

Landscapes Unlimited - Golf Course Update

HAWK Signal - Matt Cox

Review Agenda



City Council Meeting Minutes January 28, 2019

CALL TO ORDER

A regular meeting was called to order by Mayor Matthew J. Walsh on Monday January 14, 2019 at 7:00 p.m.

Council Members Present: Melissa Head, Roger Sandau, Nate Watson and Sharon White.

Via Telephone: 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 January 14, 2019 City Council Meeting Minutes.

Resolution 19-16

Resolution setting a public hearing for February 11, 2019 on the City of Council Bluffs budget for fiscal year ending June 30, 2020.

Resolution 19-17

Resolution of intent to vacate and setting a Public Hearing for February 11, 2019 at 7:00 p.m. for that portion of 24th Avenue lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision. SAV-19-001

December FY19 Financial Reports

Mayor's Appointments

Civil Service Commission

Notice of Right of Redemption

Lawsuit (R&F)

Claims

Nate Watson and Melissa Head moved and seconded approval of Consent Agenda, moving Item 4I to the end of the agenda to be heard last.
Unanimous, 5-0 vote.

MAYORS PROCLAMATIONS

PUBLIC HEARINGS

Ordinance 6377

Ordinance to amend Chapter 15.02-Administration and Enforcement, by repealing Section 15.02.120, "Appeals" as it is currently written and replacing it with a new Section, 15.02.120, "Appeals" to implement a new appeal procedure. ZT-18-005

Sharon White and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6377. Unanimous, 5-0 vote.

Sharon White and Melissa Head moved and seconded approval of Motion to Waive Third Consideration. Ordinance passes to law.. Unanimous, 5-0 vote.

Ordinance 6379

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 8-11, Auditor's Subdivision of part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District as defined in Chapter 15.08b. Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane. ZC-18-014

Nate Watson and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6379. Unanimous, 5-0 vote.

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

Ordinance 6378

Ordinance to amend Chapter 15.02-Administration and Enforcement, by repealing Section 15.02.130, "Enforcement" and replacing it with a new Section 15.02.130 entitled "Violation and Penalty". ZT-18-006

Sharon White and Nate Watson moved and seconded approval of Second Consideration of Ordinance 6378. Unanimous, 5-0 vote.

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

Ordinance 6380

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two-Family Residential District as defined in Chapter 15.09. Location: 2nd Avenue, between South 18th Street and South 19th Street. ZC-18-015

Roger Sandau and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6380. Unanimous, 5-0 vote.

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

Resolution 19-18

Resolution granting final plat approval for a three lot Commercial Subdivision to be known Morris Subdivision, Replat 1, legally described as being a Replat of Lots 2 and 3, Morris Subdivision. Location: South of 23rd Avenue at Mid-America Drive. SUB-19-002

Sharon White and Nate Watson moved and seconded approval of Resolution 19-18. Unanimous, 5-0 vote.

Resolution 19-19

Resolution approving the plans and specifications for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13.

Roger Sandau and Nate Watson moved and seconded approval of Resolution 19-19. Unanimous, 5-0 vote.

Resolution 19-20

Resolution approving the plans, specifications, form of contract, and cost estimate for the Mid America Center Signage Project. Project No. BM19-04

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-20. Unanimous, 5-0 vote.

Resolution 19-21

Resolution to vacate that portion of 4th Street right-of-way extending from 13th Avenue south to 16th Avenue in order to effectuate sale of city property to Conagra previously authorized by Council in Resolution 18-139, and to vacate certain portions of platted right-of-way that remain in place on privately owned property.

Sharon White and Nate Watson moved and seconded approval of Resolution 19-21. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 19-23

Resolution amending the planned commercial development plan for properties legally described as Lots 1 and 2, and Outlot 1, Plaza at the MARRC, relative to building architecture, screening/buffering, outdoor lighting, outdoor seating, and landscaping. Location: 20 and 40 Arena Way. PC-02-002(M)

Sharon White and Melissa Head moved and seconded approval of Resolution 19-23. Unanimous, 5-0 vote.

Resolution 19-24

Resolution adopting the Planned Commercial Development Plan for an indoor soccer facility on property legally described as Lot 2, Morris Subdivision, Replat 1. Location: Undeveloped land lying south of property addressed at 3320 Mid America Drive. PC-19-001

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-24. Unanimous, 5-0 vote.

Resolution 19-25

Resolution accepting the bid of Carley Construction, LLC in the amount of \$777,009.29 for the Mid-America Center Parking Lots Rehab, Phase 1. Project # BM19-01

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-25. Unanimous, 5-0 vote.

Resolution 19-26

Resolution authorizing the Mayor to execute Iowa Department of Transportation Federal Aid Agreements No. 4-19-STBGU-001 and 4-19-STBGU-002 in connection with the Eastern Hills Drive projects.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-26. Unanimous, 5-0 vote.

Resolution 19-27

Resolution to abolish one Administrative Secretary and add one Community Development Technician.

Sharon White and Melissa Head moved and seconded approval of

Resolution 19-27. Unanimous, 5-0 vote.

Resolution 19-28

Resolution to allow Pottawattamie County Emergency Management to occupy the space known currently as Community Hall for the purpose of establishing a countywide Emergency Operations Center and authorize City Staff to execute such agreement.

Heard from Justin James, Fire Chief and Doug Reed, Pottawattamie County Emergency Management.

Melissa Head and Sharon White moved and seconded approval of Resolution 19-28. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor License Renewals

- 1) AMC Theatres, 3220 23rd Avenue
- 2) CVS Pharmacy, 545 W Washington
- 3) Fas Mart, 503 9th Avenue
- 4) Fas Mart, 611 East Broadway

Nate Watson and Sharon White moved and seconded approval of Liquor License Renewals 6A 1-4. Unanimous, 5-0 vote.

Resolution 19-22

Resolution approving the plans and specifications for the West Broadway Reconstruction, Segment 3. Project # PW19-20

Heard from;

Mark Mitchell, with Jimmy Johns, 1640 W Broadway;

Deborah Peterson, 215 South Main Street;

Tom Ackley, Attorney for Krispy Kreme, 11525 S. 123rd Street, Omaha, NE;

Eileen OConnor, 500 Spencer Avenue;

Justin James, Council Bluffs Fire Chief

Bruce Kelly, 864 McKenzie Avenue;

Jim Huskenson, with Krispy Kreme, 2420 W Broadway;

John Stubblefield, 232 Bennett Avenue.

Sharon White and Nate Watson moved and seconded approval of Resolution 19-22. Passed, 3-2 vote.

(Nays: Head, Sandau)

CITIZENS REQUEST TO BE HEARD

Heard from Bruce Kelly, 864 McKenzie Avenue

OTHER BUSINESS

Heard from Deborah Peterson, 215 South Main Street.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 9:19 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.
ITEM 3.A.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the January
14, 2019 City Council Meeting Minutes.
ITEM 3.B.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[1-14-19 minutes](#)

Type

Other

Upload Date

1/17/2019



City Council Meeting Minutes January 14, 2019

CALL TO ORDER

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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 December 17, 2018 and December 27, 2018 City Council Meeting Minutes.

Ordinance 6377

Ordinance setting Public Hearing for January 28, 2019 at 7:00 pm to amend Chapter 15.02-Administration and Enforcement , by repealing Section 15.02.120, "Appeals" as it is currently written and replacing it with a new Section, 15.02.120, "Appeals" to implement a new appeal procedure. ZT-18-005

Ordinance 6378

Ordinance setting Public Hearing for January 28, 2019 at 7:00 pm to amend Chapter 15.02-Administration and Enforcement , by repealing Section 15.02.130, "Enforcement" and replacing it with a new Section 15.02.130 entitled "Violation and Penalty". ZT-18-006

Ordinance 6379

Ordinance setting Public Hearing for January 28, 2019 at 7:00 pm to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 8-11, Auditor's Subdivision of part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District as defined in Chapter 15.08b. Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane. ZC-18-014

Ordinance 6380

Ordinance setting Public Hearing for January 28, 2019 at 7:00 pm to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two-Family Residential District as defined in Chapter 15.09. Location: 2nd Avenue, between South 18th Street and South 19th Street. ZC-18-015

Resolution 19-02

Resolution of intent to vacate and setting a Public Hearing for January 28, 2018 at 7:00 p.m. for that portion of 4th Street right-of-way extending from 13th Avenue south to 16th Avenue in order to effectuate sale of city property to Conagra previously authorized by Council in Resolution 18-139, and to vacate certain portions of platted right-of-way that remain in place on privately owned property.

Resolution 19-03

Resolution accepting the work of Landscapes Unlimited, LLC in connection with Riverside Golf Course Realignment Project, R 18-13 and authorizing final payment in the amount of \$49,195.82.

Resolution 19-04

Resolution setting a Public Hearing for February 25, 2019 at 7:00 p.m. for FY2020 State Transit Assistance.

Resolution 19-05

Resolution determining the necessity setting dates of a consultation and setting a Public Hearing on February 25, 2019 at 7:00 p.m., on a proposed 2019 Mid-City Corridor Urban Renewal Plan for the Mid-City Corridor Urban Renewal Area. Generally located from Avenue B to 6th Avenue and South 8th Street to South 13th Street.

Resolution 19-06

Resolution setting a Public Hearing on January 28, 2019 at 7:00 p.m. for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13

Resolution 19-07

Resolution setting a Public Hearing on January 28, 2019 at 7:00 p.m. for the W. Broadway Reconstruction, Segment 3. Project # PW19-20

Comprehensive Annual Financial Report

November FY19 Financial Reports

Notice of Right of Redemption

Claims

Heard from Deborah Peterson, 215 Main Street, Council Bluffs, regarding a request made about the West Broadway medians.

Nate Watson and Mike Wolf moved and seconded approval of Consent Agenda Items, except Item 3G, Resolution 19-01. Unanimous, 5-0 vote.

Resolution 19-01

Resolution setting a Public Hearing for January 28, 2019 at 7:00 p.m. on the plans, specifications, form of contract, and cost estimate for the Mid America Center Signage Project. Project No. BM19-04

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-01. Voice Vote, 4-0 vote. (Abstain: Sandau)

MAYORS PROCLAMATIONS

- A. National Law Enforcement Appreciation Day
- B. Council Bluffs School Choice Week

PUBLIC HEARINGS

Resolution 19-08

Resolution approving the plans, specifications, form of contract, and cost estimate for the Mid America Center Score Board Replacement Project. Project No. BM19-03

Melissa Head and Mike Wolf moved and seconded approval of Resolution 19-08. Voice Vote, 4-0 vote.
(Abstain: Sandau)

Resolution 19-09

Resolution to dispose of City property legally described as the West ½ of Lot 5, excluding the South 11 feet, Block 10, Grimes Addition.
Location: Formerly known as 929 Avenue A. OTB-18-021

Sharon White and Nate Watson moved and seconded approval of Resolution 19-09. Voice Vote, 5-0 vote.

Resolution 19-10

Resolution establishing general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of small cell wireless technology within the city's right-of-way and on any city-owned property.

Heard from Jeff Armour and Sarah Brower, Verizon Representatives.
Roger Sandau and Mike Wolf moved and seconded approval of Resolution 19-10. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 19-11

Resolution amending the Planned Commercial Development Plan for the Mid-America Complex (MAC) relative to signage. Location: An area generally bound by 23rd Avenue to the North, South 32nd Street to the West, and Mid-America Drive to the South. PC-18-003

Melissa Head and Nate Watson moved and seconded approval of Resolution 19-11. Unanimous, 5-0 vote.

Resolution 19-12

Resolution accepting the bid of Bluffs Paving and Utility Co. Inc. in the amount of \$534,519.54 for the S. 6th Street Reconstruction. Project #PW18-08

Melissa Head and Roger Sandau moved and seconded approval of Resolution 19-12. Voice Vote, 4-0 vote. (Abstain: Wolf)

Resolution 19-13

Resolution authorizing the Mayor to submit an US Environmental Protection Agency (EPA) Brownfields Assessment Grant.

Nate Watson and Mike Wolf moved and seconded approval of Resolution 19-13. Unanimous, 5-0 vote.

Resolution 19-14

Resolution authorizing the Mayor and City Clerk to enter into a Federal Aid Agreement with Iowa Dept of Transportation for a Iowa's Transportation Alternatives Program Project 19-TAP-110 in the amount of \$461,000 for the City County Connector Trail project, PR 20-02.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-14. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor License Renewals: 1) Andrews Lounge, 1210 N. 25th Street, 3) Dodge Riverside Golf Course, 2 Harrahs Blvd, 4) Driftwood Inn, 2701 Harry Langdon Blvd, 5) Hampton Inn, 2204 River Rd, 6) Holiday Inn, 2211 S. 32nd Street, 7) Hy-Vee Market Grille, 2323 W. Broadway, 8) I 80 Liquor, 2411 S. 24th Street, #1, 9) Kwik Shop #527, 3632 Ave G, 10) Speedee Mart 1512, 3624 9th Ave, 11) Tobacco Hut #18, 429 Veterans Memorial Hwy

Nate Watson and Melissa Head moved and seconded approval of Applications for Permits and Cancellations 7A1 & 7A3 - 7A11. Unanimous, 5-0 vote.

Liquor License Renewals: 2) Cube Ultra Lounge, 162 W. Broadway

Heard from Deborah Peterson, 215 Main Street, requesting a date be set that is mutually acceptable by all parties.

Nate Watson and Sharon White moved and seconded approval of Application for Permits and Cancellations 7A2 to be continued to a date mutually acceptable to both parties. Unanimous, 5-0 vote.

OTHER BUSINESS

Heard from Deborah Peterson, 215 Main Street

Roger Sandau and Melissa Head moved and seconded approval of Motion to allow for cuts in the medians at 26th Street and 17th Street, in regards to the Broadway Reconstruction plans. Failed, 2-3 vote.

(Nays: Watson, White, Wolf)

CITIZENS REQUEST TO BE HEARD

Heard from Tad McDowell, 52522 230th Street, Glenwood, IA

Motion by Head to Receive & File documents, seconded by Wolf, Unanimous.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:49 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: Finance
Case/Project No.:
Submitted by: Kathryn Knott

Resolution 19-16
ITEM 3.C.

Council Action: 1/28/2019

Description

Resolution setting a public hearing for February 11, 2019 on the City of Council Bluffs budget for fiscal year ending June 30, 2020.

Background/Discussion

It is requested the Council set a public hearing for persons to comment and discuss the budget for the City of Council Bluffs for the fiscal year ending June 30, 2020.

At your regular meeting of January 28, 2019, please establish Monday, February 11, 2019, at 7:00 p.m. as the date, time and place for public input in the Council Chambers at City Hall.

Staff will be requesting approval of the budget at the February 11, 2019 meeting. All documents are due to the Iowa Department of Management and to the Pottawatomie County Auditor by the required filing date of March 15, 2019.

Recommendation

Approval of the Resolution.

ATTACHMENTS:

Description

[Resolution 19-16](#)

Type

Resolution

Upload Date

1/21/2019

RESOLUTION NO. 19-16

Resolution setting a public hearing 9 on the City of Council Bluffs budget for fiscal year ending June 30, 2020.

WHEREAS, The City of Council Bluffs has a requirement to submit its budget for the fiscal year ending June 30, 2020 to the Iowa Department of Management and to the Pottawattamie County Auditor prior to March 15, 2019, and;

WHEREAS, The City is required to hold a public hearing on the proposed budget prior to adoption of the budget, and

WHEREAS, The City is required to publish and post the proposed budget at least ten and no more than twenty days from the public hearing,

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That a Public Hearing on the City Budget for the fiscal year ending June 30, 2020 is established for Monday, February 11, 2019 at 7:00 p.m. in Council Chambers at City Hall, 209 Pearl Street in Council Bluffs, Iowa.

ADOPTED
AND
APPROVED:

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: CASE SAV-19-001
Submitted by: Moises Monrroy Castillo

Resolution 19-17
ITEM 3.D.

Council Action: 1/28/2019

Description

Resolution of intent to vacate and setting a Public Hearing for February 11, 2019 at 7:00 p.m. for that portion of 24th Avenue lying between the west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision. SAV-19-001

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SAV-19-001 Staff Report	Other	1/18/2019
SAV-19-001 Attachment A	Map	1/18/2019
SAV-19-001 Attachment B	Map	1/18/2019
SAV-19-001 Attachment C	Other	1/18/2019
Resolution 19-17	Resolution	1/22/2019

Council Communication

Department: Community Development Cases #SAV-19-001 and #SUB-19-001 Property Owner/Applicant: Margarito and Celedonia Moreno 2403 South 19 th Street Council Bluffs, IA 51501 Engineer/Surveyor: Ehrhart Griffin & Associates c/o Bill White 142 W Broadway, Suite 136 Council Bluffs, IA 51503	Resolution of Intent No. _____ Resolution to Dispose No. _____ Resolution No. _____	Set Public Hearing: 1/28/19 Public Hearing: 2/11/19 Planning Commission: 1/8/19
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Subject/Title

Request: Public hearing on the request of Margarito Moreno for the following:

1. Vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision; and
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining.

Location: 24th Avenue, between South 19th Street and South 18th Street.
 2403 South 19th Street.

Background/Discussion

The Community Development Department has received the following requests from Margarito Moreno: 1) to vacate and dispose of an unimproved section of 24th Avenue located between South 19th Street and South 18th Street; and 2) to execute a final plat for a two-lot minor subdivision to be known as Moreno Addition.

CASE #SAV-19-001: The subject 24th Avenue right-of-way is unimproved and measures 66 feet in width by 330 feet in length. If vacated, the applicant wishes to purchase his section of right-of-way to expand his residential lot and to maintain control over mowing and landscaping. The City has no plans to build a new street in the subject right-of-way.

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

1. *To provide due process and citizen participation in the application and review process for vacations.* There are four property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:

North – Residential property owned by Jose and Victoria Zarate (2323 South 19th Street)

Residential property owned by Skyler Dobernecker (2322 South 18th Street)

South – Residential property owned by Margarito and Celedonia Moreno (2403 South 19th Street)

Residential property owned by Frank and Judith Ruiz (2404 South 18th Street)

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

2. *To ensure that no property owner is deprived of required and reasonable access.* All abutting properties have frontage on either South 19th Street or South 18th Street and will not be landlocked or have their access negatively impacted if the subject right-of-way is vacated.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:
 - The Permits and Inspections Division stated they have no comments on the vacation.
 - The Public Works Department stated they are not opposed to the vacation as proposed.
 - The Fire Department stated they have no comments on the vacation.
 - Council Bluffs Water Works stated they do not have a public water main or appurtenances in the subject right-of-way and they have no objections to the vacation.
 - MidAmerican Energy Company stated they do not object to the vacation provided they are granted an easement to operate and access existing facilities located within the section to be vacated. They noted their existing facilities include an existing distribution pole down guys on the South 18th Street side of 24th Avenue and a pole and overhead conductors on the South 19th Street side of 24th Avenue.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The request is to vacate the entirety of the 24th Avenue right-of-way lying between South 19th Street and South 18th Street.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Margarito Moreno stated he is in favor of the request and willing to acquire the portion of right-of-way adjacent to his property for the sum of \$1,543.97. Update: Mr. Moreno stated he is willing to acquire the portion of right-of-way adjacent to the property owned by Frank and Judith Ruiz, raising the total sum to \$3,622.97.

- Skyler Dobernecker expressed interest in acquiring the portion of right-of-way adjacent to her property, but has requested more information on a drain located in said portion of right-of-way before deciding whether to acquire it or not. The Community Development Department contacted the Public Works Department for information on the drain. The Public Works Department stated they do not show any sewer (sanitary or storm) to the west of South 18th Street and are currently researching for more information on the drain. An easement would have to be retained for any utilities located in the subject right-of-way for access and maintenance purposes. Update: Ms. Dobernecker stated she is in favor of the request and willing to acquire the portion of right-of-way adjacent to her property for the sum of \$654.34.
- There has been no reply from Jose and Victoria Zarate or Frank and Judith Ruiz regarding the vacation request. Update: After the Planning Commission meeting held on 1/8/2019, Mr. and Mrs. Zarate contacted the Community Development, stating they are in favor of the request and willing to acquire the portion of right-of-way adjacent to their property for the sum of \$1,541.00. Mr. and Mrs. Ruiz stated they are in favor of the request but are not willing to acquire the portion of right-of-way adjacent to their property.

CASE #SUB-19-001: The proposed Moreno Addition is comprised of 1.09 acres and is located East of South 19th Street, between 23rd Avenue and 25th Avenue. Proposed Lot 1 will be retained by the applicant as his residential property. The applicant intends to market proposed Lot 2 as single family property for development.

There is one principal structure and three accessory structures on the existing parcel which the applicant owns: a detached, single-family dwelling, a shed and two garages. The house, the shed and one of the garages are located on proposed Lot 1. The second garage is located on proposed Lot 2.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Proposed Lot 1 is 33, 803 square feet in size (164.29 feet by 204.18 feet), while proposed Lot 2 is comprised of 13,869 square feet (66 feet by 210.14 feet). Both lots will comply with minimum R-2/Two Family Residential District lot size requirements.
3. Any structures proposed to be built/erected shall comply with R-2/Two Family Residential District site development standards.
4. As per Section 15.24.020, *Supplemental Use and Site Development Regulations, Accessory Uses* of the Council Bluffs Municipal Code (Zoning Ordinance), “unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use.” Therefore, the garage located on proposed Lot 2 must be demolished prior to the plat being executed by the City.
5. Proposed Lots 1 and 2 have direct access to South 19th Street.
6. The plat includes the 24th Avenue right-of-way proposed to be vacated. The applicant must purchase the portion of right-of-way adjacent to his property prior to the plat being executed by the City.
7. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. Sidewalks are already constructed along all frontages for this subdivision. Any cost to remove, repair and/or relocate sidewalks for the development of this subdivision shall be at the sole cost of the applicant and not the City.
8. Proposed Lots 1 and 2 will be serviced with existing utilities in South 19th Street (e.g., sanitary/storm sewers, water, electricity, etc.).
9. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.

10. The Permits and Inspections Division stated they have no comments on the request.
11. The Fire Department stated they have no comments for the proposed final plat.
12. The Public Works Department stated a sanitary sewer is located in South 19th Street but there is not a lateral established to support proposed Lot 2. The owner/developer of proposed Lot 2 will be required to install a lateral to the main and obtain all necessary permits at the time of development.
13. Council Bluffs Water Works stated both lots in the proposed subdivision have water main frontage on South 19th Street.
14. MidAmerican Energy Company stated they do not object to the final plat. They also stated the customer or developer must contact MidAmerican Energy for costs and requirements to extend electric facilities to serve the proposed subdivision.
15. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are proposed, a note shall be stated on the final plat indicating none will be recorded.

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

1. Increase the size of the plat map exhibit.
2. The standard dedication of public easements shall appear on the plat as provided here:

As part of this platting, Margarito-Celedonia Moreno does hereby grant to the City of Council Bluffs, a municipal corporation of the State of Iowa, and its agents, contractors and assigns, a permanent nonexclusive easement for the purpose of conveying overland storm drainage and constructing, reconstructing, repairing, enlarging and maintaining storm sewers together with necessary appurtenances thereto in, on, over, and across the following described real estate: This easement 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, 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.*
 - 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: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.*
 - e. SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.*
 - f. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.*
 - 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.*
3. Revise "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property that the person included in the Hills of Cedar Creek East Phase 1, is free from certified taxes and certified special assessments" to state "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the

property that the person included in Moreno Addition, is free from certified taxes and certified special assessments.”

4. Revise “In witness whereof we do hereunto set our hands, for: HCC Investments, LLC, an Iowa liability company” to state “In witness whereof we do hereunto set our hands, for: Margarito-Celedonia Moreno.”
5. Change the road names “18th Street” and “19th Street” to “South 18th Street” and “South 19th Street,” respectively, in the plat map exhibit and legal description.

Recommendation

The Community Development Department recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).
2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:
 - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - b. 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; and
 - c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. Prior to executing the final plat, the applicant shall be required to demolish the garage on proposed Lot 2; and
 - e. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
 - f. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
 - g. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
 - h. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

Public Hearing

Speakers in favor:

1. Margarito Moreno, 2403 South 19th Street, Council Bluffs, IA 51501

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends the following:

1. Approval to vacate and dispose of 24th Avenue right-of-way lying between South 18th Street and South 19th Street and abutting Blocks 21 and 36, Railroad Addition and Lot 6, Wyatt 2nd Subdivision, subject to an easement

being retained for utility access and maintenance purposes and all portions of the right of way being disposed of to an abutting property owner(s).

2. Final plat approval of a two-lot residential subdivision to be known as Moreno Addition, being a replat of Lots 1 through 6, 23 and 24, and the North 33 feet of Lots 11 and 12, and portions of the vacated alleys adjoining, all in Block 36, Railroad Addition, and a portion of the South ½ of vacated 24th Avenue adjoining, subject to the following conditions:

- a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- b. 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; and
- c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- d. Prior to executing the final plat, the applicant shall be required to demolish the garage on proposed Lot 2; and
- e. Prior to executing the final plat, the applicant shall be required to purchase the portion of vacated 24th Avenue right-of-way adjacent to his property; and
- f. The applicant shall be required to install a lateral to the main to support proposed Lot 2, Moreno Addition, and obtain all necessary permits at the time of development; and
- g. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
- h. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location and Zoning Map

Attachment B: 24th Avenue Right-of-Way Exhibit

Attachment C: Moreno Addition Final Plat




Engineer: Bill White, Ehrhart Griffin & Associates, 142 W Broadway, Suite 136, Council Bluffs, IA 51503

Prepared by: Moises Monrroy, Planner, Community Development Department

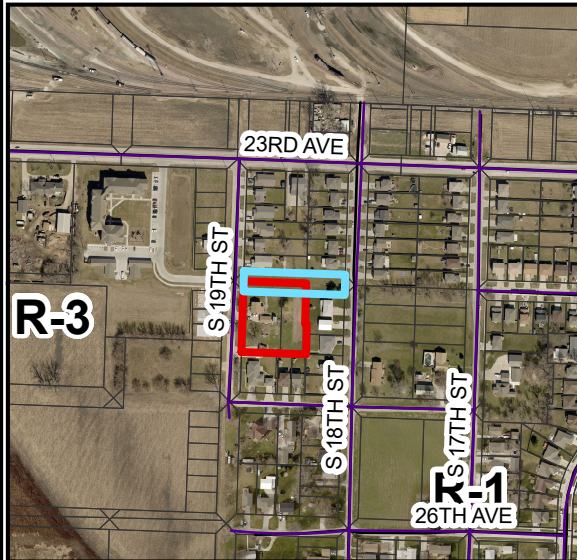
CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-19-001, #SUB-19-001 LOCATION/ZONING MAP

Map Legend

-  Subject right-of-way
-  Approximate location of subdivision
-  Parcels

0 40 80
1 Inch = 83 Feet

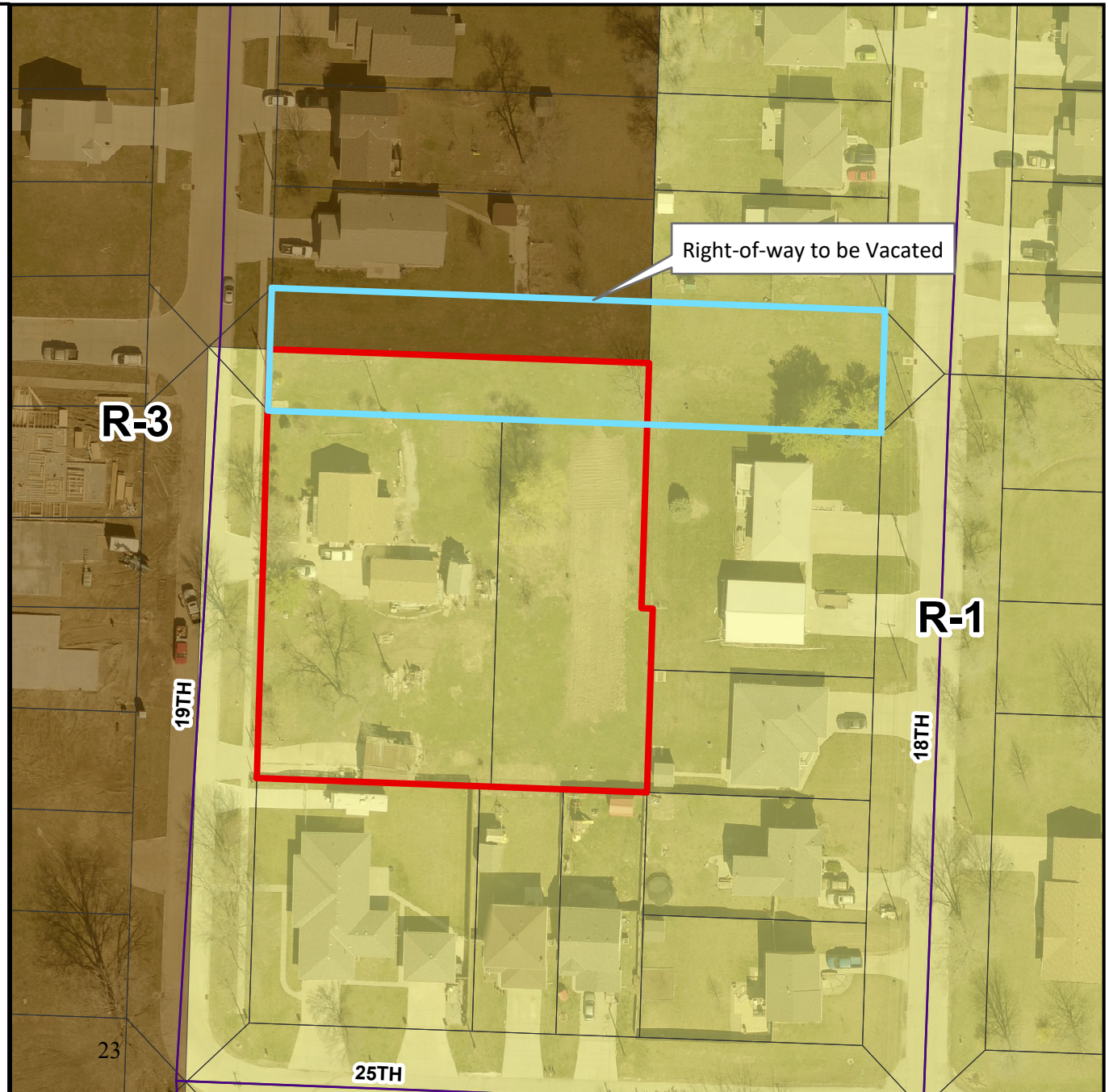


Last Amended: 11/19/18

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 denies any and all responsibilities for errors, if any, in the information contained on this map of the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Project No. EGA181223

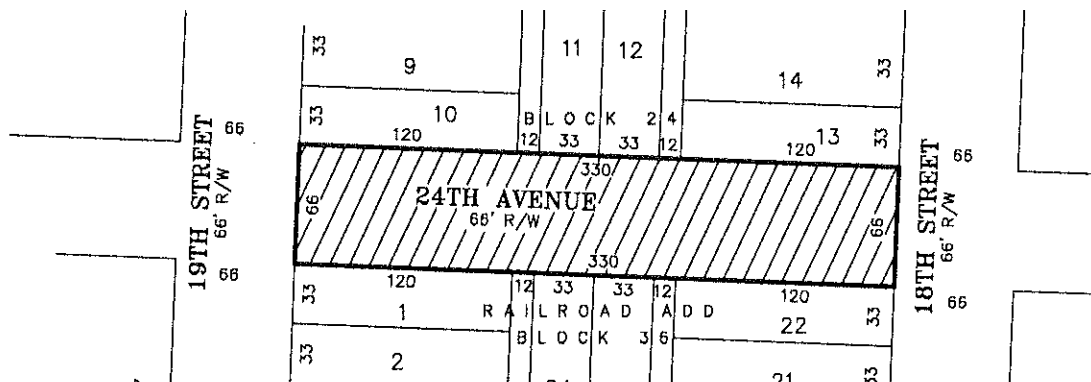
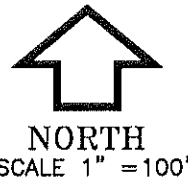
Exhibit "A"

Date: 11-07-18

DESCRIPTION & SKETCH

LEGAL DESCRIPTION

THAT PART OF THE 66 FOOT WIDE RIGHT-OF-WAY OF 24TH AVENUE LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH 18TH STREET AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 19TH STREET, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA AND CONTAINING 21,780 SQUARE FEET, MORE OR LESS.



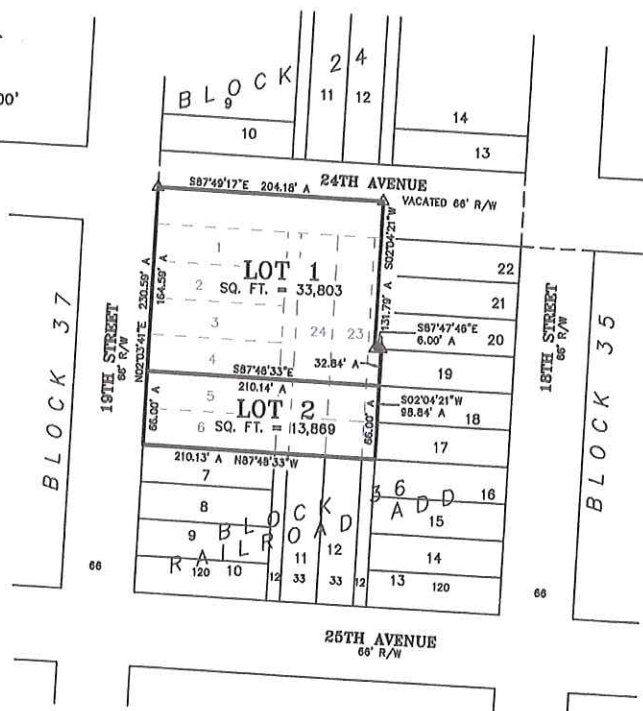
**EHRHART
GRIFFIN &
ASSOCIATES**

ENGINEERING

PLANNING

LAND SURVEYING

3552 Farnam Street • Omaha, Nebraska 68131 • 402 / 551-0631



FINAL PLAT MORENO ADDITION

LOTS 1 AND 2,
BEING A REPLAT OF LOTS 1 THROUGH 6, 23 AND 24,
AND THE NORTH 33 FEET OF LOTS 11 AND 12,
AND PORTIONS OF THE VACATED ALLEYS ADJOINING,
ALL IN BLOCK 36, RAILROAD ADDITION,
AND A PORTION OF THE SOUTH HALF OF VACATED 24TH AVENUE ADJOINING,
POTTAWATTAMIE COUNTY, IOWA
IN THE NE 1/4 OF THE SW 1/4 OF SEC 2, T-74-N, R-44-W

PROJECT NO.
EGA181223

REVISIONS	BY	DATE	DESCRIPTION
1			
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**EHRHART
GRIFFIN &
ASSOCIATES**

142 West Broadway
Suite 136
Council Bluffs, IA 51503
712 / 256-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

LEGAL DESCRIPTION

MORENO ADDITION, CONTAINING LOTS 1 AND 2, AND BEING A REPLAT OF LOTS 1 THROUGH 6, 23 AND 24, AND THE NORTH 33 FEET OF LOTS 11 AND 12, AND THE VACATED ALLEY ADJOINING LOTS 1 THROUGH 6, 24 AND THE NORTH 33 FEET OF LOT 11, AND THE VACATED ALLEY ADJOINING LOTS 17, 18, 19 AND THE NORTH 33 FEET OF LOT 12 AND THE SOUTH 66 FEET OF LOT 23, AND WEST HALF OF THE VACATED ALLEY ADJOINING THE NORTH 99 FEET OF LOT 23, ALL IN BLOCK 36, RAILROAD ADDITION, AND THE SOUTH HALF OF VACATED 24TH AVENUE LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF 19TH STREET AND THE NORTHERLY PROJECTION OF THE CENTERLINE OF THE 12 FOOT WIDE ALLEY LYING BETWEEN LOTS 22 AND 23 IN SAID BLOCK 36, ALL AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 36; THENCE NORTH 02° 03' 41" EAST ON THE WEST LINE OF SAID LOT 6 AND LOTS 5, 4, 3, 2 AND 1 AND THE NORTHERLY PROJECTION THEREOF, A DISTANCE OF 230.59 FEET TO A POINT ON THE CENTERLINE OF VACATED 24TH AVENUE; THENCE SOUTH 87° 49' 17" EAST ON SAID CENTERLINE, A DISTANCE OF 204.18 FEET TO A POINT ON THE NORTHERLY PROJECTION OF THE CENTERLINE OF THE VACATED ALLEY LYING BETWEEN LOTS 22 AND 23 IN BLOCK 36; THENCE SOUTH 02° 04' 21" WEST ON SAID VACATED ALLEY CENTERLINE AND PROJECTION, A DISTANCE OF 131.79 FEET TO THE WESTERLY PROJECTION OF THE NORTH LINE OF LOT 19 IN BLOCK 36; THENCE SOUTH 87° 47' 46" EAST ON SAID PROJECTED LOT LINE, A DISTANCE OF 6.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE SOUTH 02° 04' 21" WEST ON THE WEST LINE OF SAID LOTS 19, 18 AND 17 IN BLOCK 36, A DISTANCE OF 98.84 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTH 87° 48' 33" WEST A DISTANCE OF 210.13 FEET TO THE POINT OF BEGINNING; CONTAINING 47,672 SQUARE FEET (1.0944 ACRES), MORE OR LESS.

STANDARD UTILITY EASEMENTS

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES. THE DRAINAGE AREAS AND INCLUDED DRAINAGE SYSTEMS, IF ANY, ARE PRIVATE AND ARE TO BE MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.

SURVEYOR'S NOTES:

5/8" X 30" (IRON PINS) WITH ALUMINUM CAPS STAMPED #11416 HAVE BEEN SET AT THE CORNERS OF ALL LOTS, STREETS, AND ANGLE POINTS.

DEDICATION

KNOW ALL PEOPLE OF THESE PRESENTS: THAT

MARGARITO-CELEDONIA MORENO

BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED WITH HIS FREE CONSENT AND IN ACCORD WITH HIS DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS 1 AND 2, AS SHOWN AND TO BE KNOWN AS:

MORENO ADDITION

AND MARGARITO-CELEDONIA MORENO DOES HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF HIS PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS, FOR: HCC INVESTMENTS, LLC, AN IOWA LIMITED LIABILITY COMPANY

MARGARITO-CELEDONIA MORENO

DATE: _____

ACKNOWLEDGEMENT TO DEDICATION

STATE OF _____)

COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME, MARGARITO-CELEDONIA MORENO, OWNER, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION, AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS OWNER.

WITNESS MY HAND AND NOTARIAL SEAL AT _____

NOTARY PUBLIC _____ DATE _____

LAND SURVEYOR'S CERTIFICATE

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

MARK E. EHRHART

DATE 11/22/18 LICENSE NO. 11416
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.

INDEX LEGEND
DATE OF SURVEY: 10/15/2018
SURVEYOR: M.E. EHRHART
COUNTY: POTTAWATTAMIE COUNTY
SECTION: 2 TOWNSHIP 74N RANGE 44W
ALLOT PART: N.E. 1/4 OF THE S.W. 1/4
PARCEL DESIGNATION(S): LOTS 1 & 2 (PROPOSED)
TAX ADDRESS: 2403 S 19TH ST
PROPRIETOR(S): MARGARITO-CELEDONIA MORENO
REQUESTED BY: MARGARITO-CELEDONIA MORENO

CERTIFICATIONS AND APPROVALS

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FINAL PLAT:

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY.

B. TITLE OPINION LETTER OF ATTORNEY.

C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MEETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

MARGARITO-CELEDONIA MORENO _____ DATE _____

COMMUNITY DEVELOPMENT
APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, BRANDON GARRETT _____ DATE _____

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

ATTESTED TO BY: CITY CLERK, JODI QUAKENBUSH _____ DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE HILLS OF CEDAR CREEK EAST PHASE 1, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

MORENO ADDITION
FINAL PLAT
S.W. CORNER OF S 19TH ST & 24TH AVE.
COUNCIL BLUFFS, IOWA

DATE: 11/15/18

DESIGNED BY:

DRAWN BY:

WAW

CHECKED BY:

SRB

CREW:



SHEET NO.

1 OF 1

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. 19-17

A RESOLUTION OF INTENT TO VACATE THAT PORTION OF 24th AVENUE LYING BETWEEN THE WEST RIGHT-OF-WAY LINE OF SOUTH 18th STREET AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 19th STREET, AND ABUTTING BLOCKS 21 AND 36, RAILROAD ADDITION, AND LOT 6, WYATT 2nd SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Margarito and Celedonia Moreno request the vacation of that part of 24th Avenue right-of-way, lying between west right-of-way line of South 18th Street and the east right-of-way line of South 19th Street, and abutting Blocks 21 and 36, Railroad Addition, and Lot 6, Wyatt 2nd Subdivision;

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

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

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

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for February 11, 2019 at 7:00 p.m.

ADOPTED
AND
APPROVED: January 28, 2019

Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Planning Case #SAV-19-001

Council Communication

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

December FY19 Financial Reports
ITEM 3.E.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Receipts & Expenditures by Fund	Other	1/18/2019
Expenditures by Amount	Other	1/18/2019
Expenditures by Vendor	Other	1/18/2019

City of Council Bluffs

Receipts by Fund For the Month of December FY19

General Fund	2,475,872.09
Special Revenue	1,814,910.38
Debt Service	231,223.04
Capital Project	781,644.35
Enterprise	829,539.01
Total Receipts	<u>6,133,188.87</u>

Expenditures by Fund For the Month of December FY19

General Fund	5,938,053.21
Special Revenue	2,033,419.89
Debt Service	1,012,962.42
Capital Project	2,863,028.95
Enterprise	756,894.50
Total Expenditures	<u>12,604,358.97</u>

Transfer from City Operating Accounts

to Mid America Center	350,000.00
to Dodge Riverside	28,732.00
Total Transfers	<u>378,732.00</u>

CITY OF COUNCIL BLUFFS
EXPENDITURES
December, FY19
(\$,S)

PAYEE	AMOUNT	BUSINESS PURPOSE
PAYROLL	1,859,325.82	CITY EMPLOYEE PAYROLL
BANKERS TRUST	1,012,962.42	BOND PAYMENT
CAESARS ENTERTAINMENT	842,554.14	MAC OPERATING EXPENDITURE
EMPLOYEE BENEFIT SYSTEMS	814,537.21	HEALTH INSURANCE
HAWKINS CONSTRUCTION COMPANY	574,447.53	CONSTRUCTION
EFTPS	530,964.51	EMPLOYEE TAXES
PAYLESS OFFICE PRODUCTS INC	499,369.88	SUPPLIES
COMPASS UTILITY LLC	489,389.25	CONSTRUCTION
MFPRSI	476,638.03	RETIREMENT
SAMPSON CONSTRUCTION CO INC	384,006.00	CONSTRUCTION
MIDSTATES BANK, NA	323,683.58	BANK SERVICES
BOKF N.A.	313,058.85	TIF REBATE
RED RIVER WASTE SOLUTIONS LP	292,618.87	REFUSE COLLECTION
92 INVESTMENTS LLC	290,642.00	PROPERTY ACQUISITION
HGM ASSOCIATES INC	282,563.51	PROFESSIONAL SVCS
BLUFFS PAVING & UTILITY INC	212,888.27	CONSTRUCTION
US BANK	204,260.17	BASS PRO LOAN
JUDDS BROTHERS CONSTRUCTION CO	177,257.69	CONSTRUCTION
CARLEY CONSTRUCTION LLC	140,932.53	CONSTRUCTION
IOWA DEPT OF REVENUE	133,162.00	EMPLOYEE TAXES
RIVER PARK APARTMENTS LLC	114,103.00	TIF REBATE
MIDAMERICAN ENERGY	105,275.61	ELECTRICITY
LANDSCAPES UNLIMITED LLC	103,922.11	CONTRACTURAL SVC
JEO CONSULTING GROUP INC	86,729.21	CONSULTANT
AMERICAN NATIONAL BANK	85,851.69	BANK SERVICES

US BANK	84,379.61	CREDIT CARD PURCHASES
PAYROLL	81,030.06	MAC OPERATING EXPENDITURE
MCCARTHY CONSTRUCTION INC	71,044.00	TIF REBATE
TRANSIT AUTHORITY OF THE CITY OF OMAHA	69,130.00	BUS SERVICE
NATIONWIDE RETIREMENT SOLUTIONS INC	61,849.22	EMPLOYEE CONTRIB
TSM MANAGEMENT LLC	61,744.00	TIF REBATE
CENTRAL SALT LLC	61,102.32	STREET MAINTENANCE SUPLS
IOWA FINANCE AUTHORITY	59,130.00	LOAN PAYMENTS
HOLIDYNAMICS INC	56,952.46	CONTRACTURAL SVC
ROAD MACHINERY AND SUPPLIES CO	56,857.02	EQUIPMENT/PARTS
KELTEK INCORPORATED	54,819.59	EQUIPMENT/PARTS
IOWA WASTE SERVICES LLC	46,952.60	SOLID WASTE DISPOSAL
STUDIO 15 COMMERCIAL INTERIORS INC	45,688.61	CONTRACT LABOR
LEGACY CB LLC	44,419.84	TIF REBATE
NEBRASKA FURNITURE MART INC	41,586.21	FURNITURE
SAPP BROTHERS INC	40,305.96	FUEL
GEORGE BUTLER ASSOCIATES, INC.	40,185.20	CONTRACTURAL SVC
R J NELSON COMPANY INCORPORATED	37,740.85	REPAIRS
IOWA DEPARTMENT OF REVENUE	32,341.00	MAC OPERATING EXPENDITURE
IP PATHWAYS LLC	30,016.66	HARDWARE/SOFTWARE
DODGE PAYROLL	29,204.24	DODGE OPERATING EXPENDITURE
CITY TREASURER	28,370.30	DODGE OPERATING EXPENDITURE
SELDIN COMPANY, LLC	27,243.50	DEVLPMNT CONTRACT
HUGHES IRONS FACILITY CORPORATION	26,168.00	TIF REBATE
LAMETTI & SONS INC	25,923.79	CONSTRUCTION
JONES AUTOMOTIVE INCORPORATED	25,727.60	EQUIPMENT/PARTS
NATHAN N SORENSEN	25,004.97	CONTRACTURAL SVC
HDR ENGINEERING INC	24,179.56	PROFESSIONAL SVCS
ROGUE FITNESS	23,553.11	EQUIPMENT/PARTS
SOUTHWEST IOWA PLANNING COUNCIL	23,182.92	CONTRACTURAL SVC
DP MANAGEMENT LLC	22,200.00	MOWING/GROUNDS MAINT
POTTAWATTAMIE COUNTY SHERIFF	21,995.36	INMATE COST

CLOSED LOOP LOAN FUND	20,870.00	LOAN PAYMENTS
SHERBONDY'S GARDEN CENTER	20,639.00	CONTRACTURAL SVC
COUNCIL BLUFFS AIRPORT AUTHORITY	20,531.00	AIRPORT AUTH TAX
KRONOS INCORPORATED	20,174.32	HARDWARE/SOFTWARE
COX MEDIA, LLC	18,733.29	PHONE/INTERNET SVC
EIDE BAILLY LLP	18,000.00	AUDIT
PETROLEUM TRADERS CORPORATION	17,731.28	FUEL
NODDLE DEVELOPMENT COMPANY	16,666.66	CONSULTANT
TS DEVELOPMENT LLC	16,575.00	DEVLPMNT CONTRACT
KONICA MINOLTA BUSINESS SOLUTIONS USA	16,089.00	LEASE
BLACK HILLS UTILITY HOLDINGS, INC.	15,361.13	NATURAL GAS
NEIL L ARBOGAST	13,435.00	CONTRACTURAL SVC
ICMA RETIREMENT TRUST - 457	13,094.30	EMPLOYEE CONTRIB
EHRHART GRIFFIN & ASSOCIATES INC	12,375.50	PROFESSIONAL SVCS
BEST CARE EMPLOYEE ASSISTANCE PROGRAM	12,211.52	MEDICAL SUPPLIES
LAWN WIZARDS INC	12,054.00	MOWING/GROUNDS MAINT
BILLY'S INC.	12,050.00	SUPPLIES
BOBCAT OF OMAHA	12,037.75	EQUIPMENT/PARTS
COUNCIL BLUFFS WATER WORKS	12,030.23	WATER
COMMSYS INC	12,012.50	HARDWARE/SOFTWARE
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACTURAL SVC
TYLER TECHNOLOGIES INC	10,150.72	HARDWARE/SOFTWARE
COLLECTION SERVICES CENTER	10,058.20	GARNISHMENT
KASADA LLC	10,000.00	PROPERTY ACQUISITION
WESTERN ENGINEERING COMPANY INC	9,699.14	CONSTRUCTION
CITY OF COUNCIL BLUFFS-FLEX	9,428.88	EMPLOYEE CONTRIB
CLEAN HARBORS ENVIRONMENTAL SERVICES INC	8,794.15	CONTRACTURAL SVC
READY MIXED CONCRETE	8,644.04	SUPPLIES
CORNHUSKER INTERNATIONAL TRUCKS	8,609.72	EQUIPMENT/PARTS
EPCO LTD., INC.	8,518.00	EQUIPMENT/PARTS
JEREDITH BRANDS LLC	8,456.50	JANITORIAL SERVICE
NEBRASKA MACHINERY CO	8,288.46	MAC OPERATING EXPENDITURE

COUNCIL BLUFFS WINSUPPLY	8,214.36	SUPPLIES
ADPI EMS BILLING INC	8,162.41	AMBULANCE BILLING FEE
PITNEY BOWES CORPORATION	8,000.00	POSTAGE & LEASE COST
GARAGE DOOR SERVICES	7,794.00	CONTRACTURAL SVC
MICHAEL TODD AND COMPANY INC	7,531.33	EQUIPMENT/PARTS
MIDWEST TAPE	7,419.74	DVD/AUDIO/CD
ARROW TOWING	7,375.00	TOWING/STORAGE/AUCTION
LOCKTON CO, LLC - KC SERIES	7,358.00	DODGE OPERATING EXPENDITURE
CITY OF COUNCIL BLUFFS	7,268.35	DODGE OPERATING EXPENDITURE
NMC INC.	7,047.51	EQUIPMENT/PARTS
ALLIED BUSINESS SOLUTIONS	6,986.25	TREE WORK
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	6,930.00	EMPLOYEE CONTRIB
DANKO EMERGENCY EQUIPMENT CO	6,885.16	SUPPLIES
VERIZON WIRELESS SERVICES LLC	6,838.96	CELL PHONE
ELAVON INC	6,799.51	FEES
FOX HOLDINGS, INC.	6,678.00	REPAIRS
INTERSTATE POWER SYSTEMS INC	6,396.97	EQUIPMENT/PARTS
DTN LLC	6,366.00	SUBSCRIPTION
NEW HORIZONS COMPUTER LEARNING	6,000.00	HARDWARE/SOFTWARE
CONSTELLATION NEWENERGY-GAS DIVISION, LLC	5,991.43	NATURAL GAS
SMARTWAVE TECHNOLOGIES LLC	5,793.48	HARDWARE/SOFTWARE
CITY OF COUNCIL BLUFFS-DEPENDENT	5,769.38	EMPLOYEE CONTRIB
CONTINENTAL ALARM & DETECTION CO	5,719.00	CONTRACTURAL SVC
MOBOTREX INC	5,712.00	SUPPLIES
JIM'S HAULING	5,596.90	EQUIPMENT/PARTS
I GO VAN AND STORAGE CO	5,572.50	FURNITURE
THE SCOTTS COMPANY	5,557.70	REFUSE COLLECTION
LANDSCAPES MGMT COMPANY	5,497.69	DODGE OPERATING EXPENDITURE
COUNCIL BLUFFS COMMUNITY SCHOOLS	5,415.00	CONTRACTURAL SVC
BAKER & TAYLOR INC	4,947.39	BOOKS/PERIODICALS/SUB
HY VEE, INC.	4,635.00	SUPPLIES
HEARTLAND TIRES & TREADS INC	4,548.00	TIRE REPLACEMENT/REPAIR

POTTAWATTAMIE COUNTY AUDITOR	4,529.67	LAW ENFORCEMENT COMPLEX
HD SUPPLY FAC MAINTENANCE LTD	4,359.95	SUPPLIES
THERMAL SERVICES	4,252.00	REPAIRS
COMPASSCOM SOFTWARE CORPORATION	4,240.00	HARDWARE/SOFTWARE
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,960.00	EMPLOYEE CONTRIB
CONTROL SERVICES INC	3,894.25	REPAIRS
MARCO TECHNOLOGIES LLC	3,884.19	COPY/PRINTER MAINTANCE
MECHANICAL SALES INC.	3,843.00	SUPPLIES
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,480.00	EMPLOYEE CONTRIB
AGRIVISION EQUIPMENT GROUP	3,425.96	EQUIPMENT/PARTS
LANDSCAPES UNLIMITED	3,355.33	DODGE OPERATING EXPENDITURE
EXECUTIVE SECURITY OF OMAHA	3,322.00	MAC OPERATING EXPENDITURE
BLUFFS TAXI & COURIER	3,308.50	TRANSIT SERVICES
LPL FINANCIAL LLC	3,252.97	DODGE TRUST REIMBURSEMENT
COUNCIL BLUFFS FIRE DEPT	3,207.25	MAC OPERATING EXPENDITURE
THE OFFICE CLEANERS	3,102.05	JANITORIAL SERVICE
DIANE KAY PECK	3,079.72	LEGAL CLAIM
FRATERNAL ORDER OF POLICE	3,010.00	EMPLOYEE CONTRIB
SJ ELECTRO SYSTEMS INC	2,956.01	EQUIPMENT/PARTS
ASI SIGNAGE INNOVATIONS	2,839.00	HARDWARE/SOFTWARE
LINK MEDIA GEORGIA LLC	2,800.00	MAC OPERATING EXPENDITURE
BMI JANITORIAL GROUP	2,782.00	MAC OPERATING EXPENDITURE
SUSPENSION SHOP INC	2,779.72	EQUIPMENT/PARTS
SILVERSTONE GROUP INC.	2,773.00	INSURANCE
CRAFTSMAN WINDOW COVERINGS INC	2,754.00	SUPPLIES
ARNOLD MOTOR SUPPLY, LLP	2,690.46	EQUIPMENT/PARTS
SECURITY EQUIPMENT INCORPORATED	2,651.08	CONTRACTURAL SVC
IOWA DEPARTMENT OF REVENUE	2,620.00	DODGE OPERATING EXPENDITURE
THE RETROFIT COMPANIES INC	2,594.25	CONTRACTURAL SVC
NATIONAL WASTE LP	2,587.60	EQUIPMENT/PARTS
TREASURER STATE OF IOWA/SALES TAX	2,533.00	SALES TAX
GENUINE PARTS COMPANY-NAPA	2,519.45	EQUIPMENT/PARTS

WINDSTREAM CORPORATION	2,507.16	TELEPHONE
RYNE CLINTON JEFFRIES	2,500.00	CONSTRUCTION
ECHO ELECTRIC SUPPLY	2,467.15	MAC OPERATING EXPENDITURE
LEE WYMAN	2,464.21	LEGAL CLAIM
MICHAEL O'BRADOVICH	2,400.00	CONSULTANT
U S AUTO FORCE	2,367.90	EQUIPMENT/PARTS
MARBLE MEDIC INC	2,325.06	CONSTRUCTION
OLD DOMINION BRUSH COMPANY INC	2,316.31	SUPPLIES
MUNICIPAL CODE CORPORATION	2,257.65	SUBSCRIPTION
ASPHALT AND CONCRETE MATERIALS CO	2,216.02	STREET MAINTENANCE SUPLS
AHS RESCUE LLC	2,166.58	SUPPLIES
OMAHA DOOR & WINDOW INC	2,150.00	MAC OPERATING EXPENDITURE
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	2,083.37	EQUIPMENT/PARTS
OVERDRIVE INC	2,001.76	BOOKS/PERIODICALS/SUB
PAPILLION SANITATION	1,864.03	SOLID WASTE DISPOSAL
ECOSOLUTIONS LLC	1,817.00	SUPPLIES
OMNI ENGINEERING	1,815.20	STREET MAINTENANCE SUPLS
CHAMPLIN TIRE RECYCLING INC	1,799.50	TIRE DISPOSAL
AFSCME IOWA PUBLIC COUNCIL 61	1,530.12	DUES EMPLOYEE
CFI TIRE SERVICE	1,520.00	TIRE REPLACEMENT/REPAIR
CRAIG L KEYSOR	1,472.00	CONTRACTURAL SVC
JOHN J MORGAN COMPANY	1,462.60	EQUIPMENT/PARTS
CONTINENTAL FIRE SPRINKLER CO	1,455.00	CONTRACTURAL SVC
FACTORY MOTOR PARTS	1,450.08	SUPPLIES
OMAHA DOOR & WINDOW CO INC	1,445.06	REPAIRS
VEENSTRA & KIMM INC	1,420.50	PROFESSIONAL SVCS
SWAGIT PRODUCTIONS LLC	1,375.00	CONTRACTURAL SVC
KENNETH LOGHRY	1,310.00	MOWING/GROUNDS MAINT
E-Z RENTAL	1,302.00	DODGE OPERATING EXPENDITURE
OREGON DEPARTMENT OF JUSTICE	1,276.62	EMPLOYEE CONTRIB
ELECTRONIC CONTRACTING COMPANY	1,270.00	SERVICE LABOR
TRANE U.S. INC	1,266.00	REPAIRS

BOUND TO STAY BOUND BOOKS INC	1,262.62	BOOKS/PERIODICALS/SUB
ULTRAMAX AMMUNITION	1,257.60	SUPPLIES
OCLC INC	1,210.47	SUBSCRIPTION
SIOUX CITY TRUCK SALES INC	1,203.78	EQUIPMENT/PARTS
FUNNEL CCAKE	1,197.08	MAC OPERATING EXPENDITURE
NEBRASKA AIR FILTER INC	1,138.32	SUPPLIES
ECHO GROUP	1,114.70	SUPPLIES
ALAN'S ENTERPRISES LTD	1,110.00	CONTRACTURAL SVC
DEX MEDIA, INC.	1,104.00	ADVERTISEMENT
SIGN-MOBILE	1,098.00	CONTRACTURAL SVC
FELSBURG HOLT & ULLEVIG INC	1,085.00	PROFESSIONAL SVCS
RIVERSIDE BUILDING MAINTENANCE INC	1,071.00	JANITORIAL SERVICE
MARKING REFRIGERATION INC	1,050.74	MAC OPERATING EXPENDITURE
DULTMEIER SALES LLC	1,047.58	SUPPLIES
STATE INDUSTRIAL PROUCTS	1,041.76	SUPPLIES
BANK & CR CARD FEES	1,009.19	DODGE OPERATING EXPENDITURE
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,000.00	EMPLOYEE CONTRIB
DAVID W WOODY	998.90	SUPPLIES
CENTURYLINK	995.88	TELEPHONE
FIRST NATIONAL BANK PCARDS ACH	969.19	DODGE OPERATING EXPENDITURE
SOLARWINDS INC	969.00	HARDWARE/SOFTWARE
ABSTRACT PAINTING & DECORATING INC	958.00	CONTRACTURAL SVC
HACH COMPANY	946.78	EQUIPMENT/PARTS
PETERS LAW FIRM P.C	920.00	ATTORNEY FEES
ADVANCE SERVICES, INC	911.41	CONTRACT LABOR
MELINDA MCCOLLOUGH	902.99	REIMBURSEMENT
SUNBELT RENTALS INC	894.24	EQUIPMENT/PARTS
INLAND TRUCK PARTS COMPANY INC	871.57	EQUIPMENT/PARTS
HARVEYS IOWA MANAGEMENT CO INC	845.00	REFUND
STUART TINLEY LAW FIRM LLP	827.00	ATTORNEY FEES
RONALD DUANE ZIKA	790.00	MAC OPERATING EXPENDITURE
MAX I WALKER UNIFORM & APPAREL	785.23	UNIFORMS

ABC ELECTRIC INC.	785.00	REPAIRS
BOMGAARS SUPPLY INC	780.03	SUPPLIES
TRAIL PERFORMANCE COATINGS INC	771.50	CONTRACTURAL SVC
UMR	753.24	DODGE OPERATING EXPENDITURE
JENNIE EDMUNDSON MEMORIAL HOSPITAL	752.60	MEDICAL SUPPLIES
CABANA COFFEE	749.06	MAC OPERATING EXPENDITURE
GENERAL TRAFFIC CONTROLS INC	698.00	CONTRACTURAL SVC
TRANS-IOWA EQUIPMENT INC	691.14	EQUIPMENT/PARTS
ENTERPRISE CAR SALES	689.74	RENTAL EXPS
HAWKEYE TRUCK EQUIPMENT	682.75	EQUIPMENT/PARTS
THOMSON REUTERS	675.21	SUBSCRIPTION
WORKSTAFFING	667.40	CONTRACTURAL SVC
TRITECH SOFTWARE SYSTEMS	661.50	HARDWARE/SOFTWARE
D&K PRODUCTS	650.97	DODGE OPERATING EXPENDITURE
H-T-M SALES INC	636.36	EQUIPMENT/PARTS
IOWA ONE CALL	609.50	CONTRACTURAL SVC
MCMULLEN FORD INC	601.10	EQUIPMENT/PARTS
ROSANNA M THURMAN	600.00	MEDICAL SUPPLIES
LAWSON PRODUCTS INCORPORATED	588.31	SUPPLIES
TED'S MOWER SALES & SERVICE INC	579.46	EQUIPMENT/PARTS
YVONNE RODRIGUEZ	572.03	REIMBURSEMENT
EDWARDS CHEVROLET-CADILLAC INC	570.49	EQUIPMENT/PARTS
CERTIFIED POWER INC	556.65	EQUIPMENT/PARTS
STRATUM CONSULTING PARTNERS INC	540.00	CONTRACTURAL SVC
TEMPLE UNIVERSITY	526.80	MAC OPERATING EXPENDITURE
CHEMSEARCHFE	517.00	SUPPLIES
CANON SOLUTIONS AMERICA INC	515.13	COPY/PRINTER MAINTANCE
CHILD SUPPORT SERVICES DIVISION	514.32	GARNISHMENT
SYSCO - LINCOLN	513.09	DODGE OPERATING EXPENDITURE
DAILY NONPAREIL	512.62	ADVERTISEMENT
THE GARAGE COMPANY	500.00	REPAIRS
TERRACON CONSULTANTS OF NEB INC	500.00	PROFESSIONAL SVCS

KONECRANES	500.00	CONTRACTURAL SVC
ELECTRIC PUMP	497.00	EQUIPMENT/PARTS
NEBRASKA CHILD SUPPORT PAYMENT CTR	496.62	GARNISHMENT
JAMIE N RUPPERT	484.78	REIMBURSEMENT
ULTIMATE SAFETY CONCEPTS INC	482.98	EQUIPMENT/PARTS
MR. ED'S FLAG POLE COMPANY	480.60	SUPPLIES
CORNERSTONE PRINTING & IMAGING	476.39	PRINTING/BINDING
PROFESSIONAL AUDIOLOGY AND	475.00	PROFESSIONAL SVCS
FIRST WIRELESS INC	470.00	EQUIPMENT/PARTS
OSAGE INDUSTRIES INC	464.34	EQUIPMENT/PARTS
ALLIED ELECTRONICS INCORPORATED	447.26	SUPPLIES
RED RIVER WASTE SOLUTIONS LP	442.50	DODGE OPERATING EXPENDITURE
O'KEEFE ELEVATOR COMPANY INC	430.46	CONTRACTURAL SVC
LARSEN SUPPLY CO	429.60	MAC OPERATING EXPENDITURE
BUCK'S INC.	421.25	VEHICLE WASH
RICHARD WADE	420.36	REIMBURSEMENT
MATTHEW KUHLMANN	420.00	MAC OPERATING EXPENDITURE
MARK WARNEKE	420.00	CONTRACTURAL SVC
RLKM INC.	412.74	REPAIRS
BURTON PLUMBING	400.65	EQUIPMENT/PARTS
CUMMINS INC.	399.94	EQUIPMENT/PARTS
WEST BROADWAY CLINIC P C	390.00	CONSULTANT
THE WALMAN OPTICAL COMPANY	384.80	SAFETY EQUIPMENT
WOODHOUSE AUTO FAMILY	372.72	EQUIPMENT/PARTS
CONTROL SERVICES INC	337.50	MAC OPERATING EXPENDITURE
AUTOZONE STORES LLC	335.51	EQUIPMENT/PARTS
MATHESON TRI GAS INC.	324.32	WELDING SUPPLIES/SERVICE
HENKE MANUFACTURING CORP	321.59	EQUIPMENT/PARTS
RELIANT FIRE APPARATUS INC	320.76	EQUIPMENT/PARTS
M & R WELDING	317.00	WELDING SUPPLIES/SERVICE
BGNE INC.	314.45	SUPPLIES
ROTO ROOTER SERVICES COMPANY	311.37	MAC OPERATING EXPENDITURE

LYNN HAMMERMEISTER	300.00	REIMBURSEMENT
AQUA-CHEM INCORPORATED	296.00	SUPPLIES
PEERLESS WIPING CLOTH CO	294.00	SUPPLIES
QBQ INDUSTRIES LLC	290.41	PROFESSIONAL SVCS
MIDWEST TURF & IRRIGATION	284.19	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	280.00	EMPLOYEE CONTRIB
CENGAGE LEARNING INC	271.13	BOOKS/PERIODICALS/SUB
ASPEN EQUIPMENT CO	259.25	EQUIPMENT/PARTS
RDG GEOSCIENCE & ENGINEERING INC	257.25	PROFESSIONAL SVCS
DISCOVER	255.12	MAC OPERATING EXPENDITURE
WATER ENGINEERING INC	254.57	CONTRACTURAL SVC
AMERICAN CLASSIFIEDS	250.00	ADVERTISEMENT
SOUTHWEST IOWA NARCOTICS	245.87	REIMBURSEMENT
EAGLE SERVICES	244.00	DODGE OPERATING EXPENDITURE
TY'S OUTDOOR POWER & SERVICE	240.80	EQUIPMENT/PARTS
SCOTT BOOSE	233.53	REIMBURSEMENT
BLUFFS ELECTRIC INC	230.57	ELECTRICAL REPAIR
VOICE & DATA SYSTEMS INC	228.00	TELEPHONE
A + UNITED RADIATOR REPAIR INC.	225.00	REPAIRS
RADIATOR DEPOT	224.00	EQUIPMENT/PARTS
MIDWEST LABORATORIES INC	215.00	CONTRACTURAL SVC
LINDA M CONNER	210.00	CONSULTANT
KUSTOM SIGNALS INC	210.00	SUPPLIES
DANA SCHOTT	210.00	MAC OPERATING EXPENDITURE
JOHNSON CONTROLS INCORPORATED	203.22	EQUIPMENT/PARTS
TROY SHEW	200.00	DODGE OPERATING EXPENDITURE
OLSSON	200.00	CONSULTANT
AUSTIN BROWN	200.00	DODGE OPERATING EXPENDITURE
ANDRE J VANDER VELDE	200.00	CONTRACTURAL SVC
MIDLAND SCIENTIFIC INC	198.96	SUPPLIES
MID STATES BANK	197.37	MAC OPERATING EXPENDITURE
IOWA DEPARTMENT OF NATURAL RESOURCE	195.00	CONTRACTURAL SVC

DOUGLAS COUNTY NEBRASKA	190.00	MAC OPERATING EXPENDITURE
ROAD BUILDERS MACH & SUPPLY CO INC	185.00	EQUIPMENT/PARTS
J&M GOLF	181.20	DODGE OPERATING EXPENDITURE
MIDWEST GLASS	178.00	REPAIRS
POTTAWATTAMIE COUNTY RECORDER	177.00	FEES
IOWA DIVISION OF LABOR SERVICES	175.00	FEES
CDW GOVERNMENT LLC	170.57	SUPPLIES
ROSE EQUIPMENT INC	169.84	EQUIPMENT/PARTS
THERMO KING CHRISTENSEN	166.39	SUPPLIES
ERRIN KEITH GUNDERSON	162.00	MOWING/GROUNDS MAINT
MCINTOSH PLUMBING INC	158.52	CONTRACTURAL SVC
CB PRF FIRE FIGHTERS #15	158.00	DUES EMPLOYEE
ACUSHNET COMPANY	156.80	DODGE OPERATING EXPENDITURE
GENIE SERVICE LLC	155.00	PEST CONTROL
FASTENAL COMPANY	154.11	SUPPLIES
SAFETY KLEEN CORPORATION	150.00	CONTRACTURAL SVC
JOHNSON HARDWARE CO	150.00	MAC OPERATING EXPENDITURE
KATHY A RIEGER	140.61	TRAVEL REIMBURSEMENT
HEARTLAND CO-OP	133.00	FUEL
HYDRONIC ENERGY INC	131.18	MAC OPERATING EXPENDITURE
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	131.00	EQUIPMENT/PARTS
DANIELSON TECH SUPPLY	124.23	SUPPLIES
COX BUSINESS	116.20	DODGE OPERATING EXPENDITURE
SINCLAIR TV OF OMAHA LLC	115.00	MAC OPERATING EXPENDITURE
W.W. GRAINGER, INC.	111.70	EQUIPMENT/PARTS
SUPPLYWORKS	104.16	SAFETY EQUIPMENT
COX SUBSCRIPTIONS	100.00	SUBSCRIPTION
RECORDED BOOKS LLC	98.53	DVD/AUDIO/CD
NATHAN J GEIER	98.00	REIMBURSEMENT
C & J INDUSTRIAL SUPPLY	92.75	JANITORIAL SERVICE
DICK DEAN SERVICE INC.	90.00	REPAIRS
KURT VAN WYK	86.50	TRAVEL REIMBURSEMENT

VINCENT MARTORELLO	83.93	REIMBURSEMENT
I-80 LIQUOR & TOBACCO	83.00	DODGE OPERATING EXPENDITURE
SANDAU BROS SIGN CO INC	82.50	CONTRACTURAL SVC
GOVDEALS INC	76.25	ONLINE PAYMENT FEES
MARTIN PRODUCT SALES LLC	74.00	SUPPLIES
J & L SERVICES	70.00	RENTAL EXPS
FIRE SERVICE TRAINING BUREAU	70.00	TRAINING
RICOH USA INC	69.91	CONTRACTURAL SVC
ABLE LOCKSMITHS	67.50	CONTRACTURAL SVC
DXP ENTERPRISES INC	66.66	EQUIPMENT/PARTS
RESPOND FIRST AID SYSTEMS	63.50	MEDICAL SUPPLIES
JEREMY SMITH	60.00	CONTRACTURAL SVC
KYLE MATSON	59.81	DODGE OPERATING EXPENDITURE
SPRINT SOLUTIONS INC	57.94	CELL PHONE
UNITED PARCEL SERVICE	56.90	FREIGHT/POSTAGE
PRESTO X	55.00	PROFESSIONAL SVCS
THE J P COOKE COMPANY	54.90	SUPPLIES
ONE SOURCE THE BACKGROUND CHECK COMPANY	52.00	CONSULTANT
LORETTA GOESCHEL	51.78	REIMBURSEMENT
ST PETERS CATHOLIC CHURCH	50.00	CONSULTANT
CIVIL PROCESS SERVERS	47.60	PROFESSIONAL SVCS
AMERITAS LIFE INS CORP	47.40	DODGE OPERATING EXPENDITURE
MARK AUGUSTINE	45.10	REIMBURSEMENT
ABM	40.75	JANITORIAL SERVICE
PARAMOUNT LINEN & UNIFORMS	40.66	DODGE OPERATING EXPENDITURE
DIESEL SPECIALTIES OF OMAHA INC	40.00	EQUIPMENT/PARTS
MARLYS LIEN	39.79	REIMBURSEMENT
O'REILLY AUTOMOTIVE INC	39.55	SUPPLIES
LINCOLN NATIONAL LIFE INS CO	37.80	DODGE OPERATING EXPENDITURE
CAROLINE J SIMONS	37.00	REFUND
MUTUAL OF OMAHA	32.00	DODGE OPERATING EXPENDITURE
AMERICAN MESSAGING SERVICES LLC	28.02	TELEPHONE

IOWA DEPARTMENT OF REVENUE	26.40	GARNISHMENT
CHRISTINE D ANDERSON	26.16	REIMBURSEMENT
GOOGLE LLC	25.00	DODGE OPERATING EXPENDITURE
THERESA CANNON DEWITT	22.89	REIMBURSEMENT
MARY ANEY	22.40	REIMBURSEMENT
AG SOLUTIONS GROUP LLC	20.05	EQUIPMENT/PARTS
DANIEL ROBERTS	20.00	TRAVEL REIMBURSEMENT
PAYPAL INC	19.95	CONTRACTURAL SVC
IOWA WESTERN COMMUNITY COLLEGE	15.00	TRAINING
LEROY W SPURGEON	13.00	REFUND
TRISHA D ALFERS	8.72	REIMBURSEMENT
UNION BANK & TRUST FSA	7.00	DODGE OPERATING EXPENDITURE
UNION BANK & TRUST	4.00	DODGE OPERATING EXPENDITURE
WESTLAKE HARDWARE INC	3.98	SUPPLIES
	12,604,358.97	

CITY OF COUNCIL BLUFFS
EXPENDITURES
December, FY19
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PAYEE	AMOUNT	BUSINESS PURPOSE
92 INVESTMENTS LLC	290,642.00	PROPERTY ACQUISITION
A + UNITED RADIATOR REPAIR INC.	225.00	REPAIRS
ABC ELECTRIC INC.	785.00	REPAIRS
ABLE LOCKSMITHS	67.50	CONTRACTURAL SVC
ABM	40.75	JANITORIAL SERVICE
ABSTRACT PAINTING & DECORATING INC	958.00	CONTRACTURAL SVC
ACUSHNET COMPANY	156.80	DODGE OPERATING EXPENDITURE
ADPI EMS BILLING INC	8,162.41	AMBULANCE BILLING FEE
ADVANCE SERVICES, INC	911.41	CONTRACT LABOR
AFSCME IOWA PUBLIC COUNCIL 61	1,530.12	DUES EMPLOYEE
AG SOLUTIONS GROUP LLC	20.05	EQUIPMENT/PARTS
AGRIVISION EQUIPMENT GROUP	3,425.96	EQUIPMENT/PARTS
AHS RESCUE LLC	2,166.58	SUPPLIES
ALAN'S ENTERPRISES LTD	1,110.00	CONTRACTURAL SVC
ALLIED BUSINESS SOLUTIONS	6,986.25	TREE WORK
ALLIED ELECTRONICS INCORPORATED	447.26	SUPPLIES
AMERICAN CLASSIFIEDS	250.00	ADVERTISEMENT
AMERICAN MESSAGING SERVICES LLC	28.02	TELEPHONE
AMERICAN NATIONAL BANK	85,851.69	BANK SERVICES
AMERITAS LIFE INS CORP	47.40	DODGE OPERATING EXPENDITURE
ANDRE J VANDER VELDE	200.00	CONTRACTURAL SVC
AQUA-CHEM INCORPORATED	296.00	SUPPLIES
ARNOLD MOTOR SUPPLY, LLP	2,690.46	EQUIPMENT/PARTS
ARROW TOWING	7,375.00	TOWING/STORAGE/AUCTION
ASI SIGNAGE INNOVATIONS	2,839.00	HARDWARE/SOFTWARE

ASPEN EQUIPMENT CO	259.25	EQUIPMENT/PARTS
ASPHALT AND CONCRETE MATERIALS CO	2,216.02	STREET MAINTENANCE SUPLS
AUSTIN BROWN	200.00	DODGE OPERATING EXPENDITURE
AUTOZONE STORES LLC	335.51	EQUIPMENT/PARTS
BAKER & TAYLOR INC	4,947.39	BOOKS/PERIODICALS/SUB
BANK & CR CARD FEES	1,009.19	DODGE OPERATING EXPENDITURE
BANKERS TRUST	1,012,962.42	BOND PAYMENT
BEST CARE EMPLOYEE ASSISTANCE PROGRAM	12,211.52	MEDICAL SUPPLIES
BGNE INC.	314.45	SUPPLIES
BILLY'S INC.	12,050.00	SUPPLIES
BLACK HILLS UTILITY HOLDINGS, INC.	15,361.13	NATURAL GAS
BLUFFS ELECTRIC INC	230.57	ELECTRICAL REPAIR
BLUFFS PAVING & UTILITY INC	212,888.27	CONSTRUCTION
BLUFFS TAXI & COURIER	3,308.50	TRANSIT SERVICES
BMI JANITORIAL GROUP	2,782.00	MAC OPERATING EXPENDITURE
BOBCAT OF OMAHA	12,037.75	EQUIPMENT/PARTS
BOKF N.A.	313,058.85	TIF REBATE
BOMGAARS SUPPLY INC	780.03	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	1,262.62	BOOKS/PERIODICALS/SUB
BUCK'S INC.	421.25	VEHICLE WASH
BURTON PLUMBING	400.65	EQUIPMENT/PARTS
C & J INDUSTRIAL SUPPLY	92.75	JANITORIAL SERVICE
CABANA COFFEE	749.06	MAC OPERATING EXPENDITURE
CAESARS ENTERTAINMENT	842,554.14	MAC OPERATING EXPENDITURE
CANON SOLUTIONS AMERICA INC	515.13	COPY/PRINTER MAINTANCE
CARLEY CONSTRUCTION LLC	140,932.53	CONSTRUCTION
CAROLINE J SIMONS	37.00	REFUND
CB PRF FIRE FIGHTERS #15	158.00	DUES EMPLOYEE
CDW GOVERNMENT LLC	170.57	SUPPLIES
CENGAGE LEARNING INC	271.13	BOOKS/PERIODICALS/SUB
CENTRAL SALT LLC	61,102.32	STREET MAINTENANCE SUPLS
CENTURYLINK	995.88	TELEPHONE

CERTIFIED POWER INC	556.65	EQUIPMENT/PARTS
CFI TIRE SERVICE	1,520.00	TIRE REPLACEMENT/REPAIR
CHAMPLIN TIRE RECYCLING INC	1,799.50	TIRE DISPOSAL
CHEMSEARCHFE	517.00	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	514.32	GARNISHMENT
CHRISTINE D ANDERSON	26.16	REIMBURSEMENT
CITY OF COUNCIL BLUFFS	7,268.35	DODGE OPERATING EXPENDITURE
CITY OF COUNCIL BLUFFS-DEPENDENT	5,769.38	EMPLOYEE CONTRIB
CITY OF COUNCIL BLUFFS-FLEX	9,428.88	EMPLOYEE CONTRIB
CITY TREASURER	28,370.30	DODGE OPERATING EXPENDITURE
CIVIL PROCESS SERVERS	47.60	PROFESSIONAL SVCS
CLEAN HARBORS ENVIRONMENTAL SERVICES INC	8,794.15	CONTRACTURAL SVC
CLOSED LOOP LOAN FUND	20,870.00	LOAN PAYMENTS
COLLECTION SERVICES CENTER	10,058.20	GARNISHMENT
COMMSYS INC	12,012.50	HARDWARE/SOFTWARE
COMPASS UTILITY LLC	489,389.25	CONSTRUCTION
COMPASSCOM SOFTWARE CORPORATION	4,240.00	HARDWARE/SOFTWARE
CONSTELLATION NEWENERGY-GAS DIVISION, LLC	5,991.43	NATURAL GAS
CONTINENTAL ALARM & DETECTION CO	5,719.00	CONTRACTURAL SVC
CONTINENTAL FIRE SPRINKLER CO	1,455.00	CONTRACTURAL SVC
CONTROL SERVICES INC	3,894.25	REPAIRS
CONTROL SERVICES INC	337.50	MAC OPERATING EXPENDITURE
CORNERSTONE PRINTING & IMAGING	476.39	PRINTING/BINDING
CORNHUSKER INTERNATIONAL TRUCKS	8,609.72	EQUIPMENT/PARTS
COUNCIL BLUFFS AIRPORT AUTHORITY	20,531.00	AIRPORT AUTH TAX
COUNCIL BLUFFS COMMUNITY SCHOOLS	5,415.00	CONTRACTURAL SVC
COUNCIL BLUFFS FIRE DEPT	3,207.25	MAC OPERATING EXPENDITURE
COUNCIL BLUFFS WATER WORKS	12,030.23	WATER
COUNCIL BLUFFS WINSUPPLY	8,214.36	SUPPLIES
COX BUSINESS	116.20	DODGE OPERATING EXPENDITURE
COX MEDIA, LLC	18,733.29	PHONE/INTERNET SVC
COX SUBSCRIPTIONS	100.00	SUBSCRIPTION

CRAFTSMAN WINDOW COVERINGS INC	2,754.00	SUPPLIES
CRAIG L KEYSOR	1,472.00	CONTRACTURAL SVC
CUMMINS INC.	399.94	EQUIPMENT/PARTS
D&K PRODUCTS	650.97	DODGE OPERATING EXPENDITURE
DAILY NONPAREIL	512.62	ADVERTISEMENT
DANA SCHOTT	210.00	MAC OPERATING EXPENDITURE
DANIEL ROBERTS	20.00	TRAVEL REIMBURSEMENT
DANIELSON TECH SUPPLY	124.23	SUPPLIES
DANKO EMERGENCY EQUIPMENT CO	6,885.16	SUPPLIES
DAVID W WOODY	998.90	SUPPLIES
DEX MEDIA, INC.	1,104.00	ADVERTISEMENT
DIANE KAY PECK	3,079.72	LEGAL CLAIM
DICK DEAN SERVICE INC.	90.00	REPAIRS
DIESEL SPECIALTIES OF OMAHA INC	40.00	EQUIPMENT/PARTS
DISCOVER	255.12	MAC OPERATING EXPENDITURE
DODGE PAYROLL	29,204.24	DODGE OPERATING EXPENDITURE
DOUGLAS COUNTY NEBRASKA	190.00	MAC OPERATING EXPENDITURE
DP MANAGEMENT LLC	22,200.00	MOWING/GROUNDS MAINT
DTN LLC	6,366.00	SUBSCRIPTION
DULTMEIER SALES LLC	1,047.58	SUPPLIES
DXP ENTERPRISES INC	66.66	EQUIPMENT/PARTS
EAGLE SERVICES	244.00	DODGE OPERATING EXPENDITURE
ECHO ELECTRIC SUPPLY	2,467.15	MAC OPERATING EXPENDITURE
ECHO GROUP	1,114.70	SUPPLIES
ECOSOLUTIONS LLC	1,817.00	SUPPLIES
EDWARDS CHEVROLET-CADILLAC INC	570.49	EQUIPMENT/PARTS
EFTPS	530,964.51	EMPLOYEE TAXES
EHRHART GRIFFIN & ASSOCIATES INC	12,375.50	PROFESSIONAL SVCS
EIDE BAILLY LLP	18,000.00	AUDIT
ELAVON INC	6,799.51	FEES
ELECTRIC PUMP	497.00	EQUIPMENT/PARTS
ELECTRONIC CONTRACTING COMPANY	1,270.00	SERVICE LABOR

EMPLOYEE BENEFIT SYSTEMS	814,537.21	HEALTH INSURANCE
ENTERPRISE CAR SALES	689.74	RENTAL EXPS
EPCO LTD., INC.	8,518.00	EQUIPMENT/PARTS
ERRIN KEITH GUNDERSON	162.00	MOWING/GROUNDS MAINT
EXECUTIVE SECURITY OF OMAHA	3,322.00	MAC OPERATING EXPENDITURE
E-Z RENTAL	1,302.00	DODGE OPERATING EXPENDITURE
FACTORY MOTOR PARTS	1,450.08	SUPPLIES
FASTENAL COMPANY	154.11	SUPPLIES
FELSBURG HOLT & ULLEVIG INC	1,085.00	PROFESSIONAL SVCS
FIRE SERVICE TRAINING BUREAU	70.00	TRAINING
FIRST NATIONAL BANK PCARDS ACH	969.19	DODGE OPERATING EXPENDITURE
FIRST WIRELESS INC	470.00	EQUIPMENT/PARTS
FOX HOLDINGS, INC.	6,678.00	REPAIRS
FRATERNAL ORDER OF POLICE	3,010.00	EMPLOYEE CONTRIB
FUNNEL CCAKE	1,197.08	MAC OPERATING EXPENDITURE
GARAGE DOOR SERVICES	7,794.00	CONTRACTURAL SVC
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	131.00	EQUIPMENT/PARTS
GENERAL TRAFFIC CONTROLS INC	698.00	CONTRACTURAL SVC
GENIE SERVICE LLC	155.00	PEST CONTROL
GENUINE PARTS COMPANY-NAPA	2,519.45	EQUIPMENT/PARTS
GEORGE BUTLER ASSOCIATES, INC.	40,185.20	CONTRACTURAL SVC
GOOGLE LLC	25.00	DODGE OPERATING EXPENDITURE
GOVDEALS INC	76.25	ONLINE PAYMENT FEES
HACH COMPANY	946.78	EQUIPMENT/PARTS
HARVEYS IOWA MANAGEMENT CO INC	845.00	REFUND
HAWKEYE TRUCK EQUIPMENT	682.75	EQUIPMENT/PARTS
HAWKINS CONSTRUCTION COMPANY	574,447.53	CONSTRUCTION
HD SUPPLY FAC MAINTENANCE LTD	4,359.95	SUPPLIES
HDR ENGINEERING INC	24,179.56	PROFESSIONAL SVCS
HEARTLAND CO-OP	133.00	FUEL
HEARTLAND TIRES & TREADS INC	4,548.00	TIRE REPLACEMENT/REPAIR
HENKE MANUFACTURING CORP	321.59	EQUIPMENT/PARTS

HGM ASSOCIATES INC	282,563.51	PROFESSIONAL SVCS
HOLIDYNAMICS INC	56,952.46	CONTRACTURAL SVC
H-T-M SALES INC	636.36	EQUIPMENT/PARTS
HUGHES IRONS FACILITY CORPORATION	26,168.00	TIF REBATE
HY VEE, INC.	4,635.00	SUPPLIES
HYDRONIC ENERGY INC	131.18	MAC OPERATING EXPENDITURE
I GO VAN AND STORAGE CO	5,572.50	FURNITURE
I-80 LIQUOR & TOBACCO	83.00	DODGE OPERATING EXPENDITURE
ICMA RETIREMENT TRUST - 457	13,094.30	EMPLOYEE CONTRIB
INLAND TRUCK PARTS COMPANY INC	871.57	EQUIPMENT/PARTS
INTERSTATE POWER SYSTEMS INC	6,396.97	EQUIPMENT/PARTS
IOWA DEPARTMENT OF NATURAL RESOURCE	195.00	CONTRACTURAL SVC
IOWA DEPARTMENT OF REVENUE	26.40	GARNISHMENT
IOWA DEPARTMENT OF REVENUE	32,341.00	MAC OPERATING EXPENDITURE
IOWA DEPARTMENT OF REVENUE	2,620.00	DODGE OPERATING EXPENDITURE
IOWA DEPT OF REVENUE	133,162.00	EMPLOYEE TAXES
IOWA DIVISION OF LABOR SERVICES	175.00	FEES
IOWA FINANCE AUTHORITY	59,130.00	LOAN PAYMENTS
IOWA ONE CALL	609.50	CONTRACTURAL SVC
IOWA WASTE SERVICES LLC	46,952.60	SOLID WASTE DISPOSAL
IOWA WESTERN COMMUNITY COLLEGE	15.00	TRAINING
IP PATHWAYS LLC	30,016.66	HARDWARE/SOFTWARE
J & L SERVICES	70.00	RENTAL EXPS
J&M GOLF	181.20	DODGE OPERATING EXPENDITURE
JAMIE N RUPPERT	484.78	REIMBURSEMENT
JENNIE EDMUNDSON MEMORIAL HOSPITAL	752.60	MEDICAL SUPPLIES
JEO CONSULTING GROUP INC	86,729.21	CONSULTANT
JEREDITH BRANDS LLC	8,456.50	JANITORIAL SERVICE
JEREMY SMITH	60.00	CONTRACTURAL SVC
JIM'S HAULING	5,596.90	EQUIPMENT/PARTS
JOHN J MORGAN COMPANY	1,462.60	EQUIPMENT/PARTS
JOHNSON CONTROLS INCORPORATED	203.22	EQUIPMENT/PARTS

JOHNSON HARDWARE CO	150.00	MAC OPERATING EXPENDITURE
JONES AUTOMOTIVE INCORPORATED	25,727.60	EQUIPMENT/PARTS
JUDDS BROTHERS CONSTRUCTION CO	177,257.69	CONSTRUCTION
KASADA LLC	10,000.00	PROPERTY ACQUISITION
KATHY A RIEGER	140.61	TRAVEL REIMBURSEMENT
KELTEK INCORPORATED	54,819.59	EQUIPMENT/PARTS
KENNETH LOGHRY	1,310.00	MOWING/GROUNDS MAINT
KONECRANES	500.00	CONTRACTURAL SVC
KONICA MINOLTA BUSINESS SOLUTIONS USA	16,089.00	LEASE
KRONOS INCORPORATED	20,174.32	HARDWARE/SOFTWARE
KURT VAN WYK	86.50	TRAVEL REIMBURSEMENT
KUSTOM SIGNALS INC	210.00	SUPPLIES
KYLE MATSON	59.81	DODGE OPERATING EXPENDITURE
LAMETTI & SONS INC	25,923.79	CONSTRUCTION
LANDSCAPES MGMT COMPANY	5,497.69	DODGE OPERATING EXPENDITURE
LANDSCAPES UNLIMITED	3,355.33	DODGE OPERATING EXPENDITURE
LANDSCAPES UNLIMITED LLC	103,922.11	CONTRACTURAL SVC
LARSEN SUPPLY CO	429.60	MAC OPERATING EXPENDITURE
LAWN WIZARDS INC	12,054.00	MOWING/GROUNDS MAINT
LAWSON PRODUCTS INCORPORATED	588.31	SUPPLIES
LEE WYMAN	2,464.21	LEGAL CLAIM
LEGACY CB LLC	44,419.84	TIF REBATE
LEROY W SPURGEON	13.00	REFUND
LINCOLN NATIONAL LIFE INS CO	37.80	DODGE OPERATING EXPENDITURE
LINDA M CONNER	210.00	CONSULTANT
LINK MEDIA GEORGIA LLC	2,800.00	MAC OPERATING EXPENDITURE
LOCKTON CO, LLC - KC SERIES	7,358.00	DODGE OPERATING EXPENDITURE
LORETTA GOESCHEL	51.78	REIMBURSEMENT
LPL FINANCIAL LLC	3,252.97	DODGE TRUST REIMBURSEMENT
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,960.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	280.00	EMPLOYEE CONTRIB
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	3,480.00	EMPLOYEE CONTRIB

LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,000.00	EMPLOYEE CONTRIB
LYNN HAMMERMEISTER	300.00	REIMBURSEMENT
M & R WELDING	317.00	WELDING SUPPLIES/SERVICE
MARBLE MEDIC INC	2,325.06	CONSTRUCTION
MARCO TECHNOLOGIES LLC	3,884.19	COPY/PRINTER MAINTANCE
MARK AUGUSTINE	45.10	REIMBURSEMENT
MARK WARNEKE	420.00	CONTRACTURAL SVC
MARKING REFRIGERATION INC	1,050.74	MAC OPERATING EXPENDITURE
MARLYS LIEN	39.79	REIMBURSEMENT
MARTIN PRODUCT SALES LLC	74.00	SUPPLIES
MARY ANEY	22.40	REIMBURSEMENT
MATHESON TRI GAS INC.	324.32	WELDING SUPPLIES/SERVICE
MATTHEW KUHLMANN	420.00	MAC OPERATING EXPENDITURE
MAX I WALKER UNIFORM & APPAREL	785.23	UNIFORMS
MCCARTHY CONSTRUCTION INC	71,044.00	TIF REBATE
MCINTOSH PLUMBING INC	158.52	CONTRACTURAL SVC
MCMULLEN FORD INC	601.10	EQUIPMENT/PARTS
MECHANICAL SALES INC.	3,843.00	SUPPLIES
MELINDA MCCOLLOUGH	902.99	REIMBURSEMENT
MFPRSI	476,638.03	RETIREMENT
MICHAEL O'BRADOVICH	2,400.00	CONSULTANT
MICHAEL TODD AND COMPANY INC	7,531.33	EQUIPMENT/PARTS
MID STATES BANK	197.37	MAC OPERATING EXPENDITURE
MIDAMERICAN ENERGY	105,275.61	ELECTRICITY
MIDLAND SCIENTIFIC INC	198.96	SUPPLIES
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACTURAL SVC
MIDSTATES BANK, NA	323,683.58	BANK SERVICES
MIDWEST GLASS	178.00	REPAIRS
MIDWEST LABORATORIES INC	215.00	CONTRACTURAL SVC
MIDWEST TAPE	7,419.74	DVD/AUDIO/CD
MIDWEST TURF & IRRIGATION	284.19	EQUIPMENT/PARTS
MOBOTREX INC	5,712.00	SUPPLIES

MR. ED'S FLAG POLE COMPANY	480.60	SUPPLIES
MUNICIPAL CODE CORPORATION	2,257.65	SUBSCRIPTION
MUTUAL OF OMAHA	32.00	DODGE OPERATING EXPENDITURE
NATHAN J GEIER	98.00	REIMBURSEMENT
NATHAN N SORENSEN	25,004.97	CONTRACTURAL SVC
NATIONAL WASTE LP	2,587.60	EQUIPMENT/PARTS
NATIONWIDE RETIREMENT SOLUTIONS INC	61,849.22	EMPLOYEE CONTRIB
NEBRASKA AIR FILTER INC	1,138.32	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	496.62	GARNISHMENT
NEBRASKA FURNITURE MART INC	41,586.21	FURNITURE
NEBRASKA MACHINERY CO	8,288.46	MAC OPERATING EXPENDITURE
NEIL L ARBOGAST	13,435.00	CONTRACTURAL SVC
NEW HORIZONS COMPUTER LEARNING	6,000.00	HARDWARE/SOFTWARE
NMC INC.	7,047.51	EQUIPMENT/PARTS
NODDLE DEVELOPMENT COMPANY	16,666.66	CONSULTANT
OCLC INC	1,210.47	SUBSCRIPTION
O'KEEFE ELEVATOR COMPANY INC	430.46	CONTRACTURAL SVC
OLD DOMINION BRUSH COMPANY INC	2,316.31	SUPPLIES
OLSSON	200.00	CONSULTANT
OMAHA DOOR & WINDOW CO INC	1,445.06	REPAIRS
OMAHA DOOR & WINDOW INC	2,150.00	MAC OPERATING EXPENDITURE
OMNI ENGINEERING	1,815.20	STREET MAINTENANCE SUPLS
ONE SOURCE THE BACKGROUND CHECK COMPANY	52.00	CONSULTANT
OREGON DEPARTMENT OF JUSTICE	1,276.62	EMPLOYEE CONTRIB
O'REILLY AUTOMOTIVE INC	39.55	SUPPLIES
OSAGE INDUSTRIES INC	464.34	EQUIPMENT/PARTS
OVERDRIVE INC	2,001.76	BOOKS/PERIODICALS/SUB
PAPILLION SANITATION	1,864.03	SOLID WASTE DISPOSAL
PARAMOUNT LINEN & UNIFORMS	40.66	DODGE OPERATING EXPENDITURE
PAYLESS OFFICE PRODUCTS INC	499,369.88	SUPPLIES
PAYPAL INC	19.95	CONTRACTURAL SVC
PAYROLL	1,859,325.82	CITY EMPLOYEE PAYROLL

PAYROLL	81,030.06	MAC OPERATING EXPENDITURE
PEERLESS WIPING CLOTH CO	294.00	SUPPLIES
PETERS LAW FIRM P.C	920.00	ATTORNEY FEES
PETROLEUM TRADERS CORPORATION	17,731.28	FUEL
PITNEY BOWES CORPORATION	8,000.00	POSTAGE & LEASE COST
POTTAWATTAMIE COUNTY AUDITOR	4,529.67	LAW ENFORCEMENT COMPLEX
POTTAWATTAMIE COUNTY RECORDER	177.00	FEES
POTTAWATTAMIE COUNTY SHERIFF	21,995.36	INMATE COST
PRESTO X	55.00	PROFESSIONAL SVCS
PROFESSIONAL AUDIOLOGY AND	475.00	PROFESSIONAL SVCS
PROTECH COMMERCIAL VEHICLE OUTFITTERS INC	2,083.37	EQUIPMENT/PARTS
QBQ INDUSTRIES LLC	290.41	PROFESSIONAL SVCS
R J NELSON COMPANY INCORPORATED	37,740.85	REPAIRS
RADIATOR DEPOT	224.00	EQUIPMENT/PARTS
RDG GEOSCIENCE & ENGINEERING INC	257.25	PROFESSIONAL SVCS
READY MIXED CONCRETE	8,644.04	SUPPLIES
RECORDED BOOKS LLC	98.53	DVD/AUDIO/CD
RED RIVER WASTE SOLUTIONS LP	292,618.87	REFUSE COLLECTION
RED RIVER WASTE SOLUTIONS LP	442.50	DODGE OPERATING EXPENDITURE
RELIANT FIRE APPARATUS INC	320.76	EQUIPMENT/PARTS
RESPOND FIRST AID SYSTEMS	63.50	MEDICAL SUPPLIES
RICHARD WADE	420.36	REIMBURSEMENT
RICOH USA INC	69.91	CONTRACTURAL SVC
RIVER PARK APARTMENTS LLC	114,103.00	TIF REBATE
RIVERSIDE BUILDING MAINTENANCE INC	1,071.00	JANITORIAL SERVICE
RLKM INC.	412.74	REPAIRS
ROAD BUILDERS MACH & SUPPLY CO INC	185.00	EQUIPMENT/PARTS
ROAD MACHINERY AND SUPPLIES CO	56,857.02	EQUIPMENT/PARTS
ROGUE FITNESS	23,553.11	EQUIPMENT/PARTS
RONALD DUANE ZIKA	790.00	MAC OPERATING EXPENDITURE
ROSANNA M THURMAN	600.00	MEDICAL SUPPLIES
ROSE EQUIPMENT INC	169.84	EQUIPMENT/PARTS

ROTO ROOTER SERVICES COMPANY	311.37	MAC OPERATING EXPENDITURE
RYNE CLINTON JEFFRIES	2,500.00	CONSTRUCTION
SAFETY KLEEN CORPORATION	150.00	CONTRACTURAL SVC
SAMPSON CONSTRUCTION CO INC	384,006.00	CONSTRUCTION
SANDAU BROS SIGN CO INC	82.50	CONTRACTURAL SVC
SAPP BROTHERS INC	40,305.96	FUEL
SCOTT BOOSE	233.53	REIMBURSEMENT
SECURITY EQUIPMENT INCORPORATED	2,651.08	CONTRACTURAL SVC
SELDIN COMPANY, LLC	27,243.50	DEVLPMNT CONTRACT
SHERBONDY'S GARDEN CENTER	20,639.00	CONTRACTURAL SVC
SIGN-MOBILE	1,098.00	CONTRACTURAL SVC
SILVERSTONE GROUP INC.	2,773.00	INSURANCE
SINCLAIR TV OF OMAHA LLC	115.00	MAC OPERATING EXPENDITURE
SIOUX CITY TRUCK SALES INC	1,203.78	EQUIPMENT/PARTS
SJ ELECTRO SYSTEMS INC	2,956.01	EQUIPMENT/PARTS
SMARTWAVE TECHNOLOGIES LLC	5,793.48	HARDWARE/SOFTWARE
SOLARWINDS INC	969.00	HARDWARE/SOFTWARE
SOUTHWEST IOWA NARCOTICS	245.87	REIMBURSEMENT
SOUTHWEST IOWA PLANNING COUNCIL	23,182.92	CONTRACTURAL SVC
SPRINT SOLUTIONS INC	57.94	CELL PHONE
ST PETERS CATHOLIC CHURCH	50.00	CONSULTANT
STATE INDUSTRIAL PROUCTS	1,041.76	SUPPLIES
STRATUM CONSULTING PARTNERS INC	540.00	CONTRACTURAL SVC
STUART TINLEY LAW FIRM LLP	827.00	ATTORNEY FEES
STUDIO 15 COMMERCIAL INTERIORS INC	45,688.61	CONTRACT LABOR
SUNBELT RENTALS INC	894.24	EQUIPMENT/PARTS
SUPPLYWORKS	104.16	SAFETY EQUIPMENT
SUSPENSION SHOP INC	2,779.72	EQUIPMENT/PARTS
SWAGIT PRODUCTIONS LLC	1,375.00	CONTRACTURAL SVC
SYSKO - LINCOLN	513.09	DODGE OPERATING EXPENDITURE
TED'S MOWER SALES & SERVICE INC	579.46	EQUIPMENT/PARTS
TEMPLE UNIVERSITY	526.80	MAC OPERATING EXPENDITURE

TERRACON CONSULTANTS OF NEB INC	500.00	PROFESSIONAL SVCS
THE GARAGE COMPANY	500.00	REPAIRS
THE J P COOKE COMPANY	54.90	SUPPLIES
THE OFFICE CLEANERS	3,102.05	JANITORIAL SERVICE
THE RETROFIT COMPANIES INC	2,594.25	CONTRACTURAL SVC
THE SCOTTS COMPANY	5,557.70	REFUSE COLLECTION
THE WALMAN OPTICAL COMPANY	384.80	SAFETY EQUIPMENT
THERESA CANNON DEWITT	22.89	REIMBURSEMENT
THERMAL SERVICES	4,252.00	REPAIRS
THERMO KING CHRISTENSEN	166.39	SUPPLIES
THOMSON REUTERS	675.21	SUBSCRIPTION
TRAIL PERFORMANCE COATINGS INC	771.50	CONTRACTURAL SVC
TRANE U.S. INC	1,266.00	REPAIRS
TRANS-IOWA EQUIPMENT INC	691.14	EQUIPMENT/PARTS
TRANSIT AUTHORITY OF THE CITY OF OMAHA	69,130.00	BUS SERVICE
TREASURER STATE OF IOWA/SALES TAX	2,533.00	SALES TAX
TRISHA D ALFERS	8.72	REIMBURSEMENT
TRITECH SOFTWARE SYSTEMS	661.50	HARDWARE/SOFTWARE
TROY SHEW	200.00	DODGE OPERATING EXPENDITURE
TS DEVELOPMENT LLC	16,575.00	DEVLPMNT CONTRACT
TSMM MANAGEMENT LLC	61,744.00	TIF REBATE
TYLER TECHNOLOGIES INC	10,150.72	HARDWARE/SOFTWARE
TY'S OUTDOOR POWER & SERVICE	240.80	EQUIPMENT/PARTS
U S AUTO FORCE	2,367.90	EQUIPMENT/PARTS
ULTIMATE SAFETY CONCEPTS INC	482.98	EQUIPMENT/PARTS
ULTRAMAX AMMUNITION	1,257.60	SUPPLIES
UMR	753.24	DODGE OPERATING EXPENDITURE
UNION BANK & TRUST	4.00	DODGE OPERATING EXPENDITURE
UNION BANK & TRUST FSA	7.00	DODGE OPERATING EXPENDITURE
UNITED PARCEL SERVICE	56.90	FREIGHT/POSTAGE
US BANK	84,379.61	CREDIT CARD PURCHASES
US BANK	204,260.17	BASS PRO LOAN

VEENSTRA & KIMM INC	1,420.50	PROFESSIONAL SVCS
VERIZON WIRELESS SERVICES LLC	6,838.96	CELL PHONE
VINCENT MARTORELLO	83.93	REIMBURSEMENT
VOICE & DATA SYSTEMS INC	228.00	TELEPHONE
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	6,930.00	EMPLOYEE CONTRIB
W.W. GRAINGER, INC.	111.70	EQUIPMENT/PARTS
WATER ENGINEERING INC	254.57	CONTRACTURAL SVC
WEST BROADWAY CLINIC P C	390.00	CONSULTANT
WESTERN ENGINEERING COMPANY INC	9,699.14	CONSTRUCTION
WESTLAKE HARDWARE INC	3.98	SUPPLIES
WINDSTREAM CORPORATION	2,507.16	TELEPHONE
WOODHOUSE AUTO FAMILY	372.72	EQUIPMENT/PARTS
WORKSTAFFING	667.40	CONTRACTURAL SVC
YVONNE RODRIGUEZ	572.03	REIMBURSEMENT
	12,604,358.97	

Council Communication

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

Mayor's Appointments
ITEM 3.F.

Council Action: 1/28/2019

Description

Civil Service Commission

Background/Discussion

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

CIVIL SERVICE COMMISSION

Appoint the following with term expiring 4/6/2022:

Jeffrey Nelson
230 Shaley Cir

Recommendation

Approval

Council Communication

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

Notice of Right of Redemption
ITEM 3.G.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[Notices](#)

Type

Other

Upload Date

1/23/2019

TO: TAX 113 PARTNERSHIP c/o DENNIS D. BLOOM, 2213 AVE G COUNCIL BLUFFS IA 51501 -OWNER
TAX 113 PARTNERSHIP c/o DENNIS D. BLOOM, PO BOX 56 RED OAK 51566 -OWNER -OWNER
VALE, LLC, 2213 AVE G COUNCIL BLUFFS IA 51501 -VENDEE
VALE, LLC, 6416 MOTT AVE WINDSOR HEIGHTS IA 50324 -VENDEE
VALE, LLC c/o JUSTIN GARFIELD, 6416 MOTT AVE WINDSOR HEIGHTS IA 50324 -REGISTERED AGENT
PERSON IN POSSESSION, 2213 AVE G COUNCIL BLUFFS IA 51501 -PERSON IN POSSESSION
EDITH L. WHALEY, 2213 AVE G COUNCIL BLUFFS IA 51501 -INTERESTED PARTY
EDITH L. WHALEY, 2729 6TH AVE COUNCIL BLUFFS IA 51501 -INTERESTED PARTY
CITY OF CEDAR RAPIDS CITY ATTORNEY, 101 FIRST ST SE CEDAR RAPIDS IA 52401 -JUDGMENT CREDITOR
CITY OF COUNCIL BLUFFS c/o CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IA 51503 -CITY LIMITS
ANY OTHER UNKNOWN PERSONS WITH INTEREST

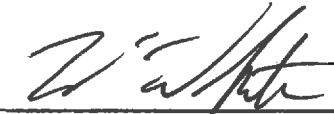
NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

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

1. The property described in paragraph 2 of this Notice was sold at tax sale on
the 20TH day of June, 2016. The purchaser at tax sale was ADAIR 0050 BMO HARRIS.
2. The legal description of the property sold is:
LOT 4 IN BLOCK 1 IN BURKE'S ADDITION TO COUNCIL BLUFFS, POTTAWATTAMIE
COUNTY, IOWA a/k/a PARCEL # 754426308004
3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of
the property is made within 90 days from the date of completed service of this Notice.
4. If the right of redemption is allowed to expire, a tax deed will be issued by the

Treasurer of POTTAWATTAMIE County.

By



William White, agent
for ADAIR 0050 BMO HARRIS

POTTAWATTAMIE 16-0131

FILED
JUN 20 2016
CLERK

ADAIR 0050 BMO HARRIS
'Keeping County Government Working for the Community'
405 N 115th St Ste 100
Omaha, NE 68154
Fax 402-399-5350

Dear Recipient of Notice of Expiration of Right of Redemption:

You are receiving the enclosed Notice of Expiration of Right of Redemption because §447.9 of the Iowa Code requires you to receive mailed notice by virtue of the following claim(s) or interest(s) in the real estate, which is the subject of the tax sale. Your claim(s) or interest(s) is described as one of the following:

- ✓ You are the recorded owner.
- ✓ You are a party in possession of the real estate.
- ✓ You are the record holder of a judgment against one or more of the people named in the enclosed notice.
- ✓ You are the holder of a mortgage or other recorded security interest in the property which is subject to the tax certificate.
- ✓ You are the seller under a contract of sale covering the property which is subject to the tax certificate.
- ✓ You are the buyer under a contract of sale covering the property which is subject to the tax certificate.
- ✓ You have some other interest of record in the property.
- ✓ The City in which the property is located.
- ✓ Farm Service Agency, Farm tenants, whose farming at the legal description of property of:

LOT 4 IN BLOCK 1 IN BURKE'S ADDITION TO COUNCIL BLUFFS, POTTAWATTAMIE
COUNTY, IOWA a/k/a PARCEL # 754426308004

We hope this information will assist you in determining if you will take action with regard to redemption and will make it unnecessary for you to call us. To find out the redemption amount for this parcel, please contact your county treasurer's office. However, if additional information is still needed, you may contact Bill at 402-399-9049 X 130 and **use reference POTTAWATTAMIE 16-0131**. Thank you.

Council Communication

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

Lawsuit (R&F)
ITEM 3.H.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Lawsuit	Other	1/23/2019

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

DAVID P. JONES AND ANNA M. JONES, Plaintiffs, v. TS DEVELOPMENT, LLC AND THE CITY OF COUNCIL BLUFFS, IOWA, Defendants.	Case No. <u>CVCV118681</u> ORIGINAL NOTICE
---	--

CLERK RCVD

22 JAN'19

AM10:57

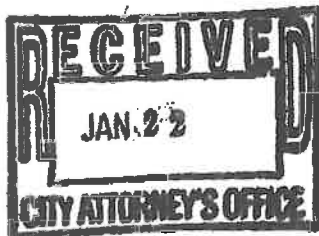
TO THE ABOVE-NAMED DEFENDANT: CITY OF COUNCIL BLUFFS, IOWA

You are notified that a Petition at Law has been filed in the office of the Clerk of this Court naming you as the Defendant in this action. A copy of that Petition (and any documents filed with it) is attached to this Original Notice.

The attorney for the Plaintiff is Thomas H. Walton whose address is Nyemaster Goode, P.C., 700 Walnut St., Suite 1600, Des Moines, Iowa 50309-3899. The attorney's phone number is (515) 283-8003; facsimile number (515) 283-8045.

You must serve a motion or answer the Petition within 20 days after service of this Original Notice upon you and within a reasonable time thereafter file your motion or answer with the Clerk of Court for Guthrie County at 200 N. 5th St., Guthrie Center, Iowa 50115. If you do not, judgment by default may be rendered against you for the relief demanded in the Petition.

If you need assistance to participate in court due to a disability, call the ADA Coordinator at (712) 328-5883. (Persons who are hearing or speech impaired may call Relay Iowa TTY at (800) 735-2942.) ADA (disability) Coordinators cannot provide legal advice.



CLERK OF COURT
Pottawattamie County Courthouse
Council Bluffs, Iowa 51501

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

STATE OF IOWA JUDICIARY

Case No. CVCV118681

County Pottawattamie

Case Title DAVID P JONES ET AL V. TS DEVELOPMENT LLC ET AL

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.
Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

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

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
<http://www.iowacourts.state.ia.us/Efile>

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

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712) 328-6863 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2042.)

Date Issued 01/04/2019 08:46:21 AM



District Clerk of Pottawattamie
/s/ Wanita DeYeager

County

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

DAVID P. JONES AND ANNA M. JONES, Plaintiffs, v. TS DEVELOPMENT, LLC AND THE CITY OF COUNCIL BLUFFS, IOWA, Defendants.	Case No. <u>CVCV118681</u> PETITION AT LAW AND JURY DEMAND
---	--

Plaintiffs David P. Jones and Anna M. Jones (the "Joneses"), for their cause of action against Defendants TS Development, LLC ("TS Development") and the City of Council Bluffs, Iowa (the "City"), state:

FACTS

1. The Joneses are owners of the property locally known as 16090 Crystal Lane, Council Bluffs, Iowa, comprising approximately 18 acres located within the city limits of Council Bluffs, Iowa, which they purchased on or about January 4, 2014.
2. The Joneses' property is zoned for residential development.
3. The Joneses have been paying City taxes but receiving no City services.
4. Previously, on December 8, 2006, the City Development Board of the State of Iowa approved the involuntary annexation of the Joneses' property to the City of Council Bluffs as part of a voluntary annexation petition.
5. Previously, on September 25, 2006, by Resolution No. 06-237, the City of Council Bluffs approved the involuntary annexation of the Joneses' property finding, in part, that the annexation of the "entire recommended area creates a more uniform, identifiable boundary which is particularly important for delivery of public services and extension of infrastructure."

6. The Joneses' property is immediately adjacent to the Whispering Oaks subdivision (the "Development") under development by TS Development.

7. On October 27, 2014, the City approved the preliminary plan for the Development. The plan depicted a 388-lot residential subdivision on approximately 180 acres of land to be developed in two phases with single family residential dwellings, with the lots to be included in each of the two phases listed.

8. Lots 262 and 263 shown in Area A of Exhibit 1 are adjacent to the Joneses' property, and included as part of Phase 2 of the Development.

9. At that time, the City approved the preliminary plan of the Development.

10. Attached hereto as Exhibit 1 is a copy of the preliminary plan for the Development approved by the City.

11. It is the only City-approved preliminary plan for the Development.

12. Chapter 14.11 of the Municipal Code of the City addresses the requirements of a preliminary plan. The required contents of a preliminary plan are extensive. See § 14.11.050. The plans must be certified by an Iowa registered engineer. The preliminary plan undergoes an extensive review by the Community Development Board with input from many different City departments, including the fire department, public works, health department, legal department, building division, various utility companies, the appropriate school district and soil conservation commission. § 14.11.060.

13. City Council approval of the preliminary plan is tentative and does not constitute final acceptance of the final plat, but is deemed to be authorization to proceed with preparation of final construction plans. § 14.11.060(4).

14. The preliminary plan approved by the City depicted a dead-end connection in the northwest corner of the Development adjacent to Joneses' property. This is depicted in Area A of Exhibit 1.

15. The purpose of this dead-end connection is to allow for future public access to the Joneses' property and the large parcel located north of the Joneses' property.

16. Without the public access, the Joneses' property and the large parcel to the north of their property are landlocked for development purposes.

17. The provision for this future public access is required by the comprehensive plan of the City of Council Bluffs and the Municipal Code of the City of Council Bluffs.

18. The City's comprehensive plan called "Bluffs Tomorrow 2013" shows the Joneses' property as an area for future low density residential development, which requires public access.

19. The comprehensive plan obligates the City to follow policies to ensure the long-term stability of the plan, including "requiring connectivity to surrounding collectors and adjacent subdivision in order to enhance local and emergency responsiveness" and "extending infrastructures strategically to intended growth areas."

20. City Municipal Code Section 14.14.010(a)(2) requires that subdivision layouts conform to the Comprehensive plan.

21. Further, the "arrangements of the streets and subdivisions shall provide for the alignment and continuation or appropriate projection to existing or proposed streets." § 14.14.030(d).

22. It has been the long-standing policy of the city to require subdivision developers to include on their plans access points to public streets to other adjacent development property.

23. However, the preliminary plan did not include a public access point in Area B on Exhibit 1 near Lots 174 and 175 of Phase 2, which would have provided the most cost-effective, direct, and reasonable access to the Joneses' property for development.

24. Section 14.12.060 of the Code states: "These [final] construction plans shall be consistent with the proposed preliminary plan. They shall be filed with the City Engineer for review and approval, along with the appropriate fee, before construction can begin."

25. TS Development proceeded to develop Whispering Oaks.

26. On or about May 23, 2017, the City attorney advised the Joneses that their existed a public access connection to their property as shown in Area A of Exhibit 1.

27. On or about August 1, 2018, the Joneses attended a meeting with City staff, including Mayor Matt Walsh. The Joneses learned at this meeting that the construction plan for the Development no longer included a public access connection to their property at Area A on Exhibit 1.

28. At that meeting, the Joneses were also told by Mayor Walsh that whether the plans would include a public access connection to their property was "my decision" and that he knew "what kind of people" the Joneses were or similar.

29. Mayor Walsh also stated that the Joneses' property is sufficient for the development of only one residential home, which is demonstratively false.

30. At that meeting, City Attorney Richard Wade stated that he always thought the Joneses' property should be developed.

31. The Joneses have learned there is a new and very different plan for the Development.

32. Exhibit 2 attached hereto is the new and very different plan for the Development.

33. Significantly, the dead-end connection in Area A as shown in Exhibit 1 is now gone, and in its place appears to be several residential lots. See Area A as shown on Exhibit 2, attached.

34. In addition, based upon construction activity in the area, including substantial earth work, the Joneses have reason to believe that TS Development is proceeding with the Development based upon the plan shown in Exhibit 2, which is not consistent with the preliminary plan approved by the City.

35. The City has failed to take steps to require TS Development to stop activities inconsistent with the approved preliminary plan for the Development, and particularly, with respect to activity in Area A depicted in Exhibits 1 and 2.

36. Pursuant to City Code Section 14.11.060(5), the deadline for the filing of the final plat for the first phase of the Development was October 27, 2015. The deadline for submission of a final plat for Phase 2 was October 27, 2016, two years from the date of approval of the preliminary plan for the Development by the City.

37. Prior to the expiration of the deadline for submission of a final plat for Phase 1, the City granted TS Development an extension to October 27, 2016.

38. On August 1, 2016, TS Development requested another one-year extension of that deadline, which was granted by the City, to and including October 27, 2017.

39. As a result of the two 1-year extensions for filing of the final plat for Phase 1 of the development, the deadline for submission of the final plat for Phase 2 of the development received equal extensions of one year to and including October 27, 2018. § 15.11.060(6).

40. On October 9, 2017, the Council Bluffs City Council voted to approve the final plat of 123 lots in Phase 1 of the Development, which plat did not include Areas A and B shown in Exhibits 1 and 2, which are part of Phase 2 of the Development.

41. On or about October 23, 2017, the City Council did approve a final plat for only 27 lots in Phase 2 of the Development.

42. However, TS Development has not submitted a final plat for the entirety of Phase 2 of the Development as represented in the approved preliminary plan before or requested an extension of the deadline of October 27, 2018.

43. Pursuant to Section 14.11.060(5), if the subdivider fails to submit a final plat for approval within the required time limits, the preliminary plan, or the remaining phase thereof (here Phase 2), "shall be void."

44. "Void" means without any legal effect and null.

45. Therefore, as a matter of law, no preliminary plans exists for Phase 2 of the Development.

COUNT I – WRIT OF MANDAMUS

Plaintiffs incorporate herein by reference the allegations set forth in Paragraphs 1 through 44 of their Petition at Law.

46. A writ of mandamus may be used to compel a city to act.

47. The City has a duty to stop any construction activity of TS Development that is inconsistent with the approved preliminary plan for the Development or occurring without the filing and approval of a preliminary plan for Phase 2 of the Development.

48. TS Development's construction activity in or around Area A as reflected in Exhibits 1 and 2 is inconsistent with the approved preliminary plan or has occurred without the filing and approval of a preliminary plan for Phase 2 of the development.

49. The construction activity of TS Development in Area A will deprive the Joneses of the public access connection to their property provided in the approved preliminary plan.

50. The City has failed to require TS Development to provide a public access connection to the Joneses' property in Area B as reflected in Exhibits 1 and 2.

51. Pursuant to Iowa Code Sec. 661.1, an action of mandamus may be brought to obtain an order commanding an inferior tribunal to do an act, the performance of which the law enjoins upon it as a duty.

52. There is no plain, speedy and adequate remedy in the ordinary course of law available to the Joneses to protect their interests in the approved preliminary plan or in obtaining public access to their property.

53. Plaintiffs also demand a permanent injunction against TS Development from conducting any further development activity in Area A, including, but not limited to construction and sales activity, as allowed for by Iowa Code Section 661.12.

54. Plaintiffs also request a temporary injunction for the purpose of preventing damage or injury to the Plaintiffs' property interests during the pendency of this action against the City and TS Development, as allowed by Iowa Code Section 661.16.

55. Accordingly, the Joneses are entitled to a writ of mandamus requiring the City to comply with its Comprehensive plan, the City Code, and the approved preliminary plan with respect to the Development, to require a public access connection in Area B, and to stop all development activities of TS Development in Area A that are inconsistent with the approved preliminary plan, or to stop all development activity of TS Development unless and until a preliminary plan for the entirety of Phase 2 of the Development is filed with and approved by the City.

WHEREFORE, Plaintiffs David P. Jones and Anna M. Jones request that the Court issue a writ of mandamus consistent with Count I of the Petition, for costs of this action, and for such other relief as the Court may deem just and equitable.

COUNT II – DECLARATORY JUDGMENT

Plaintiffs incorporate herein by reference the allegations set forth in Paragraphs 1 through 54 of their Petition at Law.

56. This Count is brought pursuant to Iowa Rules of Civil Procedure 1.1101, 1.1106 and 1.1108.

57. There is a present controversy between the parties as to whether the construction activities of TS Development is consistent with the approved preliminary plan for the Development in Area A shown on Exhibits 1 and 2.

58. There is a present controversy between the parties as to whether there exists a preliminary plan filed with and approved by the City for Phase 2 of the Development.

59. There is a present controversy between the parties as to whether any development activities of TS Development may continue on Phase 2 of the Development.

60. The preliminary plan filed with and approved by the City on October 27, 2014, is void because TS Development did not file a final plat for Phase 2 of the Development by the twice-extended October 27, 2018, deadline.

61. Without a preliminary plan filed with and approved by the City, TS Development must stop all development activity in Phase 2 of the Development, unless and until TS Development complies with the City Code requirements for approval of the Development.

62. There is a substantial controversy between the parties hereto of sufficient immediacy and reality to warrant a declaratory judgment.

63. Plaintiffs request that the Court declare:

- a. That the construction of Phase 2 of the development in Area A on Exhibits 1 attached is not consistent with the approved preliminary plan for Phase 2 of the development;
- b. That Plaintiffs are entitled to the public access connection to their property depicted in Area A of the approved preliminary plan for Phase 2 of the development;
- c. That Plaintiffs are entitled to a public access connection to their property depicted in Area B of the approved preliminary plan for Phase 2 of the development
- d. That TS Development must undertake all necessary steps to bring Area A of the Development into compliance with the approved preliminary plan for Phase 2 of the development.
- e. That, alternatively, the preliminary plan filed with and approved by the City on October 27, 2014, is void because TS Development did not submit a final plat for the entirety of Phase 2 of the Development, for approval by the City by the twice-extended October 27, 2018, deadline.
- f. That, without a preliminary plan submitted to for Phase 2 of the Development, and approved by the City, TS Development must stop all development, unless and until it complies with all the City Code requirements for approval of the subdivision, including submission of a preliminary plan for Phase 2 of the Development.

COUNT III -- NUISANCE

Plaintiffs incorporate herein by reference the allegations set forth in Paragraphs 1 through 62 of their Petition at Law.

64. The construction activity of TS Development in the Development, particularly along the property line adjacent to the Joneses' property, has created a nuisance.

65. This nuisance consists of excessive storm water and sediment runoff from the construction site onto the Joneses' property, which has damaged their property by eroding it, depositing debris and piling sediment on it, which has interfered with their peaceful use and enjoyment of their property.

66. TS Development's construction activity has increased the amount of water discharged onto the Joneses' property and changed the manner of discharge of water onto the Joneses' property.

67. On July 11, 2017, the Iowa Department of Natural Resources ("IDNR") issued a notice of violation to TS Development of an National Pollutant Discharge Elimination System ("NPDES") general Permit No. 2 relating to sediment that was flowing onto neighboring properties, to city streets and into the storm drains, which subsequently drained to a water of the state and the failure to control fugitive dust.

68. On September 20, 2017, the IDNR issued a second notice of violation to TS Development for, among other issues, failed sediment controls, the failure to install proposed sediment basins, and otherwise inadequate control of offsite sedimentation.

69. On December 18, 2017, the IDNR sent a third notice of violation to TS Development for failure to install a proposed storm water control basins and continued severe erosion due to storm water runoff.

70. On February 16, 2018, the IDNR commenced an enforcement action with a proposed Administrative Consent Order due to TS Development's violation of NPDES Permit.

71. On February 27, 2018, the IDNR issued a fourth notice of violation to TS Development for failure to install a proposed storm water basin as part of a storm water pollution prevention plan.

72. On May 1, 2018, TS Development entered into an Administrative Consent Order with the IDNR whereby it agreed to pay an administrative penalty of \$7,000 due to its violation of its NPDES general Permit No. 2, and its illegal discharges to water of the state.

73. Pursuant to this Consent Order, TS Development admitted to illegal discharges to the waters of the state and failure to comply with all conditions of NPDES general Permit No. 2 for the site.

74. Pursuant to the Consent Order, TS Development agreed that failure to properly manage storm water runoff from construction site degrades surface water quality and deposits excess sediment in water channels.

75. TS Development further agreed, pursuant to the Consent Order, that sedimentation of Iowa's waterways is a serious problem.

76. To comply with the NPDES, if TS Development transfers ownership of all or part of the property subject to the permit, both TS Development and the new owners are responsible for compliance with the provisions of the permit for that portion of the project which has been transferred, including when the transferred property is less than one acre in area. However, if the new owner agrees in writing to be solely responsible for compliance with the provision of the permit for the property which has been transferred, then TS Development will be relieved of responsibility for compliance with the permit for the transferred property, after the date the transfer of responsibility is signed.

77. Further, TS Development's failure to comply with the preliminary plan or its failure to have a valid preliminary plan for Phase 2 of the Development, providing for public access to the Joneses' property as depicted in Area A of Exhibit 1, threatens to damage the Joneses due to the diminution in value of their property by denying them access to a public street.

78. Plaintiffs request a temporary and permanent injunction against all construction activity by TS Development that has created a nuisance on the Joneses' property and threatens their right to access to public streets.

WHEREFORE, Plaintiffs David P. Jones and Anna M. Jones demand damages for the nuisance against Defendants TS Development, LLC, for costs of this action and for such other relief as the Court may deem just and equitable.

COUNT IV – TRESPASS

Plaintiffs incorporate herein by reference the allegations set forth in Paragraphs 1 through 77 of their Petition at Law.

79. TS Development has and continues to deposit storm water runoff, sediment, and debris on the Joneses' property.

80. Such conduct is an actual physical invasion of tangible matter onto the Joneses' property, and therefore, is a trespass.

81. The Joneses are entitled to an injunction against this continuing trespass, and an order prohibiting any further acts of trespass by TS Development.

WHEREFORE, Plaintiffs David P. Jones and Anna M. Jones demand damages for the trespass of Defendant TS Development, LLC, for costs of this action and for such other relief as the Court may deem just and equitable.

COUNT V – INVERSE CONDEMNATION

Plaintiffs incorporate herein by reference the allegations set forth in Paragraphs 1 through 80 of their Petition at Law.

82. In the event Plaintiffs are denied the relief sought in Counts I and II of this Petition, which would deny the Joneses' property access to any public street, then the City will have appropriated all or part of the Joneses' property interests without a formal condemnation proceeding, all for the sole and exclusive benefit of a private developer.

83. The highest and best use for the Joneses' property is for residential development.

84. The City has admitted the highest and best use of the Joneses' property is for residential development.

85. The denial of public access to the Joneses' property is a permanent condition that greatly diminishes the value of the Joneses' property.

86. Without a public access, the Joneses' property cannot be subdivided and further developed for low-density residential development, as contemplated by the City's Comprehensive Plan.

87. Plaintiffs will have sustained damages consistent with the diminution in market value of their property before and after the City's denial of public access to the Joneses' property.

88. The City's failure to require public access from the Development to the Joneses' property constitutes an improper condemnation or regulatory taking of the Joneses' property.

89. Therefore, Plaintiffs have legal grounds for an inverse condemnation award.

WHEREFORE, Plaintiffs David P. Jones and Anna M. Jones request that their property be inversely condemned and that they be fairly compensated for the taking, and for such other relief as the Court may deem just and equitable.

JURY DEMAND

Plaintiffs David P. Jones and Anna M. Jones demand trial by jury of all issues in this matter so triable.

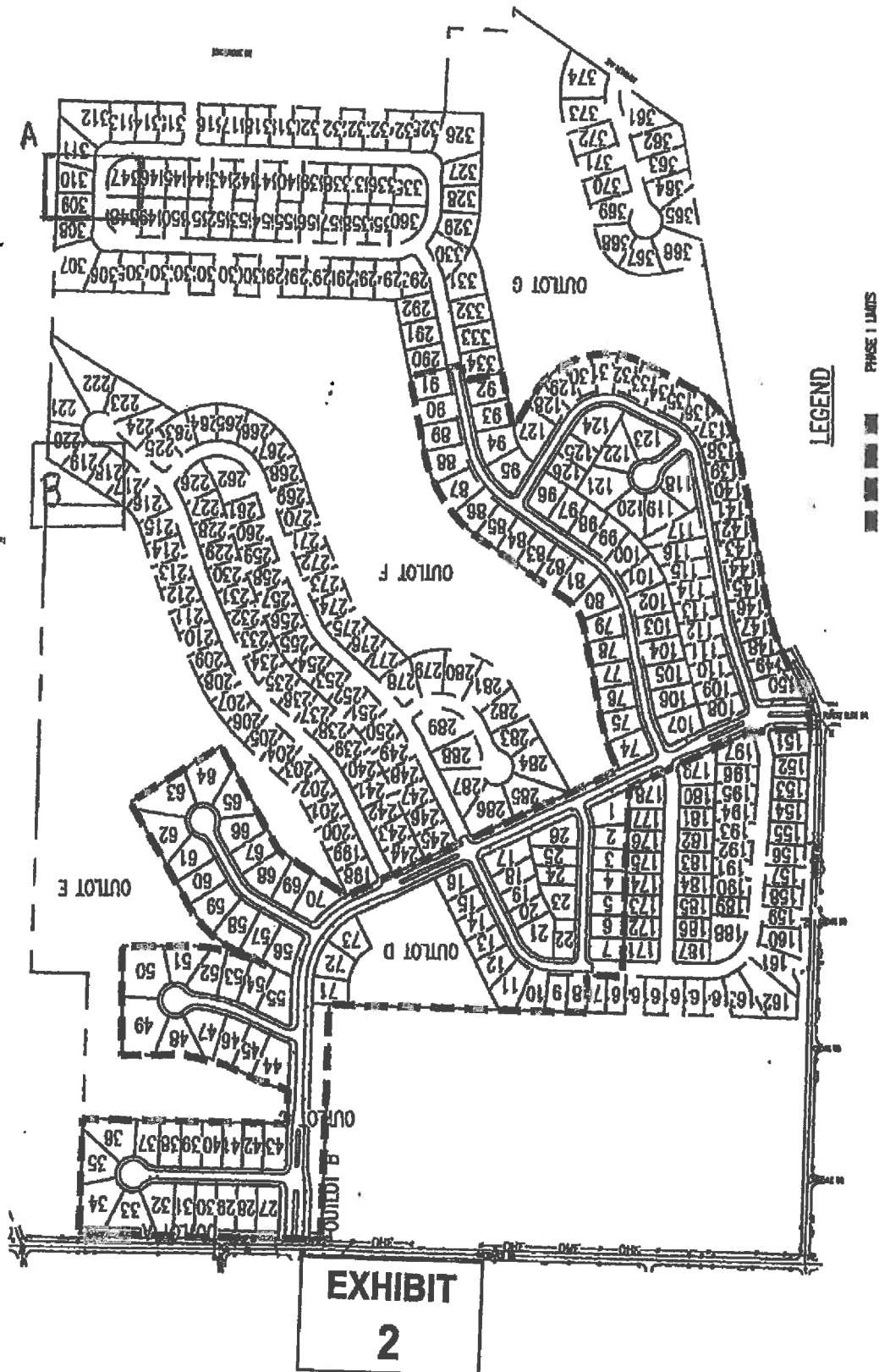
Dated: January 3, 2019.

/s/ Thomas H. Walton

Thomas H. Walton AT0008183
NYEMASTER, GOODE, P.C.
700 Walnut Street, Suite 1600
Des Moines, IA 50309-3899
Telephone: (515) 283-8003
Facsimile: (515) 283-8045
Email: twalton@nyemaster.com

**ATTORNEYS FOR PLAINTIFFS DAVID
P. JONES AND ANNA M. JONES**





Council Communication

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

Claims
ITEM 3.I.

Council Action: 1/28/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Claims	Other	1/23/2019

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

CITY CLAIM NO. 19-PW-1936

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Gary Bechtold DAY PHONE: _____
ADDRESS: 831 Ironwood Court DOB: 7-23-1953

DATE & TIME OF LOSS/ACCIDENT: 1-12-2019 @ 8:30 AM
LOCATION OF LOSS/ACCIDENT: 831 Ironwood Court

DESCRIPTION OF LOSS/ACCIDENT: Maintainer pushing snow in our circle
knocked down & broke off our mail box. Driver
acknowledged to our neighbor he hit the mail box. I
believe the driver's name was Bob. (USE BACK OF FORM, IF NECESSARY) →

TOTAL DAMAGES CLAIMED: \$ 181.68 - See attached receipt.

WITNESS(ES) (Name(s), Address(es), Phone No(s)) Dann Dierks, 828 Ironwood Court
462-660-1161

WAS POLICE REPORT FILED ☐ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

OTHER RELEVANT INFORMATION: Mailbox was a "locking" box & required
key to access mail. Replaced with same exact model.
It installed replacement so no installation charges.

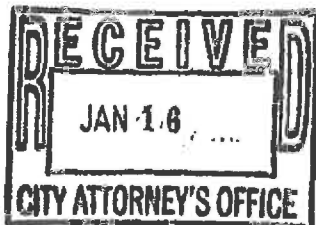
LIST INSURANCE PROVIDER AND COVERAGE: _____

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

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

1-14-2019
DATE

Gary Bechtold
CLAIMANT'S SIGNATURE



CLERK RVD
17 JAN 19

9:15

* Pictures can be emailed
if necessary.

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

CITY CLAIM NO. 19-PW-1937

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: JERRY PETERSEN

DAY PHONE: (402) 659-9007

ADDRESS: 112 Discovery Circle Council Bluffs, IA 51503

DOB: 11/23/1962

DATE & TIME OF LOSS/ACCIDENT: 1-18-2019 Between 4:00 & 6:00 PM

LOCATION OF LOSS/ACCIDENT: 112 Discovery Circle Council Bluffs, IA 51503

DESCRIPTION OF LOSS/ACCIDENT: Snowplow was salting the hill and was attempting to get around a parked Fed-Ex truck. The truck lost traction, begun to slide down the hill backwards and the plow struck my mailbox damaging beyond repair.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$120.30

WITNESS(ES) (Name(s), Address(es), Phone No(s). Public Works Employee notified his supervisor and reported the incident.

WAS POLICE REPORT FILED ____ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ____ NO

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

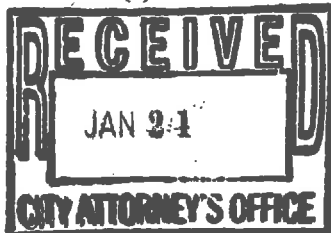
OTHER RELEVANT INFORMATION: Due to the length of my driveway (500'), the damage to the mailbox, and the inability to close the door. I bought an exact duplicate to the damaged mailbox and replaced it immediately.

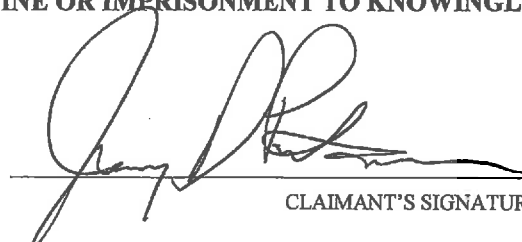
LIST INSURANCE PROVIDER AND COVERAGE: _____

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

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

DATE: 1/20/2019




CLAIMANT'S SIGNATURE

CLERK RCVD
21 JAN 19
PM 2:56

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

CITY CLAIM NO. 19-91V-1938

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Refillion Sanitation DAY PHONE: 402-306-0177
ADDRESS: 10810 So. 14th Ave. NE 48138 DOB: _____

DATE & TIME OF LOSS/ACCIDENT: 12-27-18 5:30 A.M.

LOCATION OF LOSS/ACCIDENT: 1607 2nd Ave. In the Alley

DESCRIPTION OF LOSS/ACCIDENT: Our Garbage Truck was heading East through
Alley to Service the Planned Parenthood Drive-By. Half way
through Alley the ground gave away. Our TRUCKS STEER TIRES
Sank in the Alley. Had to get our TRUCK -> (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$321.00 FOR TOW BILL

WITNESS(ES) (Name(s), Address(es), Phone No(s)) _____

WAS POLICE REPORT FILED _____ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? _____ YES _____ NO

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

OTHER RELEVANT INFORMATION: I'm just wanting Reimbursed for
our Tow Bill. \$321.00

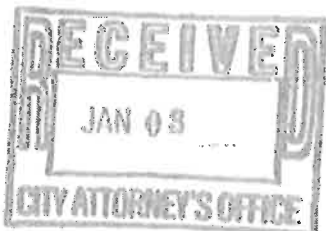
LIST INSURANCE PROVIDER AND COVERAGE: _____

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

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

1-2-19
DATE

Trudell W...
CLAIMANT'S SIGNATURE



CLERK RCD
22 JAN 19

PM2:48

Council Communication

Department: City Clerk
Case/Project No.: ZT-18-005
Submitted by: Graham Jura, Deputy City
Attorney

Ordinance 6377
ITEM 4.A.

Council Action: 1/28/2019

Description

Ordinance to amend Chapter 15.02-Administration and Enforcement, by repealing Section 15.02.120, “Appeals” as it is currently written and replacing it with a new Section, 15.02.120, “Appeals” to implement a new appeal procedure. ZT-18-005

Background/Discussion

See attachment.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZT-18-005 15.02.120 Repeal and Replace Appeal Process Staff Report (Revised) Including Attach A	Other	12/13/2018
ZT-18-005 15.02.120 Repeal and Replace Appeal Process PH Notice	Other	12/13/2018
6377	Ordinance	1/8/2019

Council Communication

Department: City Legal Department Case #ZT-18-005 Applicant: Council Bluffs City Attorney's Office	Ordinance No.	City Council: 1/14/19 Planning Commission: 12/11/18
Subject/Title CASE #ZT-18-005: Public hearing on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.120, <i>Appeals</i> , in its entirety and replacing it with a new appeal procedure under the same code section and name.		
Background After discussion at an interdepartmental code enforcement meeting, it became evident to the Community Development Department that Chapter 15.02 <i>Administration and Enforcement</i> of the City's <u>Municipal Code</u> (Zoning Ordinance) lacks a comprehensive code enforcement section. Additionally, it was determined that the appeals section lacked specificity to adequately address the new enforcement section while also meeting the legal requirements of administrative appeals typical to municipal governments. Staff determined that it was best to have the Zoning Board of Adjustment remain as the governing body to hear such appeals. In the process of drafting the proposed appeal section, Staff referenced the existing appeal process we currently have in place for decisions rendered by the building department, found in Section 13.01.204 of the Code. Procedurally, they are the same with respect to the process of appeal, but instead of calling for convening the board we plan to utilize the existing schedule of the board for efficiency purposes. One matter of significance worth pointing out here is that the zoning appeal process will contain the same "limitation of authority" for the board to render its decision. The purpose is to limit the appeal to review of the interpretation of the code made by City staff only. This limitation is designed to keep the appellant from turning an appeal into a variance request or other procedure specifically provided for elsewhere in the code. It also limits the ability of the board in this regard, also – it does not allow the board to waive any requirements of the code or otherwise add stipulations to any decision made by staff that are not in compliance with the code. The board's sole purpose is to determine, in effect, "did City staff interpret the code properly in making their decision." Lastly, it does provide for appeal to a court of competent jurisdiction as regularly provided by State of Iowa Administrative Procedure. The proposed Section 15.02.120 <i>Appeals</i> is included as Attachment "A."		
Comments All City departments received a copy of the proposed text amendment. No comments were received from any departments.		

Recommendation

The City Attorney's Office recommends approval of the following proposed text amendment:

- Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.120, *Appeals*, and replacing it with the attached revised code.

Public Hearing

Speaker providing explanation:

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

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval of the following proposed text amendment:

- Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.120, *Appeals*, and replacing it with the attached revised code.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 2 Motion: Carried

Attachment(s)

Attachment A: Proposed text amendment §15.02.120 *Appeals*, of the Administration and Enforcement chapter of the City of Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Graham C. Jura, Deputy City Attorney

15.02.120 Appeals.

A.—Purpose

~~The zoning appeals process for review of decisions and determinations of the Zoning Administrator is intended to provide appropriate checks and balances on administrative authority.~~

B.—Initiation

~~Applications for appeals may be filed by the owner of, or any person having a right of ownership in, any property in the City that is directly affected by a decision made under this Ordinance by the Zoning Administrator.~~

C.—Authority

~~The Zoning Board of Adjustment shall take formal action on zoning appeals of Zoning Administrator decisions and determinations. Other duties, decisions and actions of the Zoning Administrator, which are not established by this Ordinance, cannot be appealed under this process.~~

D.—Procedure

~~The Zoning Board of Adjustments shall hold a public hearing within a reasonable time and shall decide the appeal within a reasonable time. At the hearing of the appeal, any party may appear in person, or by agent or attorney. The Zoning Board of Adjustments may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination.~~

E.—Limitations on Appeals

~~A decision may only be appealed if an application is filed within thirty (30) days of that decision.~~

15.02.120 Appeals.

Any person affected by a decision of the Community Development Director, or his or her designee, in the enforcement of this Ordinance may appeal said decision to the Board of Zoning Adjustment according to the procedures contained herein.

A. Scope of Appeals

An appeal may be taken to the Board of Zoning Adjustment by any person affected by any decision of the Community Development Director, or his or her designee, where it is alleged there is error in any order, requirement, decision, or determination made by any such administrative official in the enforcement of this Ordinance.

B. Filing of Appeals

The appeal shall be initiated by filing with the Community Development Department a written notice of appeal, the grounds for the appeal, and an administrative filing fee as found in the schedule of fees, within thirty (30) days of the decision rendered by the Community Development Director, or his or her designee. The Community Development Director, or his or her designee, shall promptly transmit to the Board of Zoning Adjustment all of the documents related to the decision or action being questioned.

C. Scheduling Appeal Hearing and Notice

A timely filed appeal shall be scheduled for hearing on the next agenda of the monthly meeting of the Board of Zoning Adjustment, unless such hearing would be less than seven (7) days after the timely filing of the appeal, in which case the appeal shall be scheduled for hearing on the agenda of the next Board of Zoning Adjustment meeting. Once scheduled, notice of the time and place of the hearing shall be given to each appellant by mailing a copy of such notice, postage prepaid, addressed to the appellant at his or her address as shown on the appeal.

D. Procedure for Appeal Hearing

Hearings shall be conducted in an informal manner; formal rules of evidence shall not apply. At the hearing, all parties shall have the opportunity to present evidence and cross-examine witnesses. The Board of Zoning Adjustment may establish additional written rules of procedure for the conduct of hearings and their business. The Board of Zoning Adjustment may continue the hearing to a specified time and date if it determines that additional evidence is necessary to decide the issue.

E. Conclusion of Hearing

At the conclusion of the hearing, or within ten (10) days after the hearing, the Board of Zoning Adjustment shall make written findings and either sustain, modify, or reverse the order of the Community Development Director, or his or her designee. The written findings and decision shall be mailed to the appellant, postage prepaid, at the appellant's address as shown on the appeal. The secretary of the Board of Zoning Adjustment shall maintain the written findings and decision as a public record.

F. Limitation of Authority

The Board of Zoning Adjustment shall have no authority to waive any mandatory requirements of the zoning code, or any other municipal code, as part of this appeal. The Board of Zoning Adjustment shall have the authority to hear and decide appeals of order, decision or determinations made by the Community Development Director, or his or her designee, relative to the application and interpretations of the zoning code only.

G. Review by Court

The City, or any person or persons, who have appealed to the Board of Zoning Adjustment and are aggrieved by its decision may appeal the decision to a court of competent jurisdiction pursuant to the provisions of Iowa law.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 28th day of January, 2019 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

The hearing is in regards to the City's intent to Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing section 15.02.130, Enforcement, and replacing it with Section 15.02.130, *Violation and Penalty* in order to establish new, more in-depth standards for zoning enforcement action in the City of Council Bluffs.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6377

AN ORDINANCE TO AMEND CHAPTER 15.02-ADMINISTRATION AND ENFORCEMENT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY REPEALING SECTION 15.02.120, “APPEALS” AS IT IS CURRENTLY WRITTEN AND REPLACING IT WITH A NEW SECTION, 15.02.120, “APPEALS” TO IMPLEMENT A NEW APPEAL PROCEDURE.

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

SECTION 1. That Chapter 15.02-Administration and Enforcement of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by repealing Section 15.02.120, “Appeals” as it is currently written and replacing it with a new Section 15.02.120 “Appeals” to implement a new appeal procedure and to read as follows:

15.02.120-Appeals.

Any person affected by a decision of the Community Development Director, or his or her designee, in the enforcement of this Ordinance may appeal said decision to the Board of Zoning Adjustment according to the procedures contained herein.

- A. Scope of Appeals. An appeal may be taken to the Board of Zoning Adjustment by any person affected by any decision of the Community Development Director, or his or her designee, where it is alleged there is error in any order, requirement, decision, or determination made by any such administrative official in the enforcement of this Ordinance.
- B. Filing of Appeals. The appeal shall be initiated by filing with the Community Development Department a written notice of appeal, the grounds for the appeal, and an administrative filing fee as found in the schedule of fees, within thirty (30) days of the decision rendered by the Community Development Director, or his or her designee. The Community Development Director, or his or her designee, shall promptly transmit to the Board of Zoning Adjustment all of the documents related to the decision or action being questioned.
- C. Scheduling Appeal Hearing and Notice. A timely filed appeal shall be scheduled for hearing on the next agenda of the monthly meeting of the Board of Zoning Adjustment, unless such hearing would be less than seven (7) days after the timely filing of the appeal, in which case the appeal shall be scheduled for hearing on the agenda of the next Board of Zoning Adjustment meeting. Once scheduled, notice of the time and place of the hearing shall be given to each appellant by mailing a copy of such notice, postage prepaid, addressed to the appellant at his or her address as shown on the appeal.
- D. Procedure for Appeal Hearing. Hearings shall be conducted in an informal manner; formal rules of evidence shall not apply. At the hearing, all parties shall have the opportunity to present evidence and cross-examine witnesses. The Board of Zoning Adjustment may establish additional written rules of procedure for the conduct of hearings and their business. The Board of Zoning Adjustment may continue the hearing

to a specified time and date if it determines that additional evidence is necessary to decide the issue.

- E. Conclusion of Hearing. At the conclusion of the hearing, or within ten (10) days after the hearing, the Board of Zoning Adjustment shall make written findings and either sustain, modify, or reverse the order of the Community Development Director, or his or her designee. The written findings and decision shall be mailed to the appellant, postage prepaid, at the appellant's address as shown on the appeal. The secretary of the Board of Zoning Adjustment shall maintain the written findings and decision as a public record.
- F. Limitation of Authority. The Board of Zoning Adjustment shall have no authority to waive any mandatory requirements of the zoning code, or any other municipal code, as part of this appeal. The Board of Zoning Adjustment shall have the authority to hear and decide appeals of order, decision or determinations made by the Community Development Director, or his or her designee, relative to the application and interpretations of the zoning code only.
- G. Review by Court. The City, or any person or persons, who have appealed to the Board of Zoning Adjustment and are aggrieved by its decision may appeal the decision to a court of competent jurisdiction pursuant to the provisions of Iowa law.

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

January 28, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 1-14-19

Second Consideration: 1-28-19

Public Hearing: 1-28-19

Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: Chrsi Meeks, Planner
Submitted by:

Ordinance 6379
ITEM 4.C.

Council Action: 1/28/2019

Description

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 8-11, Auditor's Subdivision of part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District as defined in Chapter 15.08b. Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane. ZC-18-014

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZC-18-014 Valley View Lane Staff Report Including Attach A, B and C	Other	12/14/2018
ZC-18-014 Valley View Lane PH Notice	Other	12/14/2018
Ordinance 6379	Ordinance	1/8/2019

Council Communication

Department: Community Development CASE # ZC-18-014 Applicant/Property Owner: David Malone 1340 Valley View Lane Council Bluffs, IA 51503 Property Owners: Tim and Michelle Hogueison 1316 Valley View Lane Council Bluffs, IA 51503 Margaret Cozad 1324 Valley View Lane Council Bluffs, IA 51503 Keith Zuehlke 1400 Valley View Lane Council Bluffs, IA 51503 Dennis and Dorries Loghry 1408 Valley View Lane Council Bluffs, IA 51503	Ordinance No. _____	City Council: 1/14/19 Planning Commission: 12/11/2018
Subject/Title Request: Public hearing on the request of David Malone to rezone the properties described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane		
Background The Community Development Department has received an application from David Malone to rezone his property at 1340 Valley View Lane, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. The applicant expanded the request at the advice of the Community Development Department and with the permission of adjacent property owners to rezone the remainder of the homes on the block, addressed as 1316, 1324, 1400, and 1408 Valley View Lane from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. The entirety of area proposed to be rezoned is legally described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision or the Southeast ¼ of the Northwest ¼ in Section 5-74-43. Currently, the subject properties contain residential dwellings, which are consistent with neighborhoods that are typically zoned R-1/Single Family Residential. The applicant has requested the rezoning to allow a greater structure-coverage maximum for the lots, as in the A-2 District,		

only 10% of the total square footage of a property is allowed to be covered in structures, whereas in the R-1 District, 35% of the property can be covered in structures.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: A residential structure and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District, as well as Interstate 80.

South: A commercial building that is zoned in the C-2/Commercial District

East: A railroad line, the Council Bluffs municipal boundary, and undeveloped land that is currently under the jurisdiction of Pottawattamie County.

West: Valley View Lane, and a commercial structure that is zoned C-2/Commercial District.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as Regional Commercial.

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

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

- The Council Bluffs Fire Marshall stated they have no comments on the request.
- The Permits and Inspections Division stated the subject properties use on-site septic systems, and there is not currently public sewer located in the right-of-way in front of each lot. Each property owner will be required to account for the area requirements for septic and lateral fields as well as potable wells, or to connect to a public sewer line.
- The Public Works Department stated they have no comments regarding the rezoning request.
- Council Bluffs Water Works stated they have no comments on the request.

The following attachments are included with the case staff report:

- Attachment A: Location/zoning map
- Attachment B: Aerial Photos
- Attachment C: Approval of Owners of Properties Included in the Rezoning Request

Discussion

1. If approved, the subject properties will be zoned to a district that is consistent with the general character of the neighborhood. The subject properties all feature single family dwellings which are allowed in the A-2/Parks, Estates and Agricultural District, but are more generally associated with the R-1/Single Family Residential District.
2. The subject lots do not comply with the minimum lot size dimensions (150 'by 200') or, lot area (3 acres) for properties zoned in an A-2 District. Approval of the rezoning request will bring the lots into conformance, as their sizes meet minimum R-1 District standards, with the exception of 1408 Valley View Lane, which does not meet the required depth of 100 feet, while it does meet the area requirement of 5,000 square feet.
3. All of the lots in the proposed rezoning with the exception of 1340 Valley View Lane currently exceed the 10% structure coverage maximum for the A-2 Zoning District. All of the properties would be in conformance with the 35% structure coverage maximum for the R-1 District, if rezoned.

4. While the rezoning would allow the subject properties a greater structure coverage maximum, individual property owners will still need to adequately address all utilities, including sewer and water. No building permits will be approved until the subject property adequately addresses the sewer and water needs for that property.
5. A sanitary sewer line has been extended a portion of the way along Valley View Lane, though it does not front any individual properties. If on-site septic systems cannot be installed, properties will need to connect to the sanitary sewer line.
6. 1230 Valley View Lane was not included in the request due to an accessory structure having a larger footprint than the principal structure, which is allowed in the A-2 District, but would be nonconforming in the R-1 District.

Recommendation

The Community Development Department recommends approval of the request to rezone the properties legally described Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District, based on reasons stated above.

Public Hearing

Speakers in favor:

1. David Malone, 1340 Valley View Lane, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the request to rezone the properties legally described Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District, based on reasons stated above.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 2 Motion: Carried

Attachments

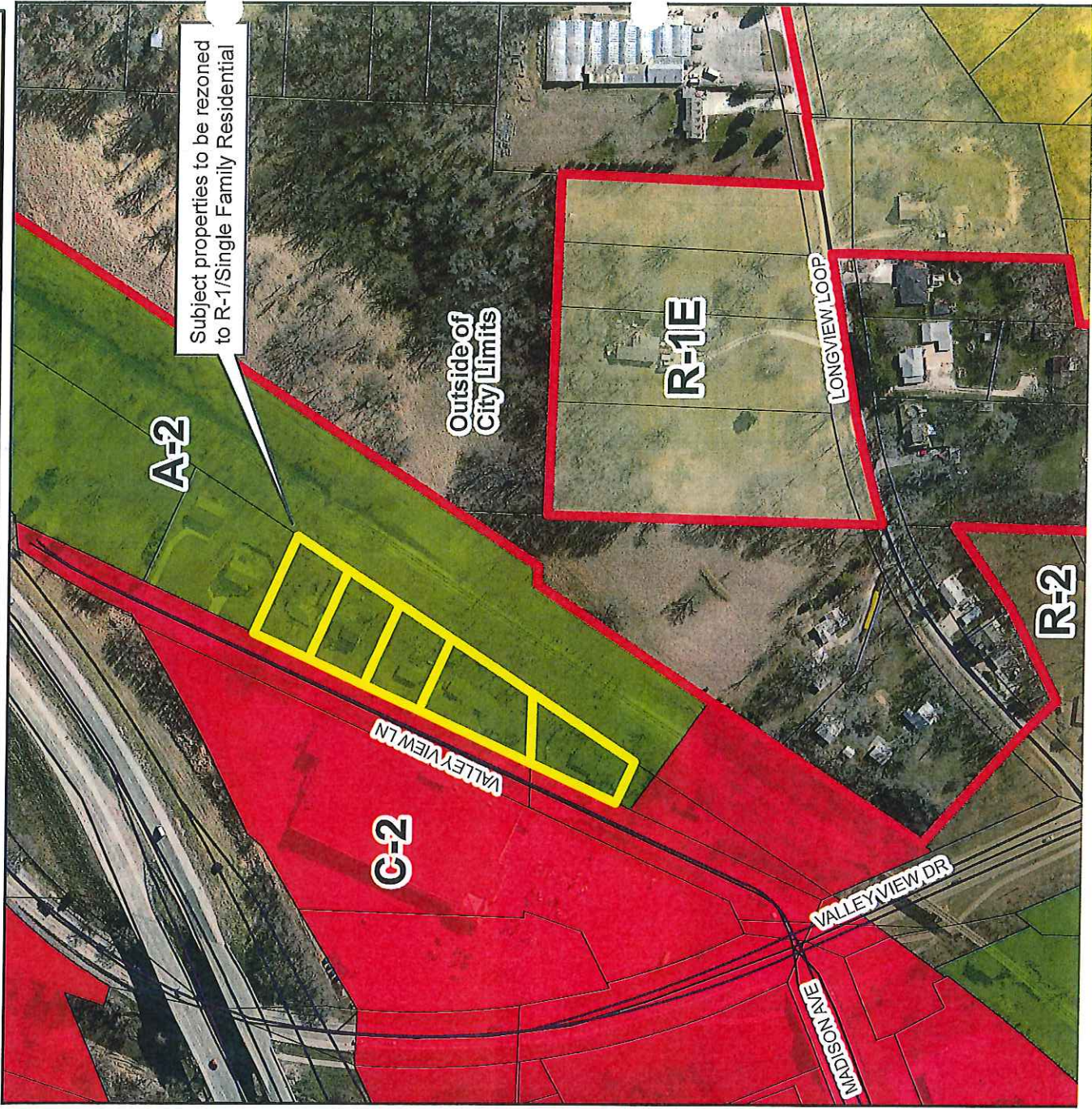
Attachment A: Location/zoning map

Attachment B: Aerial Photos

Attachment C: Approval of Owners of Properties Included in the Rezoning Request

Prepared by: Chris Meeks, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #ZC-18-014 LOCATION/ZONING MAP



Map Legend

- Properties Proposed to be Rezoned
- City of Council Bluffs Boundary
- Parcels

0 125 250

1 Inch = 252 Feet



Last Amended: 11/16/18

DISCLAIMER
This map is prepared and compiled from public records and is not a warranty of accuracy. The City of Council Bluffs, IA, is not responsible for any errors or omissions in this map. The user of this map assumes all responsibility for its use. The City of Council Bluffs, IA, is not responsible for any damages or losses resulting from the use of this map. The City of Council Bluffs, IA, is not responsible for any damages or losses resulting from the use of this map.

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

Attachment B

Aerial Photos



Above: Aerial photo of the subject properties facing South.

Below: Aerial photo of the subject property facing East.



Attachment C

Approval to rezone property from A-2 to R-1.

Name DENNIS Loghny

Address 1408 Valley View Lane

Signature Dennis Loghny

Name Michelle Hogueison

Address 1311 Valley View Lane

Signature Michelle Hogueison

Name Margaret Cozad

Address 1324 Valley View Lane

Signature Margaret Cozad

Name _____

Address _____

Signature _____

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a Public Hearing on an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision or the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential.

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 28th day of January, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6379

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 8-11, AUDITOR'S SUBDIVISION OF PART OF LOT 2 IN AUDITOR'S SUBDIVISION OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ IN SECTION 5-74-43, AND THE NORTH 174.47 FEET OF LOT 4 LYING EAST OF VALLEY VIEW LANE AND WEST OF THE RAILROAD, AND LOT 5, AUDITOR'S SUBDIVISION OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ IN SECTION 5-74-43 FROM A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT TO R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.08B OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone property legally described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District as defined in Chapter 15.08B of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED
AND
APPROVED

January 28, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 1-14-19
Second Consideration: 1-28-19
Public Hearing: 1-28-19
Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: ZT-18-006
Submitted by: Haley Weber, Zoning
Enforcement Officer

Ordinance 6378
ITEM 4.B.

Council Action: 1/28/2019

Description

Ordinance to amend Chapter 15.02-Administration and Enforcement, by repealing Section 15.02.130, "Enforcement" and replacing it with a new Section 15.02.130 entitled "Violation and Penalty". ZT-18-006

Background/Discussion

See attachment.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZT-18-006 15.02.130 Proposed Violation and Penalty with Strikeouts Staff Report Including Attach A	Other	12/13/2018
ZT-18-006 15.02.130 Proposed Violation and Penalty PH Notice	Other	12/13/2018
Ordinance 6378	Ordinance	1/8/2019

Council Communication

<p>Department: Community Development</p> <p>Case #ZT-18-006</p> <p>Applicant: Council Bluffs Community Development Department</p>	<p>Ordinance No.</p>	<p>City Council: 1/14/19</p> <p>Planning Commission: 12/11/18</p>
Subject/Title		
<p>CASE #ZT-18-006: Public hearing on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.130, <i>Enforcement</i>, and replacing it with Section 15.02.130, <i>Violation and Penalty</i></p>		
Background		
<p>After discussion at an interdepartmental code enforcement meeting, it became evident to the Community Development Department that Chapter 15.02 <i>Administration and Enforcement</i> of the City's <u>Municipal Code</u> (Zoning Ordinance) lacks a comprehensive code enforcement section. Specifically, the section lacks a consistent basis off of which to assign remediation times for zoning code violations and the specific processes and procedures for zoning enforcement. The proposed Section 15.02.130, <i>Violation and Penalty</i> includes set remediation timeframes for zoning code violations as well as establishes new, more in-depth standards for zoning enforcement action in the City of Council Bluffs.</p> <p>In the process of drafting the proposed enforcement section, the Community Development Department conducted research on a number of Iowa cities' municipal codes including: Des Moines, West Des Moines, Davenport, Dubuque, Ames, Iowa City, and Cedar Rapids. The proposed Section 15.02.130 <i>Violation and Penalty</i> is primarily modeled after the City of Cedar Rapids' Municipal Code Section 32.08.090 <i>Violation and Penalty</i>.</p> <p>The proposed Section 15.02.130 <i>Violation and Penalty</i> is included as Attachment "A." The Council Bluffs Community Development Department proposes repealing Section 15.02.130, <i>Enforcement</i> and replacing it with Section 15.02.130, <i>Violation and Penalty</i> for the following reasons:</p> <ul style="list-style-type: none">• The proposed Section 15.02.130 <i>Violation and Penalty</i> states in more thorough and direct terms the notification process for each type of zoning code violation, the procedure to follow for multiple and repeat violations, and the remedies and powers of the Community Development Department to enforce the Ordinance.• The specifically outlined notification process allows for greater consistency and fairness in zoning code enforcement cases as every violation of the same type shall receive the same remediation timeframe. In the event that a zoning enforcement case would go to court, these set timeframes would ensure that the deadlines given are less likely to be considered arbitrary or capricious.• The outlining of the zoning enforcement process in the City's municipal code provides greater transparency and knowledge to the public regarding the Community Development Department's zoning code enforcement practices. <p>In summary, the proposed amendment includes the following:</p>		

Notification Process

The proposed Section 15.02.130 *Violation and Penalty* outlines the notification process that shall be taken in every zoning code enforcement case with an identified zoning code violation. When a violation is confirmed, the following process shall be taken to notify the property owner and/or other responsible party of said violation:

- Step 1: The property owner and/or other responsible party shall be sent Letter #1: 'Notice of Violation #1: Voluntary Compliance Request'. This letter emphasizes voluntary compliance and contains the applicable code section(s) in violation, photographic evidence of the violation and a deadline for remediation.
- Step 2: If the violation has not been remedied by the deadline given in Letter #1, the property owner and/or other responsible party, shall be sent Letter #2: 'Notice of Violation #2: Final Request'. This letter reiterates the sending of the first notice of violation and contains the applicable code section(s), photographic evidence of the violation, the civil penalties associated with a municipal infraction and a deadline for remediation before receiving a citation.
- Step 3: If the violation has not been remedied by the deadline given in Letter #2, a citation shall be served to the property owner on the next business day following the expiration date in Letter 2 in accordance with the methods listed in Section 1.95.030 *Civil Citations* of Council Bluffs Municipal Code. A first offense violation results in a \$750.00 fine plus the additional \$85.00 court costs. A second offense violation results in a \$1,000.00 fine plus the additional \$85.00 court costs. A letter shall be sent to any other responsible party informing them of the issued citation.

Violation Tiers

The proposed Section 15.02.130 *Violation and Penalty* specifies four (4) tiers of zoning code violations. Each type of zoning code violation falls into a tier based on the intensity of the violation and the amount of time needed for remediation. The timeframes given in Notice of Violation Letters #1 and #2 are based on the following violation tiers. *Table 1: Violation Tiers* lists the violations that fall under each of the four tiers and *Table 2: Timeframes to Remedy Violations* outlines the corresponding notification process:

Table 1: Violation Tiers

Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
<ul style="list-style-type: none">• Temporary Sign• Nonpermanent Outdoor Lighting• Parking where conforming parking space is available on site• Storage Container• Occupying a recreational vehicle	<ul style="list-style-type: none">• Permanent Sign• Permanent Outdoor Lighting• Fence• Parking where conforming parking space is not available on site• Landscaping	<ul style="list-style-type: none">• Home Occupation• Illegal Structure• Illegal Use• Building material /architectural design when located within a Corridor Design Overlay or on a property with an approved development plan	<ul style="list-style-type: none">• Any violation that poses to be an emergency or threat to public health and safety

Table 2: Timeframes to Remedy Violations

All notice of violation letters shall be sent to the property owner and/or other responsible party for all violations. The property owner shall be the party subject to citation if the violation is not remedied within the amount of time as set forth in this table.				
Notice Type:	Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
Letter 1: Voluntary Compliance Request/Notice	Ten (10) business days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Sixty (60) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	In situations where a violation is considered to be an emergency or is a threat to public health and safety, enforcement action shall be taken immediately by the Community Development Director or his/her designee.
Letter 2: Second Notice of Violation	Five (5) business days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Fifteen (15) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	
Letter 3: Citation for Municipal Infractions	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	

Multiple and Repeat Violations

Additionally, the proposed section states the procedure for multiple and repeat violations. Multiple violations that occur on the same property shall be reviewed and enforced separately in accordance with Tables 1 and 2. Violations of the same type that occur on a property within a twenty-four (24) month period where the owner of the property remains the same shall be considered repeat violations and notified following the schedule designated in Table 2.

Repeat Violations Example: 'Property Owner A' has remedied a temporary sign violation within the specified timeframe after receiving Notice of Violations #1 and #2. Two months later, the same property owner places an illegal temporary sign on the property again. This would be considered a repeat violation within a twenty-four (24) month period. At this time, 'Property Owner A' would be cited for the illegal sign violation.

Remedies and Powers

The proposed section lists all the remedies and powers available to the Community Development Department to enforce the Ordinance. Those remedies and powers are as follows: Deny/Withhold Permits; Permits Approved with Conditions; Citation for Municipal Infractions; Revoke of Approvals or Permits; Revoke Licenses; Stop Work Order; Injunctive Relief; Abatement; Administrative Extension of Time; or Other action permitted by Iowa law.

Administrative Extension

The proposed section states that an administrative extension of time may be granted to the property owner and/or other responsible party by the Community Development Director for remedying violations that require paving, landscaping, or removal or altering of illegal structures where seasonal weather conditions make remedying impractical. If the property owner and/or other responsible party are actively pursuing the remedy of an identified zoning violation, a stay of all enforcement action may be granted by the Community Development Director or his/her designee. A stay of action shall not exceed 90 days. An administrative extension of time or stay of enforcement action shall not be granted for a Tier 4 violation as these violations are emergency situations that require immediate action.

Comments

All City departments received a copy of the proposed text amendment. The following comments were received regarding proposed Section 15.02.130, *Violation and Penalty*:

- The Council Bluffs Fire Department stated that they have no comments.
- The Council Bluffs Public Works Department stated that the ordering of the four tiers of violation was confusing as "tier one has a short time line (higher urgency to resolve), tier 2 has a longer (less urgent) timeline, tier 3 has the longest timeline, but tier 4 is an emergency that needs immediate resolution."

Recommendation

The Community Development Department recommends approval of the following proposed text amendment:

- Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.130, *Enforcement* and replacing it with Section 15.02.130, *Violation and Penalty*.

Public Hearing

Speaker providing explanation:

1. Haley Weber, Zoning Enforcement Officer, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval of the following proposed text amendment:

- Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.130, *Enforcement* and replacing it with Section 15.02.130, *Violation and Penalty*.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 2 Motion: Carried

Attachment(s)

Attachment A: Proposed text amendment §15.02.130 *Enforcement*, of the Administration and Enforcement chapter of the City of Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley P. Weber, Zoning Enforcement Officer

15.02.130 Enforcement

- A. ~~Enforcement. This ordinance shall be enforced by the zoning administrator. The zoning administrator may secure the assistance of the city attorney to seek an injunction, abatement, municipal citations or other appropriate actions to enjoin, abate or stop any violation of this ordinance. At times, the aid of the police department may be sought to enforce this ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the city.~~
- B. ~~Penalties. Any person, firm or corporation that violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, upon conviction, shall be fined for each offense. Each day that a violation continues shall constitute a separate offense for the purpose of the penalties and remedies available to the city. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, shall cease upon correction of the violation.~~
- C. ~~Fines. Fines for violation of this ordinance shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

(Ord. No. 6012, § 2, 10-27-2008)

15.02.130 Violation and Penalty

The City may take any or all of the actions listed in this Section in response to any Violation of this Ordinance. The remedies and penalties provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

A. Enforcement

This ordinance shall be enforced by the Community Development Director or his or her designee. The Community Development Director or his or her designee may secure the assistance of the city attorney to seek an injunction, abatement, municipal citations or other appropriate action to enjoin, abate, or stop any violation of this ordinance. At times, the aid of the police department may be sought to enforce this ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the city.

B. Fines

Fines for violation of this Ordinance shall be set forth as per the adopted schedule of civil penalties stated in section 1.95 Municipal Infraction Citation Process of the Council Bluffs Municipal Code.

C. Notification

The Community Development Director or his/her designee shall, upon determination of any violation of this Ordinance, notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; and specifically shall order the discontinuance of any illegal use of land, buildings, or structures, order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions, and in particular, shall, when appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required for the enforcement of this Ordinance. The City shall use the following letters as forms of written notification:

1. Letter #1: Voluntary Compliance Request Letter

The City shall issue a voluntary compliance request letter to the property owner of record and any other responsible party citing the violation of this Ordinance. This letter will be mailed to the property's tax address as well as the physical street address. Each violation falls into one (1) of four (4) tiers. Table 1: Violation-Tier Categories outlines the type of violations and the corresponding tier. The Voluntary Compliance Request Letter shall state that the violation be removed within the time set forth in Table 2: Timeframes to Remedy Violations. This letter shall serve as the first notice of violation.

2. Letter #2: Second Notice of Violation

The City shall issue a second notice of violation letter to the property owner of record and any other responsible party citing the violation of this Ordinance if the violation was not remedied within the timeframe specified in Letter #1: Voluntary Compliance Request Letter. This letter will be mailed to the property's tax address as well as the physical street address. The letter shall reiterate the sending of the first notice of violation and that the violation must be removed within the time set forth in Table 2.

3. Letter #3: Citation for Municipal Infractions

The City shall cite the property for municipal infractions if the violation was not remedied within the time frame specified in Letter #2: Notice of Violation. The fines for municipal infractions shall be as set forth in Section 1.95.020 Violations, penalties and alternative relief of Council Bluffs Municipal Code. The citation shall be served in accordance with the methods listed in Section 1.95.030 Civil Citations of Council Bluffs Municipal Code.

The Community Development Department has specified four (4) tiers of zoning code violations. Each type of zoning code violation falls into a tier based on the intensity of the violation and amount of time needed for remediation. The following table shows the violations that fall under each of the four tiers:

Table 1: Violation Tiers

Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
<ul style="list-style-type: none">• Temporary Sign• Nonpermanent Outdoor Lighting• Parking where conforming parking space is available on site• Storage Container• Occupying a recreational vehicle	<ul style="list-style-type: none">• Permanent Sign• Permanent Outdoor Lighting• Fence• Parking where conforming parking space is not available on site• Landscaping	<ul style="list-style-type: none">• Home Occupation• Illegal Structure• Illegal Use• Building material /architectural design when located within a Corridor Design Overlay or on a property with an approved development plan	<ul style="list-style-type: none">• Any violation that poses to be an emergency or threat to public health and safety

Table 2: Timeframes to Remedy Violations

All notice of violation letters shall be sent to the property owner and/or other responsible party for all violations. The property owner shall be the party subject to citation if the violation is not remedied within the amount of time as set forth in this table.				
Notice Type:	Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
Letter 1: Voluntary Compliance Request/Notice	Ten (10) business days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Sixty (60) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	In situations where a violation is considered to be an emergency or is a threat to public health and safety, enforcement action shall be taken immediately by the Community Development Director or his/her designee.
Letter 2: Second Notice of Violation	Five (5) business days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Fifteen (15) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	
Letter 3: Citation for Municipal Infractions	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	

D. Multiple Violations

Multiple violations that occur on the same property shall be reviewed and enforced separately in accordance with Tables 1 and 2.

E. Repeat Violations

Violations of the same type that occur on a property within a twenty-four (24) month period where the owner of the property remains the same shall be considered repeat violations. The property owner or other responsible party shall be notified of the violation following the schedule designated in Table 2.

F. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City, in addition to other remedies, may institute any proper action or proceeding, including an action to enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance, or use, in the name of the City of Council Bluffs, to restrain, correct, or abate such violations, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business or use in or about said premises. More specifically, the Community Development Department shall have the following remedies and powers to enforce this Ordinance:

1. Deny/Withhold Permits

The City may deny and withhold permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements until the alleged violation related to such property use, or development is corrected. The provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

2. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected prior to occupancy or final approval.

3. Citation for Municipal Infractions

The City may cite the property for a municipal infractions as set forth in Section 1.95 Municipal Infraction Citation Process of the Council Bluffs Municipal Code.

4. Revoke of Approvals or Permits

Any permit issued by administrative approval is subject to revocation. Any permit issued by a Decision-Making Body is subject to revocation after notice and a public hearing by said Decision-Making Body. A permit is subject to revocation, after the responsible party has been provided an opportunity to remedy the violation within the time set forth in Table 2, when it is determined that either:

- i. There is a material departure from the approved plans, specifications, or conditions of approval;
 - ii. There is a violation of any provision of this Ordinance;
 - iii. The development approval or permit was obtained by false representation;
 - iv. The development approval or permit was issued in error
- b. Written notice of the revocation shall be served upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after the service of the revocation notice.

5. Revoke Licenses

The City may revoke applicable licenses issued pursuant to City Code. Revocation of licenses shall be processed according to applicable procedures adopted for this purpose by the applicable City department or entity.

6. Stop Work Order

With or without revoking permits, the Community Development Director or his or her designee may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Ordinance or a provision of a permit or other form of authorization issued pursuant to this Ordinance. The stop work order shall specify the Ordinance provisions being violated. After any such order has been served, no work shall process on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with this order. The stop work order may be issued at the same time as a notice of initial violation or subsequent to such notice.

7. Injunctive Relief

The City may initiate injunction proceedings or other appropriate legal action in any court of competent jurisdiction against any person who fails to comply with any provision of this Ordinance or any requirement or condition imposed pursuant to this Ordinance. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Ordinance is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the Ordinance violation unless the violation is enjoined; and that there is no plan and adequate remedy at law for the subject Ordinance violation.

8. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation or to otherwise restore the premises to the condition that existed before the violation.

9. Administrative Extension of Time

- a. An administrative extension of time may be granted to the property owner and/or other responsible party by the Community Development Director at his/her discretion for remedying violations that require paving, landscaping, or the removal or altering of illegal structures where seasonal weather conditions make remedying impractical.
- b. If the property owner and/or other responsible party are actively pursuing the remedy of an identified zoning violation, a stay of all enforcement action may be granted by the Community Development Director or his/her designee. A stay of action shall not exceed 90 days.
- c. An administrative extension of time or stay of enforcement action shall not be granted for a Tier 4 violation.

10. Other

The City may take any other action permitted by Iowa law.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 28th day of January, 2019 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

The hearing is in regards to the City's intent to Amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.120, *Appeals*, in its entirety and replacing it with a new appeal procedure under the same code section and name in order to establish a more comprehensive and unified procedure for appeals of decisions made by administrative officials in regards to the city's Zoning Ordinance.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6378

AN ORDINANCE TO AMEND CHAPTER 15.02-ADMINISTRATION AND ENFORCEMENT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY REPEALING SECTION 15.02.130, “ENFORCEMENT” AND REPLACING IT WITH A NEW SECTION 15.02.130 ENTITLED “VIOLATION AND PENALTY”.

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

SECTION 1. That Chapter 15.02-Administration and Enforcement of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by repealing Section 15.02.130, “Enforcement” and replacing it with a new Section 15.02.130 entitled “Violation and penalty” to read as follows:

15.02.130-Violation and penalty.

The City may take any or all of the actions listed in this Section in response to any Violation of this Ordinance. The remedies and penalties provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

- A. Enforcement. This ordinance shall be enforced by the Community Development Director or his or her designee. The Community Development Director or his or her designee may secure the assistance of the city attorney to seek an injunction, abatement, municipal citations or other appropriate action to enjoin, abate, or stop any violation of this ordinance. At times, the aid of the police department may be sought to enforce this ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the city.
- B. Fines. Fines for violation of this Ordinance shall be set forth as per the adopted schedule of civil penalties stated in section 1.95 Municipal Infraction Citation Process of the Council Bluffs Municipal Code.
- C. Notification. The Community Development Director or his/her designee shall, upon determination of any violation of this Ordinance, notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; and specifically shall order the discontinuance of any illegal use of land, buildings, or structures, order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions, and in particular, shall, when appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required for the enforcement of this Ordinance. The City shall use the following letters as forms of written notification:
 - 1. Letter #1: Voluntary Compliance Request Letter.
The City shall issue a voluntary compliance request letter to the property owner of record and any other responsible party citing the violation of this Ordinance. This letter will be mailed to the property’s tax address as well as the physical street address. Each violation falls into one (1) of four (4) tiers. Table 1: Violation-Tier Categories outlines the type of violations and the corresponding tier. The Voluntary Compliance Request

- Letter shall state that the violation be removed within the time set forth in Table 2: Timeframes to Remedy Violations. This letter shall serve as the first notice of violation.
2. Letter #2: Second Notice of Violation.
The City shall issue a second notice of violation letter to the property owner of record and any other responsible party citing the violation of this Ordinance if the violation was not remedied within the timeframe specified in Letter #1: Voluntary Compliance Request Letter. This letter will be mailed to the property's tax address as well as the physical street address. The letter shall reiterate the sending of the first notice of violation and that the violation must be removed within the time set forth in Table 2.
 3. Letter #3: Citation for Municipal Infractions.
The City shall cite the property for municipal infractions if the violation was not remedied within the time frame specified in Letter #2: Notice of Violation. The fines for municipal infractions shall be as set forth in Section 1.95.020 "Violations, penalties and alternative relief" of Council Bluffs Municipal Code. The citation shall be served in accordance with the methods listed in Section 1.95.030 "Civil citations" of Council Bluffs Municipal Code.

The Community Development Department has specified four (4) tiers of zoning code violations. Each type of zoning code violation falls into a tier based on the intensity of the violation and amount of time needed for remediation. The following table shows the violations that fall under each of the four tiers:

Table 1: Violation Tiers

Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
<ul style="list-style-type: none"> • Temporary Sign • Nonpermanent Outdoor Lighting • Parking where conforming parking space is available on site • Storage Container • Occupying a recreational vehicle 	<ul style="list-style-type: none"> • Permanent Sign • Permanent Outdoor Lighting • Fencing • Parking where conforming parking space is not available on-site • Landscaping 	<ul style="list-style-type: none"> • Home Occupation • Illegal Structure • Illegal Use • Building material/architectural design when located within a Corridor Design Overlay or on a property with an approved development plan 	<ul style="list-style-type: none"> • Any violation that poses to be an emergency or threat to public health and safety

Table 2: Timeframes to Remedy Violations

All notice of violation letters shall be sent to the property owner and/or other responsible party for all violations. The property owner shall be the party subject to citation if the violation is not remedied within the amount of time as set forth in this table.				
Notice Type:	Tier 1 Violation	Tier 2 Violation	Tier 3 Violation	Tier 4 Violation
Letter 1: Voluntary Compliance Request/Notice	Ten (10) business days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	Sixty (60) days from the date of the letter to remedy the violation before receiving Letter 2: Second Notice of Violation	In situations where a violation is considered to be an emergency or is a threat to public health and safety, enforcement action shall be taken immediately by the Community Development Director or his/her designee.
Letter 2: Second Notice of Violation	Five (5) business days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Fifteen (15) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	Thirty (30) days from the date of the letter to remedy the violation before receiving Letter 3: Citation for Municipal Infractions	
Letter 3: Citation for Municipal Infractions	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	A citation shall be served in accordance with Section 1.95.030 on the next business day following the expiration date in Letter 2: Second Notification of Violation.	

- D. Multiple Violations. Multiple violations that occur on the same property shall be reviewed and enforced separately in accordance with Tables 1 and 2.
- E. Repeat Violations. Violations of the same type that occur on a property within a twenty-four (24) month period where the owner of the property remains the same shall be considered repeat violations. The property owner or other responsible party shall be notified of the violation following the schedule designated in Table 2.

- F. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City, in addition to other remedies, may institute any proper action or proceeding, including an action to enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance, or use, in the name of the City of Council Bluffs, to restrain, correct, or abate such violations, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business or use in or about said premises. More specifically, the Community Development Department shall have the following remedies and powers to enforce this Ordinance:
1. Deny/Withhold Permits. The City may deny and withhold permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements until the alleged violation related to such property use, or development is corrected. The provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.
 2. Permits Approved with Conditions. Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected prior to occupancy or final approval.
 3. Citation for Municipal Infractions. The City may cite the property for a municipal infractions as set forth in Section 1.95 Municipal Infraction Citation Process of the Council Bluffs Municipal Code.
 4. Revoke of Approvals or Permits.
 - a. Any permit issued by administrative approval is subject to revocation. Any permit issued by a Decision-Making Body is subject to revocation after notice and a public hearing by said Decision-Making Body. A permit is subject to revocation, after the responsible party has been provided an opportunity to remedy the violation within the time set forth in Table 2, when it is determined that either:
 - (i) There is a material departure from the approved plans, specifications, or conditions of approval;
 - (ii) There is a violation of any provision of this Ordinance;
 - (iii) The development approval or permit was obtained by false representation; and
 - (iv) The development approval or permit was issued in error.
 - b. Written notice of the revocation shall be served upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after the service of the revocation notice.
 5. Revoke Licenses. The City may revoke applicable licenses issued pursuant to City Code. Revocation of licenses shall be processed according to applicable procedures adopted for this purpose by the applicable City department or entity.
 6. Stop Work Order. With or without revoking permits, the Community Development Director or his or her designee may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Ordinance or a provision of a permit or other form of authorization issued pursuant to this Ordinance.

The stop work order shall specify the Ordinance provisions being violated. After any such order has been served, no work shall process on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with this order. The stop work order may be issued at the same time as a notice of initial violation or subsequent to such notice.

7. Injunctive Relief. The City may initiate injunction proceedings or other appropriate legal action in any court of competent jurisdiction against any person who fails to comply with any provision of this Ordinance or any requirement or condition imposed pursuant to this Ordinance. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Ordinance is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the Ordinance violation unless the violation is enjoined; and that there is no plan and adequate remedy at law for the subject Ordinance violation.
8. Abatement. The City may seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation or to otherwise restore the premises to the condition that existed before the violation.
9. Administrative Extension of Time.
 - a. An administrative extension of time may be granted to the property owner and/or other responsible party by the Community Development Director at his/her discretion for remedying violations that require paving, landscaping, or the removal or altering of illegal structures where seasonal weather conditions make remedying impractical.
 - b. If the property owner and/or other responsible party are actively pursuing the remedy of an identified zoning violation, a stay of all enforcement action may be granted by the Community Development Director or his/her designee. A stay of action shall not exceed 90 days.
 - c. An administrative extension of time or stay of enforcement action shall not be granted for a Tier 4 violation.
10. Other. The City may take any other action permitted by Iowa law.

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

January 28, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 1-14-19

Second Consideration: 1-28-19

Public Hearing: 1-28-19

Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: ZC-18-015
Submitted by: Moises Monrroy, Planner

Ordinance 6380
ITEM 4.D.

Council Action: 1/28/2019

Description

Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two-Family Residential District as defined in Chapter 15.09. Location: 2nd Avenue, between South 18th Street and South 19th Street. ZC-18-015

Background/Discussion

See attachment.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZC-18-015 Everetts Addition PH Notice	Other	12/13/2018
ZC-18-015 Everetts Addition Staff Report Including Attach A	Other	12/13/2018
Ordinance 6380	Ordinance	1/8/2019

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 properties legally described as Lots 6 thru 8 and the East 50' of Lot 9, all in Block 5, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to R-2/Two Family 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 28th day of January, 2019, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development CASE # ZC-18-015 Applicant/Property Owner: City of Council Bluffs Property Owners: Jelken Real Estate Holdings LLC 987 2 nd Avenue SW Lemars, IA 51031 Lanny R. and Barbara L. Walker 112 McKenzie Court Council Bluffs, IA 51503	Ordinance No. _____	City Council: 1/14/19 Planning Commission: 12/11/18
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Subject/Title

Request: Public hearing on the request of the Council Bluffs Community Development Department to rezone property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two Family Residential District.

Location: 2nd Avenue, between South 18th Street and South 19th Street.

Background

The Community Development Department is requesting to rezone the properties legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two Family Residential District. These properties are addressed as 1802, 1812 and 1820 2nd Avenue, respectively, with the exception of Lot 7, which is undeveloped.

Lot 7 is currently owned by the City of Council Bluffs and is classified as "transitional dispose" and "buildable" in the Inventory and Disposal Policy for Surplus City Property. This rezoning request would allow the City to market Lot 7 as a single family property for development. This request would also bring the non-conforming single-family dwellings on Lots 6, 8 and 9 into conformance with City zoning standards.

Land Use and Zoning

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

North: An industrial building that is zoned in the I-1/Light Industrial District.

South: Residential structures that are zoned in the R-3/Low Density Multifamily Residential District.

East: Residential structures that are zoned in the R-2/Two Family Residential District.

West: An office building that is zoned in the I-1/Light Industrial District.

The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Low Density Residential.

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

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

- The Permits and Inspections Division stated they have no comments on the request.
- The Council Bluffs Fire Department stated they have no comments on the request.
- Black Hills Energy stated they have no concerns regarding the rezoning request.
- MidAmerican Energy stated they have no objections to the request. They operate electric facilities on the properties and stated they need to retain them.
- Council Bluffs Water Works stated they have no comments regarding the rezoning request. Water service is available for the subject properties on 2nd Avenue.

The following attachments are included with the case staff report: Attachment A: Location/zoning map

Discussion

1. The proposed rezoning is generally consistent with the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan. The subject properties are designated as Low Density Residential, which would allow for single family and two family residential land uses.
2. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-2/Two Family Residential District.
3. The proposed rezoning would allow the City to market Lot 7 as a single family and/or two family property for development.
4. The subject properties are existing lots of record which do not comply with the minimum I-1/Light Industrial District lot dimensions (75 feet by 100 feet) or lot area (10,000 square feet). The lots do conform to the minimum R-2/Two Family Residential District lot dimensions (50 feet by 100 feet) and lot area (5,000 square feet). Therefore, the proposed rezoning would bring the lots into conformance with City zoning standards.
5. The proposed rezoning would also bring the non-conforming single-family dwellings on Lots 6, 8 and 9 into conformance with City zoning standards.

Recommendation

The Community Development Department recommends approval of the request to rezone property legally described as Lots 6-8 and the East 50 feet of Lot 9, all in Block 5, Everett's Addition from I-1 Light Industrial District to R-2/Two Family Residential District.

Public Hearing

Speaker providing explanation:

1. Moises Monrroy, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the request to rezone property legally described as Lots 6-8 and the East 50 feet of Lot 9, all in Block 5, Everett's Addition from I-1 Light Industrial District to R-2/Two Family Residential District.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 2 Motion: Carried

Attachments


Attachment A: Location/zoning map


Prepared by: Moises Monrroy, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #ZC-18-015 LOCATION/ZONING MAP

Map Legend

 Properties Proposed to be Rezoned

 Parcels

0 30 60
1 Inch = 65 Feet



Last Amended: 11/19/18

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

DISCLAIMER

This map is prepared and compiled from sources that are not guaranteed to be accurate. The City of Council Bluffs is not responsible for any errors or omissions. The user should verify the information on this map before using it. The City assumes no legal responsibility for the information on this map.



Subject properties to be rezoned from I-1 District to R-2 District.

Lot 7 is owned by the City of Council Bluffs.

R-3

I-1

R-2

G-2

Parcel Legal Descriptions:

- 1 - Lot 6, Block 5, Everett's Addition
- 2 - Lot 7, Block 5, Everett's Addition
- 3 - Lot 8, Block 5, Everett's Addition
- 4 - East 50 ft. of Lot 9, Block 5, Everett's Addition

ORDINANCE NO. 6380

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 6-8 AND THE EAST 50 FT. OF LOT 9, ALL IN BLOCK 5, EVERETT'S ADDITION FROM I-1/LIGHT INDUSTRIAL DISTRICT TO R-2/TWO-FAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.09 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone property legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two-Family Residential District as defined in Chapter 15.09 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED
AND
APPROVED

January 28, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 1-14-19
Second Consideration: 1-28-19
Public Hearing: 1-28-19
Third Consideration: _____

Planning Case No. #ZC-18-015

Council Communication

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

Resolution 19-18

Council Action: 1/28/2019

Description

Resolution granting final plat approval for a three lot Commercial Subdivision to be known Morris Subdivision, Replat 1, legally described as being a Replat of Lots 2 and 3, Morris Subdivision. Location: South of 23rd Avenue at Mid-America Drive. SUB-19-002

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-19-002 Morris Subdivision Replat 1 Staff Report	Other	1/10/2019
SUB-19-002 Attach A	Other	1/10/2019
SUB-19-002 Attach B and C	Other	1/10/2019
Resolution 19-18	Resolution	1/21/2019

Council Communication

<p><u>Department:</u> Community Development Department</p> <p>CASE #SUB-19-002</p> <p><u>Owner/Applicant:</u> Edward L. & Frances Morris Trusts 12582 Deerfield Court Council Bluffs, IA 51503</p> <p><u>Representative:</u> John H. Jerkovich 535 West Broadway #100 Council Bluffs, IA 51503</p> <p><u>Surveyor:</u> Jonathan M. Leisinger HGM Associates, Inc. 640 5th Avenue Council Bluffs, IA 51501</p>	<p>Resolution No. _____</p>	<p>Public Hearing: 1/28/19</p>
Subject/Title		
<p>Request: Final plat approval of a 3-lot subdivision to be known as Morris Subdivision, Replat 1</p> <p>Legal Description: A replat of Lots 2 and 3, Morris Subdivision</p> <p>Location: South of 23rd Avenue at Mid-America Drive</p>		
Background/Discussion		
<p>The Community Development Department has received a request from Edward and Frances Morris for final plat approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1, being a replat of Lots 2 and 3, Morris Subdivision (see Attachment A). This property has been the subject of multiple subdivision actions since 2001 when it was originally platted as Lot 1, Bluffs Vision Subdivision. A summary of the these subdivision actions are stated below, as follows:</p> <ul style="list-style-type: none"> • CASE #SUB-06-020 – In 2006, the Council Bluffs City Council approved a final plat that replatted Lot 1, Bluffs Vision Subdivision into a seven lot commercial subdivision known as Bluffs Vision Commercial Subdivision. The replat included a public street known as ‘Mid-America Loop’, which was constructed at the time by the developer and accepted by the City. • CASE #SUB-08-005 – In 2008, the Council Bluffs City Council approved a final plat that replatted the seven lot Bluffs Vision Commercial Subdivision into a two lot commercial subdivision known as the Wedge Resort. The purpose of the replat was to consolidate all lots (except the Quaker Steak and Lube parcel) into one lot for the development of a family destination, entertainment/sports facility. The replat included the vacation of the constructed Mid-America Loop right-of-way (CASE #SAV-08-007, Resolution No. 08-224). 		

- CASE #SUB-15-011 – In 2015, the Council Bluffs City Council approved a final plat that replatted Lots 1 and 2, Wedge Resort Subdivision into a three lot commercial subdivision known as Morris Subdivision. The replat created a 2.72 acre lot for the existing Quaker Steak and Lube restaurant, a 2.03 acre lot along 23rd Avenue, and a 10.40 acre lot along Mid-America Drive. The purpose of the replat was to create new lots for development after the Wedge Resort project discussed above did not come to fruition. The plat did not create any new right-of-ways and retained all previously approved access/utility easements.

The purpose of the current request is to modify the southerly line of Lot 2, Morris Subdivision to include an existing 40 foot-wide utility easement and to subdivide Lot 3, Morris Subdivision into two lots for new development. Proposed Lot 1, Morris Subdivision, Replat 1 will be comprised of 2.72 acres of land and will be marketed as commercial development site. Proposed Lot 2, Morris Subdivision, Replat 1 will be comprised of 6.07 acres of land and is under contract to be purchased by the Council Bluffs Soccer Club and developed with a new 72,000 square foot indoor soccer facility (see CASE #PC-19-001). Proposed Lot 3, Morris Subdivision, Replat 1 will be comprised of 4.12 acres of land and will be marketed as a commercial development site. A letter of intent from the applicant's engineer describing the proposed Morris Subdivision, Replat 1 plat is included with this report as Attachment 'B'.

Comments

1. The subdivision is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinance). No change of zoning has been requested. The property is zoned PC Planned Commercial therefore all new construction will require the adoption of a development plan (see Attachment 'C').
2. The subdivision shall comply with all applicable City of Council Bluffs municipal codes, Iowa Statewide Urban Design, and Specifications (SUDAS) regarding off-street parking, grading, surface paving and stormwater management.
3. All proposed lots have frontage along a public roadway. Lot 1 has direct frontage onto 23rd Avenue and Lots 2 and 3 have direct frontage onto Mid-America Drive. The Public Works Department will not allow direct access to 23rd Avenue from the subdivision therefore all rights of direct access from Lot 1, Morris Subdivision, Replat 1 to 23rd Avenue shall be dedicated to the City on the plat instrument. Lot 1 will be accessed from an existing 70 foot-wide easement along the southerly boundary of Lot 1, Morris Subdivision that connects into Mid-America Drive. Lots 2 and 3 will be accessed by a new 50 foot-wide easement that that extends over the former Mid-America Loop and connects into Mid-American Drive. Any additional access points from this subdivision onto Mid-American Drive will be reviewed Public Works Department and approved on a case-by-case basis.
4. The subdivision does not propose any new public rights-of-way and retains the existing easements that were recorded on the Morris Subdivision final plat.
5. For the purpose of determining building setbacks the property lines on each lot in this subdivision shall be clarified as a front, side, and/or rear in the following manner:
 - a) Lot 1, Morris Subdivision – The north property line abutting 23rd Avenue right-of-way shall be considered the front, the east property line abutting Lot 1, Morris Subdivision shall be considered a side, the southerly line abutting existing 70 foot-wide access easement and proposed Lot 2, Morris Subdivision, Replat 1 shall be considered a rear, and the west property line shall be considered a side.
 - b) Lot 2, Morris Subdivision – The north property line abutting proposed Lot 1, Morris Subdivision Replat 1 shall be considered a side, the easterly property line abutting the 50 foot-wide access easement on proposed Lot 3, Morris Subdivision, Replat 1 shall be

- considered a side, the southeasterly property line abutting Mid-America Drive right-of-way shall be considered the front, and the southwesterly/western property line shall be considered the rear.
- c) Lot 3, Morris Subdivision – The northerly property line shall be considered a side, the east property line abutting Mid-America Drive right-of-way shall be considered the front, the southerly property line shall be considered a side, and the westerly property line shall be considered the rear.
6. The Public Works Department provided the following comments:
- a) The private loop road has a sanitary sewer that will require an easement over the top of it. The width of the 50 foot-wide ingress/egress easement is sufficient.
- b) The private loop road is the main access point for Lot 2, Morris Subdivision, Replat 1 therefore a covenant should be established that describes maintenance responsibilities and shared use requirements to accommodate all users.
- c) There is a short run of public storm sewer that extends from the westerly property line of Lot 2, Morris Subdivision, Replat 1 into an inlet located on the southwesterly curve of the private loop road. An easement over said public storm sewer shall be stated on the final plat.
7. Council Bluffs Water Works stated that water is available to service all lots in the development and they will work with the developer to acquire all necessary easements for their utility infrastructure.
8. Mid-American Energy requested an additional 10 foot-wide utility easement be provided along the western boundary line of the 50 foot-wide loop road on the final plat.
9. A portion of this subdivision is located within the Iowa Department of Transportation's – Interstate System Corridor Preservation Zone. IDOT reviewed this subdivision request and stated there are no conflicts with their ongoing I-80/I-29 Interstate reconstruction projects.
10. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
11. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.
12. The following technical corrections shall be made to the final plat prior to being executed:
- a) Show the Morris Subdivision (lots) in 'half-tone' on the plat exhibit;
- b) State the metes and bounds legal description on Sheet 1 of the final plat;
- c) Provide a note on the plat that dedicates all rights of direct vehicular access from Lot 1, Morris Subdivision, Replat 1 onto 23rd Avenue to the City of Council Bluffs;
- d) State the book/page number which established the existing 70 foot-wide access easement on the plat;
- e) Update the plat exhibit to show the book/page number of all existing storm/sanitary/drainage easements abutting the west property lines of Lots 1 and 2, Morris Subdivision, Replat 1, as per the recorded Morris Subdivision final plat;
- f) Remove the 'Council Bluffs Industrial Foundation' as the developer for this subdivision; and
- g) Indicate on the plat if any private restrictions/covenants will be recorded with it, or place a note on the plat indicating none will be recorded.

Recommendation

The Community Development Department recommends approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1 being a replat of Lots 2 and 3, Morris Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all above stated comments and the following conditions:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
2. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
4. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
5. A covenant which establishes and describes maintenance responsibilities and shared use requirements for all users of the 50 foot-wide access easement on Lot 3, Morris Subdivision, Replat 1 shall be recorded with the plat and copy provided to the City of Council Bluffs.
6. A planned commercial development plan shall be adopted prior to any construction activity commencing on lots in this subdivision.
7. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.

Public Hearing

Speakers in favor:

1. Pete Tulipana, 25 Main Place, Council Bluffs, IA 51503
2. Mark Eckman, Council Bluffs Convention and Visitor's Bureau, 400 Willow Avenue, Suite 2C, Council Bluffs, IA 51503
3. Scott Belt, 1447 Madison Avenue, Council Bluffs, IA 51503

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1 being a replat of Lots 2 and 3, Morris Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all above stated comments and the following conditions:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

2. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
4. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
5. A covenant which establishes and describes maintenance responsibilities and shared use requirements for all users of the 50 foot-wide access easement on Lot 3, Morris Subdivision, Replat 1 shall be recorded with the plat and copy provided to the City of Council Bluffs.
6. A planned commercial development plan shall be adopted prior to any construction activity commencing on lots in this subdivision.
7. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment A: Morris Subdivision, Final Plat

Attachment B: Letter of intent

Attachment C: Location/zoning map

Surveyor: Jonathan M. Leisinger, HGM Associates, Inc., 640 5th Avenue, Council Bluffs, IA 51501

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

RECORDER'S INDEX		
LOT: 2-3		
BLOCK:		
SUBDIVISION: MORRIS SUBDIVISION		
SECTION: / TOWNSHIP: / RANGE:		
ALLOT PART:		
CITY: COUNCIL BLUFFS		
COUNTY: POTTAWATTAMIE		
PROPRIETOR: EDWARD L.-FRANCES M. MORRIS TRUSTS		
REQUESTED BY: COUNCIL BLUFFS INDUSTRIAL FOUNDATION		
DATE OF FIELD SURVEY: NOVEMBER 21, 2018		

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

OWNER:
EDWARD L.-FRANCES M. MORRIS TRUSTS
12582 DEERFIELD CT.
COUNCIL BLUFFS, IOWA 51503

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

NOTE:

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

- 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.

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.

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

E. SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

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

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.

LOT 3 IS SUBJECT TO A 50.00 FOOT WIDE ACCESS EASEMENT FOR INGRESS AND EGRESS FOR LOT 2.

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN MORRIS SUBDIVISION, REPLAT 1, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

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

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

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

FINAL PLAT OF

MORRIS SUBDIVISION, REPLAT 1

BEING A REPLAT OF LOT 2 AND LOT 3, MORRIS SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION:

ALL OF LOT 2 AND LOT 3, MORRIS SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.
SAID LOT 2 AND LOT 3 CONTAINS AN AREA OF 542,042 SQUARE FEET (12.444 ACRES), MORE OR LESS.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT EDWARD L.-FRANCES M. MORRIS TRUSTS, 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 3. SAID PROPERTY TO BE KNOWN AS MORRIS SUBDIVISION, REPLAT 1.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE EDWARD L.-FRANCES M. MORRIS TRUSTS PROPERTY AS CONTAINED HEREIN ON THIS

DAY OF , 2018.

BY: EDWARD L. MORRIS FRANCES M. MORRIS

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS DAY OF , 2018, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED EDWARD L. MORRIS AND FRANCES M. MORRIS, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY ACKNOWLEDGE THE EXECUTION OF THIS INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES

FOR REVIEW

PROFESSIONAL LAND SURVEYOR

JONATHAN M. LEISINGER

14415

IOWA

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

DECEMBER 11, 2018

DATE

JONATHAN M. LEISINGER

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 SHEET 2 OF 2

This platting is being made available by the recorder for the use of the public in accordance with the provisions of the Iowa Code, Chapter 177, Section 2.1, which provides that the recorder shall make available to the public for inspection and copying the original and copies of all records and documents filed for record in the recorder's office.

hgm

ASSOCIATES INC.

ENGINEERING ARCHITECTURE SURVEYING

council bluffs iowa

DEF

DEF

JML

DEC 11 2018

DATE

project

client

sheet

MORRIS SUBDIVISION, REPLAT 1

REPLAT LOTS 2-3, MORRIS SUBDIVISION, COUNCIL BLUFFS, IOWA

COUNCIL BLUFFS INDUSTRIAL FOUNDATION

FINAL PLAT

project no.

112418

sheet

1 OF 2

ATTACHMENT A

130

FINAL PLAT OF
MORRIS SUBDIVISION, REPLAT 1

BEING A REPLAT OF LOT 2 AND LOT 3, MORRIS SUBDIVISION, CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA.

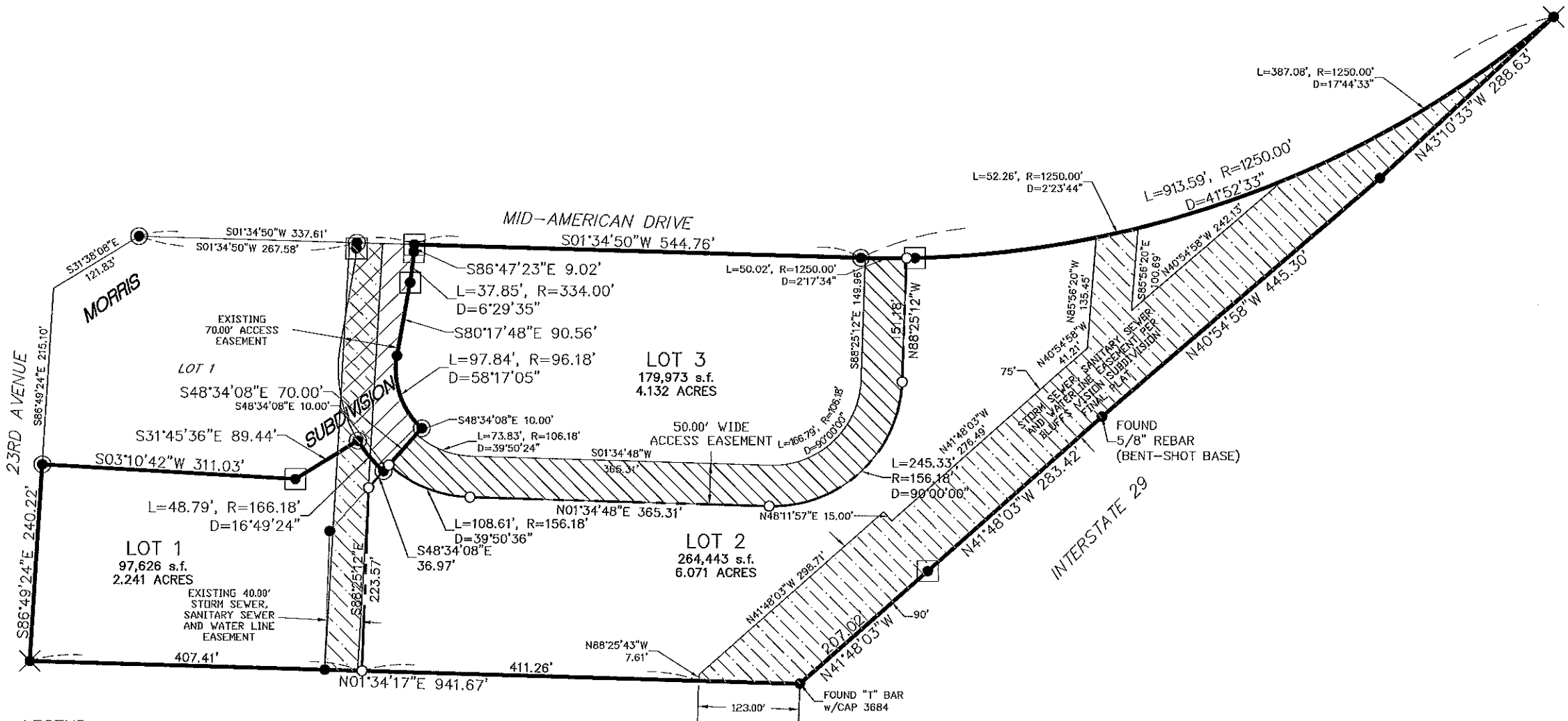
This drawing is being made
in accordance with the
provisions of the Iowa
Surveying Act, Chapter
176, Section 1.1, and
the rules and regulations
of the Board of Surveying
and Mapping, and the
engineer or surveyor
accepts no liability for any
error or omission in this
drawing or any part thereof
except in accordance with the
terms of the above agreement.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

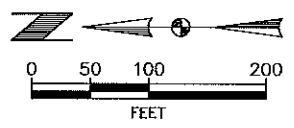
DEF	DATE
drawn	
designed	
checked	
approved	
DEC 18	2018

project
MORRIS SUBDIVISION, REPLAT 1
client
REPLAT LOTS 2-3, MORRIS SUBDIVISION, COUNCIL BLUFFS, IOWA
COUNCIL BLUFFS INDUSTRIAL FOUNDATION
sheet
FINAL PLAT

project no.
112418
sheet
2 OF 2



- LEGEND
- FOUND 5/8" REBAR OR AS NOTED
 - ⊙ FOUND REBAR w/ALUMN. CAP #7177
 - ⊗ FOUND REBAR w/ALUMN. CAP #10569
 - ⊠ FOUND REBAR w/ORANGE CAP #17108
 - SET 5/8"x30" REBAR w/ALUMN. CAP MARKED "HGM ASSOC. PLS 14415"



LETTER OF INTENT
MORRIS SUBDIVISION, REPLAT 1

HGM# 112418
December 2018

The Iowa West Foundation is proposing to construct an Indoor Sports Facility to be operated by the Council Bluffs Soccer Club on approximately 6 acres of land south of 23rd Avenue and west of Mid-America Drive. The new facility will include a roughly 72,000 SF building with off street parking. Additional details of the proposed site development can be found in the development plan application that is being submitted concurrently with this minor subdivision replat application.

Lots 2 and 3 of the existing Morris Subdivision are being replatted as lots 1, 2, and 3 of the Morris Subdivision, Replat 1. The south lot line of lot 1 is being adjusted south. Access to lot 1 is via the existing private road and existing access easement to the east to Mid-America Drive. Lot 2 is the approximately 6 Acre lot where the indoor sports facility is proposed to be constructed. Access to lot 2 is by the private road and access easement that connects to Mid-America Drive. Lot 2 has existing public storm sewers, and sanitary sewers in existing easements on the property that will not be disturbed. Paved parking lots are proposed on the easements, and there may be minor adjustments required of the tops of the existing manholes to bring to proposed grades. The proposed parking lot is designed to minimize grade changes above the existing public utilities. Lot 3 is the remaining property east of lot 2 up to the existing Mid-America Drive right-of-way. Lot 3 includes the existing private road and private utilities that will serve lots 1 through 3. The existing private road and utilities are located within a proposed 50 ft. easement. It is anticipated that all utilities to serve the proposed sports facility are in the proposed easement adjacent to lot 2.

The sale of lot 2 has been negotiated and will be executed upon approval of the development plan and replat.

This letter was authored by Scott Reelfs, PE, HGM Associates Inc.

CITY OF COUNCIL BLUFFS - LOCATION/ZONING MAP CASE #SUB-19-002



0 150 300
1 Inch = 300 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.



Last Amended: 12/14/18



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

DISCLAIMER
This map is for informational purposes only. The City of Council Bluffs does not warrant the accuracy of the information contained herein. The City of Council Bluffs is not responsible for any errors or omissions in this map. The City of Council Bluffs is not responsible for any damages or losses resulting from the use of this map.



RESOLUTION NO. 19-18

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR A THREE LOT COMMERCIAL SUBDIVISION TO BE KNOWN MORRIS SUBDIVISION, REPLAT 1, LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 2 AND 3, MORRIS SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Edward and Frances Morris Trust are requesting final plat approval for a three lot commercial subdivision to be known as Morris Subdivision, Replat 1, which is located south of 23rd Avenue at Mid-America Drive; and

WHEREAS, The purpose of the current request is to modify the southerly line of Lot 2, Morris Subdivision to include an existing 40 foot-wide utility easement and to subdivide Lot 3, Morris Subdivision into two lots for new development.

- Proposed Lot 1, Morris Subdivision, Replat 1 will be comprised of 2.72 acres of land and will be marketed as commercial development site.
- Proposed Lot 2, Morris Subdivision, Replat 1 will be comprised of 6.07 acres of land and is under contract to be purchased by the Council Bluffs Soccer Club and developed with a new 72,000 square foot indoor soccer facility (see CASE #PC-19-001)
- Proposed Lot 3, Morris Subdivision, Replat 1 will be comprised of 4.12 acres of land and will be marketed as a commercial development site; and

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

1. The subdivision is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinance). No change of zoning has been requested. The property is zoned PC Planned Commercial therefore all new construction will require the adoption of a development plan (see Attachment 'C').
2. The subdivision shall comply with all applicable City of Council Bluffs municipal codes, Iowa Statewide Urban Design, and Specifications (SUDAS) regarding off-street parking, grading, surface paving and stormwater management.
3. All proposed lots have frontage along a public roadway. Lot 1 has direct frontage onto 23rd Avenue and Lots 2 and 3 have direct frontage onto Mid-America Drive. The Public Works Department will not allow direct access to 23rd Avenue from the subdivision therefore all rights of direct access from Lot 1, Morris Subdivision, Replat 1 to 23rd Avenue shall be dedicated to the City on the plat instrument. Lot 1 will be accessed from an existing 70 foot-wide easement along the southerly boundary of Lot 1, Morris Subdivision that connects into Mid-America Drive. Lots 2 and 3 will be accessed by a new 50 foot-wide easement that that extends over the former Mid-America Loop and connects into Mid-American Drive. Any additional access points from this subdivision onto Mid-American Drive will be reviewed Public Works Department and approved on a case-by-case basis.
4. The subdivision does not propose any new public rights-of-way and retains the existing easements that were recorded on the Morris Subdivision final plat.

5. For the purpose of determining building setbacks the property lines on each lot in this subdivision shall be clarified as a front, side, and/or rear in the following manner:
 - a) Lot 1, Morris Subdivision – The north property line abutting 23rd Avenue right-of-way shall be considered the front, the east property line abutting Lot 1, Morris Subdivision shall be considered a side, the southerly line abutting existing 70 foot-wide access easement and proposed Lot 2, Morris Subdivision, Replat 1 shall be considered a rear, and the west property line shall be considered a side.
 - b) Lot 2, Morris Subdivision – The north property line abutting proposed Lot 1, Morris Subdivision Replat 1 shall be considered a side, the easterly property line abutting the 50 foot-wide access easement on proposed Lot 3, Morris Subdivision, Replat 1 shall be considered a side, the southeasterly property line abutting Mid-America Drive right-of-way shall be considered the front, and the southwesterly/western property line shall be considered the rear.
 - c) Lot 3, Morris Subdivision – The northerly property line shall be considered a side, the east property line abutting Mid-America Drive right-of-way shall be considered the front, the southerly property line shall be considered a side, and the westerly property line shall be considered the rear.
6. The Public Works Department provided the following comments:
 - a) The private loop road has a sanitary sewer that will require an easement over the top of it. The width of the 50 foot-wide ingress/egress easement is sufficient.
 - b) The private loop road is the main access point for Lot 2, Morris Subdivision, Replat 1 therefore a covenant should be established that describes maintenance responsibilities and shared use requirements to accommodate all users.
 - c) There is a short run of public storm sewer that extends from the westerly property line of Lot 2, Morris Subdivision, Replat 1 into an inlet located on the southwesterly curve of the private loop road. An easement over said public storm sewer shall be stated on the final plat.
7. Council Bluffs Water Works stated that water is available to service all lots in the development and they will work with the developer to acquire all necessary easements for their utility infrastructure.
8. Mid-American Energy requested an additional 10 foot-wide utility easement be provided along the western boundary line of the 50 foot-wide loop road on the final plat.

9. A portion of this subdivision is located within the Iowa Department of Transportation's – Interstate System Corridor Preservation Zone. IDOT reviewed this subdivision request and stated there are no conflicts with their ongoing I-80/I-29 Interstate reconstruction projects.
10. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
11. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.
12. The following technical corrections shall be made to the final plat prior to being executed:
 - a) Show the Morris Subdivision (lots) in 'half-tone' on the plat exhibit;
 - b) State the metes and bounds legal description on Sheet 1 of the final plat;
 - c) Provide a note on the plat that dedicates all rights of direct vehicular access from Lot 1, Morris Subdivision, Replat 1 onto 23rd Avenue to the City of Council Bluffs;
 - d) State the book/page number which established the existing 70 foot-wide access easement on the plat;
 - e) Update the plat exhibit to show the book/page number of all existing storm/sanitary/drainage easements abutting the west property lines of Lots 1 and 2, Morris Subdivision, Replat 1, as per the recorded Morris Subdivision final plat;
 - f) Remove the 'Council Bluffs Industrial Foundation' as the developer for this subdivision; and
 - g) Indicate on the plat if any private restrictions/covenants will be recorded with it, or place a note on the plat indicating none will be recorded; and

WHEREAS, The Community Development Department recommends approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1 being a replat of Lots 2 and 3, Morris Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all above stated comments and the following conditions:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and

- granted by the Community Development Department Director.
2. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
 3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
 4. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
 5. A covenant which establishes and describes maintenance responsibilities and shared use requirements for all users of the 50 foot-wide access easement on Lot 3, Morris Subdivision, Replat 1 shall be recorded with the plat and copy provided to the City of Council Bluffs.
 6. A planned commercial development plan shall be adopted prior to any construction activity commencing on lots in this subdivision.
 7. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.

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

That final plat approval for a three lot commercial subdivision to be known as three lot commercial subdivision to be known as Morris Subdivision, Replat 1, as legally described above and shown on Attachment "A", is hereby approved subject to the comments and conditions set forth above.

ADOPTED AND APPROVED

January 28, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW 19-13
Submitted by: Matthew Cox, City Engineer

Resolution 19-19
ITEM 4.F.

Council Action: 1/28/2019

Description

Resolution approving the plans and specifications for the North Broadway and Hunter Avenue HAWK Signal. Project # PW19-13.

Background/Discussion

The Iowa DOT Traffic Safety Improvement Program provides safety funds to cities, counties and the DOT for roadway safety improvements, research, studies or public information initiatives. The program is funded annually with 0.5 percent of Iowa's Road Use Tax Fund.

Public Works submitted an application for funding under the category of traffic control devices and was successful in being selected for the program.

The proposed project replaces the existing, nonconforming MUTCD traffic signal at the intersection of North Broadway and Hunter Avenue with a pedestrian hybrid beacon, commonly known as a High-Intensity Activated Crosswalk (HAWK) signal, which adheres to MUTCD. The curb ramp and the sidewalk area will also be updated to meet ADA standards. These improvements will improve the safety of the pedestrian crossing of North Broadway that provides direct access to Hoover Elementary School and also serves Gerald W. Kirn Junior High School.

The project was selected for partial funding and received \$40,000 in Traffic Safety Funds.

The cost estimate for construction is \$88,000. This project was included in the FY19 CIP with a budget of \$60,000 in Sales Tax Funds.

The signal is scheduled to be constructed during the summer break from school in 2019.

The project schedule is as follows:

Hold Public Hearing	January 28, 2019
Bid Letting	February 21, 2019
Award	March 11, 2019
Construction Start	June 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-19	Resolution	1/21/2019

RESOLUTION
NO 19-19

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
NORTH BROADWAY AND HUNTER AVENUE HAWK SIGNAL
PROJECT #PW19-13**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the North Broadway and Hunter Avenue HAWK signal; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on January 28, 2019.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the North Broadway and Hunter Avenue HAWK signal project.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM19-04
Submitted by: Pat Miller, Public Works
Operations Director

Resolution 19-20
ITEM 4.G.

Council Action: 1/28/2019

Description

Resolution approving the plans, specifications, form of contract, and cost estimate for the Mid America Center Signage Project. Project No. BM19-04

Background/Discussion

The scope of the project is to provide the Mid America Center with the latest, most reliable video board and signage technology available today. An existing pylon sign located on the corner of Mid America Drive and Marc Boulevard is no longer operational and shall be reconstructed. A new pylon sign will be located at the corner of 23rd Avenue and Bass Pro Drive. Additionally, two monument signs equipped with the same video board technology - along with wayfinding information – will be constructed on existing footings at the 24th Avenue/South 32nd Street entrance and west along the boulevard at the south entrance to the convention center. Also, twenty-four existing wayfinding and pole signs will be replaced with new signs that are more clearly visible and modern in design and technology. These signs will promote activities at the MAC and will lend the opportunity to lease space to promote other businesses within the MAC Entertainment District.

The estimated cost of this project is \$1,000,000. Funding for this project will be paid for by Capital Improvement Funds of \$500,000 and an Iowa West Grant of \$500,000.

The project schedule is as follows:

Hold Public Hearing	January 28, 2019
Letting	March 7, 2019
Award	March 25, 2019
Construction End	August 30, 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Resolution 19-20](#)

Type

Resolution

Upload Date

1/21/2019

RESOLUTION NO. 19-20

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND COST ESTIMATE
FOR THE MID AMERICA CENTER SIGNAGE PROJECT
PROJECT #BM19-04**

WHEREAS, the City of Council Bluffs desires to replace and install additional signage at the Mid America Center; and

WHEREAS, HGM Associates Inc. was hired to provide professional services; and

WHEREAS, funding for this project will be provided by a matching funds Iowa West Grant and the City's Capital Improvement budget; and

WHEREAS, the plans, specifications, form of contract, and cost estimate as prepared by HGM Associates Inc. 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 plans, specifications, form of contract, and cost estimate for the Mid America Signage Project are hereby approved and authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED

January 28, 2019

Matthew Walsh

Mayor

Attest:

Jodi Quakenbush

City Clerk

Council Communication

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

Resolution 19-21
ITEM 4.H.

Council Action: 1/28/2019

Description

Resolution to vacate that portion of 4th Street right-of-way extending from 13th Avenue south to 16th Avenue in order to effectuate sale of city property to Conagra previously authorized by Council in Resolution 18-139, and to vacate certain portions of platted right-of-way that remain in place on privately owned property.

Background/Discussion

A title search was conducted by ConAgra relating to the proposed sale of City property referenced above in Resolution #18-139. The title search found that a portion of that property proposed for sale still retained City right-of-way that had not been vacated. ConAgra is requesting we vacate this interest to clear title prior to purchase from the City.

The search also found various parcels of land, now privately owned by ConAgra, that still have City right-of-way interests on the title and have not been adequately vacated. ConAgra is requesting that we vacate these interests to clear title to their property future re-platting. These vacations of right-of-way are for the sole purpose of clearing title, as the parcels are all privately owned by ConAgra

Recommendation

The City Legal Department recommends approval of this Resolution.

ATTACHMENTS:

Description

[Map](#)

[Resolution 19-21](#)

Type

Map

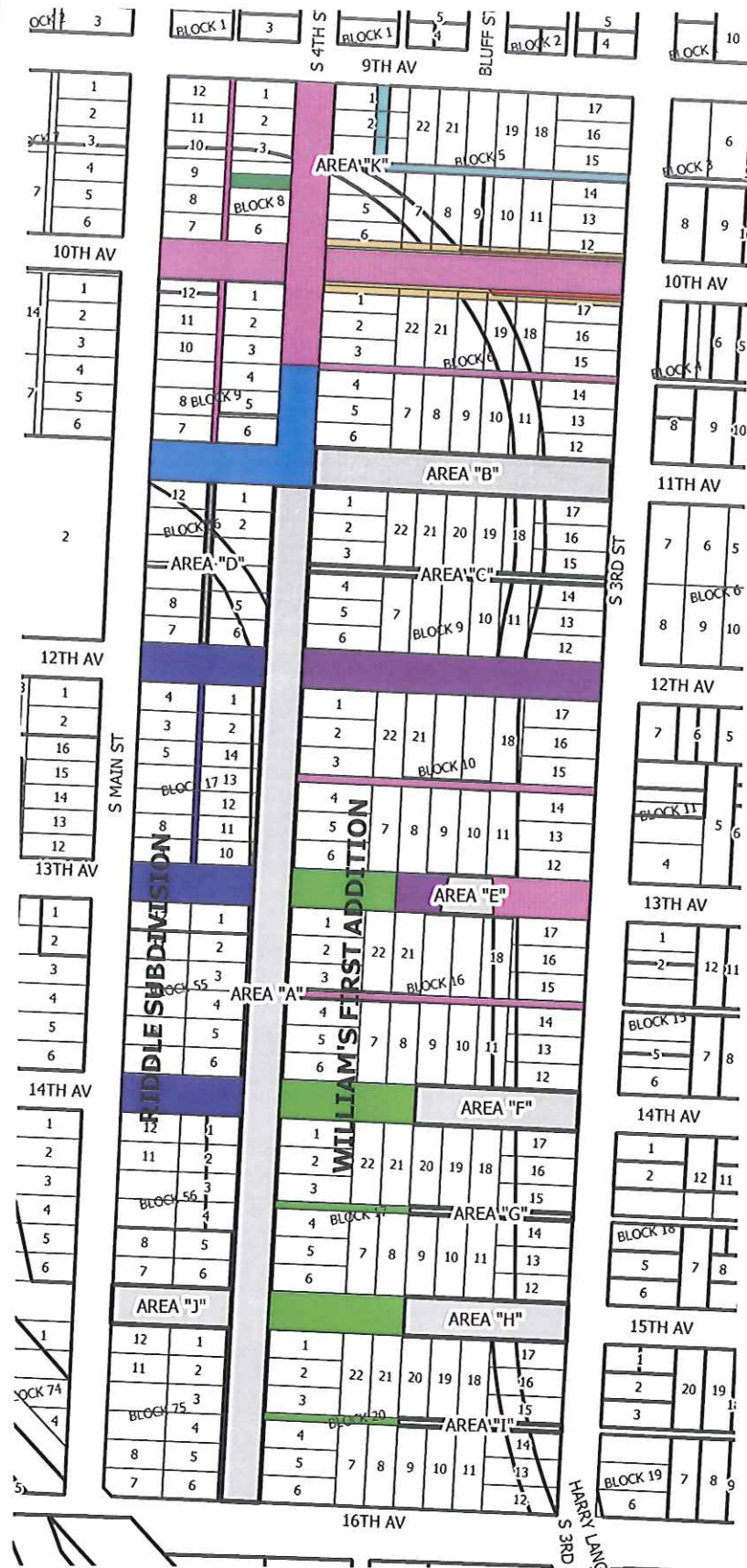
Resolution

Upload Date

1/21/2019

1/21/2019

EXHIBIT "A"



Legend

VACATED

99-90

3602

4086

4568

4662

4663

4804

18-162

4693

OPEN-ROW



**EHRHART
GRIFFIN &
ASSOCIATES**

- ENGINEERING
- PLANNING
- LAND SURVEYING
- CONSTRUCTION MANAGEMENT

142 West Broadway Suite 136
Council Bluffs, Iowa 51503
712 / 256-5248

RIGHT-OF-WAY & ALLEY VACATION MAP

9TH TO 16TH AVE's
3RD ST TO S MAIN

143

DATE: 10/8/18
DESIGNED BY: WAW
DRAWN BY:
CHECKED BY:

SHEET NO.
1 OF 1

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

RESOLUTION NO. 19-21

A RESOLUTION TO VACATE THAT PORTION OF 4TH STREET RIGHT-OF-WAY EXTENDING FROM 13th AVENUE SOUTH TO 16TH AVENUE IN ORDER TO EFFECTUATE SALE OF CITY PROPERTY PREVIOUSLY AUTHORIZED BY COUNCIL IN RESOLUTION #18-139, AND TO VACATE CERTAIN PORTIONS OF PLATTED RIGHT-OF-WAY THAT REMAIN IN PLACE ON PRIVATELY OWNED PROPERTY FOR PURPOSES OF CLEARING UP TITLE.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described, as followed, is of no benefit to the public and should be vacated:

AREA "A" – THAT PART OF SOUTH 4TH STREET LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "B" – THAT PART OF SOUTH 11TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "C" - ALL OF THE EAST-WEST ALLEY LYING IN BLOCK 9, WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "D" - ALL OF THE NORTH-SOUTH ALLEY LYING IN BLOCK 16, RIDDLE SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 12TH AVENUE, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "E" – THAT PART OF 13TH AVENUE LYING WEST OF THE WEST LINE OF LOT 12, BLOCK 10, PROJECTED SOUTH, AND EAST OF THE EAST LINE OF LOT 8, BLOCK 10, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA "F" – THAT PART OF 14TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 16, PROJECTED SOUTH, ALL IN WILLIAM'S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA “G” – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 17, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 17, PROJECTED NORTH, ALL IN WILLIAM’S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA “H” – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 17, PROJECTED SOUTH, ALL IN, WILLIAM’S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA “I” – THAT PART OF THE EAST-WEST ALLEY LYING IN BLOCK 20, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND EAST OF THE EAST LINE OF LOT 8, BLOCK 20, PROJECTED NORTH, ALL IN WILLIAM’S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA “J” – THAT PART OF 15TH AVENUE LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 4TH STREET AND EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AREA “K” – THE WEST 73 FEET OF THE EAST-WEST ALLEY LYING IN BLOCK 5, WILLIAM’S FIRST ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

AND ALSO ALL PUBLIC RIGHT-OF-WAYS, PUBLIC ALLEYS AND OTHER PUBLIC WAYS NOT PREVIOUSLY VACATED AS BOUND ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF 9TH AVENUE, BOUND ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF 16TH AVENUE, BOUND ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTH 3RD STREET AND BOUND ON THE WEST THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject right-of-way is unimproved but does have known utilities located within in it; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by vacating and conveying all of its right, title and/or interest in it for the purposes described herein.;

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

That the above-described city right-of-way is hereby vacated.

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED:

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

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

Notary Public in and for said State

Planning Case #SAV-18-005

Council Communication

Department: Community Development
Case/Project No.: PC-02-002(M)
Submitted by: Chris Meeks, Planner

Resolution 19-23
ITEM 5.A.

Council Action: 1/28/2019

Description

Resolution amending the planned commercial development plan for properties legally described as Lots 1 and 2, and Outlot 1, Plaza at the MARRC, relative to building architecture, screening/buffering, outdoor lighting, outdoor seating, and landscaping. Location: 20 and 40 Arena Way. PC-02-002(M)

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
PC-10-002 (M) Staff Report Including A, B, C and D	Other	1/14/2019
PC-02-002(M) Attach E	Other	1/11/2019
PC-02-002(M) Attach F	Other	1/11/2019
Resolution 19-23	Resolution	1/21/2019

Council Communication

<p>Department: Community Development</p> <p>CASE #PC-02-002(M)</p> <p>Owner/Applicant: MAC Ventures 25 Main Place, Suite 550 Council Bluffs, IA 51503</p> <p>Representative: Iowa West Foundation Attn: Peter Tulipana 25 Main Place Council Bluffs, IA 51503</p>	<p>Resolution No.</p>	<p>City Council: 1/28/19</p> <p>Planning Commission Meeting: 1/8/19</p>
<p style="text-align: center;">Subject/Title</p> <p>Public hearing on the request of MAC Ventures, LLC, represented by the Iowa West Foundation, to amend the adopted planned commercial development plan for properties legally described as Lots 1 and 2, and Outlot 1, Plaza at the MARCC, relative to building architecture, screening/buffering, outdoor lighting, outdoor seating, and landscaping.</p> <p>Location: 20 and 40 Arena Way.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>On March 25, 2002, the Council Bluffs City Council approved Resolution No. 02-96, which established design standards for the Plaza at the M.A.R.C.C., which was originally a four lot subdivision, though replatting has reduced the footprint of the subject area, and currently applies to two developable lots, and one outlot.</p> <p>MAC Ventures, LLC, represented by Peter Tulipana, requests approval to amend the adopted planned commercial development plan for Lots 1 and 2, and Outlot 1, Plaza at the MARCC to allow exterior modifications to the façade buildings, as well as to common areas immediately surrounding the buildings. Modifications to the signage has not been included in this request. Attachments included with this report are as follows:</p> <p>Attachment A: Location/Zoning Map Attachment B: Letter of Intent Attachment C: Fencing Renderings Attachment D: Exterior Renderings Attachment E: Building Elevations Attachment F: Storefront/Window Renderings</p>		

CURRENT ZONING & LAND USE – The Plaza at the MARCC and the surrounding area, including Mid-America Center, is zoned P-C/Planned Commercial and contains a mixture of entertainment, restaurant, retail, and hotel land uses. The subject properties are also part of a proposed Mid-America Center Entertainment District which is a broader area that encompasses properties zoned PC/Planned Commercial District, C-2/Commercial District, and I-2/Industrial District around the Mid-America Center.

CITY DEPARTMENTS AND UTILITIES – All appropriate City departments and utilities were notified of the proposed amendment. The following comments were received:

- The Council Bluffs Building Division stated they have no comments.
- The Council Bluffs Fire Marshall stated he has no comments.
- The Council Bluffs Public Works Department stated they have no comments.
- Council Bluffs Water Works stated they have no objections to the proposal, but did note that there are easements for water main near the outside faces of the affected buildings.
- MidAmerican Energy stated they have no objections.

COMMENTS

Building Façade

1. All solid walls shall match the existing building materials, with brick on the lower portion of the building, and an EFIS or precast caps being allowed only on the upper portion of the walls and any parapet wall.
2. Window and door frames shall be of a dark bronze anodized finish
3. Doors to public spaces in a building shall be transparent. Tinting or mirroring shall be allowed to a minimal extent, allowing passing pedestrians to be able to see inside the business.
4. Doors to nonpublic spaces, such as kitchen areas or loading areas, shall be a matching material and color to other doors of similar function. Glass doors shall be made of a translucent material to allow light in, but to screen kitchen or loading areas from public view when the door is closed. Roll-up doors shall be allowed with maximum dimensions of ten (10) feet wide by ten (10) feet tall. One non-public door shall be allowed for each business, with signage clearly stating where the public entrance to each business is located.
5. Roll-up windows or doors shall be allowed to any business with a fenced-in outdoor seating area. Roll-up windows or doors shall be located within the fenced-in confines of the outdoor seating area. Roll-up doors and windows shall be made entirely of a transparent glass or similar material with dark bronze anodized frames, similar to what is shown on Attachment F.

Outdoor Seating

1. Outdoor seating shall be allowed within a fenced-in areas immediately adjacent to businesses within the plaza.
2. Outdoor seating areas shall project a maximum of twenty (20) feet from the face of the building, and shall maintain a five (5) foot wide non-obstructed sidewalk on the exterior of the fence for pedestrians and service vehicles.
3. Exterior fencing shall be a black metal with vertical pickets, similar to what is shown on Attachment C, and shall have a maximum height of 48 inches.
4. Furniture in the outdoor seating area shall be constructed primarily out of wood and metal, not plastic. Outdoor heaters and/or fire pits shall be allowed, so long as they comply with all applicable building and fire codes.

Screening and Buffering

1. All dumpsters, exterior trash storage areas, equipment areas, and other similar features shall be screened using walls or fences that are a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Walls and fences shall use the same materials and colors as the adjacent building, and shall include a lockable gate that when closed eliminates the view of the trash or equipment area and its contents.
2. Unique design elements (e.g. silo as shown on Attachment D) shall be allowed without screening. These elements, whether in use or strictly decorative, shall be considered an accessory to the specific business. Features shall be allowed without screening, and shall not exceed beyond the highest parapet wall of the building, and shall not impede on any entrances to the building, or project over any sidewalks, parking areas, or drive aisles. The Community Development Director shall have the authority to approve a unique design element as a feature of a business. If the Community Development Director determines that a feature is not consistent with the adopted development plan, an amendment to the development plan would be required.
3. Any rooftop mechanical features must be screened using a parapet wall.

Lighting

1. Light poles on private property shall not exceed twenty five (25) feet in height from the existing grade. Light poles shall be painted or finished aluminum or steel. Wood poles shall not be accepted. All exterior lighting shall be of uniform in color or style.

Landscaping

1. The landscaping shall be consistent with the previously adopted plan, as approved on June 10, 2002, with Resolution No. 02-153. Removal of existing landscaping for new features shall be kept to a minimum.
2. Sidewalks along Arena Way shall be a minimum of nine (9) feet wide, as measured from the back of the curb, and interior sidewalks shall be a minimum of five feet in width for access purposes. At least four (4) feet of that width shall be free of vertical or horizontal obstacles, such as signage, landscaping features, or trees.

Recommendation

The Community Development Department recommends amending the adopted planned commercial development plan for Lots 1 and 2, and Outlot 1, Plaza at the M.A.R.C.C., subject to the following conditions:

1. The Community Development Director shall have the authority to approve a unique design element as a feature of a business. If the Community Development Director determines that a feature is not consistent with the adopted development plan, an amendment to the development plan would be required.

Public Hearing

Speakers in favor:

1. Pete Tulipana, 25 Main Place, Council Bluffs, IA 51503
2. Monte Taylor, 7021 L Street, Omaha, NE 68117
3. Marshall Redmond, 507 North 27th Street, Council Bluffs, IA 51501

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends amending the adopted planned commercial development plan for Lots 1 and 2, and Outlot 1, Plaza at the M.A.R.C.C., subject to the following conditions:

1. The Community Development Director shall have the authority to approve a unique design element as a feature of a business. If the Community Development Director determines that a feature is not consistent with the adopted development plan, an amendment to the development plan would be required.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Fencing Renderings

Attachment D: Exterior Renderings

Attachment E: Building Elevations

Attachment F: Storefront/Window Renderings

Prepared by: Chris Meeks, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #PC-02-002(M) LOCATION/ZONING MAP

Map Legend

 Properties Included in Development Plan

 Parcels

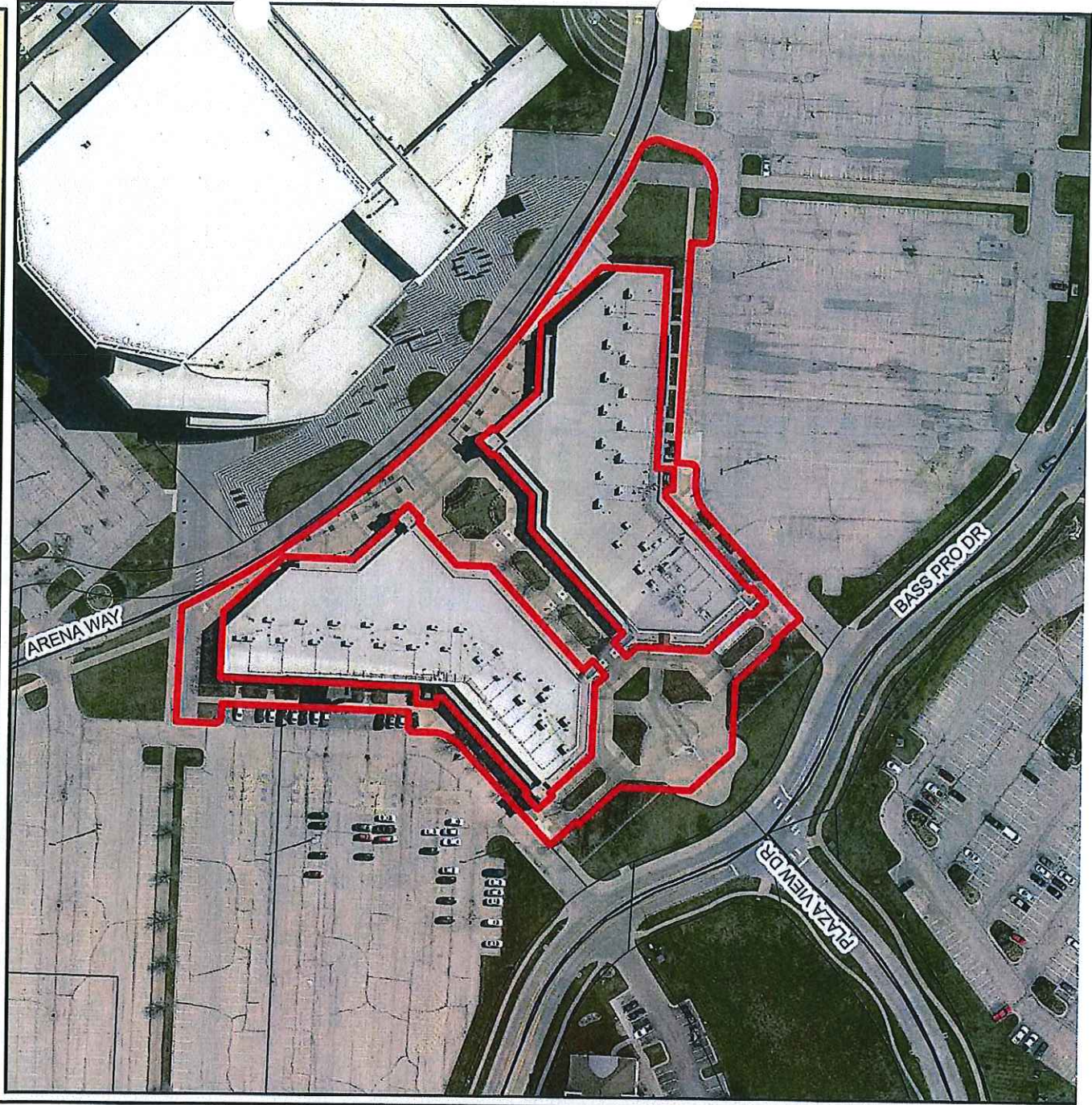
0 70 140
1 Inch = 141 Feet



Last Amended: 12/13/18

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

DISCLAIMER
This map is prepared and compiled from various sources. Users of this map are advised that the City of Council Bluffs does not warrant the accuracy or completeness of the information shown. The user should verify the information shown on this map with the appropriate authorities before relying on it. The City assumes no liability for any errors or omissions on this map.



Attachment B

December 11, 2018

Christopher N. Gibbons, AICP
Planning Coordinator
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Dear Mr. Christopher Gibbons,

The Plaza on the M.A.R.C.C. would like to introduce a resolution to the development plan relative to building finish materials and the ability to modify the façade. Walls, doors and windows shall be fabricated and finished using matching materials and colors. Existing brick, precast caps, EIFS and dark bronze anodized finish shall be the color palette that is used. Additional wood and/or metal siding is not allowed. Exterior fenced in seating area is a new material. All seating area fencing shall be black metal with vertical pickets. Furnishings are not allowed to be fabricated out of mostly plastic.

All modifications to the exterior shall be done with owner's approval. Appropriate documents shall be provided showing owner's approval.

Architecture.

Façade Modifications.

The walls, doors and windows shall be fabricated and finished using matching materials and colors as the adjacent building.

Outdoor seating.

Fencing shall be maximum of twenty feet from face of building wall and shall maintain a nine feet wide non-obstructed sidewalk on the exterior of the fence for pedestrians and service vehicles.

The sidewalk on the applicable corridor street shall be a minimum of nine feet wide, as measured from back of curb. At least four feet of that width, as measured from the back of sidewalk, shall be free of vertical or horizontal obstructions.

All fencing material shall be black metal and 48" max in heights. The pickets should be vertical and the top of the fence shall be non-harming.

Screening and buffering.

All dumpsters, exterior trash storage, and equipment shall be screened using walls or fences that are a minimum of six feet in height and maximum of ten feet. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building, and shall include a matching lockable gate that when closed, eliminates the view of the trash area and its contents.

Exception - Unique or highly designed elements constructed out of approved building material and approved by owner and Community Development Department.

Lighting.

Light poles on private property shall not exceed twenty-five (25) feet in height from existing grade. Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted. All exterior lighting shall be of uniform in color and style. Approval from owner and Community Development Department is required.

Planting.

The landscaping shall be as previously adopted. Removal of landscaping shall be kept to minimum. Landscaping on the service side of the building shall only be removed for service and upgrade of entry.

If there are any questions regarding this application please contact me at 402.917.3978 or mtaylor@archi-etc.com.

Thank you for your time and consideration.

Sincerely,

Monte Taylor

Attachment C





A single signature or high quality designed equipment may be installed if safety and security are not compromised.

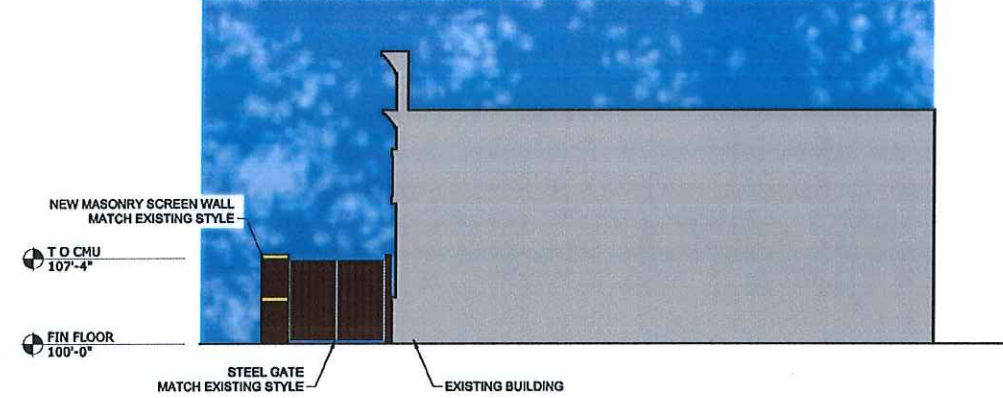
New doors on parking lot side shall match either existing dark bronze anodized finish or HM steel door.

OHD shall match dark bronze anodized finish and glass panels.

Screen wall to match existing wall material and screen wall.

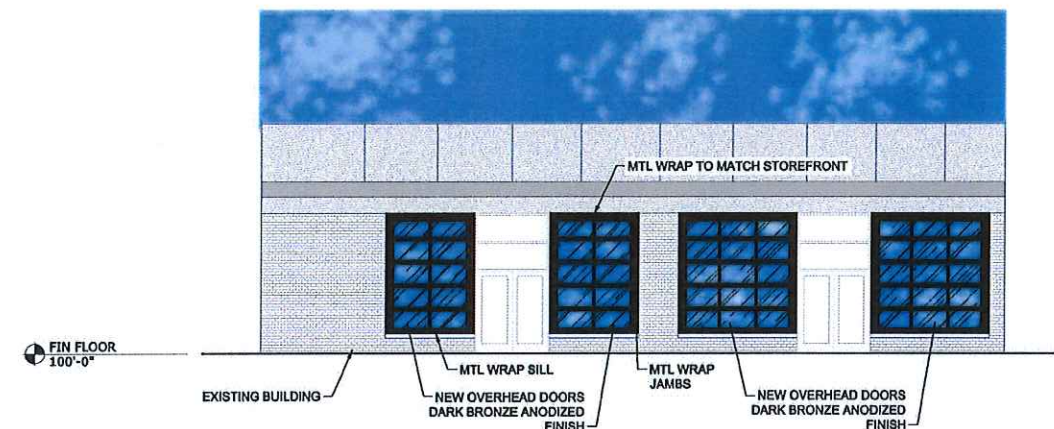
All process equipment and waste storage shall be screened from view with min six foot tall fence and max ten foot tall.

NOTE: Image shows design intent only. Reference the construction documents for actual building construction



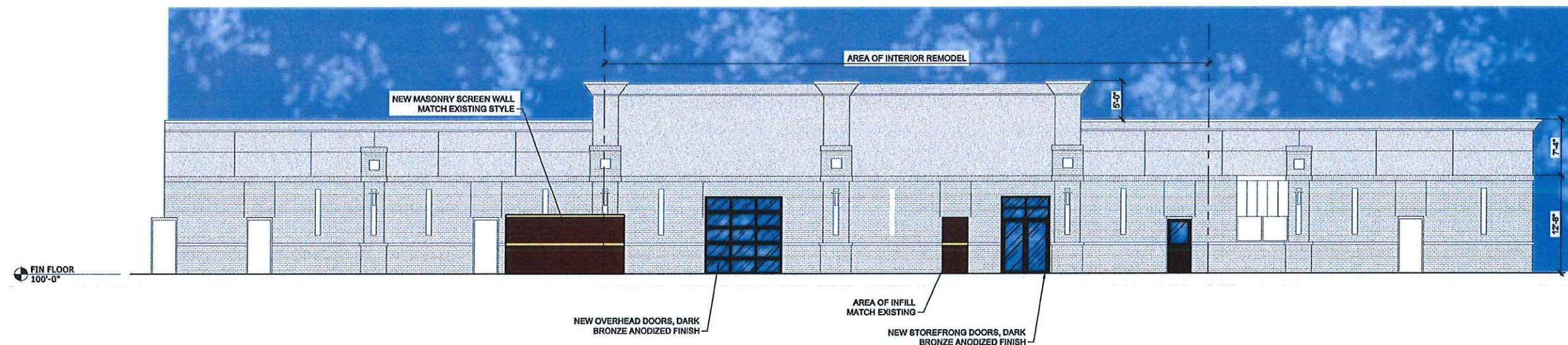
A	3
A3.01	

ELEVATION
SCALE: 1/8" = 1'-0"



A	2
A3.01	

ELEVATION
SCALE: 1/8" = 1'-0"



A	1
A3.01	

ELEVATION
SCALE: 1/8" = 1'-0"

EXISTING STOREFRONT SYSTEM

Existing storefront system - Dark Bronze Anodized Finish



ARCHI + ETC. LLC
ARCHITECTURE ETCETERA

NOTE: Image shows design intent only. Reference the construction documents for actual building construction

PROPOSED WINDOW REPLACEMENT WITH GARAGE DOORS

All material to match existing storefront system

This window was used as example due to poor lighting of window under canopy. See plan for actual location of windows to be replaced.



ARCHI + ETC. LLC
ARCHITECTURE ETCETERA

NOTE: Image shows design intent only. Reference the construction documents for actual building construction

RESOLUTION NO. 19-23

A RESOLUTION AMENDING THE PLANNED COMMERCIAL DEVELOPMENT PLAN FOR PROPERTIES LEGALLY DESCRIBED AS LOTS 1 AND 2, AND OUTLOT 1, PLAZA AT THE MARCC, RELATIVE TO BUILDING ARCHITECTURE, SCREENING/BUFFERING, OUTDOOR LIGHTING, OUTDOOR SEATING, AND LANDSCAPING.

WHEREAS, MAC Ventures, LLC, represented by the Iowa West Foundation, is requesting approval to amend the adopted Planned Commercial Development Plan for properties legally described as Lots 1 and 2, and Outlot 1, Plaza at the MARCC, relative to building architecture, screening/buffering, outdoor lighting, outdoor seating, and landscaping; and

WHEREAS, The following plan amendments are being requested:

Building Façade

1. All solid walls shall match the existing building materials, with brick on the lower portion of the building, and an EFIS or precast caps being allowed only on the upper portion of the walls and any parapet wall.
2. Window and door frames shall be of a dark bronze anodized finish
3. Doors to public spaces in a building shall be transparent. Tinting or mirroring shall be allowed to a minimal extent, allowing passing pedestrians to be able to see inside the business.
4. Doors to nonpublic spaces, such as kitchen areas or loading areas, shall be a matching material and color to other doors of similar function. Glass doors shall be made of a translucent material to allow light in, but to screen kitchen or loading areas from public view when the door is closed. Roll-up doors shall be allowed with maximum dimensions of ten (10) feet wide by ten (10) feet tall. One non-public door shall be allowed for each business, with signage clearly stating where the public entrance to each business is located.
5. Roll-up windows or doors shall be allowed to any business with a fenced-in outdoor seating area. Roll-up windows or doors shall be located within the fenced-in confines of the outdoor seating area. Roll-up doors and windows shall be made entirely of a transparent glass or similar material with dark bronze anodized frames, similar to what is shown on Attachment F.

Outdoor Seating

1. Outdoor seating shall be allowed within the fenced-in areas immediately adjacent to businesses within the plaza.
2. Outdoor seating areas shall project a maximum of twenty (20) feet from the face of the building, and shall maintain a five (5) foot wide non-obstructed sidewalk on the exterior of the fence for pedestrians and service vehicles.

3. Exterior fencing shall be a black metal with vertical pickets, similar to what is shown on Attachment C, and shall have a maximum height of 48 inches.
4. Furniture in the outdoor seating area shall be constructed primarily out of wood and metal, not plastic. Outdoor heaters and/or fire pits shall be allowed, so long as they comply with all applicable building and fire codes.

Screening and Buffering

1. All dumpsters, exterior trash storage areas, equipment areas, and other similar features shall be screened using walls or fences that are a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Walls and fences shall use the same materials and colors as the adjacent building, and shall include a lockable gate that when closed eliminates the view of the trash or equipment area and its contents.
2. Unique design elements (e.g. silo as shown on Attachment D) shall be allowed without screening. These elements, whether in use or strictly decorative, shall be considered an accessory to the specific business. Features shall be allowed without screening, and shall not exceed beyond the highest parapet wall of the building, and shall not impede on any entrances to the building, or project over any sidewalks, parking areas, or drive aisles. The Community Development Director shall have the authority to approve a unique design element as a feature of a business. If the Community Development Director determines that a feature is not consistent with the adopted development plan, an amendment to the development plan would be required.
3. Any rooftop mechanical features must be screened using a parapet wall.

Lighting

1. Light poles on private property shall not exceed twenty five (25) feet in height from the existing grade. Light poles shall be painted or finished aluminum or steel. Wood poles shall not be accepted. All exterior lighting shall be of uniform in color or style.

Landscaping

1. The landscaping shall be consistent with the previously adopted plan, as approved on June 10, 2002, with Resolution No. 02-153. Removal of existing landscaping for new features shall be kept to a minimum.
2. Sidewalks along Arena Way shall be a minimum of nine (9) feet wide, as measured from the back of the curb, and interior sidewalks shall be a minimum of five feet in width for access purposes. At least four (4) feet of that width shall be free of vertical or horizontal obstacles, such as signage, landscaping features, or trees; and

WHEREAS, All appropriate City departments and utilities were notified of the proposed amendments and no objections or comments were received but Council Bluffs Water Works noted that there are easements for water main near the outside faces of the affected building; and

WHEREAS, The Community Development Department recommends approval of the proposed amendments to the adopted planned commercial development plan for Lots 1 and 2, and Outlot 1, Plaza at the M.A.R.C.C., subject to the following conditions:

1. The Community Development Director shall have the authority to approve a unique design element as a feature of a business. If the Community Development Director determines that a feature is not consistent with the adopted development plan, an amendment to the development plan would be required.

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

That the amendment to the Planned Commercial Development Plan for Lots 1 and 2, and Outlot 1, Plaza at the M.A.R.C.C. are hereby approved.

ADOPTED
AND
APPROVED

January 28, 2019.

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

Council Communication

Department: Community Development
Case/Project No.: PC-19-001
Submitted by: Christopher Gibbons, Planning
Coordinator

Resolution 19-24
ITEM 5.B.

Council Action: 1/28/2019

Description

Resolution adopting the Planned Commercial Development Plan for an indoor soccer facility on property legally described as Lot 2, Morris Subdivision, Replat 1. Location: Undeveloped land lying south of property addressed at 3320 Mid America Drive. PC-19-001

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
PC-19-001 MAC Indoor Soccer Facility Staff Report Including Attach A	Resolution	1/14/2019
PC-19-001 MAC Indoor Soccer Facility Attach B thru E	Other	1/11/2019
Resolution 19-24	Resolution	1/21/2019

Council Communication

Department: Community Development Department CASE #PC-19-001 Applicant: Council Bluffs Soccer Club PO Box 1993 Council Bluffs, IA 51503 Owner: Edward L – Frances M. Morris Trusts 12582 Deerfield Court Council Bluffs, IA 51503 Representative: Shane Hoss PO Box 1993 Council Bluffs, IA 51503	Resolution No. _____	City Council: 1/28/19 Planning Commission: 1/8/19
Subject/Title		
Request: Adopt a planned commercial development plan for an indoor soccer facility on property legally described as Lot 2, Morris Subdivision, Replat 1.		
Location: Undeveloped land lying south of property addressed at 3320 Mid America Drive.		
Background/Discussion		
<p>The Community Development Department has received an application from the Council Bluffs Soccer Club, represented by Shane Hoss, to adopt a planned commercial development plan on proposed Lot 2, Morris Subdivision, Replat 1. The applicant has a purchase agreement in place with the property owner, Edward L. and Frances M. Morris Trusts, and has formed a partnership with the Iowa West Foundation to build a new 180'x 400' (72,000 square-foot) indoor soccer facility and associated parking, landscaping, stormwater detention, etc. on the subject property. The sports facility will measure approximately 50 feet in height and will be used primarily for indoor soccer training and games. Other sports activities that may occur in the facility include baseball, softball, flag football, frisbee, and agility training. The subject property contains 6.07 acres of undeveloped land and will be created as part of the proposed Morris Subdivision Replat 1 which is being reviewed concurrent with this request (see Case #SUB-19-002).</p>		
Comments		
<p>The following comments have been received from City Departments and utility providers:</p> <ol style="list-style-type: none"> 1. The subject property is zoned PC/Planned Commercial District and is located in the general vicinity of the Mid-America Center area. The purpose and intent of the PC District is to <i>'provide for the development of retail shopping centers, hotel/motels services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, property relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.'</i> A location/zoning map is included with this report as Attachment 'A'. 		

2. The proposed indoor soccer facility is classified as a 'commercial recreation (indoor)' use and is a permitted land use in the PC District, as per the Council Bluffs Zoning Ordinance. The Planning Commission reviews all planned commercial development plan requests and then forwards with their recommendation to City Council for final action.
3. The Council Bluffs Water Works stated water is available to service the proposed sports facility and that they will work with the developer to secure any necessary easements for providing water to the site.
4. The Council Bluffs Public Works Department provided the following comments:
 - a. Stormwater management is required for both quantity and quality. The submitted drainage report has been noted and the Public Works Department will continue to the work the project civil engineer to finalize drainage requirements and the report.
 - b. The submitted geotechnical report is noted and the final recommendation will be reviewed in relation to permit plan submittal.
 - c. The site plan is noted and the Public Works Department will continue to work with the project civil engineer towards development of the final permit plan set.
 - d. The parking lots are connected to a private road, which is then connected to a public road. Circulation, maintenance, and repair is the property owner's responsibility and must be defined in a covenant document that is recorded with the Morris Subdivision, Replat 1 final plat.
5. The Council Bluffs Fire Department stated they have no comments for the project.
6. The Council Bluffs Permits and Inspections Division stated they provided their comments to the project architect during meetings about the facility and have no further comments.
7. The Iowa Department of Transportation confirmed the proposed development will not cause any conflicts with their ongoing I-80/I-29 Interstate reconstruction projects.

Development Plan – See Attachment B: Site Civil Plans

Site Development

1. All structures shall be setback a minimum of 10 feet from all property lines and shall not encroach into any easements.
2. The maximum building height for all structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof.
3. Maximum lot coverage for all structures shall not exceed 60% of the total lot area.
4. All trash receptacles shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall be have a lockable gate that when closed completely eliminates view of the dumpster.
5. Outside storage is not allowed. This includes the temporary and/or permanent placement of inter-modal storage containers.
6. Light poles on private property shall not exceed twenty-five (25) feet in height from the existing grade and be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. All exterior lighting shall be uniform in color and style.
7. A minimum four foot-wide sidewalk shall be constructed along the frontage of the property abutting Mid-America Drive as well as along the easterly property line, abutting the 50 foot-wide access easement on proposed Lot 3, Morris Subdivision, Replat 1, prior to issuance of a Certificate of Occupancy for the facility.
8. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
9. The proposed indoor soccer facility is classified as a 'commercial recreation (indoor)' use and is required to provide a minimum of one-half off-street parking stall per capacity of the occupant load of the facility, as per Section 15.23.060, *Parking space required* of the Municipal Code (Zoning Ordinance). The submitted site plans show a total of 165 off-street parking stalls (159 standard stall

and 6 accessible stalls). The total number of required off-street parking stalls for this facility will be calculated once the building permits are submitted to the City for review and the Council Bluffs Permits and Inspections Division can determine the final occupant load of the facility.

10. A parking lot permit must be submitted with the building permit submittal and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.
11. All parking lots are also subject to the compliance with the Parking for Persons with Disabilities chapter of the Iowa Administrative Code.
12. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

Architecture – See Attachment C: Architectural Plans

1. Submitted architectural renderings show the exterior of the sports facility will be constructed out a combination of high quality corrugated metal, perforated metal screening, and glass. The corrugated metal and perforated metal screening will have contrasting colors and will be installed with recesses to provide a shadowy depth effect between the two building materials. The glass on the facades and skylights on the roof will be used to bring natural light in the facility.

Historically, the City of Council Bluffs has only allowed metal as an architectural accent material on the exterior building facades in a planned commercial development. The proposed soccer facility is requesting to use high quality metal as their primary exterior façade materials. This design preference is common for large-scale indoor training facilities as metal is a durable and cost-effective building material. The north and east building elevations will be partially screened from view once development occurs on proposed Lots 1 and 3, Morris Subdivision, Replat 1. The westerly and southerly elevations will remain visible due to the location of the off-street parking for this facility and being adjacent to I-29. The subject property is located on the westerly side of the Mid-America Center area, which is adjacent to an industrial use (Doll Distributing), and not any of core businesses in this M.A.C. area (e.g., Mid-America Arena/Convention Center, Iowa West Field House, Courtyard, and Bass Pro Shop). Based on these reasons, the Community Development Department supports the use of metal building materials on this facility, as it will not detract from the architectural integrity of the core businesses in the MAC Area and recommends the building renderings be adopted as submitted, except for the attached wall signs.

2. Awnings or other decorative features may be allowed on a building facade and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
3. All roof-top mechanical equipment shall be screened with architectural features from the public view. All ground mounted mechanical equipment shall be screened with fencing or landscaping from public view.

Landscaping – See Attachment D: Landscaping Plan

1. The submitted landscaping plan shows a variety of trees, shrubs, and grasses being planted throughout property and is generally acceptable with the following conditions:
 - a. Not less than 10% of the gross lot area shall be landscaped with trees, shrubs and other plant materials.
 - b. A planted landscape strip, measuring at least six feet in depth, shall be located immediately adjacent to the north, east, and south building facades with the exception of entryways.
 - c. Landscaping shall not impede the vision of any automobile traffic entering/exiting or circulating on the subject property.
 - d. All landscaped areas including grassed and sodded areas shall be irrigated with an automatic underground irrigation system.

- e. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
- f. A minimum five foot-wide strip of landscaping, planted with trees, shrubs, and/or grass, shall be installed between the edge of all parking lot areas and any abutting property line. The five-foot wide strips may be included in the 10% requirement.
- g. Not more than 10% of the landscaped area shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
- h. All parking lot landscape island shall be planted with at least one tree and covered with grass, shrubs or mulch.
- i. Trees and/or shrubs shall be planted around the perimeter of all stormwater detention areas to help screen the feature from public view.
- j. All disturbed areas without a specific landscape design shall be seeded with sod, turf, and/or prairie grass.

Signage – See Attachment E: Signage Plan

- 1. The proposed development plan identifies 11 attached wall signs (including four sports logos) totaling 2,290 square feet on the new facility. In comparison, the Iowa West Field House has two attached wall signs totaling 440 square feet, as per their adopted development plan. The Community Development Department considers the requested amount of attached wall signs too excessive and not compatible with any of the businesses in the M.A.C. area and recommends the following signage be approved:
 - a. A total maximum of 800 square feet of attached wall signage shall be allowed for this facility. The developer can distribute their allotted sign square footage on any building elevation of their choosing so long as the total amount of signage does not exceed the 800 square feet.
 - b. The four sports logos shall not be considered signage and shall not count towards the 800 square feet signage allotment, as they do not contain any advertisement or identification information for this facility.
 - c. Detached signage was not proposed with this request. The facility will be eligible to advertise on the new wayfinding signage, monument sign, and 23rd Avenue pylon sign that are being constructed by City of Council Bluffs throughout the M.A.C. Area Entertainment District.

Recommendation

The Community Development Department recommends approval to adopt a planned commercial development plan on Lot 2, Morris Subdivision, Replat 1, relative to the construction of an indoor sports facility, subject to the comments above and the following conditions:

- 1. Approval of the development plan is contingent upon the approval and execution of the Morris Subdivision, Replat 1 final plat
- 2. All utilities shall be installed underground. Any cost to relocate, modify and/or remove utilities associated with the development of this subdivision shall be at the sole expense of the applicant and not the City.
- 3. A total maximum of 800 square feet of attached wall signage shall be allowed for the facility. Sports logos that do not contain any advertisement messages shall not count towards the maximum 800 square foot signage allotment.
- 4. Any modifications of the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made.

Public Hearing

Speakers in favor:

1. Shane Hoss, 17340 Turnberry Ridge, Council Bluffs, IA 51503
2. Pete Tulipana, 25 Main Place, Council Bluffs, IA 51503

Speakers against: No one spoke in opposition of the request.

Planning Commission Recommendation

The Planning Commission recommends approval to adopt a planned commercial development plan on Lot 2, Morris Subdivision, Replat 1, relative to the construction of an indoor sports facility, subject to the comments above and the following conditions:

1. Approval of the development plan is contingent upon the approval and execution of the Morris Subdivision, Replat 1 final plat
2. All utilities shall be installed underground. Any cost to relocate, modify and/or remove utilities associated with the development of this subdivision shall be at the sole expense of the applicant and not the City.
3. A total maximum of 800 square feet of attached wall signage shall be allowed for the facility. Sports logos that do not contain any advertisement messages shall not count towards the maximum 800 square foot signage allotment.
4. Any modifications of the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/zoning map

Attachment B: Site civil plans

Attachment C: Architectural plans

Attachment D: Landscaping plans

Attachment E: Signage plans

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

CITY OF COUNCIL BLUFFS - LOCATION/ZONING MAP CASE #PC-19-001

Map Legend

Case #PC-19-001 - Subject Property

☐ Parcels

0 150 300
1 inch = 300 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.



Last Amended: 12/14/18



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

DISCLAIMER

This map is prepared and issued for the City of Council Bluffs, Iowa. It is not intended to be used for any other purpose. The City of Council Bluffs, Iowa, is not responsible for any errors or omissions in this map. The City of Council Bluffs, Iowa, is not responsible for any damages or losses resulting from the use of this map. The City of Council Bluffs, Iowa, is not responsible for any claims or lawsuits filed against the City of Council Bluffs, Iowa, or any of its officials, employees, or agents, in connection with the use of this map.



PROJECT GREEN

CIVIL SITE PLANS



VICINITY MAP - NO SCALE
LOCATION MAP
COUNCIL BLUFFS, IOWA
NO SCALE

INDICATES PROJECT LOCATION

CIVIL ENGINEER:
HGM ASSOCIATES INC.
640 FIFTH AVENUE
COUNCIL BLUFFS, IOWA 51501

ZONING:
EXISTING ZONING IS P-C

EXISTING FLOOD PLAIN:
NOT IN A FLOOD PLAIN
FEMA FLOOD ZONE "X"
NO FLOODWAY OR FRINGE ENCROACHMENT

STORM WATER DETENTION:
STORM SEWER WILL BE DIVERTED TO PROPOSED
DETENTION BASIN WITH CONTROLLED RELEASE RATE
INTO EXISTING PUBLIC STORM SEWER.

WETLANDS:
NO WETLANDS INDICATED ON U.S. FISH & WILDLIFE
NATIONAL WETLANDS INVENTORY MAP.

INDEX

PAGE NO.	DESCRIPTION
C.01	CIVIL COVER
C.02	OVERALL SITE PLAN
C.03	SITE LAYOUT PLAN



SPECIFICATIONS
THE URBAN STANDARD SPECIFICATIONS FOR
PUBLIC IMPROVEMENTS, 2019, AND CITY OF
COUNCIL BLUFFS SUPPLEMENTAL SPECIFICATIONS
2019, SHALL APPLY TO THIS PROJECT.

THESE DOCUMENTS SHALL NOT
BE SCANNED, COPIED, OR
DUPLICATED IN ANY MANNER.

NOT FOR CONSTRUCTION

SCOTT D. REELFS
PELUPS
14859

DATE
My license expires on December 31, 2018.

Project No. covered by this sheet
C.01-C.03

PROJECT GREEN

PRELIMINARY - NOT FOR CONSTRUCTION

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LANDSCAPE
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WWW.RDGDESIGN.COM

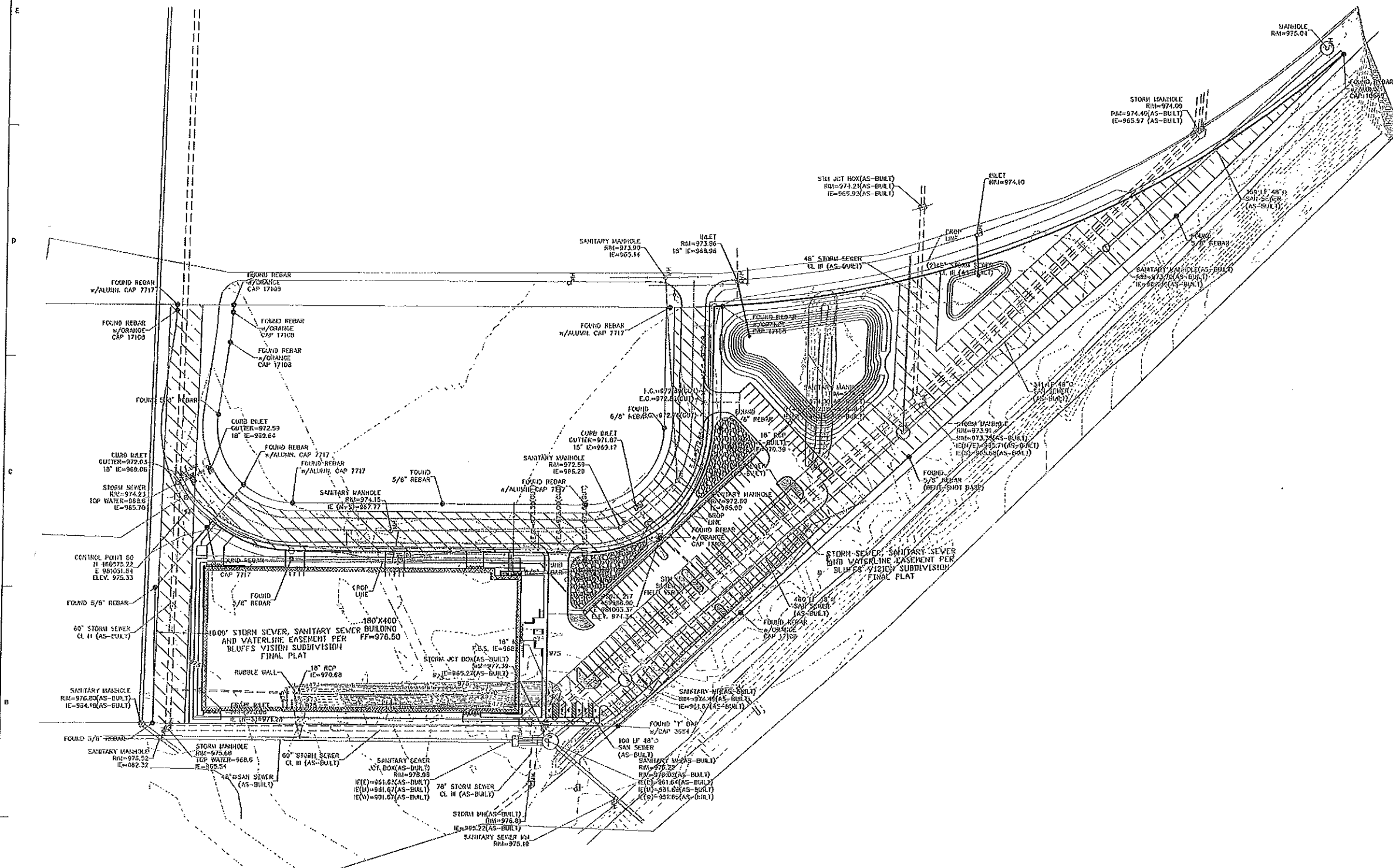
RDG Planning & Design
640 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-322-0330

REVISION

RDG Planning & Design
640 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-322-0330

CIVIL COVER SHEET

C.01



PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IA
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RDG...
PLANNING • DESIGN

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 Thomas O'Donnell & O'Donnell, Inc.
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 (402) 342-4444 Fax

INTERIORS
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 9000 Kiewit Ave., Suite 100
 Omaha, NE 68132
 (402) 363-4233 Fax

ARCHITECT
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 (402) 363-4233 Fax

CIVIL
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 Des Moines, IA 50315
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MECH/ELECT PLUMBS
Engineering Technicians Inc.
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Orlando, FL 32801
(407) 254-4772 Fax 407

LANDSCAPE
100 Peachtree Alley
100 Peachtree Alley, S.W.
Orlando, FL 32801
(407) 254-4121 Fax 407

m S I N C.
DEL BLUFFS, IA
-0530

hgi

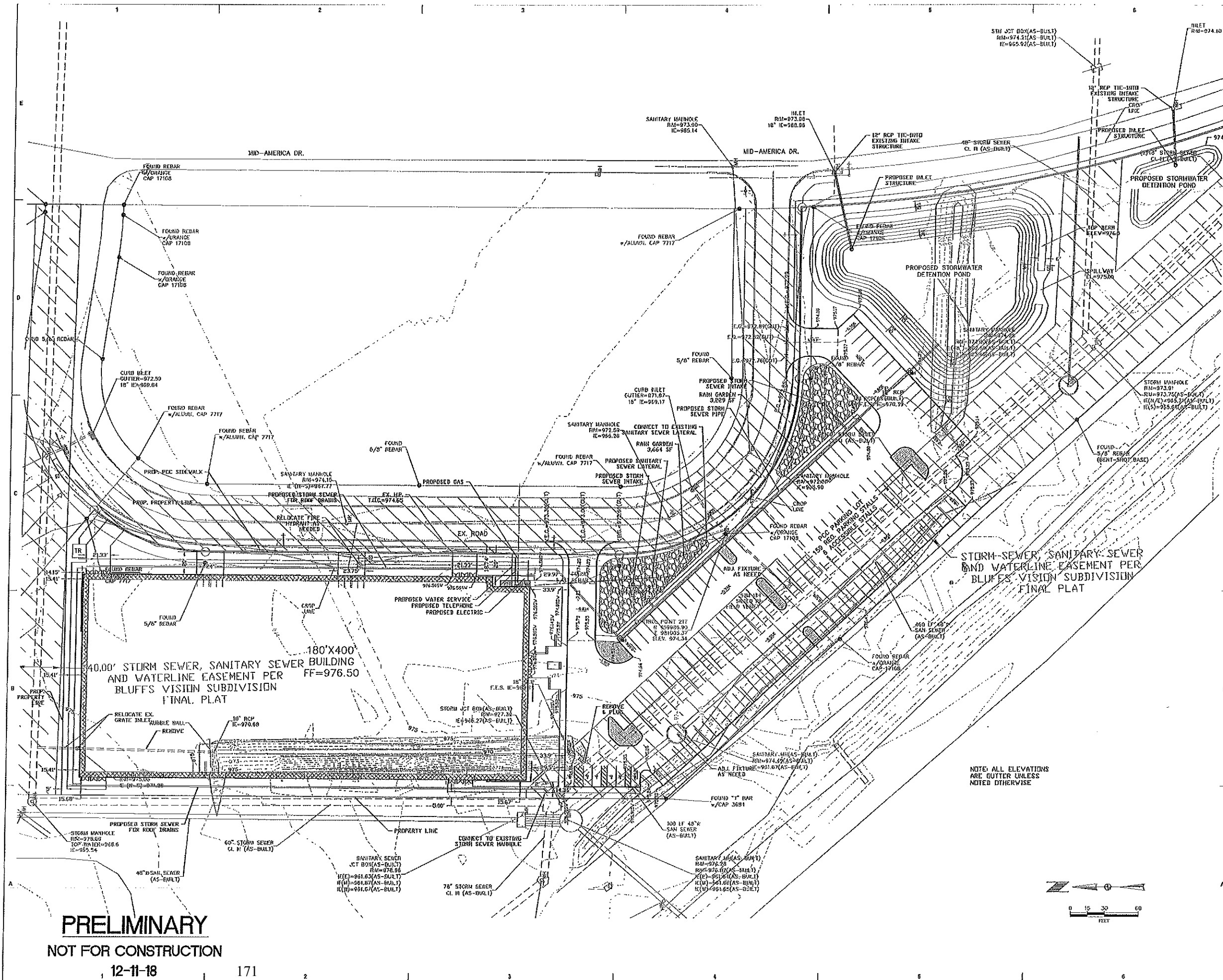
ASS 640 F

REF PAGE

DATE	TIME	LOCATION
DATE	TIME	LOCATION
DATE	TIME	LOCATION

OVERALL SITE

C.02



PRELIMINARY
NOT FOR CONSTRUCTION
12-11-18

PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

hgm
ASSOCIATES INC.
540 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-323-0339

RDG
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CIVIL
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PROJECT GREEN

SITE LAYOUT

C.03

ATTACHMENT B



ATTACHMENT C

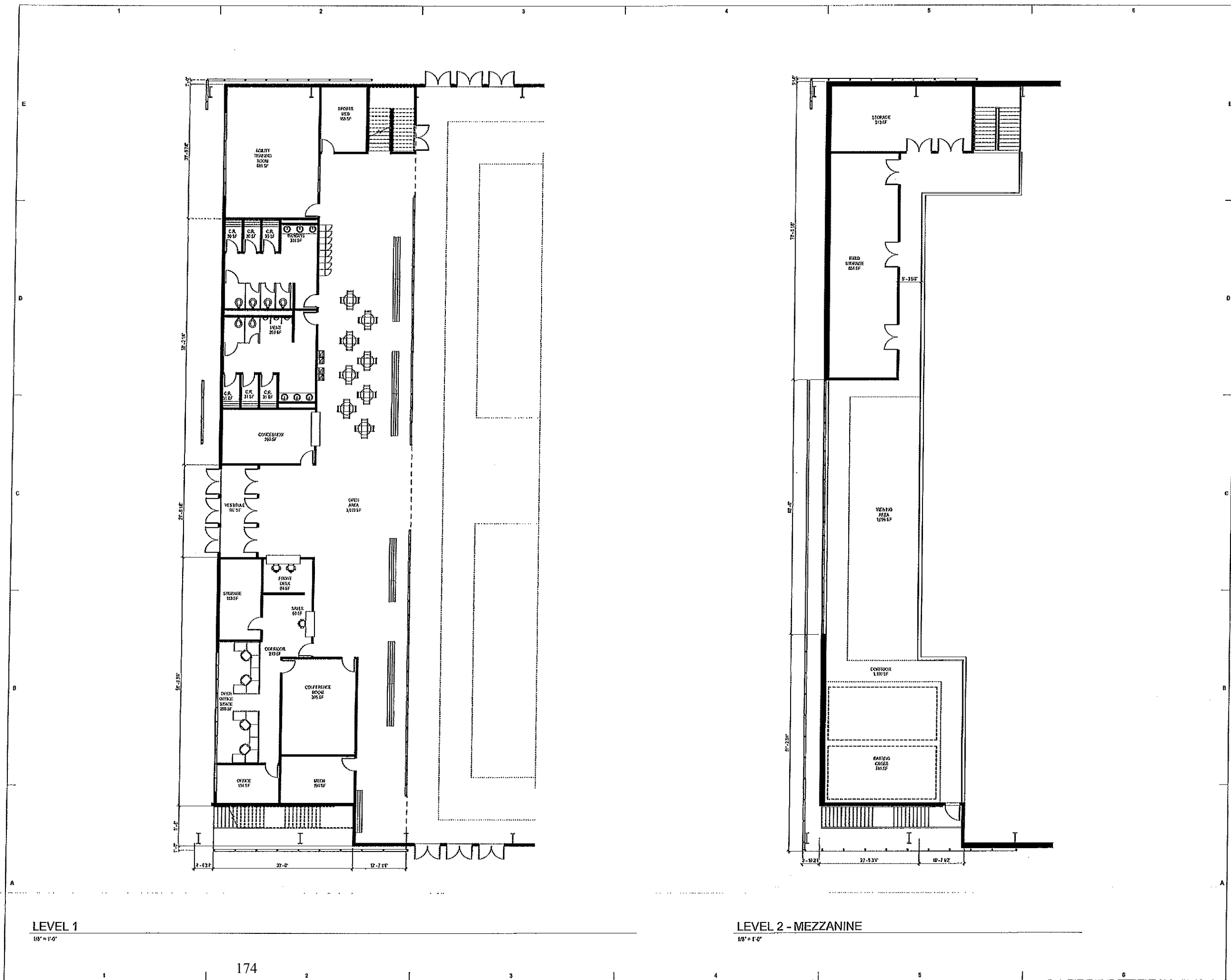
SOUTH-EAST CORNER

PROJECT GREEN
12/11/2018



SOUTH-WEST CORNER

PROJECT GREEN
12/11/2018



LEVEL 1
1/8" = 1'-0"

LEVEL 2 - MEZZANINE
1/8" = 1'-0"

PROJECT GREEN

PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

MORRIS SUB LOT 3, COUNCIL BLUFFS,
IOWA 52501

DATE: 01/15/2015

BY: RDG

PROJECT NO: 15-001

SCALE: AS SHOWN

1/8" = 1'-0"

ENLARGED PLANS

A02.01

RDg...
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ARCHITECT
RDg...
1000 North 1st Street
Council Bluffs, IA 52801
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FAX: 319.335.1235
WWW.RDGDESIGN.COM

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Council Bluffs, IA 52801
PH: 319.335.1234
FAX: 319.335.1235
WWW.TJHARTMAN.COM

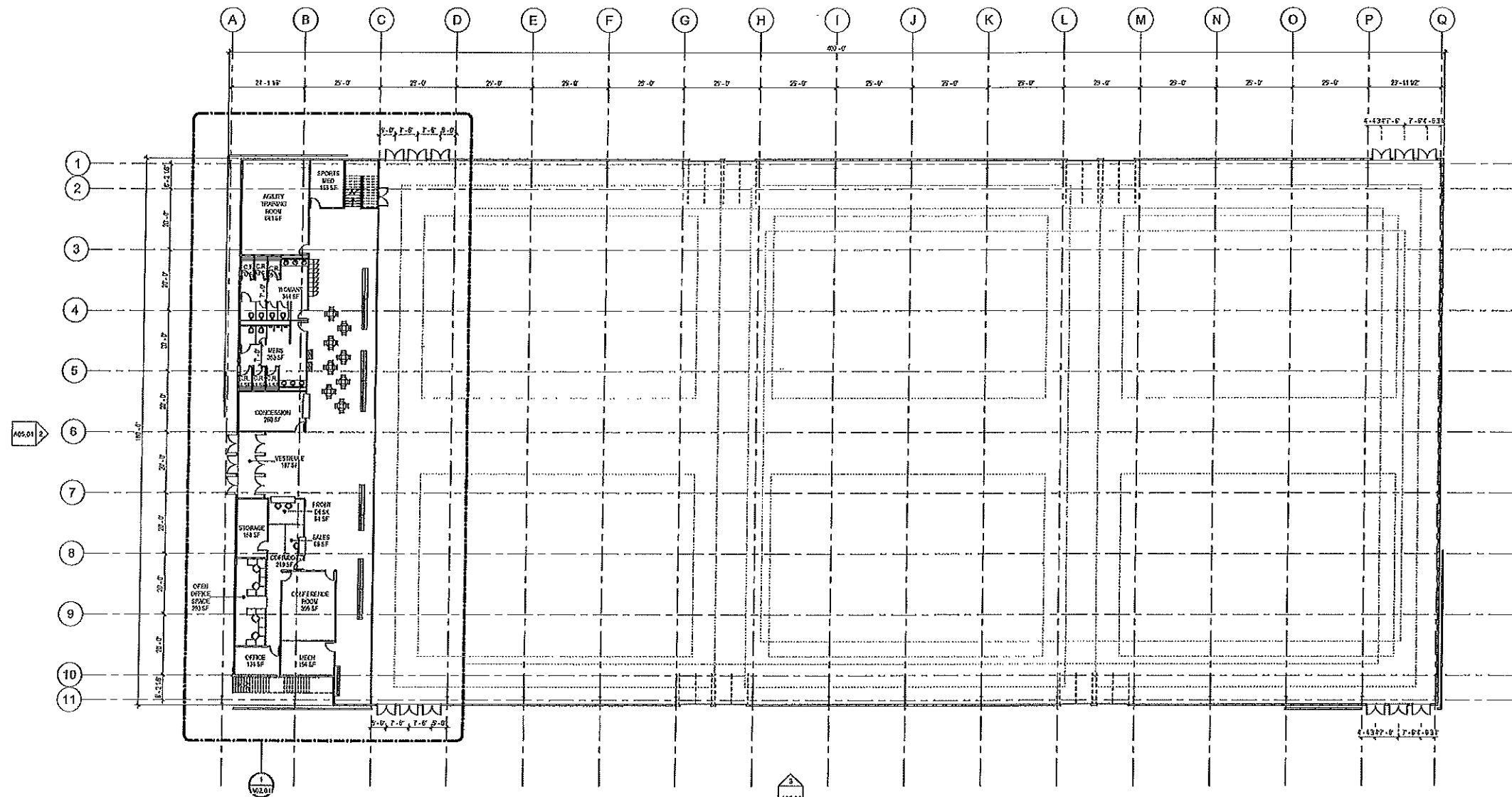
MECH/ELECT/PLUMB
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INTERIORS
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FLOOR PLAN LEVEL 1
1/8" = 1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

PROJECT GREEN

MORRIS SUB LOT 3, COUNCIL BLUFFS, IOWA 51501

NO.	DATE	DESCRIPTION
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2	11/15/2011	ISSUED FOR PERMITS
3	11/15/2011	ISSUED FOR PERMITS
4	11/15/2011	ISSUED FOR PERMITS
5	11/15/2011	ISSUED FOR PERMITS
6	11/15/2011	ISSUED FOR PERMITS
7	11/15/2011	ISSUED FOR PERMITS
8	11/15/2011	ISSUED FOR PERMITS
9	11/15/2011	ISSUED FOR PERMITS
10	11/15/2011	ISSUED FOR PERMITS
11	11/15/2011	ISSUED FOR PERMITS

FLOOR PLAN LEVEL 1

A01.01

ARCHITECT
RDG...
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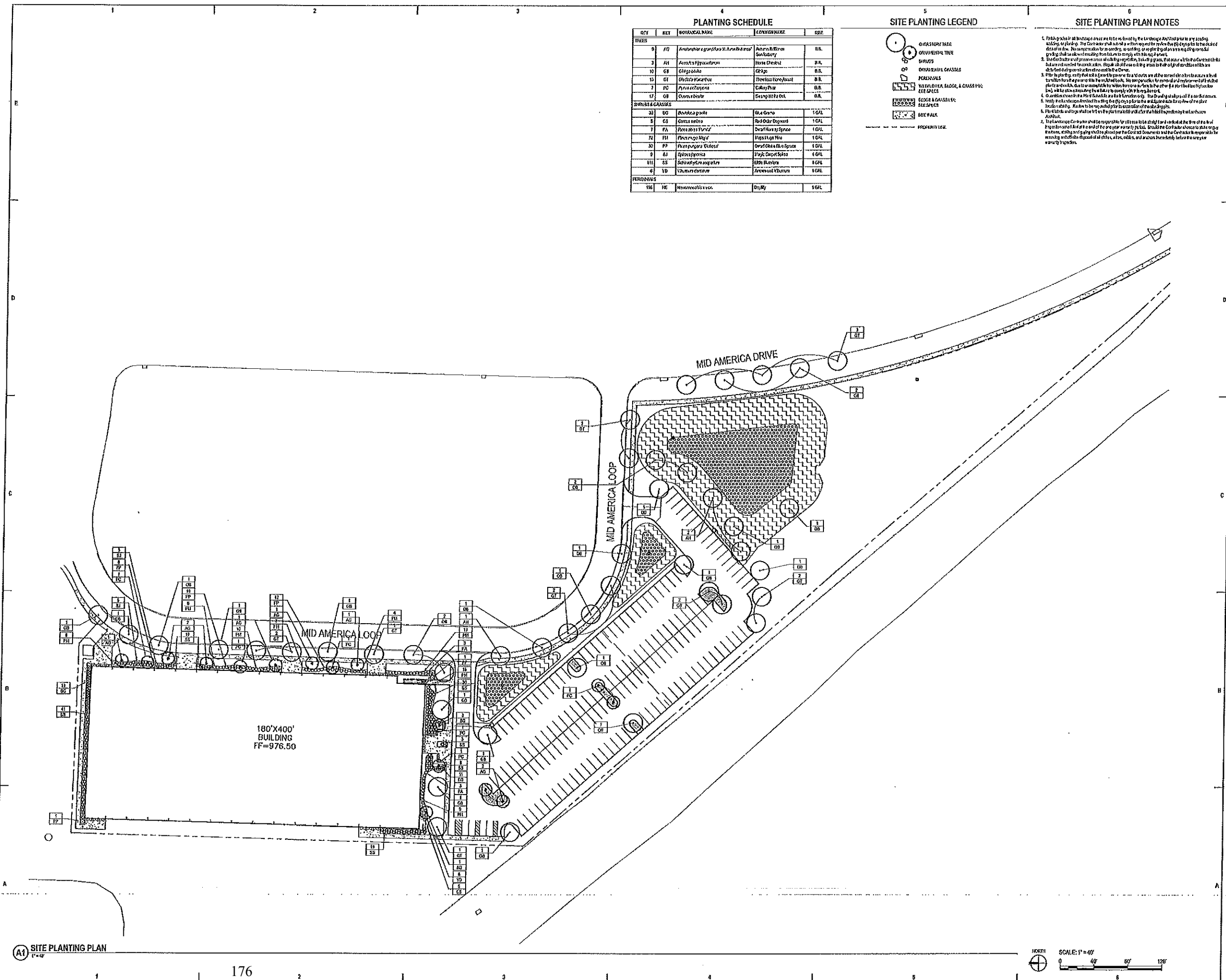
MECHANICAL/ELECTRICAL
RDG...
1115 10TH AVE S.W.
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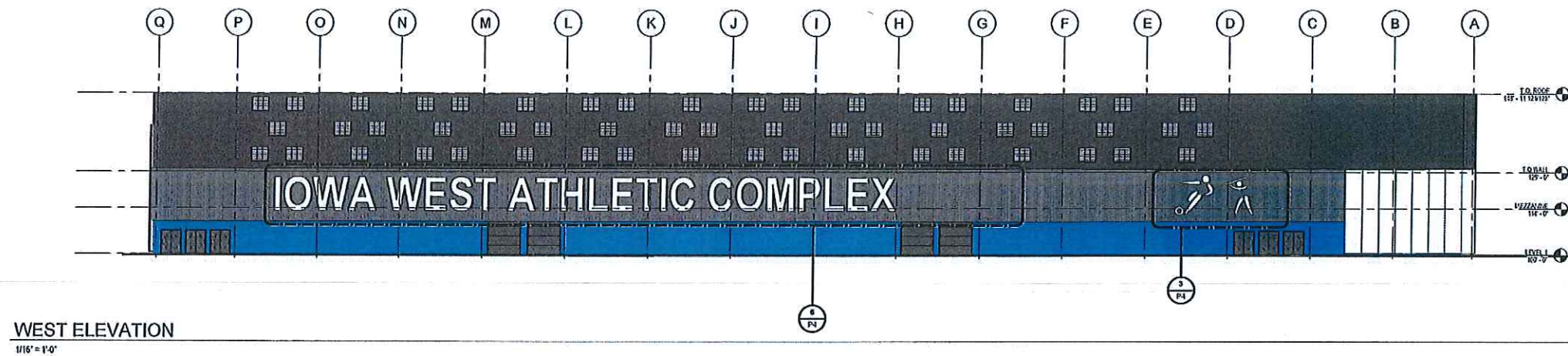
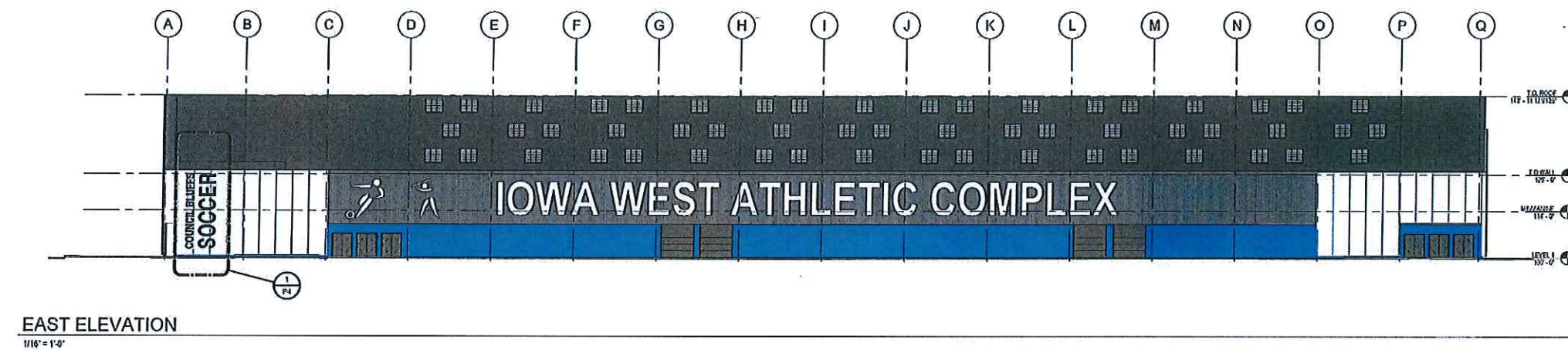
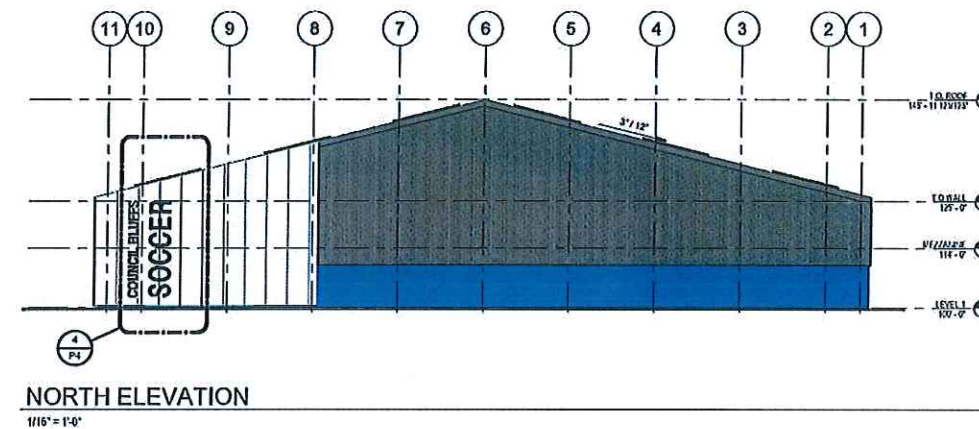
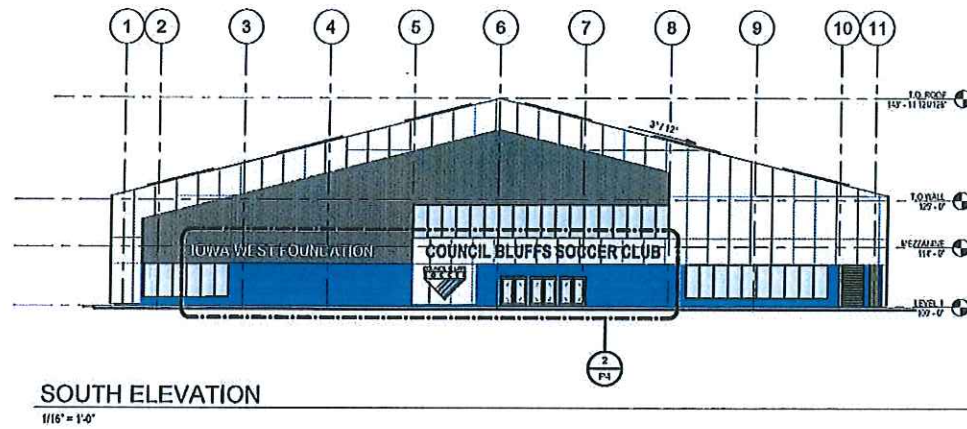
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RDG...
PLANNING & DESIGN





PRELIMINARY - NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

PROJECT GREEN

MORRIS SUB LOT 3, COUNCIL BLUFFS, IOWA 51501

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SEAL FOR CONSTRUCTION

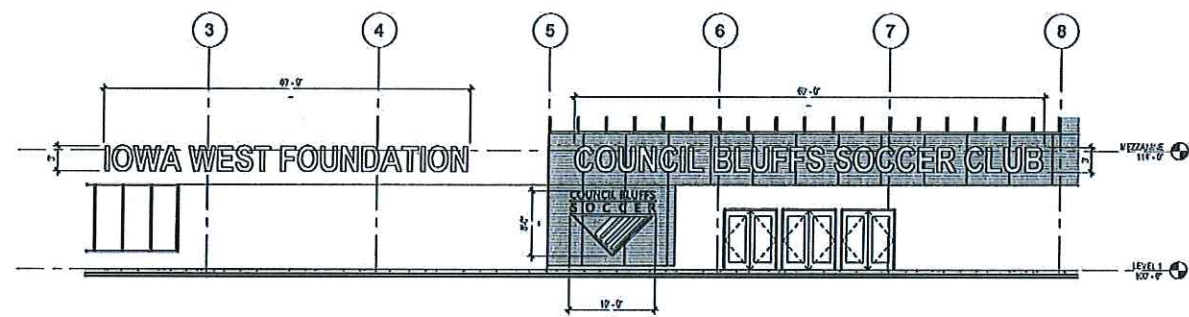
DATE: 11/11/11

PROJECT GREEN
RDG Planning & Design, Inc.
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Council Bluffs, IA 51501
Phone: (515) 251-1111
Fax: (515) 251-1112

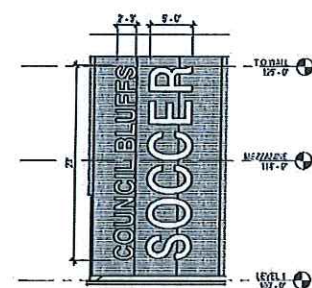
EXTERIOR ELEVATIONS

A05.01

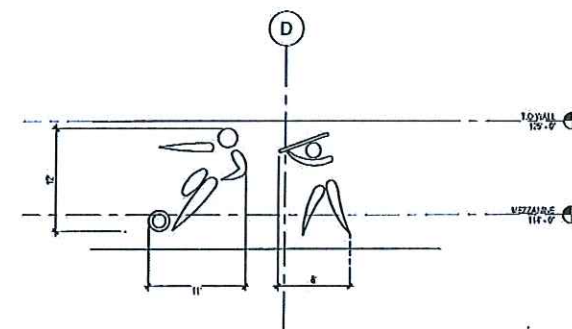
ATTACHMENT E



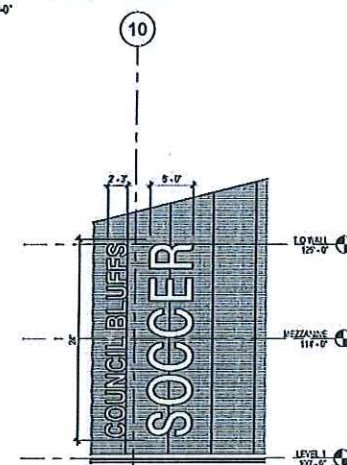
2 SOUTH ELEVATION - ENTRY
1/8" = 1'-0"



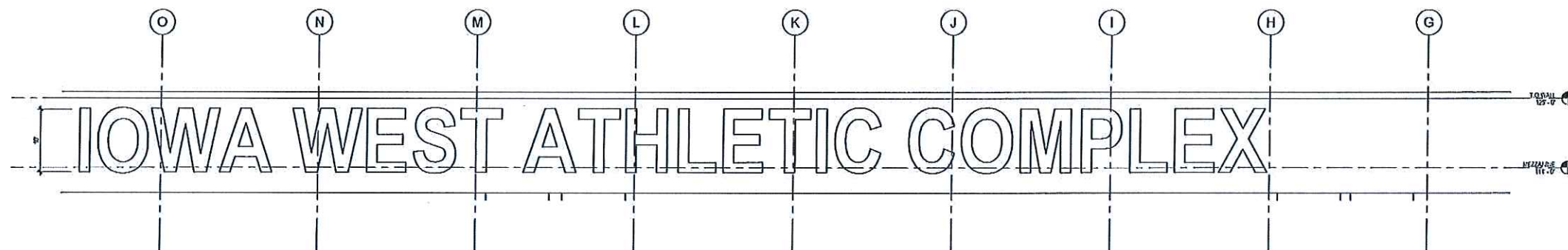
1 EAST ELEVATION - CBS SIGNAGE
1/8" = 1'-0"



3 ELEVATION - ICONS
1/8" = 1'-0"



4 NORTH ELEVATION - CBS SIGNAGE
1/8" = 1'-0"



6 WEST ELEVATION - COMPLEX NAME
1/8" = 1'-0"

PROJECT GREEN

SIGNAGE PLAN

RESOLUTION NO. 19-24

A RESOLUTION ADOPTING THE PLANNED COMMERCIAL DEVELOPMENT PLAN FOR AN INDOOR SOCCER FACILITY ON PROPERTY LEGALLY DESCRIBED AS LOT 2, MORRIS SUBDIVISION, REPLAT 1.

WHEREAS, Council Bluffs Soccer Club, represented by Shane Hoss, is requesting adoption of a Planned Commercial Development Plan on proposed Lot 2, Morris Subdivision, Replat 1, to build a new 180'x 400' (72,000 square-foot) indoor soccer facility and associated parking, landscaping, stormwater detention, etc.; and

WHEREAS, the subject property is located on 6.07 acres of undeveloped land lying south of property addressed at 3320 Mid America Drive; and

WHEREAS, the appropriate City departments and utilities have reviewed proposed amendments to the Planned Commercial Development Plan, with comments as follows:

1. The subject property is zoned PC/Planned Commercial District and is located in the general vicinity of the Mid-America Center area. The purpose and intent of the PC District is to *'provide for the development of retail shopping centers, hotel/motels services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, property relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.'* A location/zoning map is included with this report as Attachment 'A'.
2. The proposed indoor soccer facility is classified as a 'commercial recreation (indoor)' use and is a permitted land use in the PC District, as per the Council Bluffs Zoning Ordinance.
3. The Council Bluffs Water Works stated water is available to service the proposed sports facility and that they will work with the developer to secure any necessary easements for providing water to the site.
4. The Council Bluffs Public Works Department provided the following comments:
 - a. Stormwater management is required for both quantity and quality. The submitted drainage report has been noted and the Public Works Department will continue to the work the project civil engineer to finalize drainage requirements and the report.

- b. The submitted geotechnical report is noted and the final recommendation will be reviewed in relation to permit plan submittal.
 - c. The site plan is noted and the Public Works Department will continue to work with the project civil engineer towards development of the final permit plan set.
 - d. The parking lots are connected to a private road, which is then connected to a public road. Circulation, maintenance, and repair is the property owner's responsibility and must be defined in a covenant document that is recorded with the Morris Subdivision, Replat 1 final plat.
- 5. The Council Bluffs Permits and Inspections Division stated they provided their comments to the project architect during meetings about the facility and have no further comments.
 - 6. The Iowa Department of Transportation confirmed the proposed development will not cause any conflicts with their ongoing I-80/I-29 Interstate reconstruction projects.

Development Plan – See Attachment B: Site Civil Plans

Site Development

- 1. All structures shall be setback a minimum of 10 feet from all property lines and shall not encroach into any easements.
- 2. The maximum building height for all structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof.
- 3. Maximum lot coverage for all structures shall not exceed 60% of the total lot area.
- 4. All trash receptacles shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall have a lockable gate that when closed completely eliminates view of the dumpster.
- 5. Outside storage is not allowed. This includes the temporary and/or permanent placement of inter-modal storage containers.
- 6. Light poles on private property shall not exceed twenty-five (25) feet in height from the existing grade and be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. All exterior lighting shall be uniform in color and style.
- 7. A minimum four foot-wide sidewalk shall be constructed along the frontage of the property abutting Mid-America Drive as well as along the easterly property line, abutting the 50 foot-wide access easement on proposed Lot 3, Morris Subdivision, Replat 1, prior to issuance of a Certificate of Occupancy for the facility.

8. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
9. The proposed indoor soccer facility is classified as a ‘commercial recreation (indoor)’ use and is required to provide a minimum of one-half off-street parking stall per capacity of the occupant load of the facility, as per Section 15.23.060, *Parking space required* of the Municipal Code (Zoning Ordinance). The submitted site plans show a total of 165 off-street parking stalls (159 standard stall and 6 accessible stalls). The total number of required off-street parking stalls for this facility will be calculated once the building permits are submitted to the City for review and the Council Bluffs Permits and Inspections Division can determine the final occupant load of the facility.
10. A parking lot permit must be submitted with the building permit submittal and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.
11. All parking lots are also subject to the compliance with the Parking for Persons with Disabilities chapter of the Iowa Administrative Code.
12. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

Architecture – See Attachment C: Architectural Plans

1. Submitted architectural renderings show the exterior of the sports facility will be constructed out a combination of high quality corrugated metal, perforated metal screening, and glass. The corrugated metal and perforated metal screening will have contrasting colors and will be installed with recesses to provide a shadowy depth effect between the two building materials. The glass on the facades and skylights on the roof will be used to bring natural light in the facility.

Historically, the City of Council Bluffs has only allowed metal as an architectural accent material on the exterior building facades in a planned commercial development. The proposed soccer facility is requesting to use high quality metal as their primary exterior façade materials. This design preference is common for large-scale indoor training facilities as metal is a durable and cost-effective building material. The north and east building elevations will be partially screened from view once development occurs on proposed Lots 1 and 3, Morris Subdivision, Replat 1. The westerly and southerly

elevations will remain visible due to the location of the off-street parking for this facility and being adjacent to I-29. The subject property is located on the westerly side of the Mid-America Center area, which is adjacent to an industrial use (Doll Distributing), and not any of core businesses in this M.A.C. area (e.g., Mid-America Arena/Convention Center, Iowa West Field House, Courtyard, and Bass Pro Shop). Based on these reasons, the Community Development Department supports the use of metal building materials on this facility, as it will not detract from the architectural integrity of the core businesses in the M.A.C Area and recommends the building renderings be adopted as submitted, except for the attached wall signs.

2. Awnings or other decorative features may be allowed on a building facade and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
3. All roof-top mechanical equipment shall be screened with architectural features from the public view. All ground mounted mechanical equipment shall be screened with fencing or landscaping from public view.

Landscaping – See Attachment D: Landscaping Plan

1. The submitted landscaping plan shows a variety of trees, shrubs, and grasses being planted throughout property and is generally acceptable with the following conditions:
 - a. Not less than 10% of the gross lot area shall be landscaped with trees, shrubs and other plant materials.
 - b. A planted landscape strip, measuring at least six feet in depth, shall be located immediately adjacent to the north, east, and south building facades with the exception of entryways.
 - c. Landscaping shall not impede the vision of any automobile traffic entering/exiting or circulating on the subject property.
 - d. All landscaped areas including grassed and sodded areas shall be irrigated with an automatic underground irrigation system.
 - e. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
 - f. A minimum five foot-wide strip of landscaping, planted with trees, shrubs, and/or grass, shall be installed between the edge

- of all parking lot areas and any abutting property line. The five-foot wide strips may be included in the 10% requirement.
- g. Not more than 10% of the landscaped area shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
- h. All parking lot landscape island shall be planted with at least one tree and covered with grass, shrubs or mulch.
- i. Trees and/or shrubs shall be planted around the perimeter of all stormwater detention areas to help screen the feature from public view.
- j. All disturbed areas without a specific landscape design shall be seeded with sod, turf, and/or prairie grass.

Signage – See Attachment E: Signage Plan

- 1. The proposed development plan identifies 11 attached wall signs (including four sports logos) totaling 2,290 square feet on the new facility. In comparison, the Iowa West Field House has two attached wall signs totaling 440 square feet, as per their adopted development plan. The Community Development Department considers the requested amount of attached wall signs too excessive and not compatible with any of the businesses in the M.A.C. area and recommends the following signage be approved:
 - a. A total maximum of 800 square feet of attached wall signage shall be allowed for this facility. The developer can distribute their allotted sign square footage on any building elevation of their choosing so long as the total amount of signage does not exceed the 800 square feet.
 - b. The four sports logos shall not be considered signage and shall not count towards the 800 square feet signage allotment, as they do not contain any advertisement or identification information for this facility.
 - c. Detached signage was not proposed with this request. The facility will be eligible to advertise on the new wayfinding signage, monument sign, and 23rd Avenue pylon sign that are being constructed by City of Council Bluffs throughout the M.A.C. Area Entertainment District; and

WHEREAS, The Community Development Department recommends approval of the Planned Commercial Development Plan, on Lot 2, Morris Subdivision, Replat 1, relative to the construction of an indoor sports facility, subject to the comments above and the following conditions:

Planning Case No. PC-19-001

Council Communication

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

Resolution 19-25
ITEM 5.C.

Council Action: 1/28/2019

Description

Resolution accepting the bid of Carley Construction, LLC in the amount of \$777,009.29 for the Mid-America Center Parking Lots Rehab, Phase 1. Project # BM19-01

Background/Discussion

On January 15, 2019 bids were received in the office of the city clerk as follows:

	Division II	
	<u>Pavement</u>	<u>Total</u>
Carley Construction, LLC Council Bluffs, IA	\$777,009.29	\$777,009.29
Tab Construction Co. Omaha, NE	\$837,327.65	\$837,327.65
Bluffs Paving and Utility Co. Inc., Crescent, IA	\$864,978.99	\$864,978.99
Valley Corporation, Valley, NE	\$996,813.49	\$996,813.49
Engineer's Opinion (HGM)	\$909,950.00	\$909,950.00

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

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

A study was performed in 2011 and updated in 2015, which recommended the replacement of the parking lots. The conceptual plan suggested that the work could be performed in multiple phases over a few years. Proceeding with replacement is now necessary and five phases have been programmed in the CIP. The phase 1 limits are a portion of the parking lot south of the main entrance to the convention center and a portion of the lot west of the U.S. Social Security Administration offices.

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

The project schedule is as follows:

Construction Start March 2019
Construction End August 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-25	Resolution	1/23/2019

RESOLUTION
NO 19-25

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
CARLEY CONSTRUCTION, LLC, FOR THE
MID-AMERICA CENTER PARKING LOTS REHAB, PHASE 1
PROJECT #BM19-01**

WHEREAS, the plans, specifications, and form of contract for the Mid-America Center Parking Lot Rehab, Phase 1 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 December 17, 2018, and the plans, specifications and form of contract were approved; and

WHEREAS, Carley Construction, LLC has submitted a low bid in the amount of \$777,009.29 for this contract.

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

That the bid of Carley Construction, LLC in the amount of \$777,009.29 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 Mid-America Center Parking Lot Rehab, Phase 1; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Carley Construction, LLC 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.

ADOPTED
AND
APPROVED

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 19-26
ITEM 5.D.

Council Action: 1/28/2019

Description

Resolution authorizing the Mayor to execute Iowa Department of Transportation Federal Aid Agreements No. 4-19-STBGU-001 and 4-19-STBGU-002 in connection with the Eastern Hills Drive projects.

Background/Discussion

The DOT federal aid funding agreements will allow the City to use federal funds for project costs.

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

Agreement No. 4-19-STBGU-001 is for City Project PW18-16B, Eastern Hills Drive Segment D Box Culverts. This project will construct box culverts for Segment D of Eastern Hills Drive from Highway 92 to State Orchard Road;

Agreement No. 4-19-STBGU-002 is for City Project PW19-16A, Eastern Hills Drive Segment D Roadway. This project will construct a new roadway from Highway 92 to State orchard Road.

The projects will be combined for construction. They are scheduled for a spring 2019 letting by the DOT.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreements	Agreement	1/18/2019
Resolution 19-26	Resolution	1/23/2019

**IOWA DEPARTMENT OF TRANSPORTATION
Federal-aid Agreement
for a Surface Transportation Program Project**

Recipient: City of Council Bluffs

Project No.: HDP-1642(678)--71-78

Iowa DOT Agreement No.: 4-19-STBGU-001

CFDA No. and Title: 20.205 Highway Planning and Construction

This is an agreement between the City of Council Bluffs, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44 provide for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds. Federal regulations require Federal funds to be administered by the Department.

The Recipient has received Federal funding through the Surface Transportation Block Grant Program (STP). STP funds are available for construction, reconstruction, rehabilitation, resurfacing, restoration and operational or safety improvement projects on Federal-aid highways, bridges on any public road, and several other types of projects, as specified in 23 U.S.C. 133(b). Federal-aid highways include all Federal Functional Classifications, except for rural minor collectors or local roads.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STP funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact person will be the District 4 Local Systems Engineer. The Recipient's contact person shall be the Council Bluffs City Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STP project:

Grading, Paving and Culvert Replacement in the City of Council Bluffs, near State Orchard Rd. over creek from IA 92 north to greenview Rd.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STP funds. The portion of the project costs reimbursed by STP funds shall be limited to a maximum of either 80 percent of eligible costs or the amount stipulated in the Metropolitan Area Planning Agency current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less.
6. The Recipient shall pay for all project costs not reimbursed with STP funds.
7. If the project described in Section 3 drops out of the Metropolitan Area Planning Agency current TIP or the approved current STIP prior to obligation of Federal funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.

9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
10. It is the intent of both parties that no third party beneficiaries be created by this agreement.
11. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same agreement.
12. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written approval of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block (City Projects Only)

By _____ Date _____, 20____

Title of city official

I, _____, certify that I am the City Clerk of Council Bluffs, and
that _____, who signed said Agreement for and on behalf of the city was duly
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____
day of _____, 20_____.

Signed _____ Date _____, 20____

City Clerk of Council Bluffs, Iowa

County Signature Block (County Projects Only)

This agreement was approved by official action of the (County Name) County Board of Supervisors in official session
on the _____ day of _____, 20_____.

County Auditor

Chair, County Board of Supervisors

IOWA DEPARTMENT OF TRANSPORTATION
Highway Division

By _____ Date _____, 20____

Vincent L. Ehlert, P.E.
Local Systems Engineer
District 4

EXHIBIT 1
General Agreement Provisions for use of Federal Highway Funds on Non-primary Projects

1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: http://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm. The Recipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.
- b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Recipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Recipient agrees to comply with the requirements outlined in I.M. 1.070, Title VI and Nondiscrimination Requirements.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. To the extent allowable by law, the Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
- e. As required by the 2 CFR 200.501 "Audit Requirements," a non-Federal entity expending \$750,000 or more in Federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in Subpart F of 2 CFR 200. The Federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal Domestic Assistance (CFDA) number and title as shown on the first page of this agreement. If the Recipient will pay initial project costs and request reimbursement from the Department, the Recipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Recipient shall not report this project on its SEFA.
- f. The Recipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170,
- g. The Recipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:
 - i. The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
 - ii. The Recipient shall comply with the requirements of I.M. 5.010, DBE Guidelines.
 - iii. The Department's DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the

matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2. Programming and Federal Authorization.

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, Federal funds cannot be authorized.
- b. Before beginning any work for which Federal funding reimbursement will be requested, the Recipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Recipient shall submit a written request for FHWA authorization to the Department. After reviewing the Recipient's request, the Department will forward the request to the FHWA for authorization and obligation of Federal funds. The Department will notify the Recipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with Federal funds.
- c. Upon receiving FHWA Authorization, the Recipient must show federal aid funding activity to receive the programmed amount authorized for the project. If there are no funding activity for nine or more months after the previous activity, the remaining unused programmed amount will be de-obligated from the project and there will be no further federal aid reimbursement issued for the project. If the recipient knows in advance that funding activity will not occur for the nine months, the Contract Administrator needs to be notified to determine if programming of fund can be adjusted or other options can be explored.

3. Federal Participation in Work Performed by Recipient Employees.

- a. If Federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.330, Federal-aid Participation in In-House Services.
- b. If Federal reimbursement will be requested for construction performed by employees of the Recipient, the Recipient shall follow the procedures in I.M. 6.010, Federal-aid Construction by Local Agency Forces.
- c. If the Recipient desires to claim indirect costs associated with work performed by its employees, the Recipient shall prepare and submit to the Department an indirect cost rate proposal and related documentation in accordance with the requirements of 2 CFR 200. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the Federal agency providing the largest amount of Federal funds to the Recipient. If approved, the approved indirect cost rate shall be incorporated by means of an amendment to this agreement.

4. Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

- b. If the Recipient requests Federal funds for consultant services, the Recipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Recipient shall follow the procedures for selecting and using consultants outlined in I.M. 3.310, Federal-aid Participation in Consultant Costs.
- c. If Preliminary Engineering (PE) work is Federally funded, and if right-of-way acquisition or actual construction of the road is not started by the close of the tenth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay to the Department the amount of Federal funds reimbursed to the Recipient for such PE work. PE includes work that is part of the development of the PS&E for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.

5. Environmental Requirements and other Agreements or Permits.

- a. The Recipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Recipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in I.M. 3.020, Concept Statement Instructions, 4.030, Environmental Data Sheet Instructions, 4.020, NEPA Class of Action, and 4.120, Cultural Resource Regulations.
- b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Recipient shall follow the procedures in I.M. 4.170, Farmland Protection Policy Act.
- c. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the procedures in I.M. 4.130, 404 Permit Process, 4.140, Storm Water Permits, 4.190, Highway Improvements in the Vicinity of Airports or Heliports, and 4.160, Asbestos Inspection, Removal, and Notification Requirements.
- d. In all contracts entered into by the Recipient, and all subcontracts, in connection with this project that exceed \$100,000, the Recipient shall comply with the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Recipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

6. Right-of-Way, Railroads and Utilities.

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no Federal funds are used for right-of-way activities. The Recipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal funding for right-of-way acquisition, the Recipient shall also obtain FHWA authorization before purchasing any needed right-of-way.
- b. If the project right-of-way is Federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay the amount of Federal funds reimbursed for right-of-way costs to the Department.
- c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way, and I.M. 3.680, Federal-aid Projects Involving Railroads.

- d. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's Policy for Accommodating Utilities on Primary Road System. Certain utility relocation, alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal funding reimbursement. The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.
- e. If the Recipient desires Federal reimbursement for utility costs, it shall submit a request for FHWA Authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in I.M. 3.650, Federal-aid Participation in Utility Relocations.

7. Contract Procurement.

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

- a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- b. For projects let through the Department, the Recipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department
 - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents and return to Department.
- c. For projects that are let locally by the Recipient, the Recipient shall follow the procedures in I.M. 5.120, Local Letting Process - Federal-aid.
- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project shall not receive FHWA Authorization for construction or be advertised for bids until after the Department has reviewed and approved the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.
- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice the Iowa DOT has concurred in the contract award.

8. Construction.

- a. A full-time employee of the Recipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
- c. For projects let through the Department, the project shall be constructed under the Department's

Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <http://www.iowadot.gov/erl/current/IM/navigation/nav.htm>.

- d. For projects let locally, the Recipient shall provide materials testing and certifications as required by the approved specifications.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.
- f. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

9. Reimbursements.

- a. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1 if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the Federal share of construction costs or 5% of the total Federal funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any Federal or State funds received, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
 - 1) in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
 - 2) refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate State fund account in the amount of refunds received from the Recipient.

10. Project Close-out.

- a. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final audit, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid Projects. Failure to comply with the procedures will result in loss of federal fund, reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving federal fund on future projects until the Recipient has demonstrated responsible management of federal funds on roadway projects.

- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of Federal funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the Federal Government. Copies of these materials shall be furnished by the Recipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Recipient of the record retention date.
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.

**IOWA DEPARTMENT OF TRANSPORTATION
Federal-aid Agreement
for a Surface Transportation Program Project**

Recipient: City of Council Bluffs

Project No.: HDP-1642(680)--71-78

Iowa DOT Agreement No.: 4-19-STBGU-002

CFDA No. and Title: 20.205 Highway Planning and Construction

This is an agreement between the City of Council Bluffs, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44 provide for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds. Federal regulations require Federal funds to be administered by the Department.

The Recipient has received Federal funding through the Surface Transportation Block Grant Program (STP). STP funds are available for construction, reconstruction, rehabilitation, resurfacing, restoration and operational or safety improvement projects on Federal-aid highways, bridges on any public road, and several other types of projects, as specified in 23 U.S.C. 133(b). Federal-aid highways include all Federal Functional Classifications, except for rural minor collectors or local roads.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STP funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact person will be the District 4 Local Systems Engineer. The Recipient's contact person shall be the Council Bluffs City Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STP project:

Grading, Paving and Culvert Replacement in the City of Council Bluffs, near State Orchard Rd. over creek from IA 92 north to Greenview Rd.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STP funds. The portion of the project costs reimbursed by STP funds shall be limited to a maximum of either 80 percent of eligible costs or the amount stipulated in the Metropolitan Area Planning Agency current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less.
6. The Recipient shall pay for all project costs not reimbursed with STP funds.
7. If the project described in Section 3 drops out of the Metropolitan Area Planning Agency current TIP or the approved current STIP prior to obligation of Federal funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.

9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
10. It is the intent of both parties that no third party beneficiaries be created by this agreement.
11. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same agreement.
12. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written approval of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

City Signature Block (City Projects Only)

By _____ Date _____, 20____

Title of city official

I, _____, certify that I am the City Clerk of Council Bluffs, and
that _____, who signed said Agreement for and on behalf of the city was duly
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the _____
day of _____, 20____.

Signed _____ Date _____, 20____

City Clerk of Council Bluffs, Iowa

County Signature Block (County Projects Only)

This agreement was approved by official action of the (County Name) County Board of Supervisors in official session
on the _____ day of _____, 20____.

County Auditor

Chair, County Board of Supervisors

IOWA DEPARTMENT OF TRANSPORTATION
Highway Division

By _____ Date _____, 20____

Vincent L. Ehlert, P.E.
Local Systems Engineer
District 4

EXHIBIT 1

General Agreement Provisions for use of Federal Highway Funds on Non-primary Projects

1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: http://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm. The Recipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.
- b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Recipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Recipient agrees to comply with the requirements outlined in I.M. 1.070, Title VI and Nondiscrimination Requirements.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. To the extent allowable by law, the Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
- e. As required by the 2 CFR 200.501 "Audit Requirements," a non-Federal entity expending \$750,000 or more in Federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in Subpart F of 2 CFR 200. The Federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal Domestic Assistance (CFDA) number and title as shown on the first page of this agreement. If the Recipient will pay initial project costs and request reimbursement from the Department, the Recipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Recipient shall not report this project on its SEFA.
- f. The Recipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170,
- g. The Recipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:
 - i. The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
 - ii. The Recipient shall comply with the requirements of I.M. 5.010, DBE Guidelines.
 - iii. The Department's DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the

matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

2. Programming and Federal Authorization.

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, Federal funds cannot be authorized.
- b. Before beginning any work for which Federal funding reimbursement will be requested, the Recipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Recipient shall submit a written request for FHWA authorization to the Department. After reviewing the Recipient's request, the Department will forward the request to the FHWA for authorization and obligation of Federal funds. The Department will notify the Recipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with Federal funds.
- c. Upon receiving FHWA Authorization, the Recipient must show federal aid funding activity to receive the programmed amount authorized for the project. If there are no funding activity for nine or more months after the previous activity, the remaining unused programmed amount will be de-obligated from the project and there will be no further federal aid reimbursement issued for the project. If the recipient knows in advance that funding activity will not occur for the nine months, the Contract Administrator needs to be notified to determine if programming of fund can be adjusted or other options can be explored.

3. Federal Participation in Work Performed by Recipient Employees.

- a. If Federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.330, Federal-aid Participation in In-House Services.
- b. If Federal reimbursement will be requested for construction performed by employees of the Recipient, the Recipient shall follow the procedures in I.M. 6.010, Federal-aid Construction by Local Agency Forces.
- c. If the Recipient desires to claim indirect costs associated with work performed by its employees, the Recipient shall prepare and submit to the Department an indirect cost rate proposal and related documentation in accordance with the requirements of 2 CFR 200. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the Federal agency providing the largest amount of Federal funds to the Recipient. If approved, the approved indirect cost rate shall be incorporated by means of an amendment to this agreement.

4. Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.

- b. If the Recipient requests Federal funds for consultant services, the Recipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Recipient shall follow the procedures for selecting and using consultants outlined in I.M. 3.310, Federal-aid Participation in Consultant Costs.
- c. If Preliminary Engineering (PE) work is Federally funded, and if right-of-way acquisition or actual construction of the road is not started by the close of the tenth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay to the Department the amount of Federal funds reimbursed to the Recipient for such PE work. PE includes work that is part of the development of the PS&E for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.

5. Environmental Requirements and other Agreements or Permits.

- a. The Recipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Recipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in I.M. 3.020, Concept Statement Instructions, 4.030, Environmental Data Sheet Instructions, 4.020, NEPA Class of Action, and 4.120, Cultural Resource Regulations.
- b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Recipient shall follow the procedures in I.M. 4.170, Farmland Protection Policy Act.
- c. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the procedures in I.M. 4.130, 404 Permit Process, 4.140, Storm Water Permits, 4.190, Highway Improvements in the Vicinity of Airports or Heliports, and 4.160, Asbestos Inspection, Removal, and Notification Requirements.
- d. In all contracts entered into by the Recipient, and all subcontracts, in connection with this project that exceed \$100,000, the Recipient shall comply with the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Recipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

6. Right-of-Way, Railroads and Utilities.

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no Federal funds are used for right-of-way activities. The Recipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal funding for right-of-way acquisition, the Recipient shall also obtain FHWA authorization before purchasing any needed right-of-way.
- b. If the project right-of-way is Federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay the amount of Federal funds reimbursed for right-of-way costs to the Department.
- c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way, and I.M. 3.680, Federal-aid Projects Involving Railroads.

- d. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's Policy for Accommodating Utilities on Primary Road System. Certain utility relocation, alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal funding reimbursement. The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.
- e. If the Recipient desires Federal reimbursement for utility costs, it shall submit a request for FHWA Authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in I.M. 3.650, Federal-aid Participation in Utility Relocations.

7. Contract Procurement.

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

- a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- b. For projects let through the Department, the Recipient shall be responsible for the following:
 - i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
 - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department
 - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents and return to Department.
- c. For projects that are let locally by the Recipient, the Recipient shall follow the procedures in I.M. 5.120, Local Letting Process - Federal-aid.
- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project shall not receive FHWA Authorization for construction or be advertised for bids until after the Department has reviewed and approved the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.
- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice the Iowa DOT has concurred in the contract award.

8. Construction.

- a. A full-time employee of the Recipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
- c. For projects let through the Department, the project shall be constructed under the Department's

Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <http://www.iowadot.gov/erl/current/IM/navigation/nav.htm>.

- d. For projects let locally, the Recipient shall provide materials testing and certifications as required by the approved specifications.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.
- f. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

9. Reimbursements.

- a. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1 if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the Federal share of construction costs or 5% of the total Federal funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any Federal or State funds received, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
 - 1) in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
 - 2) refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate State fund account in the amount of refunds received from the Recipient.

10. Project Close-out.

- a. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final audit, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid Projects. Failure to comply with the procedures will result in loss of federal fund, reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving federal fund on future projects until the Recipient has demonstrated responsible management of federal funds on roadway projects.

- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of Federal funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the Federal Government. Copies of these materials shall be furnished by the Recipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Recipient of the record retention date.
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.

RESOLUTION
NO 19-26

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE IOWA DEPARTMENT OF TRANSPORTATION
FEDERAL AID AGREEMENT NOS. 4-19-STBGU-001 AND 4-19-STBGU-002
IN CONNECTION WITH
THE EASTERN HILLS DRIVE PROJECTS**

WHEREAS, the City wishes to make improvements known as the Eastern Hills Drive Segment D Box Culverts and Eastern Hills Drive Segment D Roadway within the city, as therein described; and

WHEREAS, Iowa Department of Transportation has submitted agreements for said improvements; and

WHEREAS, the city council deems approval of said agreements 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 federal aid agreements with Iowa Department of Transportation in connection with the Eastern Hills Drive Segment D Box Culverts and Eastern Hills Drive Segment D Roadway.

ADOPTED
AND
APPROVED

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Human Resources
Case/Project No.:
Submitted by: Brandon Garrett and Jon
Finnegan

Resolution 19-27
ITEM 5.E.

Council Action: 1/28/2019

Description

Resolution to abolish one Administrative Secretary and add one Community Development Technician.

Background/Discussion

The City of Council Bluffs was recently awarded a \$2.3M lead clean up grant from HUD. Of this, 8% can be used for City administrative costs (\$184,000 over three years). Along with the grant comes additional workload for our staff and administrative duties. The additional workload required to manage and administer this grant will require us to continue to increase our use of technology and become more and more effective and efficient in our operations. The additional skill sets required by this new position will allow us to do that.

The financial impact this year will reduce salary expense by a little more than \$6,000. In addition, the timing is right for this change because the individual in the Administrative Secretary position has presented her retirement paperwork, so no individual people will be negatively impacted by the change.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Job Description	Resolution	1/18/2019
Resolution 19-27	Resolution	1/23/2019



City of Council Bluffs

Job Description

Community Development Technician

Department: Community Development

Supervisor: Director of Community Development

Location: City Hall

FLSA Status: Non-exempt

Prepared By: Mallory Davis, Recruiter

Prepared Date: January 2019

Union: CWA

Summary: An employee in this class is responsible for all clerical and office management duties in the Community Development Department's Planning and Community Development Divisions. In addition, the employee is responsible for basic accounting and bill tracking assistance and producing analytical reports related to department activity. Work is performed under general supervision with incumbent exercising a high level of independent judgment.

Essential Duties and Responsibilities: includes the following.

- Performs secretarial and office management duties:
 - Acts as receptionist for Planning and Community Development Divisions
 - Responds to public inquiries on the phone and in person providing information about the divisions within the department
 - Screens and handles questions, concerns, and complaints made by employees and the general public
 - Updates and maintains department websites and intranet
 - Monitors quality control and quality public service for the department
 - Maintains the office filing system in compliance with federal, state, and local laws; codes; and ordinances
 - Maintains an inventory of necessary office supplies
 - Handles incoming and outgoing mail and inter-office correspondence

- Compiles information and statistics; produces reports; performs analyses; and makes recommendations for improvement:

- Processes and prepares bills for payment
- Maintains division(s) records of purchases and analyzes spending trends
- Prepares a variety of materials including letters, reports, forms, and statistical material
- Sets up spreadsheets, charts, and other graphic materials
- Tracks a variety of metrics and prepares regular activity reports
- Maintains confidentiality of records including but not limited to companies and persons involved in economic development projects
- Types and files grievance information concerning the City and issues involving responses to code enforcement actions
- Provides assistance and support to Community Development and Planning Divisions:
 - Prepares and processes confidential personnel information dealing with hiring, coaching, and disciplinary action
 - Assists in preparing materials that will be presented to City Council
 - Assists with maintaining accurate records on projects
 - Assists with preparing and processing applications for state and federal agencies
 - Assists with preparing and maintaining plans, reports, and studies
 - Assists with monitoring project and program budgets
 - Assists with completing financial reports and budget preparation
 - Assists with processing applications for housing assistance
- Reviews records and materials received from other departments for accuracy and/or compliance with City policy and procedure
- Regular and predictable attendance is required
- Other duties as assigned

Supervisory Responsibilities:

This job has no supervisory responsibilities.

Qualifications:

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

Education and/or Experience:

- Bachelor's Degree in Business, Finance, Accounting, Marketing, Public Administration, or a related field
- Three (3) years of office management or related experience
- Any equivalent combination of education and experience which provides the required knowledge, skills, and abilities

Certificates, Licenses, Registrations:

- None required

Physical Demands:

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

Other Skills and Abilities:

- Considerable knowledge of general office machines and procedures
- Demonstrated proficiency with Microsoft office applications
- Good knowledge of basic recordkeeping and filing procedures
- Understanding of City policies
- Ability to learn new skills in an evolving workplace
- Ability to work independently with initiative
- Ability to produce analytical reports
- Ability to make recommendations for improvements
- Ability to maintain effective interpersonal relationships with the public and City staff
- Ability to work efficiently and accurately with numbers and codes
- Ability to perform arithmetic computation and arithmetic reasoning
- Ability to compose and edit documents including good knowledge of spelling, office vocabulary, and grammar

RESOLUTION 19-27

**A RESOLUTION MAKING CHANGES TO THE POSITIONS ASSIGNED TO THE
COMMUNITY DEVELOPMENT DEPARTMENT**

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

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

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

Abolish one (1) Administrative Secretary position effective March 2, 2019.

Add one (1) Community Development Technician position effective January 28, 2019.

Adopted
and
Approved

January 28, 2019

MATTHEW WALSH, MAYOR

JODI QUAKENBUSH, CITY CLERK

Council Communication

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

Resolution 19-28
ITEM 5.F.

Council Action: 1/28/2019

Description

Resolution to allow Pottawattamie County Emergency Management to occupy the space known currently as Community Hall for the purpose of establishing a countywide Emergency Operations Center and authorize City Staff to execute such agreement.

Background/Discussion

The Council Bluffs Fire Department is requesting to partner with the Pottawattamie County Emergency Management Agency hereinafter referred to as "EMA" for the establishment of a countywide multi-jurisdictional Emergency Operations Center hereinafter referred to as "EOC".

The EOC would be constructed and operated in the space currently used as Community Hall within CBFD's Central Station. It has long been determined by the EMA Commission that the current space being utilized is insufficient and inadequate to function as a command center in the event of a large scale incident. As you are aware Community Hall was utilized as a functioning command center throughout the 2011 flood. It is the opinion of the Commission and City Staff that it makes the most sense to locate a permanent command center within that location.

Due to most emergencies not being foreseen it is vital to have a Command Center that is turn-key and that can be staffed at a moment's notice. Through multiple conversations with the EMA Commission and EMA staff it was determined that it makes the most sense to establish the command center at the proposed location. This will increase the capabilities of all public safety agencies within Pottawattamie County, all while ensuring the taxpayers that their funds are spent in the most efficient way possible. This project has been projected to cost roughly \$340,000.00 and will be funded with dollars from multiple divisions of the government. The diagram below shows all monies allocated at this time. EMA staff also plans to reach out to local foundations to ask for assistance with the project. As part of this project a sprinkler main will be brought into the building and the Community Hall level will be fully outfitted with a sprinkler system. This installation will allow for future expansion of the sprinkler system throughout the building. The construction of this EOC will allow for expansion of the EMA's ability to partner with both public and private entities along with providing more efficient means of recovery within Pottawattamie County.

U.S. Homeland Security	\$100,000.00
Pott. Co. Board of Supervisors	\$140,000.00
Pott Co. Attorney's Office	\$25,000.00
EMA Fund Balance	\$45,000.00
Contingency (10%)	\$30,000.00
Total Raised so far:	\$310,000.00

Recommendation

At this time it is our request to allow the City to enter into the proposed agreement for the purpose of establishing a Countywide Multi-jurisdictional Emergency Operations Center.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-28	Resolution	1/23/2019

RESOLUTION NO. 19-28

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS TO RENOVATE, MAINTAIN, AND UTILIZE A CITY FACILITY WITH THE POTTAWATTAMIE COUNTY EMERGENCY MANAGEMENT COMMISSION AND AGENCY.

WHEREAS, the City of Council Bluffs hereinafter referred to as “City” and the Pottawattamie County Emergency Management Commission and Agency hereinafter referred to as “EMA” for the establishment of a county wide multi-jurisdictional Emergency Operations Center hereinafter referred to as “EOC” have agreed to allow “EMA” to renovate the former basement level of the Council Bluffs Community Hall space located at 205 S. Main St., Council Bluffs, IA which is the basement level of the Council Bluffs Fire Department Headquarters for the purpose of establishing an “EOC”

WHEREAS, to establish the rights and obligations of the two parties regarding the renovation of the space, maintenance, utilization, and continued rights to the use of this space; the following terms are hereby agreed to:

1. The “EMA” will be responsible for the costs to renovate the basement level of fire headquarters to establish an “EOC” in areas agreed to by the Fire Chief and EMA Director, which includes, but is not limited to the former community hall room, fire marshal’s office, the northeast storage room, restrooms of the basement level, and kitchen. All desired renovations are subject to approval by the “City”
2. As part of the renovations the “EMA” will include installation of a water main, sprinkler riser to the basement level, and fire sprinklers throughout the basement level of the facility. This installation shall be made in a manner in which the “City” can tie into the system to add on the riser in order to install sprinklers in the remainder of the facility at a later date as determined by the “City”.
3. The “EMA” shall be given the right to occupy, utilize, and enhance the space for an “EOC” rent-free for the duration of this agreement.
4. All facility utilities shall be the responsibility of “City”. This commitment by the “City” is based upon the belief that the “EMA” has on the facility’s utility expenses will be nominal. If at some point throughout this agreement it is determined that the use of the facility by “EMA” is having significant impact on utility expenses the parties agree to negotiate in good faith to establish a fair contribution rate for the utilities by “EMA”.
5. All facility and grounds maintenance costs shall be the responsibility of “City”.
6. Any support services provided by the “City” such as, but not limited to telephone service and information technology services shall be negotiated and approved by the EMA Director and appropriate City Department Director, inclusive of any fees or service charges, separate from this agreement.
7. The “City” will maintain insurance on the structure and the grounds, which will include both property and general liability. The “EMA” 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.
8. The “EMA” shall make available to the “City” the “EOC” for use regarding special meetings, trainings, or other requested purposes so in that the space is not already being utilized for scheduled “EMA” business or emergency and disaster response and recovery operations.
9. Right to terminate. “EMA” shall have the absolute right to occupy its designated space in the facility for 20 years. After 20 years, the “City” may terminate the “EMA” right to occupy by

giving 5 year's written notice of its intent to do so. This will allow the "EMA" adequate and necessary time for alternate space and financial planning. At any time the "EMA" may notify the "City" of its intent to vacate the facility. In either case regarding termination, no party to this agreement shall be liable to the other for any financial compensation for vacating the facility. This method of termination shall remain in place until both parties agree that the condition of the facility no longer makes the identified space functional for use as an "EOC". The time period set out above will be calculated based upon the date that occupancy is granted for the space.

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

That the Mayor is hereby authorized to enter into such agreement with the Pottawattamie County Emergency Management Commission and Agency for the purpose of establishing a multi-jurisdictional Emergency Operations Center "EOC".

ADOPTED
AND
APPROVED

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Liquor License Renewals
ITEM 6.A.

Council Action: 1/28/2019

Description

- 1) AMC Theatres, 3220 23rd Avenue
- 2) CVS Pharmacy, 545 W Washington
- 3) Fas Mart, 503 9th Avenue
- 4) Fas Mart, 611 East Broadway

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[Applications](#)

Type

Other

Upload Date

1/23/2019



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BUILDING <u>se</u>	Issued _____	
ZONING <u>12</u>	Expires _____	
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➤ License

➤ Privileges

➤ **Applicant**

➤ Status Of Business

➤ Ownership

➤ Criminal History

➤ Premises

➤ General Premises

➤ Applicant Signature

➤ Dram Cert

➤ Local Endorse

➤ History

Applicant LC0039746, AMC Theatres Council Bluffs 17, 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): American Multi-Cinema, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): AMC Theatres Council Bluffs 17

Address of Premise: 3220 23rd Ave.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (913) 213-2583

Cell / Home Phone:

Same Address

Mailing Address: 11500 Ash Street

Mailing Address Line 2:

City: Leawood

State: Kansas

Zip: 66211

Contact Name: Jackie Wasinger; Nick Cooper

Phone: (913) 213-2583

Email Address: AlcoholLicensing@amctheatr

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Council _____		

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Applicant LE0001768, CVS/pharmacy # 4816, Council Bluffs

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

Corporation Name/Sole Proprietor Name/Partnership Name(s): Iowa CVS Pharmacy, L.L.C. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): CVS/pharmacy # 4816

Address of Premise: 545 W. Washington St.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (401) 765-1500

Cell / Home Phone:

Same Address

Mailing Address: One CVS Drive

Mailing Address Line 2: Licensing Dept/ MC #1160

City: Woonsocket

Zip: 02895

State: Rhode Island

Contact Name: Cathy Tardie

Phone: (401) 770-3355

Email Address: cathy.tardie@cvshealth.com

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FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>SC</u>	Issued _____	
ZONING <u>CA</u>	Expires _____	
Council _____		

> License

> Privileges

> **Applicant**

> Status Of Business

> Ownership

> Criminal History

> Premises

> General Premises

> Applicant Signature

> Local Endorse

> History

Applicant BC0030500, Fas Mart #552, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): GPM Midwest 18, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Fas Mart #552

Address of Premise: 503 9th Avenue

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 323-3433

Cell / Home Phone:

Same Address

Mailing Address: 8565 Magellan Parkway

Mailing Address Line 2: STE 400

City: RICHMOND

Zip: 23227

State: Virginia

Contact Name: Maria Simonchyk

Phone: (804) 730-1568

Email Address: licensing@gpminvestments.c

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BUILDING <u>SL</u>	Issued _____	
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Applicant BC0030501, Fas Mart #553, Council Bluffs

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

Corporation Name/Sole Proprietor Name/Partnership Name(s): GPM Midwest 18, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Fas Mart #553

Address of Premise: 611 East Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 323-7237

Cell / Home Phone:

Same Address

Mailing Address: 8565 MAGELLAN PARKWAY

Mailing Address Line 2: SUITE 400

City: RICHMOND

Zip: 23227

State: Virginia

Contact Name: Maria Simonchyk

Phone: (804) 730-1568

Email Address: licensing@gpminvestments.c

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Council Communication

Department: Public Works Admin
Case/Project No.: PW 19-20
Submitted by: Matthew Cox, City Engineer

Resolution 19-22
ITEM 4.I.

Council Action: 1/28/2019

Description

Resolution approving the plans and specifications for the West Broadway Reconstruction, Segment 3. Project # PW19-20

Background/Discussion

West Broadway is major arterial street and critical to the City's roadway network. It serves as a significant commercial corridor and commuter route and its reconstruction is an essential part of the economic redevelopment plan for the west end of Council Bluffs. There is also a strong community desire to enhance the aesthetics of the corridor and to create a connection between the River's Edge development and downtown Council Bluffs.

Segment 1 from 36th Street to 33rd Street which included the replacement of pavement, traffic signals, street lights, sidewalks, storm sewers and streetscape amenities is complete.

Segment 2 from 33rd Street to 28th Street which included the replacement of pavement, traffic signals, street lights, sidewalks, storm sewers and streetscape amenities is substantially complete.

Segment 3 of the reconstruction project will completely rebuild West Broadway from 28th Street to just west of 24th Street including the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers with drainage improvements as a major objective. The project also includes streetscape amenities such as decorative pedestrian lights, brick paver bands behind the curbs and at intersections, ornamental fencing, ornamental arms for street lights, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, raised planted medians, neighborhood masonry columns, and trees.

As a condition of the Transfer of Jurisdiction, Iowa DOT has provided \$20 million in funding for assuming ownership of the roadway previously identified as US-6. This project is included in the FY19 CIP with a revised budget of \$4,000,000 in IDOT funding, \$1,765,000 from GO Bonds, and the balance in Sales Tax Funds. The Iowa West Foundation has agreed to provide funding for the streetscape amenities which are estimated to be \$1,462,275. Construction costs for all project improvements are estimated to be \$6,912,900.

The project schedule is as follows:

Hold Public Hearing	January 28, 2019
Bid Letting	February 26, 2019
Award	March 11, 2019
Construction Start	April 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 19-22	Resolution	1/21/2019

RESOLUTION
NO 19-22

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
WEST BROADWAY RECONSTRUCTION, SEGMENT 3
PROJECT #PW19-20**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the West Broadway Reconstruction, Segment 3; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on January 28, 2019.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the West Broadway Reconstruction, Segment 3 Project.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

January 28, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk