

Sam Wagner - Mid American Energy - Plaque Presentation

Review Agenda

Discussion on Public Notice for Rezoning

Discussion on Conditional Uses for Residential Districts



City Council Meeting Minutes November 5, 2018

CALL TO ORDER

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday November 5, 2018 at 7:00 p.m.

Council Members 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 October 22, 2018 City Council Meeting Minutes.

Resolution 18-305

Resolution setting a public hearing for November 26, 2018 at 7:00 p.m. for the S. 6th Street Reconstruction. Project #PW18-08

Resolution 18-306

Resolution accepting the work of Meco-Henne Contracting, Inc. in connection with the Pavilion, River's Edge Phase II Project (Project Number 00158) as complete and authorizing release of retainage without a thirty (30) day wait period.

Resolution 18-307

Resolution of intent to dispose of City property and setting Public Hearing for November 26, 2018 at 7:00 p.m. on property legally described as Lot 2, Arbor Creek. Location: Northwest Corner of College Road and Railroad Avenue. OTB-18-029

Resolution 18-308

Resolution accepting the work of Lametti & Sons Inc. as complete and authorizing the release of retainage after 30 days if no claims are filed in conjunction with the WPCP Manhole #1 Rehab. Project # PW17-24.

Mayor's Appointments

Council Bluffs Arena & Convention Center Commission

Offer to Buy (2)

Claims

Nate Watson and Mike Wolf moved and seconded approval of Consent Agenda as amended to postpone Items 5C & 5F till November 26, 2018 at 7:00 p.m.. Unanimous, 5-0 vote.

MAYORS PROCLAMATIONS

- A. Small Business Saturday - November 24, 2018

PUBLIC HEARINGS

Ordinance 6371

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 by rezoning 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District with a P-R/Planned Residential Overlay; as set forth and defined in Chapters 15.10 and 15.28. Location: Generally located at the Northwest corner of College Road and Railroad Avenue. ZC-18-013 and PR-18-003

Motion by White, seconded by Watson to Receive and File 2 petitions received by Marti Nerenstone, on behalf of the College Road/Indian Hills Neighborhood Association. Unanimous. Wade explained that because the petitions represent more than 20% of the homeowners within 200 feet, the Council would have to have a super majority (4/5) to pass the item.

Heard from:

- 1) Ron Wolf, 536 College Road, opposing
- 2) Jeff Beckler of Zimmerman Properties, in favor
- 3) Ed Cain, 26 Indian Hills, opposing

- 4) Missy Brunow, 624 Oakland Drive, in favor
Motion by White, seconded by Head to Receive and File, Unanimous.
- 5) Kristy Hassey, 1116 College Road, opposing
- 6) Goldie Nielsen, 1117 Collage Road, opposing
- 7) Mary McCumber, 20 Indian Hills Road, opposing
- 8) Marti Nerestone, 33 Indian Hills Road, opposing
- 9) Michael Osborn, Engineer for Zimmerman, in favor
- 10) Sharlene Anderson, 1468 Indian Hills Road, opposing
- 11) Mary Ann Knot, 192 Dayan Drive, opposing
- 12) Rae Woods, 11448 Woodland Trail, opposing
- 13) Deborah Peterson, 215 Main Street, opposing
- 14) Alex Gum, 19394 Perry Road, opposing
- 15) Nikki Cruickshank, 19762 Honeysuckle Road, opposing
- 16) Tom Ackley, Attorney for Zimmerman, in favor
- 17) Linda Kemp, 11801 Gow Cir, Bellevue, NE, opposing
- 18) David Thompson, 800 College Road, opposing
- 19) Rick Stone, 125 Forest Glen, opposing
- 20) Rob Cervený, 40 Indian Hills, opposing

Sharon White and Nate Watson moved and seconded approval of Motion to keep Public Hearing on Ordinance 6371 open till November 26, 2018 at 7:00 p.m.. Withdrawn, 0-0 vote.

Nate Watson and moved and seconded approval of Motion to move Ordinance 6371 to 3rd Reading. Died for lack of Second, 0-0 vote.

Roger Sandau and Melissa Head moved and seconded approval of Motion to Deny Ordinance 6371. Failed, 2-3 vote.

(Nays: Watson, White, Wolf)

Sharon White and Nate Watson moved and seconded approval of Motion to Keep Public Hearing on Ordinance 6371 open till November 26, 2018 at 7:00 p.m.. Unanimous, 3-2 vote.

(Nays: Head, Sandau)

Resolution 18-309

Resolution authorizing the Mayor to execute an easement agreement with the Council Bluffs Board of Water Works Trustees.

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-309. Unanimous, 5-0 vote.

Resolution 18-310

Resolution to dispose of City property legally described as Lot 2, Arbor Creek. Location: Northwest Corner of College Road and Railroad Avenue. OTB-18-028

Resolution 18-310 postponed to November 26, 2018 at 7:00 p.m. via consent agenda motion.

Resolution 18-311

Resolution granting final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson's First Addition and the North one-half vacated alley adjacent. Location: Between North 29th and North 30th Street, south of Avenue K. SUB-18-017

Roger Sandau and Nate Watson moved and seconded approval of Resolution 18-311. Unanimous, 5-0 vote.

Resolution 18-312

Resolution authorizing the Mayor and City Clerk to execute an easement and right-of-way grant across Mosquito Creek Drainage District #22 in connection with an underground pipeline installation by Buckeye Pipe Line Transportation LLC.

Sharon White and Nate Watson moved and seconded approval of Resolution 18-312. Unanimous, 5-0 vote.

Resolution 18-313

Resolution to amend the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)*, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek from "Rural Residential/Agricultural" to "Medium-Density Residential". Location: Generally located at the Northwest corner of College Road and Railroad Avenue. CP-18-001

Resolution 18-313 postponed to November 26, 2018 at 7:00 p.m. via consent agenda motion.

ORDINANCES ON 2ND READING

Ordinance 6373

Ordinance to amend Title 1 "Administration and Personnel" by amending Chapter 1.12 "City Council" Section 1.12.020 "Compensation for office of City Council".

Roger Sandau and Nate Watson moved and seconded approval of Second reading of Ordinance 6373. Passed, 4-1 vote.
(Nays: White)

Roger Sandau and Nate Watson moved and seconded approval of Motion to waive 3rd Reading on Ordinance 6373. Ordinance passes to Law.. Passed, 4-1 vote.
(Nays: White)

RESOLUTIONS

Resolution 18-314

Resolution setting the dates and times to permit the discharge of consumer fireworks for the New Year's holiday.

Sharon White and Melissa Head moved and seconded approval of Resolution 18-314, setting the hours the same as last year and that these same days and times are hereby approved for the discharge of fireworks for all subsequent years until such time that the City Council passes a resolution altering the dates and times.. Unanimous, 5-0 vote.

Resolution 18-315

Resolution accepting the bid of Bluffs Paving and Utility Company Inc. for the Steven Road East Construction. Project # PW18-16A

Sharon White and Melissa Head moved and seconded approval of Resolution 18-315. Unanimous, 5-0 vote.

Resolution 18-316

Resolution authorizing the Mayor and City Clerk to execute an agreement with Snyder and Associates for engineering services in connection with the First Avenue Multi-Modal Corridor Project.
Location: From Ave A to 2nd Ave & from 16th St. to 35th St.

Nate Watson and Mike Wolf moved and seconded approval of Resolution 18-316. Unanimous, 5-0 vote.

Resolution 18-317

Resolution accepting the bid of Sibbernson Excavating for the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-317. Unanimous, 5-0 vote.

Resolution 18-318

Resolution authorizing the transfer of title of a 2002 Ford E550 Mobile Command Center to the Pottawattamie County Emergency Management Agency.

Melissa Head and Roger Sandau moved and seconded approval of Resolution 18-318. Unanimous, 5-0 vote.

Resolution 18-319

Resolution authorizing the agreement between the City of Council Bluffs and Pottawattamie County Emergency Management Agency in relation to the joint storage facility.

Roger Sandau and Nate Watson moved and seconded approval of Resolution 18-319. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses

- 1) Great Wall, 900 Woodbury Avenue
- 2) Iowa Western Community College, 2700 College Road
- 3) Lighthouse Lounge, 401 Veterans Memorial Hwy.
- 4) Oskies for Sports, 1851 Madison Avenue, Suite 724
- 5) Puerto Vallarta, 3312 West Broadway
- 6) White Oak Station #52, 154 Bennett Avenue
- 7) White Oak Station #53, 2024 5th Avenue

Sharon White and Melissa Head moved and seconded approval of Application for Permits and Cancellations, Liquor License Renewals 8A 1-7. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

White has two requests of Other Business:

- 1) White requests that the City establish a Policy with training for Mayor's Appointees to Commissions, to better understand procedures and the process of abstaining from items.
- 2) White and Watson moved and seconded that the West Broadway Master Plan be placed on the November 26, 2018 agenda to consider the utilization of medians in the next and future phases of the West Broadway Project. I would ask that staff present to the Council the Medians as they were initially proposed in the Master Plan prior to its amendment.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 9:42 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: 11/5/2018

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the October
22, 2018 City Council Meeting Minutes.

Council Action: 11/5/2018

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[10-22-18 Minutes](#)

Type

Other

Upload Date

10/25/2018



City Council Meeting Minutes October 22, 2018

CALL TO ORDER

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday October 22, 2018 at 7:00 p.m.

Council Members Present: Roger Sandau, Nate Watson, Sharon White and Mike Wolf.

Council Member Present via telephone: Melissa Head

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 October 8, 2018 City Council Meeting Minutes.

Ordinance 6371

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 and setting a Public Hearing for November 5, 2018 at 7:00 p.m., by rezoning 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District with a P-R/Planned Residential Overlay; as set forth and defined in Chapters 15.10 and 15.28. Location: Generally located at the Northwest corner of College Road and Railroad Avenue. ZC-18-013 and PR-18-003

Resolution 18-296

Resolution setting a public hearing for November 5, 2018 at 7:00 p.m., for granting an easement and right-of-way across Mosquito Creek Drainage District #22 in connection with an underground pipeline installation by Buckeye Pipe Line Transportation LLC.

Resolution 18-297

Resolution to amend the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)* and setting Public Hearing for November 5, 2018 at 7:00 p.m., specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek from "Rural Residential/Agricultural" to "Medium-Density Residential". Location: Generally located at the Northwest corner of College Road and Railroad Avenue. CP-18-001

Resolution 18-298

Resolution of intent to dispose and setting Public Hearing for November 5th 2018 at 7:00 p.m. of City property legally described as Lot 2, Arbor Creek. Location: Northwest corner of College Road and Railroad Avenue. OTB-18-028.

Resolution 18-300

Resolution of intent to execute an easement agreement with the Council Bluffs Board of Water Works Trustees.

September 2018 Financial Reports

Notice of Right of Redemption

Offers to Buy

Claims

Heard from Ron Wolfe, 536 College Road

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

MAYORS PROCLAMATIONS

- A. Extra Mile Day

PUBLIC HEARINGS

Reconsider 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 Deborah Peterson, 215 South Main Street asking that the record reflect the people who opposed the Resolution at the September 24, 2018 meeting.

Citizens in opposition on September 24, 2018:

- 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

No Motion or Vote. Resolution remains as previously approved.

Resolution 18-299

Resolution to dispose of City described as Lot 8, Block 14, Pierce's Subdivision. Location: Formerly addressed as 1813 8th Avenue. OTB-18-026

Roger Sandau and Nate Watson moved and seconded approval of Resolution 18-299. Unanimous, 5-0 vote.

ORDINANCES ON 1ST READING

Ordinance 6373

Ordinance to amend Title 1 "Administration and Personnel" by amending Chapter 1.12 "City Council" Section 1.12.020 "Compensation for office of City Council".

Heard from Bruce Kelly, 864 McKenzie Avenue in favor of the Ordinance. Roger Sandau and Nate Watson moved and seconded approval of First Consideration of Ordinance 6373 as amended to reflect an annual cost of living increase built in to the Ordinance and an effective date of January 2020. Second Consideration will be November 5, 2018 at 7:00 p.m.. Unanimous, 4-1 vote. (Nays: White)

ORDINANCES ON 2ND READING

Ordinances 6351 - 6359 & 6361- 6370

Ordinances 6351 - 6359 & 6361-6370 Ordinances to amend, add and/or remove sections previously in Title 4 "Public Health & Sanitation" in accordance with the removal of the City Health Department.

1) Ordinance 6351 to amend Title 9 "Traffic" by adding "Chapter 9.70 - causing dust and debris to cross private property lines and to be brought upon the streets and or highways within the council bluffs city limits."

2) Ordinance 6352 to amend Title 4 "Health and Sanitation" by amending Chapter 4.12 - Solid Waste Collection and Disposal.

3) Ordinance 6353 to amend Chapter 4.02 "Air Pollution Control" by repealing existing Sections 4.02.010 through 4.02.080.

4) Ordinance 6354 to amend Chapter 4.05 "Tattoo and Body Piercing Regulations" by repealing existing sections 4.05.010 through 4.05.080.

5) Ordinance 6355 to amend Title 4 "Health and Sanitation" by amending Chapter 4.15 "Abandoned and Junk Vehicles, Machinery, Trailers and Parts."

6) Ordinance 6356 to amend Title 4 "Health and Sanitation" by amending Chapter 4.19 "Weed Nuisances."

7) Ordinance 6357 to amend Title 4 "Health and Sanitation" by amending Chapter 4.20 "Animal Control."

- 8) Ordinance 6358 to amend Title 4 "Health and Sanitation" by amending Chapter 4.21.020(b)(2) "Hunting Regulations" and 4.21.025(c) "Feeding Prohibited."
- 9) Ordinance 6359 to amend Chapter 4.22 "Food Code" by repealing existing Sections 4.22.010 through 4.22.030.
- 10) Ordinance 6361 to amend Chapter 4.32 "Private Sewage Disposal Systems" by repealing existing Sections 4.32.010 through 4.32.170.
- 11) Ordinance 6362 to amend Chapter 4.33 "Private Wells" by repealing existing Sections 4.33.010 through 4.33.040.
- 12) Ordinance 6363 to amend Title 4 "Health and Sanitation" by amending Chapter 4.50 "Noise Control."
- 13) Ordinance 6364 to amend Chapter 4.70 "High-Risk Sexual Conduct" by repealing existing Sections 4.70.010 through 4.70.050.
- 14) Ordinance 6365 to amend Chapter 4.60 "Hazardous Substances" by repealing existing Sections 4.60.010 through 4.60.080.
- 15) Ordinance 6366 to amend Chapter 4.80 "Minimum Requirements for Tanning" by repealing existing Sections 4.80.010 through 4.80.070.
- 16) Ordinance 6367 to amend Chapter 4.90 "Quarantine" by repealing Sections 4.90.010 through 4.90.020.
- 17) Ordinance 6368 to amend Chapter 13.12 "Plumbing Code" by adding Section 13.12.13 "Application for Permit-Issuance or Denial."
- 18) Ordinance 6369 to amend Chapter 12.02 "Miscellaneous Provisions" by adding Section 12.02.056 "Open Burning Prohibited."
- 19) Ordinance 6370 to amend Title 12 "Council Bluffs Fire Code" by adding Section 12.05 "Hazardous Substances."

Sharon White and Nate Watson moved and seconded approval of Second Consideration on Ordinances 6351 - 6359 & Ordinances 6361-6370. Unanimous, 5-0 vote.

Nate Watson and Sharon White moved and seconded approval of Motion to Waive 3rd Consideration on Ordinances 6351 - 6359 & Ordinances 6361-6370. Ordinances Pass into Law.. Unanimous, 5-0 vote.

ORDINANCES ON 3RD READING

Ordinance 6349

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

Heard from the following in favor of the project: Paul Kelly, 440 North 64th Street, Omaha, Clint Brunow, 16935 State Orchard Rd, Watson motioned to Receive & File, Seconded by White. Unanimous, Mark McKeever, 5102 Ballard Cir., Andy Raymond, 24037 195th St., Watson motioned to Receive & File, Seconded by White. Unanimous, Bruce Kelly, 864 McKenzie Ave.

Roger Sandau and Sharon White moved and seconded approval of Third Consideration of Ordinance 6349. Ordinance Passes into Law.

Passed, 3-2 vote. (Nays: Watson, Wolf)

RESOLUTIONS

Resolution 18-301

Resolution to adopt a planned residential development plan on 8.50 acres of undeveloped land zoned R-4/High Density Multi-Family Residential District with an appended Planned Residential Overlay, legally described as being part of Tract 4, Sherwood Subdivision (Phase 2) located in the NE1/4 of Section 29-75-43 and the SE1/4 of Section 20-75-43. Location: Undeveloped land lying immediately East of 2009 Sherwood Court.

Heard from Mark McKeever, 5102 Ballard Circle and Bruce Kelly 864 McKenzie Avenue in favor of the project.

Roger Sandau and Melissa Head moved and seconded approval of Resolution 18-301. Passed, 3-2 vote.

(Nays: Watson, Wolf)

Resolution 18-302

Resolution authorizing the Mayor and City Clerk to execute an agreement with Veenstra & Kimm, Inc. for engineering services in connection with a Sanitary Sewer Rate Study. Project # PW19-04

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-302. Unanimous, 5-0 vote.

Resolution 18-303

Resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement No. 2019-TS-019 for Traffic Safety Improvement Program Funding.

Sharon White and Mike Wolf moved and seconded approval of Resolution 18-303. Unanimous, 5-0 vote.

Resolution 18-304

Resolution authorizing one additional year of 50% Property Tax Abatement Incentives to Echo Group, Inc. for their project at 4325 Gifford Road.

Sharon White and Melissa Head moved and seconded approval of Resolution 18-304. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor License Renewals: 1) Casey's General Store, 2301 South 24th Street, 2) Hard Luck Saloon, 626 16th Avenue, 3) Hy-Vee Clubhouse, 1745 Madison Avenue, 4) Mega Saver, 3540 West Broadway, 5) Pizza King, 1101 North Broadway

Roger Sandau and Nate Watson moved and seconded approval of Liquor Licenses 10A 1-5. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from Bruce Kelly, 864 McKenzie Avenue regarding Bike Trail, extra lane on Kanseville and street light on Mckenzie Avenue.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 8:18 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: Public Works Admin
Case/Project No.: PW18-08
Submitted by: Matthew Cox, City Engineer

Resolution 18-305

Council Action: 11/5/2018

Description

Resolution setting a public hearing for November 26, 2018 at 7:00 p.m. for the S. 6th Street Reconstruction. Project #PW18-08

Background/Discussion

Pottawattamie Arts, Culture & Entertainment (PACE) is a 501(c)3 organization with a mission to strengthen, develop and promote arts, cultural, and historical institutions, organizations, and activities in Council Bluffs and Pottawattamie County. PACE is currently constructing a new arts and cultural center in the Harvester II building, located west of the Harvester I building on South Main Street. The property for the new center is also bordered by S. 6th Street.

The City previously reconstructed S. 6th Street between 9th and 10th Avenues in 2012 in coordination with the new Community Health Center.

Improvements are needed to replace the remaining sanitary sewer which dates back to the 1950's and to improve the street now that the railroad tracks previously located along 11th Avenue have been removed. This project will continue the needed reconstruction of 6th Street, south of 10th Avenue in coordination with the Harvester II/PACE project construction.

This project was included in the FY18 CIP with a revised budget of \$650,000 in Sales Tax Funds.

The project schedule is as follows:	Set Public Hearing	November 5, 2018
	Hold Public Hearing	November 26, 2018
	Bid Letting	December 20, 2018
	Award	January 14, 2019
	Construction Start	April 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Other	10/26/2018
Resolution 18-305	Resolution	10/26/2018

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
S. 6th Street Reconstruction
Project #PW18-08

A public hearing will be held on November 26, 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 S. 6th Street Reconstruction project. The project will include construction of 2,429 square yards of concrete pavement, 340 lineal feet of storm sewer and 652 lineal feet of sanitary sewer. At said hearing, any interested person may appear and file objections to such plans and specifications.

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

RESOLUTION
NO 18-305

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
S. 6TH STREET RECONSTRUCTION
PROJECT #PW18-08**

WHEREAS, the City wishes to make improvements known as the
S. 6th Street Reconstruction 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 S. 6th Street Reconstruction setting November 26, 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

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Parks and Recreation
Case/Project No.: 00158
Submitted by: Vincent Martorello

Resolution 18-306

Council Action: 11/5/2018

Description

Resolution accepting the work of Meco-Henne Contracting, Inc. in connection with the Pavilion, River's Edge Phase II Project (Project Number 00158) as complete and authorizing release of retainage without a thirty (30) day wait period.

Background/Discussion

The City of Council Bluffs entered into a contract with Meco-Henne for a public improvement project known as the Pavilion, River's Edge Phase II. The project was accepted as substantially complete on May 25, 2018. On September 19, 2018 city staff and the contractor met to discuss the remaining items to be completed. These items included repairs to the lower deck (refastening the deck boards), leveling of the concrete decking stones on the upper deck, replacement of trees, replacing the light ballast in the men's restroom, adding stiffeners to the HVAC return duct to prevent the filters from collapsing, labeling the electrical breakers, adding closer to the public restrooms, and installing a new pump for the RO system.

The remaining items have been completed with the exception of the replacement of the ballast in the men's room and leveling of the upper deck concrete stones. The ballast is ordered and the repair is scheduled for next week. The leveling of the concrete stones is a warranty item and is scheduled to be completed within the next couple of weeks.

The contractor has completed the work and has submitted the required Pay Application and lien waivers from the subcontractors as required for an early release of funds.

Recommendation

Approve resolution

ATTACHMENTS:

Description	Type	Upload Date
Resolution 18-306	Resolution	10/26/2018

RESOLUTION 18-306

**RESOLUTION ACCEPTING THE WORK OF
MECO-HENNE CONTRACTING, INC. IN CONNECTION WITH
THE PAVILION, RIVER'S EDGE PHASE II PROJECT,
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$342,304
PROJECT #00158**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Meco-Henne Contracting, Inc., Omaha, NE, for the Pavilion, River's Edge Phase II Project; and
- WHEREAS, a request for final payment in the amount of \$342,304 to Meco-Henne Contracting Inc., has been submitted to the city council for approval and payment; and
- WHEREAS, substantial completion of the project was accepted on May 25, 2018 and final payment is due 30 days after acceptance of the work; and
- WHEREAS, the payment has been delayed until repairs to the lower deck were completed and the repair work of the upper deck was determined to fall under warranty; and
- WHEREAS, the lower deck has been repaired and the repairs to the upper deck have been determined to fall under warranty, and are scheduled to be completed within the next couple of weeks; and
- WHEREAS, the thirty (30) day period to release funds pursuant to Chapter 573 of the Iowa State Code has expired and the contractor has submitted conditional and lien waivers from the known subcontractors, and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$342,304 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$342,304 payable to Meco-Henne Contracting, Inc. from budget code Z50200-676000; Project #00158 within thirty (30) days of the date of this resolution.

ADOPTED
AND
APPROVED

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-18-029
Submitted by: Chris Meeks, Planner

Resolution 18-307

Council Action: 11/5/2018

Description

Resolution of intent to dispose of City property and setting Public Hearing for November 26, 2018 at 7:00 p.m. on property legally described as Lot 2, Arbor Creek. Location: Northwest Corner of College Road and Railroad Avenue. OTB-18-029

Background/Discussion

See attached.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-18-029 Midlands Staff Report Reso of Intent Including Attach	Other	10/25/2018
OTB-18-029 Midlands PH Notice	Other	10/25/2018
Resolution 18-307	Resolution	10/26/2018

Council Communication

Department: Community Development CASE #OTB-18-029 Applicant: Midlands Humane Society Attn: Linda Kemp 1020 Railroad Ave, Suite A Council Bluffs, IA 51503 Representative: Deborah L. Petersen Petersen Law PLLC 215 S. Main Street, Suite 301 Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 11/5/2018 Public Hearing: 11/26/2018
Subject/Title		
<p>Request of the Midlands Humane Society, represented by Deborah Petersen of Petersen Law PLLC, to purchase property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: Northwest Corner of College Road and Railroad Avenue.</p>		
Background/Discussion		
<p>The City has received an offer to purchase the property described above. The applicant has offered \$189,000.00 for the 6.19 acre parcel.</p> <p>The Information Technology Department indicated that there is City Fiber infrastructure underneath the trail that runs along Railroad Avenue, but otherwise had no objections to the request. No other comments were received on this request.</p> <p>The Midlands Humane Society intends to purchase the property to maintain green space, and allow for future expansion of the current humane society building. The expanded building will allow the Midlands Humane Society to expand their services, while maintaining the shelter agreement with the City.</p> <p>Prior to the submittal of this Offer to Buy, the Community Development Department received a competing offer for Lot 2, Arbor Creek, from Zimmerman Properties Development, LLC., in the amount of \$188,745.00. The public hearing before the City Council for that offer is scheduled to take place on November 5, 2018.</p>		

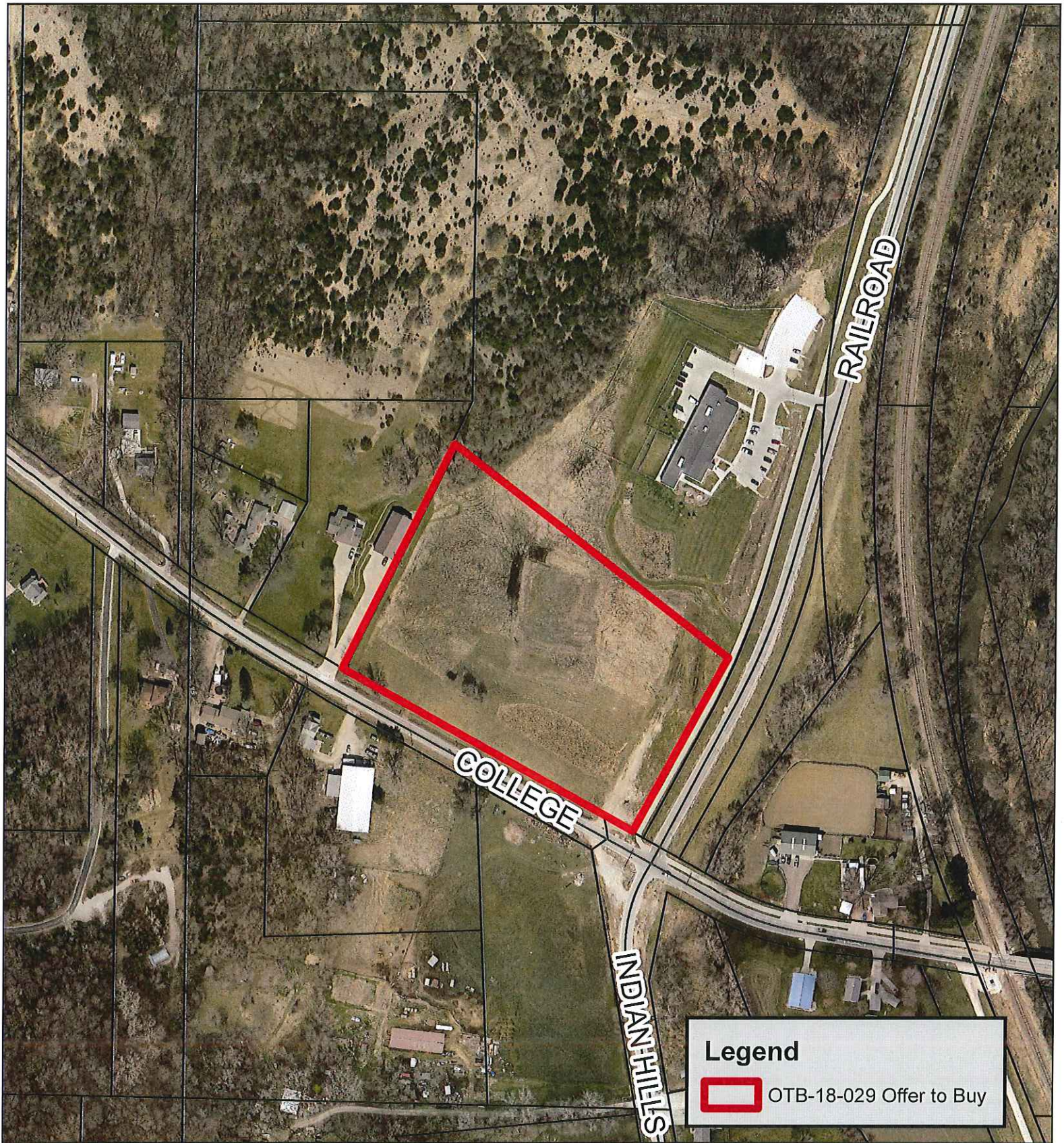
Recommendation

The Community Development Department recommends setting a public hearing on the disposal of Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, to the Midlands Humane Society for the November 26, 2018 City Council Meeting.

Attachment: Location map.

Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-18-029



10050 0 100 23200 300 Feet



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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as Lot 2, Arbor Creek, 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 26th day of November, 2018, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

CWM

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

RESOLUTION NO. 18-307

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 2, ARBOR CREEK, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from the Midlands Humane Society to purchase the City owned property legally described as Lot 2, Arbor Creek, 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 legally as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing is scheduled for November 26, 2018 at 7:00 p.m..

ADOPTED
AND
APPROVED:

November 5, 2018

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-18-029)

Council Communication

Department: Public Works Admin
Case/Project No.: PW 17-24
Submitted by: Matthew Cox, City Engineer

Resolution 18-308

Council Action: 11/5/2018

Description

Resolution accepting the work of Lametti & Sons Inc. as complete and authorizing the release of retainage after 30 days if no claims are filed in conjunction with the WPCP Manhole #1 Rehab. Project # PW17-24.

Background/Discussion

Manhole #1 at the Water Pollution Control Plant is a large concrete structure critical to the operation of the plant. As sewage enters the plant, it is distributed further into the treatment processes after passing through this structure. The corrosive environment at the treatment plant is known to cause damage to the facilities. An unexpected failure to the manhole would be catastrophic, therefore regular maintenance of the structure and associated piping were a priority.

A previous inspection by CCTV was completed in 2012 and showed damage to the manhole and piping. Based on that review, it was determined that maintenance could be delayed for 5 years.

During the summer of 2017, a field inspection and condition assessment was performed. Based on this evaluation it was determined that repairs were necessary. The project included structural concrete repair and a corrosion resistant protective lining of the manhole, rehabilitation of influent pipes with corrosion resistant structural liners, replacement of anchor bolts and associated cleaning, dewatering and bypass pumping. The continuous operation of the plant was accommodated during the rehabilitation.

This project was included in the FY17 CIP and is funded with Sales Tax Funds. The project budget was \$600,000.

	Division I	Division IV	Division VIII	
	<u>General</u>	<u>Sanitary</u>	<u>Miscellaneous</u>	<u>Total</u>
	<u>Sewer</u>			
Original Contract Amount	\$24,300.00	\$255,750.00	\$241,225.75	\$521,275.75
Change Orders (-0.54%)	(\$4,300.00)	(\$3,000.00)	\$4,500.00	(2,800.00)
Final Contract Amount	\$20,000.00	\$252,750.00	\$245,725.75	\$518,475.75
Less Previous Payments	\$19,000.00	\$240,112.50	\$233,439.46	\$492,551.96
Retainage Due Contractor	\$1,000.00	\$12,637.50	\$12,286.29	\$5,923.79

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

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 18-308	Resolution	10/26/2018

**RESOLUTION
NO 18-308**

**RESOLUTION ACCEPTING THE WORK OF
LAMETTI & SONS INC. IN CONNECTION WITH
THE WPCP MANHOLE #1 REHAB
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$25,923.79
PROJECT #PW17-24**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Lametti & Sons Inc., Hugo, MN for the WPCP Manhole #1 Rehab; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$25,923.79 to Lametti & Sons Inc., has been submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$25,923.79 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$25,923.79 payable to Lametti & Sons Inc. from budget codes Division I, S36050-676000; Division IV, S36050-676700; Division VIII, S36050-676900; Project #1724X.

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

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Mayor's Appointments

Council Action: 11/5/2018

Description

Council Bluffs Arena & Convention Center Commission

Background/Discussion

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

COUNCIL BLUFFS ARENA & CONVENTION CENTER COMMISSION

Appoint the following with term expiring 7/01/2022:

Ron Dickinson
17664 Edgewood Rd

Recommendation

Approval

Council Communication

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

Offer to Buy (2)

Council Action: 11/5/2018

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Offers to Buy	Other	10/31/2018

APPLICATION TO PURCHASE CITY PROPERTY

CITY OF COUNCIL BLUFFS

Date / Time : 10/26/18 11:05
 Payment : \$ 74.29
 Receipt # : 653571
 Check/Credit Card #: 12580
 Clerk : jjjames
 Paid By : EVANS, DOUG

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

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

East 36 feet and 3 inches of lot 1 Block 12 McMahon, Cooper & Jefferis addition.

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

Clean and Maintain property - Improve Neighborhood Appearance

Buyer to take possession after city demolition of house currently on the property.

Buyers offer a total sum of \$ 742.86.

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.

Doug Evans 9-18-18
 Buyer Signature Date
 Doug Evans
 Print Name
 Address 1200 9th Ave. Council Bluffs, IA 51501
 Phone/Email 402-677-3200

Buyer Signature Date
 Print Name
 Address
 Phone/Email

Internal Use Only

Buildable Lot
 Remnant Parcel
 Previously Vacated ROW
 Date Received
 Case #Assigned
 Payment with Offer

Offer Sufficient for Review

Approved for Processing: CLERK ROVD

26 OCT'18

AM11:07

APPLICATION TO PURCHASE CITY PROPERTY

000000
000000
000000

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

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

- Lot 1, Auditor's Subdivision of Lot 1 Block 4 Glendale Addition and part of the Original Plat of Council Bluffs West at Huntington Ave (parcel # 7544 3627 9001)

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

- to construct a single family dwelling (within two years of purchase)

Buyers offer a total sum of \$1,677.70. → wish to have a forgivable mortgage applied

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

(1) land to be titled to builder for building purposes
(m) subject to plan approval (rendering attached)
- (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.

Terry Wise 10-15-18
Buyer Signature Date

Terry Wise
Print Name 10922 S 172nd Street
Address Omaha, NE 68136
Phone/Email 402-630-0071

+wise@sudbeckcompanies.com

Buyer Signature Date

Print Name
Address
Phone/Email

Internal Use Only

Buildable Lot
Remnant Parcel
Previously Vacated ROW

Date Received
Case #Assigned
Payment with Offer

Offer Sufficient for Review

Approved for Processing:

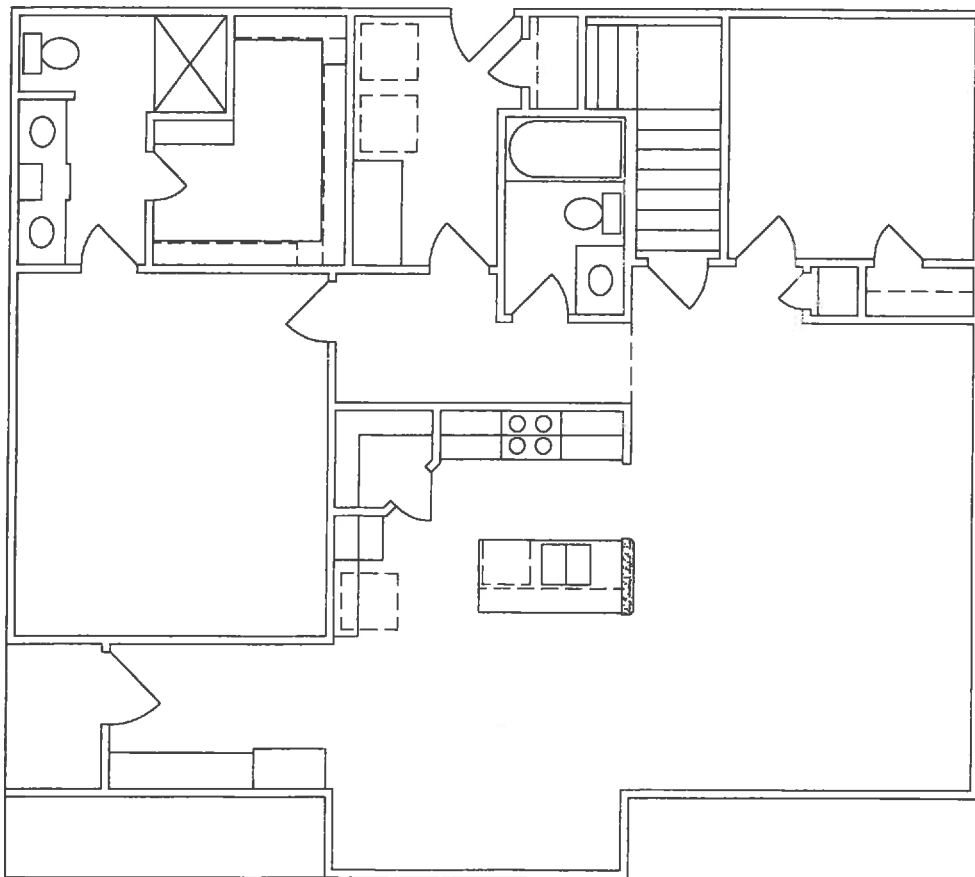
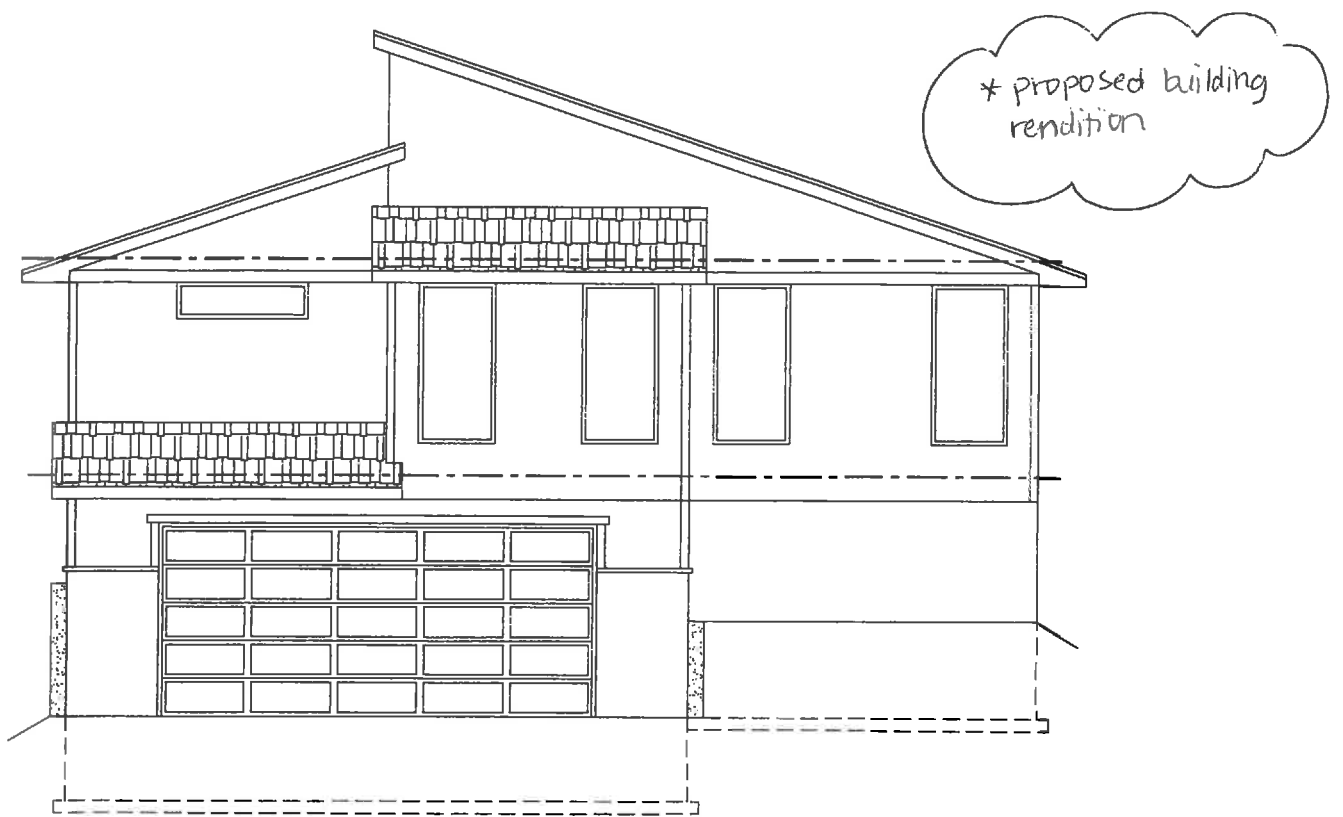
$\frac{1}{2}$

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

600ft x 600ft

Click any parcel to go to its web page
See [more maps](#) at the [County GIS Department](#).

As of: 2012-04-10 ▼ [Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)





* abutting property for
Comparative purposes



RECEIPT #: 649805
CITY OF COUNCIL BLUFFS
209 PEARL STREET
COUNCIL BLUFFS IA 51503

DATE: 10/17/18 TIME: 09:04
CLERK: kd
#754436279001 401 PA
CHG: CODE 1677.70
MUST CHANGE CODE
REFERENCE:
PMT REF:

REVENUE:
1 A16901 480000 1677.70
SALE OF LAND
REF1: REF2: KD

CUSTOMER # & NAME: 0

AMOUNT PAID: 1677.70
PAID BY: WISE, TERRY
PAYMENT METH: CHECK
5470

AMT TENDERED: 1677.70
AMT APPLIED: 1677.70
CHANGE: .00

Council Communication

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

Claims

Council Action: 11/5/2018

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Applications	Other	10/31/2018

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-PD-1920

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: AMERICAN FAMILY INSURANCE DAY PHONE: 552-562-0675 ADDRESS: 6000 AMERICAN PKWY.

MADISON, WI 53783 DOB: N/A

DATE & TIME OF LOSS/ACCIDENT: 10/1/18 7:42 LOCATION OF LOSS/ACCIDENT: MAIN & KANESVILLE

BLVD DESCRIPTION OF LOSS/

ACCIDENT: OFFICER (GREG CHASE) WAS RESPONDING TO A CALL AND STRUCK OUR INSURED'S STOPPED VEHICLE.

TOTAL DAMAGES CLAIMED: \$ PENDING (REPAIRS ARE IN PROGRESS)

WITNESS(ES) (Name(s), Address(es), Phone

No(s).

WAS POLICE REPORT FILED X YES NO (18-042961)

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

OTHER RELEVANT INFORMATION:

I 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)

10/17/18 DATE

PETER LOEHR (CLAIM REP.) CLAIMANT'S SIGNATURE

CLERK RCVD
17 OCT 18

PM 2:47

OCT 17

Council Communication

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

Small Business Saturday - November 24, 2018

Council Action: 11/5/2018

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[Proclamation](#)

Type

Proclamation

Upload Date

10/26/2018

City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS,** the City of Council Bluffs, Iowa celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2,000 to 2017; and
- WHEREAS,** small businesses employ 47.5 percent of the employees in the private sector in the United States; and
- WHEREAS,** 90 percent of consumers in the United States say Small Business Saturday has had a positive impact on their community; and
- WHEREAS,** 89 percent of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and
- WHEREAS,** 73 percent of consumers who reportedly Shopped Small at independently owned retailers and restaurants on Small Business Saturday did so with friends and/or family; and
- WHEREAS,** the most reported reason for consumers aware of the day to shop and dine at small, independently owned businesses, 64 percent, was to support their community; and
- WHEREAS,** Council Bluffs, Iowa supports our local businesses that create jobs, boost our local economy and preserve our community; and
- WHEREAS,** advocacy groups as well as public and private organizations, across the country, have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I,

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

November 24, 2018

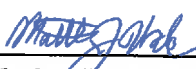
As

SMALL BUSINESS SATURDAY

in the City of Council Bluffs, Iowa and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.



**IN WITNESS WHEREOF, I have hereunto
set my hand and caused the official seal of
the City of Council Bluffs, Iowa to be affixed
this 5th day of November, in the year Two
Thousand Eighteen.**


Matthew J. Walsh, Mayor

Council Communication

Department: City Clerk
Case/Project No.: ZC-18-013 and PR-18-003
Submitted by: Chris Meeks, Planner

Ordinance 6371

Council Action: 11/5/2018

Description

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 by rezoning 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District with a P-R/Planned Residential Overlay; as set forth and defined in Chapters 15.10 and 15.28. Location: Generally located at the Northwest corner of College Road and Railroad Avenue. ZC-18-013 and PR-18-003

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Other	10/16/2018
ZC-18-013 Zimmerman Rezoning PH Notice CC	Other	10/12/2018
Attach A Case Map	Other	10/12/2018
Attach B Letter of Intent	Other	10/12/2018
Attach C Lot 2 Arbor Creek Map	Other	10/12/2018
Attach D Development Plan	Other	10/12/2018
Attach E Geotechnical Analysis	Other	10/12/2018
Attach F Land Use Plan Amendment Map	Other	10/12/2018
Attach G Site Photos	Other	10/12/2018
Ordinance 6371	Ordinance	10/16/2018

Council Communication

<p>Department: Community Development Department</p> <p>CASES #ZC-18-013 and #PR-18-003</p> <p>Applicant/Owner: Zimmerman Properties Development, LLC Attn: Jamie McDonald 1329 East Lark Street Springfield, MO 65804</p> <p>Engineer: Kaw Valley Engineering, Inc. 14700 West 114th Terrace Lenexa, KS 66215</p> <p>Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p> <p>Resolution No. _____</p> <p>Resolution No. _____</p>	<p>City Council: 10/22/18</p> <p>Planning Commission: 10/9/18</p>
<p>Subject/Title</p> <p>Request: CASES #ZC-18-013, #PR-18-003, and #CP-18-001- Combined public hearings on the request of Zimmerman Properties Development, LLC, represented by Jamie McDonald, for the following:</p> <ol style="list-style-type: none"> 1) Rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; and 2) Append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”. <p>Location: Generally located at the Northwest corner of College Road and Railroad Avenue.</p>		
<p>Background/Discussion</p> <p>The Community Development Department has received applications from Zimmerman Properties Development, LLC, represented by Jamie McDonald for the following requests; 1) to rezone approximately 6.19 acres of land known as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; 2) to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. The Community Development Department expanded the request to include; 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.</p>		

The purpose of these requests is to accommodate a proposed 60 unit multifamily residential development project to be known as Valley Ridge Apartments. Valley Ridge Apartments will provide housing for people whose incomes are at or below 60% of the area median income. The developer will also apply for Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019 to help finance this project. The Valley Ridge Apartment development will feature amenities such as a clubhouse, playground, shelter and barbeque area, and potentially a dog park and sports court.

CASE #ZC-18-013: Rezone approximately 6.19 Acres of land, more or less, that is legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low Density Multifamily Residential District (and to append a PR/Planned Residential Overlay District, as is addressed in CASE #PR-18-003 below). The rezoning is to accommodate a 60 unit multifamily residential development project to be known as Valley Ridge Apartments, which would not be a permitted use in the A-2/Parks, Estates and Agricultural District, but would be considered a principal use in the R-3/Low-Density Multifamily Residential District.

Land Use and Zoning

The subject property is currently undeveloped, and is zoned A-2/Parks, Estates and Agricultural District. Surrounding land uses and zoning districts are as follows:

North: The Midlands Humane Society which is zoned A-2/Parks, Estates and Agricultural District.

South: Single Family Dwellings that are zoned A-2/Parks, Estates and Agricultural District.

East: A Single Family Dwelling, BNSF Railway line, and Iowa Western Community College, all of which are located in the A-2/Parks, Estates and Agricultural District

West: Single Family Dwellings, some of which are zoned R-1/Single Family Residential District, and some zoned A-2/Parks, Estates and Agricultural

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The Land Use Plan designates property to the North and East as Public/Semi-Public, property to the West as Rural Residential/Agricultural, and property the South as Low-Density Residential.

CASE #PR-18-003: Append a Planned Residential Overlay District, and adopt the associated development plan for Valley Ridge Apartments on property legally described as being Lot 2, Arbor Creek. The Planned Residential Overlay District, along with the proposed rezoning outlined in CASE #ZC-18-013, will allow for the construction of the 60 unit multifamily development, along with amenities and features for the residents of the complex. Per the submitted development plan (as shown on Attachment D), the multifamily residential building will be three stories in height, and will feature 20 units on each floor. The development will also feature a one-story clubhouse and maintenance building, gazebos, barbeque areas, a playground, common space in the clubhouse, and potentially a dog park and sport court. The submitted development plan will establish standards for site development (e.g. building height, setbacks, and lot coverage), landscaping, architecture, signage, off street parking, and stormwater management.

CASE #CP-18-001: The Community Development Department expanded the request to amend the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan in order to reclassify the subject from property from "Rural Residential/Agricultural" to "Medium-Density Residential". The proposed comprehensive plan amendment will accomplish the following: 1) It will address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facilities on College Road, located East of the subject property. 2) The amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed request and their comments are incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated that the parcel is in the floodplain, and has a designation of AE.
- The Public Works Department has the following comments:
 - 1) No comments on the rezoning request.
 - 2) On the Planned Residential Overlay District Request:
 - a) A drainage report was submitted, and the Public Works Department will work with the engineer to finalize the drainage report to meet current standards and specifications for stormwater management. A PCSMP conceptual application, Engineer's estimate of probable cost, performance bond, and maintenance & easement agreement will be required in regards to water quality. In regards to water quantity, stormwater management will be required for all events through a 100 year event. Floodplain permitting will also be required for this project.
 - b) A full geotechnical report will be required.
 - c) The Public Works Department will work with the engineer to meet all current standards and specifications for site development.
 - d) The Public Works Department noted there is existing infrastructure along Railroad Avenue and part of College Road.
 - 3) No comments on the comprehensive plan amendment.
- Council Bluffs Water Works stated that they have comments for the engineer regarding fireline looping and would like review authority for any improvements located in their 25 foot easement along Railroad Avenue, but otherwise had no comments in regards to the rezoning, planned residential overlay and development plan, or comprehensive plan amendment requests.
- MidAmerican Energy stated they have an underground 3-phase line on the West side of Railroad Avenue between the road and the sidewalk that is located within the right-of-way. MidAmerican Energy stated they have no conflicts for the proposed development at this location.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map
Attachment B: Letter of Intent
Attachment C: Lot 2, Arbor Creek Map
Attachment D: Development Plan
Attachment E: Preliminary Geotechnical Evaluation
Attachment F: Proposed Land Use Plan Amendment
Attachment G: Site Photos

Comments

Rezoning (CASE #ZC-18-013)-

1. The subject property is currently zoned A-2/Parks, Estates and Agricultural District. Surrounding zoning districts include A-2/Parks, Estates and Agricultural District to the North, East, and South, and R-1/Single Family Residential to the South. The applicant has proposed to rezone the subject property to R-3/Low-Density Multifamily Residential to accommodate the construction of a 60 unit multifamily residential development. In the R-3 District, the minimum lot size requirement for a multifamily development is dictated based upon the number of units. Per Section 15.10.050, *Site Development Regulations of the R-3 District* multifamily development with five or more units shall provide a minimum lot size as follows: 9,000 square feet for the first five units, plus an increase of 2,000 square feet for each additional unit. The applicant's proposal is for a 60 unit multifamily development which requires a minimum of 119,000 square feet of land area, or 2.73 acres. Lot 2, Arbor Creek contains 6.19 acres of land, therefore, the land is suitable in size for a 60 unit multifamily development and will comply with R-3 District minimum lot size requirements.

2. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Rural Residential/Agriculture. The Community Development Department has proposed an amendment to the Land Use Plan to designate the property as Medium-Density Residential. The purpose of this comprehensive plan amendment is to: 1) Address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. 2) Ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
3. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. The following comments were received on the request.
 - a) The BNSF Railroad contacted the Community Development Department and had a general inquiry about the project, and is not in opposition.

Development Plan (CASE #PR-18-003)-

Section 15.28.010, P-R/Planned Residential Overlay, Statement of Intent of the Council Bluffs (Municipal Code) Zoning Ordinance states “the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located”.

The following development standards shall apply to the subject property:

1. Site Development

- a. The subject property contains 6.19 acres and is capable of supporting up to a maximum of 135 multifamily units based upon the lot size requirements stated in the R-3 District. The applicant has proposed 60 units, which is less than the total maximum allowed per city code.
- b. All construction shall comply with the setback, building height, and lot coverage standards stated in Chapter 15.10 R-3/Low Density Multi-Family Residential District of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.
- c. The applicant shall install a sidewalk along the frontage of College Road. Sidewalks shall connect all buildings, parking lots, and amenity spaces within the interior of the development. A minimum five foot wide sidewalks shall be extended from the trail system along Railroad Avenue and College Road into the development. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy.
- d. The submitted site plan shows two trash enclosures. Trash enclosures shall be enclosed on three sides, and shall be screened from public view with materials similar to those of the primary building. The enclosure shall have a gate which when closed completely eliminates the view of the dumpster.
- e. All fencing standards shall comply with Section 15.24.040, Fence regulations of the Council Bluffs Municipal Code (Zoning Ordinance). If the potential dog park is constructed, an eight-foot tall fence, as measured from the finished grade, will be permitted only around the specified dog-park area.
- f. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

- a. Off street parking for multifamily developments is calculated by the number of bedrooms in each unit. The submitted site plan shows that approximately 116 parking stalls will be constructed. Parking shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance) as follows: 1 parking space shall be required for each efficiency and 1 bedroom apartment, and 1 ½ parking spaces shall be required for each 2 or more bedroom apartment. Parking shall also be provided at 1 space for every 400 square feet of office space in the clubhouse. The total number of required off street

parking spaces will be determined at the time of building permit review, and will be based upon the previously stated parking calculations.

- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).
- c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

3. Landscaping

- a. The proposed landscaping plan shows a mixture of shade trees, evergreen trees, and flowering trees on the property, with native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:
 - 1) Trees shall be planted at a quantity of 1 tree per 30 feet of frontage along Railroad Avenue and College Road, between the sidewalk/trail and the street.
 - 2) An evergreen tree buffer, or a six-foot tall privacy fence to be planted or installed on the western property line to screen the adjacent single-family residential structure from the proposed development.
 - 3) Trees shall be planted in the vicinity of the north property line at a quantity of 1 tree per 50 feet.
 - 4) Trees shall sporadically be planted along the detention ponds, Dog Park, playground area, and common yards as shown in the submitted landscape plan.
 - 5) Landscaping shall be installed with the completion of the apartment building, and prior to issuance of a Certificate of Occupancy.
 - 6) An ornamental iron fence shall be installed along the frontage of Railroad Avenue and College Road to help screen and buffer the development.

4. Architecture

- a. The development plan shows one three story apartment building, and a one single story clubhouse building. The appearance and design of these structures are compatible with other multifamily developments in the vicinity. Approved building materials for all structures shall be as follows: brick masonry, cement lap siding, wood siding, split-face CMU and decorative architectural metal. The architectural designs are generally acceptable, as proposed. All building construction, materials and design shall be consistent with the proposed development plan with the following conditions:
 - 1. All roof-top mechanical units shall be screened from view.
 - 2. Windows shall have shutters, with the exception of the windows situated on porches or decks.
 - 3. A minimum of 30% of all building façade shall be constructed of brick masonry.

5. Signage

- a. The submitted development plan shows a monument sign along the frontage area of Railroad Avenue. The size and height of the sign is unknown at this time. No information on any attached signage was submitted with this request. All signage (detached and attached) shall comply with Section 15.33.160(03), PR/Planned Residential District, Signs of the Municipal Code (Zoning Ordinance).

Comprehensive Plan Amendment (CASE #CP-18-001)-

- 1) The subject property is currently designated as Rural Residential/Agricultural, per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, and is described as follows: "Rural residential and agricultural areas include large-lot housing, estates, farmhouses, agricultural activities, and other uses that support farming. These areas and estates typically develop in an unplanned manner along rural roadways. Agricultural uses include crop or livestock production, as well as storage, processing, and other uses related to farming operations."
- 2) The Community Development Department has proposed to designate the subject property "Medium-Density Residential". Per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, this designation is as follows: "Medium-density residential areas include a series of lots with one or more single

family units that may share a wall, typically arranged horizontally with a dedicated entrance for each housing unit. These included duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas. Throughout the planning area, there are several clusters of medium-density housing arranged in subdivision where structures create a consistent character on a planned residential street.”

- 3) Development in the vicinity of the proposed multifamily residential complex has prompted the need for amendments to the Bluffs Tomorrow: 2030 Comprehensive Plan to best suit the needs of the City of Council Bluffs. The purpose of this comprehensive plan amendment is to address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. Additionally, the amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
- 4) The subject property is currently designated as Rural Residential/Agriculture, which would include large-lot housing, estates, farm-houses, agricultural activities, and uses supporting farming. The Land Use Plan states these areas typically develop in an unplanned manner along rural roadways. New development to the East and to the North of the proposal is planned and approved by City of Council Bluffs Boards and Commissions with development plans in many situations, therefore an unplanned agricultural activity could be considered out of the character of surrounding properties.
- 5) The Comprehensive Plan Amendment would support residential uses, both single-family and multifamily, and will provide new housing opportunities in the city.
- 6) The Comprehensive Plan Amendment, along with the application of a PR/Planned Residential Overlay District would not adversely affect neighboring properties, as the City would require prior approval of any development through the approval of a development plan.
- 7) The Housing Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan outlines the following Housing Policies for Neighborhood Character that apply to this development: 1) Appropriate bulk and scale that establishes a rhythm of buildings and a sense of place. 2) Design elements that reflect a specific range of architectural styles. 3) Residential development standards that ensure context-sensitive infill that address building massing and scale, site planning, access management, etc. The proposed planned residential development plan will establish design standards for any residential use on the property to ensure it is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan.

Recommendation

The Community Development Department recommends:

- A. Approval of the request to rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District subject to the following conditions:
 1. The rezoning shall become effective upon Zimmerman Properties Development, LLC, taking ownership of the subject property.
- B. Approval of the request to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the associated development plan, subject to compliance of the above stated comments, and subject to the following conditions:
 1. The application of a PR/Planned Residential Overlay District and approval of the development plan will not be effective until Zimmerman Properties Development, LLC, takes ownership of the subject property.
 2. Council Bluffs Water Works shall have review authority over any improvements proposed to be located in their 25 foot easement along Railroad Avenue.
 3. A PCSMP conceptual application, Engineer’s estimate of probably cost, performance bond, and

maintenance & easement agreement will be required in regards to water quality prior to development.

4. All stormwater management shall comply with current city standards as determined by the Council Bluffs Public Works Department.
5. A full geotechnical report shall be submitted to the city prior to any development permits being issued.
6. Floodplain permitting through the City of Council Bluffs will be required for this project.
7. All utilities must be installed underground.

- C. Approval of the amendment to the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

Public Hearing

Speakers in favor:

1. Jeff Beckler, Zimmerman Properties Development, LLC, 1329 East Lark Street, Springfield, MO 65804
2. Michael Osbourn, Kahn Engineering, 14700 West 114th Terrace, Lenexa, KS 66215
3. Tom Ackley, Koley Jesson Law Firm, 1125 South 103rd Street, Omaha, NE 68124

Speakers against:

1. Ron Wolfe, 536 College Road, Council Bluffs, IA 51503
2. Randy Nash, 723 College Road, Council Bluffs, IA 51503
3. Deborah Petersen, 215 South Main Street, Council Bluffs, IA 51503
4. Linda Kemp, Midlands Humane Society, 11801 Gow Circle, Bellevue, NE 68133
5. Marti Nerenstone, 33 Indian Hills Road, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommends denial of the request.

VOTE: AYE 5 NAY 1 ABSTAIN 2 ABSENT 2 VACANT 1 Motion: Denied

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Lot 2, Arbor Creek Map

Attachment D: Development Plan

Attachment E: Preliminary Geotechnical Evaluation

Attachment F: Proposed Land Use Plan Amendment

Attachment G: Site Photos

Prepared by: Chris Meeks, Planner

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a Public Hearing on an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property legally described Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District.



You are further notified that the Public Hearing on said matters will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 5th day of November, 2018, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

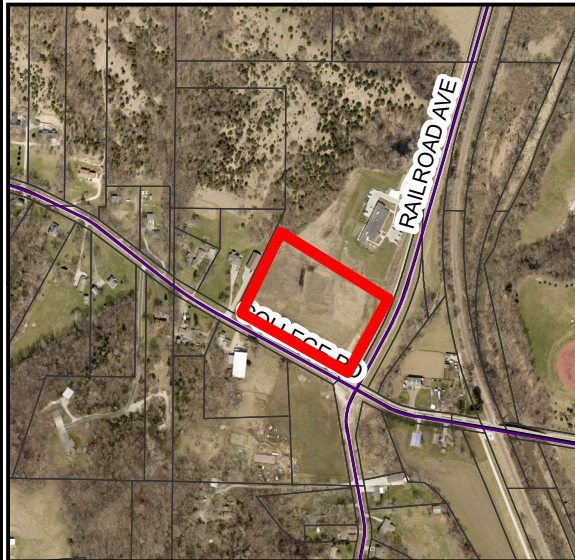
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #ZC-18-013, #PR-18-003 LOCATION/ZONING MAP

Map Legend

-  Subject Property
-  Parcels

0 125 250
1 Inch = 254 Feet

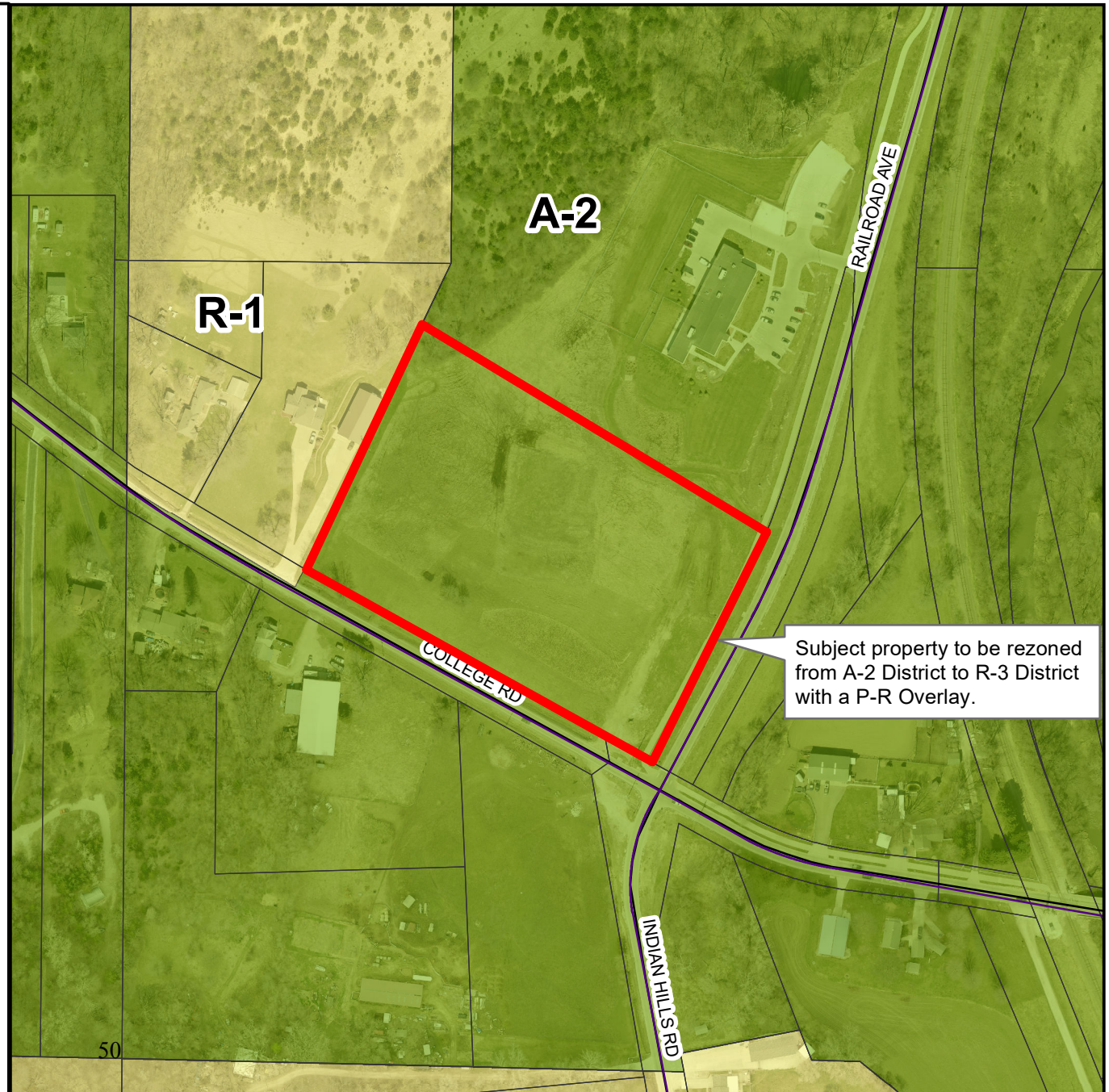


Last Amended: 9/17/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly disclaims 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.





Office: 913.894.5150

Fax: 913.894.5977

Web: www.kveng.com

Address: 14700 West 114th Terrace
Lenexa, KS 66215

September 10, 2018

C17D9615

Planning Department
City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, Iowa 51503

**RE: LETTER OF INTENT
VALLEY RIDGE APARTMENTS
COLLEGE ROAD AND RAILROAD AVENUE
COUNCIL BLUFFS, IOWA**

Zimmerman Properties Investments, LLC intends to develop a 60-unit multi-family housing facility upon the northeast corner of College Road and Railroad Avenue in Council Bluffs, Iowa. The corner site is generally six acres in size.

The facility will be a single three-story building with separate clubhouse and maintenance building. Parking spaces will be placed along the north and east perimeters of the building. General amenities will include gazebo, BBQ grills, playground, and common spaces within the clubhouse.

The project will be developed in one phase and the construction time period is anticipated to be 12 to 16 months.

Site grading inclusive of overexcavation is anticipated to develop the site. Storm drainage improvements inclusive of detention will be installed throughout the site, a public water main loop will be constructed with fire hydrants in compliance with fire department guidelines. A sewer main extension will be installed through the site to service the three buildings. Both water and sewer extensions will be connected to existing infrastructure along College Road and Railroad Avenue. A public 6-foot sidewalk is planned for the north side of College Road. Half road improvements may be needed for College Road. If half road improvements are not desired for College Road, current grade conditions may preclude placement of public sidewalk in current right-of-way. Easement for public sidewalk on private property will be dedicated if existing conditions are not improved and preclude placement of sidewalk in right-of-way.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
Kaw Valley Engineering, Inc.

Michael R. Osbourn
Principal

VMLX-FILE Projects C17_9615 Design Correspondence 2018-09-10 Ltr of Intent Valley Ridge Apts Council Bluffs IA.docx

Attachment C

ARBOR CREEK

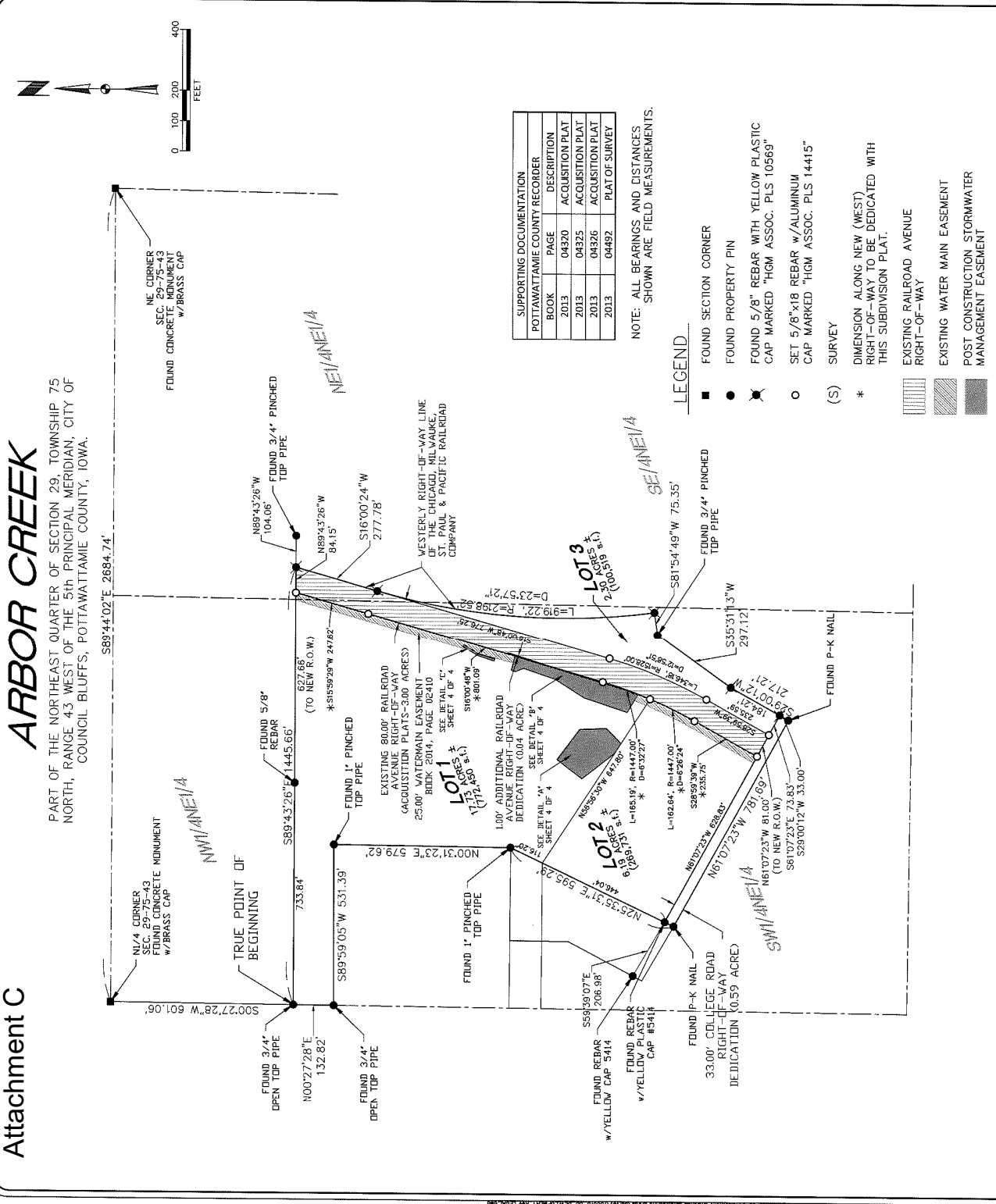
PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

hgm
ENGINEERING ARCHITECTURE SURVEYING
COUNCIL BLUFFS, IOWA

DATE: MAY 18, 2018
DESIGNED BY: [blank]
DRAWN BY: [blank]
CHECKED BY: [blank]
APPROVED BY: [blank]

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

PROJECT NO.: 150018
SHEET: 3 OF 4



SUPPORTING DOCUMENTATION

BOOK	PAGE	DESCRIPTION
POTTAWATTAMIE COUNTY RECORDER		
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.

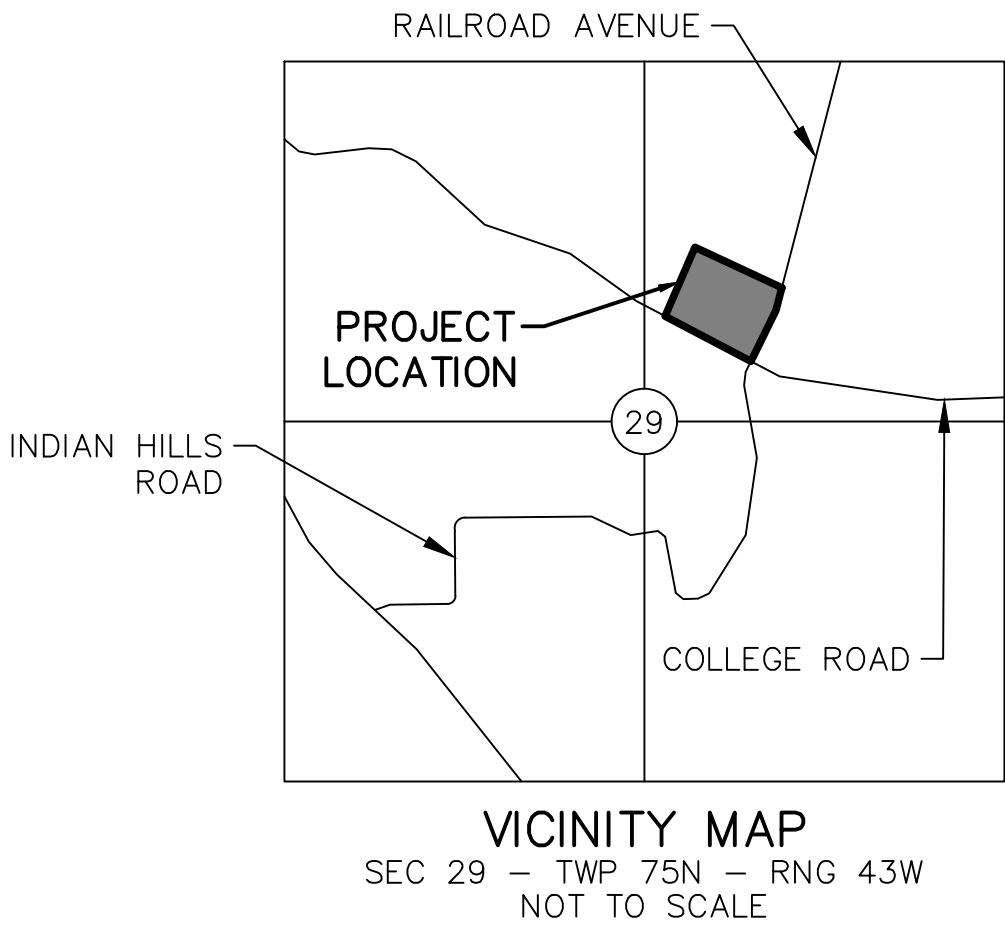
LEGEND

- 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.
- [Hatched Box] EXISTING RAILROAD AVENUE RIGHT-OF-WAY
- [Hatched Box] EXISTING WATER MAIN EASEMENT
- [Hatched Box] POST CONSTRUCTION STORMWATER MANAGEMENT EASEMENT

VALLEY RIDGE APARTMENTS
DEVELOPMENT PLANS
COUNCIL BLUFFS, IOWA

Sheet List Table

C001	TITLE SHEET
C100	SITE PLAN
C300	GRADING PLAN
C500	UTILITY PLAN
AB1	BUILDING ELEVATIONS
CA1	BUILDING ELEVATIONS
1 OF 1	LANDSCAPE PLAN



OWNER:
CITY OF COUNCIL BLUFFS
209 PEARL ST. COUNCIL BLUFFS, IA 51503

DEVELOPER
ZIMMERMAN PROPERTIES DEVELOPMENT, LLC
1329 E. LARK STREET
SPRINGFIELD, MISSOURI 65804
jmcdonald@wilhoitproperties.com
PHONE: 417-883-1632
ATTN: JAMES McDONALD

DESIGNER:
KAW VALLEY ENGINEERING, INC.
14700 W. 114TH TERRACE
LENEXA, KANSAS 66215
mikeo@k-veng.com
PHONE: (913) 894-5150
ATTN: MICHAEL OSBOURN

LEGAL DESCRIPTION:
PROPOSED LOT 2, ARBOR CREEK SUBDIVISION

SITE DATA:
SITE AREA= 6.19 AC

R3 ZONING REQUIREMENTS
FRONT YARD= 20'
REAR YARD= 20'
SIDE YARD= 5' (PLUS ONE FOOT FOR EVERY STORY ABOVE FIRST FLOOR)
MAX HEIGHT= 60'
LOT COVERAGE= 45% MAXIMUM
PROPOSED LOT COVERAGE= 12%

EXISTING ZONING: A2 (PARKS, ESTATES AND AGRICULTURAL DISTRICT)
PROPOSED ZONING: R3 (LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT)

PARKING REQUIRED: 1.5 STALLS/UNIT X 60 UNITS= 90 STALLS
PARKING PROVIDED: 111 STALLS (9 ACCESSIBLE STALLS)

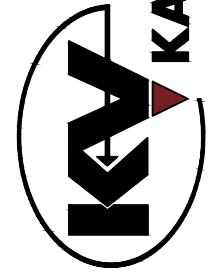
UTILITY STATEMENT:
THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE, AND/OR THE SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY.
IOWA ONE CALL TICKET #182250748

SAFETY NOTICE TO CONTRACTOR
IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

WARRANTY / DISCLAIMER
THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER KAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE KAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTEMPORARY BASIS AT THE SITE.

CAUTION – NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. **THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.**

14700 WEST 114TH TERRACE
LENEXA, KANSAS 66215
PH. (913) 894-5150 | FAX (913) 894-5977
k-veng.com | www.k-veng.com

**KAW VALLEY ENGINEERING**

KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY IOWA STATE CERTIFICATE OF AUTHORIZATION # 314844.
EXPIRES 04/01/20

VALLEY RIDGE APARTMENTS
COLLEGE RD AND RAIL ROAD AVE.
COUNCIL BLIFFS, IOWA 51503

DEVELOPMENT PLANS
TITLE SHEET

PROJ. NO. C17-9615

DESIGNER KKG DRAWN BY JON

CFN

SHEET 0

REV

INITIAL ISSUE

9/10/18

A

REV

DATE

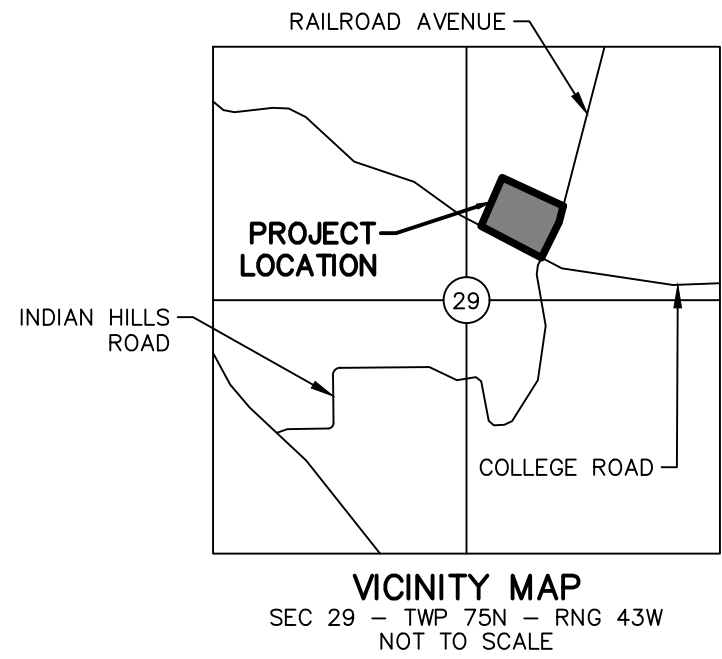
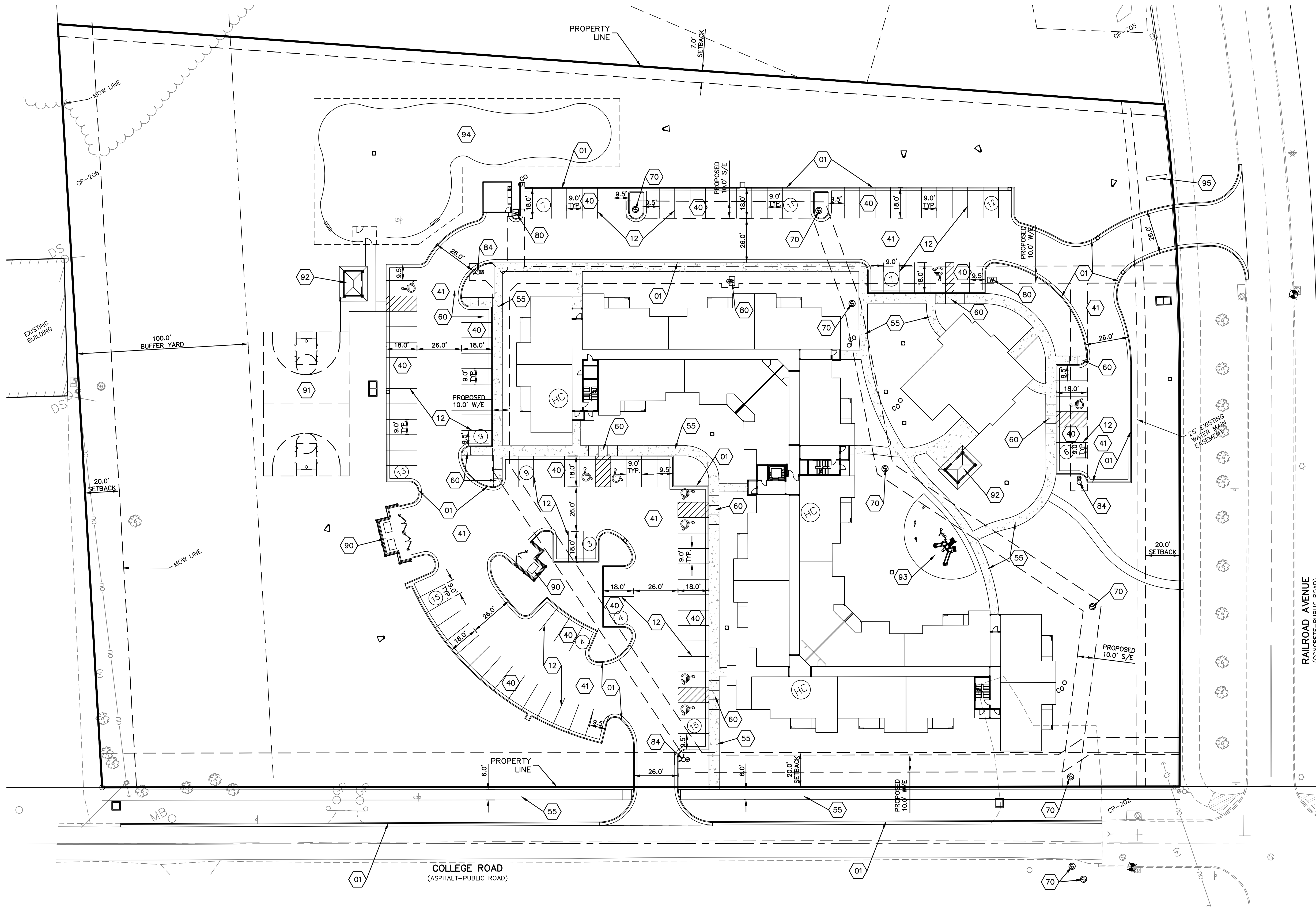
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DWN

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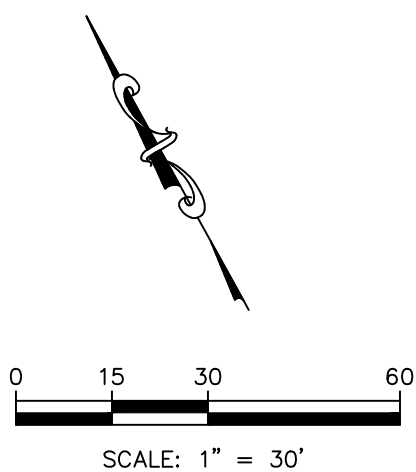
MRO



LEGEND:

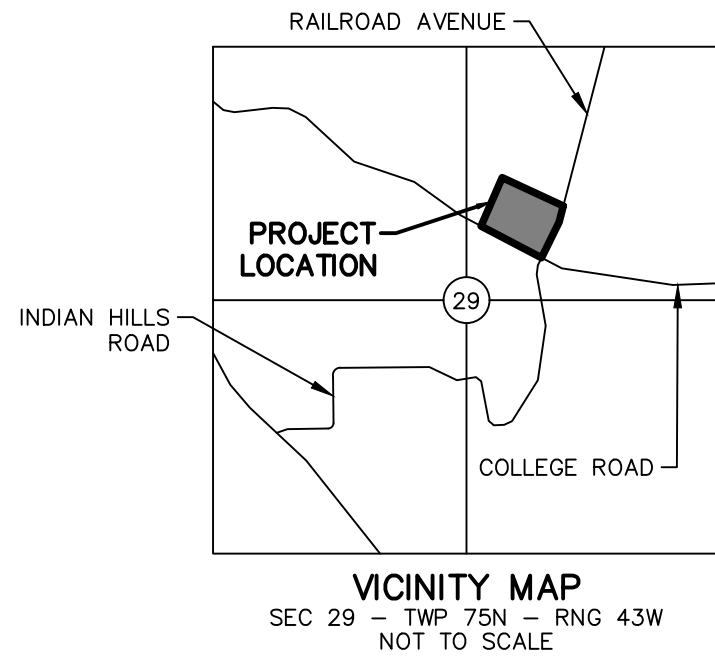
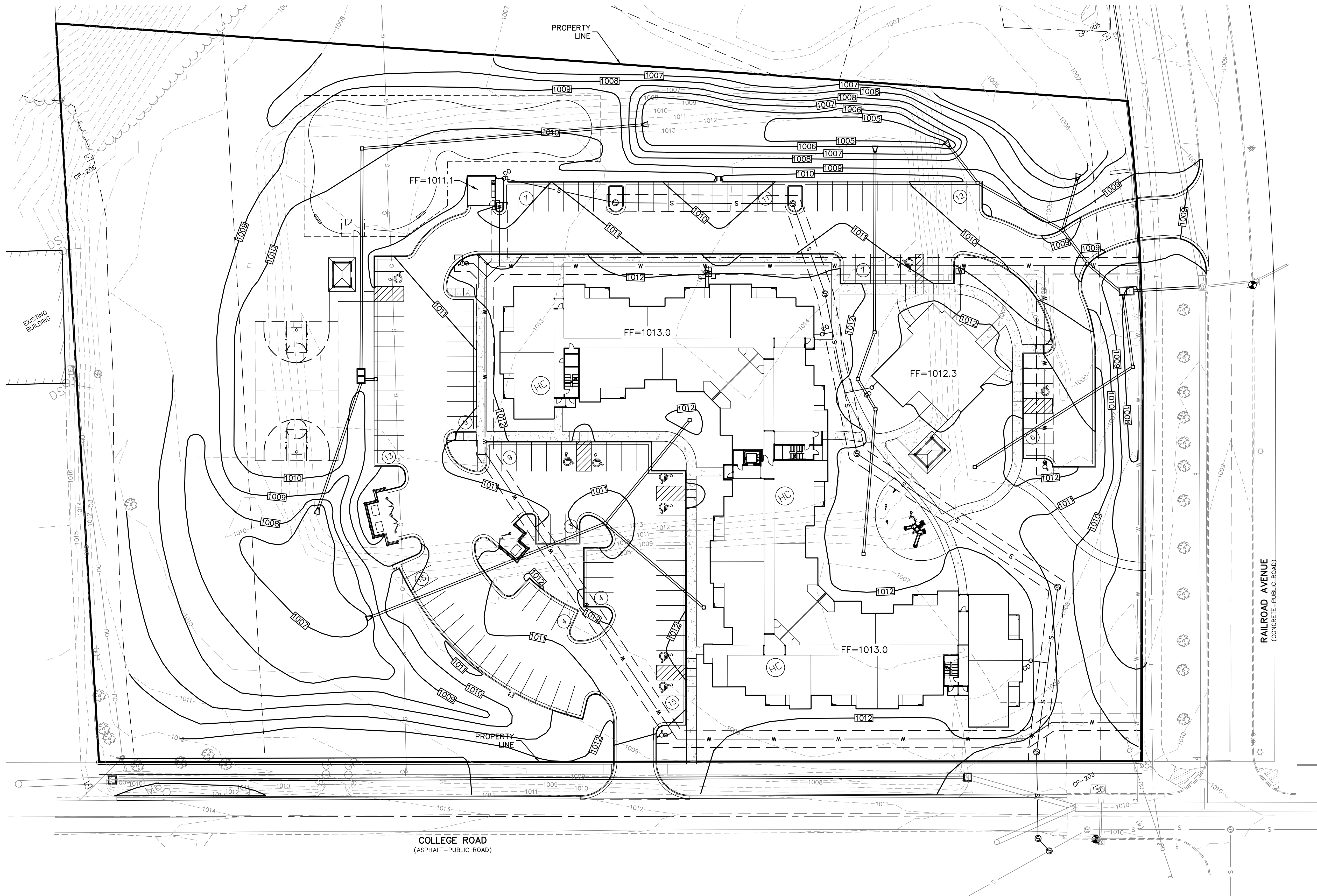
- SECTION CORNER
- MONUMENT FOUND ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
- BENCHMARK
- CONTROL POINT
- B/B BACK TO BACK OF CURB MEASUREMENT
- CHAIN LINK FENCE
- CMP CORRUGATED METAL PIPE
- DEADMAN ANCHOR
- DECIDUOUS TREE
- DOWN SPOUT
- DIP DUCTILE IRON PIPE
- E/E EDGE TO EDGE OF ASPHALT
- ELECTRIC METER
- ELECTRICAL TRANSFORMER
- FLARED END SECTION
- FIRE HYDRANT
- GAS LINE SIGN
- GATE POST
- HRMP HANDICAP RAMP
- HDPE HIGH DENSITY POLYETHYLENE
- LIGHT POLE
- MAIL BOX
- OVERHEAD UTILITY LINE (# OF LINES)
- RCP REINFORCED CONCRETE PIPE
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- STREET/TRAFFIC SIGN
- TREE LINE
- UNDERGROUND GAS
- UNDERGROUND TELEPHONE
- UTILITY POLE
- UTILITY POLE W/ TRANSFORMER
- WATER LINE
- WATER LINE GATE VALVE
- WELL
- EXISTING GRADE 1' CONTOUR
- EXISTING GRADE 5' CONTOUR

- NOTES:
- 01 CONCRETE CURB AND GUTTER
 - 12 WHITE PARKING LOT STRIPING (SHERWIN-WILLIAMS TM 2160 LEAD FREE OR APPROVED EQUAL)
 - 40 REGULAR DUTY ASPHALT PAVEMENT
 - 41 HEAVY DUTY ASPHALT PAVEMENT
 - 42 CONCRETE PAVEMENT
 - 55 CONCRETE SIDEWALK
 - 60 SIDEWALK RAMP
 - 70 SANITARY SEWER MANHOLE
 - 80 WATER APPURTENANCES
 - 84 FIRE HYDRANT
 - 90 TRASH ENCLOSURE
 - 91 SPORTS COURT
 - 92 PAVILION
 - 93 PLAYScape
 - 94 DOG PARK
 - 95 MONUMENT SIGN

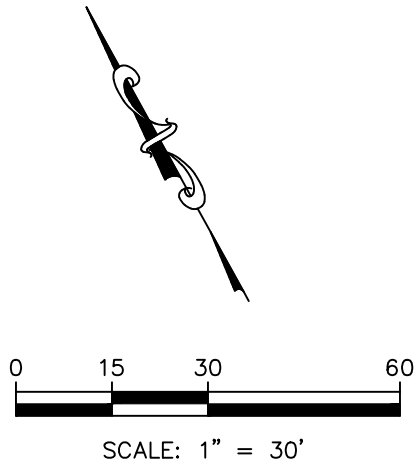


Know what's below.
Call before you dig.

14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 894-5150 FAX (913) 894-5977 kawvalley.com www.kawvalley.com		KAW VALLEY ENGINEERING	
KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY IOWA STATE CERTIFICATE OF AUTHORIZATION # 314844. EXPIRES 04/01/20			
VALLEY RIDGE APARTMENTS COLLEGE RD AND RAIL ROAD AVE. COUNCIL BLIFFS, IOWA 51503		DEVELOPMENT PLANS SITE PLAN	
PROJ. NO. C17_9615			
DESIGNER KGK	DRAWN BY JON		
CFN			
SHEET C100	REV 0		
REV		DATE	DESCRIPTION
A	9/10/18	INITIAL ISSUE	DSN
			CHK
			MRO



- LEGEND:**
- SECTION CORNER
 - MONUMENT FOUND ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
 - BENCHMARK
 - CONTROL POINT
 - B/B BACK TO BACK OF CURB MEASUREMENT
 - CHAIN LINK FENCE
 - CMP CORRUGATED METAL PIPE
 - DEADMAN ANCHOR
 - DECIDUOUS TREE
 - DOWN SPOUT
 - DIP DUCTILE IRON PIPE
 - E/E EDGE TO EDGE OF ASPHALT
 - ELECTRIC METER
 - ELECTRICAL TRANSFORMER
 - FLARED END SECTION
 - FIRE HYDRANT
 - GAS LINE SIGN
 - GATE POST
 - HRMP HANDICAP RAMP
 - HDPE HIGH DENSITY POLYETHYLENE
 - LIGHT POLE
 - MAIL BOX
 - OVERHEAD UTILITY LINE (# OF LINES)
 - RCP REINFORCED CONCRETE PIPE
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - STREET/TRAFFIC SIGN
 - TREE LINE
 - UNDERGROUND GAS
 - UNDERGROUND TELEPHONE
 - UTILITY POLE
 - UTILITY POLE W/ TRANSFORMER
 - WATER LINE
 - WATER LINE GATE VALVE
 - WELL
 - EXISTING GRADE 1' CONTOUR
 - EXISTING GRADE 5' CONTOUR
 - PROPOSED FINISHED GROUND CONTOUR (1' INTERVALS)



14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 884-5150 FAX (913) 884-5977 kawvalley.com www.kawvalley.com		KAW VALLEY ENGINEERING KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY IOWA STATE CERTIFICATE OF AUTHORIZATION # 314844. EXPIRES 04/01/20	
VALLEY RIDGE APARTMENTS COLLEGE RD AND RAIL ROAD AVE. COUNCIL BLIFFS, IOWA 51503		DEVELOPMENT PLANS GRADING PLAN	
PROJ. NO. C17_9615		DESIGNER KGK DRAWN BY JON	
SHEET C300		REV 0	
THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.		REV DATE DESCRIPTION	
		A 9/10/18 INITIAL ISSUE	
		KGK JON MRO	
		DSN DWN CHK	



1 NORTH ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)

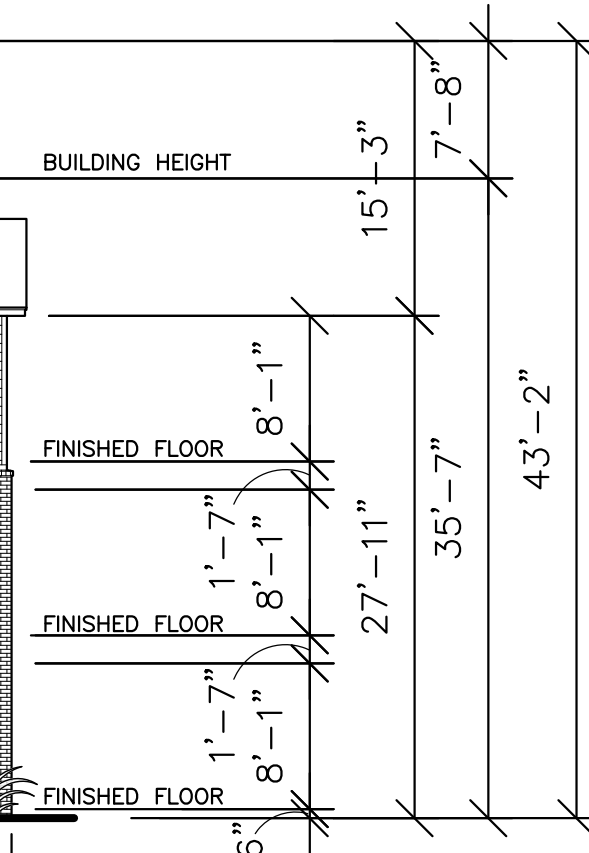


2 SOUTH ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)



- FINISH MATERIALS**
- 30 YEAR ARCHITECTURAL SHINGLE ROOFING ON DECK AND PRE-MFR TRUSSES
 - VINYL WINDOWS (E-STAR RATED) WITH MFR-SHUTTERS
 - CEMENT BOARD SIDING ON SHEATHING AND WOOD STUD FRAMING
 - BRICK VENEER ON SHEATHING AND WOOD STUD FRAMING

3 EAST ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)



4 WEST ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)

ELEVATION KEY

Valley Ridge Apartments
A 60-Unit Family Community in Council Bluffs, Iowa

Parker Associates
Tulsa, LLC
2202 E. 49th St., Suite 200
Tulsa, OK 74105
(918)-742-2485

BRYAN E. HULST - ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

Zimmerman Properties LLC
1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO. 65808

SHEET: AB1 BUILDING ELEVATIONS 09/10/2018



1 NORTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

2 SOUTH (BACK) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

FINISH MATERIALS

30 YEAR ARCHITECTURAL SHINGLE
ROOFING ON DECK AND PRE-MFR
TRUSSES

VINYL WINDOWS (E-STAR RATED) WITH
MFR-SHUTTERS

CEMENT BOARD SIDING ON SHEATHING
AND WOOD STUD FRAMING

BRICK VENEER ON SHEATHING AND
WOOD STUD FRAMING



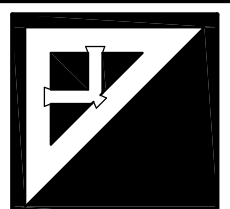
3 EAST (SIDE) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)



4 WEST (SIDE) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

Valley Ridge Apartments

A 60-Unit Family Community in
Council Bluffs, Iowa



Parker Associates
Tulsa, LLC
2202 E. 49th St., Suite 200
Tulsa, OK 74105
(918)-742-2485

Zimmerman
Properties
LLC

1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO. 65808

BRYAN E. HULST - ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

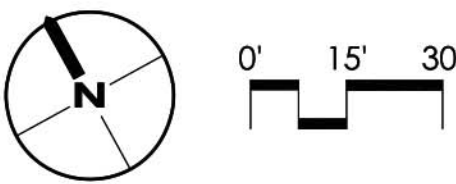
SHEET: CA1 BUILDING ELEVATIONS 09/10/2018

PRELIMINARY PLANT SCHEDULE

- SHADE TREES:
SWAMP WHITE OAK
RED MAPLE
GINKGO
SYCAMORE
ALLEE ELM
ZELKOVA
- EVERGREEN TREES:
EASTERN WHITE PINE
ROCKY MOUNTAIN JUNIPER
DOUGLASS FIR
- FLOWERING TREES:
CRABAPPLE
SERVICE BERRY
REDBUD



PRELIMINARY LANDSCAPE PLAN



Valley Ridge Apartments

A 60-Unit Family Community in
Council Bluffs, Iowa



Parker Associates
Tulsa, LLC

2202 E. 49th St. Suite 200
Tulsa, OK 74112
(918) 742-2485

BRYAN E. HULST - ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

**Zimmerman
Properties
LLC**

1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO 65808



Office: 913.894.5150

Fax: 913.894.5977

Web: www.kveng.com

Address: 14700 West 114th Terrace
Lenexa, KS 66215

September 10, 2018

C17G9615

Mr. Justin Zimmerman
Zimmerman Properties Investments, LLC
1329 East Lark Street
Springfield, Missouri 65804

**RE: PRELIMINARY GEOTECHNICAL EVALUATION
VALLEY RIDGE APARTMENTS
COLLEGE ROAD AND RAILROAD AVENUE
COUNCIL BLUFFS, IOWA**

Dear Mr. Zimmerman:

Kaw Valley Engineering, Inc. has performed a preliminary geotechnical review of the proposed project. This site is located at the northeast corner of College Road and Railroad Avenue in Council Bluffs, Iowa. The proposed project is to consist of a three-story, slab-on-grade wood-framed structure. Site reconnaissance indicates generally a 5-foot grade change across the site, except the extreme northeast corner which grades up an additional 10 feet. Historical review indicates up to six feet of fill has been placed in the central portion of the site.

Review of regional soils data indicates that a combination of loess and glacial till make up the upper soil stratum, and the fill placed upon the site. Exact water table has not been determined at the time of the issuance of this preliminary evaluation.

Preliminary grading plans indicate the building finished floor to be 1,012 feet which is within one foot of the existing surface grade in the building area.

Due to the existence of up to six feet of apparently uncontrolled fill, it is anticipated the site will need to be overexcavated to a depth of at least three feet below the existing uncontrolled fill, and recompacted to bearing and slab elevations. The need for dewatering is unknown at this time.

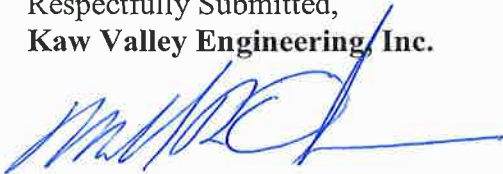
Preliminary recommendations are that the building be founded using shallow foundations bearing upon newly placed engineered fill. An allowable bearing capacity of 2,500 psf is anticipated.

Shallow foundations shall bear at a minimum depth of 42 inches below lowest adjacent exterior grade.


Further details and specific recommendations will be presented once field work and full laboratory evaluations are completed.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
Kaw Valley Engineering, Inc.



Michael R. Osbourn
Principal


for Martin T. Arling, P.E.
Principal

Attachment F

BLUFFS TOMORROW 2030 LAND USE PLAN

The Land Use Plan is one of the most important elements of the Bluffs Tomorrow 2030 Comprehensive Plan. It outlines how properties in different parts of the planning area should be used, and identifies the type, character, and intensity of use for all areas of the community. The intent of the Land Use Plan is to ensure that future development takes into account land use compatibility, access, market viability, environmental features, and community services. In that light, the recommendations of this chapter should be implemented in coordination with the recommendations of subsequent chapters.

The Land Use Plan sets forth policies for land use and development at the City-wide level. The Plan also includes specific policies and strategies for the City's residential, commercial, and industrial areas. Subsequent chapters provide additional detail regarding open space, environmental areas, and community facilities.

Land Use Legend

Residential

- Rural Residential/Agriculture
- Low-Density Residential
- Medium-Density Residential
- High-Density Residential
- Multi-Family/Mixed-use

Commercial

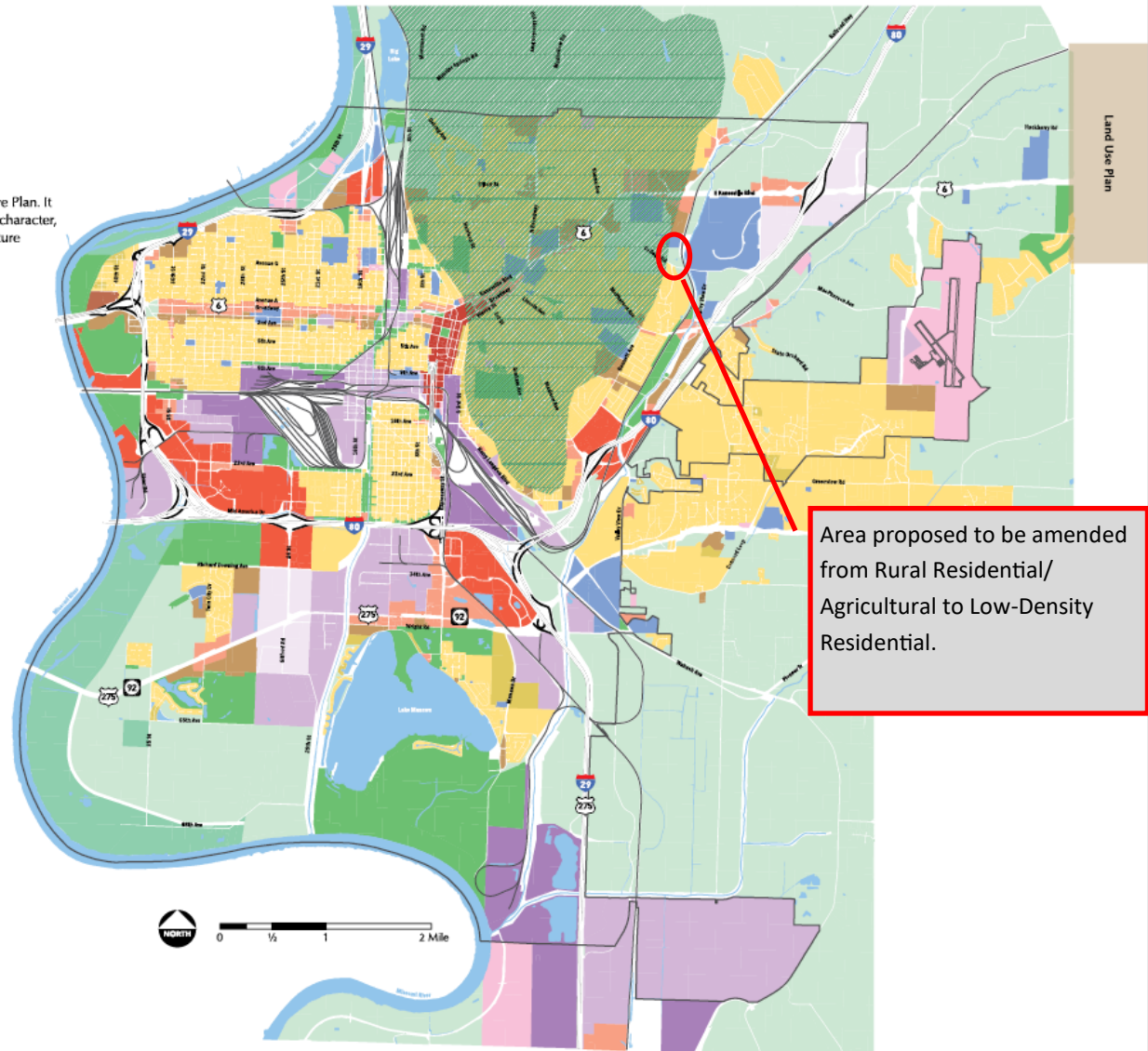
- Local Commercial
- Regional Commercial
- Downtown/Mixed-use

Industrial

- Office/Industrial
- Light Industrial
- Heavy Industrial

Public Land Uses

- Natural Areas
- Public Park
- Public/Semipublic
- Transportation/Utility
- Loess Hills Preservation Area



Attachment G

Site Photos



*Red outline shows the approximate boundaries of Lot 2, Arbor Creek.



Photo 1: Aerial photo of the subject property.

Photo 2: Google Street-View photo facing North from College Road.

Photo 3: Google Street-View photo facing Southwest from Railroad Avenue.



ORDINANCE NO. 6371

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.27.020 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING 6.19 ACRES OF LAND, MORE OR LESS, LEGALLY DESCRIBED AS LOT 2, ARBOR CREEK, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT TO R-3/LOW-DENSITY MULTIFAMILY RESIDENTIAL DISTRICT WITH A P-R/PLANNED RESIDENTIAL OVERLAY; AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.28 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 15.27.020 of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended to rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District with a P-R/Planned Residential Overlay.

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 upon Zimmerman Properties Development, LLC, and/or their assignee taking ownership of the subject property and approval of a Planned Residential Development Plan for Valley Ridge Apartments.

ADOPTED
AND
APPROVED

November 26, 2018.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 10-22-18
Second Consideration: 11-5-18
Public Hearing: 11-5-18
Third Consideration: 11-26-18

Planning Case No. #ZC-18-016 & PR-18-003

Council Communication

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

Resolution 18-309

Council Action: 11/5/2018

Description

Resolution authorizing the Mayor to execute an easement agreement with the Council Bluffs Board of Water Works Trustees.

Background/Discussion

That this utility relocation is necessary because of the interstate improvement project and that the easement is on land acquired by the Iowa Department of Transportation, and transferred to the City for this purpose.

Recommendation

Approval of this Resolution.

ATTACHMENTS:

Description

Type

Upload Date

[Agreement](#)

Agreement

10/3/2018

[Resolution 18-309](#)

Resolution

10/31/2018

Prepared for Council Bluffs City Water Works, 2000 N. 25th St., P. O. Box 309, Council Bluffs, IA 51502, telephone (712) 328-1006 by Douglas P. Drummey General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

EASEMENT AGREEMENT

* * * * *

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Council Bluffs, Iowa, for good and sufficient valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto the City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City Of Council Bluffs, Iowa (the "City Water Works"), a permanent non-exclusive easement over, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, to-wit:

See Exhibit "A"

including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate or remove underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe lines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said pipe lines and/or mains.

The City Water Works shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition as it was in before the City Water Works went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said main, such fences and structures shall be promptly replaced by the City Water Works upon completion of the work requiring such removal.

In further consideration for the good and sufficient valuable consideration received by the

undersigned, the undersigned agrees that it will not place any permanent structures upon or over said easement without first obtaining the written consent of the City Water Works; further, the undersigned covenants with Grantee that it is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

Words and phrases herein, including the acknowledgement, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

All provisions of this Agreement shall inure to the benefit of and be binding upon and applicable to the successors, personal representatives, heirs, and assigns of the parties hereto the same as if they were in all instances named herein.

DATED this _____ day of _____, 2018.

The City of Council Bluffs, Iowa

By: _____
Mathew J. Walsh, Mayor

By: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

On this _____ day of _____, 2018, before me, a Notary Public in and for said county, personally appeared Mathew 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 City of Council Bluffs, Iowa; that said instrument was signed and sealed on behalf of the City of Council Bluffs by authority of the City Council of the City of Council Bluffs, as contained in Resolution Number _____ adopted and passed by the City Council on the ____ day of _____, 2018, and that Mathew J. Walsh and Jodi Quakenbush acknowledged the execution of said instrument to be the voluntary act and deed of said City Council by it voluntarily executed.

NOTARY PUBLIC IN AND FOR SAID STATE

Exhibit "A"

The east twenty (20) feet of a parcel of land located in the NE $\frac{1}{4}$ of Section 4, T74N, R44W of the 5th P.M., in the City of Council Bluffs, Pottawattamie County, Iowa, described as follows:

Commencing at the E $\frac{1}{4}$ Corner of said Section 4; thence N86°33'56"W, 835.68 feet along the south line of the NE $\frac{1}{4}$ of said Section 4; thence N3°26'04"E, 39.94 feet to a point on the present northerly right of way line of 23rd Avenue, the Point of Beginning; thence N86°34'09"W, 49.21 feet along said present northerly right of way line; thence N29°58'14"W, 682.05 feet; thence N32°06'44"W, 133.79 feet to a point on the present southerly right of way line of the Union Pacific Railroad; thence N54°46'50"E, 45.19 feet along said present southerly right of way line; thence S30°11'01"E, 641.48 feet; thence S29°36'27"E, 205.51 feet to the Point of Beginning; said parcel contains 34,706 square feet.

RESOLUTION NO. 18-309

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT WITH THE COUNCIL BLUFFS BOARD OF WATER WORKS TRUSTEES.

WHEREAS, The easement is for land acquired by the Iowa Department of Transportation for the interstate improvement project;

WHEREAS, The easement is necessary for utility relocation and is described as the east twenty (20) feet of a parcel of land located in the NE1/4 of Section 4, T74N, R44W of the 5th P.M., in the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, it is in the best interest of the City of Council Bluffs to execute the easement agreement with the Council Bluffs Board of Water Works Trustees.

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

That the Mayor of Council Bluffs is hereby authorized to execute the easement agreement with the Council Bluffs Board of Water Works Trustees.

ADOPTED
AND
APPROVED

November 5, 2018.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-18-028
Submitted by: Chris Meeks, Planner

Resolution 18-310

Council Action: 11/5/2018

Description

Resolution to dispose of City property legally described as Lot 2, Arbor Creek. Location: Northwest Corner of College Road and Railroad Avenue. OTB-18-028

Background/Discussion

See attached.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-18-028 Zimmerman Reso To Dispose Staff Report	Other	10/24/2018
Resolution 18-310	Resolution	10/31/2018

Council Communication

Department: Community Development CASE #OTB-18-028 Applicant: Zimmerman Properties Development, LLC 1329 East Lark Street Springfield, MO 65804	Resolution to Dispose No. _____	Public Hearing: 11/5/2018
Subject/Title		
<p>Request of Zimmerman Properties Development, LLC, to purchase property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: Northwest Corner of College Road and Railroad Avenue.</p>		
Background/Discussion		
<p>The City has received an offer to purchase the property described above. The 6.19 acre parcel is currently classified as “Transitional Preserve”, though the City Owned Property Committee has no conflicts with the proposed sale of the property to Zimmerman Properties Development. The applicant has offered \$188,745.00, which is a value established by an appraisal completed on the property by JLL Valuation and Appraisal Services, LLC.</p> <p>The Permits and Inspections Division, Public Works Department, and Legal Department all indicated they have no objections to the request. The Information Technology Department indicated that there is City Fiber infrastructure underneath the trail that runs along Railroad Avenue, but otherwise had no objections to the request.</p> <p>Zimmerman Properties Development, LLC, intend to purchase the property to construct a 60 unit multifamily residential development. Zimmerman Properties Development has also made applications to rezone the property from A-2/Parks, Estates, and Agricultural District to R-3/Low Density Multifamily Residential (CASE #ZC-18-013) and to append a PR/Planned Residential Overlay District and to adopt a development plan (CASE #PR-18-003). The Community Development Department has also proposed a Comprehensive Plan Amendment (CASE #CP-18-001) to reclassify the subject property from “Rural Residential/Agricultural” to “Medium-Density Residential”. The sale of the property would be contingent upon approval of the rezoning request, adoption of the development plan, and reclassification of the property in the Bluffs Tomorrow: 2030 Comprehensive Plan, as well as the applicant receiving Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019. The applicant has asked that, if approved, the Offer To Buy remain valid until July 31, 2019.</p>		

After the submittal of this Offer to Buy, the Community Development Department received a competing offer for Lot 2, Arbor Creek, from the Midland Humane Society, represented by Deborah Petersen of Petersen Law Firm in the amount of \$189,000.00. The public hearing before the City Council for that offer will take place on November 26, 2018 if the City Council does not accept the offer of Zimmerman Properties Development, LLC, before that meeting.

Recommendation

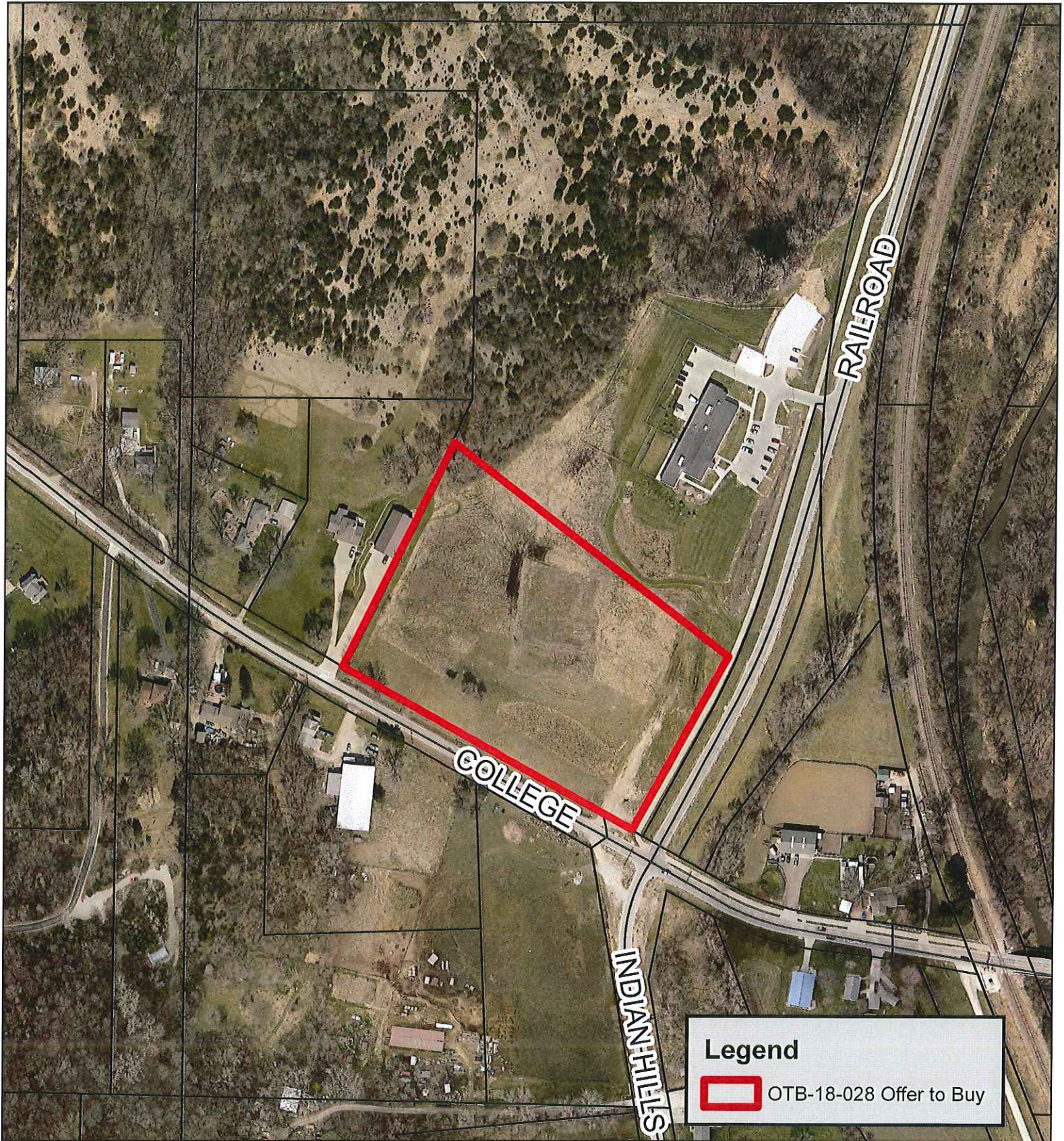
The Community Development Department recommends approval of the property legally described as Lot 2, Arbor Creek, to Zimmerman Properties Development, LLC., for the purchase price of \$188,745.00, subject to the following conditions:

1. The Applicant shall have until July 31, 2019 to purchase the property in order to allow them to secure Low Income Housing Tax Credits from the Iowa Finance Authority.
2. The sale of the property would be contingent upon approval of the rezoning request (CASE #ZC-18-013), adoption of the development plan (CASE #PR-18-003), and reclassification of the property in the Bluffs Tomorrow: 2030 Comprehensive Plan (CASE #CP-18-001), as well as the applicant receiving Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019.

Attachment: Location map.

Prepared By: Chris Meeks, Planner, Community Development Department

CASE #OTB-18-028



100 50 0 100 74200 300 Feet



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. 18-310

A RESOLUTION TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 2, ARBOR CREEK, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has previously expressed its intent to dispose of owned property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and;

WHEREAS, a public hearing has been held in this matter on November 5, 2018 at 7:00 p.m.

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

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

Zimmerman Properties Development, LLC., and all successors in interest: Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and;

BE IT FURTHER RESOLVED

That the purchase price be \$188,745.00 cash due at closing and the property closing must occur by July 31, 2019, or an extension of the offer must be granted by the City Council by that date.

BE IT FURTHER RESOLVED

The sale of the property shall be contingent upon approval of the rezoning request (CASE #ZC-18-013), adoption of the development plan (CASE #PR-18-003), and reclassification of the property in the Bluffs Tomorrow: 2030 Comprehensive Plan (CASE #CP-18-001), as well as the applicant receiving Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019.

ADOPTED
AND
APPROVED:

November 5, 2018

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-18-017
Submitted by: Christopher Gibbons, Planning
Coordinator

Resolution 18-311

Council Action: 11/5/2018

Description

Resolution granting final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson's First Addition and the North one-half vacated alley adjacent. Location: Between North 29th and North 30th Street, south of Avenue K. SUB-18-017

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-18-017 Walnut Grove Sub Plat 2 Final Plat Staff Report	Other	10/25/2018
SUB-18-017 Walnut Grove Sub Plat 2 Final Plat PH Notice	Other	10/25/2018
SUB-18-017 Walnut Grove Sub Plat 2 Final Plat Attach A	Other	10/25/2018
SUB-18-017 Walnut Grove Sub Plat 2 Final Plat Attach B	Other	10/25/2018
SUB-18-017 Walnut Grove Sub Plat 2 Final Plat Attach C	Other	10/25/2018
Resolution 18-311	Resolution	10/31/2018

City Council Communication

<p>Department: Community Development</p> <p>Case No. SUB-18-017</p> <p>Owner/Applicant: New Community Development Corporation d/b/a NeighborWorks Home Solutions 222 South 6th Street Council Bluffs, IA 51501</p> <p>Surveyor: Snyder and Associates, Inc. Attn: Michael G. Geier 1751 Madison Avenue Council Bluffs, IA 51503</p>	<p>Resolution No. _____</p>	<p>City Council Meeting: 11/5/2018</p>
<p style="text-align: center;">Subject/Title</p> <p>Request: Final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson's First Addition and the north one-half vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: Between North 29th and North 30th Street, south of Avenue K.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>The Community Development Department has received a request from New Community Development Corporation d/b/a NeighborWorks Home Solutions for final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, located on property legally described above (see Attachments 'A' and 'B'). The proposed subdivision consists of 1.19 acres of land, and is situated between North 29th Street and North 30th Street, lying south of Avenue K.</p> <p>The subject property is the north half of the block that was previously used by Walnut Grove Elementary School for open space/playground. In 2017, the applicant received City Council approval to replat the south half of the block into a seven lot residential subdivision known as Walnut Grove Subdivision (see Resolution No. 17-32). Since receiving final plat approval the applicant has successfully built seven new detached, single-family residential dwellings in said subdivision. The applicant is now requesting approval to replat Lots 1 through 9, Block 9, Benson's First Addition and the north one-half vacated alley adjacent into Walnut Grove Subdivision, Plat 2 in order to construct seven new detached, single-family residential dwellings.</p> <p style="text-align: center;"><u>Comments</u></p> <p>The proposed replat has been provided for comment to all utility companies and City Departments. The following comments have been received:</p> <ol style="list-style-type: none">1. The Council Bluffs Water Works stated water is available for Walnut Grove Subdivision Plat 2 on Avenue K.		

2. MidAmerican Energy stated they have no objections to the final plat, and noted they have electrical distribution facilities in the adjoining streets. They have sent a proposal to the applicant to extend the electrical facilities into the replat, and are waiting for the proposal to be signed and returned.
 3. The Public Works Department and the Fire Department have no comments for the proposed plat.
 4. The Council Bluffs Fire Department stated they have no comments.
 5. The subject property is zoned R-1/Single-Family Residential District (see Attachment 'C'). All proposed lots in the subdivision comply with R-1 District lot size and dimension standards.
 6. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
 7. All lots have direct access to an existing public street (North 29th Street, North 30th Street, and/or Avenue 'K').
 8. All lots have access to existing utilities (e.g., water, storm sewer, and sanitary sewer). Any cost to move, relocate, and/or extend utilities to this subdivision shall be at the expense of the applicant and not the City. All utilities shall be installed underground.
 9. There are existing public sidewalks along the frontage(s) of each lot in this subdivision. Any cost to repair and/or replace the damaged sidewalk panels due to construction activity in the subdivision shall be at the expense of the applicant and not the City.
 10. The final plat states that private covenants will be recorded in a separate instrument. The applicant shall provide the City with a copy of said private covenants prior to the final plat being executed.
- The following technical corrections shall be made to the final plat prior to being executed by the City.
1. Rename the subdivision "Walnut Grove Subdivision, Phase 2" for name consistency purposes and make all other corresponding name changes to the plat.

Recommendation

The Community Development Department recommends final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson's First Addition and the north one-half vacated alley adjacent, subject to the following conditions:

1. Final plats must 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 Director of the Community Development Department.
2. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat.
3. All utilities shall be installed underground. Any cost to remove, relocate, and/or extend utilities shall be at the expense of the applicant and not the City.
4. Any cost to repair and/or replace the damaged sidewalk panels due to construction activity in the subdivision shall be at the expense of the applicant and not the City.
5. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, prior to the final plat being executed.

Attachments

Attachment A: Letter of intent from Leslie Coleman, Executive Director, NeighborWorks Home Solutions.

Attachment B: Walnut Grove Subdivision Plat 2 – Final Plat

Attachment C: Location/zoning map

Surveyor: Snyder and Associates, Inc. – Michael G. Geier – 1751 Madison Avenue, Council Bluffs, IA 51503

Prepared by: Christopher Gibbons, AICP, Planning Coordinator

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 New Community Development Corporation d/b/a NeighborWorks® Home Solutions for final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson's First Addition and the north one-half of the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 5th day of November, 2018 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

October 2, 2018

Mr. Christopher Gibbon
City of Council Bluffs
Community Development Department
209 Pearl Street
Council Bluffs, IA 51503

RE: Walnut Grove Subdivision Plat 2
Letter of Intent

Dear Mr. Gibbons:

Please accept this Letter of Intent for the proposed subdivision platting of Walnut Grove Subdivision Plat 2. The proposed subdivision is a 1.19 acre, 7 lot, single family residential replat of lots 1 through 9 and the north half of the vacated alley of Block 9, Benson's First addition to Council Bluffs. The property is bounded by Avenue K on the north, 29th Street on the east, 30th Street on the west, and Walnut Grove Subdivision on the south

The subdivision is served by existing paved streets, existing sanitary sewer and existing water main, therefore no new public improvements are contemplated for this development. The property is former open space and remnant playground associated with the now removed Walnut Grove School. Site demolition and restoration will occur as a separate function to this subdivision platting.

The proposed development is an allowed use in the current R-1 zoning district, therefore no rezoning is contemplated as a part of the subdivision platting. The lots meet the minimum requirements for R-1 zoning therefore no variances are being sought.

Thank you for your consideration. Should you have any questions, please contact me.



Leslie Coleman

Chief Executive Officer

lcoleman@nwhomesolutions.org

ATTACHMENT A

PO Box 111578
3250 Lake Street
Omaha, NE 68111

402.451.2939
www.nwhomesolutions.org

222 South 6th Street
Council Bluffs, IA 51501



V:\RefLibrary\CADDStandards\WorkSpace\Standards\Printing\Pen-Tables\data.tbl
V:\RefLibrary\CADDStandards\WorkSpace\Standards\Printing\Print_Drivers\Black_Gray\Direct\WaffleWeight.plt
10/3/2018 12:23:59 PM
R.C. DATE: 0824-10-CADD-1180824 - Final Plot.dgn

INDEX LEGEND

SURVEYOR'S NAME & RETURN TO:
MICHAEL G. GEIER
SNYDER & ASSOCIATES, INC.
1751 MADISON AVENUE
COUNCIL BLUFFS, IOWA 51503
712-322-3202
MGGEIER@SNYDER-ASSOCIATES.COM
SERVICE PROVIDED BY:
SNYDER & ASSOCIATES, INC.
SURVEY LOCATED:
BLOCK 9, BENSON'S 1ST ADDITION,
CITY OF COUNCIL BLUFFS
REQUESTED BY:
NEW COMMUNITY DEVELOPMENT CORPORATION
OWNER:
NEW COMMUNITY DEVELOPMENT CORPORATION

WALNUT GROVE SUBDIVISION PLAT 2
FINAL PLAT

LEGEND

Survey

Section Corner
1/2" Rebar, Cap # 11804
(Unless Otherwise Noted)
ROW Marker
ROW Rail
Control Point
Bench Mark
Platted Distance
Measured Bearing & Distance
Recorded As
Deed Distance
Calculated Distance
Minimum Protection Elevation
Centerline
Section Line
1/4 Section Line
1/4 1/4 Section Line
Easement Line

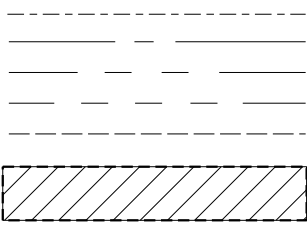
Permanent Easement

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PLAT DESCRIPTION

LOTS 1-9 AND THE NORTH HALF OF THE VACATED ABUTTING ALLEY, BLOCK 9, BENSON'S FIRST ADDITION TO COUNCIL BLUFFS, POTTAWATTAME COUNTY, IOWA.

PLAT AREA

1.19 ACRES (51,921 S.F.)

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT NEW COMMUNITY DEVELOPMENT CORPORATION 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 7 INCLUSIVE. SAID PROPERTY TO BE KNOWN AS WALNUT GROVE SUBDIVISION PLAT 2.

AS PART OF THIS PLATTING, NEW COMMUNITY DEVELOPMENT CORPORATION DOES HEREBY GRANT TO THE CITY OF COUNCIL BLUFFS, A MUNICIPAL CORPORATION OF THE STATE OF IOWA, AND ITS AGENTS, CONTRACTORS AND ASSIGNS, AND FRANCHISE UTILITY PROVIDERS, PERMANENT NONEXCLUSIVE EASEMENTS IN, ON, OVER, AND ACROSS THE REAL ESTATE AS SHOWN ON THE DRAWING WHICH IS PART OF THIS DOCUMENT. THESE EASEMENTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH WILL 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 WILL 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.

NOTE: COVENANTS WILL BE RECORDED IN A DOCUMENT SEPARATE OF THE PLAT INSTRUMENT.

NOTE: A 10.00 FOOT WIDE UTILITY EASEMENT ALONG FRONT AND 5.00 FOOT WIDE UTILITY EASEMENT ALONG ALL OTHER PROPERTY LINES AND A 10.00 FOOT WIDE SANITARY SEWER EASEMENT ALONG THE REAR PROPERTY LINES ARE DEDICATED WITH THIS PLAT.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN ON THIS ____ DAY OF _____, 2018.

NEW COMMUNITY DEVELOPMENT CORPORATION

BY: _____

STATE OF IOWA }
COUNTY OF POTTAWATTAME } SS.

ON THIS ____ DAY OF _____, 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED LESLIE R. COLEMAN, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF NEW COMMUNITY DEVELOPMENT CORPORATION AND THE SAID LESLIE R. COLEMAN ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID NEW COMMUNITY DEVELOPMENT CORPORATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

OWNER & DEVELOPER

NEW COMMUNITY DEVELOPMENT CORPORATION
222 S. 6TH STREET
COUNCIL BLUFFS, IOWA 51501

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE _____

ATTESTED TO BY:

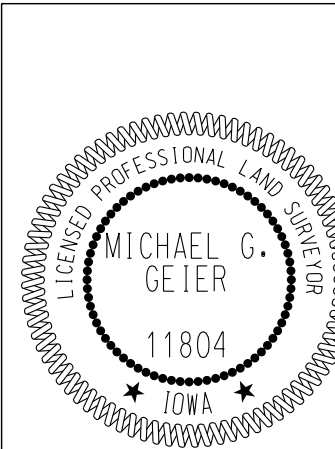
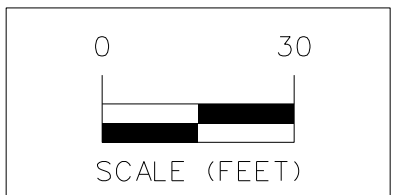
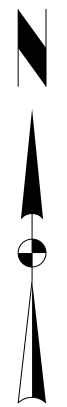
CITY CLERK: JODI QUAKENBUSH DATE _____

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAME COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAME COUNTY, IOWA HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN WALNUT GROVE SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAME COUNTY, IOWA: LEA VOSS DATE _____



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Michael G. Geier, PLS Date _____
License Number 11804
My License Renewal Date is December 31, 2019
Pages or sheets covered by this seal: _____

WALNUT GROVE SUBDIVISION PLAT 2

FINAL PLAT

COUNCIL BLUFFS, IOWA

SNYDER & ASSOCIATES, INC.

1751 MADISON AVENUE
COUNCIL BLUFFS, IA 51503
712-322-3202 | www.snyder-associates.com




Project No: 1180824


Sheet 1 of 1

MARK	REVISION	DATE	BY
Engineer: XXX	Checked By: MGG	Scale: 1"= 30'	Pg:
Technician: RLC	Date: 09/25/18	Field Bk:	
Project No:	1180824	Sheet	1 of 1

CASE #SUB-18-017 LOCATION/ZONING MAP WALNUT GROVE SUBDIVISION PLAT 2 - FINAL PLAT

Map Legend

 CASE #SUB-18-017 - Subject Property

 Parcels

0 50 100
1 Inch = 100 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.



Last Amended: 10/8/18



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER
This map is prepared and compiled from
City documents, plans and other public
records data. Users of this map are
hereby notified that the City expressly
disclaims any and all responsibility for errors,
if any, in the information contained on this
map, the nature 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. 18-311

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A SEVEN LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS WALNUT GROVE SUBDIVISION PLAT 2, BEING A REPLAT OF LOTS 1 THROUGH 9, BLOCK 9, BENSON'S FIRST ADDITION AND THE NORTH ONE-HALF VACATED ALLEY ADJACENT, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, New Community Development Corporation d/b/a NeighborWorks Home Solutions is requesting final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, located on property legally described in Attachment 'B'; and

WHEREAS, The proposed land consists of 1.19 acres of land, and is situated between North 29th Street and North 30th Street, lying south of Avenue K; and

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

1. The Council Bluffs Water Works stated water is available for Walnut Grove Subdivision Plat 2 on Avenue K.
2. MidAmerican Energy stated they have no objections to the final plat, and noted they have electrical distribution facilities in the adjoining streets. They have sent a proposal to the applicant to extend the electrical facilities into the replat, and are waiting for the proposal to be signed and returned.
3. The Public Works Department and the Fire Department have no comments for the proposed plat.
4. The subject property is zoned R-1/Single-Family Residential District. All proposed lots in the subdivision comply with R-1 District lot size and dimension standards.
5. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
6. All lots have direct access to an existing public street (North 29th Street, North 30th Street, and/or Avenue 'K').
7. All lots have access to existing utilities (e.g., water, storm sewer, and sanitary sewer). Any cost to move, relocate, and/or extend utilities to this subdivision shall be at the expense of the applicant and not the City. All utilities shall be installed underground.
8. There are existing public sidewalks along the frontage(s) of each lot in this subdivision. Any cost to repair and/or replace the damaged sidewalk panels due to construction activity in the subdivision shall be at the expense of the applicant and not the City.
9. The final plat states that private covenants will be recorded in a separate instrument. The applicant shall provide the City with a copy of said private covenants prior to the final plat being executed.

The following technical corrections shall be made to the final plat prior to being executed by the City.

1. Rename the subdivision “Walnut Grove Subdivision, Phase 2” for name consistency purposes and make all other corresponding name changes to the plat; and

WHEREAS, The Community Development Department recommends final plat approval of a seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson’s First Addition and the north one-half vacated alley adjacent, subject to the following conditions:

1. Final plats must 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 Director of the Community Development Department.
2. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat.
3. All utilities shall be installed underground. Any cost to remove, relocate, and/or extend utilities shall be at the expense of the applicant and not the City.
4. Any cost to repair and/or replace the damaged sidewalk panels due to construction activity in the subdivision shall be at the expense of the applicant and not the City.
5. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, prior to the final plat being executed.

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

That the final plat approval for seven lot residential subdivision to be known as Walnut Grove Subdivision Plat 2, being a replat of Lots 1 through 9, Block 9, Benson’s First Addition and the north one-half vacated alley adjacent, as legally described in Attachment ‘B’, 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.

RESOLUTION NO. _____

PAGE 3

ADOPTED
AND
APPROVED

November 5, 2018.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Planning Case No. #SUB-18-017

Council Communication

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

Resolution 18-312

Council Action: 11/5/2018

Description

Resolution authorizing the Mayor and City Clerk to execute an easement and right-of-way grant across Mosquito Creek Drainage District #22 in connection with an underground pipeline installation by Buckeye Pipe Line Transportation LLC.

Background/Discussion

Drainage District #22 for Mosquito Creek is operated by the City of Council Bluffs.

An easement is required for construction and operation of a new petroleum pipeline. Due to the condition of the existing pipe that crosses Mosquito Creek, a replacement pipe must be installed on a new alignment located outside the existing easement. The old easement will be released when the new one is granted.

The benefits to the Drainage District as a result of the project include:

- The existing 300' wide easement will be released and replaced by a 50' wide easement.
- The existing 1930's pipeline that is currently exposed within the creek bank will be removed, eliminating the risk of a leak.
- The new pipe will be horizontally directionally drilled underneath Mosquito Creek.

The new permanent easement and right-of-way is 50 feet in width, centered on the pipeline. It is located in the Northeast Quarter of Section 18, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa. The easement encompasses 18,748 square feet.

The permanent easement allows for the construction, installation, operation, maintenance, reconstruction, replacement, and abandonment of a pipeline or pipelines and all appurtenances thereto, including markers, valves, and cathodic protection equipment, over, under, upon, through, and across the right-of-way for the transportation of gases, liquids, solids, or any combination thereof, together with the right to enter upon said right-of-way to maintain the pipeline(s).

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Easement and Right-of-Way Grant	Other	10/26/2018
Resolution 18-312	Resolution	10/31/2018

EASEMENT AND RIGHT-OF-WAY GRANT

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Wesley D. Pekarek
Buckeye Pipe Line Transportation LLC
1315 N. Sterling Ave.
Sugar Creek, MO 64054
(816) 836-6096

Taxpayer Information: (name and complete address)

Trustees of Mosquito Creek Drainage District #22
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Return Document To: (name and complete address)

Right of Way Department
Buckeye Pipe Line Transportation LLC
Five TEK Park
9999 Hamilton Boulevard
Breinigsville, PA 18031

Grantor: TRUSTEES OF MOSQUITO CREEK DRAINAGE DISTRICT #22

Grantee: BUCKEYE PIPE LINE TRANSPORTATION LLC

Date of Document: See Page 2

Legal Description: See EXHIBIT A1 & EXHIBIT A2

EASEMENT AND RIGHT-OF-WAY GRANT

This indenture, made and entered in the _____ day of _____, 201__ by and between the TRUSTEES OF MOSQUITO CREEK DRAINAGE DISTRICT #22, (hereinafter called “Grantor”), and BUCKEYE PIPE LINE TRANSPORTATION LLC, a Delaware limited liability company, with offices at Five TEK Park, 9999 Hamilton Blvd., Breinigsville, Pennsylvania 18031 (hereinafter called “Grantee”).

WITNESSETH:

That Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby Grant and Convey unto the Grantee, its successors and assigns, a perpetual easement (hereinafter called the “Right-of-Way”) to be used as hereinafter provided, over the lands of the Grantor in the City of Council Bluffs, County of Pottawattamie, and State of Iowa, said lands being more particularly described in EXHIBIT “A1”, attached hereto and made a part hereof, said Right-of-Way area being described as fifty (50) feet in width, the centerline of which is the pipeline, being more fully depicted and described in detail in EXHIBIT “A2” attached hereto and made a part hereof.

1. The Right-of-Way and easement hereby granted shall be used for the construction, installation, operation, maintenance, reconstruction, replacement, and abandonment of a pipeline or pipelines, and all appurtenances thereto, including markers, valves, and cathodic protection equipment, over, under, upon, through, and across the Right-of-Way for the transportation of gases, liquids, solids, or any combination thereof, together with the right at any time to enter upon said Right-of-Way on foot or with vehicles for any purpose connected with such use and to maintain such pipeline(s) in good operating condition and to make such alterations, repairs, or replacements thereof from time to time as Grantee may require; and also together with the right of reasonable ingress to and egress from said Right-of-Way over lands of Grantor to and from a public road or highway at such locations as Grantor may reasonably direct.

2. It is a condition of this Grant and Conveyance of Right-of-Way that (a.) Grantee shall construct the pipeline(s) at own expense and shall pay all costs of any reconstruction, relocation, modification, or reinstallation of drainage district facilities which may be necessary as a result of construction; that (b.) said pipeline(s) shall be located beneath the surface of the ground except for pipeline(s) surface access points, and all ground disturbances: trenches or bores made in installation, emplacement, maintenance and repair of said pipeline(s) shall be backfilled or filled and compacted and cover stabilized by said Grantee, its agents, servants or contractor; that (c.) after construction of the pipeline(s) the Grantee, or the Grantee’s successors in interest, shall maintain the pipeline(s) at the Grantee’s or successor’s own expense; that (d.) Grantor reserves the right to build over said Right-of-Way above granted subject to ordinances of the City of Council Bluffs, Iowa, and laws of the State of Iowa in effect at said time, and the terms, conditions and provisions contained in paragraph three (3) herein; that (e.) the Grantor subsequently undertakes any maintenance, improvement, or reconstruction of the drainage

district facility which requires the modification, relocation, or reconstruction of the Grantee's pipeline(s), the expense of such Grantee modification, relocation, or reconstruction shall be borne by the Grantee or the Grantee's successors in interest.

3. Grantor covenants and agrees not to place or permit the placement of any building, structure, tree, shrub or object over, under, or upon said Right-of-Way which might interfere with Grantee's free access thereto or to said pipeline(s) and appurtenances and Grantee's free and uninterrupted use thereof and exercise of its rights hereunder and not to move or place heavy objects within a limit of twenty-five (25) feet of such pipeline(s) or appurtenances. Grantee shall have the right to remove any building, structure, tree, shrub or object, located in violation of the aforesaid limit or which otherwise might interfere with Grantee's free access to said Right-of-Way, pipeline(s), and appurtenances and Grantee's free and uninterrupted use thereof and exercise of its rights hereunder. Grantee shall have the right to remove and/or trim any trees or tree limbs and to mow, cut, or otherwise control any brush, weeds, or other undesirable vegetation located within or overhanging the Right-of-Way at any time, without any compensation due to Grantor.

4. The Grantor hereby covenants, promises, and agrees, to and with the Grantee, that the Grantor shall warrant generally and forever defend, all and singular, the rights and privileges hereby granted to the Grantee, against the Grantor, its administrators, personal representatives, successors, and assigns, and against all and every person or persons lawfully claiming the same or any part thereof.

5. Grantee hereby releases, indemnifies and holds Grantor harmless from any damages and expenses for loss or injury to persons or property that may be caused by Grantee, its employees, representatives, agents or contractors and sub-contractors while performing its activities on or about Grantor's land, except to the extent such damages and expenses are caused solely by the intentional acts or omissions of Grantor.

6. It is hereby agreed that this Right-of-Way and the rights granted hereunder may be assigned in whole or in part by Grantee; that the covenants made herein shall extend to and be binding upon the administrators, personal representatives, successors, and assigns of the parties hereto; that no one representing himself to be an agent, officer, or employee of Grantee shall have authority to make any commitment or agreement in regard to the subject matter hereof which is not expressed herein and that no commitments and agreements other than those contained herein will be binding upon the Grantee; and that if the term "Grantor" represents more than one owner, a payment made to any one of them shall be accepted as and deemed payment to all.

(Remainder of page intentionally left blank; signature pages follow)

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed the day and year aforesaid.

GRANTOR:

Signed in the presence of:

TRUSTEES OF MOSQUITO CREEK DRAINAGE
DISTRICT #22

By: _____

Witness:

Name:

Title: Mayor of Council Bluffs, Iowa &
Trustee, Chairman
Mosquito Creek Drainage District #22

STATE OF IOWA

:

§

COUNTY OF POTTAWATTAMIE

:

On the ____ day of _____, A.D. 20____, before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ Mayor of the City Bluffs, Iowa to me know to be the identical person(s) named herein and who executed the foregoing instrument and acknowledged that _____ executed same as _____ voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

GRANTEE:

Signed in the presence of:

BUCKEYE PIPE LINE TRANSPORTATION LLC

Witness:

By: _____

Name: David G. Boone

Title: Sr. Manager, Right of Way, Real Estate and
Damage Prevention

COMMONWEALTH OF PENNSYLVANIA :

§

COUNTY OF LEHIGH :

On the _____ day of _____, 20____, the above-named David G. Boone, acting in his capacity as Sr. Manager, Right-of-Way, Real Estate and Damage Prevention, of BUCKEYE PIPE LINE TRANSPORTATION LLC, a Delaware limited liability company, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

**RESOLUTION
NO 18-312**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN EASEMENT AND RIGHT-OF-WAY GRANT
ACROSS MOSQUITO CREEK DRAINAGE DISTRICT #22
IN CONNECTION WITH AN UNDERGROUND PIPELINE INSTALLATION
BY BUCKEYE PIPE LINE TRANSPORTATION LLC**

- WHEREAS, Buckeye Pipe Line Transportation LLC wishes to install an underground pipeline within the city, as therein described; and
- WHEREAS, the proposed improvements are necessary to replace an existing pipeline, and the relocated facilities will cross Mosquito Creek Drainage District #22; and
- WHEREAS, Buckeye Pipe Line Transportation LLC has submitted an easement and right-of-way grant for said improvements; and
- WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on November 5, 2018; and
- WHEREAS, the city council deems approval of said acquisition agreement to be in the best interest of the City of Council Bluffs.

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

That the Mayor and City Clerk are hereby authorized and directed to execute an easement and right-of-way grant in connection with a new petroleum pipeline by Buckeye Pipe Line Transportation LLC.

AND BE IT FURTHER RESOLVED

That the existing pipeline easement crossing Mosquito Creek Drainage District #22 previously granted to Buckeye shall be released upon removal of the old line.

ADOPTED AND APPROVED

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 18-313

Council Action: 11/5/2018

Description

Resolution to amend the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)*, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek from "Rural Residential/Agricultural" to "Medium-Density Residential". Location: Generally located at the Northwest corner of College Road and Railroad Avenue. CP-18-001

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CP-18-001 Staff Report	Other	10/26/2018
CP-18-001 Attach A Case Map	Other	10/26/2018
CP-18-001 Attach B Letter of Intent	Other	10/26/2018
CP-18-001 Attach C Lot 2 Arbor Creek Map	Other	10/26/2018
CP-18-001 Attach D Development Plan	Other	10/26/2018
CP-18-001 Attach E Geotechnical Analysis	Other	10/26/2018
CP-18-001 Attach F Land Use Plan Amendment Map	Other	10/26/2018
CP-18-001 Attach G Site Photos	Other	10/26/2018
Resolution 18-313	Resolution	10/31/2018

Council Communication

Department: Community Development Department CASES #CP-18-001 Applicant/Owner: Zimmerman Properties Development, LLC Attn: Jamie McDonald 1329 East Lark Street Springfield, MO 65804 Engineer: Kaw Valley Engineering, Inc. 14700 West 114 th Terrace Lenexa, KS 66215 Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____ Resolution No. _____	City Council: 10/22/18 Planning Commission: 10/9/18
Subject/Title Request: CASES #ZC-18-013, #PR-18-003, and #CP-18-001- Combined public hearings on the request of Zimmerman Properties Development, LLC, represented by Jamie McDonald, for the following: 1) Rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; and 2) Append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”. Location: Generally located at the Northwest corner of College Road and Railroad Avenue.		
Background/Discussion The Community Development Department has received applications from Zimmerman Properties Development, LLC, represented by Jamie McDonald for the following requests; 1) to rezone approximately 6.19 acres of land known as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; 2) to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. The Community Development Department expanded the request to include; 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.		

The purpose of these requests is to accommodate a proposed 60 unit multifamily residential development project to be known as Valley Ridge Apartments. Valley Ridge Apartments will provide housing for people whose incomes are at or below 60% of the area median income. The developer will also apply for Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019 to help finance this project. The Valley Ridge Apartment development will feature amenities such as a clubhouse, playground, shelter and barbeque area, and potentially a dog park and sports court.

CASE #ZC-18-013: Rezone approximately 6.19 Acres of land, more or less, that is legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low Density Multifamily Residential District (and to append a PR/Planned Residential Overlay District, as is addressed in CASE #PR-18-003 below). The rezoning is to accommodate a 60 unit multifamily residential development project to be known as Valley Ridge Apartments, which would not be a permitted use in the A-2/Parks, Estates and Agricultural District, but would be considered a principal use in the R-3/Low-Density Multifamily Residential District.

Land Use and Zoning

The subject property is currently undeveloped, and is zoned A-2/Parks, Estates and Agricultural District. Surrounding land uses and zoning districts are as follows:

North: The Midlands Humane Society which is zoned A-2/Parks, Estates and Agricultural District.

South: Single Family Dwellings that are zoned A-2/Parks, Estates and Agricultural District.

East: A Single Family Dwelling, BNSF Railway line, and Iowa Western Community College, all of which are located in the A-2/Parks, Estates and Agricultural District

West: Single Family Dwellings, some of which are zoned R-1/Single Family Residential District, and some zoned A-2/Parks, Estates and Agricultural

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The Land Use Plan designates property to the North and East as Public/Semi-Public, property to the West as Rural Residential/Agricultural, and property the South as Low-Density Residential.

CASE #PR-18-003: Append a Planned Residential Overlay District, and adopt the associated development plan for Valley Ridge Apartments on property legally described as being Lot 2, Arbor Creek. The Planned Residential Overlay District, along with the proposed rezoning outlined in CASE #ZC-18-013, will allow for the construction of the 60 unit multifamily development, along with amenities and features for the residents of the complex. Per the submitted development plan (as shown on Attachment D), the multifamily residential building will be three stories in height, and will feature 20 units on each floor. The development will also feature a one-story clubhouse and maintenance building, gazebos, barbeque areas, a playground, common space in the clubhouse, and potentially a dog park and sport court. The submitted development plan will establish standards for site development (e.g. building height, setbacks, and lot coverage), landscaping, architecture, signage, off street parking, and stormwater management.

CASE #CP-18-001: The Community Development Department expanded the request to amend the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan in order to reclassify the subject from property from "Rural Residential/Agricultural" to "Medium-Density Residential". The proposed comprehensive plan amendment will accomplish the following: 1) It will address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facilities on College Road, located East of the subject property. 2) The amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed request and their comments are incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated that the parcel is in the floodplain, and has a designation of AE.
- The Public Works Department has the following comments:
 - 1) No comments on the rezoning request.
 - 2) On the Planned Residential Overlay District Request:
 - a) A drainage report was submitted, and the Public Works Department will work with the engineer to finalize the drainage report to meet current standards and specifications for stormwater management. A PCSMP conceptual application, Engineer's estimate of probable cost, performance bond, and maintenance & easement agreement will be required in regards to water quality. In regards to water quantity, stormwater management will be required for all events through a 100 year event. Floodplain permitting will also be required for this project.
 - b) A full geotechnical report will be required.
 - c) The Public Works Department will work with the engineer to meet all current standards and specifications for site development.
 - d) The Public Works Department noted there is existing infrastructure along Railroad Avenue and part of College Road.
 - 3) No comments on the comprehensive plan amendment.
- Council Bluffs Water Works stated that they have comments for the engineer regarding fireline looping and would like review authority for any improvements located in their 25 foot easement along Railroad Avenue, but otherwise had no comments in regards to the rezoning, planned residential overlay and development plan, or comprehensive plan amendment requests.
- MidAmerican Energy stated they have an underground 3-phase line on the West side of Railroad Avenue between the road and the sidewalk that is located within the right-of-way. MidAmerican Energy stated they have no conflicts for the proposed development at this location.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map
Attachment B: Letter of Intent
Attachment C: Lot 2, Arbor Creek Map
Attachment D: Development Plan
Attachment E: Preliminary Geotechnical Evaluation
Attachment F: Proposed Land Use Plan Amendment
Attachment G: Site Photos

Comments

Rezoning (CASE #ZC-18-013)-

1. The subject property is currently zoned A-2/Parks, Estates and Agricultural District. Surrounding zoning districts include A-2/Parks, Estates and Agricultural District to the North, East, and South, and R-1/Single Family Residential to the South. The applicant has proposed to rezone the subject property to R-3/Low-Density Multifamily Residential to accommodate the construction of a 60 unit multifamily residential development. In the R-3 District, the minimum lot size requirement for a multifamily development is dictated based upon the number of units. Per Section 15.10.050, *Site Development Regulations of the R-3 District* multifamily development with five or more units shall provide a minimum lot size as follows: 9,000 square feet for the first five units, plus an increase of 2,000 square feet for each additional unit. The applicant's proposal is for a 60 unit multifamily development which requires a minimum of 119,000 square feet of land area, or 2.73 acres. Lot 2, Arbor Creek contains 6.19 acres of land, therefore, the land is suitable in size for a 60 unit multifamily development and will comply with R-3 District minimum lot size requirements.

2. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Rural Residential/Agriculture. The Community Development Department has proposed an amendment to the Land Use Plan to designate the property as Medium-Density Residential. The purpose of this comprehensive plan amendment is to: 1) Address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. 2) Ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
3. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. The following comments were received on the request.
 - a) The BNSF Railroad contacted the Community Development Department and had a general inquiry about the project, and is not in opposition.

Development Plan (CASE #PR-18-003)-

Section 15.28.010, P-R/Planned Residential Overlay, Statement of Intent of the Council Bluffs (Municipal Code) Zoning Ordinance states “the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located”.

The following development standards shall apply to the subject property:

1. Site Development

- a. The subject property contains 6.19 acres and is capable of supporting up to a maximum of 135 multifamily units based upon the lot size requirements stated in the R-3 District. The applicant has proposed 60 units, which is less than the total maximum allowed per city code.
- b. All construction shall comply with the setback, building height, and lot coverage standards stated in Chapter 15.10 R-3/Low Density Multi-Family Residential District of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.
- c. The applicant shall install a sidewalk along the frontage of College Road. Sidewalks shall connect all buildings, parking lots, and amenity spaces within the interior of the development. A minimum five foot wide sidewalks shall be extended from the trail system along Railroad Avenue and College Road into the development. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy.
- d. The submitted site plan shows two trash enclosures. Trash enclosures shall be enclosed on three sides, and shall be screened from public view with materials similar to those of the primary building. The enclosure shall have a gate which when closed completely eliminates the view of the dumpster.
- e. All fencing standards shall comply with Section 15.24.040, Fence regulations of the Council Bluffs Municipal Code (Zoning Ordinance). If the potential dog park is constructed, an eight-foot tall fence, as measured from the finished grade, will be permitted only around the specified dog-park area.
- f. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

- a. Off street parking for multifamily developments is calculated by the number of bedrooms in each unit. The submitted site plan shows that approximately 116 parking stalls will be constructed. Parking shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance) as follows: 1 parking space shall be required for each efficiency and 1 bedroom apartment, and 1 ½ parking spaces shall be required for each 2 or more bedroom apartment. Parking shall also be provided at 1 space for every 400 square feet of office space in the clubhouse. The total number of required off street

parking spaces will be determined at the time of building permit review, and will be based upon the previously stated parking calculations.

- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).
- c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

3. Landscaping

- a. The proposed landscaping plan shows a mixture of shade trees, evergreen trees, and flowering trees on the property, with native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:
 - 1) Trees shall be planted at a quantity of 1 tree per 30 feet of frontage along Railroad Avenue and College Road, between the sidewalk/trail and the street.
 - 2) An evergreen tree buffer, or a six-foot tall privacy fence to be planted or installed on the western property line to screen the adjacent single-family residential structure from the proposed development.
 - 3) Trees shall be planted in the vicinity of the north property line at a quantity of 1 tree per 50 feet.
 - 4) Trees shall sporadically be planted along the detention ponds, Dog Park, playground area, and common yards as shown in the submitted landscape plan.
 - 5) Landscaping shall be installed with the completion of the apartment building, and prior to issuance of a Certificate of Occupancy.
 - 6) An ornamental iron fence shall be installed along the frontage of Railroad Avenue and College Road to help screen and buffer the development.

4. Architecture

- a. The development plan shows one three story apartment building, and a one single story clubhouse building. The appearance and design of these structures are compatible with other multifamily developments in the vicinity. Approved building materials for all structures shall be as follows: brick masonry, cement lap siding, wood siding, split-face CMU and decorative architectural metal. The architectural designs are generally acceptable, as proposed. All building construction, materials and design shall be consistent with the proposed development plan with the following conditions:
 - 1. All roof-top mechanical units shall be screened from view.
 - 2. Windows shall have shutters, with the exception of the windows situated on porches or decks.
 - 3. A minimum of 30% of all building façade shall be constructed of brick masonry.

5. Signage

- a. The submitted development plan shows a monument sign along the frontage area of Railroad Avenue. The size and height of the sign is unknown at this time. No information on any attached signage was submitted with this request. All signage (detached and attached) shall comply with Section 15.33.160(03), PR/Planned Residential District, Signs of the Municipal Code (Zoning Ordinance).

Comprehensive Plan Amendment (CASE #CP-18-001)-

- 1) The subject property is currently designated as Rural Residential/Agricultural, per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, and is described as follows: "Rural residential and agricultural areas include large-lot housing, estates, farmhouses, agricultural activities, and other uses that support farming. These areas and estates typically develop in an unplanned manner along rural roadways. Agricultural uses include crop or livestock production, as well as storage, processing, and other uses related to farming operations."
- 2) The Community Development Department has proposed to designate the subject property "Medium-Density Residential". Per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, this designation is as follows: "Medium-density residential areas include a series of lots with one or more single

family units that may share a wall, typically arranged horizontally with a dedicated entrance for each housing unit. These included duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas. Throughout the planning area, there are several clusters of medium-density housing arranged in subdivision where structures create a consistent character on a planned residential street.”

- 3) Development in the vicinity of the proposed multifamily residential complex has prompted the need for amendments to the Bluffs Tomorrow: 2030 Comprehensive Plan to best suit the needs of the City of Council Bluffs. The purpose of this comprehensive plan amendment is to address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. Additionally, the amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
- 4) The subject property is currently designated as Rural Residential/Agriculture, which would include large-lot housing, estates, farm-houses, agricultural activities, and uses supporting farming. The Land Use Plan states these areas typically develop in an unplanned manner along rural roadways. New development to the East and to the North of the proposal is planned and approved by City of Council Bluffs Boards and Commissions with development plans in many situations, therefore an unplanned agricultural activity could be considered out of the character of surrounding properties.
- 5) The Comprehensive Plan Amendment would support residential uses, both single-family and multifamily, and will provide new housing opportunities in the city.
- 6) The Comprehensive Plan Amendment, along with the application of a PR/Planned Residential Overlay District would not adversely affect neighboring properties, as the City would require prior approval of any development through the approval of a development plan.
- 7) The Housing Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan outlines the following Housing Policies for Neighborhood Character that apply to this development: 1) Appropriate bulk and scale that establishes a rhythm of buildings and a sense of place. 2) Design elements that reflect a specific range of architectural styles. 3) Residential development standards that ensure context-sensitive infill that address building massing and scale, site planning, access management, etc. The proposed planned residential development plan will establish design standards for any residential use on the property to ensure it is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan.

Recommendation

The Community Development Department recommends:

- A. Approval of the request to rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District subject to the following conditions:
 1. The rezoning shall become effective upon Zimmerman Properties Development, LLC, taking ownership of the subject property.
- B. Approval of the request to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the associated development plan, subject to compliance of the above stated comments, and subject to the following conditions:
 1. The application of a PR/Planned Residential Overlay District and approval of the development plan will not be effective until Zimmerman Properties Development, LLC, takes ownership of the subject property.
 2. Council Bluffs Water Works shall have review authority over any improvements proposed to be located in their 25 foot easement along Railroad Avenue.
 3. A PCSMP conceptual application, Engineer’s estimate of probably cost, performance bond, and

maintenance & easement agreement will be required in regards to water quality prior to development.

4. All stormwater management shall comply with current city standards as determined by the Council Bluffs Public Works Department.
5. A full geotechnical report shall be submitted to the city prior to any development permits being issued.
6. Floodplain permitting through the City of Council Bluffs will be required for this project.
7. All utilities must be installed underground.

- C. Approval of the amendment to the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

Public Hearing

Speakers in favor:

1. Jeff Beckler, Zimmerman Properties Development, LLC, 1329 East Lark Street, Springfield, MO 65804
2. Michael Osbourn, Kahn Engineering, 14700 West 114th Terrace, Lenexa, KS 66215
3. Tom Ackley, Koley Jesson Law Firm, 1125 South 103rd Street, Omaha, NE 68124

Speakers against:

1. Ron Wolfe, 536 College Road, Council Bluffs, IA 51503
2. Randy Nash, 723 College Road, Council Bluffs, IA 51503
3. Deborah Petersen, 215 South Main Street, Council Bluffs, IA 51503
4. Linda Kemp, Midlands Humane Society, 11801 Gow Circle, Bellevue, NE 68133
5. Marti Nerenstone, 33 Indian Hills Road, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommends denial of the request.

VOTE: AYE 5 NAY 1 ABSTAIN 2 ABSENT 2 VACANT 1 Motion: Denied



Attachment A: Location and Zoning Map
Attachment B: Letter of Intent
Attachment C: Lot 2, Arbor Creek Map
Attachment D: Development Plan
Attachment E: Preliminary Geotechnical Evaluation
Attachment F: Proposed Land Use Plan Amendment
Attachment G: Site Photos

Prepared by: Chris Meeks, Planner

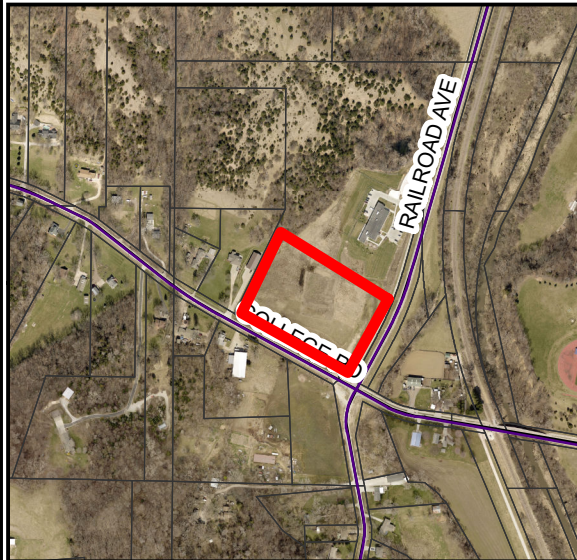
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #ZC-18-013, #PR-18-003 LOCATION/ZONING MAP

Map Legend

-  Subject Property
-  Parcels

0 125 250
1 Inch = 254 Feet

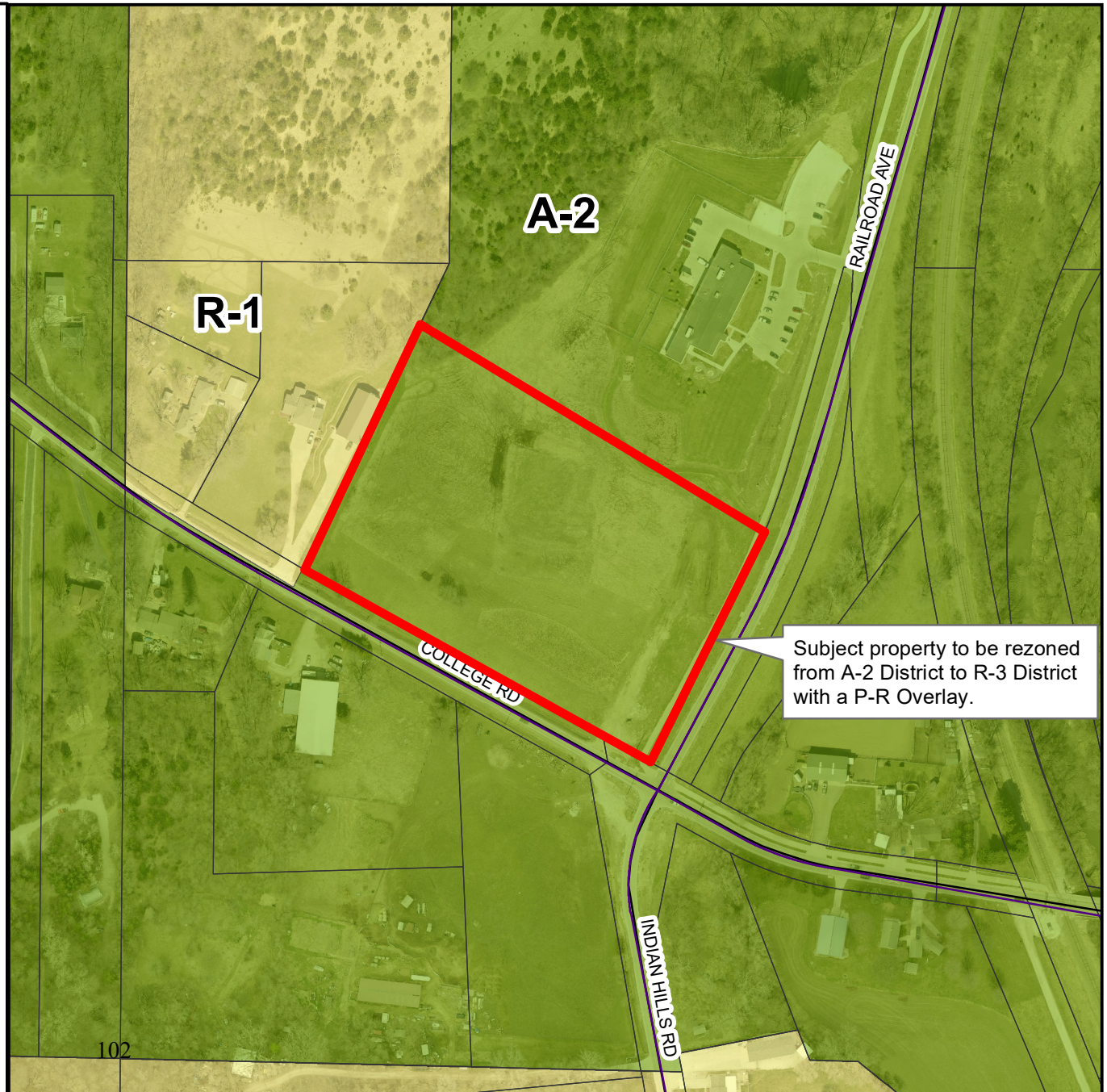


Last Amended: 9/17/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly disclaims 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.





Office: 913.894.5150

Fax: 913.894.5977

Web: www.kveng.com

Address: 14700 West 114th Terrace
Lenexa, KS 66215

September 10, 2018

C17D9615

Planning Department
City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, Iowa 51503

**RE: LETTER OF INTENT
VALLEY RIDGE APARTMENTS
COLLEGE ROAD AND RAILROAD AVENUE
COUNCIL BLUFFS, IOWA**

Zimmerman Properties Investments, LLC intends to develop a 60-unit multi-family housing facility upon the northeast corner of College Road and Railroad Avenue in Council Bluffs, Iowa. The corner site is generally six acres in size.

The facility will be a single three-story building with separate clubhouse and maintenance building. Parking spaces will be placed along the north and east perimeters of the building. General amenities will include gazebo, BBQ grills, playground, and common spaces within the clubhouse.

The project will be developed in one phase and the construction time period is anticipated to be 12 to 16 months.

Site grading inclusive of overexcavation is anticipated to develop the site. Storm drainage improvements inclusive of detention will be installed throughout the site, a public water main loop will be constructed with fire hydrants in compliance with fire department guidelines. A sewer main extension will be installed through the site to service the three buildings. Both water and sewer extensions will be connected to existing infrastructure along College Road and Railroad Avenue. A public 6-foot sidewalk is planned for the north side of College Road. Half road improvements may be needed for College Road. If half road improvements are not desired for College Road, current grade conditions may preclude placement of public sidewalk in current right-of-way. Easement for public sidewalk on private property will be dedicated if existing conditions are not improved and preclude placement of sidewalk in right-of-way.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
Kaw Valley Engineering, Inc.

Michael R. Osbourn
Principal

VMLX-FILE Projects C17_9615 Design Correspondence 2018-09-10 Ltr of Intent Valley Ridge Apts Council Bluffs IA.docx

Council Communication

<p>Department: Community Development Department</p> <p>CASES #CP-18-001</p> <p>Applicant/Owner: Zimmerman Properties Development, LLC Attn: Jamie McDonald 1329 East Lark Street Springfield, MO 65804</p> <p>Engineer: Kaw Valley Engineering, Inc. 14700 West 114th Terrace Lenexa, KS 66215</p> <p>Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p> <p>Resolution No. _____</p> <p>Resolution No. _____</p>	<p>City Council: 10/22/18</p> <p>Planning Commission: 10/9/18</p>
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Subject/Title

Request: CASES #ZC-18-013, #PR-18-003, and #CP-18-001- Combined public hearings on the request of Zimmerman Properties Development, LLC, represented by Jamie McDonald, for the following:

- 1) Rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; and
- 2) Append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments.
- 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

Location: Generally located at the Northwest corner of College Road and Railroad Avenue.

Background/Discussion

The Community Development Department has received applications from Zimmerman Properties Development, LLC, represented by Jamie McDonald for the following requests; 1) to rezone approximately 6.19 acres of land known as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; 2) to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. The Community Development Department expanded the request to include; 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

The purpose of these requests is to accommodate a proposed 60 unit multifamily residential development project to be known as Valley Ridge Apartments. Valley Ridge Apartments will provide housing for people whose incomes are at or below 60% of the area median income. The developer will also apply for Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019 to help finance this project. The Valley Ridge Apartment development will feature amenities such as a clubhouse, playground, shelter and barbeque area, and potentially a dog park and sports court.

CASE #ZC-18-013: Rezone approximately 6.19 Acres of land, more or less, that is legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low Density Multifamily Residential District (and to append a PR/Planned Residential Overlay District, as is addressed in CASE #PR-18-003 below). The rezoning is to accommodate a 60 unit multifamily residential development project to be known as Valley Ridge Apartments, which would not be a permitted use in the A-2/Parks, Estates and Agricultural District, but would be considered a principal use in the R-3/Low-Density Multifamily Residential District.

Land Use and Zoning

The subject property is currently undeveloped, and is zoned A-2/Parks, Estates and Agricultural District. Surrounding land uses and zoning districts are as follows:

North: The Midlands Humane Society which is zoned A-2/Parks, Estates and Agricultural District.

South: Single Family Dwellings that are zoned A-2/Parks, Estates and Agricultural District.

East: A Single Family Dwelling, BNSF Railway line, and Iowa Western Community College, all of which are located in the A-2/Parks, Estates and Agricultural District

West: Single Family Dwellings, some of which are zoned R-1/Single Family Residential District, and some zoned A-2/Parks, Estates and Agricultural

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The Land Use Plan designates property to the North and East as Public/Semi-Public, property to the West as Rural Residential/Agricultural, and property the South as Low-Density Residential.

CASE #PR-18-003: Append a Planned Residential Overlay District, and adopt the associated development plan for Valley Ridge Apartments on property legally described as being Lot 2, Arbor Creek. The Planned Residential Overlay District, along with the proposed rezoning outlined in CASE #ZC-18-013, will allow for the construction of the 60 unit multifamily development, along with amenities and features for the residents of the complex. Per the submitted development plan (as shown on Attachment D), the multifamily residential building will be three stories in height, and will feature 20 units on each floor. The development will also feature a one-story clubhouse and maintenance building, gazebos, barbeque areas, a playground, common space in the clubhouse, and potentially a dog park and sport court. The submitted development plan will establish standards for site development (e.g. building height, setbacks, and lot coverage), landscaping, architecture, signage, off street parking, and stormwater management.

CASE #CP-18-001: The Community Development Department expanded the request to amend the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan in order to reclassify the subject from property from "Rural Residential/Agricultural" to "Medium-Density Residential". The proposed comprehensive plan amendment will accomplish the following: 1) It will address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facilities on College Road, located East of the subject property. 2) The amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed request and their comments are incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated that the parcel is in the floodplain, and has a designation of AE.
- The Public Works Department has the following comments:
 - 1) No comments on the rezoning request.
 - 2) On the Planned Residential Overlay District Request:
 - a) A drainage report was submitted, and the Public Works Department will work with the engineer to finalize the drainage report to meet current standards and specifications for stormwater management. A PCSMP conceptual application, Engineer's estimate of probable cost, performance bond, and maintenance & easement agreement will be required in regards to water quality. In regards to water quantity, stormwater management will be required for all events through a 100 year event. Floodplain permitting will also be required for this project.
 - b) A full geotechnical report will be required.
 - c) The Public Works Department will work with the engineer to meet all current standards and specifications for site development.
 - d) The Public Works Department noted there is existing infrastructure along Railroad Avenue and part of College Road.
 - 3) No comments on the comprehensive plan amendment.
- Council Bluffs Water Works stated that they have comments for the engineer regarding fireline looping and would like review authority for any improvements located in their 25 foot easement along Railroad Avenue, but otherwise had no comments in regards to the rezoning, planned residential overlay and development plan, or comprehensive plan amendment requests.
- MidAmerican Energy stated they have an underground 3-phase line on the West side of Railroad Avenue between the road and the sidewalk that is located within the right-of-way. MidAmerican Energy stated they have no conflicts for the proposed development at this location.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map
Attachment B: Letter of Intent
Attachment C: Lot 2, Arbor Creek Map
Attachment D: Development Plan
Attachment E: Preliminary Geotechnical Evaluation
Attachment F: Proposed Land Use Plan Amendment
Attachment G: Site Photos

Comments

Rezoning (CASE #ZC-18-013)-

1. The subject property is currently zoned A-2/Parks, Estates and Agricultural District. Surrounding zoning districts include A-2/Parks, Estates and Agricultural District to the North, East, and South, and R-1/Single Family Residential to the South. The applicant has proposed to rezone the subject property to R-3/Low-Density Multifamily Residential to accommodate the construction of a 60 unit multifamily residential development. In the R-3 District, the minimum lot size requirement for a multifamily development is dictated based upon the number of units. Per Section 15.10.050, *Site Development Regulations of the R-3 District* multifamily development with five or more units shall provide a minimum lot size as follows: 9,000 square feet for the first five units, plus an increase of 2,000 square feet for each additional unit. The applicant's proposal is for a 60 unit multifamily development which requires a minimum of 119,000 square feet of land area, or 2.73 acres. Lot 2, Arbor Creek contains 6.19 acres of land, therefore, the land is suitable in size for a 60 unit multifamily development and will comply with R-3 District minimum lot size requirements.

2. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Rural Residential/Agriculture. The Community Development Department has proposed an amendment to the Land Use Plan to designate the property as Medium-Density Residential. The purpose of this comprehensive plan amendment is to: 1) Address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. 2) Ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
3. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. The following comments were received on the request.
 - a) The BNSF Railroad contacted the Community Development Department and had a general inquiry about the project, and is not in opposition.

Development Plan (CASE #PR-18-003)-

Section 15.28.010, P-R/Planned Residential Overlay, Statement of Intent of the Council Bluffs (Municipal Code) Zoning Ordinance states “the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located”.

The following development standards shall apply to the subject property:

1. Site Development

- a. The subject property contains 6.19 acres and is capable of supporting up to a maximum of 135 multifamily units based upon the lot size requirements stated in the R-3 District. The applicant has proposed 60 units, which is less than the total maximum allowed per city code.
- b. All construction shall comply with the setback, building height, and lot coverage standards stated in Chapter 15.10 R-3/Low Density Multi-Family Residential District of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.
- c. The applicant shall install a sidewalk along the frontage of College Road. Sidewalks shall connect all buildings, parking lots, and amenity spaces within the interior of the development. A minimum five foot wide sidewalks shall be extended from the trail system along Railroad Avenue and College Road into the development. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy.
- d. The submitted site plan shows two trash enclosures. Trash enclosures shall be enclosed on three sides, and shall be screened from public view with materials similar to those of the primary building. The enclosure shall have a gate which when closed completely eliminates the view of the dumpster.
- e. All fencing standards shall comply with Section 15.24.040, Fence regulations of the Council Bluffs Municipal Code (Zoning Ordinance). If the potential dog park is constructed, an eight-foot tall fence, as measured from the finished grade, will be permitted only around the specified dog-park area.
- f. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

- a. Off street parking for multifamily developments is calculated by the number of bedrooms in each unit. The submitted site plan shows that approximately 116 parking stalls will be constructed. Parking shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance) as follows: 1 parking space shall be required for each efficiency and 1 bedroom apartment, and 1 ½ parking spaces shall be required for each 2 or more bedroom apartment. Parking shall also be provided at 1 space for every 400 square feet of office space in the clubhouse. The total number of required off street

parking spaces will be determined at the time of building permit review, and will be based upon the previously stated parking calculations.

- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).
- c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

3. Landscaping

- a. The proposed landscaping plan shows a mixture of shade trees, evergreen trees, and flowering trees on the property, with native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:
 - 1) Trees shall be planted at a quantity of 1 tree per 30 feet of frontage along Railroad Avenue and College Road, between the sidewalk/trail and the street.
 - 2) An evergreen tree buffer, or a six-foot tall privacy fence to be planted or installed on the western property line to screen the adjacent single-family residential structure from the proposed development.
 - 3) Trees shall be planted in the vicinity of the north property line at a quantity of 1 tree per 50 feet.
 - 4) Trees shall sporadically be planted along the detention ponds, Dog Park, playground area, and common yards as shown in the submitted landscape plan.
 - 5) Landscaping shall be installed with the completion of the apartment building, and prior to issuance of a Certificate of Occupancy.
 - 6) An ornamental iron fence shall be installed along the frontage of Railroad Avenue and College Road to help screen and buffer the development.

4. Architecture

- a. The development plan shows one three story apartment building, and a one single story clubhouse building. The appearance and design of these structures are compatible with other multifamily developments in the vicinity. Approved building materials for all structures shall be as follows: brick masonry, cement lap siding, wood siding, split-face CMU and decorative architectural metal. The architectural designs are generally acceptable, as proposed. All building construction, materials and design shall be consistent with the proposed development plan with the following conditions:
 - 1. All roof-top mechanical units shall be screened from view.
 - 2. Windows shall have shutters, with the exception of the windows situated on porches or decks.
 - 3. A minimum of 30% of all building façade shall be constructed of brick masonry.

5. Signage

- a. The submitted development plan shows a monument sign along the frontage area of Railroad Avenue. The size and height of the sign is unknown at this time. No information on any attached signage was submitted with this request. All signage (detached and attached) shall comply with Section 15.33.160(03), PR/Planned Residential District, Signs of the Municipal Code (Zoning Ordinance).

Comprehensive Plan Amendment (CASE #CP-18-001)-

- 1) The subject property is currently designated as Rural Residential/Agricultural, per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, and is described as follows: "Rural residential and agricultural areas include large-lot housing, estates, farmhouses, agricultural activities, and other uses that support farming. These areas and estates typically develop in an unplanned manner along rural roadways. Agricultural uses include crop or livestock production, as well as storage, processing, and other uses related to farming operations."
- 2) The Community Development Department has proposed to designate the subject property "Medium-Density Residential". Per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, this designation is as follows: "Medium-density residential areas include a series of lots with one or more single

family units that may share a wall, typically arranged horizontally with a dedicated entrance for each housing unit. These included duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas. Throughout the planning area, there are several clusters of medium-density housing arranged in subdivision where structures create a consistent character on a planned residential street.”

- 3) Development in the vicinity of the proposed multifamily residential complex has prompted the need for amendments to the Bluffs Tomorrow: 2030 Comprehensive Plan to best suit the needs of the City of Council Bluffs. The purpose of this comprehensive plan amendment is to address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. Additionally, the amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
- 4) The subject property is currently designated as Rural Residential/Agriculture, which would include large-lot housing, estates, farm-houses, agricultural activities, and uses supporting farming. The Land Use Plan states these areas typically develop in an unplanned manner along rural roadways. New development to the East and to the North of the proposal is planned and approved by City of Council Bluffs Boards and Commissions with development plans in many situations, therefore an unplanned agricultural activity could be considered out of the character of surrounding properties.
- 5) The Comprehensive Plan Amendment would support residential uses, both single-family and multifamily, and will provide new housing opportunities in the city.
- 6) The Comprehensive Plan Amendment, along with the application of a PR/Planned Residential Overlay District would not adversely affect neighboring properties, as the City would require prior approval of any development through the approval of a development plan.
- 7) The Housing Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan outlines the following Housing Policies for Neighborhood Character that apply to this development: 1) Appropriate bulk and scale that establishes a rhythm of buildings and a sense of place. 2) Design elements that reflect a specific range of architectural styles. 3) Residential development standards that ensure context-sensitive infill that address building massing and scale, site planning, access management, etc. The proposed planned residential development plan will establish design standards for any residential use on the property to ensure it is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan.

Recommendation

The Community Development Department recommends:

- A. Approval of the request to rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District subject to the following conditions:
 1. The rezoning shall become effective upon Zimmerman Properties Development, LLC, taking ownership of the subject property.
- B. Approval of the request to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the associated development plan, subject to compliance of the above stated comments, and subject to the following conditions:
 1. The application of a PR/Planned Residential Overlay District and approval of the development plan will not be effective until Zimmerman Properties Development, LLC, takes ownership of the subject property.
 2. Council Bluffs Water Works shall have review authority over any improvements proposed to be located in their 25 foot easement along Railroad Avenue.
 3. A PCSMP conceptual application, Engineer’s estimate of probably cost, performance bond, and

maintenance & easement agreement will be required in regards to water quality prior to development.

4. All stormwater management shall comply with current city standards as determined by the Council Bluffs Public Works Department.
5. A full geotechnical report shall be submitted to the city prior to any development permits being issued.
6. Floodplain permitting through the City of Council Bluffs will be required for this project.
7. All utilities must be installed underground.

- C. Approval of the amendment to the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

Public Hearing

Speakers in favor:

1. Jeff Beckler, Zimmerman Properties Development, LLC, 1329 East Lark Street, Springfield, MO 65804
2. Michael Osbourn, Kahn Engineering, 14700 West 114th Terrace, Lenexa, KS 66215
3. Tom Ackley, Koley Jesson Law Firm, 1125 South 103rd Street, Omaha, NE 68124

Speakers against:

1. Ron Wolfe, 536 College Road, Council Bluffs, IA 51503
2. Randy Nash, 723 College Road, Council Bluffs, IA 51503
3. Deborah Petersen, 215 South Main Street, Council Bluffs, IA 51503
4. Linda Kemp, Midlands Humane Society, 11801 Gow Circle, Bellevue, NE 68133
5. Marti Nerenstone, 33 Indian Hills Road, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommends denial of the request.

VOTE: AYE 5 NAY 1 ABSTAIN 2 ABSENT 2 VACANT 1 Motion: Denied

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Lot 2, Arbor Creek Map

Attachment D: Development Plan

Attachment E: Preliminary Geotechnical Evaluation

Attachment F: Proposed Land Use Plan Amendment

Attachment G: Site Photos

Prepared by: Chris Meeks, Planner

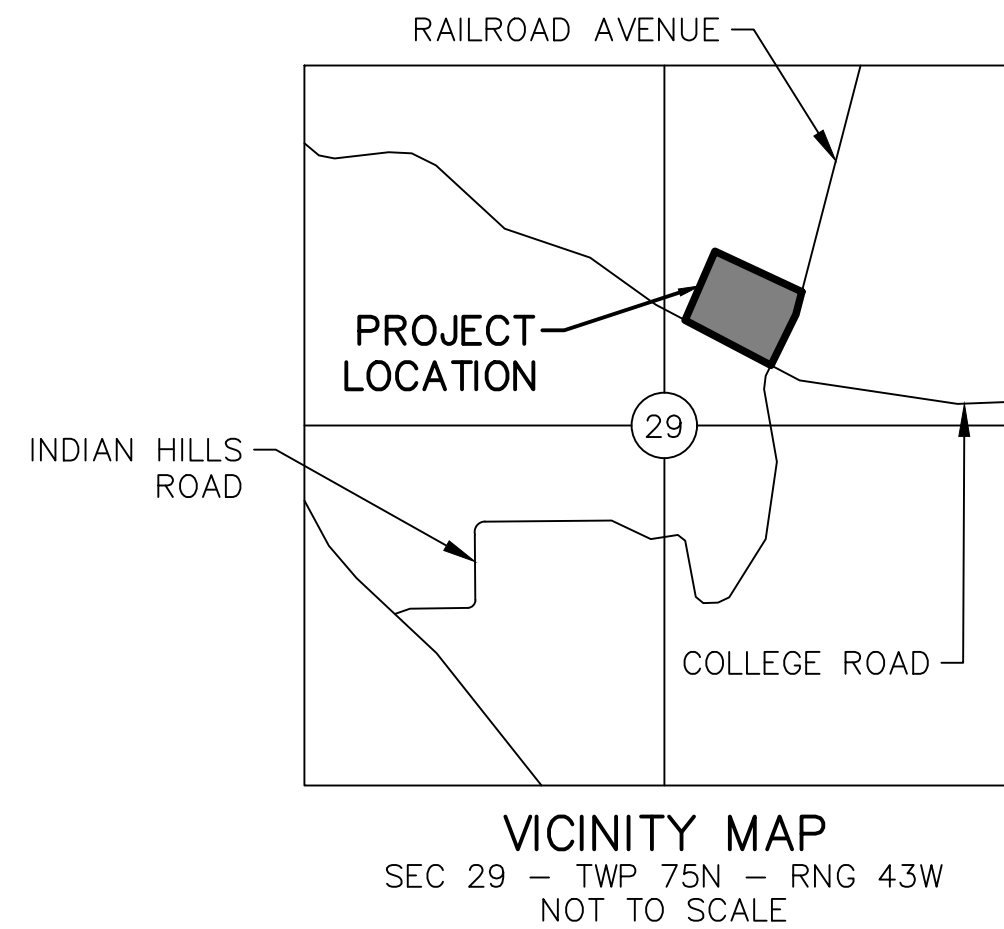
Attachment D

VALLEY RIDGE APARTMENTS DEVELOPMENT PLANS

COUNCIL BLUFFS, IOWA

Sheet List Table

C001	TITLE SHEET
C100	SITE PLAN
C300	GRADING PLAN
C500	UTILITY PLAN
AB1	BUILDING ELEVATIONS
CA1	BUILDING ELEVATIONS
1 OF 1	LANDSCAPE PLAN



OWNER:
CITY OF COUNCIL BLUFFS
209 PEARL ST. COUNCIL BLUFFS, IA 51503

DEVELOPER
ZIMMERMAN PROPERTIES DEVELOPMENT, LLC
1329 E. LARK STREET
SPRINGFIELD, MISSOURI 65804
jmcDonald@wilhoitproperties.com
PHONE: 417-883-1632
ATTN: JAMES McDONALD

DESIGNER:
KAW VALLEY ENGINEERING, INC.
14700 W. 114TH TERRACE
LENEXA, KANSAS 66215
mikeo@kveng.com
PHONE: (913) 894-5150
ATTN: MICHAEL OSBOURN

LEGAL DESCRIPTION:
PROPOSED LOT 2, ARBOR CREEK SUBDIVISION

SITE DATA:
SITE AREA= 6.19 AC

R3 ZONING REQUIREMENTS
FRONT YARD= 20'
REAR YARD= 20'
SIDE YARD= 5' (PLUS ONE FOOT FOR EVERY STORY ABOVE FIRST FLOOR)
MAX HEIGHT= 60'
LOT COVERAGE= 45% MAXIMUM
PROPOSED LOT COVERAGE= 12%

EXISTING ZONING: A2 (PARKS, ESTATES AND AGRICULTURAL DISTRICT)
PROPOSED ZONING: R3 (LOW DENSITY MULTIFAMILY RESIDENT DISTRICT)

PARKING REQUIRED: 1.5 STALLS/UNIT X 60 UNITS= 90 STALLS
PARKING PROVIDED: 111 STALLS (9 ACCESSIBLE STALLS)

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE, AND/OR THE SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION OR DEPTH AS THEY DOES CARRY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY.

IOWA ONE CALL TICKET #182250748

SAFETY NOTICE TO CONTRACTOR


IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

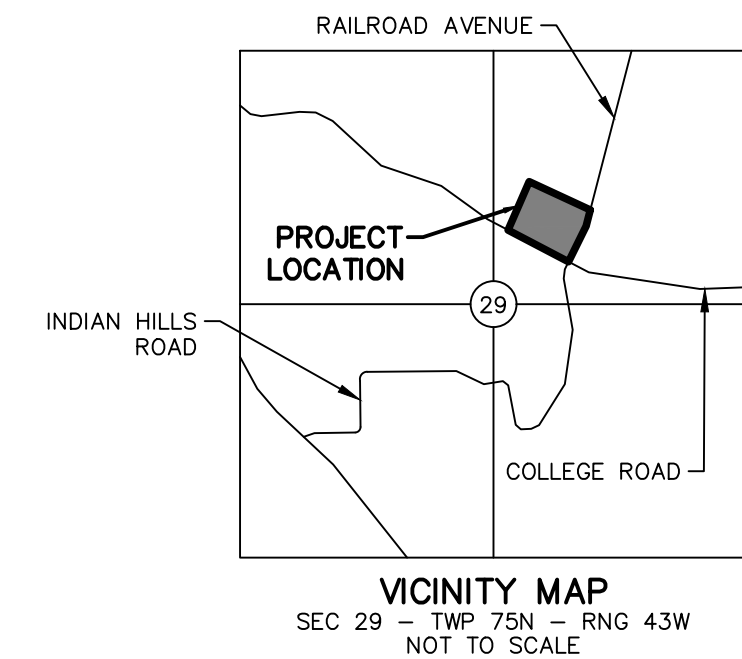
WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER KAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE KAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTEMPORARY BASIS AT THE SITE.

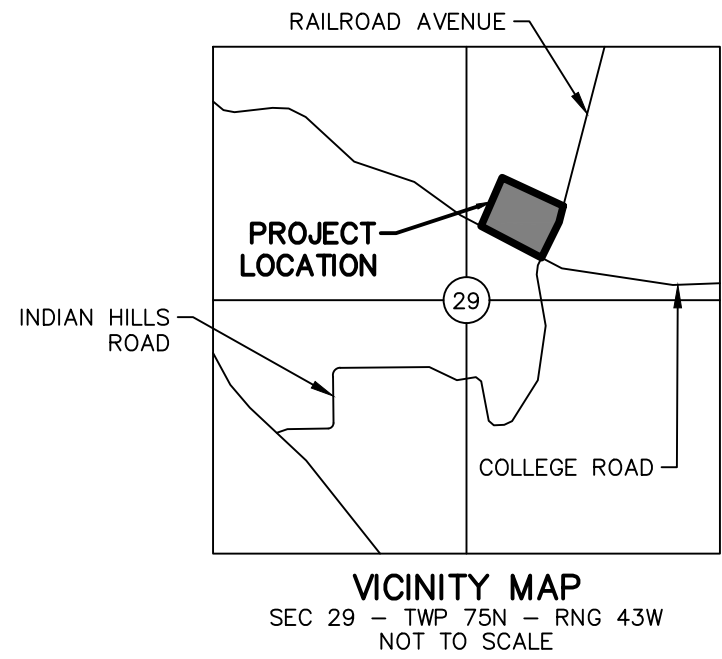
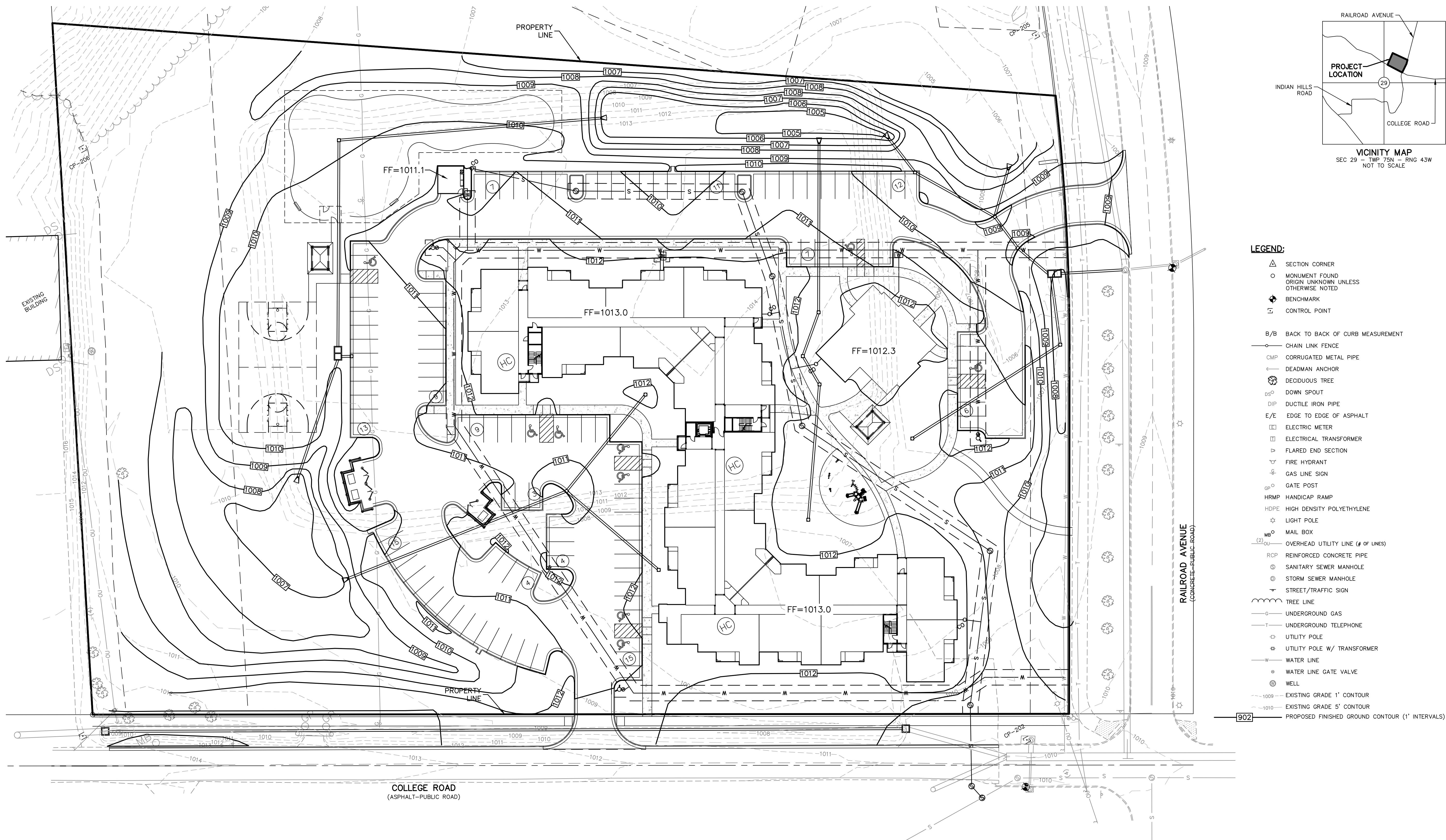
CAUTION – NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXISTING FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. **THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.**

VALLEY RIDGE APARTMENTS COLLEGE RD AND RAIL ROAD AVE. COUNCIL BLIFFS, IOWA 51503		 KAW VALLEY ENGINEERING KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY IOWA STATE CERTIFICATE OF AUTHORIZATION # 314844. EXPIRES 04/01/20		14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 339-8800 FAX 339-894-5977 kve@kveeng.com www.kveeng.com							
PROJ. NO. C17-9615		DESIGNER KGK		DRAWN BY JQN							
SHEET C001		CFN		REV		A	9/10/18	INITIAL ISSUE			
DEVELOPMENT PLANS TITLE SHEET						REV	DATE	DESCRIPTION	DSN	DWN	CHK



PROJ. NO.		C17_9615	
DESIGNER		DRAWN BY	
KGK		JQN	
CFN			
SHEET		REV	
C100		0	



- LEGEND:**
- SECTION CORNER
 - MONUMENT FOUND ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
 - BENCHMARK
 - CONTROL POINT
 - B/B BACK TO BACK OF CURB MEASUREMENT
 - CHAIN LINK FENCE
 - CMP CORRUGATED METAL PIPE
 - DEADMAN ANCHOR
 - DECIDUOUS TREE
 - DOWN SPOUT
 - DIP DUCTILE IRON PIPE
 - E/E EDGE TO EDGE OF ASPHALT
 - ELECTRIC METER
 - ELECTRICAL TRANSFORMER
 - FLARED END SECTION
 - FIRE HYDRANT
 - GAS LINE SIGN
 - GATE POST
 - HRMP HANDICAP RAMP
 - HDPE HIGH DENSITY POLYETHYLENE
 - LIGHT POLE
 - MAIL BOX
 - OVERHEAD UTILITY LINE (# OF LINES)
 - RCP REINFORCED CONCRETE PIPE
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - STREET/TRAFFIC SIGN
 - TREE LINE
 - UNDERGROUND GAS
 - UNDERGROUND TELEPHONE
 - UTILITY POLE
 - UTILITY POLE W/ TRANSFORMER
 - WATER LINE
 - WATER LINE GATE VALVE
 - WELL
 - EXISTING GRADE 1' CONTOUR
 - EXISTING GRADE 5' CONTOUR
 - PROPOSED FINISHED GROUND CONTOUR (1' INTERVALS)

14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 884-5150 FAX (913) 884-5977 kawvalley.com www.kawvalley.com		KAW VALLEY ENGINEERING	
KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER ENGINEERING SERVICES BY IOWA STATE CERTIFICATE OF AUTHORIZATION # 314844. EXPIRES 04/01/20			
VALLEY RIDGE APARTMENTS COLLEGE RD AND RAIL ROAD AVE. COUNCIL BLIFFS, IOWA 51503		DEVELOPMENT PLANS GRADING PLAN	
PROJ. NO. C17_9615		DESIGNER KGK DRAWN BY JON	
SHEET C300		REV 0	
REV DATE DESCRIPTION		A 9/10/18 INITIAL ISSUE	
DSN		DWN	
MRO		CHK	





1 NORTH ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)



2 SOUTH ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)



3 EAST ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)

FINISH MATERIALS

- 30 YEAR ARCHITECTURAL SHINGLE ROOFING ON DECK AND PRE-MFR TRUSSES
- VINYL WINDOWS (E-STAR RATED) WITH MFR-SHUTTERS
- CEMENT BOARD SIDING ON SHEATHING AND WOOD STUD FRAMING
- BRICK VENEER ON SHEATHING AND WOOD STUD FRAMING



4 WEST ELEVATION
SCALE: 3/32" = 1'-0" (24X36 SHEET)

ELEVATION KEY

Valley Ridge Apartments
A 60-Unit Family Community in Council Bluffs, Iowa

Parker Associates
Tulsa, LLC
2202 E. 49th St., Suite 200
Tulsa, OK 74105
(918)-742-2485

Zimmerman Properties LLC
1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO. 65808

BRYAN E. HULST - ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

SHEET: **AB1** BUILDING ELEVATIONS 09/10/2018



1 NORTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

2 SOUTH (BACK) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

FINISH MATERIALS

30 YEAR ARCHITECTURAL SHINGLE
ROOFING ON DECK AND PRE-MFR
TRUSSES

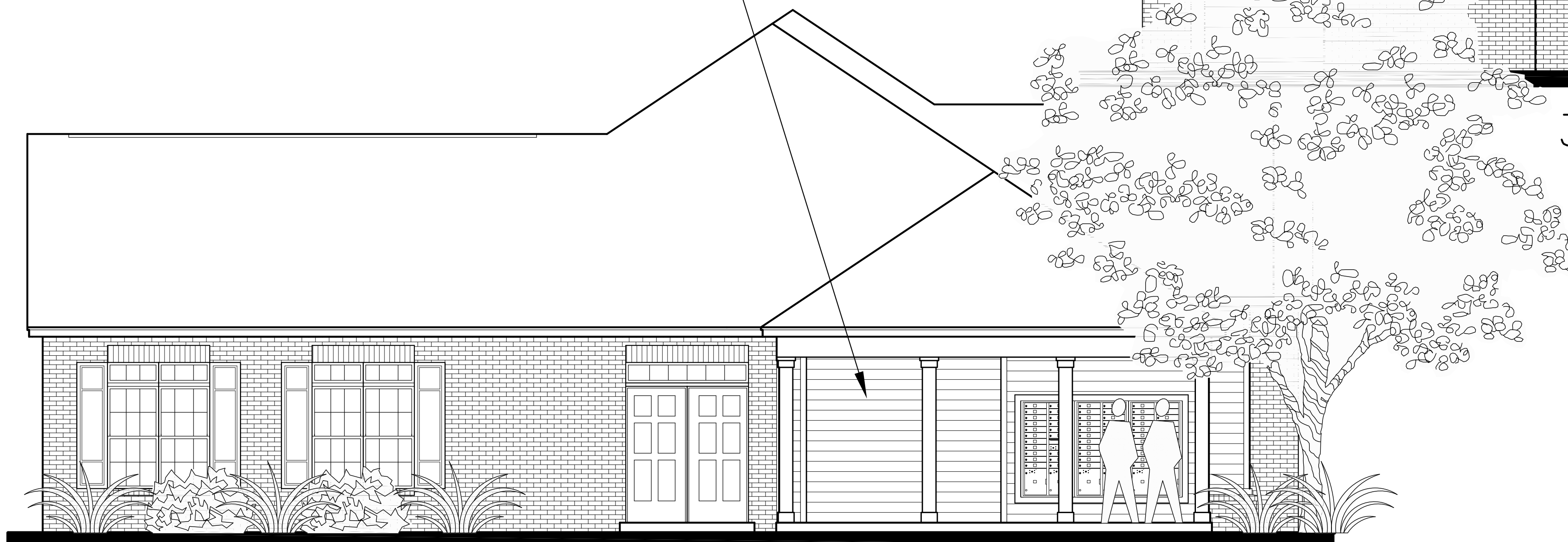
VINYL WINDOWS (E-STAR RATED) WITH
MFR-SHUTTERS

CEMENT BOARD SIDING ON SHEATHING
AND WOOD STUD FRAMING

BRICK VENEER ON SHEATHING AND
WOOD STUD FRAMING



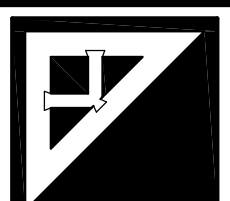
3 EAST (SIDE) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)



4 WEST (SIDE) ELEVATION
SCALE: 1/4" = 1'-0" (24X36 SHEET)

Valley Ridge Apartments

A 60-Unit Family Community in
Council Bluffs, Iowa



Parker Associates
Tulsa, LLC
2202 E. 49th St., Suite 200
Tulsa, OK 74105
(918)-742-2485

**Zimmerman
Properties
LLC**

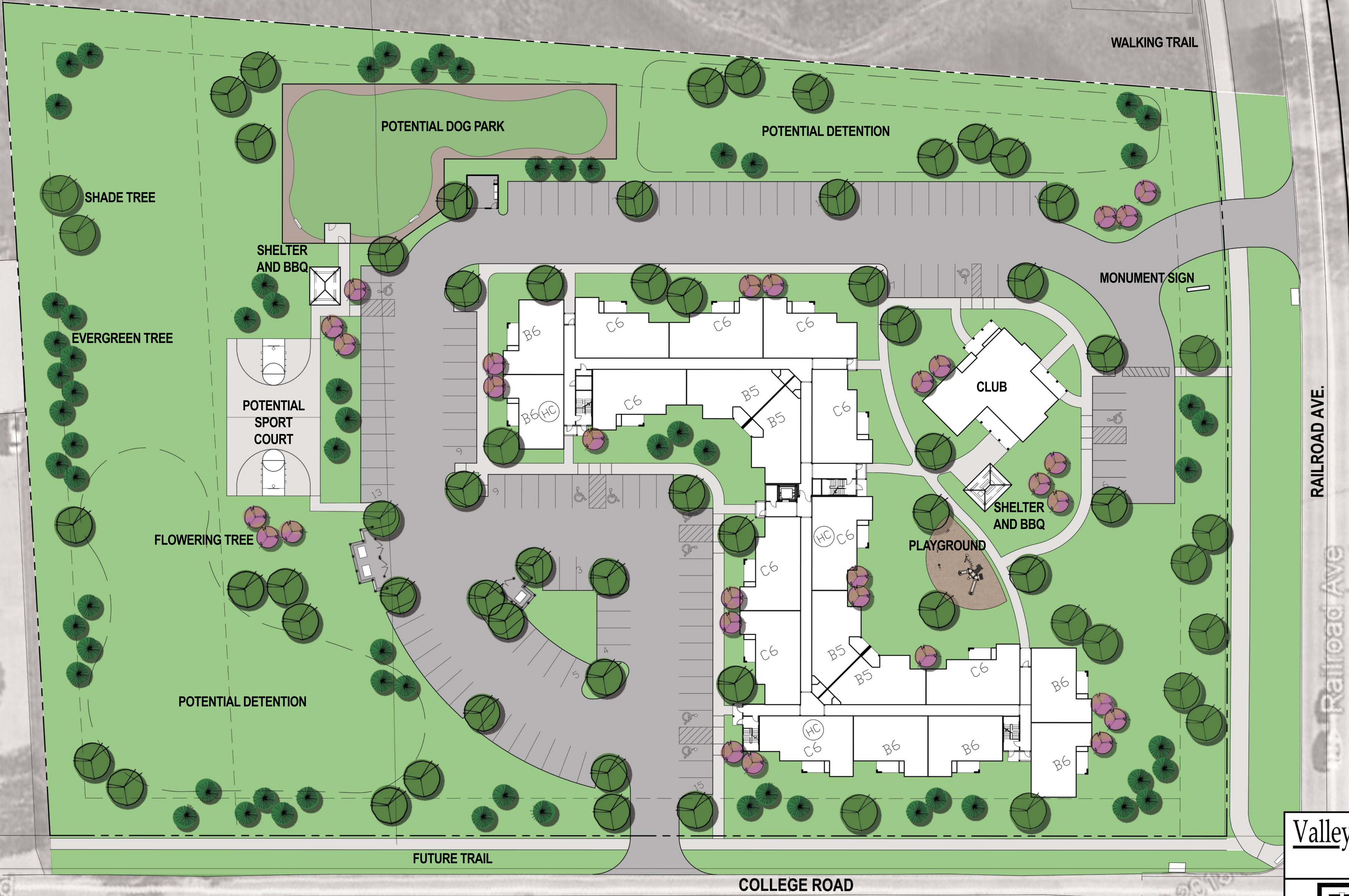
1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO. 65808

BRYAN E. HULST — ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

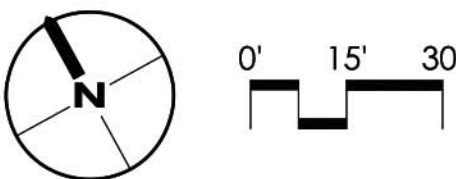
SHEET: **CA1** BUILDING ELEVATIONS 09/10/2018

PRELIMINARY PLANT SCHEDULE

- SHADE TREES:
SWAMP WHITE OAK
RED MAPLE
GINKGO
SYCAMORE
ALLEE ELM
ZELKOVA
- EVERGREEN TREES:
EASTERN WHITE PINE
ROCKY MOUNTAIN JUNIPER
DOUGLASS FIR
- FLOWERING TREES:
CRABAPPLE
SERVICE BERRY
REDBUD



PRELIMINARY LANDSCAPE PLAN



Valley Ridge Apartments

A 60-Unit Family Community in
Council Bluffs, Iowa



Parker Associates
Tulsa, LLC

2202 E. 49th St. Suite 200
Tulsa, OK 74112
(918) 742-2485

BRYAN E. HULST - ARCHITECT OF RECORD
IOWA LICENSE ARC 07536

**Zimmerman
Properties
LLC**

1730 E. Republic Rd.
P.O. Box 3737
Springfield, MO 65808



Office: 913.894.5150

Fax: 913.894.5977

Web: www.kveng.com

Address: 14700 West 114th Terrace
Lenexa, KS 66215

September 10, 2018

C17G9615

Mr. Justin Zimmerman
Zimmerman Properties Investments, LLC
1329 East Lark Street
Springfield, Missouri 65804

**RE: PRELIMINARY GEOTECHNICAL EVALUATION
VALLEY RIDGE APARTMENTS
COLLEGE ROAD AND RAILROAD AVENUE
COUNCIL BLUFFS, IOWA**

Dear Mr. Zimmerman:

Kaw Valley Engineering, Inc. has performed a preliminary geotechnical review of the proposed project. This site is located at the northeast corner of College Road and Railroad Avenue in Council Bluffs, Iowa. The proposed project is to consist of a three-story, slab-on-grade wood-framed structure. Site reconnaissance indicates generally a 5-foot grade change across the site, except the extreme northeast corner which grades up an additional 10 feet. Historical review indicates up to six feet of fill has been placed in the central portion of the site.

Review of regional soils data indicates that a combination of loess and glacial till make up the upper soil stratum, and the fill placed upon the site. Exact water table has not been determined at the time of the issuance of this preliminary evaluation.

Preliminary grading plans indicate the building finished floor to be 1,012 feet which is within one foot of the existing surface grade in the building area.

Due to the existence of up to six feet of apparently uncontrolled fill, it is anticipated the site will need to be overexcavated to a depth of at least three feet below the existing uncontrolled fill, and recompacted to bearing and slab elevations. The need for dewatering is unknown at this time.

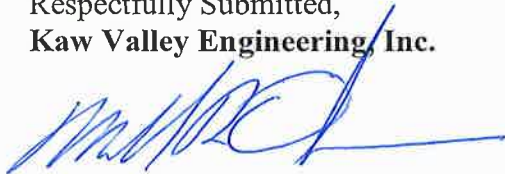
Preliminary recommendations are that the building be founded using shallow foundations bearing upon newly placed engineered fill. An allowable bearing capacity of 2,500 psf is anticipated.

Shallow foundations shall bear at a minimum depth of 42 inches below lowest adjacent exterior grade.


Further details and specific recommendations will be presented once field work and full laboratory evaluations are completed.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
Kaw Valley Engineering, Inc.



Michael R. Osbourn
Principal


for Martin T. Arling, P.E.
Principal

Attachment F

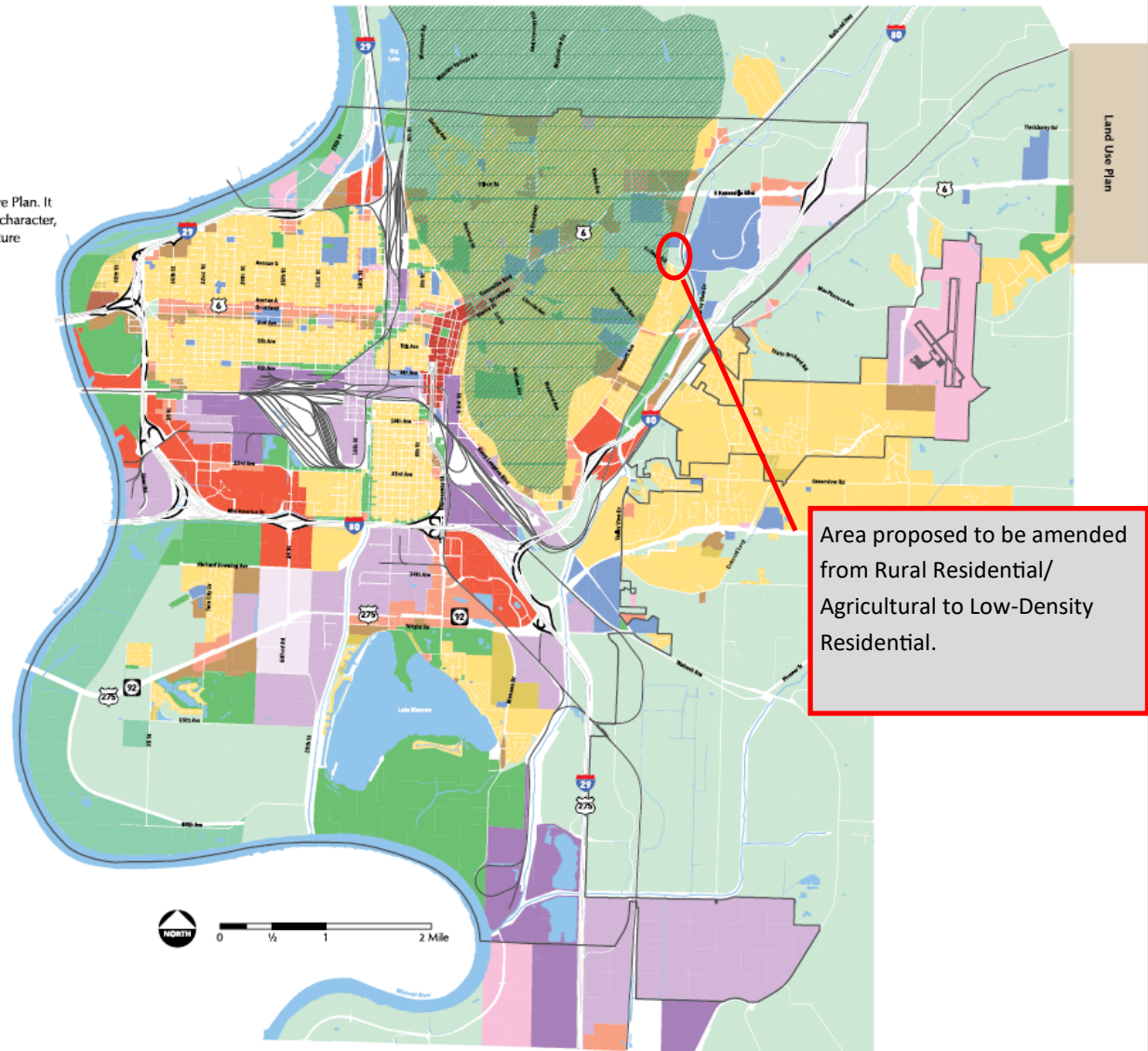
BLUFFS TOMORROW 2030 LAND USE PLAN

The Land Use Plan is one of the most important elements of the Bluffs Tomorrow 2030 Comprehensive Plan. It outlines how properties in different parts of the planning area should be used, and identifies the type, character, and intensity of use for all areas of the community. The intent of the Land Use Plan is to ensure that future development takes into account land use compatibility, access, market viability, environmental features, and community services. In that light, the recommendations of this chapter should be implemented in coordination with the recommendations of subsequent chapters.

The Land Use Plan sets forth policies for land use and development at the City-wide level. The Plan also includes specific policies and strategies for the City's residential, commercial, and industrial areas. Subsequent chapters provide additional detail regarding open space, environmental areas, and community facilities.

Land Use Legend

Residential	Industrial
Rural Residential/Agriculture	Office/Industrial
Low-Density Residential	Light Industrial
Medium-Density Residential	Heavy Industrial
High-Density Residential	
Multifamily/Mixed-use	
Commercial	Public Land Uses
Local Commercial	Natural Areas
Regional Commercial	Public Park
Downtown/Mixed-use	Public/Semipublic
	Transportation/Utility
	Loess Hills Preservation Area



Attachment G

Site Photos



*Red outline shows the approximate boundaries of Lot 2, Arbor Creek.



Photo 1: Aerial photo of the subject property.

Photo 2: Google Street-View photo facing North from College Road.

Photo 3: Google Street-View photo facing Southwest from Railroad Avenue.



RESOLUTION NO. 18-313

A RESOLUTION TO AMEND THE *BLUFFS TOMORROW: 2030 PLAN (COMPREHENSIVE PLAN)*, SPECIFICALLY THE FUTURE LAND USE PLAN IN CHAPTER 5, TO RECLASSIFY LOT 2, ARBOR CREEK, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA FROM “RURAL RESIDENTIAL/AGRICULTURAL” TO “MEDIUM-DENSITY RESIDENTIAL”.

WHEREAS, On September 22, 2014 the Council Bluffs City Council approved Resolution No. 14-254 which adopted the *Bluffs Tomorrow: 2030 Plan* as the City’s Comprehensive Plan; and

WHEREAS, Zimmerman Properties Development, LLC, is requesting to rezone approximately 6.19 acres of land known as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District and to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments and Community Development has expanded the request to include amendment of the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”; and

WHEREAS, The proposed comprehensive plan amendment will address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facilities on College Road, located East of the subject property and will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan; and

WHEREAS, The Housing Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan outlines the following Housing Policies for Neighborhood Character that apply to this development: 1) Appropriate bulk and scale that establishes a rhythm of buildings and a sense of place. 2) Design elements that reflect a specific range of architectural styles. 3) Residential development standards that ensure context-sensitive infill that address building massing and scale, site planning, access management, etc. The proposed planned residential development plan will establish design standards for any residential use on the property to ensure it is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan.

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

That amending the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)* specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential” is hereby approved and will become effective upon Zimmerman Properties Development, LLC, and/or their assignee taking ownership of the subject property.

ADOPTED
AND
APPROVED

November 5, 2018.

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Legal Department at the request
of Council Member Roger Sandau

Ordinance 6373

Council Action: 11/5/2018

Description

Ordinance to amend Title 1 "Administration and Personnel" by amending Chapter 1.12 "City Council" Section 1.12.020 "Compensation for office of City Council".

Background/Discussion

Council compensation has not changed since 1996 when it was increased to \$7,200 annually. The proposed ordinance would increase the annual compensation to \$12,000. We have reviewed the compensation being paid in other Iowa cities and have found the following:

The Average of all of these cities is \$10,251.28.

Ordinance 5271 in 1996 set it at the current \$7,200 per year.

City	Population	Annual Council Salary
Davenport	99,685	\$15,000
Sioux City	82,684	\$13,000
Waterloo	68,406	Did not respond
Iowa City	67,862	\$7,259.20
Council Bluffs	62,230	\$7,200
Ames	58,965	\$10,000
Dubuque	57,637	\$10,300
West Des Moines	56,609	\$9,000

The effective date for the proposed ordinance would be 1/1/2020 when the council members are elected in November 2019.

Recommendation

Review of the proposed ordinance.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6373	Ordinance	10/23/2018

ORDINANCE NO. 6373

AN ORDINANCE TO AMEND TITLE 1 “ADMINISTRATION AND PERSONNEL” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING CHAPTER 1.12 “CITY COUNCIL” SECTION 1.12.020 “COMPENSATION FOR OFFICE OF CITY COUNCIL”.

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

SECTION 1. That Title 1 “Administration and Personnel” Chapter 1.12 “City Council” of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended Section 1.12.020 “Compensation for Office of City Council”, to read as follows:

1.12.020 - Compensation for office of city council.

The compensation for the office of city council shall be twelve thousand dollars (\$12,000.00) per year for all City Council Members, effective January 1, 2020. Thereafter, compensation for the council shall increase by either three and one-half percent, or the cost of living increase for the previous year as determined by the Consumer Price Index for the Kansas City Region, whichever is less.

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

November 5, 2018.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 10-22-18
Second Consideration: 11-5-18
Public Hearing: N/A
Third Consideration: 11-26-18

Council Communication

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

Resolution 18-314

Council Action: 11/5/2018

Description

Resolution setting the dates and times to permit the discharge of consumer fireworks for the New Year's holiday.

Background/Discussion

With the elimination of the health department, the set dates for the discharging of fireworks were removed and now provide that the council establish, by resolution at least 30 days prior to the effective dates, the permissible dates and times for the discharging of fireworks in Council Bluffs.

Recommendation

Review of this proposed resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 18-314	Resolution	10/31/2018

RESOLUTION NO. 18-314

A RESOLUTION SETTING THE DATES AND TIMES TO PERMIT THE DISCHARGE OF CONSUMER FIREWORKS FOR THE NEW YEAR'S HOLIDAY.

WHEREAS, After review of this year's calendar and the days of the week it is in the City's best interest to establish permitted dates and times for the New Year's holiday;

WHEREAS, The permitted dates and times for shall be _____ through _____ and _____ from _____ until _____ on all three days; and

WHEREAS, it is in the best interest of the City of Council Bluffs to authorize the discharge of consumer fireworks during these permitted dates and times.

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

That the discharge of consumer fireworks are permitted from _____ and _____ on _____ from _____ until _____ on all three days.

ADOPTED
AND
APPROVED

November 5, 2018.

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

Council Communication

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

Resolution 18-315

Council Action: 11/5/2018

Description

Resolution accepting the bid of Bluffs Paving and Utility Company Inc. for the Steven Road East Construction. Project # PW18-16A

Background/Discussion

On October 16, 2018 bids were received by the DOT as follows:

Bluffs Paving and Utility Company Inc., Crescent, IA	\$2,735,065.76
Tab Holding Co. Inc. D/B/A Tab Construction, Omaha, NE	\$2,752,583.93
Hawkins Construction Co., Omaha, NE	\$2,808,262.20
Carley Construction, LLC, Council Bluffs, IA	\$2,997,836.95
Engineer's Estimate (Schemmer)	\$2,986,700.00

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 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 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:	Construction Start	Winter\Spring 2019
	Construction End	December 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 18-315	Resolution	10/31/2018

**RESOLUTION
NO 18-315**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
BLUFFS PAVING AND UTILITY COMPANY INC. FOR THE
STEVEN ROAD EAST CONSTRUCTION
PROJECT #PW18-16A**

WHEREAS, the plans, specifications, and form of contract for the Steven Road East Construction 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 October 8, 2018 and the plans, specifications and form of contract were approved; and

WHEREAS, Bluffs Paving and Utility Company Inc. has submitted a low bid in the amount of \$2,735,065.76 for this contract.

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

That the bid of Bluffs Paving and Utility Company Inc. in the amount of \$2,735,065.76 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Steven Road East Construction; and

BE IT FURTHER RESOLVED

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

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 18-316

Council Action: 11/5/2018

Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with Snyder and Associates for engineering services in connection with the First Avenue Multi-Modal Corridor Project. Location: From Ave A to 2nd Ave & from 16th St. to 35th St.

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report Snyder Agreement	Other	10/26/2018
Agreement	Agreement	10/31/2018
Resolution 18-316	Resolution	10/31/2018

Council Communication

Department: Community Development	Ordinance No. N/A	City Council: Nov 5, 2018
Case/Project No.: N/A	Resolution No. 18-_____	
Subject/Title		
Resolution authorizing the Mayor to execute an agreement with Snyder and Associates for engineering services in connection with the First Avenue Multi-Modal Corridor Project.		
Background/Discussion		
<p>In September 2015, the West Broadway Corridor Plan was adopted which outlined an overall development of the city from Avenue A to 2nd Avenue and from 16th Street to 35th Street. The plan identified the 1st Avenue railroad right-of-way to be restructured into a multi-modal transit corridor with a trail and a future public transit alternative.</p> <p>On August 29, 2018, the Community Development Department released the “FY2019-2020 Design Services for the First Avenue Multi-Modal Corridor Project” request for proposals from qualified engineering and design firms. The RFP included completion of preliminary design of the 1st Avenue trail section, a survey of the area, a cost-benefit analysis of the remaining ballast material from the railroad, landscaping and stormwater alternatives and a conceptual design of a transit concept adjacent to the trail. Funds to complete the design and a portion of the trail construction will be utilized from the FY2018 CIP (\$200,000) and from an Iowa West Foundation grant (\$200,000).</p> <p>The City received six responses from qualified firms. A four-person review team evaluated the six proposals and interviewed three of the submitting firms. Based on the proposals and interviews, the review team determined Snyder and Associates along with its partner HDR is the most qualified firm to meet the City’s needs. This was based on the following criteria: project team (30%); design ability and similar project experience (40%); construction cost analysis, cost control (20%); and timeline (10%).</p>		
Recommendation		
The Community Development Department recommends the approval of Snyder and Associates and the resolution authorizing the Mayor to execute an agreement for the engineering services in connection with the First Avenue Multi-Modal Corridor Project.		
Attachments		
City Council Resolution and Contract for Engineering Services		

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

Approved by: Brandon Garrett, Director, Community Development Department

**PROFESSIONAL SERVICES AGREEMENT
1ST AVENUE MULTI-MODAL CORRIDOR
CITY PROJECT NUMBER FY 19-4
CITY OF COUNCIL BLUFFS, IOWA**

I. NAME OF PARTIES OF THE AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2018 by and between, The City of Council Bluffs, Iowa, a Municipal Corporation, hereinafter called "OWNER" and Snyder & Associates, Inc., a corporation, hereinafter called "ENGINEER" as follows:

II. NAME OF PROFESSIONAL SERVICE

The OWNER shall retain the ENGINEER to complete Professional Services for the preparation of engineering surveys, concept plans, preliminary design, final design, construction plans and specifications, contract documents, and construction services for the 1st Avenue Multi-Modal Corridor Project, hereinafter called the "PROJECT"

III. SCOPE OF WORK

A. GENERAL

The ENGINEER shall provide Professional Services as required to complete the preparation and assembly of the PROJECT as named in Article II and as described hereinafter as follows:

1. The PROJECT includes, but is not limited to, planning and design services for the 1st Avenue Multi-Modal Corridor generally described as the area of 1st Avenue from 16th Street to I-29.
2. The ENGINEER will complete engineering surveys, analysis, concepts, design plans and specifications, construction documents, bid letting assistance, construction staking, administration and observation, and final project acceptance for the proposed PROJECT.

B. ENGINEERING SERVICES

The ENGINEER will provide the Engineering Services as follows. Payment shall be made as specified in Article VI of this Agreement.

1. Definition & Scope of Project
2. Survey
3. Conceptual Designs
 - a. Data Collection
 - b. Vision & Design Workshops
 - c. Final Conceptual Corridor Design

4. Trail Final Design
5. Trail Bid Phase
6. Trail Construction
 - a. Observation
 - b. Management
 - c. Staking
7. Outside Consultants/Testing
8. R.O.W., Easements, Outside Permits, Assessments

IV. RESPONSIBILITY OF THE OWNER

At its own expense, the OWNER shall have the following responsibilities regarding the execution of the Contract by the ENGINEER.

A. PROJECT OFFICER

The OWNER shall name a Project Officer to act as the OWNER's representative with respect to the work performed under this Agreement. All correspondence with OWNER relating to PROJECT shall be directed to the Project Officer and the Project Officer shall be invited to all progress meetings and other meetings called during the PROJECT.

B. PROMPT RESPONSE

To prevent an unreasonable delay in the ENGINEER's work, the OWNER will examine all reports, drawings, specifications, and other documents and will provide authorizations in writing to the ENGINEER to proceed with work within a reasonable time period.

V. WORK SCHEDULE

The PROJECT, from design through construction completion, shall be performed by the ENGINEER in accordance with a schedule mutually developed by the OWNER and ENGINEER. Generally, the schedule for the PROJECT is described as follows:

A. Schedule will be mutually agreed upon between OWNER and ENGINEER

VI. COMPENSATION AND TERMS OF PAYMENT

The OWNER shall pay the ENGINEER in accordance with the terms and conditions of this Agreement.

A. ENGINEERING SERVICES

As set forth in Article III (B) the engineering fee shall be on the following basis:

SCOPE OF SERVICES	FEE BASIS
1. Definition of Problem scope of Project	Hourly not to exceed negotiated maximum.
2. Survey	Lump Sum
3. Conceptual Designs a. Data Collection b. Vision & Design Workshops c. Final Conceptual Corridor Design	Lump Sum
4. Trail Final Design	Lump Sum
5. Trail Bid Phase	Lump Sum
6. Trail Construction a. Observation b. Management c. Staking	Hourly not to exceed negotiated % of con- struction (average of two low bidders).
6. Outside Consultants/Testing	Billed as per invoice.
7. ROW, Easements, Outside permits, Assessment	Hourly

Actual project fees will be determined at a later date and approved by a supplemental agreement.

B. ADDITIONAL SERVICES

Additional Services shall be performed as requested in writing by the OWNER and shall be in accordance with the current fiscal year Snyder & Associates, Inc. Standard Fee Schedule in affect at the time of actual performance. All services quoted on a lump sum basis shall be valid for one year from the contract date.

VII. METHOD OF PAYMENT

- A. The ENGINEER shall submit billings for Basic, Construction and Additional Services to the OWNER on a thirty (30) day basis under separate cover and shall be paid by the OWNER within fourteen (14) days after approval by the City Council. The OWNER shall pay the ENGINEER a percentage of the total fee for each phase or a cost not to exceed the amount shown in accordance with the schedule shown below.
- B. Billings shall include sufficient documentation to explain the charges. All billing shall be accompanied by a Billings Information Report on a form provided to the ENGINEER by the OWNER.

VIII. TERMINATION OF AGREEMENT

The ENGINEER or OWNER may, after giving seven (7) days written notice to the other party, terminate this agreement and the ENGINEER shall be paid for services provided to the termination notice date, including reimbursable expenses due, plus termination expenses. Termination expenses are defined as reimbursable expenses directly attributed to the termination.

IX. CONFLICT OF INTEREST

No elected official or employee of the OWNER who exercises any responsibilities in review, approval, or carrying out of this Agreement shall participate in any decision relating to this Agreement which affects his or her direct or indirect personal or financial interest.

X. ASSIGNABILITY

The ENGINEER shall not assign any interest in this Agreement and shall not transfer any interest in the same without the prior written consent of the OWNER.

XI. TITLE TRANSFER

All drawings, specifications and other work products of the PROJECT are instruments of services for this PROJECT only and shall remain the property of the ENGINEER. The ENGINEER may deliver to the OWNER, at the OWNER's request, paper or electronic media copies of documents prepared in accordance with this Agreement. The OWNER may make hard copies or electronic copies of these documents for purposes supporting the intended use of the project. Any reuse or modification of the documents supplied by ENGINEER for purposes of the PROJECT, including electronic media will be at the recipient's risk and responsibility. Electronic media will be provided as is without warranty, and it shall be the OWNER'S responsibility to reconcile this electronic data with the paper plans, and that the paper plans shall be regarded as legal documents for this PROJECT.

XII. CONFIDENTIALITY

No reports, information, and/or data given to or prepared or assembled by the ENGINEER under this Agreement shall be made available to any individual or organization by the ENGINEER without prior written approval of the OWNER.

XIII. INDEMNIFICATION

The ENGINEER agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all claims including reasonable attorneys' fees and defense costs arising out of the negligent acts, errors, or omissions of the ENGINEER, its officers, agents, and employees in the execution of the services specified in this Agreement.

In recognition of the relative risks and benefits of the project to both the City and ENGINEER, the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of the ENGINEER and their sub-consultants to the OWNER and to all construction contractors and subcontractors on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the ENGINEER and their sub-consultants to all those named shall not exceed \$2,000,000.00. Such claims and causes include negligence, professional errors or omissions, strict liability, breach of contract or warranty.

XIV. INSURANCE

The ENGINEER shall maintain insurance to protect the ENGINEER from claims under Workmen's Compensation Acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the ENGINEER is legally liable. The amounts and extent of such insurance is as follows:

- | | |
|-----------------------------|--|
| 1. Professional Liability - | \$ 2,000,000 each claim; 2,000,000 aggregate |
| 2. Vehicle Coverage - | |
| Bodily Injury | \$ 1,000,000 combined single limit (each accident) |
| 3. Worker's Compensation - | \$ 100,000 each accident |
| 4. General Liability - | \$ 1,000,000 each occurrence and 2,000,000 aggregate |

XV. ARBITRATION

Any controversy or claim arising out of this Agreement may, if both parties agree, be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association.

The cost of the arbitration, if any, will be divided equally between the OWNER and the ENGINEER

XVI. ENGINEER'S RESPONSIBILITY

The ENGINEER shall be responsible for the professional quality and technical accuracy of all services furnished by the ENGINEER under this Agreement, except for that work provided by OWNER. The ENGINEER shall, without additional compensation, correct or revise any error or deficiencies in his work. Approval of the OWNER of any such work shall not in any way relieve the ENGINEER of responsibility for the technical accuracy and adequacy of said services. The OWNER's review, approval or acceptance of, or payment for any of the services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

XVII. COMPLETENESS OF THE AGREEMENT

This document contains all terms and conditions of this Agreement and any alteration shall be invalid unless made in writing, signed by both parties and incorporated as an amendment to this Agreement. There are no understandings, representations, or agreements, written or oral, other than those incorporated herein.

XVIII. ENGINEER'S CERTIFICATION OF REPORT

The ENGINEER shall place his certification on the Contract Documents, all in conformity with Chapter 114, Code of Iowa.

XIX. COMPLIANCE & REGULATIONS

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

1. Compliance with Regulations: The Engineer shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by referenced and made a part of this contract.
2. Nondiscrimination: The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "B" of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurement of materials or leases or equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

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

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

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

6. Incorporation of Provisions: The Engineer shall include the provisions of Paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Engineer shall take such action with respect to any subcontract or procurement as the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that, in the event an engineer becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Engineer may request the City of Council Bluffs or the Iowa Department of Transportation to enter into such litigation to protect the interest of the City of Council Bluffs or the Iowa Department of Transportation; and , in addition, the Engineer may request the United States to enter into such litigation to protect the interests of the United States.

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

ATTEST:

Jodi Quakenbush, City Clerk

OWNER

By _____
Matthew J. Walsh, Mayor

ATTEST:

Andrea Yeoman

ENGINEER

SNYDER & ASSOCIATES, INC.

By _____
Michael G. Geier, Business Unit Leader

SNYDER & ASSOCIATES, INC.
2018-19
STANDARD FEE SCHEDULE

Billing Classification/Level	Billing Rate	
Professional		
Engineer, Landscape Architect, Land Surveyor, Legal, GIS, Environmental Scientist Project Manager, Planner, Right-of-Way Agent, Graphic Designer		
Principal II	\$202.00	/hour
Principal I	\$191.00	/hour
Senior	\$171.00	/hour
VIII	\$158.00	/hour
VII	\$150.00	/hour
VI	\$144.00	/hour
V	\$134.00	/hour
IV	\$124.00	/hour
III	\$113.00	/hour
II	\$103.00	/hour
I	\$90.00	/hour
Technical		
Technicians--CADD, Survey, Construction Observation		
Lead	\$121.00	/hour
Senior	\$116.00	/hour
VIII	\$108.00	/hour
VII	\$100.00	/hour
VI	\$89.00	/hour
V	\$80.00	/hour
IV	\$74.00	/hour
III	\$62.00	/hour
II	\$54.00	/hour
I	\$47.00	/hour
Administrative		
II	\$62.00	/hour
I	\$50.00	/hour
Reimbursables		
Mileage	current IRS standard rate	
Outside Services	As Invoiced	

RESOLUTION NO. 18- 316

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH SNYDER AND ASSOCIATES FOR ENGINEERING SERVICES IN CONNECTION WITH THE FIRST AVENUE MULTI-MODAL CORRIDOR PROJECT.

WHEREAS, the City wishes to further refine design and complete the trail construction in the 1st Avenue corridor as part of the West Broadway Corridor Plan, as therein described; and

WHEREAS, Snyder and Associates has submitted an agreement to provide engineering services for the work necessary for said improvements; and

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

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

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Snyder and Associates for engineering services related to the First Avenue Multi-Modal Corridor Project.

ADOPTED
AND
APPROVED

November 5, 2018

Matthew J. Walsh

Mayor

ATTEST:

Jodi Quakenbush

City Clerk

Council Communication

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

Resolution 18-317

Council Action: 11/5/2018

Description

Resolution accepting the bid of Sibbersen Excavating for the Mosquito Creek West Bank Floodplain Improvements. Project # PW18-16C

Background/Discussion

On October 11, 2018 bids were received in the office of the city clerk as follows:

Division I: General

Sibbersen Excavating, Valley, NE	\$99,084.00
Valley Corporation Inc., Valley, NE	\$103,462.99
Next Phase Environmental Inc., Underwood, IA	\$112,839.55
Hendrickson Transportation LLC, Hamburg, IA	\$122,702.00
Bayshore Contractors, Omaha, NE	\$200,443.50
D&D Construction Inc., Council Bluffs, IA	\$202,212.70
Engineer's Opinion (HGM)	\$286,130.00

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 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.

Funding will be 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:

Construction Start	November 2018
Construction End	June 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 18-317	Resolution	10/31/2018

**RESOLUTION
NO 18-317**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
SIBBERNSEN EXCAVATING, FOR THE
MOSQUITO CREEK WEST BANK FLOODPLAIN IMPROVEMENTS
PROJECT #PW18-16C**

WHEREAS, the plans, specifications, and form of contract for the Mosquito Creek West Bank Floodplain Improvements 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 September 24, 2018, and the plans, specifications and form of contract were approved; and

WHEREAS, SibbernSEN Excavating has submitted a low bid in the amount of \$99,084.00 for this contract.

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

That the bid of SibbernSEN Excavating in the amount of \$99,084.00 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Mosquito Creek West Bank Floodplain Improvements; and

BE IT FURTHER RESOLVED

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

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 18-318

Council Action: 11/5/2018

Description

Resolution authorizing the transfer of title of a 2002 Ford E550 Mobile Command Center to the Pottawattamie County Emergency Management Agency.

Background/Discussion

The Council Bluffs Fire Department is requesting to transfer the title of the 2002 Ford E550 Dodge Command Vehicle along with entering into agreement with Pottawattamie County Emergency Management Agency for the vehicle's future use and maintenance.

In 2002 the mobile command center was purchased through an Iowa Homeland Security Grant which was applied for jointly by both the Council Bluffs Fire Department and EMA. The original allocation was in the amount of \$199,360.00. Since that time the vehicle has been titled and insured by the City. In the fall of 2016 EMA procured funding to update the vehicle for future use by all responding agencies within the County. At that time discussions were had to determine how best the vehicle could be managed and maintained. Through those discussions it was determined that the vehicle's possession would be best held by EMA due to their relationship with all county responders along with they being able to ensure trained personnel are available to operate the apparatus. Once completion of the joint storage facility was complete it was determined that the command vehicle would be located there and that its' operation would fall under the "Inter-Agency Mobile Command Vehicle Standard Operating Guidelines.

At this time it is our request to transfer ownership of the command vehicle and to enter into agreement for future use and maintenance as described in the attached agreement.

Recommendation

Approval of this resolution to enter into a maintenance/use agreement including transfer of title of the 2002 Ford E550 Dodge Mobile Command Vehicle.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	10/31/2018
Resolution 18-318	Resolution	10/31/2018

**AGREEMENT REGARDING THE OWNERSHIP USE AND MAINTENANCE OF THE MOBILE
COMMAND VEHICLE BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA AND THE
POTTAWATTAMIE COUNTY EMERGENCY MANAGEMENT AGENCY**

The Command Vehicle is a 2002 Ford E550 Super Duty Dodgen Industries 29 foot mobile command center. Its initial cost was just under \$200,000 which came from a federal grant received by the EMA for the purpose of procuring a mobile command center for county-wide use. Since its acquisition the City has maintained possession of the Command Vehicle and covered the costs of maintenance. In the fall of 2016 the EMA authorized the expenditure of an additional \$80,000 to be utilized to update the Command Vehicle. In the future, so as to maintain access of the Command Vehicle to all parties involved, the City of Council Bluffs and the Pottawattamie County Emergency Management Agency do hereby agree to the following;

1. Possession of the Command Vehicle shall be transferred to the EMA.
2. The City will continue to provide general maintenance services through its fleet maintenance program of the Public Works Department, covering labor and repairs with EMA responsible for the cost of parts.
3. Both the City's Police Department and Fire Department shall be permitted to use the Command Vehicle as needed and in accordance with the approved "Inter-Agency Mobile Command Vehicle Standard Operating Guidelines".
4. This agreement shall become effective on the date of signature.

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

Dated this ____ day of November, 2018.

CITY OF COUNCIL BLUFFS, IOWA,

POTTAWATTAMIE COUNTY
EMERGENCY MANAGEMENT AGENCY,

By: _____

Justin James, Fire Chief

By: _____

Doug Reed, Emergency Management
Director

By: _____

Pat Miller, Public Works Operations Director

RESOLUTION NO. 18-318

A RESOLUTION AUTHORIZING THE TRANSFER OF TITLE OF A 2002 FORD E550 SUPER DUTY DODGEN INDUSTRIES MOBILE COMMAND CENTER TO THE POTTAWATTAMIE COUNTY EMERGENCY MANAGEMENT AGENCY.

WHEREAS, the acquisition of the 2002 Ford E550 Mobile Command Center was performed jointly between the City of Council Bluffs hereinafter referred to as “City” and the Pottawattamie County Emergency Management Agency hereinafter referred to as “EMA”.

WHEREAS, the initial costs of the 2002 Ford E550 was obtained through a grant received by EMA and the City for the purpose of procuring said vehicle.

WHEREAS, in the fall of 2016 EMA authorized the expenditure of an additional \$80,000 to be utilized to update the said vehicle.

WHEREAS, to establish the rights and obligations of the two parties regarding ownership, maintenance, utilization and continued rights to the use of the mobile command center.

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

That the City is hereby authorized to transfer title and possession of the 2002 Ford E550 Mobile Command Center to Pottawattamie County Emergency Management Agency and to enter into agreement on said vehicle’s future use and maintenance.

ADOPTED
AND
APPROVED

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 18-319

Council Action: 11/5/2018

Description

Resolution authorizing the agreement between the City of Council Bluffs and Pottawattamie County Emergency Management Agency in relation to the joint storage facility.

Background/Discussion

The Council Bluffs Fire Department is requesting enter into agreement with the Pott. Co. Emergency Management Agency (EMA) in reference to the ongoing maintenance and utilization of the joint storage facility located at CBFD Station #5.

In the spring/summer of 2018 the City and EMA completed construction of a 50'X100' joint storage facility. In partnership the City and EMA completed the project for a cost of \$336,439.00. Both parties contributed 168,219.50.

In doing so the City and EMA have come to the attached agreement in reference to future use, maintenance and right to occupy.

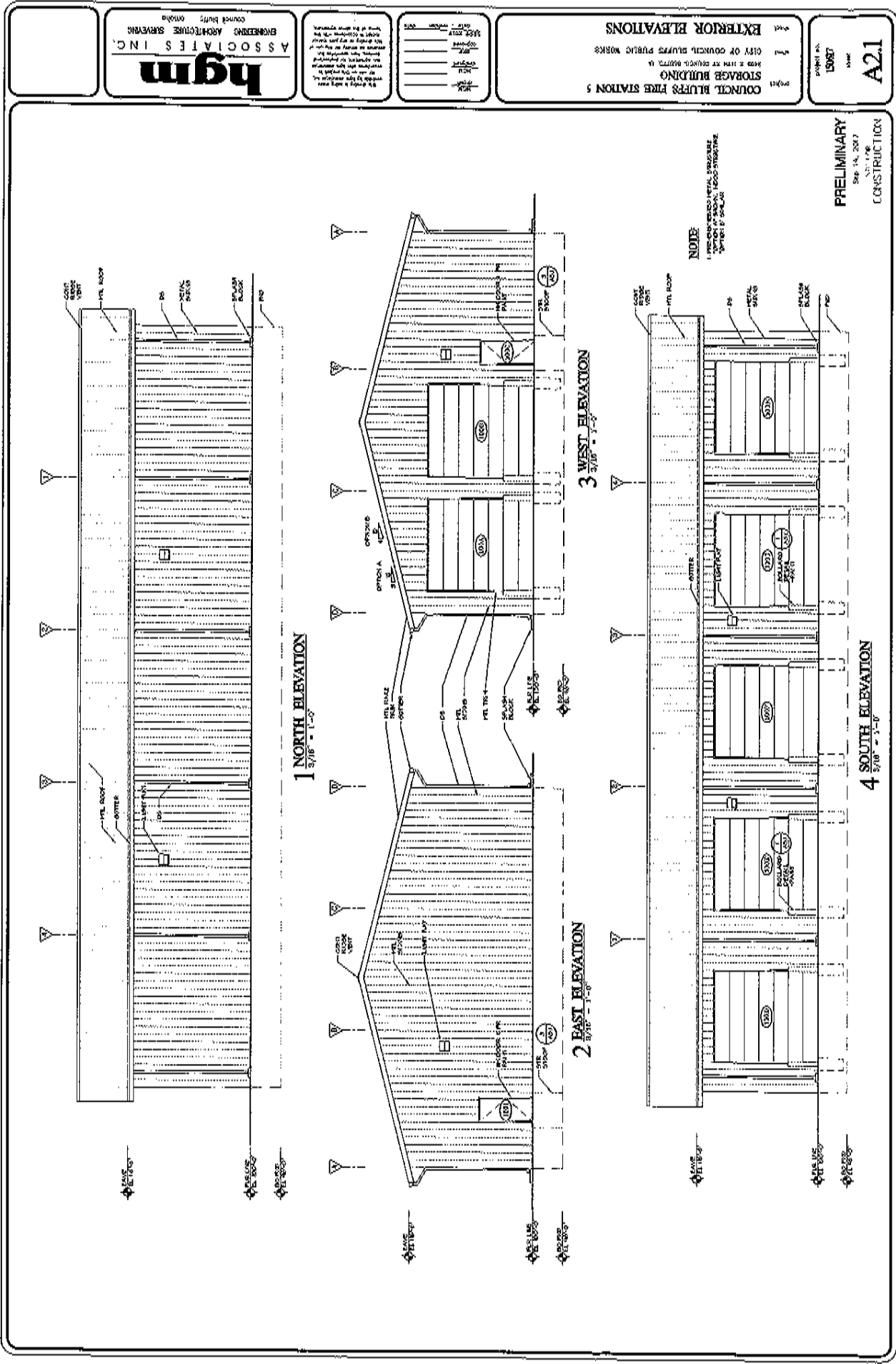
At this time it is our request to authorize the City to enter into said agreement with Pott. Co. Emergency Management Agency on behalf of the City.

Recommendation

Approval

ATTACHMENTS:

Description	Type	Upload Date
Appendix AB	Other	10/31/2018
Storage Facility Page 1	Other	10/31/2018
Storage Facility Page 2	Other	10/31/2018
Resolution 18-318	Resolution	10/31/2018



AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS TO CONSTUCT, MAINTAIN
AND UTILIZE A JOINT STORAGE FACILITY WITH THE POTTAWATTAMIE COUNTY
EMERGENCY MANAGEMENT AGENCY

WHEREAS, the City of Council Bluffs for the use of its Fire Department hereinafter referred to as "City" and the Pottawattamie County Emergency Management Agency hereinafter referred to as "EMA" for the storage of its equipment have agreed to jointly construct, maintain and utilize a storage facility on a parcel of land owned by the "City".

WHEREAS, to establish the rights and obligations of the two parties regarding the construction, maintenance, utilization and continued rights to the use of this storage agreement the following terms are hereby agreed to:

1. Both parties will equally contribute to the construction of a storage facility more fully described in Exhibit A attached hereto. The total cost is anticipated to be \$336,439.00. Each party will contribute \$168,219.50. Subject to the terms of this agreement, both parties will have the right to occupy the areas as identified on the aforementioned Exhibit A.

2. The storage facility will be built on a parcel of land owned by "City". This land is identified in Exhibit B hereto.

3. All utilities shall be the responsibility of "City".

4. All maintenance costs shall be the responsibility of "City".

5. "City" will maintain insurance on the structure and the grounds, which will include both property and general liability. Both parties shall maintain insurance on the value of their equipment if so desired and will hold the other party harmless for any damage caused to their equipment unless the party or one of its employees or agents of the party were negligent and the negligence was the proximate cause of the damage to the equipment.

6. Right to terminate. EMA shall have the absolute right to occupy its designated space in the facility for 10 years. After 10 years and prior to use of the facility for 20 years, the City may terminate the EMA's right to occupy by giving one year's written notice of its intent to do so and paying to EMA 50% of EMA's financial contribution to the project, which would be \$84,105.25. After 20 years of usage, the City may terminate EMA's right to occupy by giving them one year's written notice and paying them \$50,000. This method of termination shall remain in place until both parties agree that the condition of the facility no longer makes it functional for storage of equipment. The time periods set out above will be calculated based upon the date the certificate of occupancy is granted for the facility.

7. For the purposes of interpreting the agreement, initial occupancy is deemed to have occurred on June 15, 2018.

Dated this ____ day of November, 2018.

CITY OF COUNCIL BLUFFS, IOWA,

POTTAWATTAMIE COUNTY
EMERGENCY MANAGEMENT
AGENCY,

By: _____
Justin James, Fire Chief

By: _____
Doug Reed, Emergency Management
Director

RESOLUTION NO. 18-319

A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS AND POTTAWATTAMIE COUNTY EMERGENCY MANAGEMENT AGENCY IN RELATION TO THE JOINT STORAGE FACILITY.

WHEREAS, the City of Council Bluffs for the use of its Fire Department hereinafter referred to as “City” and the Pottawattamie County Emergency Management Agency hereinafter referred to as “EMA” for the storage of its equipment have agreed to jointly construct, maintain, and utilize a storage facility on a parcel of land owned by the “City”.

WHEREAS, to establish the rights and obligations of the two parties regarding the construction, maintenance, utilization and continued rights to the use of the storage agreement the following terms are hereby agreed to:

1. Both parties have equally contributed to the construction of the storage facility more fully described in Exhibit A attached here to. The total cost of which were \$336,439.00. Each party has contributed \$168,219.50. Subject to the terms of agreement, both parties will have the right to occupy the area equally as identified on the aforementioned Exhibit A.
2. The storage facility was built on a parcel of land owned by the “City”. This land is identified in Exhibit B hereto.
3. All utilities shall be the responsibility of “City”.
4. All maintenance costs shall be the responsibility of “City”.
5. “City will maintain insurance on the structure and the grounds, which will include both property and general liability. Both parties shall maintain insurance on the value of their equipment is so desired and will hold the other party harmless for any damage caused to their equipment unless the or one of its employees or agents of the party were negligent and the negligence was the proximate cause of the damage to the equipment.
6. Right to Terminate. EMA shall have the absolute right to occupy its designated space in the facility for 10 years. After 10 years and prior to use of the facility for 20 years, the City may terminate the EMA’s right to occupy by giving one year’s written notice of its intent to do so and paying EMA 50% of EMA’s financial contribution to the project, which would be \$84,105.25. After 20 years of usage, the City may terminate EMA’s right to occupy by giving them one year’s written notice and paying them \$50,000. This method of termination shall remain in place until both parties agree that the condition of the facility is no longer makes it functional for storage of equipment. The time periods set out above will be calculated based upon the date the certificate of occupancy is granted for the facility.
7. For the purposes of interpreting the agreement, initial occupancy is deemed to have occurred on June 15, 2018.

\

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

That the Fire Department is hereby authorized to enter into such agreement in regards to the jointly constructed, maintained, and utilized storage structure.

**ADOPTED
AND
APPROVED**

November 5, 2018

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush , City Clerk

Council Communication

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

Liquor Licenses

Council Action: 11/5/2018

Description

- 1) Great Wall, 900 Woodbury Avenue
- 2) Iowa Western Community College, 2700 College Road
- 3) Lighthouse Lounge, 401 Veterans Memorial Hwy.
- 4) Oskies for Sports, 1851 Madison Avenue, Suite 724
- 5) Puerto Vallarta, 3312 West Broadway
- 6) White Oak Stateion #52, 154 Bennett Avenue
- 7) White Oak Station #53, 2024 5th Avenue

Background/Discussion

On 02-17-18, at 0218 hrs, Officers were dispatched to the Lighthouse Lounge for two men fighting in the parking lot/street. Both men declined to file assault charges against each other, but Officers did arrest them for public intoxication and being in possession of a controlled substance (marijuana).

Other than that, there were no other alcohol related arrests or incidents at any of the listed businesses this licensing period.

Recommendation

ATTACHMENTS:

Description

[Applications](#)

Type

Other

Upload Date

10/31/2018



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<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>SE</u>	Expires _____	
Council _____		

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Applicant BW0091522, Great Wall, 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): Great Wall Of Iowa Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Great Wall

Address of Premise: 900 Woodbury Ave

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503-0000

Business Phone: (712) 323-9622

Cell / Home Phone: (712) 330-0908

Same Address

Mailing Address: 900 Woodbury Ave

Mailing Address Line 2:

City: Council Bluffs

Zip: 51503-0000

State: Iowa

Contact Name: Hung J Chen

Phone: (402) 598-8772

Email Address: hungchen777@gmail.com

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1918 SE Hulsizer Road, Ankeny, IA 50021
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<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>or</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>S</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
		Council _____

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Applicant LC0032290, Iowa Western Community College, 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 Name/Partnership Name(s): Iowa Western Community College (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Iowa Western Community College

Address of Premise: 2700 College Rd.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 325-3200

Cell / Home Phone:

Same Address

Mailing Address: 2700 College Rd.

Mailing Address Line 2: Food Service

City: Council Bluffs

Zip: 51503

State: Iowa

Contact Name: Amy Partch

Phone: (712) 256-7818

Email Address: apartch@iwcc.edu

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POLICE <u>cm</u>	Local Amt _____	
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ZONING _____	Expires _____	
Council _____		

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Applicant LC0038023, LightHouse Lounge, Council Bluffs

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

Corporation Name/Sole Proprietor: lighthouse restaurant & lounge LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): LightHouse Lounge

Address of Premise: 401 Veterans Memorial Highway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-1669

Cell / Home Phone: (712) 366-5114

Same Address

Mailing Address: 401 Veterans Memorial Highway

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: Joslyn Berry

Phone: (402) 290-8535

Email Address: joslynberry@yahoo.com

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POLICE <u>an</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>2</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
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- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cert
- > Local Endorse
- > History

Applicant LC0037259, Oskies For Sports, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): 4 Amigos Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Oskies For Sports

Address of Premise: 1851 Madison Ave

Address Line 2: Ste 724

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (402) 681-7068

Cell / Home Phone: (402) 681-7068

Same Address

Mailing Address: 18465 Jaylen Dr

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Bonnie Culjat

Phone: (402) 681-7068

Email Address: culjat5@cox.net

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Applicant LC0042179, Puerto Vallarta Mexican Restuarant, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Tomasa 2 Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Puerto Vallarta Mexican Restuarant

Address of Premise: 3312 W Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (515) 480-8108

Cell / Home Phone:

Same Address

Mailing Address: 5919 Monterey Circle

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Santiago Torres

Phone: (515) 480-8108

Email Address: anita@brockerkarns.com

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Applicant LE0002962, White Oak Station #52, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): White Oak Station II LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): White Oak Station #52

Address of Premise: 154 Bennett Avenue

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (870) 204-7222

Cell / Home Phone: (870) 256-5438

Same Address

Mailing Address: PO Box 1197

Mailing Address Line 2:

City: Harrison

Zip: 72602

State: Arkansas

Contact Name: Betty Hobbs

Phone: (870) 204-7217

Email Address: bhobbs@whiteoakstation.net

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Applicant LE0002961, White Oak Station #53, Council Bluffs

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

Corporation Name/Sole Proprietor: White Oak Station II LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): White Oak Station #53

Address of Premise: 2024 5TH AVENUE

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (870) 204-7222

Cell / Home Phone: (870) 256-5438

Same Address

Mailing Address: PO Box 11197

Mailing Address Line 2:

City: Harrison

Zip: 72602

State: Arkansas

Contact Name: Betty Hobbs

Phone: (870) 204-7217

Email Address: bhobbs@whiteoakstation.net

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