenue and the City's acquisition of abandoned railroad right-of-way. The City has no other land holdings to combined with Lot 3, Arbor Creek so that it can confirm with A-2 District standards due to its location. A subdivision variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) must be granted by City Council. Per Section 14.11.040, *Variance(s)* of the Council Bluffs Municipal Code (Subdivision Ordinance) a variance can be granted 'where it can be shown that due to special conditions, literal enforcement of the ordinance will result in unnecessary hardship', the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provided that such variance would:

- a) Not be contrary to the public interest;
- b) Be in the interest of the City;
- c) Be within the spirit and intent of the ordinance; and
- d) Not be detrimental to future residents in or near the proposed subdivision.

The Community Development recommends City Council grant a variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) based on reasons stated above.

2. On February 13, 2017, the City Council adopted Resolution No. 17-31 which declared the City's intent to execute a Lease Agreement and a Funding and Occupancy Agreement with Midlands Human Society for the lease of City owned property at 1020 Railroad Avenue for a term of 99 years. Included in the agreement was a plat of survey that identified 1020 Railroad Avenue as being separated into Parcels 'C' and 'D'. Parcel 'C' was left undeveloped and Parcel 'D' was leased to the Midlands Humane Society to be developed as an animal shelter. Proposed Lot 1, Arbor Creek is the same land area identified as Parcel 'C' and proposed Lot 2, Arbor Creek is the same land area identified as Parcel 'D'. The dimensions of proposed Lots 1 and 2, Arbor Creek are generally consistent with the dimensions shown for Parcels 'C' and 'D' on the plat of survey included in the lease agreement.

The Community Development Department met with the Midlands Humane Society on two occasions to discuss the Arbor Creek Subdivision and development proposal for Lot 1. As part of these conversations, Midlands Humane Society expressed concern about their ability to expand their animal shelter operation if Lot 1, Arbor Creek were sold to another entity. The Community Development Department researched MHS's concern and provided them with a conceptual layout plan for how their animal shelter could expand the building and double in size on proposed Lot 2, Arbor Creek. The concept included expansions that would avoid the stormwater detention facility, avoid existing dog runs, and included additional parking. The Community Development Department is of the opinion that the proposed Arbor Creek Subdivision will not interfere with Midlands Human Society ability to operate and expand upon their animal shelter at 1020 Railroad Avenue.

3. The Community Development Department has received an application from Zimmerman Properties to rezone proposed Lot 2, Arbor Creek from A-2 District to R-3/Low Density Multi-Family Residential District with a Planned Residential Overlay. The rezoning is scheduled for review by the City Planning Commission on October 9, 2018 and will then be forwarded to City Council for final consideration. The purpose of the rezoning is to allow Zimmerman Properties to develop a new 62-unit apartment building on the subject property. Lot 2, Arbor Creek contains 6.19 acres of land and is adequate in size to allow the applicant, Zimmerman Properties, to develop a 62-unit multi-family apartment building in accordance with R-3 District standards.

4. The proposed subdivision is located within Flood Zones 'AE' and '0.2% X' according to FEMA map number 19155C0418F, effective 4/16/2013. With adequate engineering and construction controls, the land in this subdivision is generally suitable for development.
5. A 33' x 783.66' (0.59 acre) strip of land, located south of Lots 2 and 3, Arbor Creek is being dedicated to the City for additional College Road right-of-way on the final plat. Additionally, 0.04 acres of land abutting the west right-of-way line for Railroad Avenue is being dedicated to the City on the final plat. This land dedication is necessary to ensure that existing trail located adjacent to Lots 1 and 2, Arbor Creek is within Railroad Avenue right-of-way.
6. All lots in this subdivision have direct access to Railroad Avenue and/or College Road. No street extensions and/or improvements are required to be completed for this subdivision.
7. All lots in the subdivision have access to public water, sanitary and storm sewers along Railroad Avenue. No utility extension are required to be completed for this subdivision.
8. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer.
9. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.
10. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
11. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must be stated on the final plat relative to easements within this subdivision:
  - i. **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
  - ii. **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld.
  - iii. **RIGHT OF ACCESS:** City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
  - iv. **REMOVAL AND REPLACEMENT:** With the exception of existing structures, the cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
  - v. **SURFACE RESTORATION:** City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.
  - vi. **DUTY TO REPAIR:** City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor and to Grantor's satisfaction.
  - vii. **EASEMENT RUNS WITH LAND:** This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.



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

#### **Recommendation**

The Community Development Department recommends final plat approval of a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

- a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
- b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
- d. Granting a variance to allow proposed Lot 3, Arbor Creek to not meet the minimum A-2 District lot size and lot width requirements, based on reasons stated above;
- e. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
- f. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.

#### **Attachments**

Attachment A: Arbor Creek final plat

Attachment B: Copy of Resolution No. 17-31, dated February 13, 2017

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

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



# ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

## POST CONSTRUCTION STORMWATER MANAGEMENT PLAN MAINTENANCE AGREEMENT AND EASEMENT

WHEREAS, THE PROPERTY OWNER RECOGNIZES THAT STORMWATER MANAGEMENT FACILITIES (HEREINAFTER REFERRED TO AS "THE FACILITY" OR "FACILITIES") MUST BE MAINTAINED FOR THE DEVELOPMENT CALLED MIDLANDS HUMANE SOCIETY; LOCATED IN THE JURISDICTION OF THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA: AND,

WHEREAS, THE PROPERTY OWNER (WHETHER ONE OR MORE) IS THE OWNER OF REAL PROPERTY DEPICTED ON SHEET 3 OF 4 (HEREINAFTER REFERRED TO AS "THE PROPERTY"), AND,

WHEREAS, THE CITY OF COUNCIL BLUFFS (HEREINAFTER REFERRED TO AS "THE CITY") REQUIRES AND THE PROPERTY OWNER, AND ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, AGREE THAT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY REQUIRE THAT THE FACILITIES BE CONSTRUCTED AND MAINTAINED ON THE PROPERTY, AND,

WHEREAS, THE POST CONSTRUCTION STORMWATER MANAGEMENT PLAN, PCSMP 1301789, (HEREINAFTER REFERRED TO AS "PCSMP"), SHOULD BE CONSTRUCTED AND MAINTAINED BY THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING PREMISES, THE COVENANTS CONTAINED HEREIN, AND THE FOLLOWING TERMS AND CONDITIONS, THE PROPERTY OWNER AGREES AS FOLLOWS:

- 1.THE FACILITY OR FACILITIES SHALL BE CONSTRUCTED BY THE PROPERTY OWNER IN ACCORDANCE WITH THE PCSMP, WHICH HAS BEEN REVIEWED AND ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE.
- 2.THE PROPERTY OWNER MUST DEVELOP AND PROVIDE THE "BMP MAINTENANCE REQUIREMENTS", ATTACHED HERE TO AS EXHIBIT "B", WHICH HAVE BEEN REVIEWED AND ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE. THE BMP MAINTENANCE REQUIREMENTS SHALL DESCRIBE THE SPECIFIC MAINTENANCE PRACTICES TO BE PERFORMED FOR THE FACILITIES AND INCLUDE A SCHEDULE FOR IMPLEMENTATION OF THESE PRACTICES. THE PLAN SHALL INDICATED THAT THE FACILITY OR FACILITIES SHALL BE INSPECTED BY A PROFESSIONAL QUALIFIED IN STORMWATER BMP FUNCTION AND MAINTENANCE AT LEAST ANNUALLY TO ENSURE THAT IT IS OPERATING PROPERLY. A WRITTEN RECORD OF INSPECTION RESULTS AND ANY MAINTENANCE WORK SHALL BE MAINTAINED AND AVAILABLE FOR REVIEW BY THE CITY.
- 3.THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, SHALL CONSTRUCT AND PERPETUALLY OPERATE AND MAINTAIN, AT ITS SOLE EXPENSE, THE FACILITIES IN STRICT ACCORDANCE WITH THE ATTACHED BMP MAINTENANCE REQUIREMENTS ACCEPTED BY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE.
- 4.THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS HEREBY GRANTS PERMISSION TO THE CITY, ITS AUTHORIZED AGENTS AND EMPLOYEES, TO ENTER UPON THE PROPERTY AND TO INSPECT THE FACILITIES AT A REASONABLE TIME IF THE CITY HAS CAUSE TO BELIEVE THAT THERE EXISTS, OR POTENTIALLY EXISTS, IN OR UPON THE PROPERTY, ANY CONDITION WHICH CONSTITUTES A VIOLATION OF THE BMP MAINTENANCE REQUIREMENTS. THE CITY SHALL PROVIDE THE OWNER COPIES OF THE INSPECTION FINDINGS AND A DIRECTIVE TO COMMENCE WITH THE REPAIRS IF NECESSARY. THE CITY WILL REQUIRE THE PROPERTY OWNER TO PROVIDE, WITHIN 7 CALENDAR DAYS, A WRITTEN RESPONSE ADDRESSING WHAT ACTIONS WILL BE TAKEN TO CORRECT ANY DEFICIENCIES AND PROVIDE A SCHEDULE OF REPAIRS WITHIN A REASONABLE TIME FRAME. UNLESS THE CITY HAS REASON TO BELIEVE THAT THERE IS AN IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY, THE CITY SHALL PROVIDE PROPERTY OWNER 24-HOUR NOTICE PRIOR TO ENTRY AND 5 WORKING DAYS NOTICE TO ARRANGE FOR ACCESS FOR AREAS BEHIND THE SECURITY FENCE. THE CITY SHALL INDEMNIFY AND HOLD THE PROPERTY OWNER HARMLESS FROM ANY DAMAGE BY REASON OF THE CITY'S NEGLIGENT OR INTENTIONAL ACTS DURING SUCH ENTRY UPON THE PROPERTY.
- 5.THE PROPERTY OWNER ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, AGREES THAT SHOULD IT FAIL TO CORRECT ANY DEFECTS IN THE FACILITY OR FACILITIES WITHIN REASONABLE TIME FRAME AGREED TO IN THE RESPONSE BY THE PROPERTY OWNER FOR CORRECTIVE ACTIONS, OR SHALL FAIL TO MAINTAIN THE STRUCTURE IN ACCORDANCE WITH THE ATTACHED BMP MAINTENANCE REQUIREMENTS AND WITH THE LAW AND APPLICABLE EXECUTIVE REGULATORS, THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE IS AUTHORIZED TO ENTER THE PROPERTY AFTER PROVIDING 24-HOUR NOTICE TO PROPERTY OWNER, TO MAKE ALL REPAIRS, AND TO PERFORM ALL MAINTENANCE, CONSTRUCTION AND RECONSTRUCTION AS THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE DEEMS NECESSARY. THE CITY SHALL INDEMNIFY AND HOLD THE PROPERTY OWNER HARMLESS FROM ANY DAMAGE BY REASON OF THE CITY'S NEGLIGENT OR INTENTIONAL ACTS DURING SUCH ENTRY UPON THE PROPERTY.

THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE SHALL HAVE THE RIGHT TO RECOVER FROM THE PROPERTY OWNER ANY AND ALL REASONABLE COSTS THE CITY OF COUNCIL BLUFFS EXPENDS TO MAINTAIN OR REPAIR THE FACILITY OR FACILITIES OR TO CORRECT ANY OPERATIONAL DEFICIENCIES SUBJECT TO THE PROVISIONS OF THE IMMEDIATELY PRECEDING SENTENCE RELATION TO NEGLIGENCE OR INTENTIONAL ACTS OF THE CITY. FAILURE TO PAY THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE ALL OF ITS EXPENDED COSTS, AFTER FORTY-FIVE DAYS WRITTEN NOTICE, SHALL CONSTITUTE A BREACH OF THE AGREEMENT. THE CITY OF COUNCIL BLUFFS OR ITS DESIGNEE SHALL THEREAFTER BE ENTITLED TO BRING AN ACTION AGAINST THE PROPERTY OWNER TO PAY, OR FORECLOSE UPON THE LIEN HEREBY AUTHORIZED BY THIS AGREEMENT AGAINST THE PROPERTY, OR BOTH. INTEREST, COLLECTION COSTS, AND REASONABLE ATTORNEY FEES SHALL BE ADDED TO THE RECOVERY TO THE SUCCESSFUL PARTY.

- 6.THE PROPERTY OWNER SHALL NOT OBLIGATE THE CITY OF COUNCIL BLUFFS TO MAINTAIN OR REPAIR THE FACILITY OR FACILITIES, AND, EXCEPT AS PROVIDED HEREIN, THE CITY OF COUNCIL BLUFFS SHALL NOT BE LIABLE TO ANY PERSON FOR THE CONDITION OR OPERATION OF THE FACILITY OR FACILITIES.

- 7.THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, HEREBY INDEMNIFIES AND HOLDS HARMLESS THE CITY AND ITS AUTHORIZED AGENTS AND EMPLOYEES FOR ANY AND ALL DAMAGE, ACCIDENTS, CASUALTIES, OCCURRENCES OR CLAIMS ("CLAIMS") THAT MAY ARISE OR TO BE ASSERTED BY ANY THIRD PARTY AGAINST THE CITY FROM THE CONSTRUCTION, PRESENCE, EXISTENCE OR MAINTENANCE OF THE FACILITY OR FACILITIES BY THE PROPERTY OWNER. IN THE EVENT A CLAIM IS ASSERTED AGAINST THE CITY, ITS AUTHORIZED AGENTS OR EMPLOYEES, THE CITY SHALL PROMPTLY NOTIFY THE PROPERTY OWNER. PROPERTY OWNER SHALL DEFEND AT ITS OWN EXPENSE ANY SUIT BASED ON SUCH CLAIM TO THE EXTENT SUCH CLAIM DID NOT ARISE FROM THE INTENTIONAL ACTS OR NEGLIGENCE OF THE CITY IN WHICH EVEN THE CITY SHALL BE REQUIRED TO DEFEND ANY SUCH SUIT AT ITS OWN EXPENSE. NOTWITHSTANDING THE FOREGOING, IF ANY CLAIMS ARE MADE AGAINST BOTH THE CITY OF COUNCIL BLUFFS AND THE PROPERTY OWNER, EACH WILL BE REQUIRED TO DEFEND ANY SUCH SUIT OR CLAIM AGAINST IT AT ITS OWN EXPENSE. EACH SHALL BE RESPONSIBLE FOR PAYMENT OF ANY RECOVERY TO THE EXTENT DETERMINED IN SUCH SUIT. IF ANY JUDGMENT OR CLAIM AGAINST THE CITY, ITS AUTHORIZED AGENTS OR EMPLOYEES SHALL BE ALLOWED, THE PROPERTY OWNER SHALL BE FOR ALL COSTS AND EXPENSES IN CONNECTION HERewith EXCEPT TO THE EXTENT OF THE NEGLIGENCE OR INTENTIONAL ACT OF THE CITY.

- 8.THE PROPERTY OWNER SHALL NOT IN ANY WAY DIMINISH, LIMIT OR RESTRICT THE RIGHT OF THE CITY OF COUNCIL BLUFFS TO ENFORCE ANY OF ITS ORDINANCES AS AUTHORIZED BY LAW.

- 9.THIS AGREEMENT SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON THE PROPERTY OWNER, ITS ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS, INCLUDING ANY HOMEOWNERS OR BUSINESS ASSOCIATION AND ANY OTHER SUCCESSORS IN INTEREST.

### EXHIBIT B

#### BMP MAINTENANCE REQUIREMENTS

ALL FACILITIES SHALL BE INSPECTED BY A PROFESSIONAL QUALIFIED IN STORMWATER BMP FUNCTION AND MAINTENANCE AT LEAST ANNUALLY TO ENSURE THAT IT IS OPERATING PROPERLY. A WRITTEN RECORD OF INSPECTION RESULTS AND ANY MAINTENANCE WORK SHALL BE MAINTAINED.

BIORETENTION BASIN:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE PRUNING AND WEEDING TO MAINTAIN APPEARANCE, MULCH REPLACEMENT WHEN EROSION IS EVIDENT AND REMOVAL OF TRASH AND DEBRIS.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY. VEGETATION SHOULD BE INSPECTED TO EVALUATE THEIR HEALTH AND REMOVE ANY DEAD OR SEVERELY DISEASED VEGETATION. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL. REMOVE ALL VISIBLE ACCUMULATIONS OF SEDIMENT ON TOP OF THE MULCH LAYER BY HAND.

THE FACILITIES SHALL BE INSPECTED AFTER SEVERE STORM EVENTS AND ALL ERODED AREAS SHOULD BE STABILIZED WITH GEOTEXTILE FABRIC AND REPLANTED AS REQUIRED.

ANNUALLY THE PLANTING SOILS SHALL BE TESTED FOR PH TO ESTABLISH ACIDIC LEVELS. IF THE PH IS BELOW 5.2, LIME SHALL BE APPLIED. IF THE SOIL PH IS ABOVE 7.5, THEN GYPSUM CAN BE APPLIED TO REDUCE THE PH.

EVERY TWO TO THREE YEARS THE MULCH SHALL BE REPLACED OVER THE ENTIRE AREA OF THE BIORETENTION FACILITY.

#### DETENTION BASIN:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE PRUNING AND WEEDING TO MAINTAIN APPEARANCE.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY. VEGETATION SHOULD BE INSPECTED TO EVALUATE THEIR HEALTH AND REMOVE ANY

DEAD OR SEVERELY DISEASED VEGETATION. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL.

THE FACILITIES SHALL BE INSPECTED AFTER SEVERE STORM EVENTS AND ALL ERODED AREAS SHOULD BE STABILIZED WITH GEOTEXTILE FABRIC AND REPLANTED AS REQUIRED.

#### CURB CUTS AND SCOUR STOP MAT:

GENERAL MAINTENANCE SHALL BE CONDUCTED AS NEEDED. THIS WOULD INCLUDE REMOVING TRASH AND DEBRIS FROM CURB CUTS AND SCOUR STOP MAT.

TWICE A YEAR THE INFLOW AND OUTLET POINTS SHALL BE INSPECTED FOR CLOGGING AND ANY SEDIMENT SHALL BE REMOVED. INSPECT GRASS AREA FOR EROSION AND GULLYING. RE-SEED OR SOD AS NECESSARY IN AREAS AROUND THE SCOUR STOP MAT. THE SEMI-ANNUAL INSPECTIONS SHALL OCCUR ONCE BEFORE NEW GROWTH EMERGES IN THE SPRING AND ONCE AT DISPERSAL IN THE FALL.

#### TEMPORARY SEEDING:

AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSION WILL BE RE- SEEDDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.

#### PERMANENT SEEDING:

THE MAINTENANCE MEASURES ARE AS FOLLOWS: (1) IN GENERAL, A STAND OF VEGETATION CANNOT BE DETERMINED TO BE FULLY ESTABLISHED UNTIL IT HAS BEEN MAINTAINED FOR ONE FULL YEAR AFTER PLANNING; (2) NEW SEEDLINGS SHALL BE SUPPLIED WITH ADEQUATE MOISTURE, SUPPLY WATER AS NEEDED, ESPECIALLY LATE IN THE SEASON, IN ABNORMALLY HOT OR DRY CONDITIONS, OR ON ADVERSE SITES, WATER APPLICATIONS SHALL BE CONTROLLED TO PREVENT EXCESSIVE RUNOFF; (3) INSPECT ALL SEEDED AREAS FOR FAILURES AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE; [3A] IF STAND IS INADEQUATE FOR EROSION CONTROL, OVER SEED AND FERTILIZE USING HALF OF THE RATES ORIGINALLY SPECIFIED; [3B] IF STAND IS 60% DAMAGED, RE-ESTABLISH FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS; [3C] IF STAND HAS LESS THAN 40% COVER, RE-EVALUATE CHOICE OF PLANT MATERIALS AND QUANTITIES OF LIME AND FERTILIZER, THE SOIL MUST BE TESTED TO DETERMINE IF ACIDITY OR NUTRIENT IMBALANCES ARE RESPONSIBLE, RE-ESTABLISH THE STAND FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS.

#### MULCHING:

ALL MULCHES AND SOIL COVERINGS SHOULD BE INSPECTED PERIODICALLY (PARTICULARLY AFTER RAINSTORMS) TO CHECK FOR EROSION. WHERE EROSION IS OBSERVED IN MULCHED AREAS, ADDITIONAL MULCH SHOULD BE APPLIED. NETS AND MATS SHOULD BE INSPECTED AFTER RAINSTORMS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, REINSTALL NETTING OR MATTING AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE OR DITCH. INSPECTIONS SHOULD TAKE PLACE UNTIL GRASSES ARE FIRMLY ESTABLISHED. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE; REPAIR AS NEEDED.

#### TEMPORARY DIVERSION DIKE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WHETHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.

This drawing is being made for use on this project in accordance with the conditions with this agreement for professional engineering services. No liability for any use of this drawing or any part thereof is accepted in accordance with the terms of the above agreement.

**hgm**

A S S O C I A T E S I N C .

ENGINEERING ARCHITECTURE SURVEYING

council bluffs omaha

date  
revision  
approved  
MAY 18  
data  
JML  
DESIGNED  
DEF  
drawn  
NSE

ARBOR CREEK  
NORTHEAST QUARTER SECTION 29-75-43  
COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPT.  
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503  
FINAL PLAT

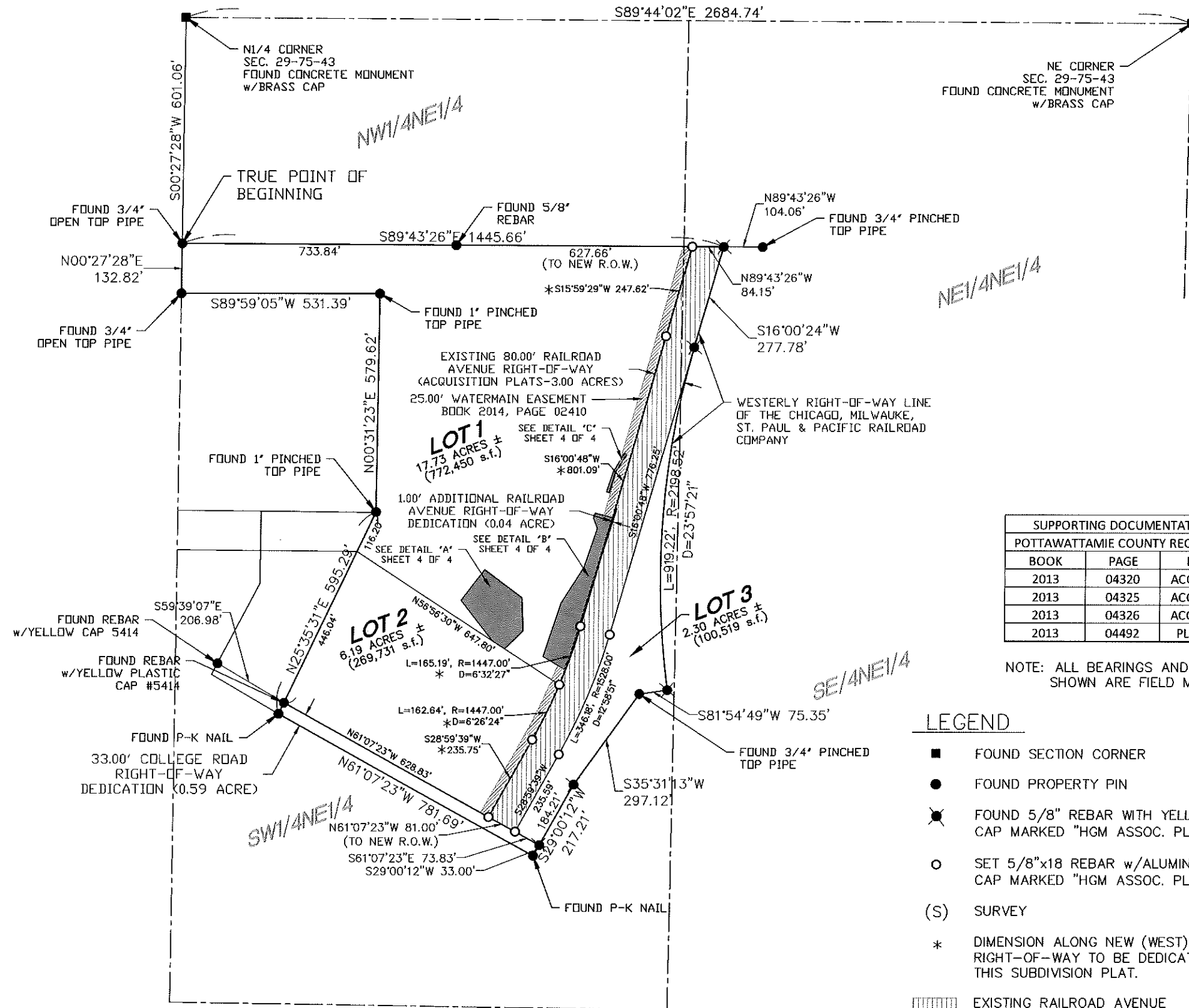
project no.  
150018

sheet

2 OF 4

# ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

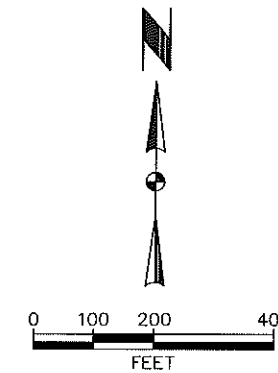


SUPPORTING DOCUMENTATION		
POTTAWATTAMIE COUNTY RECORDER		
BOOK	PAGE	DESCRIPTION
2013	04320	ACQUISITION PLAT
2013	04325	ACQUISITION PLAT
2013	04326	ACQUISITION PLAT
2013	04492	PLAT OF SURVEY

NOTE: ALL BEARINGS AND DISTANCES SHOWN ARE FIELD MEASUREMENTS.

## LEGEND

- FOUND SECTION CORNER
- FOUND PROPERTY PIN
- ✱ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"
- SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 14415"
- (S) SURVEY
- \* DIMENSION ALONG NEW (WEST) RIGHT-OF-WAY TO BE DEDICATED WITH THIS SUBDIVISION PLAT.
- ▨ EXISTING RAILROAD AVENUE RIGHT-OF-WAY
- ▩ EXISTING WATER MAIN EASEMENT
- POST CONSTRUCTION STORMWATER MANAGEMENT EASEMENT



This drawing is being made available for your review only. It is not to be used for any other purpose without the written consent of HGM Associates, Inc. The drawing or any part thereof shall not be used for any other purpose without the written consent of HGM Associates, Inc.

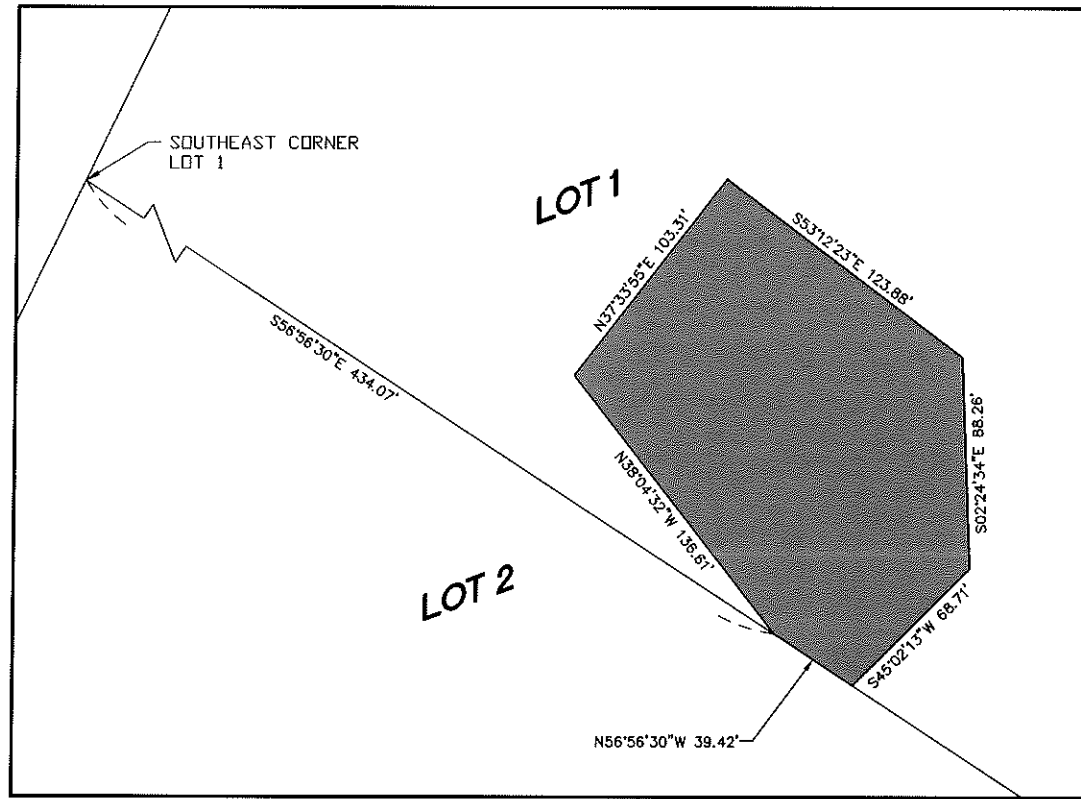
**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

drawn	date
NSE	
DEF	
DESIGNED	
JML	
APPROVED	
MAY 18	
date	

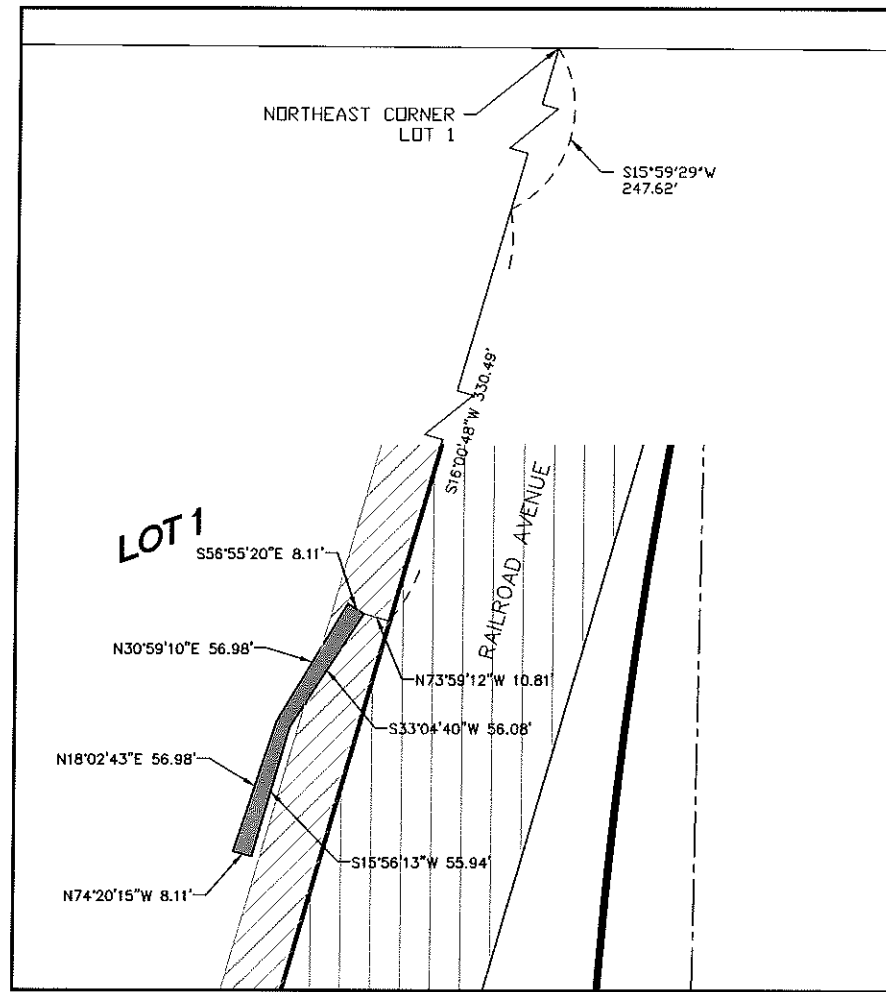
ARBOR CREEK  
NORTHEAST QUARTER SECTION 29-75-43  
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503  
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502

project no.  
150018  
sheet  
3 OF 4

hgm 150018 S:\Survey\Council Bluffs\150018\_08\_Development\Midwest\Engineering\Draw\Survey\150018\_08\_Development\_Rev\_1.dwg



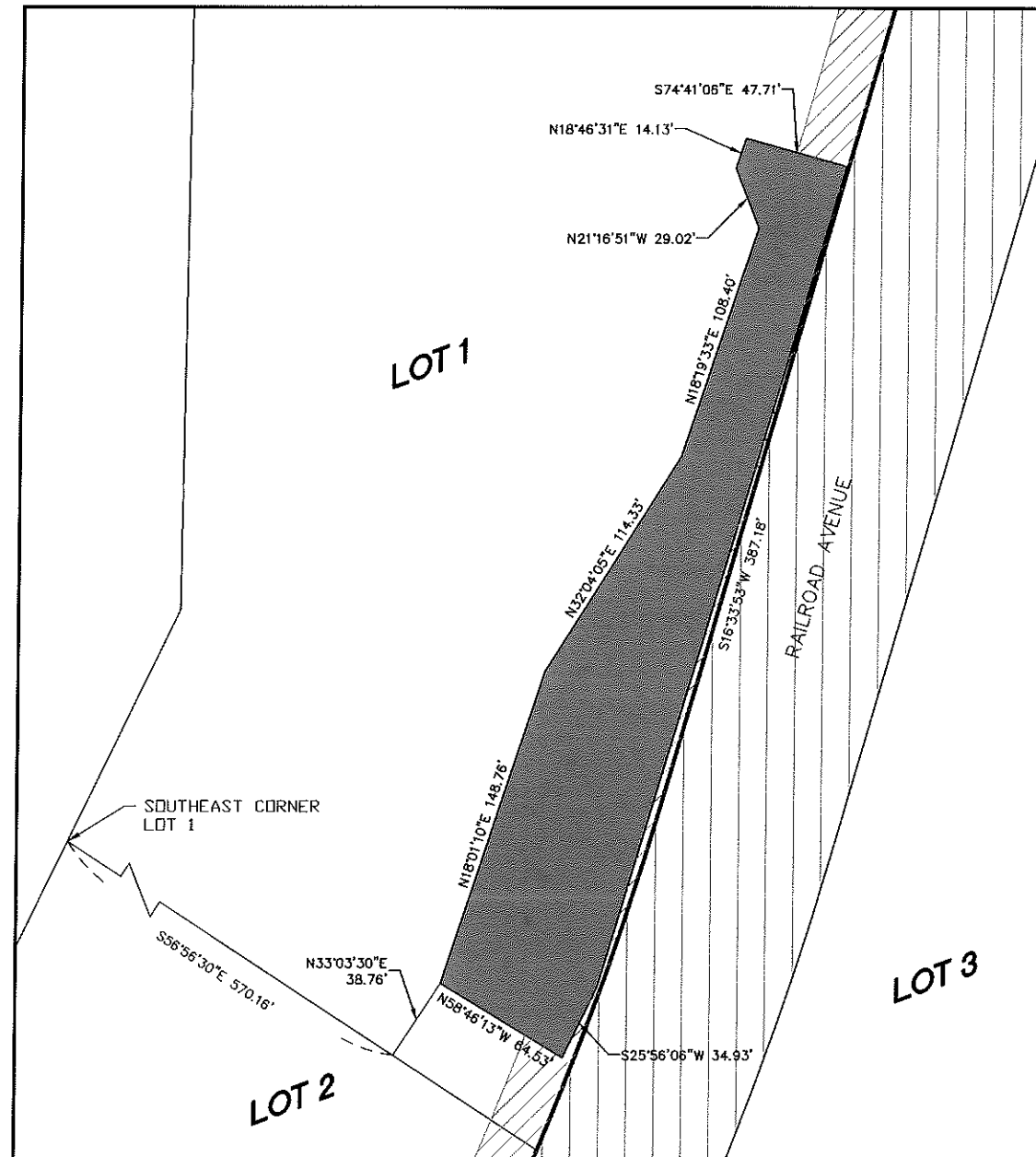
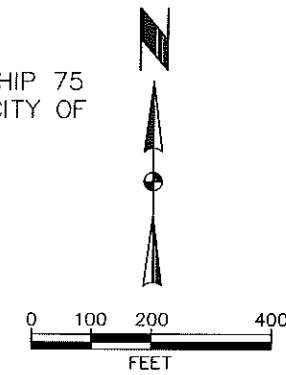
DETAIL "A"



DETAIL "C"

# ARBOR CREEK

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



DETAIL "B"

This drawing is being made for use on the project in accordance with the conditions of the contract. It is not to be used for any other purpose without the written consent of the engineer. The engineer assumes no liability for any use of this drawing or any part thereof.

**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

NAME	DATE
DESIGNED	
DEF	
APPROVED	
JML	
DATE	
MAY 18	

PROJECT ARBOR CREEK  
NORTHEAST QUARTER SECTION 29-75-43  
CLIENT 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503  
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502  
SHEET

PROJECT NO.  
150018  
SHEET  
4 OF 4

**RESOLUTION NO. 17-31**

**A RESOLUTION OF THE INTENT TO ENTER INTO A REAL ESTATE LEASE AND  
A FUNDING AND OCCUPANCY AGREEMENT AND LEASE WITH THE MIDLANDS  
HUMANE SOCIETY.**

- WHEREAS,** The City of Council Bluffs owns property located at 1020 Railroad Avenue; and
- WHEREAS,** The Midlands Humane Society desires to cooperate with the City in the management and operation of the Animal Shelter; and
- WHEREAS,** A Lease Agreement and a Funding and Occupancy Agreement have been prepared and proposed to the City of Council Bluffs for the operation and maintenance of the property; and
- WHEREAS,** The City Council of the City of Council Bluffs has been advised and does believe that it would be in the best interests of the City of Council Bluffs to consider said proposal for the lease of the property.

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


That this City Council does hereby declare its intent and proposal to execute a Lease Agreement and a Funding and Occupancy Agreement with Midlands Humane Society for the lease of City owned property located at 1020 Railroad Avenue for a term of 99 years.

ADOPTED  
AND  
APPROVED

February 13, 2017

  
MATTHEW J. WALSH Mayor

Attest:

  
JODI QUAKENBUSH City Clerk

## Council Communication

Department: Public Health	Resolution No. 17-31	To Set PH: 1-23-17 Public Hearing: 2-13-17
<b>Council consideration of a resolution of intent to enter into a real estate lease and a funding and occupancy agreement and lease with the Midlands Humane Society.</b>		
<div style="text-align: center;"><b>Background/Discussion</b></div> <ul style="list-style-type: none"><li>• In 2010, an agreement was approved by City Council to provide for the collaboration of a local government entity and a local non-profit group to consolidate animal shelter operations at a common location to better serve the community. (An updated Exhibit F has been added.)</li><li>• The City made available to Midlands Humane Society, parts of two parcels of real property, located at 1020 Railroad Avenue, upon which a new animal shelter was built.</li><li>• Under the terms of that agreement, the City shall lease the donated property to Midlands Humane Society for a period of not less than 99 years.</li><li>• A Lease Agreement and a Funding and Occupancy Agreement has been prepared and proposed to the City of Council Bluffs for the operation and maintenance of the property.</li></ul>		
<div style="text-align: center;"><b>Recommendation</b></div> <p>Recommend approval of this resolution.</p>		

\_\_\_\_\_  
Donn Dierks, Director of Public Health

\_\_\_\_\_  
Matthew J. Walsh – Mayor



**MIDLANDS HUMANE SOCIETY  
ANIMAL SHELTER AGREEMENT**

This Agreement between the Midlands Humane Society, a 501(c)(3) nonprofit corporation registered to do business in Iowa, hereinafter referred to as "MHS," and the City of Council Bluffs, Iowa, hereinafter referred to as the "City," is being entered this 22<sup>nd</sup> day of April, 2010 (the "effective date"), for the purpose of defining the rights, duties, and obligations of the parties for the construction and operation of an animal shelter. This Agreement supercedes all previous agreements, written or oral, by any parties.

**WITNESSETH:**

WHEREAS, this Agreement is made to provide for the collaboration of a local government entity and a local non-profit group to consolidate their operations at a common location and enable them to better serve the community by providing animal control, animal care and adoption services, and humane educational programming using tax and charitable dollars most efficiently; and

WHEREAS, the City will make available to MHS a certain parcel of real property situated in Council Bluffs, Iowa, described and identified at Exhibit B attached hereto and incorporated herein by this reference, along with all easement rights appurtenant thereto, upon which a new animal shelter (hereinafter "the Shelter") will be built. Said real property together with all buildings, structures and other improvements now or hereafter located thereon shall hereinafter be referred to as the "Project";

WHEREAS, the Project will be used, in accordance with the provisions of this Agreement, by MHS for purposes of operating the Shelter, and from time to time, MHS will lease portions of the Project for use by the City and/or Pottawattamie County, Iowa (if applicable);

WHEREAS the City will contribute funds, in accordance with the provisions set forth herein and in an amount as calculated below, to be used by MHS for the construction and operation of the Shelter;

WHEREAS, MHS, in reliance on the promises and conditions set forth herein, has and will continue to raise funds for the construction and operation of the Shelter;

WHEREAS, this Agreement is to govern the parties' respective rights, duties, and obligations with respect to the design and construction of the Shelter (the "Design and Construction Phase") and the operation of the Shelter (the "Operations Phase");

The parties hereby agree as follows:

**TERM**

The Design and Construction Phase of this Agreement shall begin at such time as

sufficient capital funds have been solicited to meet the estimated construction costs of the Project. The rights, duties, and obligations of the parties as to the Design and Construction Phase shall cease upon the completion of the Project, which is identified in Exhibit D (preliminary building plan) attached hereto (the "Project"), and upon the grant of a Certificate of Occupancy.

Upon the grant of the Certificate of Occupancy, the initial term of the Operations Phase of this Agreement shall commence. The initial term of the Operations Phase shall run for a period of five years. Subsequent terms of five years shall be automatically renewed unless one of the parties gives notice to the other in writing at least six months prior to the expiration date of the term stating its intent to terminate or modify the Agreement. Termination by either party for material breach of this Agreement shall be effected as set forth herein.

During the initial term of the Agreement an annual operational review of the Agreement shall occur in every October of the term. During these reviews, possible modifications to this Agreement may be discussed between the parties at a date and location agreed upon. No modifications shall occur in the initial term of the Agreement unless both parties agree to them in writing. Any such modifications shall be reduced to writing and identified as addenda to the original Agreement.

## **DESIGN AND CONSTRUCTION PHASE**

### **A. DUTIES OF THE PARTIES**

#### **THE CITY:**

1. The City shall grant to MHS the sum of \$1,500,000 for the construction of the Project as identified in Exhibit A. This payment shall be made to MHS in three installments. The first installment of \$250,000 shall be due within 30 days of MHS giving the City written notice that it has obtained pledges for the Project that equal 90% of the funds necessary to construct the Project. The City contribution shall be included in making this determination. The second installment of \$625,000 shall be due on the first anniversary of the initial payment, and the third and final installment of \$625,000 shall be due upon the second anniversary of the initial payment.
2. Payments to MHS:
  - a. The parties agree that the payments made by the City to MHS as described in paragraph 1, above, are critical and indispensable to the successful construction of the Project and the operation of the Shelter.
  - b. Payments by the City shall be deemed in default if not paid within 30 days from the date due. The City's failure to make payments by the date they are due shall result in interest accruing on said payment at the rate of 18% per annum.
  - c. Furthermore, the City shall be liable for any damages incurred by MHS as a consequence of the late payments, including, but not limited to, construction delay

costs, interest and finance charges, late fees, and any costs incurred in collecting delinquent amounts, including attorneys' fees and expenses.

3. The City shall make personnel available for consultation throughout the Design and Construction Phase of the Project, and will make reasonable efforts to assist MHS with its fundraising activities. At MHS's request, the City shall provide personnel to assist MHS in the letting of contracts for the construction of the Project and to assist in the oversight of the work being performed pursuant to said contracts.
4. The City shall lease the property described and identified in Exhibit B (*plat and legal description*) to MHS to be utilized as the site for the Shelter. The terms of this lease shall be as set forth in the document attached hereto as Exhibit C.
5. The City shall take all reasonable steps to assist MHS in applying for and obtaining approval of any permits, licenses, authorizations, waivers, or variances necessary for the construction of the Project. Where the City is the final arbiter of a permit, license, authorization, waiver, or variance, the City's approval for such matters shall not be unreasonably withheld. The City agrees to join in the execution of any instruments which may reasonably be required in order for MHS to procure the issuance of any licenses, permits, building permits or other government approvals required by MHS in its design, construction, operation or use of the Project.

**MHS:**

1. Separate from the payments to be made to MHS by the City as set forth herein, MHS shall be responsible for raising the additional funds necessary for the completion of the Project.
2. MHS shall be responsible for obtaining all permits required by regulatory agencies for the completion of the Project.
3. MHS shall be responsible for the letting of all contracts necessary for the completion of the Project.
4. MHS shall be deemed the sole owner of the Project subject to the rights of the City set out herein.
5. MHS shall make reasonable effort to acquire software for the Shelter that is suitable for the needs of all parties. Final selection of software shall be at the sole discretion of MHS.
6. MHS shall have sole discretion and authority over all aspects of the Design and Construction Phase of this Agreement, including, but not limited to, the hiring and firing of contractors, design, cosmetic and aesthetic issues; and any and all other issues related to construction.

## OPERATIONS PHASE

### **THE CITY:**

1. The City shall enter a lease agreement with MHS to occupy the portion of the Project identified in Exhibit D (*prelim building plan with City area highlighted*), attached hereto. The term of the lease shall be consistent with the term of this Agreement and it shall include the terms and conditions set out in Exhibit E (*standard lease agreement containing lessee/lessor obligations and rights*), attached hereto.
2. Annual Contribution by the City:
  - a. The City shall make an annual contribution ("annual contribution") to MHS to assist with animal care expenses in the amount of \$1.25 per capita city population. The census results published by the Metropolitan Area Planning Agency ("MAPA") immediately prior to the issuance of a Certificate of Occupancy for the Project shall be utilized in determining City population for purposes of this Agreement for each renewal period, the census published by MAPA immediately prior to the date of renewal will be used to determine the current population of the City of Council Bluffs.
  - b. The amount of \$1.25 per capita shall apply to the first full fiscal year the Shelter is in operation and any partial fiscal year that precedes it. The fiscal year runs from July 1 to June 30. For each subsequent fiscal year the annual contribution shall be adjusted upward by the percentage of change in the Consumer Price Index "All Urban Consumers (CPI-U) - U.S. Average - All Items" during the annual period ending on December 31 immediately preceding July 1 of the current fiscal year, as published by the Bureau of Labor Statistics of the United States Department of Labor, or any revised or successor index hereafter published by the Bureau of Labor Statistics or other agency of the United States Government succeeding to its function.
  - c. The City will finalize the calculation of the total annual contribution and will provide a written summary of the calculation to MHS at least 15 business days prior to the start of each fiscal year. The City payments for the annual contribution shall be made in monthly installments which shall be due on the 15<sup>th</sup> day of each month of the calendar year.
  - d. MHS and the City agree to review the annual contribution fee structure for possible adjustment every two years, beginning 24 months after the initiation of operations of the Shelter.
  - e. The parties agree that the annual contribution made to MHS as described in paragraph 2 (a) above is critical and indispensable to the successful operation of the Shelter.
  - f. The City's annual contribution shall be deemed in default if not paid within 10

days from date due. The City's failure to pay the annual contribution by the date it is due shall result in interest accruing on said payment at the rate of 18% per annum.

- g. Furthermore, the City shall be liable for any damages incurred by MHS as a result of the late payments, including, but not limited to, obtaining of alternate financing, interest and finance charges, late fees, and costs incurred in collecting delinquent amounts including reasonable attorney fees.

3. The City shall maintain commercial general liability insurance to insure the activities of the City and its employees at the Shelter and/or the Project in amounts of no less than those identified in Exhibit G (*insurance obligations*), attached hereto. Within 10 business days after the date of occupation of the Shelter, the City shall provide MHS with a copy of certificates of insurance evidencing this coverage on an annual basis; said certificates shall identify MHS as an additional insured.

4. The City indemnifies MHS and holds MHS harmless from any and all liability, and any and all costs associated with such liability, arising from the activities of City employees or representatives that are carried out under the terms of this Agreement, except in such case where MHS has been determined to bear a greater percentage of fault than the City and/or its employees by the trier of fact. Such circumstances include, without limitation, the following:

- a. The City is solely responsible for providing its employees and representatives with adequate health and safety training regarding the handling, transport, and treatment of animals, and the City indemnifies MHS from any and all liabilities and associated costs arising from any failure on the part of the City, its employees, or representatives to comply with statutory or regulatory procedures or requirements governing the handling, transport, and treatment of animals.
- b. The City is solely responsible for supplying its employees and representatives with personal protective equipment to be used in the handling, transport, and treatment of animals, and the City indemnifies MHS from any and all liabilities and associated costs arising from any failure on the part of the City's employees or representatives to use such personal protective equipment, including any and all property damage or personal injury sustained by a City employee or representative, an employee of MHS or representative, or third-party as a consequence thereof.
- c. The City is solely responsible for the conduct of its employees and representatives in carrying out the City's duties and obligations under this Agreement, and the City indemnifies MHS from any and all liabilities and associated costs arising from any negligence, including gross negligence, by a City employee or representative, including property damage or personal injury sustained by a City employee or representative, MHS employee or representative, or third-party.
- d. The City is solely responsible for the hiring and firing of City employees who are carrying out the City's duties and obligations under the Agreement and for managing and monitoring the activities and conduct of its employees and representatives and ensuring that the conduct of its employees and representatives in carrying out the City's duties and

obligations under this Agreement complies with all applicable federal, state, and local laws, and the City indemnifies MHS from any and all liabilities and associated costs arising from the failure of the City, its employees or representatives to comply with applicable federal, state, and local laws including, without limitation, the Fair Labor Standards Act, the Family Medical Leave Act, the Occupational Health and Safety Act, Title VII, and state wage payment laws.

- e. The City is solely responsible for maintaining workers' compensation insurance for employees who are carrying out the City's duties and obligations under the Agreement and the City agrees to indemnify MHS from any and all liabilities and associated costs arising from any personal injury sustained by a City employee in the course of carrying out the City's duties and obligations under the Agreement.
- f. The City is solely responsible for any damage to City property that occurs as a result of activities carried out under the terms this Agreement. The City is responsible for any damage to MHS property that occurs as a result of City activities or the negligence, including gross negligence, of City employees.

**MHS:**

- 1. MHS shall be responsible for the day-to-day operations involving the care of animals and the maintenance of the Shelter unless otherwise specifically stated herein. The minimum standards for these activities shall be as set forth in Exhibit F (*operating portion of the business plan*).
- 2. MHS shall maintain insurance on the Project and the improvements thereto in amounts sufficient to replace them if destroyed. MHS shall also maintain general liability insurance covering the Project in amounts of no less than those identified in Exhibit G (*insurance obligations*), attached hereto. Within 10 business days after the date of occupation of the Shelter, MHS shall provide to City certificates of insurance evidencing this coverage on an annual basis; said certificates shall identify the City as an additional insured.
- 3. MHS indemnifies the City and holds the City harmless from any and all liability, and any and all costs associated with such liability, arising from the activities of MHS employees, volunteers, or representatives that are carried out under the terms of this Agreement, except in such case where the City has been determined to bear a greater percentage of fault than MHS, and/or its employees by the trier of fact. Such circumstances include, without limitation, the following:
  - a. MHS is solely responsible for supplying its employees, volunteers, and representatives with personal protective equipment to be used in the handling, transport, and treatment of animals, and MHS indemnifies the City from any and all liabilities and associated costs arising from any failure on the part of MHS's employees, volunteers, or representatives to use such personal protective equipment, including any and all property damage or personal injury sustained by a MHS employee, volunteer, or representative, an employee of the City or representative, or

third-party as a consequence thereof.

b. MHS is solely responsible for the conduct of its employees, volunteers, and representatives in carrying out MHS's duties and obligations under this Agreement, and MHS indemnifies the City from any and all liabilities and associated costs arising from any negligence, including gross negligence, by a MHS employee, volunteer, or representative, including property damage or personal injury sustained by a MHS employee, volunteer, or representative, City employee or representative, or third party.

c. MHS is solely responsible for the hiring and firing of MHS employees who are carrying out MHS's duties and obligations under the Agreement and for managing and monitoring the activities and conduct of its employees, volunteers, and representatives and ensuring that the conduct of its employees, volunteers, and representatives in carrying out MHS's duties and obligations under this Agreement complies with all applicable federal, state, and local laws, and MHS indemnifies the City from any and all liabilities and associated costs arising from the failure of MHS, its employees, volunteers, or representatives to comply with applicable federal, state, and local laws including, without limitation, the Fair Labor Standards Act the Family Medical leave Act, the Occupational Health and Safety Act, Title VII, and state wage payment laws.

d. MHS is solely responsible for maintaining workers' compensation insurance for employees who are carrying out MHS's duties and obligations under the Agreement and MHS agrees to indemnify the City from any and all liabilities and associated costs arising from any personal injury sustained by an MHS employee in the course of carrying out the MHS's duties and obligations under the Agreement; MHS is solely responsible for any damage to MHS property that occurs as a result of activities carried out under the terms of the Agreement.

e. MHS is responsible for any damage to City property that occurs as a result of MHS activities or the negligence, including gross negligence, of MHS employees, volunteers, or representatives.

#### **COOPERATION AMONG GOVERNMENT ENTITIES; BREACH**

MHS will make a good faith effort to negotiate a substantially similar Agreement with Pottawattamie County, Iowa. All parties agree to cooperate, in furtherance of the goals of this Agreement, with MHS and the other government agency. Breach, by any party, of one of these agreements will not constitute a breach of the other agreement.



### NOTICES

Any notices of consent or other communications given pursuant to this Agreement will be in writing and will be effective either (a) when delivered personally to the party for whom it is intended, (b) on the next business day following mailing by an overnight courier service that is generally recognized as reliable, (c) on the third day following mailing by certified or registered mail, return receipt requested, postage prepaid or (d) on the date transmitted by telecopy as shown on the telecopy confirmation therefore as long as such telecopy transmission is followed by the mailing of such notice by certified or registered mail, return receipt requested, postage prepaid, in any case addressed to such party as set forth below or as a party may designate by written notice given to the other party in accordance herewith.

#### **TO THE CITY:**

Mayor  
City Hall  
209 Pearl Street  
Council Bluffs, IA 51503

#### **With a copy to:**

City Attorney  
City Hall  
209 Pearl Street  
Council Bluffs, IA 51503

#### **TO MHS:**

President of the Board  
Midlands Humane Society  
Council Bluffs, IA 51503

#### **With a copy to:**

Director  
Midlands Humane Society  
Council Bluffs, IA 51503

### AMENDMENTS

Before any amendments to this Agreement shall be deemed effective, they shall be reduced to writing and approved by formal action by the governing body of each party, in the case of the City it will be the Mayor, and in the case of MHS it shall be the Board of Directors.

### TERMINATION

Either party to this Agreement may terminate this Agreement upon the default of the other party. A party shall be in default hereunder if (i) such party fails to pay any sum payable herein within 30 days after same is due and payable, or (ii) such party fails in any material respect to perform or comply with any of the other terms, covenants, agreements, or conditions hereof and such

failure continues for more than 90 days after written notice thereof from the other party. In the event that a default (other than a default in the payment of money) is not reasonably susceptible to being cured within the 90-day period, the defaulting party shall not be considered in default if it shall within such 90-day period have commenced with due diligence and dispatch to cure such default and thereafter completes with dispatch and due diligence the curing of such default.

#### **BREACH AND REMEDIES**

In case of a breach or default, the nondefaulting or nonbreaching parties shall have all remedies permitted under law and equity that are available under the laws of the State of Iowa and those specific remedies as set forth herein.

#### **RELATIONSHIP**

This Agreement shall not be construed as creating a joint venture, partnership or any other cooperative or joint arrangement between the City and MHS, and it shall be construed strictly in accordance with its terms and conditions. Nothing contained herein is intended to confer a benefit upon any third parties.

#### **INTEGRATION CLAUSE - NO ORAL MODIFICATION**

This Agreement represents the entire agreement of the parties with respect to its subject matter, and all previous agreements, whether oral or written, entered into prior to this Agreement are hereby revoked and superseded by this Agreement. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in any other contemporaneous written agreement executed for the purposes of carrying out the provisions of this Agreement. This Agreement may not be changed, modified or rescinded, except as provided for herein. Any attempt at oral modification of this Agreement shall be void and of no effect.

#### **ASSIGNMENT**

Neither of the parties to this Agreement shall assign their interest in this Agreement without the expressed written consent of the other party. If one party becomes unable to fulfill its obligation and the other party refuses to consent in writing to the assignment of interest, then the Agreement shall be considered null and void on the date six months after the non-consenting party has provided written notice to the assigning party. In such event, both parties agree that operation of the Shelter shall continue during the final six-month term under a management structure that has been accepted in writing by both parties. Both parties agree that such agreement shall not be reasonably withheld.

#### **COUNTERPARTS**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original of this Agreement and all of which, when taken together, shall be deemed to constitute

one and the same Agreement.

#### **SEVERABILITY**

The invalidity or unenforceability of any particular provision, or part of any provision, of this Agreement shall not affect the other provisions or parts hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provision or parts were omitted.

#### **PARTIES BOUND**

This Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties hereto, their personal representatives, their respective successors in office and permitted assigns of the parties hereto for the entire term of this Agreement, including any renewals of the term of this Agreement.

#### **TIME IS OF THE ESSENCE**

Time is of the essence in this Agreement.

#### **NON-WAIVER**

A failure by any party to take any action with respect to any default or violation by the other of any of the terms, covenants, or conditions of this Agreement shall not in any respect limit, prejudice, diminish, or constitute a waiver of any rights of such party to act with respect to any prior contemporaneous, or subsequent violation or default or with respect to any continuation or repetition of the original violation or default.

#### **GOVERNING LAW AND CHOICE OF FORUM**

This Agreement shall be governed by and construed in accordance with the substantive laws of the State of Iowa without giving effect to the principles of conflicts of laws. Any action brought to interpret, enforce or construe any provisions of this Agreement shall be commenced and maintained in the District Court of Pottawattamie County, Iowa (or, as may be appropriate, in the United States District Court for the Southern District of Iowa if the Pottawattamie County District Court lacks or declines jurisdiction over such action.)

In witness whereof, this Agreement has been duly executed by the parties hereto as of the day and year first above written.

CITY OF COUNCIL BLUFFS

By: 

Mayor Thomas P. Hanahan

MIDLANDS HUMANE SOCIETY

By: Leslie A. Southard  
President, Board of Directors

## **LIST OF EXHIBITS**

**Exhibit A – Preliminary construction documents**

**Exhibit B – Plat and legal description of donated property**

**Exhibit C – Lease from City to MHS**

**Exhibit D – Preliminary building plan with City area highlighted**

**Exhibit E – MHS-City lease**

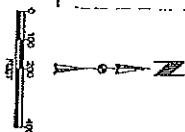
**Exhibit F – Operating Plan**

**Exhibit G – Insurance obligations**

**Exhibit B**

**Plat and legal description of donated property**

**To be supplied by the City.**



*PLAT OF SURVEY*

PART 1 OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGEND

- FOUND SECTION CORNER
- FOUND PROPERTY PIN
- SET 2 1/8" X 1/8" RESIN W/ YELLOW PLASTIC CAP MARKED "HOM ASSOC. PLUS 10589"
- (S) SURVIVY
- (D) DIED BOOK 1206, PAGE 101
- (ST) SURVIVY BY HOA ASSOCIATES (DON HENDERSON) AUGUST 1972

DATE OF SURVEY: DECEMBER 15, 2014



HELWYN C. STAMPELLE  
 LUGER NUMBER 10944  
 AT URBAN NATIONAL BANK & TRUST CO. ST. LOUIS  
 44222 ON DEBIT CREDITED BY THE BANK  
 05SEP07 17:2014  
 DATE

Original filed 17, 2014

Project **PLAT OF SURVEY**  
NORTHEAST QUARTER SECTION 22-73-13

Client **CITY OF COUNCIL BLUFFS**  
202 PEARL STREET, COUNCIL BLUFFS, IOWA 51501

201

STO \_\_\_\_\_  
d791  
VCS \_\_\_\_\_  
disprol  
VCS \_\_\_\_\_  
Apprend  
DEC 14 \_\_\_\_\_  
date revision title

**hgm**  
ASSOCIATES INC.  
610 FIFTH AVENUE, SUITE 1600, NEW YORK, NY 10017  
PHONE: (212) 323-0550

[illegible]

RECORD LEGAL DESCRIPTION - RECORDED IN BOOK 1506, PAGE 101  
THAT PART OF LOT 1 OF THE ABOVE-DESCRIBED TRACT

[illegible]

## SURVEYED

SURVEYED AREA IS 29.86 ACRES, MORE OR LESS INCLUDING 0.59 ACRE MORE OR LESS OF COLLEGE ROAD RIGHT-OF-WAY.

## LEGAL DESCRIPTION - PARCEL C

CONVEYANCE AT THE NORTHWEST QUARTER OF LOT 1 OF THE AUDITOR'S SUBDIVISION OF THE  
SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 75 NORTH,  
RANGE 45 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS,  
COUNTY, IOWA BEING MORE FULLY DESCRIBED AS FOLLOWS:

THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, SOUTH 80 DEGREES 27 MINUTES 28 SECONDS, 1,414.55 FEET;

THICKNESS 68 DEGREES 52 MINUTES 32 SECONDS EAST, 401.71 FEET TO THE TRUE POINT OF BEGINNING;  
THICKNESS 25 DEGREES 31 SECONDS WEST, 470.35 FEET TO THE TRUE POINT OF BEGINNING.

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 61 DEGREES 07 MINUTES 23 SECONDS EAST, 80.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID ROAD AROUND THE NORTHEAST RIGHT-OF-WAY LINE OF COLLEGE ROAD;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 20 DEGREES 58 MINUTES 34 SECONDS EAST, 233.46 FEET, TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTWARD, HAVING A RADIUS OF 1,440 FEET.

THEY'RE NORTH-EASTERN, ALONG SAND CURVE THROUGH A CENTRAL ANGLE OF 66 DEGREES 25 MINUTES 24 SECONDS, 102.82 FEET;

SAID PARCEL CONTAINS AN AREA OF 6.21 ACRES, MORE OR LESS.

LEGAL DESCRIPTION -- PARCEL D

THESE ALONG THE WEST LINE OF THE QUARTER.

THENCE CONTINUING ALONG SAID WEST LINE, THRU TO BECOME AN ALLEY, 27 FEET WIDE, TO THE CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SOUTH 60 DEGREES 27 MINUTES 28 SECONDS WEST, 601.06 FEET TO THE TRILE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 52 MINUTES 05 SECONDS EAST, 531.20 FEET;  
THENCE SOUTH 89 DEGREES 52 MINUTES 05 SECONDS WEST, 1022.20 FEET;  
THENCE NORTH 89 DEGREES 52 MINUTES 05 SECONDS EAST, 531.20 FEET;  
THENCE SOUTH 89 DEGREES 52 MINUTES 05 SECONDS WEST, 1022.20 FEET;

THENCE SOUTH 25 DEGREES 11 MINUTES 26 SECONDS WEST, 85.40 FEET;  
THENCE SOUTH 25 DEGREES 31 MINUTES 23 SECONDS WEST, 579.42 FEET;

THESE SOUTH 36 DEGREES 30 MINUTES 30 SECONDS EAST, 64,330 FEET TO A POINT ON A NON-TANGENT CURVE CONCING NORTHWESTERLY, TO WHICH A RADIAL LINE BEARS SOUTH 67 DEGREES 27 MINUTES 30 SECONDS EAST 44,415 FEET.

THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 96 DEGREES 33 MINUTES, OR APPROXIMATELY 1440 FEET, WESTERLY RIGHT OF WAY LINE OF RAILROAD AVENUE.

THENCE CONTAINING ALONG SAID RIGHT-OF-WAY, NORTH 10 DEGREES 00 MINUTES 16 SECONDS EAST 801.04 FEET;

THENCE NORTH 80 DEGREES 43 MINUTES 26 SECONDS WEST, 1,445.615 FEET TO THE POINT OF BEGINNING OF THE EASEMENT; THENCE EAST, 247.50 FEET; THENCE NORTH 80 DEGREES 59 MINUTES 05 SECONDS EAST, 247.50 FEET; THENCE SOUTH 80 DEGREES 59 MINUTES 05 SECONDS WEST, 247.50 FEET; THENCE SOUTH 80 DEGREES 43 MINUTES 26 SECONDS WEST, 1,445.615 FEET TO THE POINT OF BEGINNING OF THE EASEMENT.

Said parcel contains an area of 17.77 acres more or less.

.....

\_\_\_\_\_

150:13  
 205:2

PLAT OF SURVEY  
NORTHEAST QUARTER SECTION 23-25-43  
CITY OF COUNCIL BLUFFS  
209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503

NO \_\_\_\_\_  
YES \_\_\_\_\_  
NO \_\_\_\_\_  
YES \_\_\_\_\_  
NO \_\_\_\_\_  
YES \_\_\_\_\_  
NO \_\_\_\_\_  
YES \_\_\_\_\_

**hgm**  
ASSOCIATES INC.  
610 FIFTH AVENUE, SUITE 1001, NEW YORK, NY 10017  
PHONE: (212) 312-0550

The drinking is being made  
easier by the modern bar.  
The use of the glass is  
increasing with the drinking  
bar, however the prohibition  
periods have been in  
existence at least for the last 100 years of  
the drinking of any kind of  
wine is increasing with the  
length of the drinking period.



**Exhibit C**

**Lease from City to MHS**

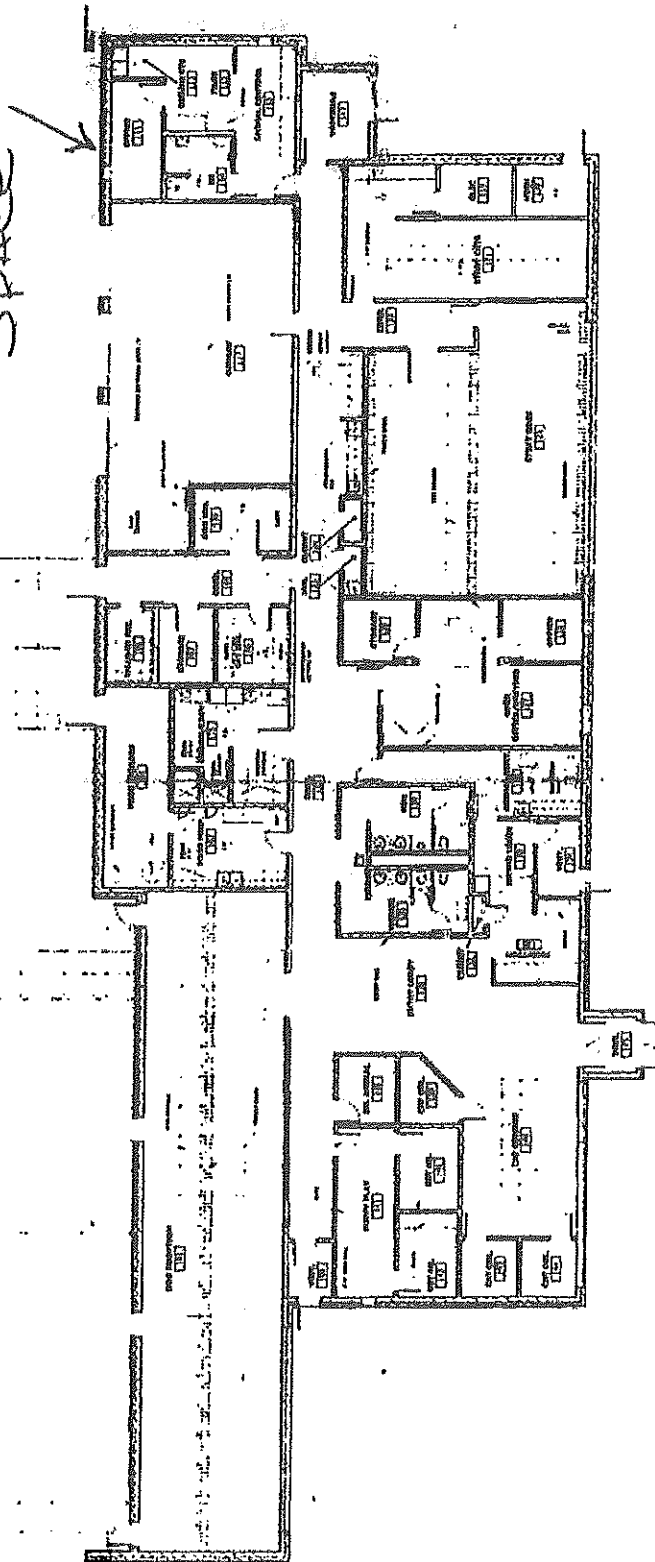
**The City shall lease the donated property to MHS for a period of not less than 99 years. The additional terms of the City-MHS lease of the donated property will be agreed upon by the parties on or before June 1, 2010.**

**Exhibit D**

**Preliminary building plan with City area highlighted**

**To be supplied by MHS.**

Animal Control  
Space



FLOOR PLAN — ①

Exhibit E  
MHS-City lease

To be supplied by MHS.

## Exhibit F

### Operating Plan

During a facilitated meeting process, MHS, County and the City of Council Bluffs identified its organization's core services and discussed how to work in collaboration to create a seamless process for all agency services.

The City and County identified maintaining control of the animal population and protecting citizens as the core services of their animal control officers. Currently, the City and County's staff spend approximately half of their day cleaning, maintaining and caring for animals at their respective shelters. This leaves only fifty percent of their time to address public safety concerns. Public safety issues include: responding to reports of biting, animal abuse, vicious and dangerous animals, injured or trapped animals, strays and animals creating a noise disturbance, animal code enforcement, pet licensing and proper pet vaccination.

Consensus was reached that MHS services would include the following:

- Building an animal shelter in the community that is appropriate in size, location and facilities for housing a full-service humane society and that will meet the five-year needs of the community.
- Building a facility that includes lease space for the City and County's animal control offices
- Providing quality shelter management and animal care through efficiencies gained by locating MHS and City and County animal control department under one roof
- Upgrading the image of animal control by providing traditional humane programs that include community education, animal spay-neuter services and high profile adoption strategies
- Creating an educational framework that would include all three entities where appropriate and would meet the needs of multiple audiences throughout the community. Educational strategies would include:
  - Appropriate care of companion animals
  - Obedience classes
  - Behavior modification training
  - Information regarding licensing, spay-neuter services and vaccination requirements
  - Animal safety
  - Animal abuse prevention
  - Public outreach
- Creating and implementing public awareness campaigns to successfully return animals to their owners
- Implement adoption strategies when pet return options have been exhausted that include:
  - Owner surveys to ensure successful adoptions
  - Direct links to educational offerings for new pet owners

- Developing and implementing effective public relations and marketing plans that will create interest and involvement in issues relating to the agency.
- Creating and maintaining an extensive volunteer base that would support MHS in terms of basic animal care and programmatic endeavors
- Developing revenue-generating projects and services within the scope of MHS to assist with maintaining and growing the annual operating budget
- Offering an MHS-administered telephone helpline for community residents that would assist pet owners with animal care needs
- Offering a meeting site that could be utilized to meet a number of community needs including:
  - MHS-sponsored education and training activities
  - Training space for City and County animal control officers
  - Public meeting space for area community groups
- Cremation and grieving services
- Developing an animal park adjacent to the MHS facility that meets the needs of the community and satisfies the City's obligation to create a park on the property.

MHS staff and volunteers would manage the facility's front desk and reception area. They would be responsible for managing customer relations and for all traffic flow duties including:

- Call intake. All three entities would share one published telephone number that MHS would manage
- Working with the City and County to develop collaborative forms that are customer friendly. Internal accounting protocols would allow one stop customer payments to be itemized across agencies as needed
- Greeting customers and assisting them with form completion and fee collection

MHS, the City and County are exploring one comprehensive computer software program that would allow maximum efficiency between all three entities by:

- Tracking animal intake. Each entity would have partial responsibility for record keeping and maintenance.
- Creating a mandatory process to track animals as they are transferred from the City or County to MHS's control
- Allowing access for all entities to retrieve necessary information with regards to the progression of an animal through the animal control/shelter/placement process

As MHS evolves, it may consider implementing intake policies with bordering counties who do not have a humane society presence. Any relationships with other entities will be determined by space and staff availability and will be considered additional revenue opportunities to support the core services offered by MHS.

MHS will take the lead position in working with animal rescue organizations. The City and County will maintain the lead responsibility in disaster preparedness coordination and will retain a portion of their existing kennels as part of this responsibility.

MHS plans to use a portion of its proposed site for a dog park. This will be the first such amenity for both Council Bluffs and Pottawattamie County. The dog park will be a wonderful complement to the shelter facility and a key marketing location to promote educational programming offered by MHS. MHS is also identifying the dog park as a potential revenue

~~source to support the agency's programming. The dog park also allows the City to meet its obligation to the donor of the property to create a park on the land.~~

### Exhibit G

### Insurance Obligations

The City will maintain the following types of insurance coverage:

1. Commercial general liability insurance covering the activities of the City and/or its employees at the Shelter and/or the Project
2. Worker's Compensation Insurance

MHS will maintain the following types of insurance coverage:

1. Commercial general liability insurance
2. Worker's Compensation Insurance
3. Insurance covering the construction activities undertaken in connection with the Design and Construction Phase
4. Property insurance covering the Project

The amounts of insurance coverage identified above will be agreed upon by the parties.

## **EXHIBIT F**

### **OPERATING PLAN**

January 2017

The City has identified maintaining control of the animal population and protecting citizens as the core services of their animal control officers. Previously, the City's staff spent approximately half their day cleaning, maintaining and caring for animals at the shelter. This left only fifty percent of their time to address public safety concerns. Public safety issues include: responding to reports of biting, animal abuse, vicious and dangerous animals, injured or trapped animals, strays and animals creating a noise disturbance, animal code enforcement, pet licensing and proper pet vaccination.

Consensus was reached that MHS services should include the following:

- \* Maintain an animal shelter in the community that is appropriate in size, location and facilities for housing a full service Humane Society and that will meet the needs of the community. This will include providing quality shelter management and animal care through the efficiencies of locating in a common facility.

- \* Maintain a facility that includes lease space available for the city's animal control offices

- \* Upgrade the image of animal control by providing traditional humane programs that include community education and high-profile adoption strategies.

- \* Create an educational framework that will meet the needs of multiple audiences throughout the community. Educational strategies would include:

- \* appropriate care of companion animals
- \* behavior modification training for care of animals in-house
- \* information regarding licensing, spay-neuter services and vaccination requirements
- \* animal safety
- \* animal abuse prevention
- \* public outreach

- \* Create and implement public awareness campaigns to successfully return animals to their owners, as allowed by time and resources available.

- \* Implement adoption strategies when pet return options have been exhausted that include:

- \* owner surveys to ensure successful adoptions
- \* direct links to educational offerings for new pet owners

- \* Developing and implementing effective public relations and marketing plans that will create interest and involvement in issues relating to the agency.

- \* Creating and maintaining an extensive volunteer base that would support MHS in terms of basic animal care and programmatic endeavors.

- \* Developing revenue-generating projects and services within the scope of MHS to assist with



**maintaining and growing the annual operating budget**

**\*Cremation and euthanasia services and referrals to grieving services**

**\*Developing and maintaining an animal park adjacent to the MHS facility that will meet the needs of the community and satisfy the City's obligation to create a park on the property. The dog park will be treated as an amenity for the City of Council Bluffs, will complement the shelter facility and be a key marketing location for MHS to provide educational programming. MHS may also use the dog park as a potential revenue generator to support its core operations.**

**MHS staff and volunteers will manage the facility's front desk and reception area. This will include being responsible for managing customer relations and traffic flow at the facility, including greeting customers and assisting them with form completion and fee collection.**

**MHS and the City shall explore and implement one comprehensive computer software program that will allow a maximum efficiency by:**

**\*tracking animal intake, with each entity having partial responsibility for record-keeping and maintenance**

**\*allowing access for each entity to retrieve information necessary with regard to the progression of an animal through the animal control/shelter/placement process.**

**As MHS grows and evolves, it may consider implementing intake policies with bordering counties who do not have a Humane Society present. Any relationships with other entities will be determined by space and staff availability and will be considered additional revenue opportunities to support the core services offered by MHS.**

**MHS will take the lead position in working with all animal rescue organizations. The City and MHS will coordinate and work together to take the lead responsibility in disaster preparedness coordination and the City will retain a portion of existing channels as part of the City's responsibility.**

## RESOLUTION NO. 18-273

### **A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT MINOR SUBDIVISION TO BE KNOWN AS ARBOR CREEK, LEGALLY DESCRIBED AS BEING A PART OF NE ¼ OF SECTION 29-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** The Community Development Department, on behalf of the City of Council Bluffs, is requesting final plat approval of a three-lot minor subdivision to be known as Arbor Creek, legally described as being part of the NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described on Attachment 'A'; and

**WHEREAS,** The subdivision is comprised of 29.86 acres of city-owned property and is located immediately north of the intersection of Railroad Avenue and College Road.; and

**WHEREAS,** The following comments were provided for the proposed subdivision request:

1. The proposed subdivision is zoned A-2/Parks, Estates and Agricultural District. The minimum lot size in an A-2 District is three acres, as per Section 15.05 of the Municipal Code (Zoning Ordinance). Proposed Lot 1, Arbor Creek contains 17.73 acres, Lot 2, Arbor Creek contains 6.19 acres, and Lot 3, Arbor Creek contains 2.30 acres. Lots 1 and 2, Arbor Creek are located west of Railroad Avenue and are relatively uniform in shape, which makes them suitable for development. Both lots comply with A-2 District lot area, depth, and width requirements. Lot 3 is located east of Railroad Avenue and has limited development capabilities due to its irregular dimensions, which were caused by the construction of Railroad Avenue and the City's acquisition of abandoned railroad right-of-way. The City has no other land holdings to combined with Lot 3, Arbor Creek so that it can conform with A-2 District standards due to its location. A subdivision variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) must be granted by City Council. Per Section 14.11.040, *Variance(s)* of the Council Bluffs Municipal Code (Subdivision Ordinance) a variance can be granted 'where it can be shown that due to special conditions, literal enforcement of the ordinance will result in unnecessary hardship', the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provided that such variance would:
  - a) Not be contrary to the public interest;
  - b) Be in the interest of the City;
  - c) Be within the spirit and intent of the ordinance; and
  - d) Not be detrimental to future residents in or near the proposed subdivision.

The Community Development recommends City Council grant a variance to allow Lot 3, Arbor Creek to not comply with the minimum A-2 District lot size requirements (area, depth, and width) based on reasons stated above.

2. On February 13, 2017, the City Council adopted Resolution No. 17-31 which declared the City's intent to execute a Lease Agreement and a Funding and Occupancy Agreement with Midlands Human Society for the lease of City owned property at 1020 Railroad Avenue for a term of 99 years. Included in the agreement was a plat of survey that identified 1020 Railroad Avenue as being separated into Parcels 'C' and 'D'. Parcel 'C' was left undeveloped and Parcel 'D' was leased to the Midlands Humane Society to be developed as an animal shelter. Proposed Lot 1, Arbor Creek is the same land area identified as Parcel 'C' and proposed Lot 2, Arbor Creek is the same land area identified as Parcel 'D'. The dimensions of proposed Lots 1 and 2, Arbor Creek are generally consistent with the dimensions shown for Parcels 'C' and 'D' on the plat of survey included in the lease agreement.

The Community Development Department met with the Midlands Humane Society on two occasions to discuss the Arbor Creek Subdivision and development proposal for Lot 1. As part of these conversations, Midlands Humane Society expressed concern about their ability to expand their animal shelter operation if Lot 1, Arbor Creek were sold to another entity. The Community Development Department researched MHS's concern and provided them with a conceptual layout plan for how their animal shelter could expand the building and double in size on proposed Lot 2, Arbor Creek. The concept included expansions that would avoid the stormwater detention facility, avoid existing dog runs, and included additional parking. The Community Development Department is of the opinion that the proposed Arbor Creek Subdivision will not interfere with the Midlands Human Society ability to operate and expand upon their animal shelter at 1020 Railroad Avenue.

3. The Community Development Department has received an application from Zimmerman Properties to rezone proposed Lot 2, Arbor Creek from A-2 District to R-3/Low Density Multi-Family Residential District with a Planned Residential Overlay. The rezoning is scheduled for review by the City Planning Commission on October 9, 2018 and will then be forwarded to City Council for final consideration. The purpose of the rezoning is to allow Zimmerman Properties to develop a new 62-unit apartment building on the subject property. Lot 2, Arbor Creek contains 6.19 acres of land and is adequate in size to allow the applicant, Zimmerman Properties, to develop a 62-unit multi-family apartment building in accordance with R-3 District standards.
4. The proposed subdivision is located within Flood Zones 'AE' and '0.2% X' according to FEMA map number 19155C0418F, effective 4/16/2013. With adequate engineering and construction controls, the land in this subdivision is generally suitable for development.

Planning Case No. #SUB-18-015

5. A 33' x 783.66' (0.59 acre) strip of land, located south of Lots 2 and 3, Arbor Creek is being dedicated to the City for additional College Road right-of-way on the final plat. Additionally, 0.04 acres of land abutting the west right-of-way line for Railroad Avenue is being dedicated to the City on the final plat. This land dedication is necessary to ensure that existing trail located adjacent to Lots 1 and 2, Arbor Creek is within Railroad Avenue right-of-way.
6. All lots in this subdivision have direct access to Railroad Avenue and/or College Road. No street extensions and/or improvements are required to be completed for this subdivision.
7. All lots in the subdivision have access to public water, sanitary and storm sewers along Railroad Avenue. No utility extension are required to be completed for this subdivision.
8. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer.
9. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.
10. The Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
11. The standard five and ten-foot wide side, front, and rear utility easements are notated on the final plat. The Public Works commented that the following language must be stated on the final plat relative to easements within this subdivision:
  - a) **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
  - b) **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer which shall not be unreasonably withheld.
  - c) **RIGHT OF ACCESS:** City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
  - d) **REMOVAL AND REPLACEMENT:** With the exception of existing structures, the cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by

- the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
- e) SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.
  - f) DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor and to Grantor's satisfaction.
  - g) EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
12. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed; and

**WHEREAS,** The Community Development Department recommends final plat approval of a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', subject to all comments stated above and following conditions:

- a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
- b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
- d. Granting a variance to allow proposed Lot 3, Arbor Creek to not meet the minimum A-2 District lot size and lot width requirements, based on reasons stated above;
- e. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
- f. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for any development on each lot.

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

That the final plat approval for a three lot minor subdivision to be known as Arbor Creek, legally described as being part of NE ¼ of Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and as shown on Attachment 'A', is hereby approved subject to all local, state and federal regulations; and

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

September 24, 2018.

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

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

JODI QUAKENBUSH

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

## Council Communication

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

Ordinance 6350

Council Action: 9/24/2018

### Description

Ordinance to amend Chapter 3.56 "Soliciting Gifts" by repealing existing Section 3.56.010 and Section 3.56.020.

### Background/Discussion

The City has received communication from the Iowa Civil Liberties Union regarding the above referenced ordinance. After reviewing the ordinance, we found that it has not been utilized in any matter of enforcement, nor has it brought in any revenue or requests relating to permits for solicitation in decades. Because of that, it is in the best interests of the citizens of Council Bluffs to repeal and remove this ordinance from our municipal code.

### Recommendation

Approval of this ordinance.

### ATTACHMENTS:

Description

[Ordinance 6350](#)

Type

Ordinance

Upload Date

9/18/2018

**ORDINANCE NO. 6350**

**AN ORDINANCE TO AMEND CHAPTER 3.56 “SOLICITING GIFTS” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING SECTION 3.56.010 AND SECTION 3.56.020.**

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

**SECTION 1.** That Chapter 3.56 “Soliciting Gifts” of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Section 3.56.010 and Section 3.56.020 as follows:

**3.56.010 – Registration required.**

~~It is unlawful for any person, firm or corporation, individually or by its agents or representatives, to solicit for money, clothing or other property as a gift to such person, firm or corporation within the city of Council Bluffs, unless such person, firm or corporation first register with the city clerk and the police department, in writing, stating the name of the organization, the location of the headquarters of the organization, the names of the persons to be soliciting gifts in the city of Council Bluffs, the purpose of the solicitation, the dates of the solicitation, time of solicitation, and the place of proposed solicitation activity.~~

**3.56.020 – Penalty for violation.**

~~Any person, firm or corporation, or the agents, representatives or employees of such firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a simple misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days.~~

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

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

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



PASSED  
AND  
APPROVED

September 24, 2018.

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

\_\_\_\_\_  
Mayor

Attest:

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

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

First Consideration: 9-24-18

Second Consideration: 10-8-18

Public Hearing: N/A

Third Consideration: \_\_\_\_\_

## Council Communication

Department: Community Development  
Case/Project No.: Solid Waste Abatement Lien  
Request  
Submitted by: Brandon Garrett

Resolution 18-274

Council Action: 9/24/2018

### Description

Resolution assessing unpaid costs of solid waste abatement against listed properties.

### Background/Discussion

This item is a resolution assessing \$959.00 in unpaid costs of solid waste abatement against these properties. It is recommended that Council pass this resolution.

The properties were inspected by personnel of the Building Division and found to contain a nuisance of solid waste on private property or on public right-of-way, as specified in municipal code 10.02.040 and/or 4.12.140. The title-holder of record was notified by posting notice on the property and given 48 hours to remove materials from public right-of-way and 3 days to remove materials from private property.

Or, in the case of a nuisance deemed an emergency, Municipal code 10.02.060 states that the “city may perform any action required by this chapter without prior notice to the abutting property owner, and assess the costs and administrative charges in the same fashion as set out in 10.02.040.”

#### CASE HISTORY

Upon failure of the owner to abate the problems, the property was referred to the city contractor who abated the nuisance. The city was billed for this work and has paid the contractor. We have in turn sent a statement to the titleholder of record requesting payment of this amount plus the cost to the city for enforcing the ordinance. To date, payment has not been received and at least ten (10) days have elapsed from the date of billing.

#### ALTERNATIVE ACTIONS

City Ordinance states that these unpaid costs “may be assessed against the property for collection in the same manner as a property tax, pursuant to the provisions of Section 364.12 of the Code of Iowa. An additional administrative fee shall be added to each delinquent account if it is certified for collection by the county auditor.”

1. Take no action: The cost of the abatement at these properties will be paid from the general fund. Thus, the cost will be spread among all taxpayers including the vast majority who care for their property, keeping it free of solid waste.
2. Assess the costs to the specific property: Thus, the responsible property owner will bear the cost of failing to comply with City Ordinance (unless they choose not to pay the taxes). In addition to all costs incurred, an additional \$5.00 has been added to each amount to help pay for the extra work involved in the assessment process.

### Recommendation

Brandon Garrett, Director of Community Development Department is recommending that the Council adopt alternative 2: Assessment of all costs against the properties. This resolution accomplishes this alternative.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Solid Waste Lien List Quarter 3 2018</a>	Other	9/10/2018
<a href="#">Resolution 18-274</a>	Resolution	9/18/2018

**2018****Quarter 3 Solid Waste Abatements****START: June 19, 2018**

Parcel	Address	Description	Name	Number	
7544 35 156 027	2128 6TH AVE	SQUIRES ADD LTS 30 & 31 BLK 5	FIRST NATIONAL BANK OF AMERICA	SW-33	\$317.00
7444 13 436 001	103 AZTEC ST	LAKOMA ANNEX LTS 162, 163 & 191	RYAN, MICHAEL JAMES	SW-34	\$169.00
7544 26 339 020	1730 AVE E	BAYLISS & PALMER ADD LT 8 BLK 7	MOE, KEVIN L	SW-37	\$196.00
7543 32 252 003	405 ARNOLD AVE	WEAVERS 3RD ADD LOT 0064	RISNER, KARLEEN K	SW-91	\$277.00

**TOTAL      \$959.00**

RESOLUTION NO. 18-274

- WHEREAS, City Ordinance No. 5219 and 5220, passed and approved by the Council Bluffs City Council on May 22, 1995, requires all property owners to abate any nuisance upon public right-of-way of materials stored for more than 24 hours, or materials stored on private property for more than 3 days; and
- WHEREAS, the owner of each specific property was given proper notification to remove materials from public right-of-way and from private property; and/or
- WHEREAS, an emergency existed as defined in Section 10.02.060 and /or 4.12.140; and
- WHEREAS, the owner failed to remove the materials in the allotted time; and
- WHEREAS, the City, through it's contractor removed the materials; and
- WHEREAS, the City has billed the owner by mail for the cost of removing the materials from their properties; and
- WHEREAS, more than 10 days have elapsed since the billing and the bills remain unpaid; and
- WHEREAS, the City Council may have these unpaid costs assessed against the properties from which the materials were removed pursuant to Section 10.02.070 or 4.12.140 of the Municipal Code of the City of Council Bluffs, Iowa,

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

That the unreimbursed costs incurred by the City for the removal of nuisances found on these properties be assessed against said properties; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized, empowered and directed to certify said properties and assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax.

ADOPTED  
AND  
APPROVED

September 24, 2018

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

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

## Council Communication

Department: Community Development  
Case/Project No.: Weed Abatement Lien List  
Submitted by: Brandon Garrett

Resolution 18-275

Council Action: 9/24/2018

### Description

Resolution assessing unpaid costs of weed abatement against listed properties.

### Background/Discussion

The properties were inspected by personnel of the Building Division and found to contain weeds, brush and/or debris in violation of City Ordinance 4.19.010 or 8.54.010. The titleholder of record was notified by mail of the violation and given at least seven (7) days to abate the nuisance.

Upon failure of the owner to comply with the notice the property was referred to the City contractor who abated the weeds, brush and/or debris. The City was billed for this work and has paid the contractor. We have in turn sent a statement to the titleholder of record requesting payment of this amount plus the cost to the city for enforcing the ordinance. To date, payment has not been received and at least ten (10) days have elapsed from the date of billing.

City ordinance states that these unpaid costs “may be assessed, therefore, there are two major alternatives possible

1. Take no action: The cost of the abatement at these properties will be paid from the general fund. Thus, the cost will be spread among all taxpayers including the vast majority who care for their property and keep it cut.
2. Assess the costs to the specific property: Thus, the responsible property owner will bear the cost of failing to comply with City ordinance (unless they choose not to pay the taxes). In addition to all costs incurred, an additional \$5.00 has been added to each amount to help pay for the extra work involved in the assessment process.

### Recommendation

Brandon Garrett, Director of the Community Development Department is recommending that the Council adopt alternative 2: Assessment of all costs against the properties. This resolution accomplishes this alternative.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Weed Abate Lien List Quarter 3 2018</a>	Other	9/10/2018
<a href="#">Resolution 18-275</a>	Resolution	9/19/2018

2018

Quarter 3 Weed Abatements

START: June 19, 2018

Parcel	Address	Description	Name	Num		
	Vacant CNCA/Illinois So. RR lot, SE of 1220 2nd Ave			27	\$	259.00
7443 06 128 001	1511 SKYLINE DR	HEARTLAND HEIGHTS 1ST ADD-PHASE I LOT 8	BOWMAN, MICHAEL W-AMY J MILLER	62	\$	169.00
7444 01 158 001	2101 S 10TH ST	BURNS ADD LTS 1 & 2 BLK 14	MANZO, SANDRA RIVERA	67	\$	368.00
7444 01 183 003	VACANT TRI-ANGLE LOTS SOUTH OF 612 21ST AVE	HUGHES & DONIPHANS ADD LTS 2, 3, 15 & 16 BLK 15 & ALL VAC ALLEY BETWEEN LTS 2.3 & 16 & 1/2 VAC ALLEYADJ LT 15 EXC RR	ALFARO, MOISES E	93	\$	343.00
7444 02 283 008	2000 S 11TH ST	BURNS ADD LTS 21 & 22 BLK 21	NELSON, JOSHUA J-KRISTY L	28	\$	328.00
7444 02 283 008	2000 S 11TH ST	BURNS ADD LTS 21 & 22 BLK 21	U S BANK NA	75	\$	379.00
7444 10 385 010	4017 BEL AIR DR	TWIN CITIES PLAZA LOT 206	LARSEN, ANTHONY-DAWN	35	\$	155.00
7444 10 385 010	4017 BEL AIR DR	TWIN CITIES PLAZA LOT 206	LARSEN, ANTHONY-DAWN	80	\$	155.00
7444 13 437 009	106 OSAGE ST	LAKOMA ANNEX LTS 230, 231 & 232	SEAGER, KEVIN E	55	\$	292.00
7444 16 253 002	3619 WILLIAM LN	MOORES SUB SW NE 16 74 44 LT 2 BLK 6	ALLEN, GERALD SCOTT-AMANDA LYNN	30	\$	169.00
7444 16 253 002	3619 WILLIAM LN	MOORES SUB SW NE 16 74 44 LT 2 BLK 6	ALLEN, GERALD SCOTT-AMANDA LYNN	79	\$	255.00
7543 30 377 006	353 FRANK ST	MORNINGSIDE ADD LT 5 BLK 10	SURPASSETS LLC	37	\$	210.00
7543 31 179 010	117 IOWA AVE	WILSON TERRACE LT 3 BLK 2 & 7' ALLEY ADJ	R J CAPITOL LLC	86	\$	158.00
7544 24 252 021	1 DEER TRL	SECTION 24-75-44 SW NE PT LT 1 W133' E500' S135'	LEED, RICHARD A-JOHN R	38	\$	169.00
7544 25 204 004	11 LAINSON AVE	EDGEWOOD ADD LT 8 BLK 2	SEC H U D	76	\$	236.00
7544 25 226 002	407 FLEMING AVE	HILLCREST ADD LT 9 BLK 1 & 1/2 VAC ALLEY ADJ	RODRIGUEZ, LAURA B MORSE	50	\$	190.00
7544 25 233 004	435 HOUSTON AVE	HOUSTON ADD LOT 0004	WINEY, SUSAN	48	\$	209.00
7544 25 278 005	VACANT LOT NORTH of 278 BENTON ST	JOHNSON ADD PT LT 52 COMM 50'N SE COR LT 52 TH W49.85' N47' E50' S44.1' TO POB	BERNER, WILLIAM A-JENNIFER L	52	\$	155.00
7544 25 309 007	830 AVE E	HALLS ADD LT 12 BLK 8	TWO LEG LLC	40	\$	216.00
7544 25 356 002	1st VAC LT SOUTH OF 215 N 8 ST	GRIMES ADD N26' W94' EXC 3.5' LT 7 BLK 3	BIG CAT INC	33	\$	169.00
7544 25 356 002	1ST VACANT LOT SOUTH OF 215 NORTH 8TH STREET	GRIMES ADD N26' W94' EXC 3.5' LT 7 BLK 3	BIG CAT INC, C/O UPLAND MTG	89	\$	155.00
7544 25 356 003	2nd VAC. LT S OF 215 N 8 ST	GRIMES ADDITION S32 FT W94 FT LT 7 BLK 3	ATHAY, WILLIAM T III	34	\$	155.00
7544 25 356 003	2ND VACANT LOT SOUTH OF 215 NORTH 8TH STREET	GRIMES ADDITION S32 FT W94 FT LT 7 BLK 3	ATHAY, WILLIAM T III	90	\$	155.00
7544 25 432 010	212 HARMONY ST	JOHNSON ADD LT 2	MOORE, LARRY D-CARYL J	51	\$	210.00
7544 25 464 012	152 VINE ST	ORIGINAL PLAT M1/3 LT 1 LT 83 EX STRIP 2' WIDE OFF N END	MENDENHALL, KALLIE DIANN	65	\$	169.00
7544 25 464 012	152 VINE ST	ORIGINAL PLAT M1/3 LT 1 LT 83 EX STRIP 2' WIDE OFF N END	MENDENHALL, KALLIE DIANN	78	\$	236.00
7544 26 283 007	1316 AVE I	POTTER - COBBS FIRST ADD LOT 0012BLOCK 0008	HANISCH, JAMES M	73	\$	205.00
7544 26 308 004	2213 AVE G	BURKES ADD LT 4 BLK 1	VALE LLC	92	\$	277.00
7544 26 308 004	2213 AVE G	BURKES ADD LT 4 BLK 1	VALE LLC	44	\$	213.00
7544 26 359 002	2223 AVE A	STREETS ADD LT 6 BLK 4	WAHAB, MAIVANDI M	39	\$	264.00
7544 26 410 005	1625 AVE D	MULLINS SUB LT 6 BLK 34	DILLEY, RUSSELL A	45	\$	159.00
7544 26 410 005	1625 AVE D	MULLINS SUB LT 6 BLK 34	DILLEY, RUSSELL A	83	\$	202.00
7544 26 455 003	1620 AVE C	BEERS SUB W1/2 LT 3 BLK 4	SMITH, KRISTIE SUE	84	\$	304.00
7544 27 354 006	3133 AVE B	CATALPA BLOCK LT 8	FULLER, FROYLAN A	29	\$	273.00
7544 28 476 010	3500 AVE C	FERRY ADDITION LOT 0015BLOCK 0019	SIMMONS, ALLEN-JENNIFER	63	\$	241.00

7544 28 483 020	3440 AVE A	FERRY ADD LT 6 BLK 16	MARTIN, ANDREW-COLETTE	58	\$	284.00
7544 33 253 002	3633 5TH AVE	BROWN SUB LT 8 EXC E36' LT 7 BLK 49	FRANKS, WESLEY D-SANDRA C	96	\$	190.00
7544 33 281 004	3523 6TH AVE	BROWNS SUB LT 6 BLK 29	HADLUND, RICHARD JOSEPH JR	46	\$	155.00
7544 33 287 005	3505 8TH AVE	BROWNS SUB W40' LT 3 E8' LT 4 BLK 31	GASCOIGNE, LORI K TRUST	61	\$	155.00
7544 34 112 003	3225 4TH AVE	BRYANT AND CLARK ADD LT 6 BLK 29	RICHARDS, RANDY	97	\$	234.00
7544 35 182 002	1813 5TH AVE	PIERCES SUB LTS 7-8 BLK 5	RICE, JAMES DELANO	68	\$	334.00
7544 35 186 005	1809 6TH AVE	PIERCES SUB EXC E10' LT 4 BLK 8 LT 5 BLK 8	B O K F NA C/O BANK OF OKLAHOMA NA	60	\$	216.00
7544 35 190 007	LT W of 1816 8 AVE	PIERCES SUB LT 11 BLK 11	L B T IOWA 9591	42	\$	162.00
7544 35 190 007	LOT WEST OF 1816 8TH AVENUE	PIERCES SUB LT 11 BLK 11	L B T IOWA 9591	81	\$	162.00
7544 35 267 002	708 S 16TH ST	EVERETTS ADD LT 6 EXC UNION AVE ROW BLK 33	KINSER, JAKE	82	\$	155.00
7544 35 267 002	708 S 16TH ST	EVERETTS ADD LT 6 EXC UNION AVE ROW BLK 33	KINSER, JAKE	47	\$	155.00
7544 35 287 014	1120 8TH AVE	MCMAHON-COOPER-JEFFERIS LT 12 BLK 10	A C M VISION V LLC	32	\$	206.00
			A C M VISION V LLC C/O VISION PROF	71	\$	312.00
7544 35 287 014	1120 8TH AVE	MCMAHON-COOPER-JEFFERIS LT 12 BLK 10				
7544 36 184 010	716 S 7TH ST	HYATTS SUB LT 4 BLK 11	CROWTHER, SUZANNE	69	\$	196.00
7544 36 262 004	706 S 3RD ST	JACKSONS ADDITION LT 2 AND S2' LT 1 BLK 12	RAITHER, ROBERT R-JANE A	53	\$	182.00
7544 36 262 004	706 S 3RD ST	JACKSONS ADDITION LT 2 AND S2' LT 1 BLK 12	RAITHER, ROBERT R-JANE A	87	\$	182.00
7544 36 458 008	237 15TH AVE	WILLIAMS 1ST ADD LT 20 BLK 19	BRUMLEY, KIMBERLY D	36	\$	212.00
7544 36 506 003	VACANT BURLINGTON NORTHERN RR, LOT NORTH OF 1411 SOUTH 7TH /STREET	RIDDLES SUB LTS 14 & 15 BLK 58 EXC TRACK ROWS OF CBEC, IA INTER & BNSF RRS & INCLUDING W1/2 VAC	BURLINGTON NORTHERN RR	88	\$	223.00
					Total	\$11,517.00

RESOLUTION NO. 18-275

- WHEREAS, City Ordinance No. 4849, passed and approved by the Council Bluffs City Council on April 15, 1988, requires all property owners within the City of Council Bluffs, Iowa, to cut or destroy all weeds exceeding 18 inches in height; and
- WHEREAS, all property owners in Council Bluffs were notified of the above requirements by ordinance and by publication in the Council Bluffs Nonpareil; and
- WHEREAS, the owner of each specific property was notified by regular mail and given at least seven (7) days to abate the nuisance; and
- WHEREAS, the City, through its contractor, has attempted to cut or destroy all weeds exceeding 18 inches in height found upon property where the owners have failed to cut or destroy the weeds themselves; and
- WHEREAS, more than ten days have elapsed since the City has billed each property owner by mail for the cost of removing the weeds from their properties; and
- WHEREAS, the cost of weed abatement on these properties has been incurred by the City and remains unpaid; and
- WHEREAS, the City Council may have these unpaid costs assessed against the properties from which the weeds were removed pursuant to Section 4.19.010 or 8.54.010 of the Municipal Code of the City of Council of Council Bluffs, Iowa, and Section 364.12(3) (g) and (h) of the State Code of Iowa.

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

That the unreimbursed costs incurred by the City for the abatement of weeds found upon the properties be assessed against said properties; and

BE IT FURTHER RESOLVED

That the City Clerk is hereby authorized, empowered and directed to certify said properties and assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax.

ADOPTED AND  
APPROVED

September 24, 2018

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

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



## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Courtney Harter

Resolution 18-276

Council Action: 9/24/2018

### Description

Resolution authorizing the Mayor to submit a IDOT Federal Recreational Trails Funding application and execute any related contracts with IDOT upon award of funds.

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">cc staff report - FRT application approval</a>	Other	9/14/2018
<a href="#">Resolution 18-276</a>	Resolution	9/19/2018

## Council Communication

Department: Community Development	Resolution No.: 18 -	City Council: 9-24-2018
<b>Subject/Title</b>		
Iowa Department of Transportation (IDOT) Federal Recreational Trails Application for 1 <sup>st</sup> Avenue corridor trail.		
<b>Background/Discussion</b>		
<u>Background</u> The Iowa Department of Transportation (IDOT) has opened the application cycle for the Federal Recreational Trails (FRT) program. This grant is intended to assist communities with trail paving projects and maintenance. Projects that develop trail linkages, facilitate access for use by persons with disabilities and older citizens, create new partnerships, leverage public and private funding, clean up an area and tie to other trails are priority for this program. Applicants must provide a 20% local match and commit to maintaining the trail for 20 years to be eligible.  The City is currently accepting proposals from qualified engineering firms to complete the conceptual design of the 1 <sup>st</sup> Avenue Multi-Modal Transit Corridor from South 16 <sup>th</sup> Street to South 35 <sup>th</sup> Street. Funding for this project is \$200,000 in FY2018 CIP and \$200,000 from Iowa West Foundation.  <u>Discussion</u> The Community Development and Parks and Recreation Departments wish to apply to the FRT program for a grant of \$500,000 to be spent specifically on the 1 <sup>st</sup> Avenue trail construction. This will be matched with the funds from the CIP and Iowa West.  Upon completion, Parks and Recreation agrees to maintain the trail for at least 20 years.		
<b>Staff Recommendation</b>		
The Community Development Department recommends City Council adopt a resolution: 1. Authorizing the Mayor to sign and submit an application to the Iowa Department of Transportation Federal Recreational Trails program and execute any related contracts with IDOT upon award of funds. 2. Agreeing to maintain the 1 <sup>st</sup> Avenue trail extension for at least 20 years upon completion.		
<b>Attachments</b>		
1. Resolution authorizing application and execution of contract 2. Resolution committing to 20 years of trail maintenance		

Submitted by: Courtney Harter, Community Development Project Coordinator, Community Development Department

Approved by: Brandon Garrett, Director, Community Development Department

**RESOLUTION NO. 18-276**

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A IDOT FEDERAL RECREATIONAL TRIALS FUNDING APPLICATION AND EXECUTE ANY RELATED CONTRACTS WITH IDOT UPON AWARD OF FUNDS.**

WHEREAS, the Iowa Department of Transportation (IDOT) has a Federal Recreational Trials funding program; and

WHEREAS these grants provide local communities funds to construct and maintain trails that develop trail linkages, facilitate access for use by persons with disabilities and older citizens, create new partnerships, leverage public and private funding, clean up an area and tie to other trails are priority for this program; and

WHEREAS the 1<sup>st</sup> Avenue trail extension from South 16<sup>th</sup> Street to South 35<sup>th</sup> Street meets the requirements of IDOT; and

WHEREAS, the required match will be met utilizing the City's FY2018 CIP and funds from an Iowa West Foundation grant; and

WHEREAS, an application for said funds is in the best interest of the City; and

**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 submit an application Iowa Department of Transportation (IDOT) has a Federal Recreational Trials program and execute any related contracts with HUD upon award of funds.

ADOPTED

AND

APPROVED:

September 24, 2018

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

ATTEST:

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

## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Courtney Harter

Resolution 18-277

Council Action: 9/24/2018

### Description

Resolution committing to maintain the First Avenue Trail for a minimum of 20 years.

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description

[cc staff report - FRT application approval](#)

[Resolution 18-277](#)

Type

Other

Resolution

Upload Date

9/14/2018

9/19/2018

## Council Communication

Department: Community Development	Resolution No.: 18 -	City Council: 9-24-2018
<b>Subject/Title</b>		
Iowa Department of Transportation (IDOT) Federal Recreational Trails Application for 1 <sup>st</sup> Avenue corridor trail.		
<b>Background/Discussion</b>		
<u>Background</u> The Iowa Department of Transportation (IDOT) has opened the application cycle for the Federal Recreational Trails (FRT) program. This grant is intended to assist communities with trail paving projects and maintenance. Projects that develop trail linkages, facilitate access for use by persons with disabilities and older citizens, create new partnerships, leverage public and private funding, clean up an area and tie to other trails are priority for this program. Applicants must provide a 20% local match and commit to maintaining the trail for 20 years to be eligible.  The City is currently accepting proposals from qualified engineering firms to complete the conceptual design of the 1 <sup>st</sup> Avenue Multi-Modal Transit Corridor from South 16 <sup>th</sup> Street to South 35 <sup>th</sup> Street. Funding for this project is \$200,000 in FY2018 CIP and \$200,000 from Iowa West Foundation.  <u>Discussion</u> The Community Development and Parks and Recreation Departments wish to apply to the FRT program for a grant of \$500,000 to be spent specifically on the 1 <sup>st</sup> Avenue trail construction. This will be matched with the funds from the CIP and Iowa West.  Upon completion, Parks and Recreation agrees to maintain the trail for at least 20 years.		
<b>Staff Recommendation</b>		
The Community Development Department recommends City Council adopt a resolution: 1. Authorizing the Mayor to sign and submit an application to the Iowa Department of Transportation Federal Recreational Trails program and execute any related contracts with IDOT upon award of funds. 2. Agreeing to maintain the 1 <sup>st</sup> Avenue trail extension for at least 20 years upon completion.		
<b>Attachments</b>		
1. Resolution authorizing application and execution of contract 2. Resolution committing to 20 years of trail maintenance		

Submitted by: Courtney Harter, Community Development Project Coordinator, Community Development Department

Approved by: Brandon Garrett, Director, Community Development Department

**RESOLUTION NO. 18-277**

**A RESOLUTION COMMITTING TO MAINTAIN THE FIRST AVENUE TRAIL FOR A MINIMUM OF 20 YEARS.**

WHEREAS, the Iowa Department of Transportation (IDOT) has a Federal Recreational Trails funding program; and

WHEREAS eligible projects must commit to maintain all trail extensions for a minimum of 20 years; and

WHEREAS the City wishes to utilize Federal Recreational Trails program funds on the 1<sup>st</sup> Avenue trail extension from South 16<sup>th</sup> Street to South 35<sup>th</sup> Street; and

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

That the City commits to maintaining the 1<sup>st</sup> Avenue trail extension from South 16<sup>th</sup> Street to South 35<sup>th</sup> Street for a minimum of 20 years.

ADOPTED

AND

APPROVED: September 24, 2018

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

ATTEST:

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

## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Courtney Harter

Resolution 18-278

Council Action: 9/24/2018

### Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with Anderson Excavating for the 2nd Avenue Sites Demolition and Restoration Project.

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Snyder Recommendation Letter</a>	Other	9/14/2018
<a href="#">Contract Award - 2nd Ave Sites Demo - Staff Report</a>	Other	9/14/2018
<a href="#">Resolution 18-278</a>	Resolution	9/19/2018



September 13, 2018

Courtney Harter  
Council Bluffs Public Works  
209 Pearl Street  
Council Bluffs, IA 51503

RE: 2<sup>nd</sup> AVENUE SITES DEMOLITION AND RESTORATION  
RECOMMENDATION FOR CONTRACT AWARD

Dear Courtney:

Bids were received by the City of Council Bluffs for this project on September 13, 2018. Six bids were received as follows:

<u>Contractor</u>	<u>Total Bid Divisions I, II, III, IV, and Add Alternate</u>
Dore and Associates Bay City, MI	\$492,251.00
Anderson Excavating Omaha, NE	\$463,453.50
Peterson Contracting (PCI) Council Bluffs, IA	\$634,521.65
National Concrete Cutting Council Bluffs, IA	\$489,421.25
Cox Contracting Council Bluffs, IA	\$797,350.00
D&D Construction Council Bluffs, IA	\$663,522.97

The Engineer's opinion of probable construction cost for Divisions I, II, III, IV, and the Add Alternate was \$851,430.68. The low bid was 46% below the estimated costs. The Engineer's opinion of probable construction cost was based on conservative bid prices from previous projects within the area and preliminary estimating prices from area Contractors.

The low bidder is Anderson Excavating. Snyder & Associates has reviewed the bid tab, unit prices, and totals and has found no discrepancies in the amounts included in the bid. We recommend award of the construction

V:\Projects\2018\118.0307.10\Deliverables\Letter\_2018-09-13\_Recommend Contract Award.docx



2<sup>nd</sup> Avenue Sites Demolition and Restoration  
City of Council Bluffs  
September 13, 2018  
Page 2 of 2

contract to the low bidder, Anderson Excavating in the amount of \$463,453.50. If you have any questions, please contact me.

Sincerely,

SNYDER & ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Barbara Johnston". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barbara Johnston, E.I.  
Project Engineer

City Council Communication

Department: Community Development  Case/Project No.: N/A	Resolution No. 18-_____	City Council: <u>9-24-2018</u>
<b>Subject/Title</b>		
2 <sup>nd</sup> Avenue Sites Demolition and Restoration Project Contract Award		
<b>Location</b>		
3036 2 <sup>nd</sup> Avenue, 3426 2 <sup>nd</sup> Avenue and the vacant lot west of 31 <sup>st</sup> Street (behind CHI West Broadway Clinic)		
<b>Background/Discussion</b>		
<u>Background</u> In 2012, the City began purchasing property along the 1st Avenue corridor as part of its West Broadway Redevelopment Plan. The first large property purchase was the Bunge grain elevators with structure demolition completed in 2014. Demolition did not include complete site restoration due to insufficient funds.  In 2014, the City purchased the Interstate Echo Corporation and Echo Group properties located along 2nd Avenue which included six parcels from 30th to 35th Streets. Echo rented the space from the city until the final construction and relocation of their operations along Veteran's Memorial Highway was completed in May.		
<u>Discussion</u> Six bids were received from contractors in the City Clerk's Office on September 13, 2018. The low bid for the project was submitted by Anderson Excavating for \$463,453.50. The bid has been verified and accepted by staff and contracted engineering firm. It is expected that demolition will begin in October with final site work and seeding completed by May 2019.		
<b>Engineering Recommendation</b>		
Snyder has reviewed and tabulated the bids received for this project. They recommend award of the contract to Anderson Excavating (see attached).		
<b>Staff Recommendation</b>		
The Community Development Department recommends acceptance of the bid from Anderson Excavating in the amount of \$463,453.50 for the 2 <sup>nd</sup> Avenue Sites Demolition and Restoration Project.		
<b>Attachments</b>		
1. Bid tabulation sheet 2. Snyder letter 3. Resolution		

Submitted by: Courtney Harter, CD Project Coordinator, Community Development Department

Approved by: Brandon Garrett, Director, Community Development Department

City Council Communication

**Bid Tabulation**  
**2<sup>nd</sup> Avenue Sites Demolition and Restoration Project**  
September 13, 2018 at 10:00 AM  
City Clerk's Office  
209 Pearl Street, Council Bluffs, IA 51503

#	Company	Total Bid
1.	Dore and Associates 900 Harry S Truman Pwy, Bay City, MI	\$492,251.00
2.	Anderson Excavating 1920 Dorcas, Omaha, NE	\$463,453.50
3.	Peterson Contracting (PCI) 300 29 <sup>th</sup> Ave, Council Bluffs	\$634,521.65
4.	National Concrete Cutting 2427 South Ave, Council Bluffs	\$489,421.25
5.	Cox Contracting 16419 Franklin Ave, Council Bluffs	\$797,350.00
6.	D&D Construction 318 N 16 <sup>th</sup> Street, Council Bluffs	\$663,522.97

**RESOLUTION NO. 18-278**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH ANDERSON EXCAVATING FOR THE 2<sup>ND</sup> AVENUE SITES DEMOLITION AND RESTORATION PROJECT.**

**WHEREAS,** The City wishes to undertake a project known as the 2<sup>nd</sup> Avenue Sites Demolition and Restoration Project; and

**WHEREAS,** This project will involve demolition of structures on two of the parcels located at 3036 2<sup>nd</sup> Avenue and 3426 2<sup>nd</sup> Avenue and additional clean up a vacant parcel located on the north half of the 3100 block; and

**WHEREAS,** Such improvements are required to accommodate the redevelopment in the area; and

**WHEREAS,** The plans, specifications and form of contract for the 2<sup>nd</sup> Avenue Sites Demolition and Restoration Project are on file in the office of the City Clerk; and

**WHEREAS,** A Notice of Public Hearing was published as required by law and a public hearing was held on August 13, 2018 and the plans, specifications and form of contract were approved; and

**WHEREAS,** Anderson Excavating has submitted a low bid in the amount of \$463,453.50 for the project.

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

That the bid from Anderson Excavating in the amount of \$463,453.50 for the 2<sup>nd</sup> Avenue Sites Demolition and Restoration Project is hereby accepted as the lowest and best bid received for said work; and

**BE IT FURTHER RESOLVED**

That the City Council does hereby award the contract in connection with 2<sup>nd</sup> Avenue Sites Demolition and Restoration Project; and

**BE IT FURTHER RESOLVED**

That the Mayor and City Clerk are hereby authorized, empowered and directed to execute an agreement with Anderson Excavating for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and bid bond as required by the contract specifications.

ADOPTED

AND

APPROVED:

September 24, 2018

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush

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

## Council Communication

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

Resolution 18-279

Council Action: 9/24/2018

### Description

Resolution certifying the FY2018 Water, Sewer and Refuse Collection lien schedule for nonpayment to the County Treasurer to be assessed against the owner's property.

### Background/Discussion

Per the Code of Iowa and City Ordinance, a resolution has been prepared authorizing the Pottawattamie County Treasurer to certify an amount of approximately **\$246,248.62** as liens against various properties serviced by the city refuse collections service, an amount of approximately **\$10,105.00** as liens against various properties serviced by the sewer system, and an amount of approximately **\$10,643.00** as liens against various properties serviced by the watersystem. All accounts to be liened are in excess of sixty days delinquent. Any payments made on a delinquent accounts prior to the time of delivery to the County Treasurer will be adjusted accordingly.

### Recommendation

The City Treasurer apply liens for unpaid garbage, sewer, and water on the appropriate accounts.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Resolution 18-279</a>	Resolution	9/19/2018

Resolution 18-279

Certifying the FY2018 water, sewer, and refuse collection lien schedule for nonpayment of residential refuse collection charges, nonpayment to the county treasurer to be assessed against the owner's property

WHEREAS, the City of Council Bluffs, Iowa has established a municipal system for the collection of residential refuse in the City of Council Bluffs, Iowa and has established a schedule of rates thereof, and;

WHEREAS, the City of Council Bluffs, Iowa has established a municipal system for the treatment of water and sewage in the City of Council Bluffs, Iowa and has established a schedule of rates thereof, and;

WHEREAS, Section 384.84 of the 2007 Code of Iowa provides that all rates or charges for the above named services, if not paid as provided by ordinance, shall constitute a lien upon the premises served by such service, and same may be certified to the County Treasurer and collected in the same manner as taxes, and;

WHEREAS, the premises listed on the FY2018 Water, Sewer and Refuse Collection Lien Schedule on file with the Sanitation Billing Office and by this reference made a part hereof, have failed to pay the rates and charges heretofore established for service to said premises pursuant to said ordinances, and;

WHEREAS, it is in the best interest of the City of Council Bluffs, Iowa, to cause said unpaid rates and charges to be certified to the Pottawattamie County Treasurer and collected in the same manner as taxes:

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

That the premises and charges identified against same on the FY2018 Water, Sewer and Refuse Collection Lien Schedule for nonpayment of residential refuse collection charges in the amount of approximately **\$246,248.62**, nonpayment of sewer rental fees in the amount of approximately **\$10,105.00**, and the nonpayment of water fees in the amount of approximately **\$10,643.00** is hereby approved, and the City Clerk is hereby authorized, empowered and directed to certify said 2018 Refuse Collection Lien Schedule to the Pottawattamie County Treasurer to be collected in the same manner as taxes. An Authorized Officer of Finance is hereby authorized, empowered and directed to make the necessary adjustments to the accounts for payments received prior to the delivery of said liens to the Pottawattamie County Treasurer.

Adopted and Approved: September 24, 2018

---

Matthew J. Walsh, Mayor

---

Jodi Quakenbush, City Clerk

## Council Communication

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

Resolution 18-280

Council Action: 9/24/2018

### Description

Resolution dedicating right-of-way along the relocated 29th Avenue (Alleyway) from South 13th Street east to South 7th Street, north of I-80/I-29.

### Background/Discussion

A transfer of jurisdiction from the State to the City of Council Bluffs was completed for the newly constructed alleyway from South 13<sup>th</sup> Street east to South 7<sup>th</sup> Street, a length of approximately 0.44 miles. The new right-of-way is a result of Segment 3 of the Iowa DOT's Council Bluffs Interstate System Improvements.

The area is located north of the newly constructed noise wall along the interstate.

The transfer of jurisdiction included the associated excess acquisition parcel remnants. A Quitclaim Deed for this property from the State of Iowa to the City was recorded and is on file with the County (Book 2018, Page 05571).

A new right-of-way corridor was described along the alleyway to exclude portions of the parcel remnants. Once the right-of-way corridor is preserved, it is recommended that the excess parcel remnants be disposed of.

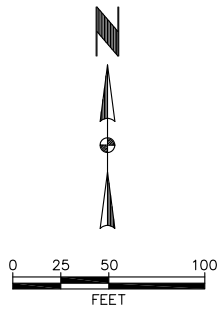
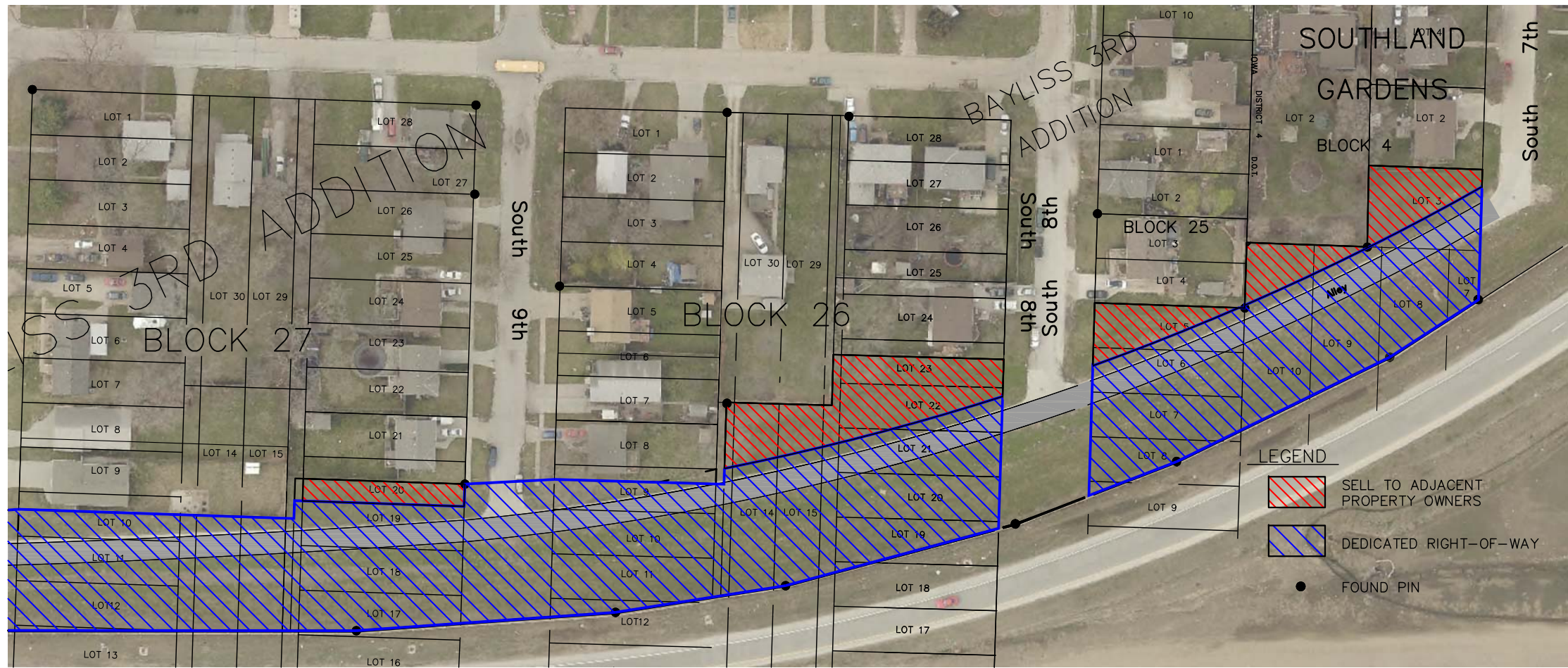
### Recommendation

Approval of this resolution.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	9/14/2018
<a href="#">Map</a>	Map	9/14/2018
<a href="#">Resolution 18-280</a>	Resolution	9/19/2018





This drawing is being made in accordance with the standards for use on this project in accordance with the standards of the Association of Professional Engineers and Surveyors of Iowa. The engineer or surveyor assumes no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

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

DEF	drawn	date
DEF	designed	revision
DEF	approved	SEPT 11, 2018

project 29th AVENUE EXCESS RIGHT-OF-WAY  
client CITY OF COUNCIL BLUFFS  
sheet **EXHIBIT**

project no.  
150717  
sheet  
**1 OF 1**



RECORDER'S INDEX	
LOT: 11, 12, 13 AND 14	
BLOCK: 86	
SUBDIVISION: RAILROAD ADDITION	
ALIQUOT PART:	
SECTION: /TOWNSHIP: / RANGE:	
CITY: COUNCIL BLUFFS	
COUNTY: POTTAWATTAMIE	
PROPRIETOR: CITY OF COUNCIL BLUFFS	
REQUESTED BY: CITY OF COUNCIL BLUFFS	
DATE OF FIELD SURVEY: JULY 2, 2018	

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

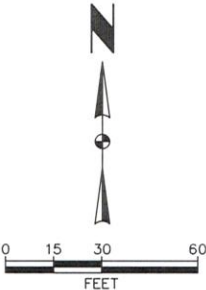
PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1  
PARCEL NO. 1

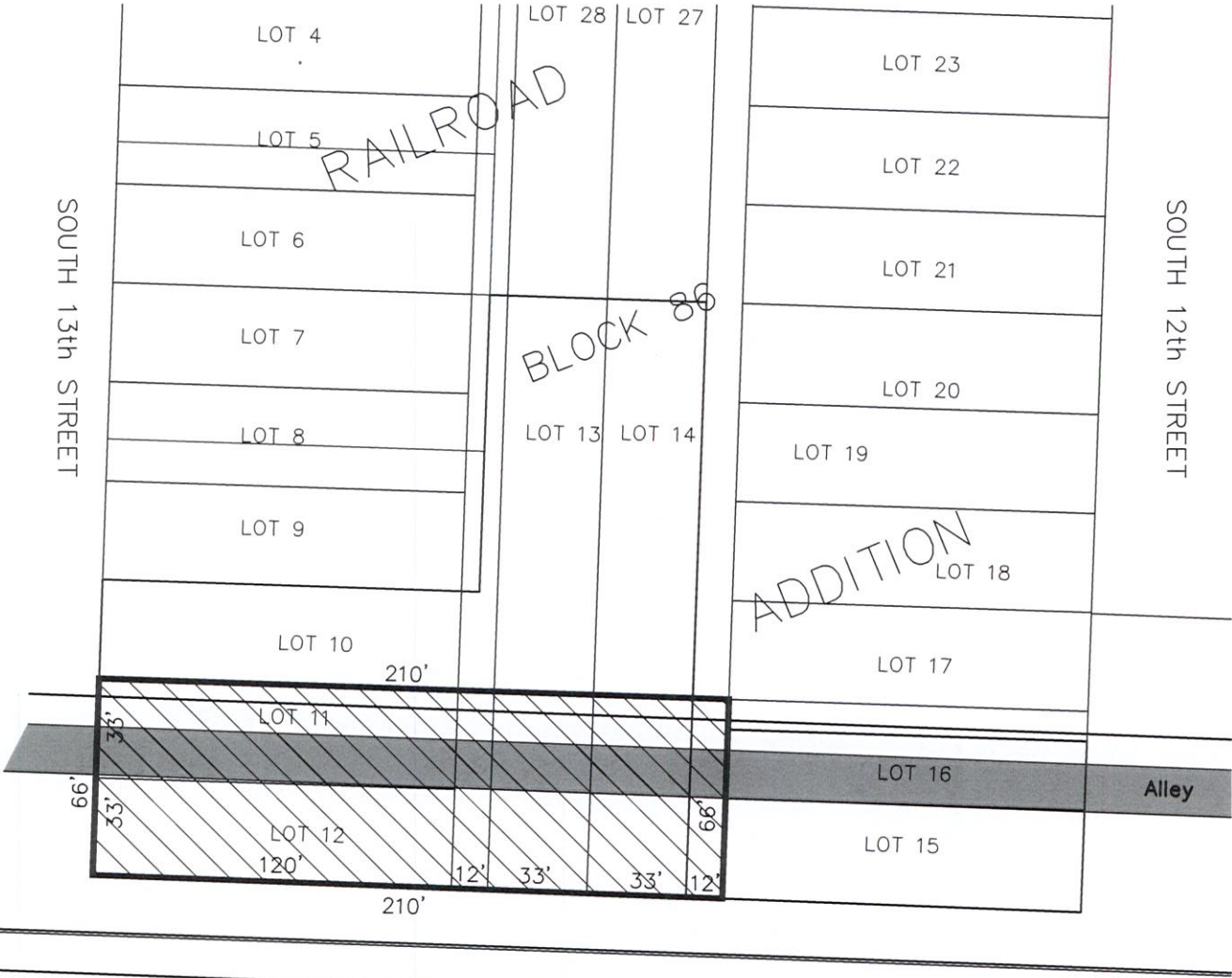
ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS



LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF LOT 11, LOT 12, A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 11 AND LOT 12 AND THE SOUTH 66 FEET OF LOT 13 AND LOT 14 AND THE SOUTH 66 FEET OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 14, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



CONTRACT DATED \_\_\_\_\_  
CONSIDERATION \$ \_\_\_\_\_  
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY \_\_\_\_\_  
RANGE \_\_\_\_\_  
TOWNSHIP \_\_\_\_\_  
SECTION \_\_\_\_\_  
ACQUISITION-RIGHT-OF-WAY 13,860 s.f.

PROFESSIONAL LAND SURVEYOR

JONATHAN M. LEISINGER

14415

IOWA

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

*Jonathan M. Leisinger*  
JONATHAN M. LEISINGER  
AUGUST 29, 2018  
DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

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

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

RECORDER'S INDEX
LOT: 15 AND 16
BLOCK: 86
SUBDIVISION: RAILROAD ADDITION
ALIQUOT PART:
SECTION: /TOWNSHIP: / RANGE:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: CITY OF COUNCIL BLUFFS
REQUESTED BY: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY: JULY 2, 2018

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

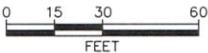
PROJECT:  
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1  
PARCEL NO. 2

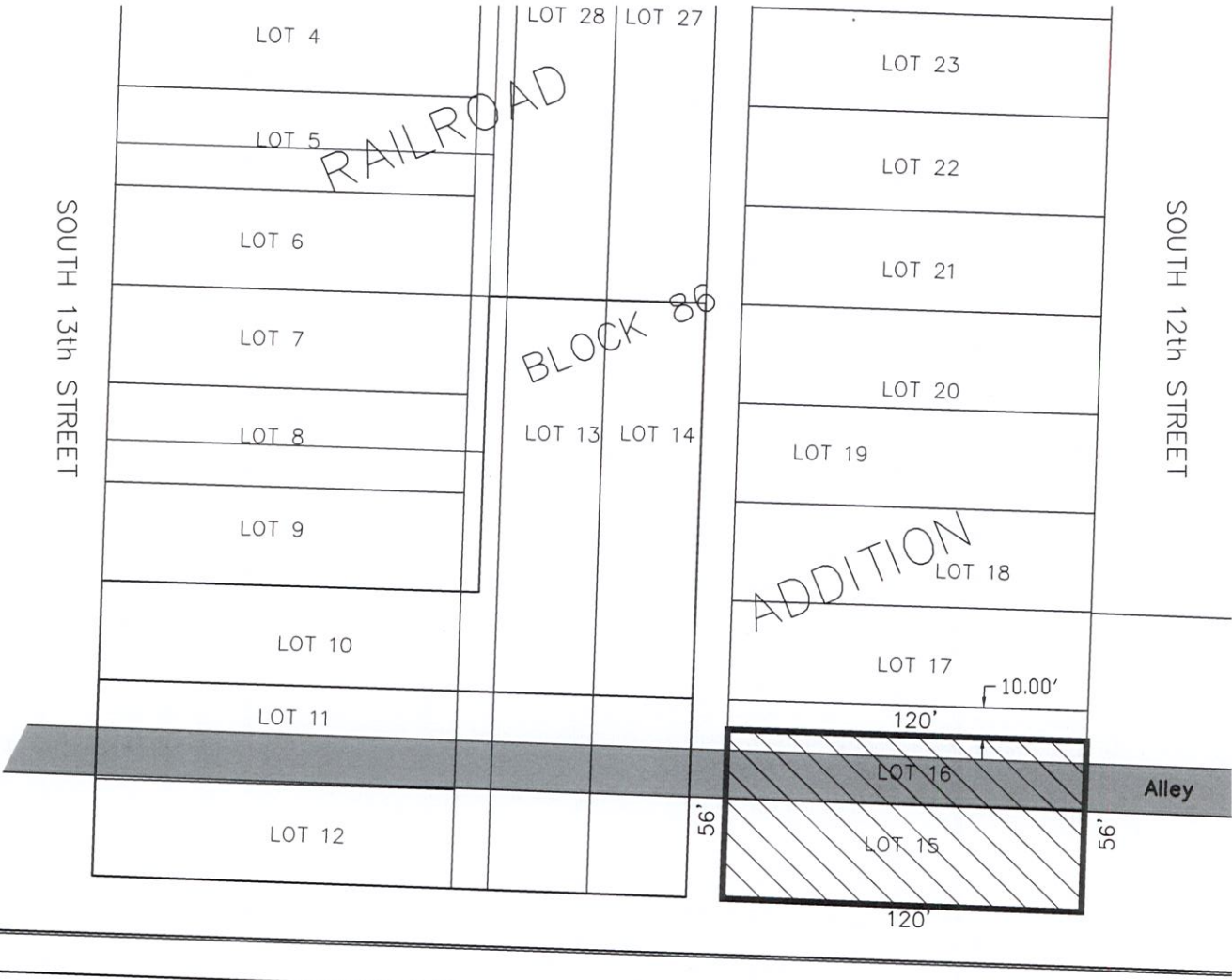
ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS



LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF LOT 15 AND THE SOUTH 23 FEET OF LOT 16, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



CONTRACT DATED \_\_\_\_\_  
CONSIDERATION \$ \_\_\_\_\_  
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY \_\_\_\_\_  
RANGE \_\_\_\_\_  
TOWNSHIP \_\_\_\_\_  
SECTION \_\_\_\_\_  
ACQUISITION - RIGHT-OF-WAY 6,720 s.f.

PROFESSIONAL LAND SURVEYOR

JONATHAN M. LEISINGER

14415

IOWA

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

*Jonathan M. Leisinger*  
JONATHAN M. LEISINGER  
AUGUST 29, 2018  
DATE

LICENSE NUMBER 14415  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

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

POTTAWATTAMIE COUNTY

PROJECT NO. 150717



RECORDER'S INDEX		
LOT:	11, 12, 13, 14, 15 AND 16	
BLOCK:	85	
SUBDIVISION:	RAILROAD ADDITION	
ALIQUOT PART:		
SECTION:	/TOWNSHIP:	/ RANGE:
CITY:	COUNCIL BLUFFS	
COUNTY:	POTTAWATTAMIE	
PROPRIETOR:	CITY OF COUNCIL BLUFFS	
REQUESTED BY:	CITY OF COUNCIL BLUFFS	
DATE OF FIELD SURVEY:	JULY 2, 2018	

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

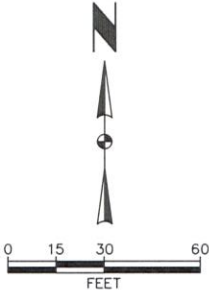
PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1  
PARCEL NO. 3

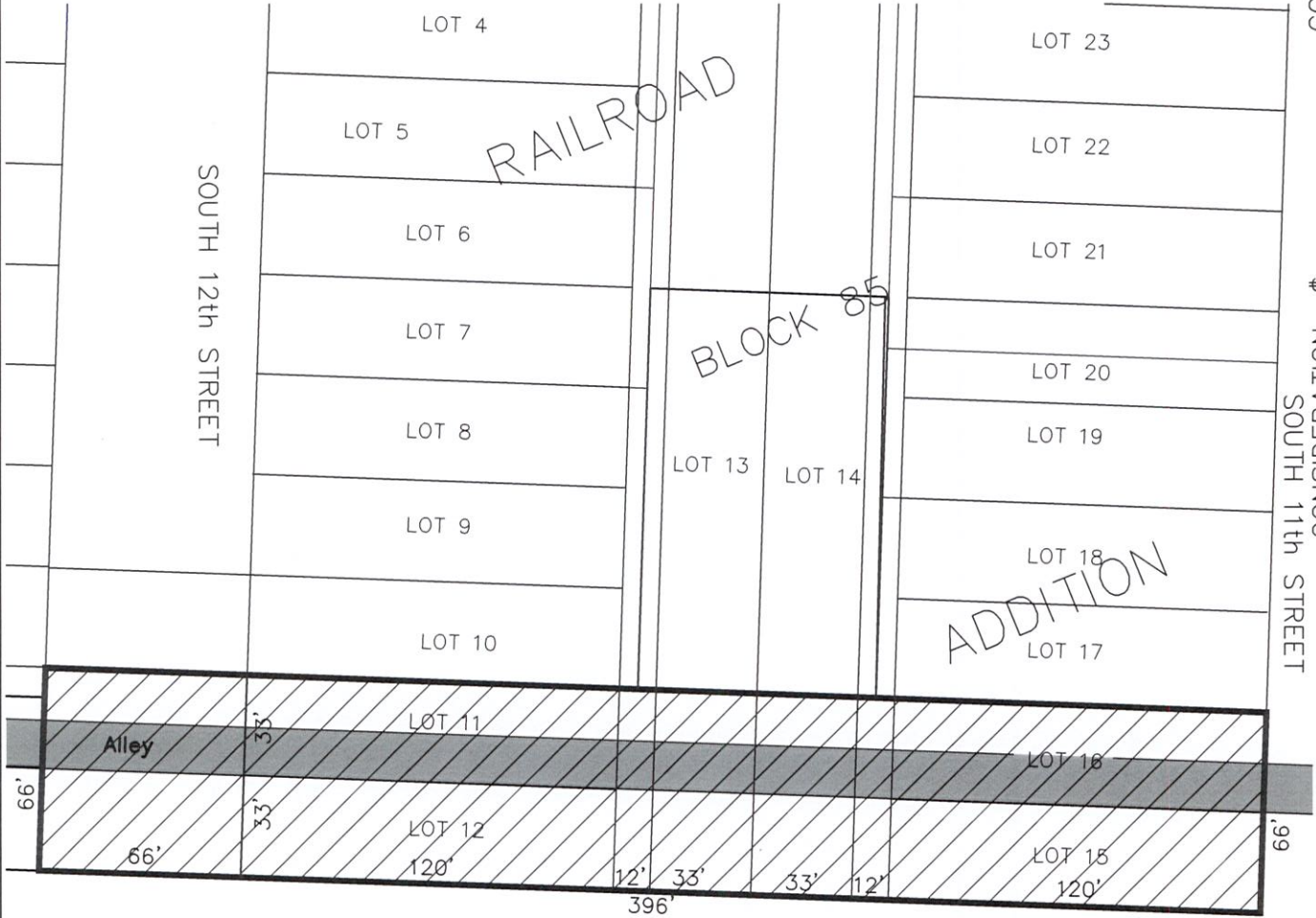
ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS



LEGAL DESCRIPTION

A PARCEL OF LAND BEING ALL OF LOT 11, LOT 12, LOT 15, LOT 16, THE SOUTH 66 FEET OF LOT 13 AND LOT 14, THE SOUTH 66 FEET OF THE ALLEY ADJACENT TO SAID LOT 13, THE SOUTH 66 FEET OF THE ALLEY ADJACENT TO SAID LOT 14 AND THE SOUTH 66 FEET OF SOUTH 12TH STREET ADJACENT TO SAID LOTS 11 AND 12, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



CONTRACT DATED \_\_\_\_\_  
CONSIDERATION \$ \_\_\_\_\_  
RANGE \_\_\_\_\_  
TOWNSHIP \_\_\_\_\_  
SECTION \_\_\_\_\_  
ACQUISITION - RIGHT-OF-WAY 26,136 s.f.  
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR

JONATHAN M. LEISINGER

14415

IOWA

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

*Jonathan M. Leisinger*

JONATHAN M. LEISINGER

AUGUST 29, 2018

DATE

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES OR SHEETS COVERED BY THIS SEAL:

SHEET 1 OF 1

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

RECORDER'S INDEX	
LOT:	
BLOCK:	26, 27 AND 28
SUBDIVISION:	BAYLISS 3RD ADDITION
ALIQUOT PART:	
SECTION:	/TOWNSHIP: / RANGE:
CITY:	COUNCIL BLUFFS
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	CITY OF COUNCIL BLUFFS
REQUESTED BY:	CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY:	JULY 2, 2018

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

PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 2  
PARCEL NO. 4

ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF BLOCKS 26, 27 AND 28, BAYLISS 3RD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 IN SAID BLOCK 28;

THENCE ALONG THE NORTH LINE OF SAID LOT 11 AND IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 32 MINUTES 19 SECONDS EAST, 330.52 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 28;

THENCE ALONG SAID EAST LINE, NORTH 02 DEGREES 00 MINUTES 10 SECONDS EAST, 12.50 FEET;

THENCE NORTH 85 DEGREES 36 MINUTES 24 SECONDS EAST, 66.37 FEET TO A POINT ON THE WEST LINE OFF SAID BLOCK 27;

THENCE SOUTH 88 DEGREES 04 MINUTES 35 SECONDS EAST, 203.70 FEET;

THENCE NORTH 01 DEGREE 47 MINUTES 38 SECONDS EAST, 13.20 FEET;

THENCE SOUTH 88 DEGREES 04 MINUTES 35 SECONDS EAST, 125.53 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 27;

THENCE ALONG SAID EAST LINE, NORTH 02 DEGREES 07 MINUTES 55 SECONDS EAST, 16.50 FEET;

THENCE NORTH 87 DEGREES 02 MINUTES 19 SECONDS EAST, 66.32 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 26;

THENCE SOUTH 88 DEGREES 24 MINUTES 33 SECONDS EAST, 125.47 FEET;

THENCE NORTH 01 DEGREE 42 MINUTES 56 SECONDS EAST, 11.60 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 11 DEGREES 17 MINUTES 41 SECONDS EAST, 1890.05 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06 DEGREES 26 MINUTES 47 SECONDS, 212.65 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 26;

THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREE 44 MINUTES 49 SECONDS WEST, 97.63 FEET TO A POINT 1.00 FOOT NORTH OF AN EXISTING NOISE WALL;

THENCE 1.00 FOOT PERPENDICULAR TO AND PARALLEL WITH SAID NOISE WALL THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH 74 DEGREES 57 MINUTES 51 SECONDS WEST, 163.11 FEET;
- 2) SOUTH 81 DEGREES 04 MINUTES 00 SECONDS WEST, 127.40 FEET;
- 3) SOUTH 85 DEGREES 57 MINUTES 26 SECONDS WEST, 192.18 FEET;
- 4) SOUTH 89 DEGREES 58 MINUTES 33 SECONDS WEST, 415.99 FEET;
- 5) NORTH 89 DEGREES 12 MINUTES 15 SECONDS WEST, 233.43 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 28;

THENCE ALONG SAID WEST LINE, NORTH 01 DEGREE 56 MINUTES 17 SECONDS EAST, 77.26 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 97,862 SQUARE FEET (2.247 ACRES), MORE OR LESS.

CONTRACT DATED

CONSIDERATION \$

RANGE

TOWNSHIP

SECTION

s.f. ACQUIRED BY


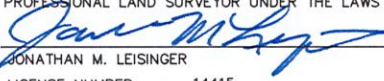
0

TEMPORARY EASEMENT

s.f.

97,862

ACQUISITION - RIGHT-OF-WAY

	I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
		AUGUST 29, 2018 DATE
	JONATHAN M. LEISINGER	
	LICENSE NUMBER 14415	
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018	
PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1		

POTTAWATTAMIE COUNTY

PROJECT NO. 150717



RECORDER'S INDEX	
LOT:	
BLOCK: 26, 27 AND 28	
SUBDIVISION: BAYLISS 3RD ADDITION	
ALIQUOT PART:	
SECTION: /TOWNSHIP: / RANGE:	
CITY: COUNCIL BLUFFS	
COUNTY: POTTAWATTAMIE	
PROPRIETOR: CITY OF COUNCIL BLUFFS	
REQUESTED BY: CITY OF COUNCIL BLUFFS	
DATE OF FIELD SURVEY: JULY 2, 2018	

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

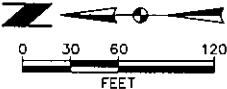
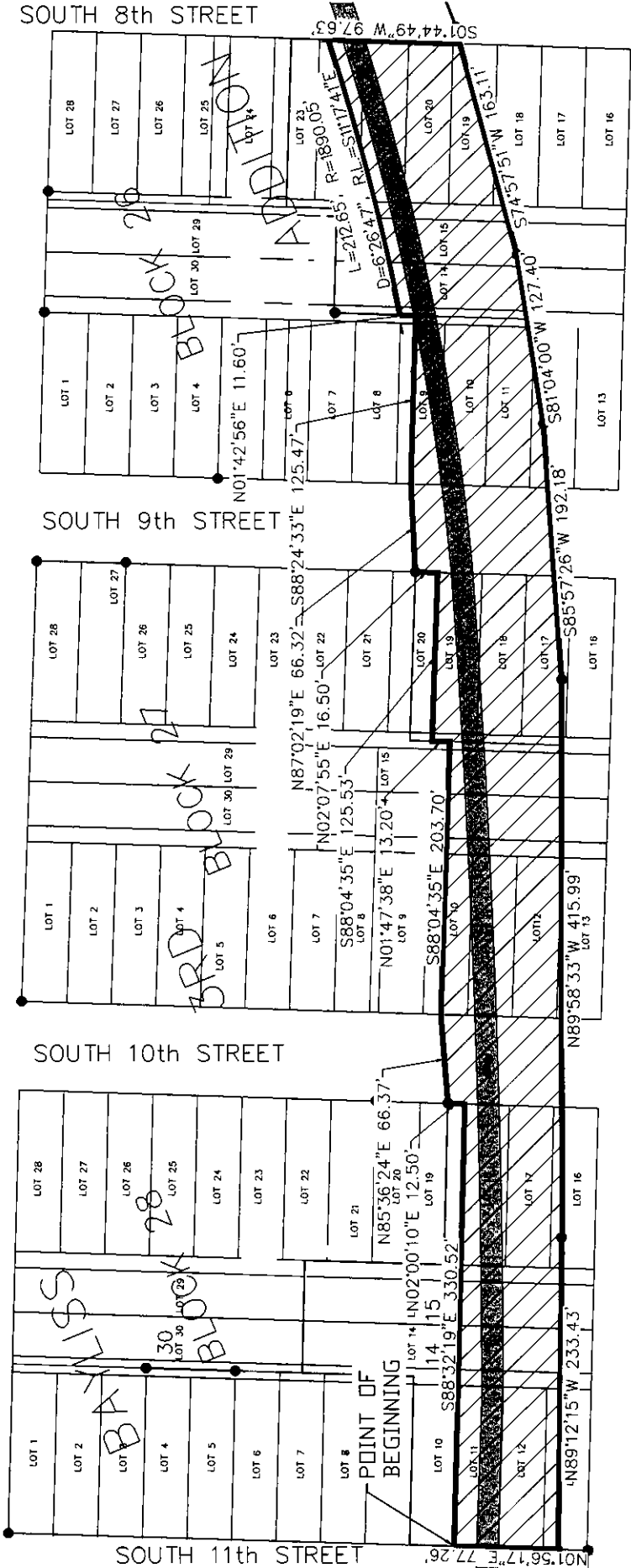
PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 2 OF 2  
PARCEL NO. 4

ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS  
SOUTH 8th STREET



CONTRACT DATED  
CONSIDERATION \$  
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY

RANGE  
TOWNSHIP  
ACQUISITION-RIGHT-OF-WAY 97,862 s.f.

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

RECORDER'S INDEX	
LOT:	
BLOCK:	25 (BAYLISS 3RD ADD.)
SUBDIVISION:	BAYLISS 3RD ADD., MARIAN PRICE ADD. AND SOUTHLAND GARDENS
SECTION:	/TOWNSHIP: / RANGE:
CITY:	COUNCIL BLUFFS
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	CITY OF COUNCIL BLUFFS
REQUESTED BY:	CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY:	JULY 2, 2018

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

PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 2  
PARCEL NO. 5

ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 5 THROUGH 9, BLOCK 25, BAYLISS 3RD ADDITION, A PORTION OF LOTS 7 THROUGH 10, SOUTHLAND GARDENS AND A PORTION OF LOT 3, MARIAN PRICE ADDITION, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK 25;

THENCE ALONG THE WEST LINE OF SAID BLOCK 25, SOUTH 01 DEGREE 44 MINUTES 49 SECONDS WEST, 112.50 FEET TO THE TRUE POINT OF BEGINNING, SAID TRUE POINT OF BEGINNING BEING ON A NON-TANGENT CURVE, CONCAVE NORTHERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 19 DEGREES 52 MINUTES 42 SECONDS EAST, 1890.05 FEET;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 31 MINUTES 23 SECONDS, 116.22 FEET TO A POINT ON THE SOUTH LINE OF LOT 4 IN SAID BLOCK 25;

THENCE ALONG SAID SOUTH LINE, SOUTH 88 DEGREES 02 MINUTES 48 SECONDS EAST, 4.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE ALONG THE EAST LINE OF SAID LOT 4, NORTH 01 DEGREE 47 MINUTES 58 SECONDS EAST, 2.04 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 23 DEGREES 32 MINUTES 44 SECONDS EAST, 1890.05 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 56 MINUTES 51 SECONDS, 196.19 FEET TO A POINT ON THE EAST LINE OF LOT 3 IN SAID MARIAN PRICE ADDITION;

THENCE ALONG THE EAST LINE OF SAID LOT 3 AND IT'S SOUTHERLY PROLONGATION, SOUTH 01 DEGREE 44 MINUTES 58 SECONDS WEST, 83.48 FEET TO A POINT 1.00 FOOT NORTH OF AN EXISTING NOISE WALL;

THENCE 1.00 FOOT PERPENDICULAR TO AND PARALLEL WITH SAID NOISE WALL THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 57 DEGREES 04 MINUTES 47 SECONDS WEST, 78.23 FEET;
- 2) SOUTH 63 DEGREES 52 MINUTES 55 SECONDS WEST, 175.60 FEET;
- 3) SOUTH 68 DEGREES 53 MINUTES 57 SECONDS WEST, 69.55 FEET TO A POINT ON THE WEST LINE OF SAID BLOCK 25;

THENCE ALONG SAID WEST LINE, NORTH 01 DEGREE 44 MINUTES 49 SECONDS EAST, 96.04 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 25,959 SQUARE FEET (0.596 ACRE), MORE OR LESS.

CONTRACT DATED

CONSIDERATION \$

RANGE

TOWNSHIP

SECTION

s.f. ACQUIRED BY


0

TEMPORARY EASEMENT

s.f.

25,959

ACQUISITION-RIGHT-OF-WAY

	I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
	JONATHAN M. LEISINGER	AUGUST 29, 2018
	LICENSE NUMBER 14415	DATE
	MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018	
	PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1	

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

RECORDER'S INDEX	
LOT:	
BLOCK: 25 (BAYLISS 3RD ADD.)	
SUBDIVISION: BAYLISS 3RD ADD., MARIAN PRICE ADD. AND SOUTHLAND GARDENS	
SECTION: /TOWNSHIP: / RANGE:	
CITY: COUNCIL BLUFFS	
COUNTY: POTTAWATTAMIE	
PROPRIETOR: CITY OF COUNCIL BLUFFS	
REQUESTED BY: CITY OF COUNCIL BLUFFS	
DATE OF FIELD SURVEY: JULY 2, 2018	

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

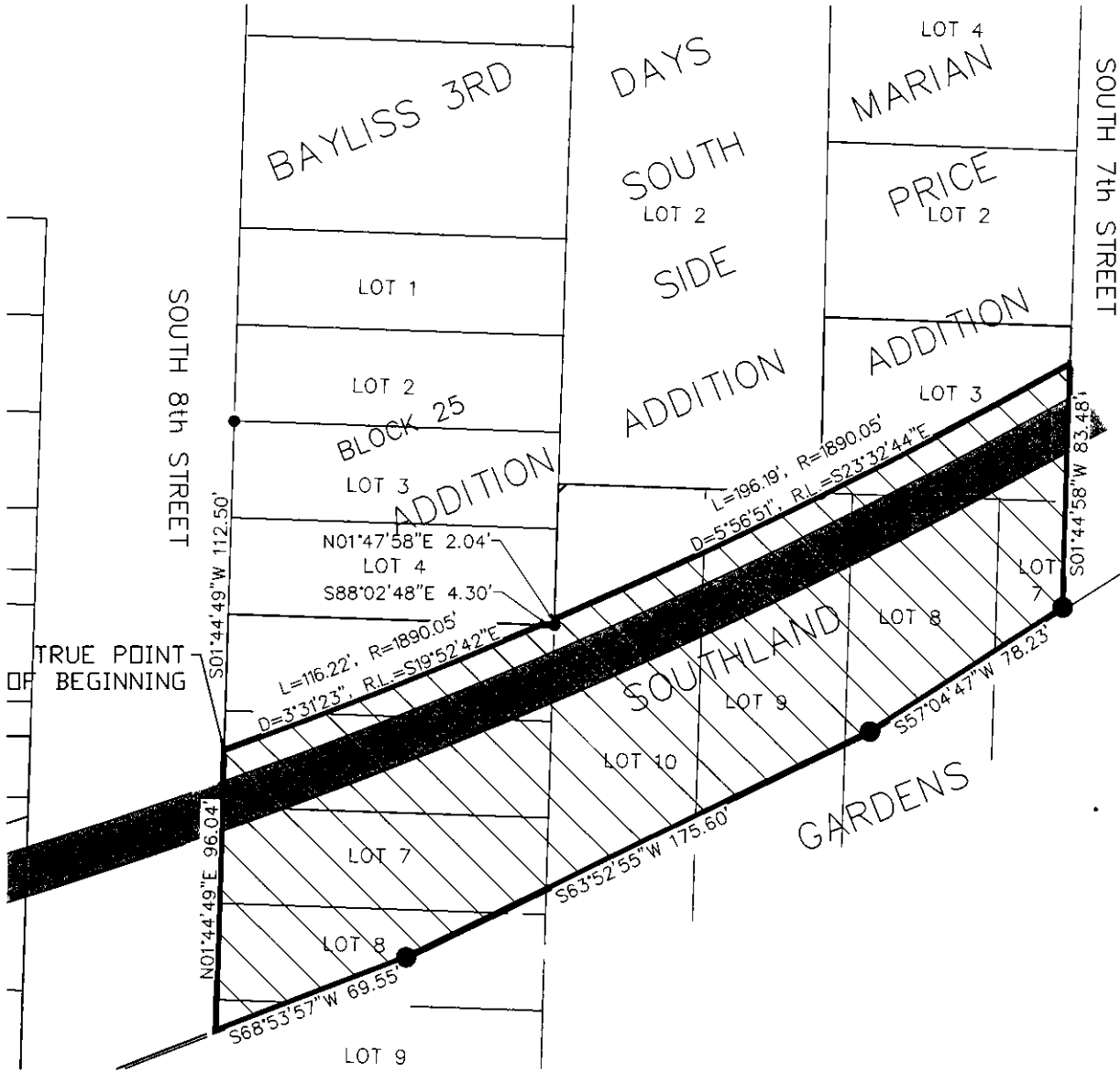
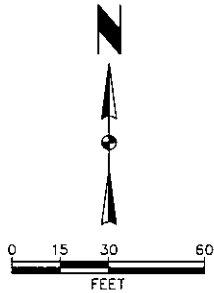
PROJECT  
29TH AVENUE

EXHIBIT "A"

PAGE 2 OF 2  
PARCEL NO. 5

ACQUISITION PLAT FOR RIGHT OF WAY

ACQUIRED FROM CITY OF COUNCIL BLUFFS



CONTRACT DATED  
CONSIDERATION \$  
TEMPORARY EASEMENT 0 s.f. ACQUIRED BY

RANGE  
TOWNSHIP  
ACQUISITION-RIGHT-OF-WAY 25,959 s.f.

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

DATE DRAWN 07-30-2018 DRAWN BY DEF

**RESOLUTION**  
**NO 18-280**

**A RESOLUTION DEDICATING RIGHT-OF-WAY  
ALONG THE RELOCATED 29<sup>TH</sup> AVENUE (ALLEYWAY) FROM  
SOUTH 13<sup>TH</sup> STREET EAST TO SOUTH 7<sup>TH</sup> STREET, NORTH OF I-80/I-29**

- WHEREAS: the state of Iowa as part of Segment 3 of the Council Bluffs Interstate System Improvements did transfer to the City of Council Bluffs property from S. 13<sup>th</sup> Street east to South 7<sup>th</sup> Street, north of I-80/I-29 for the construction of the relocated 29<sup>th</sup> Avenue (Alleyway); and
- WHEREAS: the property includes excess acquisition parcel remnants; and
- WHEREAS: it is desired to establish a right-of-way for the relocated 29<sup>th</sup> Avenue (Alleyway) that does not include the excess acquisition parcels; and
- WHEREAS, the city council deems dedication of said right-of-way to be in the best interest of the City of Council Bluffs.

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

That the right-of-way is dedicated for the relocated 29<sup>th</sup> Avenue (Alleyway) from South 13<sup>th</sup> Street east to South 7<sup>th</sup> Street, north of I-80/I-29.

ADOPTED  
AND  
APPROVED

September 24, 2018

---

Matthew J. Walsh, Mayor

ATTEST:

---

Jodi Quakenbush, City Clerk



## Council Communication

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

Liquor Licenses

Council Action: 9/24/2018

### Description

- 1) Bertha's, 1322 North 16<sup>th</sup> Street
- 2) CB Quick Stop, 3500 Avenue A
- 3) Goldmine Bar & Grill, 1601 Harry Langdon Blvd
- 4) Kwik Shop, 1749 W Broadway
- 5) Super Quick Stop, 2800 Twin City Drive

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description  
[Applications](#)

Type  
Other

Upload Date  
9/18/2018



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

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CLM</u>	Local Amt _____	
FIRE _____	Endorsed _____	
BUILDING _____	Issued _____	
ZONING <u>10</u>	Expires _____	
	Council <u>9-2418</u>	

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

## Applicant LC0037970, Bertha's, Council Bluffs

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

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

Corporation Name/Sole Proprietor: Puhner LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

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

Address of Premise: 1322 North 16th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-2476

Cell / Home Phone: (308) 227-9195

Same Address

Mailing Address: 1322 North 16th Street

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Craig Steppuhn

Phone: (308) 227-9195

Email Address: goforthgirls@netscape.net

[Prev](#)

[Next](#)

Follow us with [RSS](#), [Facebook](#) or [Twitter](#)



### Contact Us

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

[Terms and Conditions](#)  
[Privacy Policy](#)

Copyright ©2009 State of Iowa  
Alcoholic Beverages Division. All Rights Reserved.



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

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <i>du</i>	Local Amt _____	
FIRE _____	Endorsed _____	
BUILDING <i>SE</i>	Issued _____	
ZONING <i>CE</i>	Expires _____	
		Council <i>9-24-18</i>

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

## Applicant LE0002257, CB Quick Stop, Council Bluffs

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

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

Corporation Name/Sole Proprietor: LALA INC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): CB Quick Stop

Address of Premise: 3500 Ave A

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-4410

Cell / Home Phone: (402) 321-1926

Same Address

Mailing Address: 3500 Ave A

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Khalid Mehmood

Phone: (402) 321-1926

Email Address: cbquickstop@gmail.com

[Prev](#)

[Next](#)

Follow us with [RSS](#), [Facebook](#) or [Twitter](#)



### Contact Us

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

[Terms and Conditions](#)  
[Privacy Policy](#)

Copyright ©2009 State of Iowa  
Alcoholic Beverages Division, All Rights Reserved.



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

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cu</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>SE</u>	Issued _____	
ZONING <u>10</u>	Expires _____	
		Council <u>9-24-18</u>

- |      |                |                     |                     |                         |              |        |
|------|----------------|---------------------|---------------------|-------------------------|--------------|--------|
| Help | License Search | <b>License List</b> | On-Demand Reporting | Keg Registration Search | User Profile | Logoff |
|------|----------------|---------------------|---------------------|-------------------------|--------------|--------|

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

## Applicant LC0034932, Goldmine Bar & Grill, Council Bluffs

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

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

Name of Business (D/B/A): Goldmine Bar & Grill

Address of Premise: 1601 Harry Langdon Blvd.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 325-9915

Cell / Home Phone: (712) 328-1148

Same Address

Mailing Address: 1703 28th Ave

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Donetta Merksick

Phone: (712) 328-1148

Email Address: goldminebarandgrill1601@gr

Prev

Next

Follow us with [RSS](#), [Facebook](#) or [Twitter](#)



### Contact Us

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

[Terms and Conditions](#)  
[Privacy Policy](#)

Copyright ©2009 State of Iowa  
Alcoholic Beverages Division. All Rights Reserved.



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

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>an</u>	Local Amt _____	
FIRE _____	Endorsed _____	
BUILDING <u>JD</u>	Issued _____	
ZONING _____	Expires _____	
		Council <u>9-24-18</u>

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

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

## Applicant LE0002645, KWIK SHOP #595, Council Bluffs

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

Corporation Name/Sole Proprietor: KWIK SHOP, INC (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s): KWIK SHOP, INC

Name of Business (D/B/A): KWIK SHOP #595

Address of Premise: 1749 W BROADWAY

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 391-1808

Cell / Home Phone:

Same Address

Mailing Address: RASC-BUSINESS LICENSE

Mailing Address Line 2: PO BOX 305103

City: NASHVILLE

Zip: 37230

State: Tennessee

Contact Name: Tommy Easterling

Phone: (615) 232-9771

Email Address: business.license@kroger.com

[Prev](#)

[Next](#)

Follow us with [RSS](#), [Facebook](#) or [Twitter](#)



### Contact Us

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

[Terms and Conditions](#)  
[Privacy Policy](#)

Copyright ©2009 State of Iowa  
Alcoholic Beverages Division. All Rights Reserved.



State of Iowa  
ALCOHOLIC  
BEVERAGES DIVISION

Home  
About  
Alcohol  
Tobacco  
Links  
Contact

**8/31/2018**

☐ RENEWAL ☒ NEW ☐ SPECIAL EVENT

POLICE CA Local Amt \_\_\_\_\_

FIRE AF Endorsed \_\_\_\_\_

BUILDING SL Issued \_\_\_\_\_

ZONING CD Expires \_\_\_\_\_

Council 9-24-18

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

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

## Applicant LE\_V\_78160, Super Quick Stop, Council Bluffs

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

Corporation Name/Sole Proprietor Name/Partnership Name(s): CALIFORNIA UNION LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Super Quick Stop

Address of Premise: 2800 TWIN CITY DR

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-2375

Cell / Home Phone: (619) 787-7202

Same Address

Mailing Address: 2800 TWIN CITY DR

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: SHUMET ABEBE

Phone: (619) 787-7202

Email Address: abebe99@yahoo.com

Prev

Next

Follow us with [RSS](#), [Facebook](#) or [Twitter](#)



Contact Us

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

[Terms and Conditions](#)  
[Privacy Policy](#)

Copyright ©2009 State of Iowa  
Alcoholic Beverages Division. All Rights Reserved.

Adding Liquor to  
Beer

LE - License

Currently only have  
Beer (BW) permit

**Council Communication**

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

Cigarette Permit

Council Action: 9/24/2018

<b>Description</b>  1) Alohma, LLC, 3134 Manawa Center Drive
<b>Background/Discussion</b>  
<b>Recommendation</b>  

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Application</a>	Other	9/18/2018



**SEE INSTRUCTIONS ON THE REVERSE SIDE**

For period (MM/DD/YYYY) 10 / 1 / 18 through June 30, 2019

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

**Business Information:**

Trade Name/DBA: Alohma LLC  
Physical Location Address: 3134 Mahawa Center City: Council Bluffs, Ia ZIP: 51501  
Mailing Address: 3134 Mahawa Center City: Council Bluffs State: Ia ZIP: 51501  
Business Phone Number: ( ) sk 30c

**Legal Ownership Information:**

Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☐ LLC ☒ LLP ☐  
Name of sole proprietor, partnership, corporation, LLC, or LLP: Alohma LLC  
Mailing Address: 130 Oak Park Dr. City: Mooresville State: NC ZIP: 28115  
Phone Number: ( ) 704 624-8551 Fax Number: ( ) 704 696-8911 Email: teresa.shields@madvapes.com

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐  
Types of Products Sold: (Check all that apply)  
Cigarettes ☐ Tobacco ☐ Alternative Nicotine Products ☒ Vapor Products ☒

**Type of Establishment: (Select the option that best describes the establishment)**

Alternative nicotine/vapor store ☒ Bar ☐ Convenience store/gas station ☐ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Has vending machine that assembles cigarettes ☐ Other ☐

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

**SIGNATURE OF OWNER(S), PARTNER(S), OR CORPORATE OFFICIAL(S)**

Name (please print): Tim Bower Name (please print): \_\_\_\_\_  
Signature: Tim Bower Signature: \_\_\_\_\_  
Date: 9-13-2018 Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$100
- Fill in the date the permit was approved by the council or board: 9-24-18
- Fill in the permit number issued by the city/county: 638687
- Fill in the name of the city or county issuing the permit: Council Bluffs

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375