

Review Agenda

Executive Session



City Council Meeting Minutes August 12, 2019

REVISED: 08/09/2019 at 8:25 am to add Resolution 19-191

CALL TO ORDER

Mayor Walsh called the meeting to order on Monday August 12, 2019 at 7:00 p.m.

Council Members present: Melissa Head, Roger Sandau, Nate Watson, Sharon White and Mike Wolf.

Staff Present: Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

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

Reading, correction and approval of the July 22, 2019 and July 31, 2019 City Council Meeting Minutes.

Resolution 19-178

Resolution setting a Public Hearing for August 26, 2019 at 7:00 p.m. for the Mid-America Center Parking Lots Rehab, Phase 2. BM20-01

Resolution 19-179

Resolution accepting the work of Compass Utility LLC as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Franklin Avenue Sidewalk. PW16-09

Resolution 19-180

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-014

Resolution 19-181

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-015

Resolution 19-182

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition. Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street. OTB-19-016

Resolution 19-183

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 11 and 12, Block 8, Pierce's Subdivision. Location: property formerly addressed as 1828 7th Avenue. OTB-19-022

Resolution 19-191

Resolution approving submission of a Resource Enhancement and Protection Grant in the amount of \$176,077 to establish a Habitat and Pollinator Corridor on land currently unimproved near and within Valley View Park.

Offer to Buy

Claims

Mayor's Appointments

Dodge Trust Board of Trustees
Parks and Recreation Commission

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

MAYORS PROCLAMATIONS

A. American Wind Week

PUBLIC HEARINGS

Ordinance 6393

Ordinance amending Section 15.05.030(02) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amending Section 5.05.050 to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

Sharon White and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6393, per Planning Commission recommendations.. 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 6394

Ordinance amending Chapter 15.08A, R-1E/Single-Family Residential Estates District, of the Municipal Code (Zoning Ordinance) by amending Section 15.08A.050 "Site Development Regulations" to increase the maximum lot coverage for all structures from 10% to 20%, and amending Section 15.08A.060(01) "Additional Regulations, Private Sewage Disposal System" by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Nate Watson and Sharon White moved and seconded approval of Second Consideration of Ordinance 6394, per Planning Commission recommendations.. , 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.

Resolution 19-184

Resolution to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H.

Roger Sandau and Melissa Head moved and seconded approval of Resolution 19-184. Unanimous, 5-0 vote.

ORDINANCES ON 2ND READING

Ordinance 6395

Ordinance to amend Chapter 8.21 - Theft of the 2015 Municipal Code, by amending Section 8.21.030 "Value" and Section 8.21.042 "Computer Theft".

Melissa Head and Roger Sandau moved and seconded approval of Second Consideration of Ordinance 6395. 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 6396

An ordinance to amend Chapter 8.44 - Property Damage of the 2015 Municipal Code, by amending Section 8.44.010 "Criminal Mischief".

Roger Sandau and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6396. 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.

RESOLUTIONS

Resolution 19-185

Resolution to adopt the current Schedule of Fees for 2019, Version 3, dated 8-12-19

Heard from Jeff & Sara from Verizon.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-185. Unanimous, 5-0 vote.

Resolution 19-186

Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Council Bluffs and Pottawattamie County with regard to the Byrne Justice Assistance Grant (JAG) Program Award

Roger Sandau and Melissa Head moved and seconded approval of Resolution 19-186. Unanimous, 5-0 vote.

Resolution 19-187

Resolution authorizing the Mayor to execute the Road Improvements Development and Escrow Agreement with C1-Council Bluffs, LLC.

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-187. Unanimous, 5-0 vote.

Resolution 19-188

Resolution accepting the bid of McGinnis Construction Inc. in the amount of \$158,844.00 for the Community Development Renovation Project. Project No. B-19-90

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-188. Unanimous, 5-0 vote.

Resolution 19-189

Resolution accepting the bid of Compass Utility, LLC in the amount of \$1,155,887.61 for the East Manawa Sewer Rehab, Phase VIII.
Project # PW20-09

Nate Watson and Sharon White moved and seconded approval of Resolution 19-189. Unanimous, 5-0 vote.

Resolution 19-190

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the Gifford Road Reconstruction, Phase III. Project #PW20-24

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-190. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses

1. Aldi, 3135 Manawa Centre Dr
2. Atherton Automotive Service, 2900 W Broadway
3. Avenue G Store, 1602 Avenue G
4. Council Bluffs TravelCenter, 3210 S 7th St
5. D&S Xpress, 2924 N Broadway
6. D&S Xpress, 1220 N 25th St
7. Fast Break Sports Iowa, LLC, 5 Arena Way
8. Huhot Mangolian Grill, 3120 Manawa Centre Dr
9. Kwik Shop #595, 1749 W Broadway
10. La Mesa Mexican Restaurant, 3036 S Expressway
11. Lipstix, 1501 N 16th St
12. The Quarhouse, 107 Pearl St
13. Tobacco Hut & Liquor, 3134 Manawa Centre Dr, #9
14. Wal-Mart Supercenter #1965, 3200 Manawa Centre Dr

Cigarette Permits

Noise Variance Request

Railway Inn requesting two dates:

1. 8.17.19, 8:00p - 11:00p
2. 8.30.19, 8:00p - 11:00p

Roger Sandau and Melissa Head moved and seconded approval of Applications for Permits & Cancellations, Items 8A 1-14, 8B & 8C. Unanimous, 5-0 vote.

OTHER BUSINESS

CITIZENS REQUEST TO BE HEARD

Heard from:

Martha Fajardo, 3221 Middle Ferry Road

Dave Bailey, 235 Lincoln Avenue

Head moved to Receive & File, second by Watson. 5-0 Vote Unanimous.

Michelle Kobel, 365 Lincoln Avenue

Dontirso Fajardo, 3221 Middle Ferry Road

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:29 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: 8/12/2019

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the July 22,
2019 and July 31, 2019 City Council Meeting
Minutes.
ITEM 3.B.

Council Action: 8/12/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[7-22-19 minutes](#)

[7-31-19 Special Meeting Minutes](#)

Type

Other

Other

Upload Date

8/2/2019

8/2/2019



City Council Meeting Minutes July 22, 2019

CALL TO ORDER

Mayor Matthew Walsh called the meeting to order on Monday July 22, 2019 at 7:00 p.m.

Council Members present: Melissa Head, Roger Sandau, Nate Watson, Sharon White and Mike Wolf.

Staff Present: Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

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

Reading, correction and approval of the July 8, 2019 City Council Meeting Minutes.

Ordinance 6393

Ordinance, setting a Public Hearing for August 12, 2019 at 7:00 p.m. to amending Section 15.05.030(02) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amending Section 5.05.050 to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

Ordinance 6394

Ordinance, setting a Public Hearing for August 12, 2019 at 7:00 p.m. to amend Chapter 15.08A, R-1E/Single-Family Residential Estates District, of the Municipal Code (Zoning Ordinance) by amending Section 15.08A.050 "Site Development Regulations" to increase the maximum lot coverage for all structures from 10% to 20%, and amending Section 15.08A.060(01) "Additional Regulations, Private Sewage Disposal System" by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Resolution 19-170

Resolution of intent to vacate and setting a Public Hearing for August 12, 2019 at 7:00 p.m. the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H.

Resolution 19-171

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY19.

May FY19 Financial Reports & Claims

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

PUBLIC HEARINGS

Resolutions 19-139 through 19-144 (Continued from 7-8-19)

Resolutions of intent to dispose of City properties formerly addressed as 401, 409, 431, 435, 437, and 441 Park Avenue. Location: South of Pomona Avenue on the East side of Park Avenue. OTB-19-005 through OTB-19-010

Nate Watson and Sharon White moved and seconded approval of Resolutions 19-139 through 19-144, as amended. Approval subject to the presentation by the proposed developer and approval of same by Community Development and other parts of the City who's necessary approval is part of the process, need to be obtained subject to said administration finding that the newly submitted conceptual drawings demonstrate the following: 1) Roughly every other duplex is of a Victorian character and those duplexes in between are of a complementary early 20th century character. For example purposes only arts & craft, foursquare and eclectic styles; and 2) Relative staff make a determination that the proposed conceptual drawings are not only consistent with the existing neighborhood but are consistent with the Federal Secretary of Interiors standards for historic preservation for neighborhoods listed in the national registry of historic places. Unanimous, 5-0 vote.

Resolution 19-172

Resolution approving the authorization for right-of-way in connection with the West Broadway Reconstruction, Segment 4. Project # PW20-20

Sharon White and Melissa Head moved and seconded approval of Resolution 19-172. Unanimous, 5-0 vote.

Resolution 19-173

Final plat approval of a 12-lot residential subdivision to be known as Forest Glen Subdivision, Phase VI, legally described as Outlot 1, Forest Glen Subdivision, Phase V, and a parcel of land located in part of the SW1/4 SE1/4 of Section 33-75-43.

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-173. Unanimous, 5-0 vote.

ORDINANCES ON 1ST READING

Ordinance 6395

Ordinance to amend Chapter 8.21 - Theft of the 2015 Municipal Code, by amending Section 8.21.030 "Value" and Section 8.21.042 "Computer Theft".

Roger Sandau and Nate Watson moved and seconded approval of First Consideration of Ordinance 6395. Second Consideration will be August 12, 2019 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6396

An ordinance to amend Chapter 8.44 - Property Damage of the 2015 Municipal Code, by amending Section 8.44.010 "Criminal Mischief".

Melissa Head and Mike Wolf moved and seconded approval of First Consideration of Ordinance 6396. Second Consideration will be August 12, 2019 at 7:00 p.m.. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 19-174

Resolution to approve a Memorandum of Understanding with the Metropolitan Area Planning Agency (MAPA) for the 1st Avenue Transit Alternatives Study.

Nate Watson and Melissa Head moved and seconded approval of Resolution 19-174. Unanimous, 5-0 vote.

Resolution 19-175

Resolution accepting the bid of Valley Corporation, Inc. in the amount of \$1,260,321.67 for the Levee Certification Project, Geotechnical MR_5. Project #FY15-06C

Sharon White and Mike Wolf moved and seconded approval of Resolution 19-175. Unanimous, 5-0 vote.

Resolution 19-176

Resolution accepting the bid of Huffman Engineering, Inc. in the amount of \$221,300.00 for the SCADA Upgrade, Phase 1 (WPCP). Project #PW17-23

Mike Wolf and Melissa Head moved and seconded approval of Resolution 19-176. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses; 1) Dollar General Store #1574, 2731 E Kanessville Blvd, 2) Harrah's Council Bluffs Casino & Hotel, One Harrah's Blvd, 3) Promise 4 Paws, 1027 S 3rd Street (special event), 4) Queen of Apostles Church, 3304 4th Ave, 5) Springhill Suites Council Bluffs, 3216 Plaza View Dr
Cigarette Permits & Noise Variance Request

Roger Sandau and Sharon White moved and seconded approval of Applications for Permits and Cancellations, Items 7A 1-5, 7B & 7C. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from:

- 1) Richard Rohrberg, 516 North 38th Street, speaking against fireworks
- 2) Bruce Kelly, 864 McKenzie Avenue, regarding bike trail and extra lane on Kanessville

Council Member White thanked the Council Bluffs residents who have volunteered the last few weekends for Railroad days and Ragbrai. Events like this would not be possible without all the kind volunteers.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:43 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



City Council Special Meeting Minutes July 31, 2019

CALL TO ORDER

Sharon White, Mayor pro tem call the meeting to order on Wednesday July 31, 2019 at 6:00 p.m.

Council Members present via telephone: Melissa Head, Rogers Sandau and Nate Watson.

Council Members absent: Mike Wolf.

Staff present: Richard Wade, Jodi Quakenbush and Tim Carmody.

RESOLUTIONS

Resolution 19-177

Resolution Authorizing the Increase of the Mayor's Change Order
Authority for the Police Department Headquarter's Project

Tim Carmody explained the details of his request. Council held a discussion.

Sharon White and Melissa Head moved and seconded approval of Resolution 19-177. Voice Vote, 4-0 vote.

(Absent: Wolf)

ADJOURNMENT

Sharon White, Mayor pro tem adjourned the meeting at 6:28 p.m.

(Absent: Wolf)

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.

Sharon White, Mayor pro tem

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM20-01
Submitted by: Matthew Cox, Public Works
Director

Resolution 19-178
ITEM 3.C.

Council Action: 8/12/2019

Description

Resolution setting a Public Hearing for August 26, 2019 at 7:00 p.m. for the Mid-America Center Parking Lots Rehab, Phase 2. BM20-01

Background/Discussion

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.

Phase 1 is complete and included the lot south of the convention center and a portion of the west lot adjacent to the Social Security Office.

Phase 2 will include the parking lot just west of the south parking lot for the convention center.

This project was included in the FY20 CIP with a budget of \$700,000 from the General Fund and \$125,000 in GO Bond funding.

The project schedule is as follows:

Set Public Hearing	August 12, 2019
Hold Public Hearing	August 26, 2019
Bid Letting	September 10, 2019
Award	September 23, 2019
Construction Start	October 2019

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Other	8/1/2019
Map	Map	8/1/2019
Resolution 19-178	Resolution	8/5/2019

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
Mid-America Center Parking Lots Rehab, Phase 2
Project #BM20-01

A public hearing will be held on August 26, 2019 at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the Mid-America Center Parking Lots Rehab, Phase 2 project. The project will include construction of 10,990 square yards of concrete pavement, 10,990 square yards pavement removal and 8,000 lineal feet parking lot striping. At said hearing, any interested person may appear and file objections to such plans and specifications.

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

BM 20-01
MID-AMERICA CENTER
PARKING LOT REHAB PH II

MID-AMERICA
CENTER

PH I
LOCATION

PH II
PROJECT LOCATION

PH I
LOCATION



PLAZA VIEW DR

BASS PRO DR

HORSESHOE

MARC BLVD

Legend

-  BM 20-01
-  BM19-01

RESOLUTION
NO 19-178

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
MID-AMERICA CENTER PARKING LOTS REHAB, PHASE 2
PROJECT #BM20-01**

WHEREAS, the City wishes to make improvements known as the
Mid-America Center Parking Lots Rehab, Phase 2
within the City, as therein described; and

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

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

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Mid-America Center Parking Lots Rehab, Phase 2.

ADOPTED
AND
APPROVED

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW16-09
Submitted by: Matthew Cox, Public Works
Director

Resolution 19-179
ITEM 3.D.

Council Action: 8/12/2019

Description

Resolution accepting the work of Compass Utility LLC as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Franklin Avenue Sidewalk. PW16-09

Background/Discussion

The Franklin Avenue Sidewalk project constructed a sidewalk on the south side of Franklin Avenue from Valley View Drive to Kingsridge Drive.

There was not a sidewalk on either side of Franklin Avenue from Valley View Drive to Kingsridge Drive. The new sidewalk provides a safe path for pedestrians from the neighborhoods east of Valley View Drive to the existing trail along Valley View Drive.

Pedestrians used to have to walk on Franklin Avenue, resulting in an unsafe condition because of the limited sight distance caused by the curvature of the road. The new sidewalk passes under the IAIS railroad bridge which required construction of a retaining wall.

This project was included in the FY16 CIP with a budget of \$200,000 in Sales Tax Funds.

	Division I	Division II	
	<u>General</u>	<u>Pavement</u>	<u>Total</u>
Original Contract Amount	\$240,195.56	\$25,104.61	\$265,300.17
Change Orders (-28.3%)	(\$77,912.80)	\$2,924.41	(\$74,988.39)
Final Contract Amount	\$162,282.76	\$28,029.02	\$190,311.78
Less Previous Payments	\$154,168.62	\$26,627.57	\$180,796.19
Retainage Due Contractor	\$8,114.14	\$1,401.45	\$9,515.59

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

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Resolution 19-179](#)

Type

Resolution

Upload Date

8/5/2019

RESOLUTION
NO 19-179

**RESOLUTION ACCEPTING THE WORK OF
COMPASS UTILITY LLC IN CONNECTION WITH
FRANKLIN AVENUE SIDEWALK
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$9,515.59
PROJECT #PW16-09**

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Compass Utility LLC, Council Bluffs, IA for the Franklin Avenue Sidewalk; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and

WHEREAS, a request for final payment in the amount of \$9,515.59 to Compass Utility LLC has been submitted to the city council for approval and payment; and

WHEREAS, final payment is due 30 days after acceptance of the work; and

WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$9,515.59 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$9,515.59 payable to Compass Utility LLC from budget codes Division I, S36000-676000; Division II, S36000-676200; Project #1609X.

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

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-014
Submitted by: Chris Meeks, Planner

Resolution 19-180
ITEM 3.E.

Council Action: 8/12/2019

Description

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-014

Background/Discussion

See attachments.

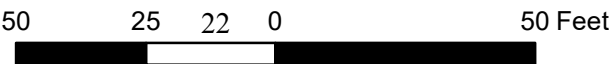
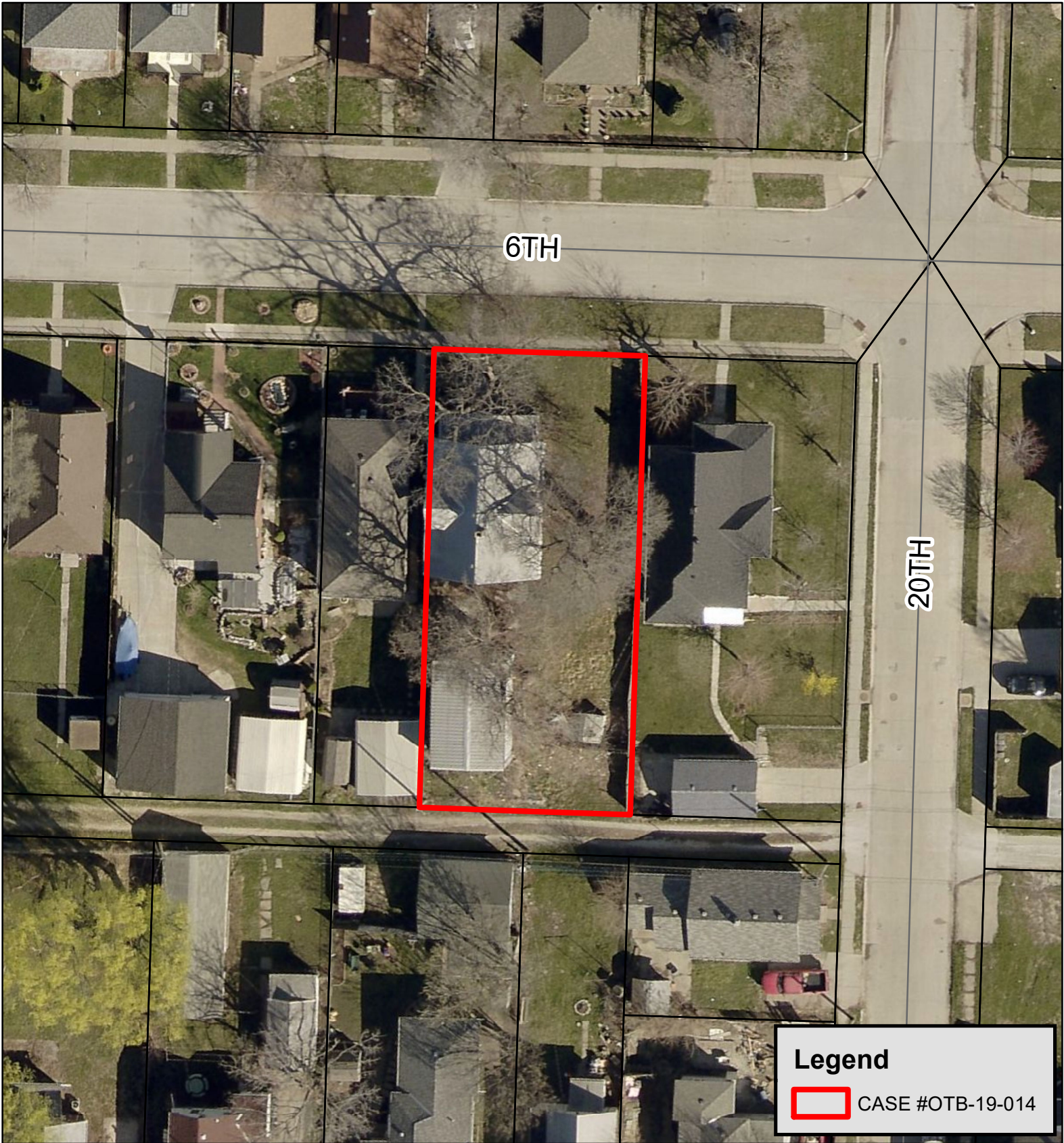
Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-19-014 Staff Report	Other	8/2/2019
OTB-19-014 Attachment A	Map	8/2/2019
OTB-19-014 Attachment B	Other	8/2/2019
OTB-19-014 Public Hearing Notice	Other	8/2/2019
Resolution 19-180	Resolution	8/5/2019

Council Communication

Department: Community Development CASE #OTB-19-014 Applicant: Susan Kemp 8205 Read Street Omaha, NE 68122	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019		
Subject/Title				
Request of Susan Kemp to purchase property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2007 6 th Avenue.				
Background/Discussion				
<p>The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$12,159.00. The applicant wishes to acquire the lot to construct a new residential dwelling for her personal use. The applicant has offered \$12,250.00 to purchase the property, and has submitted a \$1,225.00 down payment. The applicant has asked that the remaining value beyond the down payment be forgiven upon the construction of a single family dwelling within 2 year of the date of approval. The property is eligible for a forgivable mortgage as it has been on the City Property Disposal list for greater than 24 months.</p> <p>The following costs have been incurred on this property: Permits and Inspections Division: \$19,000.00- Demolition</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">Total</td> <td style="border-bottom: 1px solid black; text-align: right;">\$19,000.00</td> </tr> </table> <p>The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.</p> <p>There is a competing offer with on this same property that has been assigned the case number of #OTB-19-015. The competing offer is from NeighborWorks Home Solutions who also proposes to construct a single family dwelling on the property. The two offers are currently scheduled to be reviewed at the same public hearing.</p>			Total	\$19,000.00
Total	\$19,000.00			
Recommendation				
The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa on the August 26, 2019 City Council Meeting.				
Attachment A: Location map Attachment B: Front Elevation of the Home as proposed by the Applicant				
Prepared By: Chris Meeks, Planner, Community Development Department				





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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 26th day of August, 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

CWM

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

RESOLUTION NO. 19-180

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 3 AND 4, BLOCK 5, VAN BRUNT AND RICE'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from Susan Kemp to purchase the City owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for August 26, 2019.

ADOPTED
AND
APPROVED:

August 12, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-014)

Council Communication

Department: Community Development
Case/Project No.: OTB-19-015
Submitted by: Chris Meeks, Planner

Resolution 19-181
ITEM 3.F.

Council Action: 8/12/2019

Description

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition. Location: formerly 2007 6th Avenue. OTB-19-015

Background/Discussion

See attachments.

Recommendation

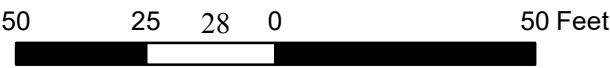
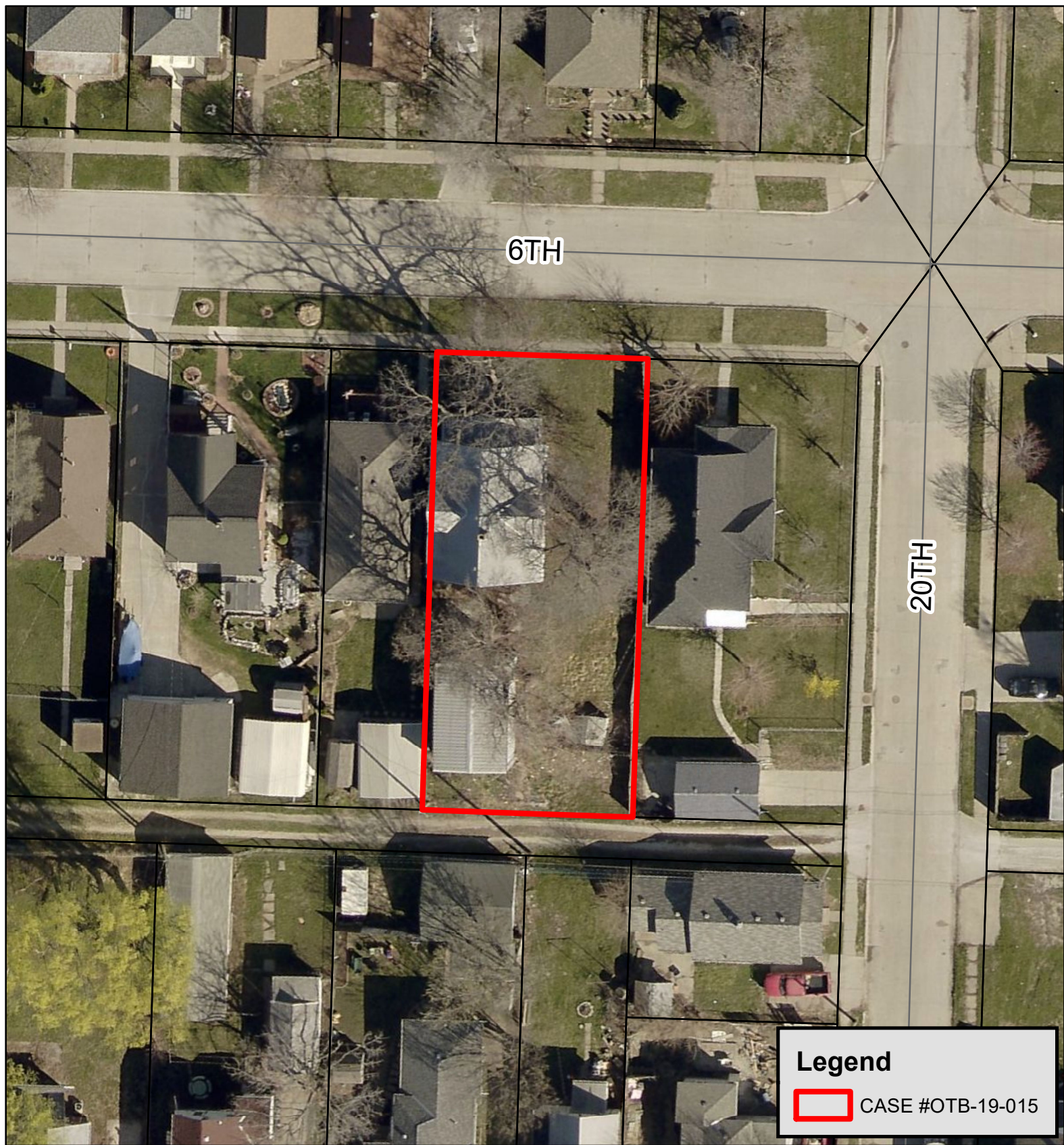
ATTACHMENTS:

Description	Type	Upload Date
OTB-19-015 Staff Report	Other	8/2/2019
OTB-19-015 Attachment A	Map	8/2/2019
OTB-19-015 Attachment B	Letter	8/2/2019
OTB-19-015 Public Hearing Notice	Other	8/2/2019
Resolution 19-181	Resolution	8/5/2019

Council Communication

Department: Community Development CASE #OTB-19-015 Applicant: NeighborWorks Home Solutions Attn: David Hazelwood 222 S. 6 th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019		
Subject/Title				
Request of NeighborWorks Home Solutions, represented by David Hazelwood, to purchase property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 2007 6 th Avenue.				
Background/Discussion				
<p>The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lot to construct a new affordable residential dwelling in the next 3 to 4 months that would be sold to a homebuyer in the community. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$12,159.00. The applicant has submitted a \$1,215.90 down payment, and has asked for the entire value of the property to be forgiven using a forgivable mortgage (the applicant is also requesting that the down payment be refunded). The property is eligible for a forgivable mortgage as it has been on the City Property Disposal list for greater than 24 months.</p> <p>The following costs have been incurred on this property: Permits and Inspections Division: \$19,000.00- Demolition</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">Total</td> <td style="border-bottom: 1px solid black; text-align: right;">\$19,000.00</td> </tr> </table> <p>The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.</p> <p>There is a competing offer on this same property that has been assigned the case number of #OTB-19-014. The competing offer is from Susan Kemp who also proposes to construct a single family dwelling on the property. The two offers are currently scheduled to be reviewed at the same public hearing.</p>			Total	\$19,000.00
Total	\$19,000.00			
Recommendation				
The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa on the August 26, 2019 City Council Meeting.				
Attachment A: Location map Attachment B: Letter of Intent				
Prepared By: Chris Meeks, Planner, Community Development Department				

CASE #OTB-19-015





Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435184006; 2007 6th Avenue; Van Brunt and Rices Addition Subdivision; Block 5; Lot 3-4. We are requesting a "Forgivable Mortgage" for the listed property.

Granting NeighborWorks Home Solutions this property would allow us to construct one single family dwelling in the next 3-4 months. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels

Sincerely,

A handwritten signature in blue ink, appearing to read "David Hazlewood".

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee

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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 26th day of August, 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

CWM

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

RESOLUTION NO. 19-181

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 3 AND 4, BLOCK 5, VAN BRUNT AND RICE'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from NeighborWorks Home Solutions, represented by David Hazelwood, to purchase the City owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lots 3 and 4, Block 5, Van Brunt and Rice's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for August 26, 2019.

ADOPTED
AND
APPROVED:

August 12, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-015)

Council Communication

Department: Community Development
Case/Project No.: OTB-19-016
Submitted by: Chris Meeks, Planner

Resolution 19-182
ITEM 3.G.

Council Action: 8/12/2019

Description

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition. Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street. OTB-19-016

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

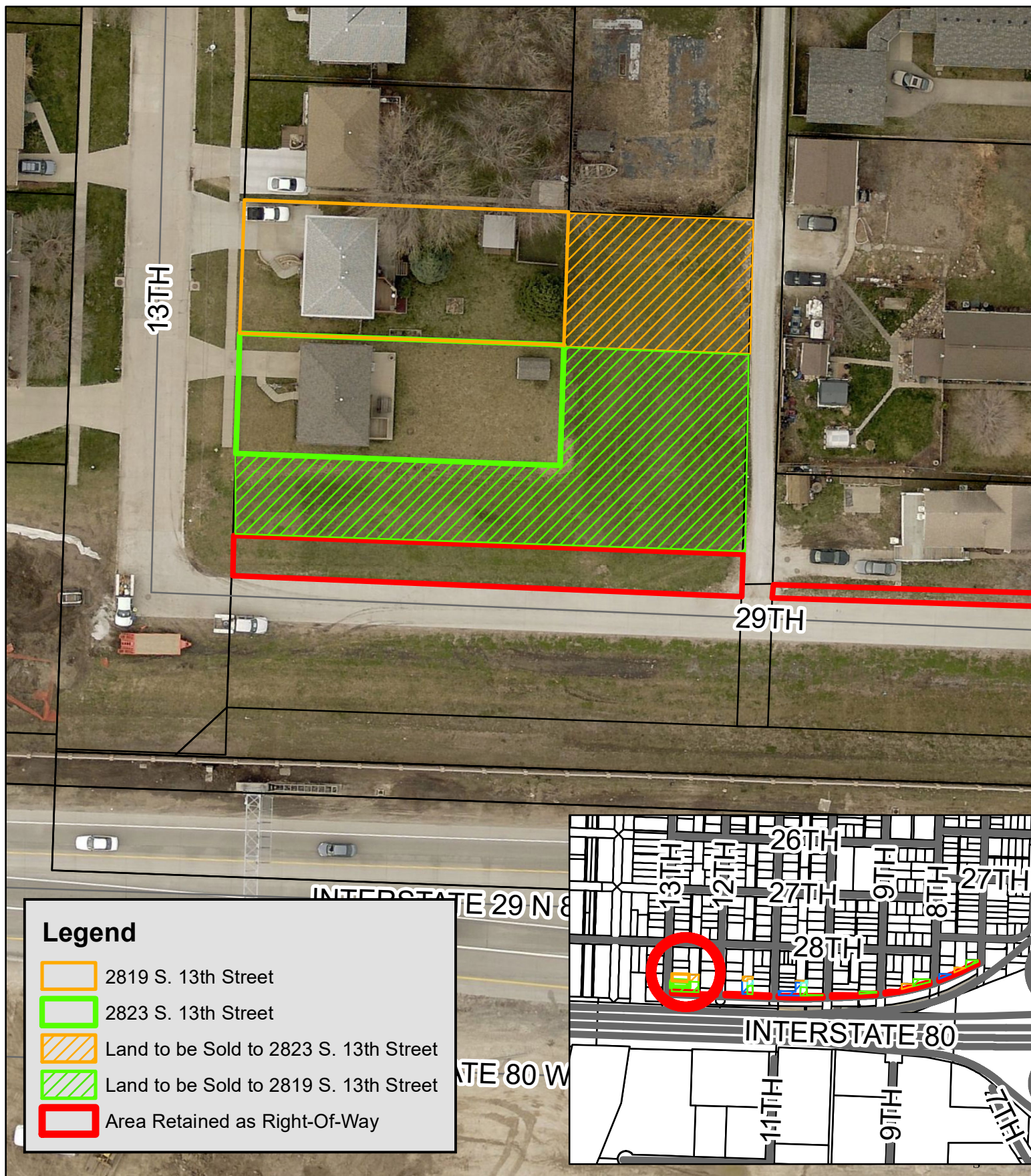
Description	Type	Upload Date
OTB-19-016 Staff Report	Other	8/2/2019
OTB-19-016 Attachment A	Map	8/2/2019
OTB-19-016 Attachment B	Legal Description	8/2/2019
OTB-19-016 Attachment C	Legal Description	8/2/2019
OTB-19-016 Public Hearing Notice	Other	8/2/2019
Resolution 19182	Resolution	8/5/2019

Council Communication

Department: Community Development CASE #OTB-19-016 Applicant: City of Council Bluffs	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019
Subject/Title		
<p>Request of the City of Council Bluffs to dispose of surplus city property associated with the former right-of-way of 29th Avenue, a roadway which has been converted to an alleyway. The subject properties are generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: East of 2819 S. 13th Street, and South and East of 2823 S. 13th Street</p>		
Background/Discussion		
<p>In June of 2018, the Iowa Department of Transportation deeded to the City of Council Bluffs a portion of property near the former right-of-way of 29th Avenue, which was previously acquired by the Iowa DOT to accommodate the Interstate 80/Interstate 35 Interstate project. It was determined by the Community Development Department, Public Works Department, and City Owned Property Committee that the best course of action to dispose of these surplus properties would be to offer them to adjacent property owners in a manner that would correct any nonconformities (if any), keep lot shapes as square as possible, and to allow property owners to most reasonably use the property. It was determined that the value for each property should be established using the adopted Street, Alley, and Public Ground Vacation schedule. Since none of the properties are exclusively buildable, the City Owned Property Committee has proposed to sell the properties to adjacent property owners using a forgivable mortgage, requiring an initial 10% down payment with the remaining value being forgiven after 2 years of satisfactory maintenance of the property.</p> <p>The following property owners were offered the opportunity to purchase a section of the surplus property:</p> <ul style="list-style-type: none"> • Michael Miller, owner of the property addressed as 2819 S. 13th Street, has indicated he is willing to purchase the North 52 feet of Lots 13 and 14, Block 86, Railroad Addition and the East half of the vacated alleyway adjacent (As shown on Attachment B). The property contains 3,744 square feet, with a total land value established at \$591.60. • Paul and Jennifer Kyndesen, owners of the property addressed as 2823 S. 13th Street, have indicated they are willing to purchase the property generally described as all of Lot 10 and the West half of the vacated alley adjacent, and a Portion of Lots 13 and 14, all in Block 86, Railroad Addition and a portion of the East half of the vacated alley adjacent to Lot 13 (As shown on Attachment C). The property contains 9,895 square feet, with a total land value established at \$3,227.50. 		
Recommendation		
<p>The Community Development Department recommends setting a public hearing on the disposal of the above described properties on the August 26, 2019 City Council Meeting.</p>		
<p>Attachment A: Case map Attachment B: Survey of Property adjacent to 2819 S. 13th Street Attachment C: Survey of Property adjacent to 2823 S. 13th Street</p>		
<p>Prepared By: Chris Meeks, Planner, Community Development Department</p>		

CASE #OTB-19-016

CASE MAP



Attachment B

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

RETURN TO: DAVE VERMILLION CITY OF COUNCIL BLUFFS PUBLIC WORKS 209 PEARL ST. COUNCIL BLUFFS, IA 51503
PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

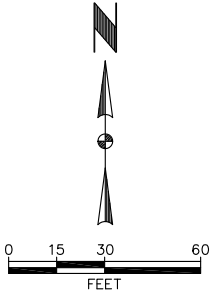
PROJECT
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1
PARCEL NO. 2

PLAT OF SURVEY FOR RIGHT OF WAY

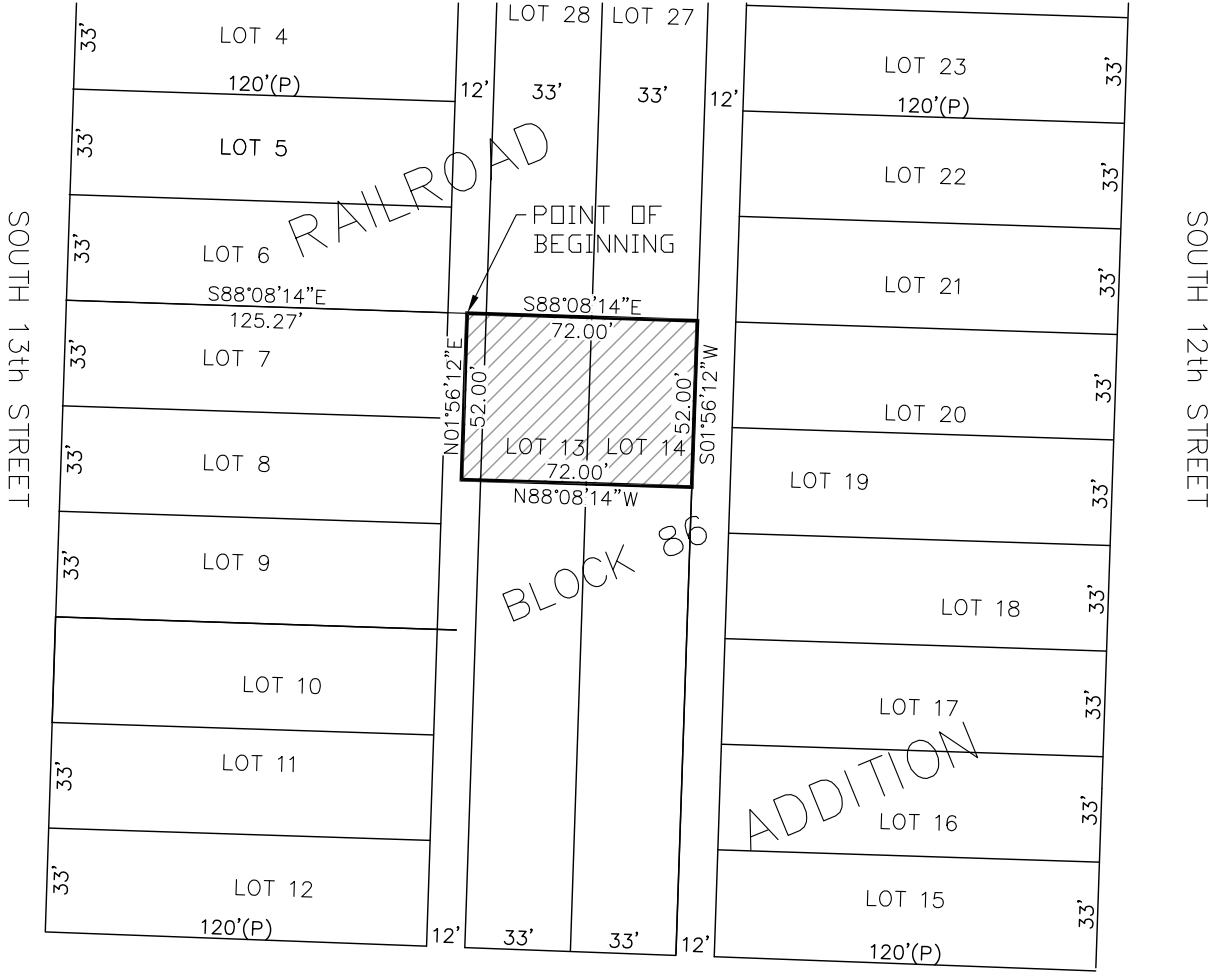
LEGAL DESCRIPTION



A PARCEL OF LAND BEING A PORTION OF LOT 13, A PORTION OF LOT 14 AND A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 13, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7 IN SAID RAILROAD ADDITION; THENCE ON THE NORTH LINE OF SAID LOT 7 AND ON IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 125.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 72.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE ON THE EAST LINE OF SAID LOT 14, SOUTH 01 DEGREE 56 MINUTES 12 SECONDS WEST, 52.00 FEET; THENCE NORTH 88 DEGREES 08 MINUTES 14 SECONDS WEST, 72.00 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 12 SECONDS EAST, 52.00 FEET TO THE POINT OF BGINNING.

SAID PARCEL CONTAINS AN AREA OF 3,744 SQUARE FEET (0.086 ACRE), MORE OR LESS.



CONTRACT DATED

CONSIDERATION \$

RANGE

TOWNSHIP

SECTION

TEMPORARY EASEMENT 0 s.f. ACQUIRED BY

3,744 s.f.

EXCESS RIGHT-OF-WAY

S:\Survey\Drafting\150717-003_CBPW 29th Ave ROW\Engineering\Drawings\Survey\150717-ROW VACATE.DWG

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.

JULY 18, 2019

DATE

JONATHAN M. LEISINGER

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

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

POTTAWATTAMIE COUNTY

PROJECT NO. 150717

RECORDER'S INDEX		
LOT: 10, 13 AND 14		
BLOCK: 86		
SUBDIVISION: RAILROAD ADDITION		
ALIQUOT PART:		
SECTION:	/TOWNSHIP:	/ RANGE:
CITY: COUNCIL BLUFFS		
COUNTY: POTTAWATTAMIE		
PROPRIETOR: CITY OF COUNCIL BLUFFS		
REQUESTED BY: CITY OF COUNCIL BLUFFS		
DATE OF FIELD SURVEY:		

RETURN TO: DAVE VERMILLION CITY OF COUNCIL BLUFFS PUBLIC WORKS 209 PEARL ST. COUNCIL BLUFFS, IA 51503
PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

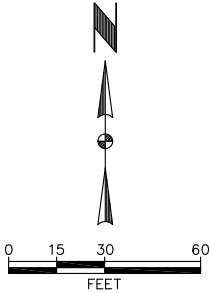
PROJECT
29TH AVENUE

EXHIBIT "A"

PAGE 1 OF 1
PARCEL NO. 1

EXCESS RIGHT-OF-WAY

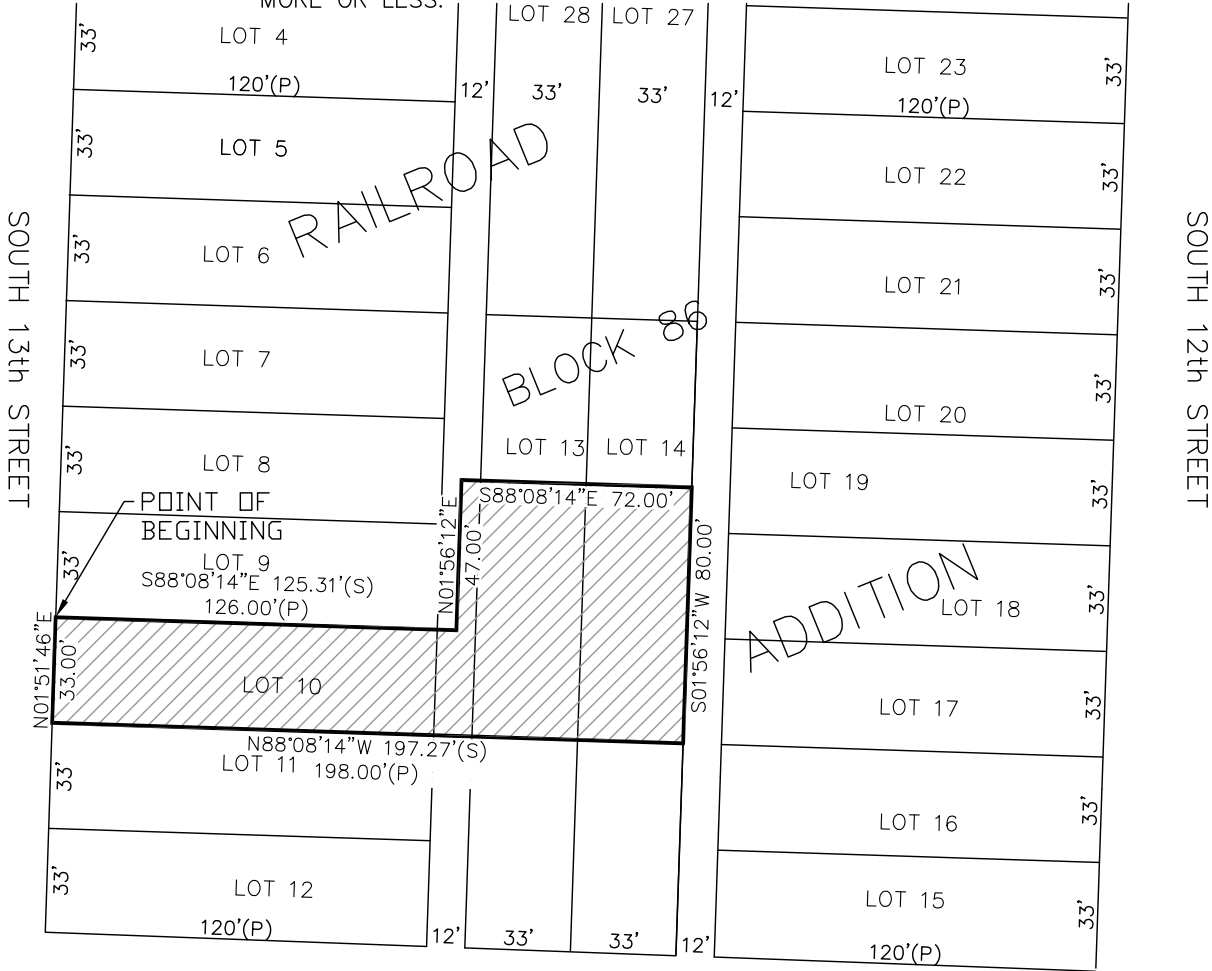
LEGAL DESCRIPTION



A PARCEL OF LAND BEING ALL OF LOT 10, A PORTION OF LOT 13, A PORTION OF LOT 14 AND A PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO SAID LOT 13, ALL IN BLOCK 86, RAILROAD ADDITION, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 10; THENCE ON THE NORTH LINE OF SAID LOT 10 AND IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 125.31 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 12 SECONDS EAST, 47.00 FEET; THENCE SOUTH 88 DEGREES 08 MINUTES 14 SECONDS EAST, 72.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE ON SAID EAST LINE, SOUTH 01 DEGREE 56 MINUTES 12 SECONDS WEST, 80.00 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 10; THENCE ON SAID EASTERLY PROLONGATION AND SAID SOUTH LINE, NORTH 88 DEGREES 08 MINUTES 14 SECONDS WEST, 197.27 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10; THENCE ON THE WEST LINE OF SAID LOT 10, NORTH 01 DEGREE 51 MINUTES 46 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 9,895 SQUARE FEET (0.227 ACRE), MORE OR LESS.



CONTRACT DATED

CONSIDERATION \$

RANGE

TOWNSHIP

SECTION

TEMPORARY EASEMENT 0 s.f. ACQUIRED BY

s.f.

EXCESS RIGHT-OF-WAY 9,895



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.

JULY 18, 2019

DATE

JONATHAN M. LEISINGER

LICENSE NUMBER 14415

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018

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

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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly Portions of Lots 13-14 and the East half of the vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 26th day of August, 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

CWM

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

RESOLUTION NO. 19-182

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY GENERALLY DESCRIBED AS LOT 10 AND THE WEST HALF OF THE VACATED ALLEY ADJACENT, AND THE NORTHERLY PORTIONS OF LOTS 13-14 AND THE EAST HALF OF VACATED ALLEY ADJACENT, ALL IN BLOCK 86, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City hereby declares its intent to consider disposition of this portion of City property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, by conveying and quitclaiming all of its right, title and interest in it to abutting property owners.

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

That the City does hereby express its intent to dispose of City owned property generally described as Lot 10 and the West half of the vacated alley adjacent, and the Northerly portions of Lots 13-14 and the East half of vacated alley adjacent, all in Block 86, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for August 26, 2019.

ADOPTED
AND
APPROVED:

August 12, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-022
Submitted by: Chris Meeks, Planner

Resolution 19-183
ITEM 3.H.

Council Action: 8/12/2019

Description

Resolution of intent to dispose and setting a Public Hearing for August 26, 2019 at 7:00 p.m. for City property described as Lots 11 and 12, Block 8, Pierce's Subdivision. Location: property formerly addressed as 1828 7th Avenue. OTB-19-022

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

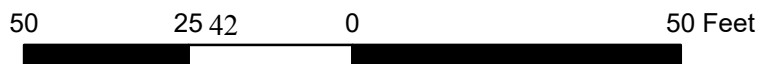
Description	Type	Upload Date
OTB-19-022 Staff Report	Other	8/2/2019
OTB-19-022 Attachment A	Map	8/2/2019
OTB-19-022 Attachment B	Letter	8/2/2019
OTB-19-022 Public Hearing Notice	Other	8/2/2019
Resolution 19-183	Resolution	8/5/2019

Council Communication

Department: Community Development CASE #OTB-19-022 Applicant: NeighborWorks Home Solutions Attn: David Hazelwood 222 S. 6 th Street Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Set Public Hearing: 8/12/2019 Public Hearing: 8/26/2019		
Subject/Title				
Request of NeighborWorks Home Solutions, represented by David Hazelwood, to purchase property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed as 1828 7 th Avenue.				
Background/Discussion				
<p>The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable'. The applicant wishes to acquire the lot to construct a new affordable residential dwelling in the next 4 months that would be sold to a homebuyer in the community. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$12,159.00.</p> <p>The applicant has submitted a \$1,215.90 down payment, and has is asked for the entire value of the property to be forgiven using a forgivable mortgage (the applicant is also requesting that the down payment be refunded). As is stated in the adopted Inventory and Disposal Policy for Surplus City Policy, any property that has been listed on the Disposal list for greater than 24 months is eligible for a forgivable mortgage. Because this property was only acquired by the City of Council Bluffs on July 9, 2018, approximately 13 months ago, it is not administratively eligible for a forgivable mortgage. The applicant has asked for the forgivable mortgage to be granted as an exception, as they are a non-profit affordable housing developer.</p> <p>The following costs have been incurred on this property: Permits and Inspections Division: \$ 1,130.00- Board-Up Permits and Inspections Division: \$13,684.00- Demolition</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-top: 1px solid black;">Total</td> <td style="border-top: 1px solid black; text-align: right;">\$14,814.00</td> </tr> </table>			Total	\$14,814.00
Total	\$14,814.00			
<p>The subject property is 60 feet wide by 130 feet deep, and is 7,800 square feet in size, which exceeds all Site Development standards for a property located in the R-2/Two-Family Residential District. The property is large enough to accommodate a residential dwelling, as the applicant has proposed. The property is located in the AH Flood Zone, meaning any new construction must comply with the flood hazard regulations of that zone.</p>				

<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa on the August 26, 2019 City Council Meeting.</p> <p>Attachment A: Location map</p> <p>Attachment B: Letter of Intent</p> <p>Prepared By: Chris Meeks, Planner, Community Development Department</p>
--

CASE #OTB-19-022





July 23, 2019

Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435186009; 1828 7th Avenue; Pierces Addition Subdivision; Block 8; Lots 11-12. We are requesting a "Forgivable Mortgage" for the property listed.

NeighborWorks® Home Solutions recognizes the property listed as 1828 7th Avenue has not met the requirements for a "Forgivable Mortgage" consideration. NeighborWorks® Home Solutions would respectfully request the Community Development Department and the Council Bluffs City Council approves an exception to this policy and provide the "forgivable mortgage" to NWHS as the affordable housing developer and non-profit.

Granting NeighborWorks® Home Solutions this property would allow us to construct one single family dwelling in a 4-month timeline. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels.

Sincerely,

A handwritten signature in blue ink that reads "David Hazlewood".

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee
Down Payment

PO Box 111578
3250 Lake Street
Omaha, NE 68111

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222 South 6th Street
Council Bluffs, IA 51501



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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 26th day of August, 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

CWM

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

RESOLUTION NO. 19-183

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 8, PIERCE'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received an offer from NeighborWorks Home Solutions, represented by David Hazelwood, to purchase the City owned property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as Lots 11 and 12, Block 8, Pierce's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for August 26, 2019.

ADOPTED
AND
APPROVED:

August 12, 2019

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

(Case #OTB-19-022)

Council Communication

Department: Parks and Recreation
Case/Project No.: REAP Grant to establish a
habitat corridor
Submitted by: Vincent M Martorello

Resolution 19-191
ITEM 3.I.

Council Action: 8/12/2019

Description

Resolution approving submission of a Resource Enhancement and Protection Grant in the amount of \$176,077 to establish a Habitat and Pollinator Corridor on land currently unimproved near and within Valley View Park.

Background/Discussion

The City of Council Bluffs has been discussing the importance of promoting habitat for pollinator species. The City currently owns unimproved land within and near Valley View Park. This property has been previously leased for agricultural use. This lease is set to expire. The City also owns property north of McPherson Ave, north of Valley View Park. This property is unimproved. The total size of the habitat would be approximately 9 acres.

Parks and Recreation currently maintains a much smaller section of pollinator and monarch butterfly habitat along Valley View Trail. Unfortunately, the maintenance requirements along the trail diminishes the habitat and potential value. Parks and Recreation is interested in establishing a habitat corridor that can be maintained properly so it can grow and develop to its fullest value and capability. We would like to submit a REAP Grant for an amount of \$176,077 to establish this corridor. The cost will cover the design, permitting and construction.

Parks and Recreation has the ability to absorb the maintenance of the corridor into its current operation. The first couple of years may require mowing 1-3 per year and long term a mowing every 3-5 years.

Recommendation

The Department of Parks and Recreation is granted approval to submit a REAP Grant application for establishing a Habitat Corridor on property within and near Valley View Park.

ATTACHMENTS:

Description	Type	Upload Date
REAP GRANT	Resolution	8/8/2019
Resolution 19-191	Resolution	8/9/2019



IOWA DEPARTMENT OF NATURAL RESOURCES
Resource Enhancement and Protection



REAP GRANT APPLICATION

Email application to tammie.krausman@dnr.iowa.gov by August 15th by 4:30 P.M.

Please use the following format for the electronic application:

- Application should be one file (including all appendices, letters, etc.), saved as a pdf.
 - Name file: ApplicantName.Shortprojectname.FY17.pdf
- File cannot exceed 20MB or 20,480KB. Compressed pdfs will be accepted.

1. GRANT PROGRAM

☐ Private/Public Open Space ☐ County Conservation ☒ City Parks and Open Spaces

(For Private/Public - Name of DNR Field Staff involved in project:)

2. APPLICATION CONTACT

APPLICANT: City of Council Bluffs Parks and Recreation CONTACT PERSON: Vincent Martorello

EMAIL: vmartorello@councilbluffs-ia.gov TELEPHONE: 712-890-5291

APPLICANT MAILING

ADDRESS: 209 Pearl Street CITY & ZIP CODE: Council Bluffs, IA 51503

PROJECT 911 ADDRESS (if available): _____ COUNTY: Pottawattamie

LATITUDE/LONGITUDE

COORDINATES: 41.251286, -95.815393

(To find Lat/Long Coordinates: Go to [Google Map](https://www.google.com/maps). Right-click on the *primary public access point* for the project. Select **What's here?** In the search box at the top of the page, the coordinates will appear.)

3. PROJECT DESCRIPTION & COSTS

a. TITLE: Valley View Park Pollinator Habitat Restoration

b. **PROJECT SUMMARY:** (Maximum of 75 words summarizing the REAP Grant request)

The City of Council Bluffs Parks and Recreation Department is interested in pursuing the restoration of existing City-owned property to native upland and wetland habitats beneficial to pollinators, including monarchs. Restoration of the property, located in the vicinity of Valley View Park, could serve as a stepping-stone to establishing a conservation corridor along Mosquito Creek for pollinator species as well as an educational opportunity for the public.

c. **TYPE OF PROJECT AND COSTS:** (For activities associated with this grant request only).

☐ Land acquisition* Costs related to land acquisition: \$ _____
☐ Development Costs related to development: \$ _____
☒ Other, please describe: (Seeding, signage, etc.) Costs related to other activities: \$ 176,077

AMOUNT OF REAP GRANT REQUESTED: \$ 176,077

d. **Amount of local or match money*:** _____

*25% minimum match is required for Private/Public Program only. No match is required for city and county grants.

4. PROJECT TIMELINE

a. Is the project a portion of a larger, overall project to be implemented over a multi-year period?

☒ No ☐ Yes, Number of years: _____ Estimated overall cost: _____

b. **ESTIMATED PROJECT DATES**

Start: Fall 2019 Completion: 2021



IOWA DEPARTMENT OF NATURAL RESOURCES
Resource Enhancement and Protection



5. ACQUISITION SCHEDULE (Acquisition Projects Only)

Code*	Parcel Number on Map or Photo	# of Acres	Estimated Date of Acquisition	Average Price Per Acre	Estimated Value of Land Acquisition without incidentals	Estimated Value of Existing Improvements to be Acquired	Total Cost
TOTAL Parcels & Acres						TOTAL	
						Appraisal Costs	
*Code: 1. Negotiated Purchase 2. Condemnation 3. Donation						Survey Costs	
						Other Incidentals Costs	
						Grant Total Land Acquisition Cost	
						Overall Cost per Acre Including Incidental	

6. SIGNATURES

Upon signing in the space provided below, the applicant agrees to conform with the requirements in the following two paragraphs pertaining to ADA/Section 504 accessibility guidelines and civil rights assurance. (City and County Projects Only)

ASSURANCE OF COMPLIANCE WITH AMERICANS WITH DISABILITIES AND CIVIL RIGHTS ACTS

I, the undersigned, certify that the City of Council Bluffs has reviewed Section 504 of the Rehabilitation Act of 1975, Title II of the American with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, and the Iowa Civil Rights Act of 1965, each Act as amended, and agrees to abide by all requirements from the Acts, associated regulations, guidance documents, and to any other related requirement imposed by federal or state law or the Iowa Department of Natural Resources, related to this project. Applicant-Recipient further agrees and gives full assurance that it will immediately take any and all measures necessary to effectuate the referenced laws and shall not, on the basis of race, color, creed, national origin, age, physical or mental ability, sex, sexual orientation, gender identity, religion, or retaliation, allow any person to be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under or from any project or activity undertaken by the Applicant-Recipient for which the Applicant-Recipient receives REAP grant dollars or other assistance from the Iowa Department of Natural Resources.

This assurance is binding on the Applicant-Recipient, its successors, transferees, and assignees, and the person or persons whose signature appears below are authorized to sign this assurance on behalf of the Applicant-Recipient.

Applicant's Signature and Date

Director, Parks and Recreation

Applicant's Title

PRIVATE/PUBLIC GRANTS ONLY

Applicant's Signature and Date

Applicant's Title

CITY COUNCIL OR COUNTY CONSERVATION BOARD APPROVAL (City and County Projects Only)

I, the undersigned, certify that the city council of Council Bluffs has on the date of _____ reviewed this proposed project and approved its submittal for Resource Enhancement and Protection (REAP) grant consideration.



Signature of Mayor or County Conservation Board Chair

8/1/19

Date

COUNTY RESOURCE ENHANCEMENT COMMITTEE REVIEW/COMMENTS (Required for all grants) I, the undersigned, verify that the Pottawattamie County Resource Enhancement Committee reviewed the proposed project for which this application is submitted. If the committee provided comments, a summary of those comments has been signed and dated by me and attached to this application.

Signature of Chair, County Resource Enhancement Committee

Date

For information on County REAP Committees, visit the [REAP County Committee webpage](#).

MINORITY IMPACT STATEMENT (Required for all grants)

Pursuant to 2008 Iowa Acts, HF 2393, Iowa Code Section 8.11, all grant applications submitted to the State of Iowa which are due beginning January 1, 2009 shall include a Minority Impact Statement. This is the state's mechanism to require grant applicants to consider the potential impact of the grant project's proposed programs or policies on minority groups.

Please choose the statement(s) that pertains to this grant application. Complete all the information requested for the chosen statement(s).

☐ The proposed grant project programs or policies could have a disproportionate or unique **positive** impact on minority persons.

- Describe the positive impact expected from this project:

- Indicate which group is impacted:

☐ Women

☐ Latinos

☐ American Indians

☐ Persons with a Disability

☐ Asians

☐ Alaskan Native Americans

☐ Blacks

☐ Pacific Islanders

☐ Other

☐ The proposed grant project programs or policies could have a disproportionate or unique **negative** impact on minority persons.

- Describe the negative impact expected from this project:
- Present the rationale for the existence of the proposed program or policy:
- Provide evidence of consultation of representatives of the minority groups impacted:
- Indicate which group is impacted:

☐ Women

☐ Latinos

☐ American Indians

☐ Persons with a Disability

☐ Asians

☐ Alaskan Native Americans

☐ Blacks

☐ Pacific Islanders

☐ Other

☒ The proposed grant project programs or policies are **not expected to have** a disproportionate or unique impact on minority persons.

Present the rationale for determining no impact: This project aims to benefit all members of the community and does not expect to have a disproportionate or unique impact on minority or low-income persons. The trail and park system in Council Bluffs is designed to be accessible and available to all members of the general public.

I hereby certify that the information on this form is complete and accurate, to the best of my knowledge:



Applicant's Signature and Date

8-1-19

Director, Parks and Recreation
Applicant's Title

DEFINITIONS

"Disability" as defined in Iowa Code § 15.201(12)"b"(1) means "with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of



IOWA DEPARTMENT OF NATURAL RESOURCES
Resource Enhancement and Protection



the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual. "Disability" does not include any of the following:

- (a) Homosexuality or bisexuality.
- (b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identify disorders not resulting from physical impairments, or sexual behavior disorders.
- (c) Compulsive gambling, kleptomania, or pyromania
- (d) Psychoactive substance abuse disorders resulting from current illegal use of drugs.

"Major life activity" as defined in Iowa Code section 15.102(12)"b"(2) includes "functions such as caring for one' self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working."

"Minority Persons" as defined by Iowa Code section 8.11(2)"b" means "individuals who are women, persons with a disability, African Americans, Latinos, Asian or Pacific Islanders, American Indians, and Alaskan Native Americans."

7. GRANT NARRATIVE

I. Project Location

The project would occur on 3 properties owned by the City of Council Bluffs (City). All are located on the east side of the City, north and south of Valley View Park (1300 Franklin Street), east of the BNSF Railway, and west of Mosquito Creek (**Figure 1**). The location and size of each property is listed below:

- Valley View South (south of Franklin Avenue, north of Mall Drive) - 5.9 acres
- McPherson South (south of McPherson Avenue) - 6.2 acres
- McPherson North (north of McPherson Avenue) - 1.4 acres

The Valley View South site is bordered by Valley View Park on the north and Mall Drive on the south. Row-crop agricultural fields lie north and south of the McPherson properties which are divided from one another by McPherson Avenue. Residential properties are present west of the railroad tracks. Valley View Drive and the Valley View Trail run along the east side of Mosquito Creek. **Figure 1** shows the project properties relative to the surrounding community and other public properties.

II. Project Description

The purposes of this project are to:

- restore and enhance native plant communities to benefit pollinators and other wildlife;
- educate the public about the importance of native pollinators and natural habitats;
- provide recreational opportunities to the public in a natural setting;
- improve the aesthetics of the landscape by planting a diverse mix of grasses and flowering plants.

These goals would be accomplished by restoring and enhancing 9.35 acres of floodplain lands to native pollinator habitat and improving public access to natural sites within the Mosquito Creek riparian corridor. Proposed improvements include enhancement of existing emergent and forested wetlands, restoration of tallgrass prairie, construction of a paved recreational/nature trail, and installation of educational signs. Existing and proposed conditions for each property are described in the following sub-sections. Existing vegetation is shown in **Figure 2**.



Figure 1. Project Location Map



Figure 2. Map of the Existing Vegetation Types

Valley View South

Existing Conditions. Until this year, the Valley View South site has been used for row crop agriculture. As part of a floodplain mitigation project, trees were cleared along Mosquito Creek and a 150-foot buffer was planted with native forbs and grasses. Within this 3.4-acre buffer, a 75-foot wide swath along the upper bank of Mosquito Creek was planted with native riparian trees. To the south, a remnant of degraded Silver Maple - Elm woodlands supports a mix of native and non-natives trees with a wood nettle understory. The remainder of the site is characterized by disturbed bare soil and weedy annuals with very few flowering plants. Observed pollinators included relatively common butterflies (i.e., painted lady, cabbage white, orange sulfur, and eastern tiger swallowtail), flies, bees, and wasps. The adjacent Valley View Park is a manicured park containing playground equipment, tennis courts, ball fields and walking paths. A pedestrian bridge across Mosquito Creek connects Valley View Trail to the park.

Proposed Conditions. The project would complement the floodplain buffer mitigation project by restoring the remainder of the former agricultural field site to native upland prairie habitat suitable for a variety of pollinators; selectively removing undesirable trees such as Siberian elm and white mulberry; and planting native shade-tolerant shrubs and herbaceous species in the riparian woodlands. The site would be accessible to the public via an Americans with Disabilities Act (ADA) compliant recreational/nature trail that would meander through the site to benches where visitors can rest and enjoy nature around them. Educational signage would be located at the entrance near the Valley View Park sidewalk at Franklin Avenue and along the proposed nature trail.



Photo 1. Disturbed areas at the Valley View South site would be restored to tallgrass prairie, including use of a diverse native seed mix suitable for pollinators.



Photo 2. Riparian woodlands at the Valley View South site would be enhanced by removing non-native trees, and planting with native shrubs and forbs to improve habitat.



Photo 3. The proposed project would complement the floodplain buffer mitigation area (at left) by restoring the remainder of the site to native vegetation.



Photo 4. A pedestrian bridge across Mosquito Creek connects Valley View Park with Valley View Trail. An existing sidewalk connects the trail to the proposed restoration area.

McPherson South

Existing Conditions. Most of the McPherson South site supports a Boxelder Floodplain Forest. Several desirable species of trees are present including natives such as eastern cottonwood and American elm; however, the most prevalent species are the native boxelder and non-native white mulberry. A variety of understory species occur including the native Virginia wheatgrass and non-native reed canarygrass. Open areas of reed canarygrass wet meadow are also present (see **Figure 2**) and a tributary to Mosquito Creek runs through south end of the site. A few flowering plants are present, including tall mustard, common milkweed, germander, and large-flowered gaura. Observed pollinators included relatively common butterflies (i.e., painted lady, red admiral, cabbage white, orange sulfur, and an orange species of skipper), flies, and wasps; a single monarch was noted in July 2019.

Proposed Conditions. The property would be restored to native wetland and forest habitat suitable for a variety of pollinators. This would be accomplished by reseeding the open (non-treed) areas with a diverse mix of native forbs and grasses. Since this project is focused on pollinators, a higher forb to grass ratio would be used--above the recommended 50% or less grasses as measured by seeds/ft² in the Conservation Strategy for the Eastern Monarch Butterfly in Iowa (2018) or similar to the Conservation Reserve Program (CRP) pollinator mix with 25% or less grass seeds/ft². The site would also be enhanced by selectively removing undesirable trees and planting native shade-tolerant herbaceous species in the forested area.



Photo 5. The reed canarygrass wetland at the McPherson South would be restored to higher diversity wetland.



Photo 6. The forested area of the McPherson South site would be enhanced by removing non-native trees and planting with native shrubs and forbs to benefit pollinator species.



Photo 7. Some box elders would be selectively removed to open the canopy on the McPherson South site to allow for the growth of newly planted shrubs and forbs.



Photo 8. Increasing the diversity of forb species on the McPherson South site would attract more pollinator species, such as this painted lady butterfly observed in the reed canarygrass wetland.

McPherson North

Existing Conditions. The McPherson North site is an open wetland dominated by a near monoculture of the invasive reed canarygrass. The site tends to pond water in the southeast, at times creating open water habitat that supports amphibians such as the plains leopard frog. Trees and shrubs are prevalent along the edges of the property--along the roadway embankment, railroad corridor, and Mosquito Creek. A patch of autumn olive trees, an undesirable non-native, is present. Larger trees likely support raptor nests, as a pair of red-tailed hawks were observed. While flowering plants were limited, scarlet smartweed was present in the wetlands, and a scattering of common milkweed plants are present along the south edge. Several butterfly species observed at the McPherson South site were also present at this site, including one monarch, as well as several moths and milkweed beetles.

Proposed Conditions. The site would be restored to native wetland habitat suitable for a variety of pollinators, again by reseeding with a high forb to grass ratio. The patch of autumn olive would be removed. The forested area along and McPherson Avenue, which serves as a natural buffer from the adjacent traffic, would be preserved.



Photo 9. View north toward the McPherson North site. Most of the site supports a low diversity reed canarygrass wetland. The project would restore the area to high diversity wetland.



Photo 10. View north toward a low area in the McPherson North site that tends to pond water. The contours of this low area would remain to provide habitat diversity and provide an important “puddling” source for butterflies.



Photo 11. View south toward the McPherson Avenue bridge over Mosquito Creek from within the McPherson North site. The site has little plant diversity as reed canarygrass and scarlet smartweed are the primary two species.



Photo 12. In addition to pollinators, enhancement of the wetland would benefit a variety of other wildlife. This plains leopard frog was observed near the pond in July 2019.

III. Development Plan, Project Boundary Map and Aerial Photo

Valley View South Development Plan

The development plan (Figure 3) for the Valley View South site involves:

1. Tallgrass Prairie Planting
2. Forest Enhancement
3. Construction of Recreational/Nature Trail
4. Installation of Educational Signage



Figure 3. Project Boundary Map and Aerial Photo for Valley View South Site with Proposed Enhancements

Tallgrass Prairie Planting. Outside of the recently planted mitigation buffer, much of the site appears to have been disturbed during construction and recent flooding, leaving areas of bare soil and annual weeds such as giant ragweed. Because this site was previously row crop agriculture, extensive site preparation to reduce the previous seed bank is not likely necessary. Site preparation of the disturbed areas would involve mowing and disking as need to ensure maximum seed to soil contact. A diverse native mix will be used including species considered beneficial to pollinators such as milkweeds to support monarch larvae. Weedy annuals will naturally reduce in number as native perennials establish after planting.

The High Diversity Monarch Seed Mix provided by the Iowa State University Extension and Outreach (**Table 1**) will be consulted for selecting appropriate species such as golden Alexander, butterfly milkweed, stiff goldenrod, and New England aster. The selected mix would include species that bloom throughout the active season for pollinators, providing a constant source of food. Depending on site conditions and project schedule, the site will be planted in late fall or early spring, as these times of year generally provide a good germination and survival rate.

Forest Enhancement. Non-native white mulberry and Siberian elm would be cleared from the woodland area. Existing natives would largely be left in place; however, individuals of common native species such as box elder may be strategically removed to open the canopy.

Native shrubs and forbs would be planted in the open spaces to create a more diverse woodland habitat. Trees and shrubs are an important source of food for pollinators in early spring when little else is blooming. Appropriate shrubs will be selected from the Trees and Shrubs for Pollinators list produced by Trees Forever (**Table 2**). These will include shrubs that provide nectar, such as buttonbush and false indigo, as well as species that are known hosts for butterflies, including:

- American plum: host to several hairstreaks, red-spotted purple, and viceroy butterflies
- eastern chokecherry: host to red-spotted purple, eastern tiger swallowtail, and striped hairstreak butterflies
- eastern redbud: host to Henry's elfin and spicebush swallowtail butterflies

Table 1. High Diversity Monarch Seed Mix (Iowa State University Extension and Outreach)

Iowa State University	Bloom Month								Soil				
Common Name	APR	MAY	JUN	JUL	AUG	SEP	OCT		WET	WET-MESIC	MESIC	DRY-MESIC	DRY
Grasses/Sedges													
Prairie Junegrass		M	J	J									
Bicknell's Sedge			J	J									
Shortbeak Sedge			J	J									
Troublesome Sedge			J	J									
Bluejoint			J	J	A								
Big Bluestem			J	J	A	S							
Prairie Cordgrass				J	A	S							
Canada Wildrye				J	A	S	O						
Little Bluestem				J	A	S	O						
Sideoats Grama					A	S							
Indiangrass					A	S							
Prairie Dropseed					A	S	O						
Composite Dropseed					A	S	O						
Forbs													
Colors represent bloom color													
Canadian Lousewort	A	M											
Golden Alexander's	A	M	J										
Common Spiderwort		M	J	J									
White Wild Indigo			J	J									
Foxglove Panstemon			J	J									
Pale Coneflower			J	J									
Leadplant			J	J	A								
Canadian Milkvech			J	J	A								
Swamp Milkweed			J	J	A								
Common Milkweed			J	J	A								
Butterfly Milkweed			J	J	A								
Prairie Coreopsis			J	J	A								
Culver's Root			J	J	A								
White Prairie Clover			J	J	A	S							
Ox-Eye			J	J	A	S							
Prairie Cinquefoil			J	J	A	S							
Common Mountain Mint			J	J	A	S							
Hoary Vervain			J	J	A	S							
Black-Eyed Susan			J	J	A	S	O						
Showy Ticktrefoil			J	J	A								
Partridge Pea			J	J	A	S							
Purple Prairie Clover			J	J	A	S							
Whorled Milkweed			J	J	A	S							
Gray-Headed Coneflower			J	J	A	S							
Wild Bergamot			J	J	A	S							
Blue Vervain			J	J	A	S							
Ironweed			J	J	A	S							
Prairie Blazing Star			J	J	A	S							
Tall Blazing Star			J	J	A	S	O						
Great Lobelia			J	J	A	S	O						
Tall Thoroughwort					A	S	O						
Saw-Tooth Sunflower					A	S	O						
Stiff Goldenrod					A	S	O						
Showy Goldenrod					A	S	O						
White Heath Aster					A	S	O						
Skyblue Aster					A	S	O						
New England Aster					A	S	O						

ENT 0047 Revised August 2018

Table 2. List of Potential Shrubs for Pollinators (Trees Forever)

Common Name	Scientific Name	Flower Color	Moisture*	Height	Bloom Time	Light Needs**	Hardiness Zone	Bees	Butterflies	Moths	Wasps	Flies	Beetles	Other
Staghorn Sumac	<i>Rhus hirta</i>	lime/yellow	M,D	10-35'	June-July	FS to PS	3-8	X	X		X	X	X	
Currant/Gooseberry	<i>Ribes spp.</i>	white/yellow	W,M,D	2-10'	May-July	FS to PS	4-8	X	X	X	X	X		
Prairie Wild Rose	<i>Rosa arkansana</i>	pink	M,D	1-3'	June-August	FS to PS	4-8	X		X	X	X	X	Sawflies
Smooth Wild Rose	<i>Rosa blanda</i>	pink	M,D	3-7'	June	FS to PS	4-8	X					X	
Carolina Rose	<i>Rosa carolina</i>	pink	M,D	3-6'	May-June	FS to PS	4-9	X		X		X	X	
Raspberry	<i>Rubus spp.</i>	white	M	3-6'	April-July	FS to PS	4-8	X	X	X	X	X	X	
Elderberry	<i>Sambucus canadensis</i>	white	W,M	4-12'	June-August	FS to PS	3-8	X	X	X		X	X	Sawflies
Red Elderberry	<i>Sambucus racemosa</i>	white	W,M	4-18'	May-June	FS to PS	3-8	X		X		X	X	
Meadowsweet	<i>Spiraea alba</i>	white	W	3-7'	July-August	FS	3-8	X	X			X	X	
Snowberry	<i>Symphoricarpos albus</i>	white/pink	D	2-5'	June-July	FS to PS	2-7	X	X	X	X	X	X	
Wolfberry	<i>Symphoricarpos occidentalis</i>	white/pink	D	3-6'	June-August	FS to PS	2-7	X	X	X	X	X	X	
Coralberry	<i>Symphoricarpos orbiculatus</i>	pink	M,D	2-5'	July-August	FS to PS	2-7	X		X	X	X		
Cranberry, Blueberry	<i>Vaccinium spp.</i>	white/pink	M,D	1-8'	April-June	FS to PS	4-7	X	X	X			X	
Arrowwood Viburnum	<i>Viburnum rafinesquianum</i>	white	M	5-15'	May-July	FS to PS	2-8	X	X	X		X	X	
Nannyberry Viburnum	<i>Viburnum lentago</i>	white	M,D	8-30'	May-June	FS to PS	2-8	X	X	X	X	X	X	
Black Haw	<i>Viburnum prunifolium</i>	white	M,D	5-15'	April-June	FS to PS	3-9	X	X	X		X	X	Ants
Prickly Ash	<i>Zanthoxylum americanum</i>	green	M, D	4-25'	April-May	FS to PS	3-7	X	X			X		
Leadplant	<i>Amorpha canescens</i>	lavendar	M,D	2-4'	June-August	FS	2-9	X	X	X	X	X	X	
False White Indigo	<i>Amorpha fruticosa</i>	white	W,M	12'	May-July	FS - PS	3-8	X	X	X			X	
Black Chokeberry	<i>Aronia melanocarpa</i>	white	W,M	3-6'	May-July	FS - PS	3-8	X	X	X		X		
New Jersey Tea	<i>Ceanothus americanus</i>	white	M,D	2-6'	July-August	FS - PS	4-8	X	X		X	X	X	Sawflies
Buttonbush	<i>Cephalanthus occidentalis</i>	white	W,M	5-15'	June-August	FS	5-10	X	X	X	X	X	X	
Silky Dogwood	<i>Cornus amomum</i>	white	W,M	10-15'	June-July	FS to PS	5-8	X	X		X	X	X	
Gray Dogwood	<i>Cornus racemosa</i>	white	M,D	10-18'	May-June	FS to PS	4-8	X	X		X	X	X	
Red Osier Dogwood	<i>Cornus sericea</i>	white	W,M	6-15'	May-June	FS to PS	3-10	X	X		X	X	X	
American Hazelnut	<i>Corylus americana</i>	yellow/brown	M,D	4-15'	March-April	FS to PS	4-10			X			X	Sawflies
Dwarf Bush Honeysuckle	<i>Diervilla lonicera</i>	yellow	M,D	2-4'	June-July	FS to PS	3-7	X		X				
Witchhazel	<i>Hamamelis virginiana</i>	yellow	M	15-20'	Oct-Dec	FS to PS	4-8			X	X	X	X	
Winterberry	<i>Ilex verticillata</i>	white	W,M	5-20'	June-July	FS to PS	3-7	X		X		X		
Spicebush	<i>Lindera benzoin</i>	yellow/green	W,M	to 15'	March-May	FS to S	4-9		X					
Ninebark	<i>Physocarpus opulifolius</i>	white	M,D	5-10'	May-August	FS to PS	2-7	X	X				X	
Choke Cherry	<i>Prunus virginiana</i>	white	M,D	25-30'	April-June	FS to PS	2-6	X	X	X		X	X	
Aromatic Sumac	<i>Rhus aromatic</i>	lime/yellow	M,D	4-6'	April-May	FS to PS	4-7	X	X					
Smooth Sumac	<i>Rhus glabra</i>	lime/yellow	M,D	6-20'	June-July	FS to PS	2-9	X	X		X	X	X	

* W = Wet; M = Mesic; D = Dry

** FS = Full sun - at least 6 hours of sun per day; PS = Part shade - 3 to 6 hours of sun per day; S = Full shade - less than 3 hours of sun per day; PSu = Part sun



Recreational/Nature Trail. A recreational trail will be constructed at the Valley View South site extending from the Valley View Park sidewalk at Franklin Avenue. The trail would meander through the restored tallgrass prairie to the enhanced woodlands. Benches for resting and enjoying the surroundings would be located along the trail. The approximately 860-ft long trail would have a 10-foot wide ADA compliant paved surface with pull offs for wheelchairs near the benches. An existing pedestrian bridge across Mosquito Creek will allow users of the Valley View Trail to reach the nature trail.

Educational Signage. Educational signs would be installed along the trail, including at the start of the trail, close to Valley View Park. The signs would highlight the native habitat restoration and importance of pollinators, as well as the REAP funding that made the project possible (see example below).

PROTECTING OUR POLLINATORS

What Are Pollinators?

The majority of pollinators in Iowa are insects such as native bees, honey bees, beetles, flies, moths, butterflies, and some birds. While foraging, these species provide services to many native flowering plants allowing them to produce fruit and seeds.

Why Are Pollinators Threatened?

Urban development and large-scale agriculture have eliminated most of the tallgrass prairie and other native habitats from the landscape. Some pollinators rely on specific species for food or reproduction, and without this diversity in vegetation pollinator populations have declined dramatically. Pesticide use and climate change further threaten our native pollinators.

This site includes restored tallgrass prairie and woodland habitat which have been planted with a diverse mix of native species suitable for a wide range of pollinators. Wetlands and wooded areas have been similarly restored on the north and south sides of McPherson Avenue west of Mosquito Creek.

Together, these areas provide many types of plant species and ensure something is always blooming from early spring to late fall. The Valley View and McPherson restoration sites contribute to a habitat corridor along Mosquito Creek where pollinators can travel from one nearby site to another to find needed resources.

Why Should I Care?

75% of flowering plants depend on pollinators including over 100 types of agricultural crops.

Did You Know?

Many pollinators rely on specific types of plants and without certain species cannot survive. For instance, monarch caterpillars only feed on species of milkweed. Similarly, regal fritillary caterpillars only feed on certain species of violets. As habitats containing these plant species have declined, so have these butterfly populations.

Funding from the City of Council Bluffs
 Department of Parks and Recreation and Public Property and
 Iowa Department of Natural Resources
 Resource Enhancement and Protection (REAP) Program

Other signs topics could include information on pollinator species likely to be observed at the site; pollinator host plants; wetland and woodland habitats; and history of the Mosquito Creek valley. The signage would also inform the public about the pollinator habitat restorations at the McPherson.

McPherson South Development Plan

The development plan for the McPherson South site (Figure 4) includes:

1. Wetland Enhancement and Permitting
2. Forest Enhancement
3. Location Signage

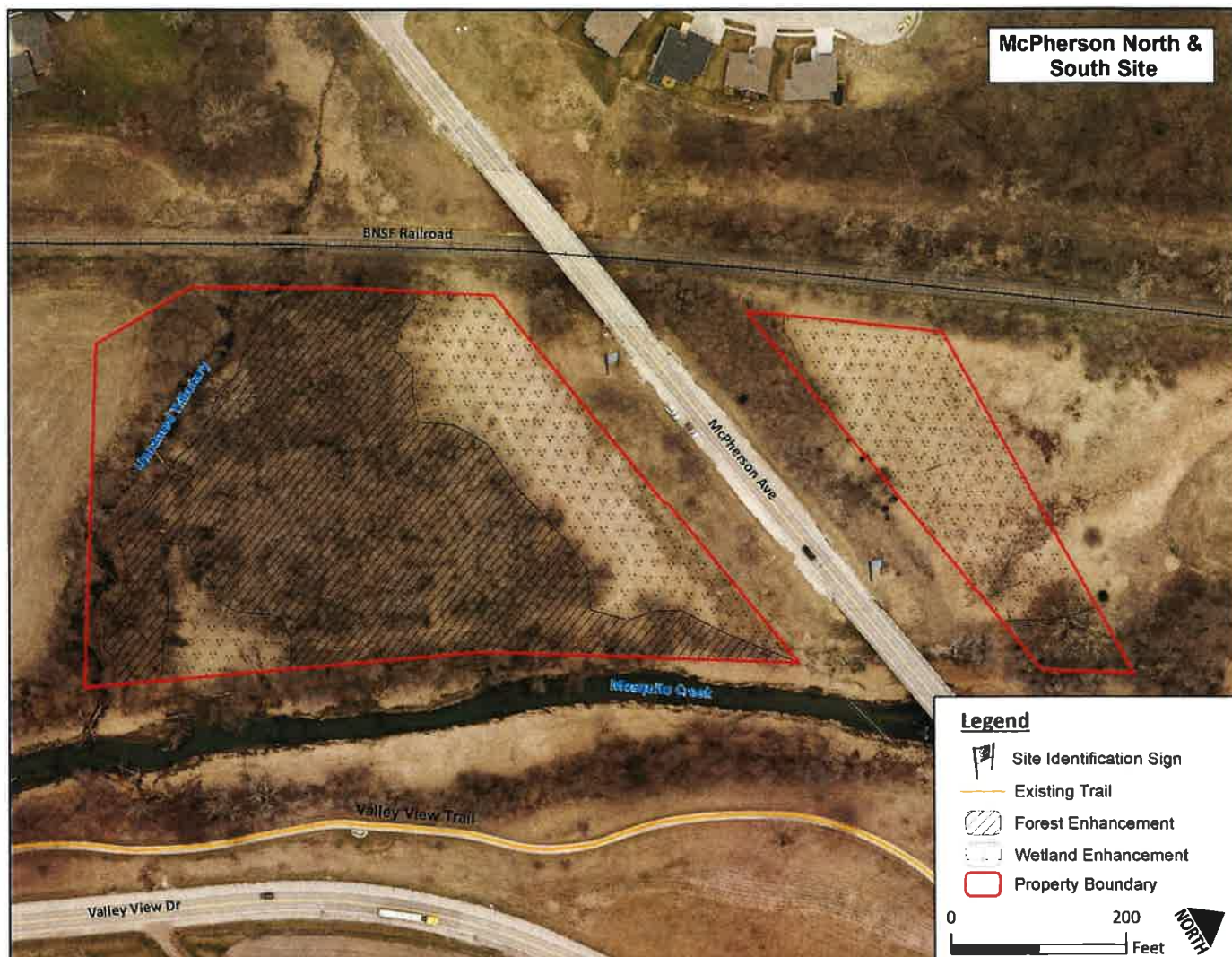


Figure 4. Project Boundary Map and Aerial Photo for McPherson South and McPherson North Sites with Proposed Enhancements

Wetland Enhancement. The reed canarygrass wetlands would be replanted with native species. Site preparation would involve a combination of herbicide treatment and mowing, potentially over multiple years or as needed to significantly reduce the reed canarygrass. A diverse native wetland seed mix would be selected to include forb species considered beneficial to pollinators. The High Diversity Monarch Seed Mix (see **Table 1**) will be consulted for selecting appropriate species such as swamp milkweed, blue vervain, prairie blazing star, and sawtooth sunflower. Additional native wetland species will be used to supplement the mix. Efforts to prevent re-establishment of reed canarygrass would incorporate the recommendations outlined in Reed Canarygrass (*Phalaris arundinacea*) Management Guide: Recommendations for Landowners and Restoration Professionals (Wisconsin Reed Canarygrass Management Working group, 2009).

Wetland Permitting. Wetlands are aquatic resources protected by state and federal regulations. Impacts to wetlands, even when beneficial, generally require appropriate permits. The United States Army Corps of Engineers (USACE) and Iowa Department of Natural Resources (IDNR) are the federal and state agencies responsible for wetland permitting in the state of Iowa. Appropriate steps would be taken to identify wetlands on-site and submit a joint permit application for the proposed wetland habitat restoration activities. Proposed activities appear to fall under USACE Nationwide Permit 27 for Aquatic Habitat Restoration, Enhancement, and Establishment Activities.



Forest Enhancement. Many non-native white mulberries occur within the woodlands. These would be cleared and treated to prevent resprouting. Existing natives such as American elm, cottonwood, hackberry, and box elder trees would largely be left in place, but certain individuals may be strategically removed in order to open the canopy. Native shrubs and forbs would be planted in the open space to create a more diverse woodland habitat. Appropriate shrubs will be selected from the Trees and Shrubs for Pollinators list produced by Trees Forever (**Table 2**). Enhancement would occur only on the north side of the tributary due to access restrictions.

Location Signage. A sign would be installed along the right-of-way on the south side of McPherson Avenue identifying the area as a pollinator habitat project completed with REAP grant monies. Currently there are no nearby sidewalks or trails to provide site access or to allow safe viewing of detailed educational signs.

McPherson North Development Plan

The development plan for the McPherson North site (see **Figure 4**) includes:

1. Wetland Enhancement and Permitting
2. Location Signage

Enhancement of Wetland Area. The reed canarygrass wetland would be replanted with native wetland species. Site preparation would involve a combination of herbicide treatment and mowing, potentially over multiple years or as needed to significantly reduce the reed canarygrass. A diverse native wetland seed mix would be selected to include forb species considered beneficial to pollinators. The High Diversity Monarch Seed Mix (see **Table 1**) will be consulted for selecting appropriate. Additional native wetland species will be used to supplement the mix. Efforts to prevent re-establishment of reed canarygrass would incorporate the recommendations outlined in Reed Canarygrass (*Phalaris arundinacea*) Management Guide: Recommendations for Landowners and Restoration Professionals (Wisconsin Reed Canarygrass Management Working group, 2009).

Wetland Permitting. As with the McPherson South site, steps would be taken to permit project activities.

Location Signage. As with the McPherson South site, a sign identifying the area as pollinator habitat would be installed along the right-of-way north of McPherson Avenue.

Management of Sites

The project sites will be managed by the City of Council Bluffs Parks and Recreation Department. The City possesses the equipment and manpower to manage and maintain the sites.

An adaptive management plan for the sites would be developed to provide guidance and tools to maintain the restored habitat. It is important to recognize that every restoration will face unique challenges and maintenance activities will need to be adaptable both in the timing and techniques to address specific threats.

Initial maintenance activities will likely include mowing between 1 and 3 times per year for the first two years after planting to reduce weedy annuals. The best time for mowing to avoid harming monarchs and other pollinators is between October and May. It is expected that annual weeds will be dominant in the first two to three years after planting but will reduce in number as native perennials become established.

Once established, active management is an important aspect of maintaining native plant communities. Long-term maintenance will likely involve annual mowing every 3 to 5 years. It is anticipated that spot herbicide treatment will be required to eradicate reed canarygrass and other invasive herbaceous species. It may also be necessary to cut and treat invasive woody species. The feasibility of prescribed burns at the sites will be investigated as a management tool.

IV. Project Benefits, Needs, Justification and Urgency

Benefits

This project focuses on habitat restoration and protection of floodplain, prairie, and woodlands along Mosquito Creek. These parcels, along with adjacent public park and trail properties, would create a habitat corridor supporting a variety of pollinators, including monarchs.

The project will benefit the Council Bluffs community by:

- Promoting the survival and increase of recognizable pollinators.
- Improving accessibility to natural landscapes by creating a nature trail with connections to Valley View Park and Trail. Currently there is only one natural area park in Council Bluffs, Vincent Bluff State Preserve.
- Providing an educational venue in a natural setting.
- Improving aesthetics by taking fallow lands with undesirable monocultures and restoring them to native plant communities with a variety of blooming plants, shrubs, and trees.
- Enhancing the riparian floodplain along Mosquito creek. Deep-rooted native plant communities can provide better erosion control and storm water filtration than non-native monocultures, reduce the number and spread of invasive plants, and support a more naturally functioning ecosystem.

Needs and Justification

This project is needed to meet important Federal, State, and local goals for pollinator habitat restoration and protection of natural resources which are described by the following regional statewide programs.

Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators (Presidential Memorandum, 2014). The establishment of native pollinator habitat supports the directives set upon the Task Force created by the 2014 Presidential Memorandum.

Iowa Wildlife Action Plan. Within this plan, there are multiple priorities associated with habitat protection, including acquisition and protection of areas that will increase connectivity and facilitate movement between habitats suitable for target species. The proposed plan would increase connectivity and facilitate movement between habitats suitable for a wide range of pollinators, and more specifically, the monarch butterfly. It would also contribute toward several of the “visions” and objectives in the Wildlife Action Plan which are to be met by the year 2030 and are listed below:

- Protected habitats will be diverse, representative, native plant communities in large and small blocks on public and privately-owned land and waters.
- More Iowans will participate in wildlife-associated recreation, and all Iowans will have access to publicly owned recreation areas to enjoy wildlife in its many forms.
- The amount of permanently protected wildlife habitat in Iowa will be doubled.
- Focus on protection, restoration, reconstruction, connection and enhancement of native plant communities and wildlife habitats.
- Permanently protect, restore, reconstruct and enhance large public and private areas of wildlife habitat that can be managed for biodiversity.
- Develop and implement management plans on public and privately-owned lands and waters that promote biodiversity and improve the status of species of greatest conservation need.
- Coordinate wildlife population, habitat and management goals for public lands with potential recreational uses to ensure that all recreation is compatible with sound wildlife management, minimizes conflicts between users and protects critical habitat from overuse.

Statewide Comprehensive Outdoor Recreation Plan (SCORP) (2018-2023). This project is relevant to two priorities covered in SCORP: (1) availability and diversity of natural resources, parks and outdoor recreation opportunities to enhance the quality of life of Iowans, and (2) natural resource, parks and outdoor recreation opportunities are available to all Iowans. The proposed ADA-accessible trail addresses two other closely aligned goals to:

- “Increase Iowan’s level of physical activity through participation in outdoor recreation activities.”
- “Natural resource agencies (city, state, county & federal) will strive to improve accessibility through embracing diversity, equity and inclusion.”

Pottawattamie County 5-Year REAP Plan. Habitat restoration on the properties is in line with the County goal to preserve natural areas or restore degraded areas in the Loess Hills region, which is identified in the county REAP plan as potentially the most significant natural area remaining in Iowa. The plan also indicates a need for interpretative environmental programs and opportunities for the general public. The proposed trail and educational signs will invite citizens to experience the a natural area and learn about the importance of pollinators, thereby satisfying three of the four needs to be addressed by cities within Pottawattamie County: (1) preserving open spaces, (2) preserving and protecting plant and animal life, and (3) promoting public conservation education.

Council Bluffs Parks and Recreation Master Plan (2013). Council Bluffs has an urban population of 62,421 people, as estimated by the U.S. Census Bureau in 2018. According to the master plan, citizens are attracted to urban parks and trails, but are increasingly wanting access natural areas as well. The master plan notes that native plants help reduce landscape maintenance and the use of chemicals; therefore, this project would contribute to meeting the need for more sustainable practices in public areas.

The proposed restoration plans satisfy three of the goals in the master plan recommended by the 2012 County-wide Needs Assessment:

- Preserve natural areas, unique or sensitive habitats as parks for public access
- Increase nature-based recreation and education
- Expansion and enhancement of trails in natural areas and parks to better serve residents and visitors

Valley View Park Master Plan. The parcels included in this proposed plan are part of multiple properties acquired by the City to expand Valley View Park. A master plan is being drafted to identify how these areas will be developed. Objectives of the master plan include restoration to pollinator habitat which would complement the existing manicured park and trail system by providing opportunities for park users to enjoy the aesthetics of natural prairie and woodland habitat.

Urgency

The U.S. Fish and Wildlife Service is currently assessing the status of and threats to the monarch butterfly due to a petition to list the species under the Endangered Species Act. The deadline to determine whether or not the species warrants federal protection has been extended to December 2020. Conservation efforts at the state and local level may help prevent the need to list the monarch. This project contributes to that effort and urgency associated with the review.

V. Environmental, Economic and Social Impacts of Project

Overall the project has no significant adverse environmental, economic or social impacts. Restoration of the sites will have no negative impacts on federal protected endangered or threatened species, or sites on or eligible for the National Register of Historic Places. Site improvements will be designed and/or permitted to ensure compliance with floodplain and wetland regulations. Should any previously unidentified resources be found during design or construction, work will be halted until resource compliance is conducted.

The project would have beneficial impacts to the environment by enhancing degraded wetland and upland habitats. Non-native invasive species which currently dominate in these areas would be replaced with diverse, native plant communities which are more resilient to invasive species, and which provide greater ecological functions and values such as wildlife habitat, erosion control, and improved water quality.

The project would benefit pollinators by ensuring that a source of food is available from early spring (trees and shrubs) to late fall (goldenrods and asters). By including areas of open prairie and woodlands, as well as uplands and wetlands, the project would support a diverse native plant community, which in turn would support a greater number of pollinators and other wildlife. Plant diversity is important to pollinator diversity, as some species of pollinators rely on specific types of plants during their life cycle.

As components of the future Valley View Park Master Plan, the restored properties will contribute to a wider offering of outdoor recreation opportunities, natural area experiences and environmental education. The proposed trail would provide additional options for Valley View Park and Valley View Trail users to enjoy the aesthetics of a natural environment. The inclusion of educational signs along the trail at the Valley View Site would be beneficial to the public by helping them understand the importance of tallgrass prairie and wetland communities in pollinator habitat corridors.

While the McPherson North and South sites are not accessible to the public, they would improve wildlife habitat on lands that are relatively free from frequent human disturbance. The two sites could still be enjoyed by passing traffic on McPherson Avenue. With restoration of the properties, native vegetation would provide four seasons of color and texture.

Overall, the project would be a benefit in terms of environmental, economic, and social impacts by providing natural recreational and educational opportunities at an existing park; restoring and enhancing a variety of habitat types; and conserving areas for pollinators and other wildlife. Additionally, this project would be the first step in demonstrating the importance of a larger pollinator corridor along Mosquito Creek. As future opportunities arise, additional properties could be restored to create a pathway for pollinator insects to travel to resources up and down the creek corridor.

VI. Historical, Archaeological and Architectural Features/Impacts

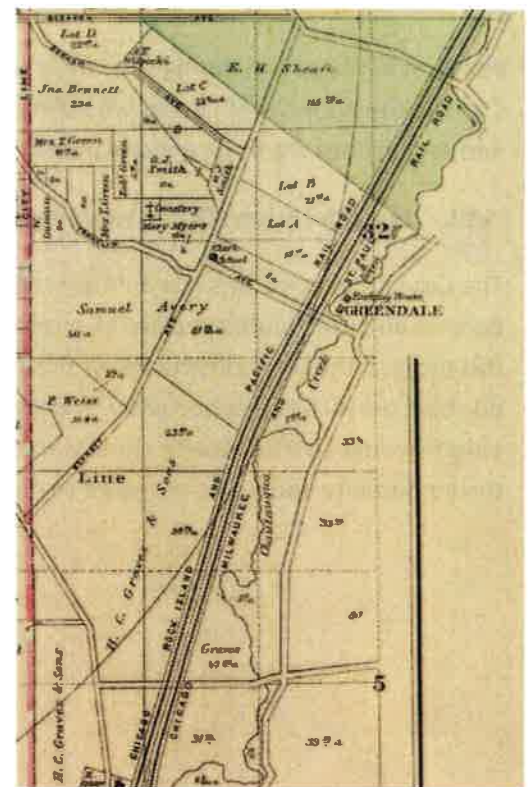
The project is located within the Mosquito Creek valley within the City of Council Bluffs. The area was surveyed in the 1850s by Grenville Dodge for the route of the Rock Island Railroad. Eventually, the Chicago, Rock Island & Pacific Railroad and the BNSF Railroads were constructed along the west bank of the creek, and the Iowa Interstate (IAIS) Railroad on the east bank. To help reduce flooding, Mosquito Creek was eventually straightened sometime after 1919 relocating the stream course (more so at the McPherson sites, and less so at the Valley View South location).

The Green and Sons Pork Packing Plant, known as Greendale, was established by Thomas Green on the banks of Mosquito Creek on the north side of Franklin Avenue, east of the creek. The plant was operational from approximately 1876-1906, and from the 1930s to the 1940s. The buildings were burned and demolished in the 1960s and the location was subsequently developed into Valley View Park. The site is recommended for a full Phase I investigation should it ever be slated for subsurface modifications.

A Phase IA survey was conducted on the Valley View South and McPherson sites as part of the environmental permitting for the floodplain mitigation project. A small low rectangular berm and limestone foundation remnants were identified on the Valley View South property as part of the survey; no cultural materials were found on the McPherson sites (EOR Iowa, 2018). The building/structure remains were not evaluated for NRHP eligibility; recommendations were "Avoidance". The location of the findings occur in an area proposed to be seeded to tallgrass prairie. If necessary, seeding could be withheld at this location.

Other notable activities within the Mosquito Valley included construction of the Iowa State Deaf and Dumb Institution near the mouth of the creek; establishment Clarinda Junior College in 1923, now the site of Iowa Western Community College; and the location of the Council Bluffs Chautauqua further up the valley, operating only between 1889 and 1892.

From Allens's Suburban Map of Council Bluffs, 1898, showing General Project Vicinity



VII. Local Participation

The public participation in developing this plan comes from several directions with a unified vision of what the City, community, and interested parties desired. According to the *Council Bluffs Parks and Recreation Master Plan (2013)*, "Council Bluffs is in the position to convert public interest in nature into active support of and engagement in conservation of forests, grasslands, and wetlands." As mentioned in **Section IV** of this application, the proposed plan is closely aligned with three needs identified by the *Pottawattamie County-wide Parks, Recreation and Leisure Facilities Needs Assessment (2012)*. Also, development of the Valley View Park Master Plan will include incorporate this project in the plans and utilize public involvement to complete the plan.

Support for the project and its intent to increase pollinator habitat within the city of Council Bluffs is apparent in the two letters written by concerned citizens (see attachments following **Section 7. Grant Narrative**). One community member noted how milkweeds and butterflies are abundant along Valley View Trail and gave their appreciation to the Parks and Recreation Department for appropriately timing the mowing schedule to allow feeding monarch caterpillars to complete their life cycle. This project would provide additional patches of habitat through the Mosquito Creek corridor to enhance the already established populations and available habitat for pollinators.

For local participation during the implementation of the project, a booth at the Celebrate CB (Council Bluffs Community Pride Week) event would showcase the project. Comment cards would be available to collect opinions and suggestions from the general public.

VIII. Considerations Given to Minorities, Elderly and Disabled

The City of Council Bluffs has an Affirmative Action Plan which it actively implements. The City has accessibility policies and procedures in place to ensure compliance with laws and regulations identified in the ADA. Regarding this project, the trail constructed at the Valley View South site would be designed to ADA standards, providing disabled persons the opportunity to enjoy a natural area they might not otherwise have access to. Minorities and elderly would also be able to equally access the Valley View South site. The project aims to benefit all members of the community and is not expected to have a disproportionate or unique impact on minority persons.

IX. Itemized Costs

Project Component	Description	Project Cost	REAP Request	Total for REAP
Estimated Construction Costs				
Tree removal	Contract labor to remove undesirable trees @ \$250 each for 9-18 inch dbh sized trees; estimating 25 trees	\$6,250	\$6,250	\$6,250
Site Preparation – grading and earthwork	Contract labor for clearing and grubbing for restoration site areas and minor earthwork to prepare each site for restoration and trail	\$18,000	\$18,000	\$18,000
Grass and Forb Seed Mixes	Native pollinator seed mixes for tallgrass prairie, woodlands, and wetlands @ \$1,500 per acre for 5.8 acres.	\$8,700	\$8,700	\$8,700
Grass and Forb Planting	Contract labor to disk and apply broad cast seed mix or drill seed where appropriate	\$2,400	\$2,400	\$2,400
Shrub Plantings	Small shrub containers @ \$30 each for a total of 45; large shrub containers @ \$80 each for a total of 30.	\$3,750	\$3,750	\$3,750
Site Preparation – herbicides	Contract labor and materials costs @ \$350 per acre for approximately 3 acres to be treated (two applications)	\$2,000	\$2,000	\$2,000
Concrete Trail	10-foot wide concrete trail plus open pad for wheelchair access for a total of 958 square yards @ \$50 per square yard	\$47,900	\$47,900	\$47,900
Bench	Two outdoor benches similar to ones in Valley View Park	\$1,400	\$1,400	\$1,400
Educational Signs	Materials and installation of up to four educational signs @ \$3,500 per sign	\$14,000	\$14,000	\$14,000
Identification Signs	Materials and installation of two signs identifying the McPherson sites	\$500	\$500	\$500
Erosion Control	Silt fence, straw wattles and erosion control blanket	\$6,000	\$6,000	\$6,000
Construction Contingency	@ 15% of \$110,900	\$16,635	\$16,635	\$16,635
Total Construction Cost				\$127,535
Estimated Design, Permitting & Construction Administration Costs				
General Project Management	@ 3% of total construction cost	\$3,826	\$3,826	\$3,826
Design	@ 18% of total construction cost	\$22,956	\$22,956	\$22,956
Permitting	Contract labor for wetland delineation and assistance in submitting a 404 permit application	\$9,000	\$9,000	\$9,000
Construction Management	@ 10% of total construction cost	\$12,760	\$12,760	\$12,760
Total Design & Construction Administration Costs				\$48,542
TOTAL GRANT FUNDING REQUEST				\$176,077

X. Public Communications

Upon approval of REAP funding, communication planning for the project will include:

- Issuing a media release announcing the award of REAP funds.
- Posting information about the project and REAP funding on the Parks, Recreation and Public Property Department website.
- Holding a dedication ceremony including representatives of the City of Council Bluffs, County REAP committee, Iowa Department of Natural Resources and area legislators.

- Registering the site with “Plant.Grow.Fly”, a pollinator habitat tracking website sponsored by the Blank Park Zoo.
- Requesting the Iowa Butterfly Survey Network about including the sites in their annual citizen science population surveys of butterfly species in Iowa.
- Providing information on the project at City events and festivals such as the annual Celebrate CB week

XI. Agreements and Easements

All property required for the work outlined in this project has previously been secured and remains in the ownership of the City of Council Bluffs. Therefore, no Agreements or Easement will be required for this project.

XII. County Resource Enhancement Committee Comments

Prior to submittal, the county Resource Enhancement Committee must approve grant applications and the Chairperson must sign the application in Section 6. A summary of comments by the County REAP Committee should be included in this section.

REAP Coordinator
Iowa Department of Natural Resources
Wallace State Office Building
Des Moines, IA 50319

To Whom It May Concern,

It is my pleasure to write a letter in support of the grant proposal being submitted to the Resource Enhancement and Protection program by the City of Council Bluffs Department of Parks and Recreation for the installation of pollinator habitat near Valley View.

In my capacity as a homeowner in Council Bluffs, I support any effort to beautify and maintain the natural landscapes around our city. However, it is in my capacity as a professional biologist that I truly and eagerly support the proposal to install pollinator habitat at Valley View.

I completed my Master of Science thesis on the importance of pollinator habitat in urban areas. As you may know, urban areas represent a tremendous opportunity to provide habitat for pollinators. Currently, the undeveloped areas near Valley View are underutilized in their potential to provide habitat and to support native species. With the implementation of REAP funds, this area could instead act as a valuable habitat corridor.

Such a project would not only benefit pollinators and native plants, but the families living in adjacent homes as well. Please consider carefully the aforementioned application and it's potential to set a positive trend towards habitat restoration in Council Bluffs.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Opperman", with a stylized, flowing script.

Susan Opperman
331 S 8th Street
Council Bluffs, IA 51501

July 24, 2019

Greetings,

I'm writing this letter as a parent, lifelong educator, environmentalist, and monarch butterfly enthusiast in support of the city of Council Bluffs' efforts to expand milkweed habitat. I remember seeing and enjoying monarch butterflies as a child growing up in southern Idaho, and we even brought home a few to release. Twenty years ago, when my husband and I bought our first home here in Council Bluffs, I was thrilled to find the familiar caterpillars eating the honeyvine milkweed on our handrail. Since that first August, we've raised, tagged, and released countless monarch butterflies, along with our three boys (now 18, 16, and 9). When my oldest son was in kindergarten, he shared one of our caterpillars with his class which then raised and released it. Other classrooms soon started to request them, so we needed to find new patches of milkweed to keep up with the demand. And that is how, a number of years ago, we discovered a small but thriving milkweed habitat along a bike trail, just down the road from our house at the intersection of Valley View and McPherson Drive. We were so happy that we wrote to city officials to thank them for waiting to mow until late October, after the hatching season was complete. Every year, we discover more and more of the milkweed plants in this location and more and more of the larvae. We're filled with gratitude that the city continues to allow this patch to thrive, and even more grateful about the city's hopes to expand this crucial habitat.

Our family has not only supplied caterpillars (and thorough instructions) to many Hoover Elementary and College View Elementary classrooms, but we also give presentations to community groups like Boy Scouts, Girl Scouts, and PEO. Our son gave his first presentation in the year 2006, and now he's headed to college. (He's already wondering if he'll be able to find milkweed near Iowa City since he won't have a car!). During these presentations, we utilize a detailed visual display with photos, maps, and graphs to educate audience members about the life cycle of monarch butterflies, the miracle of their great migration to Mexico, and—sadly—statistics on their declining population. We always end with the ways all of us can help this species to bounce back, including planting milkweed in their own yards and gardens. We plan these presentations in the fall to allow us to bring live specimens for the audience to learn from.

Since we started giving these talks, we've been contacted by a number of people over the years who took the information to heart and have participated in events like milkweed planting at Lake Manawa, the monarch tagging event at Hitchcock Nature Center, and other local efforts. They report back to us about all the parks and other places in and around our beautiful city where they have found milkweed patches, caterpillars, or both. I have seen first-hand how much interest and enthusiasm there is in my community for the survival of this species, and I'm heartened by the efforts the city of Council Bluffs is making to provide ever-increasing habitat. If the city is awarded this grant, Council Bluffs can continue to gain recognition for their efforts and become an example for similar communities to follow.

Thank you so much for your time and consideration, and please don't hesitate to contact me.

Sincerely,



Stephanie Strine

Parent, Educator, Community Member

(402) 619-9082

jandsprice@hotmail.com

Jason E. Andersen
15 Marian Avenue
Council Bluffs, IA 51503
Phone: (402) 210-0444
Email: Jason.E.Andersen@gmail.com

July 20, 2019

► **Vincent Martorello**
Director, Parks and Recreation
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Dear Mr. Martorello,

My name is Jason Andersen and I am a resident of Council Bluffs, as well as an avid user of the city's trails system, parks, and public natural areas. I am writing you to express my support for the city's request to procure funding for the proposed Valley View pollinator and Monarch butterfly habitat corridor project through the Resource Enhancement and Protection (REAP) program administered by the Iowa Department of Natural Resources.

As you are no doubt aware, populations of pollinator species across the country have seen steep declines over the last several decades. Specifically, populations of the iconic Monarch butterfly have decreased by more than 80% in the Midwest and eastern United States. These declines are primarily due to the loss of quality habitat for these important insects.

Projects such as the Valley View habitat corridor create valuable habitat for Monarch butterflies and other pollinating insects, as well as songbirds, mammals, and other species of wildlife. In addition to the direct habitat benefits, this project would offer additional recreational opportunities for outdoor enthusiasts, city beautification for residents and visitors, and improved water quality in Mosquito Creek.

As a citizen of Council Bluffs, and a passionate conservationist, I fully support this project. I would like to thank you and the city of Council Bluffs for pursuing this opportunity and I look forward to enjoying this project in the future.

Yours sincerely and respectfully,



Jason E. Andersen

July 25, 2019

City of Council Bluffs Parks & Recreation Dept.
Vincent Martorello, Director
Submitted via email to vmartorello@councilbluffs-ia.com

RE: REAP Grant for Habitat Corridor along Valley View Corridor

Mr. Martorello,

I wanted to submit a letter of support for REAP Grant for the Habitat Corridor near Valley View. I live and work in Council Bluffs and I actually drive near this corridor at least twice a day, as it is my main path to and from work. It is a great open space natural area with Valley View Park nearby, close to the bike/walking path and adjacent to Mosquito Creek. I enjoy seeing our beloved black squirrels, wild turkey, deer, owls, and hawks that frequent the area.

I am currently taking the Iowa Master Conservationist Course and will soon also be taking the Master River Stewards Program as well. This topic of Habitat Corridors, Pollinator Gardens, however you want to refer to them, is something that we have talked about so often in recent months due to it becoming more widely known that the bees, butterflies and other pollinators are in trouble and need our assistance to recover and survive into the future. I have actually been a supporter of this topic for much longer than its widely known existence.

I think these areas would be excellent places for improvements to make it more of a native wild place. It is not an area that can ever be developed due to its proximity to Mosquito Creek so what better way to put the space to good use by supporting natives, the pollinators and other species that need our help. It will improve the area immensely to see it flourish into something like this!

I think it is a great location and a great idea and I fully support the Iowa DNR granting you REAP funds to proceed with this project. Best of luck on the project! I look forward to seeing it on my future drives.

Please let me know if you need any other information to show how our community is in support of this.

Sincerely,



Elizabeth Hunter, PE, AICP

208 Antioch Drive

Council Bluffs, Iowa 51503

isufiredog@email.com

8. PROJECT SCORING CRITERIA (weight factors in parentheses)

Make sure that all criteria are addressed in the application.

Private/Public Open Space Grant

Level of significance (3)
Resource representation (3)
Level of threat (3)
Relationship to existing public land (3)
Relationship to state, local and regional plans (3)
Rare or unique species or communities (2)
Public benefits (2)
Tourism and economic development (1)
Geographic distribution (1)
Multiple use potential (1)
Available funds relative to project costs (1)
Quality of public communications plan (1)

County Conservation

Relationship to state local and regional plans (4)
Quality of site and/or project (3)
Public demand or need (2)
Project uniqueness (2)
Urgency of proposed action (2)
Multiple benefits to be provided (2)
Economic benefits to local, regional or state area (1)
Quality of public communications plan (1)

City Parks and Open Spaces

Relationship to state local and regional plans (4)
Quality of site and/or project (3)
Public benefit served (2)
Local support (2)
Environmental benefits (2)
Quality of public communications plan (1)

For more information about REAP Grants, visit:

<http://www.iowadnr.gov/Environment/REAP/REAPGrants.aspx>

Contact for all grants: Tammie Krausman, REAP Coordinator

Tammie.Krausman@dnr.iowa.gov

(515) 725-8443

RESOLUTION NO. 19-191

RESOLUTION GRANTING APPROVAL TO APPLY FOR RESOURCE ENHANCEMENT
AND PROTECTION FUNDING FOR ESTABLISHING A HABITAT CORRIDOR NEAR
VALLEY VIEW PARK.

WHEREAS, the City of Council Bluffs, Iowa, wishes to restore the native vegetation and create habitat for pollinator species and butterflies on land within and near Valley View Park; and

WHEREAS, the project will improve habitat diversity, enhance wetlands, and provide an opportunity for environmental education about the importance of pollinator species and maintaining suitable habitat; and

WHEREAS, should REAP funding be secured and the Habitat Corridor is established, the City of Council Bluffs agrees to keep and sustain the corridor use as intended in the grant application;

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

The Department of Parks and Recreation is granted approval to submit a REAP Grant application for establishing a Habitat Corridor on property within and near Valley View Park.

ADOPTED
AND
APPROVED August 12, 2019

Matthew J. Walsh Mayor

Attest:

Jodi Quakenbush City Clerk

Council Communication

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

Offer to Buy
ITEM 3.K.

Council Action: 8/12/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Offer to Buy, 8.12.19	Other	8/5/2019

APPLICATION TO PURCHASE CITY PROPERTY

Submit To: Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

06/11/2019
06/11/2019

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

VAN BRUNT & RICE'S ADDITION, LOTS 3 & 4, BLOCK 5
2007 6th AVE, CB - PARCEL 754435184000

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

Build a new home for personal use

Buyers offer a total sum of \$ 12,250.00 + FORGIVEABLE MORTGAGE After 2yrs.

Buyers submit a down payment in the sum of \$ 1,225.00 + \$50 Non-refundable Administrative Fee.

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

- Buyers shall submit a down payment of 10% of the last assessed or appraised value for a buildable lot, OR 10% of a value established by the Street Property Fee Schedule for non-buildable remnant parcels.
- The down payment shall be refunded if the offer is not accepted by the City Council, however, if the buyer does not purchase the property within the specified timeframe (60 days, unless otherwise approved), or withdraws their offer, the down payment is not refundable. The administrative fee is not refundable under any circumstances.
- City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.
- Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.
- City shall quit claim its title interest to the Buyer by City Deed, subject to any and all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.
- Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.
- Buyers shall finance the purchase of the property by any one of the following means (please circle):
 - Cash
 - Certified Check
 - Third Party Mortgage
 - City Financing with Mortgage/Promissory Note
- All subsequent taxes shall be paid by Buyers.
- All subsequent special assessments shall be paid by Buyers.
- Upon payment of the purchase price as provided in paragraph (g), the City shall convey title by City Deed and shall pay all filing fees associated with recording the deed with the Pottawattamie County Recorder.

Susan Kemp 7/11/2019
Buyer Signature Date

SUSAN KEMP

Print Name
Address 8205 ROAD ST, OMAHA,
Phone/Email SKKEMP1@NSU.COM 68122
402.598.8916

Buyer Signature Date

Print Name
Address
Phone/Email

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

Offer Sufficient for Review

Approved for Processing:

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

7544 35 184 006

--- Permanent Property Address ---
COUNCIL BLUFFS, CITY OF----- Mailing Address -----
COUNCIL BLUFFS, CITY OF
209 PEARL ST
COUNCIL BLUFFS, IA 51503

District: 000 CO BLUFFS CITY/CO BLUFFS

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435184006>

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

* Not to be used on legal documents

VAN BRUNT & RICES ADD LTS 3 & 4 BLK 5

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

* Class is for Assessment purposes only - Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
\$0	\$0		\$0	\$0		2017	R
\$0	\$0		\$0	\$0		2018	R
\$0	\$0		\$0	\$0		2019	R

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

2017 RE03	\$98,135.00	GOVERNMENT
2018 MGOV	\$52,600.00	MUNICIPAL GOVERNMENT

===== OWNERS =====

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COUNCIL BLUFFS, CITY OF book/page: [2017/11520](#) D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
07/17/2017	0	D18	2017/11520
04/13/2001	76500	D000	0101/52663
06/11/1990	23000	D049	0000/00000

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

PDF: 28 MAP: 16

Interior Listing: Inspected Date Listed: 05/29/2018 EK Date Reviewed: 05/29/2018 EK

LAND.....7800 sqFt .18 acres

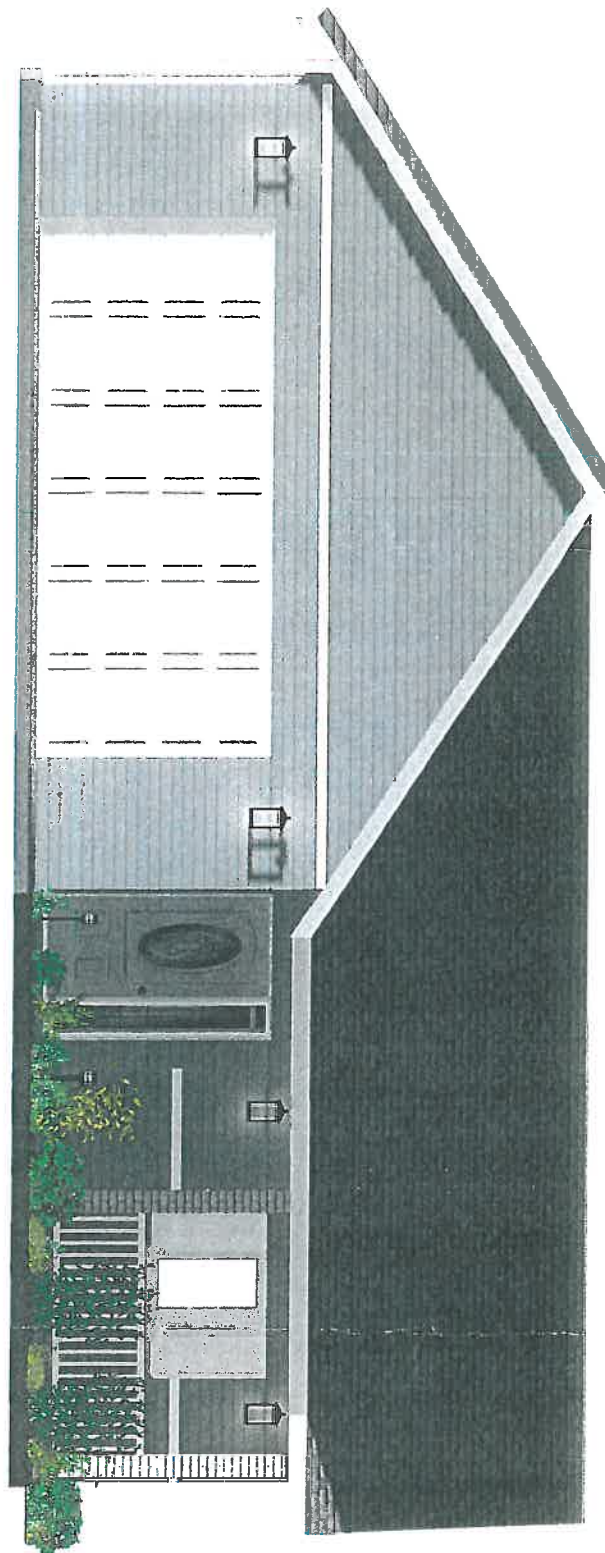
Lot 1: Frontage	Rear	Side-1	Side-2	Rear-Lot
60	60	130	130	

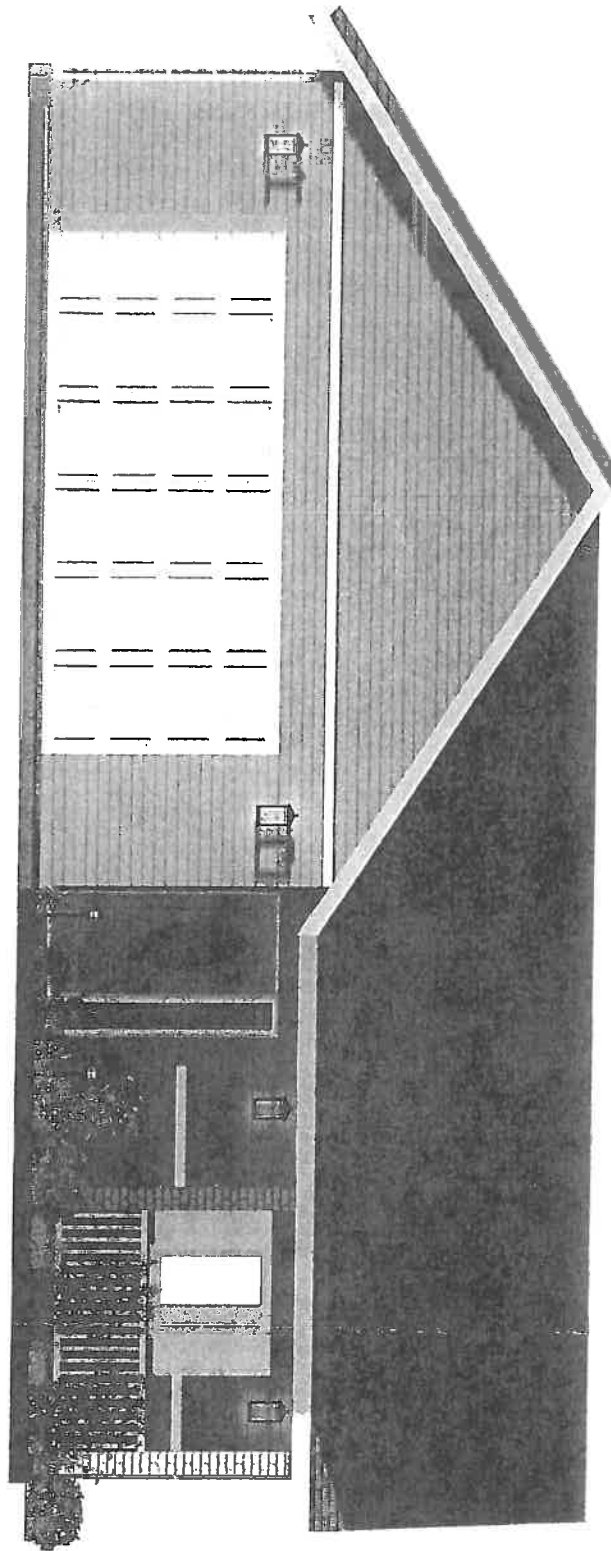
[Zoom Out](#)[Zoom In](#)

600ft x 600ft

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

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





APPLICATION TO PURCHASE CITY PROPERTY

Submit To: Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

CLERK ROOM
JUN 10 2015
5:17 PM
City of Council Bluffs

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:
Parcel 754435184006; 2007 6th Avenue; Van Brunt and Rices Addition Subdivision; Block 5; Lot 3-4

Buyers are applying to purchase this property for the following purpose(s):
NeighborWorks Home Solutions will construct a single family dwelling in partnership with the City's Infil Program. Our goal will be to improve the vitality of the neighborhood and enhance social and economic impact in our community.

Buyers offer a total sum of \$ Forgivable Mort.

Buyers submit a down payment in the sum of \$ 0.00 + \$50 Non-refundable Administrative Fee.

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

- (a) Buyers shall submit a down payment of 10% of the last assessed or appraised value for a buildable lot, OR 10% of a value established by the Street Property Fee Schedule for non-buildable remnant parcels.
- (b) The down payment shall be refunded if the offer is not accepted by the City Council, however, if the buyer does not purchase the property within the specified timeframe (60 days, unless otherwise approved), or withdraws their offer, the down payment is not refundable. The administrative fee is not refundable under any circumstances.
- (c) City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.
- (d) Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.
- (e) City shall quit claim its title interest to the Buyer by City Deed, subject to any and all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.
- (f) Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.
- (g) Buyers shall finance the purchase of the property by any one of the following means (please circle):
 - a. Cash
 - b. Certified Check
 - c. Third Party Mortgage
 - d. City Financing with Mortgage/Promissory Note
- (h) All subsequent taxes shall be paid by Buyers.
- (i) All subsequent special assessments shall be paid by Buyers.
- (j) Upon payment of the purchase price as provided in paragraph (g), the City shall convey title by City Deed and shall pay all filing fees associated with recording the deed with the Pottawattamie County Recorder.

Buyer Signature _____ Date _____
NeighborWorks Home Solutions
Print Name _____
Address 222 S. 6th Street
Phone 402-451-2939
Email dhazlewood@nwhomesolutions.org

Buyer Signature _____ Date _____
Print Name _____
Address _____
Phone _____
Email _____

Internal Use Only

____ Buildable Lot
____ Remnant Parcel
____ Previously Vacated ROW

OTB-14-015 Date Received _____
Case #Assigned _____
Payment with Offer _____

____ Offer Sufficient for Review

Approved for Processing: _____



Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435184006; 2007 6th Avenue; Van Brunt and Rices Addition Subdivision; Block 5; Lot 3-4. We are requesting a "Forgivable Mortgage" for the listed property.

Granting NeighborWorks Home Solutions this property would allow us to construct one single family dwelling in the next 3-4 months. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels

Sincerely,

A handwritten signature in dark ink, appearing to read "David Hazlewood".

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee

Find Property Res Sales Comm/Ind Sales

7544 35 184 006

--- Permanent Property Address ---
COUNCIL BLUFFS, CITY OF

----- Mailing Address -----
COUNCIL BLUFFS, CITY OF
209 PEARL ST
COUNCIL BLUFFS, IA 51503

=====
District: 000 CO BLUFFS CITY/CO BLUFFS

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435184006>

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

* Not to be used on legal documents

VAN BRUNT & RICES ADD LTS 3 & 4 BLK 5

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

* Class is for Assessment purposes only - Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
\$0	\$0		\$0	\$0		2017	R
\$0	\$0		\$0	\$0		2018	R
\$0	\$0		\$0	\$0		2019	R

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

2017 RE03 \$98,135.00 GOVERNMENT
2018 MGOV \$52,600.00 MUNICIPAL GOVERNMENT

===== OWNERS =====

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COUNCIL BLUFFS, CITY OF book/page: 2017/11520 D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
07/17/2017	0	<u>D18</u>	<u>2017/11520</u>
04/13/2001	76500	<u>D000</u>	0101/52663
06/11/1990	23000	<u>D049</u>	0000/00000

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

PDF: 28 MAP: 16

Interior Listing: Inspected Date Listed: 05/29/2018 EK Date Reviewed: 05/29/2018 EK

LAND.....7800 sqFt .18 acres
Lot 1: Frontage Rear Side-1 Side-2 Rear-Lot
 60 60 130 130

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

600ft x 600ft

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

As of: On Web ▼ [Get Card](#)[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

APPLICATION TO PURCHASE CITY PROPERTY

Submit To: Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:
Parcel ID: 754435186009; 1828 7th Avenue; Pierces Addition Subdivision; Lots 11-12; Block 8

Buyers are applying to purchase this property for the following purpose(s):
NeighborWorks Home Solutions will construct a single family dwelling in partnership with the City's Infil Program. Our goal will be to improve the vitality of the neighborhood and enhance social and economic impacts in our community.

Buyers offer a total sum of \$Forgivable Mort.

Buyers submit a down payment in the sum of \$1,215.90 + \$50 Non-refundable Administrative Fee.

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

- (a) Buyers shall submit a down payment of 10% of the last assessed or appraised value for a buildable lot, OR 10% of a value established by the Street Property Fee Schedule for non-buildable remnant parcels.
- (b) The down payment shall be refunded if the offer is not accepted by the City Council, however, if the buyer does not purchase the property within the specified timeframe (60 days, unless otherwise approved), or withdraws their offer, the down payment is not refundable. The administrative fee is not refundable under any circumstances.
- (c) City personnel shall review all applications submitted and make any recommendations deemed appropriate with respects to acceptance, rejection or modification (if any), however, approval of this application shall be in the sole discretion of the Council Bluffs City Council.
- (d) Title shall be taken subject to applicable zoning restrictions, and Buyer understands and attests that their proposed use would conform with all permitted uses in that zoning classification. Any proposed use deemed to be non-conforming shall result in forfeiture of this application.
- (e) City shall quit claim its title interest to the Buyer by City Deed, subject to any and all applicable easements, covenants, servient estates and any other appurtenant restrictions to the land.
- (f) Buyers are not subject to any liens, delinquent taxes, unpaid property violations or other outstanding costs and/or fines associated with property ownership and maintenance.
- (g) Buyers shall finance the purchase of the property by any one of the following means (please circle):
 - a. Cash
 - b. Certified Check
 - c. Third Party Mortgage
 - d. City Financing with Mortgage/Promissory Note
- (h) All subsequent taxes shall be paid by Buyers.
- (i) All subsequent special assessments shall be paid by Buyers.
- (j) Upon payment of the purchase price as provided in paragraph (g), the City shall convey title by City Deed and shall pay all filing fees associated with recording the deed with the Pottawattamie County Recorder.

David Hazlewood 7/23/19
Buyer Signature Date
David Hazlewood
Print Name
Address 222 S. 6th Street CB, IA 51501
Phone 402-451-2939
Email dhazlewood@nwhomesolutions.org

Buyer Signature Date

Print Name
Address _____
Phone _____
Email _____

Internal Use Only

____ Buildable Lot
____ Remnant Parcel
____ Previously Vacated ROW
____ Date Received
OTB-14-022 Case #Assigned
____ Payment with Offer

____ Offer Sufficient for Review
Approved for Processing: _____

July 23, 2019

Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

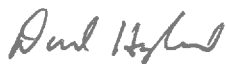
Community Development Department:

NeighborWorks® Home Solutions is submitting an Application to Purchase City Property for Parcel 754435186009; 1828 7th Avenue; Pierces Addition Subdivision; Block 8; Lots 11-12. We are requesting a "Forgivable Mortgage" for the property listed.

NeighborWorks® Home Solutions recognizes the property listed as 1828 7th Avenue has not met the requirements for a "Forgivable Mortgage" consideration. NeighborWorks® Home Solutions would respectfully request the Community Development Department and the Council Bluffs City Council approves an exception to this policy and provide the "forgivable mortgage" to NWHS as the affordable housing developer and non-profit.

Granting NeighborWorks® Home Solutions this property would allow us to construct one single family dwelling in a 4-month timeline. Development of our single family project would provide a profound social impact by contributing an energy efficient and sustainable affordable house for a homebuyer in our community. This project in collaboration with other dwellings in the neighborhood would allowed us to engage in the positive evolution of the neighborhood and its vitality. Housing construction is its own economic engine that simultaneously enhances a communities' ability to attract new business, generate local income by construction, create & support existing jobs, stimulate wages and increase local taxes base. Our project would have a long term impact to our community on many different levels.

Sincerely,

A handwritten signature in black ink, appearing to read "David Hazlewood".

David Hazlewood
Chief Operating Officer

Enclosed:
Application
Administrative Fee
Down Payment

PO Box 111578
3250 Lake Street
Omaha, NE 68111

402.451.2939
www.nwhomesolutions.org

222 South 6th Street
Council Bluffs, IA 51501



Find Property Res Sales Comm/Ind Sales

7544 35 186 009

--- Permanent Property Address ---
COUNCIL BLUFFS, CITY OF

----- Mailing Address -----
COUNCIL BLUFFS, CITY OF
209 PEARL ST
COUNCIL BLUFFS, IA 51503

=====
District: 000 CO BLUFFS CITY/CO BLUFFS

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435186009>

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

* Not to be used on legal documents

PIERCES SUB LTS 11-12 BLK 8

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

* Class is for Assessment purposes only - Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
\$12,159	\$53,505		\$0	\$65,664		2017	R
\$0	\$0		\$0	\$0		2018	R
\$0	\$0		\$0	\$0		2019	R

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

2017 HOMESTEAD \$4,850.00
2018 MGOV \$65,664.00 MUNICIPAL GOVERNMENT

===== OWNERS =====

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COUNCIL BLUFFS, CITY OF book/page: 2018/10670 D

===== SALES HISTORY =====

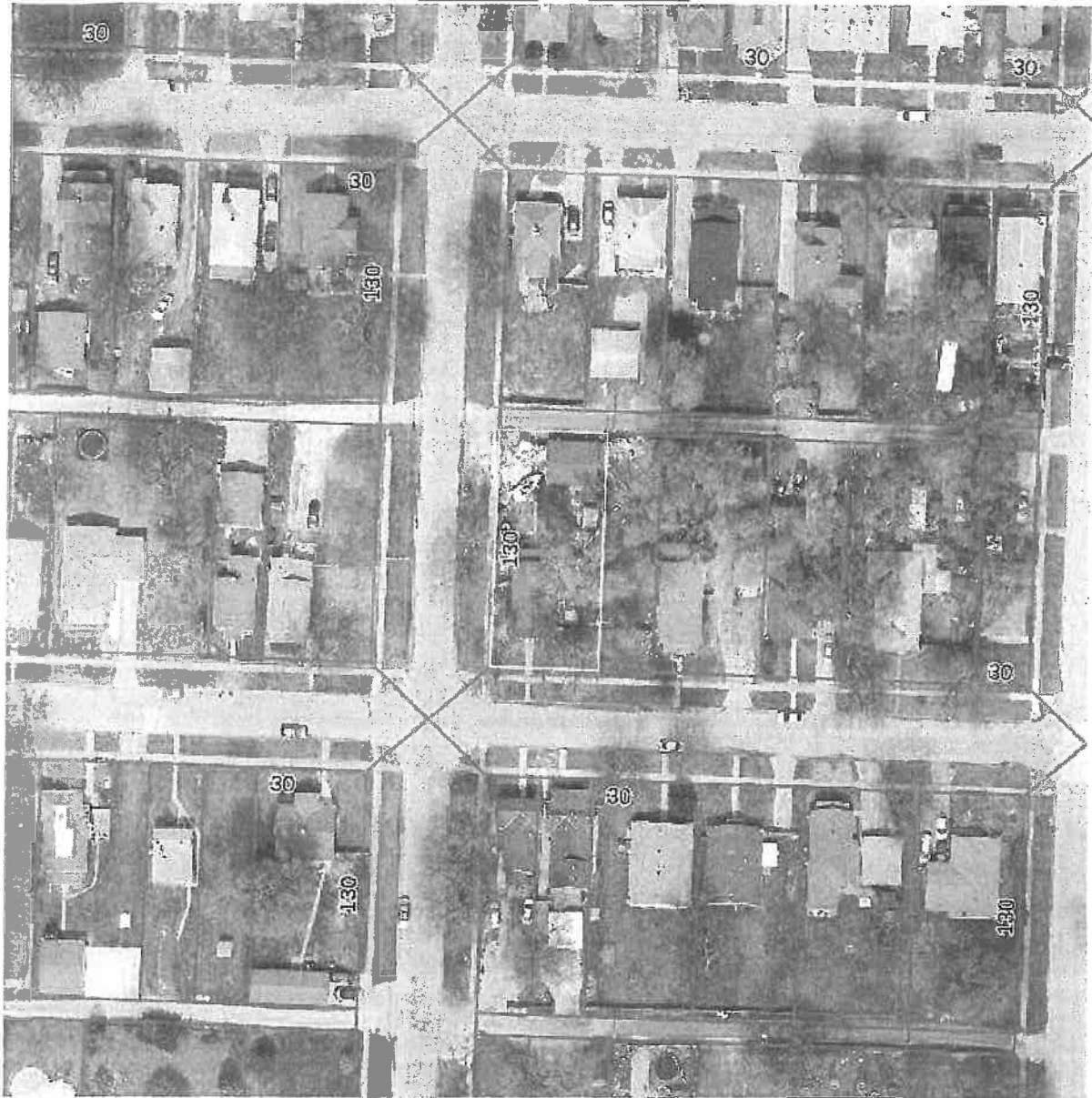
Sale Date	Amount	Code	Book/Page
07/09/2018	0	<u>D18</u>	<u>2018/10670</u>
01/01/1983	0	<u>D000</u>	0083/03331 <u>multiple parcel sale</u>

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

PDF: 28 MAP: 16

Interior Listing: Inspected Date Listed: 12/11/2018 EK Date Reviewed: 12/11/2018 EK

LAND.....7800 sqFt .18 acres
Lot 1: Frontage Rear Side-1 Side-2 Rear-Lot
 60 60 130 130

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

600ft x 600ft

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

As of:

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

Council Communication

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

Claims
ITEM 3.L.

Council Action: 8/12/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Claims, 8.12.19	Other	8/5/2019

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-PK-2018

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT William S. George DAY PHONE 402-350-1951
ADDRESS 22169 Peblestone dr. C.B. 7151503 DOB: 12-23-1966

DATE & TIME OF LOSS/ACCIDENT: May 23-24 2019

LOCATION OF LOSS/ACCIDENT: 452 Fuller Ave C.B. 7151503

DESCRIPTION OF LOSS/ACCIDENT: Broken tree limb pulled down the power line and pulled off the service and meter box from the house causing an emergency repair and loss of service (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED \$ 82011

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Jamie Steward 452 Fuller Ave 402-972-0041. Council Bluffs Parks Dep. Debra and an arborist I do not know the name.

WAS POLICE REPORT FILED ☒ YES ☐ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION See Attached

LIST INSURANCE PROVIDER AND COVERAGE: N/A

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 7-17-2019

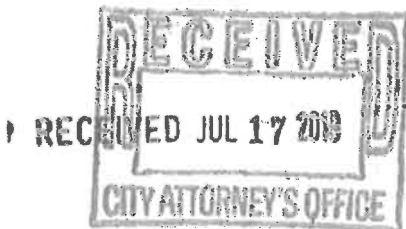
CLAIMANT'S SIGNATURE

William S. George

CLERK RCD

17 JUL '19

PK2:47



RETURN TO

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

COPY

CITY CLAIM NO 19-PD-2017

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT

Joe Citra

DAY PHONE

402-764-4999

ADDRESS

5030 South 130th Street Council Bluffs 68137

DOB

12/22/63

DATE & TIME OF LOSS ACCIDENT

12 JUL 2019 9AM

LOCATION OF LOSS ACCIDENT

COUNCIL BLUFFS POLICE STATION

DESCRIPTION OF LOSS ACCIDENT:

MY WIFE'S BELONGINGS WERE IN LOST. I
STOLED FINE HAT PURSE + A NEW CHAIR. I DROPPED THE
CHAIR IN MY BACK ALLEYS + SPENT IT ON HOUSEHOLD GOODS. I MEET
HIM ON THE BACK TO ME THE CHAIR WAS CLOUTERED BACK OF FORM, IF NECESSARY

TOTAL DAMAGES CLAIMED: \$

470.00 (\$1000)

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

BARBARA DUSTY HARRIS

WAS POLICE REPORT FILED

YES

NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES?

YES

NO

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

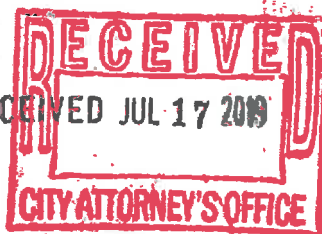
LIST INSURANCE PROVIDER AND COVERAGE:

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

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

DATE 17 JUL 2019

RECEIVED JUL 17 2019



CLAIMANT'S SIGNATURE

Joe Citra

17 JUL 19

PM 2:47

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-2016

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Roger J. Wahl DAY PHONE: 712 309-6478

ADDRESS: 20255 Greenway Ln. CB 51503 DOB: 6-11-37

DATE & TIME OF LOSS/ACCIDENT: After 4:00 PM March 20, 2019

LOCATION OF LOSS/ACCIDENT: 1609 Tipton - Between Cubins 244 & Ringling

DESCRIPTION OF LOSS/ACCIDENT: City Clerk on Chevrolet street broke and water washed dirt from city property down on property and needed to be removed. Damage to parking lot needs to be removed. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 900 + After this I have been overpaid

WITNESS(ES) (Name(s), Address(es), Phone No(s)): H. J. Mier 402-512-3754 Jerome S. Noel 601-0108 and others in Public Works of CB 712 309-2164

WAS POLICE REPORT FILED ☐ YES ☒ NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

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

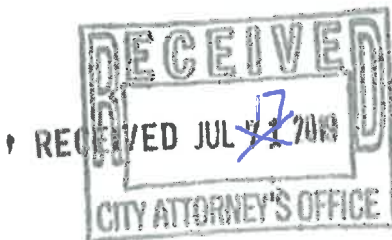
LIST INSURANCE PROVIDER AND COVERAGE: State Farm (Linda P. ...) They will not cover it.

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: July 17-19

CLAIMANT'S SIGNATURE: Roger J. Wahl



CLERK RCVD

17 JUL '19

PM 2:46



19 19, 11:05a

Riverbend Apartments

7123258812

p.1

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-PD-2019

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Riverbend Apts. DAY PHONE: 712-322-3131
ADDRESS: 804 N 35th St. Office DOB: _____

DATE & TIME OF LOSS/ACCIDENT: June 22nd, 2019LOCATION OF LOSS/ACCIDENT: 807 N 36th St. Cb La 51501

DESCRIPTION OF LOSS/ACCIDENT: We had several trailers on our personal property doing demolition due to flooding. Officer Korte came on property, selected 1 trailer to have towed off property, leaving 4 other trailers. None of which posed a problem with any insurance. (PUSH BACK OF FORM IF NECESSARY)
Fire Department

TOTAL DAMAGES CLAIMED: \$ 1262.95

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Officer Korte Powers, Corey Woodward, Fire Chief & Fire Marshall both agreed that this was done in error.

WAS POLICE REPORT FILED ☒ YES ☐ NOIF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:
N/AHAVE 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: Damage to our subcontractors lock, towing fee and 12 hours waiting trailers off property so the rest wouldn't be towed. The contractors have to retrieve trailer from impound lot. Additional \$200 of Admin fees

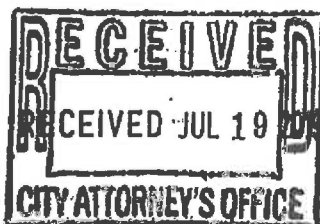
LIST INSURANCE PROVIDER AND COVERAGE: None

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)

7-16-2019
DATE

Kelly Mueller
CLAIMANT'S SIGNATURE

402-714-3596

CLERK RCD

19 JUL 19
PM 2:55

*******NOTICE OF CLAIM*******

Date: 07-16-2019

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: CITY OF COUNCIL BLUFFS
CITY CLERK
209 PEARL ST
COUNCIL BLUFFS, IA 51501

CLERK RCVD

23 JUL'19

AM 9:58

CERTIFIED MAIL# 92148901066154000140284380

RE: Damage to COX Property

COX Claim Num: UNO000030923874
Damage/Discovery Date: 07-02-2019
Damage Location: 429 E PIERCE ST, COUNCIL BLUFFS, IA
Damage County: UNKN
Damage Amount: UNDETERMINED

Dear Sir/Madam:

Please be advised that COX Facilities sustained damage as a result of the negligent acts or omissions by employees or agents of CITY OF COUNCIL BLUFFS.

Investigation has revealed that on or about 07-02-2019 employees or agents of CITY OF COUNCIL BLUFFS, THE CITY OF COUNCIL BLUFFS WAS WORKING ON A SIDEWALK AND DAMAGED A COX CABLE in the area of 429 E PIERCE ST, COUNCIL BLUFFS, IA.

REQUEST FOR GOVERNMENTAL NOTICE FORM

If your Governmental Entity requires the completion of its own form to complete proper notice, please forward a copy to the address listed above. Every good faith effort has been made to identify the proper office and address to perfect our notice. Please forward to your attorney, if misdirected, to contact us. Matters herein stated are alleged on information and belief this pleader believes to be true. If there is insurance to cover this matter, kindly advise as to the name of the insurance company, its address and the claim number assigned. If you have any questions, or need additional information, please contact me at 1-800-321-4158 ext 8232.

Sincerely,
Chelsea Dongelewic

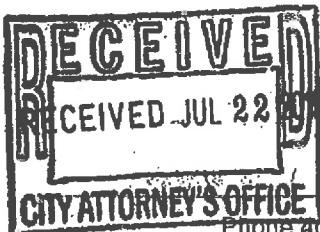
Chelsea Dongelewic

CMR Claims DEPT

NOTARY

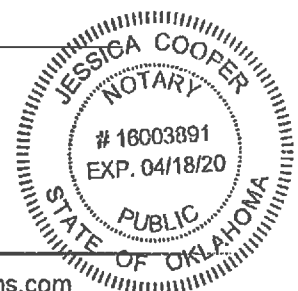
Commission Expires

4/15/20



CLAIMS MANAGEMENT RESOURCES

Phone 405.606.8200 | P.O. Box 60770, Oklahoma City, OK 73146 | www.cmrclaims.com



Council Communication

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

Mayor's Appointments
ITEM 3.J.

Council Action: 8/12/2019

Description

Dodge Trust Board of Trustees
Parks and Recreation Commission

Background/Discussion

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

DODGE TRUST BOARD OF TRUSTEES

Appoint the following with term expiring 07/01/2021:

Michael Sciortino
21 Burr Oak Road

PARKS AND RECREATION COMMISSION

Appoint the following with terms expiring 05/01/2022:

Jason Andersen
15 Marian Avenue

Jeff Martinez
317 W Ferndale Drive

Jeffery Snow
648 Forest Drive

Recommendation

Approval

Council Communication

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

American Wind Week
ITEM 4.A.

Council Action: 8/12/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
American Wind Week	Proclamation	7/31/2019

City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS,** Iowa ranks second in the nation for wind power capacity with nearly 9,000 megawatts installed, producing enough electricity to power nearly 2.1 million homes; and
- WHEREAS,** Iowa's wind production also ranks second in the nation at 33.7% of all in-state electricity production, with current and future projects estimated to bring wind's share of electricity production to over 40% by 2020; and
- WHEREAS,** Iowa is home to 114 wind farms and 10 wind-related manufacturing facilities; and
- WHEREAS,** wind powers opportunity in cities and communities all across Iowa, resulting in \$58 million in state and local tax payments and \$20-\$30 million in land lease payments in 2018 alone; and
- WHEREAS,** wind farms in Iowa have attracted over \$16.3 billion dollars in private investment to date, helping to spur critical investments in communities that fund manufacturing jobs, education programs, and local economic development projects; and
- WHEREAS,** the development of wind power now supports nearly 10,000 jobs across the state; and
- WHEREAS,** the advancements in wind power will greatly enhance our ability to attract new businesses and talent to our state and community, and wind energy will continue to grow as a major force in the U.S. economy.

NOW, THEREFORE, I,

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

August 11 – August 17, 2019

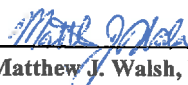
As

AMERICAN WIND WEEK

in the City of Council Bluffs, Iowa and I encourage all citizens to recognize the importance of renewable energy.



**IN WITNESS WHEREOF, I have hereunto
set my hand and caused the official seal of
the City of Council Bluffs, Iowa to be
affixed this 12th day of August, in the year
Two Thousand Nineteen.**


Matthew J. Walsh, Mayor

Council Communication

Department: City Clerk
Case/Project No.: ZT-19-002
Submitted by: Chris Meeks

Ordinance 6393
ITEM 5.A.

Council Action: 8/12/2019

Description

Ordinance amending Section 15.05.030(02) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amending Section 5.05.050 to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CASE #ZT-19-002 Staff Report	Other	7/11/2019
CASE #ZT-19-002 Attachment A	Other	7/11/2019
CASE #ZT-19-002 Public Hearing Notice	Other	7/11/2019
Ordinance 6393	Ordinance	7/16/2019

Council Communication

<p>Department: Community Development</p> <p>Case #ZT-19-002</p> <p>Applicant: Brett Derrig 219 N. 20th Street Council Bluffs, IA 51501</p>	<p>Ordinance No.</p>	<p>City Council: 7/22/19</p> <p>Planning Commission: 7/09/19</p>
<p style="text-align: center;">Subject/Title</p> <p>CASE #ZT-19-002: Public hearing on the request of Brett Derrig to amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding ‘Commercial recreation (indoor)’, as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District; the Council Bluffs Community Development Department expanded the request to amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of “greater of 50 feet or existing front setback line of principal structure”.</p>		
<p style="text-align: center;">Background</p> <p>The Community Development Department has received a request from Brett Derrig, for a text amendment to Title 15 of the <u>Municipal Code</u> (Zoning Ordinance) for:</p> <ul style="list-style-type: none"> An amendment to §15.05.030, Conditional uses in the A-2/Parks, Estates, and Agricultural District, to amend “(2) Commercial recreation (outdoor)” to “(2) Commercial recreation (indoor and outdoor)”. <p>Additionally, upon reviewing the site development regulations of the A-2 District, the Community Development Department expanded the request to:</p> <ul style="list-style-type: none"> Amend §15.05.050, Site development regulations in the A-2/Parks, Estates and Agricultural District to amend the front yard setback for an accessory structure from “greater of 50 feet or existing front setback line of principal structure” to “50 feet”. <p>The purpose of the text amendment to §15.05.030, as requested by Mr. Derrig, is to allow indoor commercial recreation as a conditional use in the A-2 District, which currently only allows outdoor commercial recreation as a conditional use. Mr. Derrig is proposing to construct an indoor baseball training facility at 1100 N. 8th Street on ground that is currently zoned A-2/Parks, Estates and Agricultural District, and houses baseball fields. Commercial recreation (indoor) is defined as “businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building. Typical uses include bowling alleys, billiard parlors, skating rinks, amusement machine complex, racquetball, swimming, tennis and exercise/fitness centers.” while Commercial recreation (outdoor) means “businesses and organizations engaged in the provision of sports, entertainment, or recreation in an open or partially enclosed or screened facility. Typical uses include skating rinks, swimming pools, tennis, driving ranges, miniature golf and golf courses and the structures associated with its operation.”</p> <p>The purpose of the proposed amendment to §15.05.050, Site development regulations in the A-2/Parks, Estates and Agricultural District, as proposed by the Community Development Department is in response to a review of properties located within the A-2 District and the future development of those properties. By today’s ordinance, accessory structures are required to be located behind the front setback of the principal</p>		

structure on the property, as is the case with many residential districts in the City. However, with the intent of the district being for agricultural, recreational and large-parcel residential uses with a minimum lot size of three acres, the parcels located in the A-2 District often serve a different purpose and feature development patterns that are unlike other districts in the City. The front yard setback of 50 feet in the A-2 District is also twice as large as the 25 foot front yard setback of the R-1/Single Family Residential District and R-2/Two-Family Residential District. Allowing accessory structures to be located in front of a principal structure, so long as they meet or exceed the required 50 foot front yard setback, will provide easier construction options to those with long driveways or topographic constraints who wish to construct an accessory garage for personal storage, or for agricultural operations who are in need of equipment storage structures or other necessary accessory buildings for their operation.

All City departments and utility providers received a copy of the proposed text amendments. The Council Bluffs Fire Marshall, Council Bluffs Permits and Inspections Division, Council Bluffs Public Works Department, Black Hills Energy, and Council Bluffs Water Works all responded that they have no comments on the request.

No other comments have been received.

Recommendation

The Community Development Department recommends approval of the following requests:

1. Amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding ‘Commercial recreation (indoor)’, as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District.
2. Amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of “greater of 50 feet or existing front setback line of principal structure”.

Public Hearing

Staff speaker on behalf of request:

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

Speakers in favor:

1. Brett Derrig, 219 North 20th Street, Council Bluffs, IA 51501

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval to amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding ‘Commercial recreation (indoor)’, as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District; and approval to amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of “greater of 50 feet or existing front setback line of principal structure”.

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

Attachment

Attachment A: Proposed text amendment

Prepared by: Chris Meeks, Planner

Attachment A:

Chapter 15.05 - A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

15.05.010 - Statement of intent.

This district is intended to preserve lands best suited for agricultural, recreational and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

(Ord. 5285 § 1 (part), 1996).

15.05.020 - Principal uses.

The following principal uses shall be permitted outright in an A-2 district:

- (1) Animal production.
- (2) Cemetery.
- (3) Dwelling, single-family detached.
- (4) Family home.
- (5) Government maintenance facility.
- (6) Horticulture and crop production.
- (7) Local utility services.
- (8) Park and recreation services.
- (9) Public campground.
- (10) Public safety services.
- (11) Religious assembly.
- (12) Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.
- (13) Animal shelter (non-profit).

(Ord. No. 6055, § 1, 3-8-2010; Ord. No. 6081, § 1, 5-24-2010).

Editor's note— Ord. No. 6055, § 1, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 1, 2000.

15.05.030 - Conditional uses.

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02:

- (1) Agricultural sales and service;
- (2) Commercial recreation (indoor and outdoor);
- (3) Day care services;
- (4) Extraction activity;

- (5) Funeral service in conjunction with a cemetery;
- (6) Outdoor firing range;
- (7) Private campground;
- (8) Sanitary landfill;
- (9) Rubble dump; and
- (10) Greenhouse, commercial.

(Ord. No. 6055, § 2, 3-8-2010; Ord. No. 6372, § 1, 12-17-2018).

Editor's note— Ord. No. 6055, § 2, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 2, 2000.

15.05.040 - Accessory uses.

Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 district only, an accessory structure may exceed the ground floor coverage of the principal structure.

(Ord. 5285 § 1 (part), 1996).

15.05.050 - Site development regulations.

Minimum Lot Size

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	Greater of 50 feet or existing front setback line of principal structure 50 feet
Street side yard:	20 feet	20 feet

Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

(Ord. 5285 § 1 (part), 1996).

15.05.060 - Additional regulations.

01. Reserved.

(Ord. 5285 § 1 (part), 1996).

15.05.070 - Signs.

Signage in this district shall comply with Chapter 15.33, "Signs."

(Ord. 5285 § 1 (part), 1996).

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 12th day of August, 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 §15.05.030(02) of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amend §15.05.050 of the Council Bluffs Municipal Code (Zoning Ordinance) to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

(CASE ZT-19-002)

ORDINANCE NO. 6393

AN ORDINANCE TO AMEND CHAPTER 15.05-A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.05.030 “CONDITIONAL USES” AND SECTION 15.05.050 “SITE DEVELOPMENT REGULATIONS”.

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

SECTION 1. That Chapter 15.05 A-2/Parks, Estates and Agricultural District of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.05.030, “Conditional uses” and Section 15.05.050 “Site development regulations” to read as follows:

15.05.030 - Conditional uses.

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02:

- (1) Agricultural sales and service;
- (2) Commercial recreation (indoor and outdoor);
- (3) Day care services;
- (4) Extraction activity;
- (5) Funeral service in conjunction with a cemetery;
- (6) Outdoor firing range;
- (7) Private campground;
- (8) Sanitary landfill;
- (9) Rubble dump; and
- (10) Greenhouse, commercial.

15.05.050-Site development regulations.

Minimum Lot Size

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	50 feet
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

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

August 12, 2019

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 7-22-19

Second Consideration: 8-12-19

Public Hearing: 8-12-19

Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: CASE #ZT-19-003
Submitted by: Moises Monrroy, Planner

Ordinance 6394
ITEM 5.B.

Council Action: 8/12/2019

Description

Ordinance amending Chapter 15.08A, R-1E/Single-Family Residential Estates District, of the Municipal Code (Zoning Ordinance) by amending Section 15.08A.050 "Site Development Regulations" to increase the maximum lot coverage for all structures from 10% to 20%, and amending Section 15.08A.060(01) "Additional Regulations, Private Sewage Disposal System" by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CASE #ZT-19-003 Staff Report	Other	7/11/2019
CASE #ZT-19-003 Attachment A	Map	7/11/2019
CASE #ZT-19-003 Attachment B	Other	7/11/2019
CASE #ZT-19-003 Public Hearing Notice	Other	7/11/2019
Ordinance 6394	Ordinance	7/16/2019

Council Communication

Department: Community Development Case #ZT-19-003 Applicant: David Burns 1210 Longview Loop Council Bluffs, IA 51503	Ordinance No. _____	City Council: 7/22/2019 Planning Commission: 7/09/2019
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Subject/Title

Request: Public hearing on the request of David Burns to amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%; the Council Bluffs Community Development Department expanded the request to amend Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Background/Discussion

The Community Development Department has received a request by David Burns to amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%.

The applicant owns property located at 1210 Longview Loop which is zoned in an R-1E District. Last year, the applicant was issued a building permit to construct a detached single-family dwelling in this property. At the time of permit approval, the applicant was informed that his dwelling comprised the entire 10% maximum lot coverage allowed in an R-1E District, and would not be able to construct another structure in his property without obtaining a variance from the Zoning Board of Adjustment.

Earlier this year, the applicant submitted a building permit application to construct an in-ground swimming pool on his property. The applicant was informed that he must receive a variance from the Zoning Board of Adjustment or amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase the maximum lot coverage for all structures. After considering these options, the applicant proposes to amend Section 15.08A.050, Site development regulations, of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures in the R-1E District from 10% to 20%. In the text amendment application, Mr. Burns stated he is seeking this request because it will benefit all owners of property zoned in an R-1E District, provide better use of properties by allowing the construction of more accessory structures, increase property tax revenue, and will not adversely impact aesthetics.

The following attachments are included with this report:

Attachment A: Proposed text amendment to Chapter 15.08A, R-1E/Single-Family Estates Residential District

Attachment B: Maps showing all R-1E District in the City of Council Bluffs

Comments

All City Departments and local utility providers were notified of the proposed text amendment change. The following responses were received:

- The Permits and Inspections Division and the Public Works Department noted that Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, of the Council Bluffs Municipal Code (Zoning Ordinance) references Chapter 4.32, Private Sewage Disposal Systems, of the Council Bluffs Municipal Code, which has been repealed. They stated that Section 15.08A.060(01) should reflect this change.
- The Fire Department stated they had no comments on this request.
- Council Bluffs Water Works stated they had no comments on this request.
- Mid-American Energy stated they had no objections to this request.

The Community Development Department provided the following comments for the text amendment request:

1. As per Section 15.08A.010, Statement of intent, the R-1E District is intended for “low-density residential neighborhoods characterized by single-family detached dwellings on large lots... and serves to preserve existing low-density neighborhoods and for newly developed areas where environmental concerns preclude smaller lots.” The Community Development Department determines that the proposed text amendment is compatible with the purpose of the R-1E District.
2. As per Section 15.08A.050, the minimum lot size requirement in the R-1E District is one acre. Along with the maximum lot coverage of 10%, this is intended to allow the construction of private sewage disposal systems, which are not permitted in other residential districts in the City. Increasing the maximum lot coverage to 20% provides owners greater flexibility on how to use their property while reserving 80% of the parcel for the placement of septic tanks and septic drain fields. Furthermore, the proposed request will maintain the low-density character of neighborhoods in an R-1E District and provide a less abrupt “transition” to the R-1/Single-Family Residential District.
3. Changes to the text of Title 15: Zoning are made through the adoption of an ordinance. The ordinance is adopted as part of the Municipal Code and is not specific to an individual project. In the case of this request, the change would apply to any property that is zoned in an R-1E District. As shown on Attachment B, this request will only impact a small number of properties in the City. The following are all properties zoned in an R-1E District in the City of Council Bluffs:
 - a. Three residential properties (1005 State Orchard Road; 4703 and 4761 Cedar Lane) located southwest of the intersection of State Orchard Road and Cedar Lane.
 - b. Six residential properties (1170, 1201, 1210, 1335, 1401 and 1415 Longview Loop) and two undeveloped parcels of land located along the section of Longview Loop north of Greenview Road.
 - c. Two undeveloped parcels of land located east of the intersection of Harry Langdon Boulevard and Valley View Drive.
 - d. Sixteen residential properties (100, 101, 105, 108, 112, 116, 117, 120, 121, 124, 125 and 128 Discovery Circle; 4205, 4209, 4525 and 4535 Harry Langdon Boulevard) located in the Cedar Point Subdivision.
4. As stated above, Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, references Chapter 4.32 of the Municipal Code to establish standards for the construction and maintenance of septic tanks in an R-1E District. As per Ordinance No. 6361, City Council repealed Chapter 4.32 on October 22, 2018. The Permits and Inspections Division stated that now they reference Chapter 69, Private Sewage Disposal Systems, of the Iowa Administrative Code. The Community Development recommends the following text amendment:

15.08A.060 - Additional regulations.

01. Private Sewage Disposal System. The construction, use, and maintenance of individual sewage disposal systems in the R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Recommendation

The Community Development Department recommends approval to amend Chapter 15.08A, R-1E/Single-Family Estates Residential District, as follows:

1. Amend Section 15.08A.050, *Site development regulations*, in the R-1E/Single-Family Residential Estates District of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%.
2. Amend Section 15.08A.060(01), *Additional regulations, Private Sewage Disposal System*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Public Hearing

Staff speaker on behalf of request:

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

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to amend Section 15.08A.050, *Site development regulations*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%; and to amend Section 15.08A.060(01), *Additional regulations, Private Sewage Disposal System*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

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

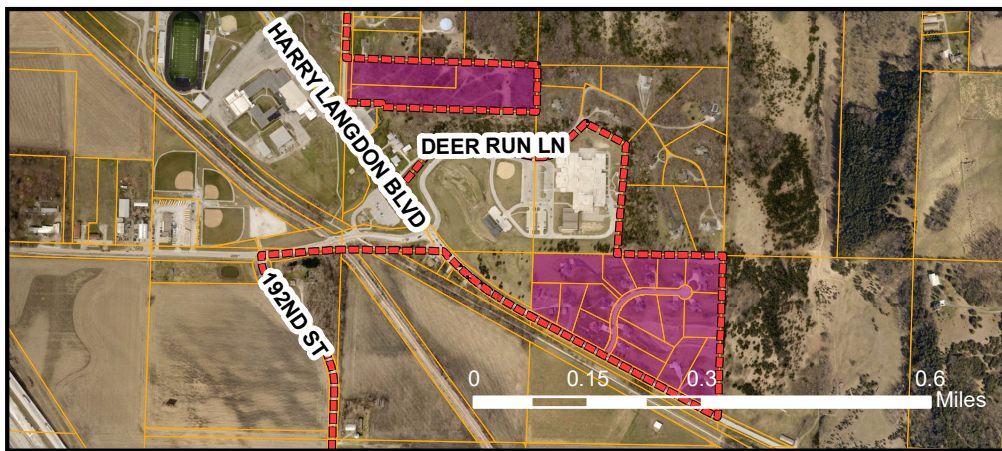
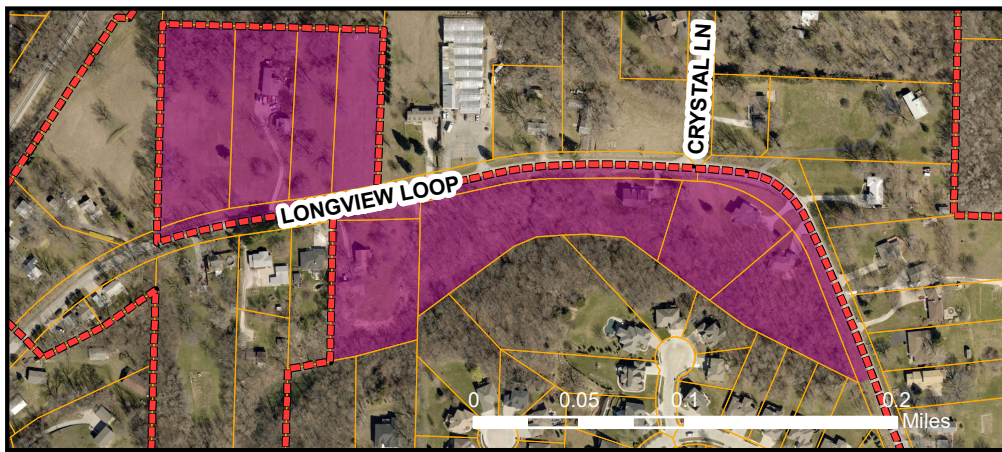
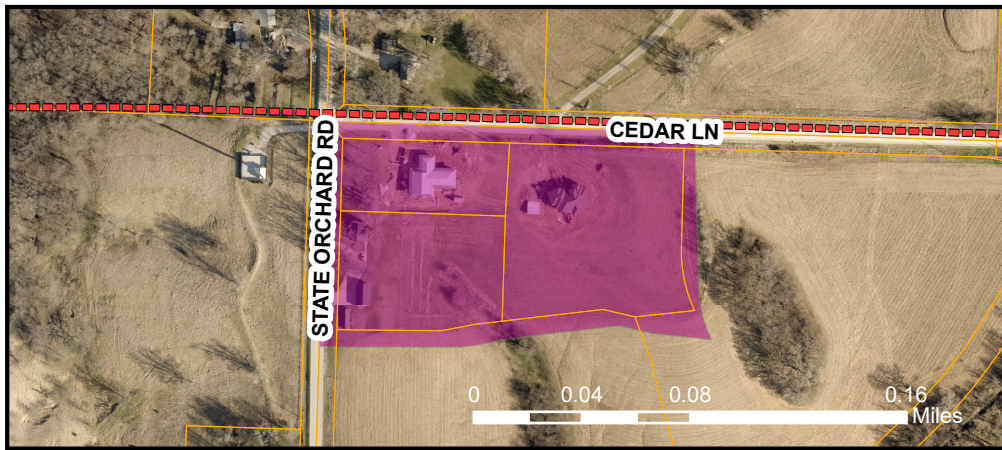
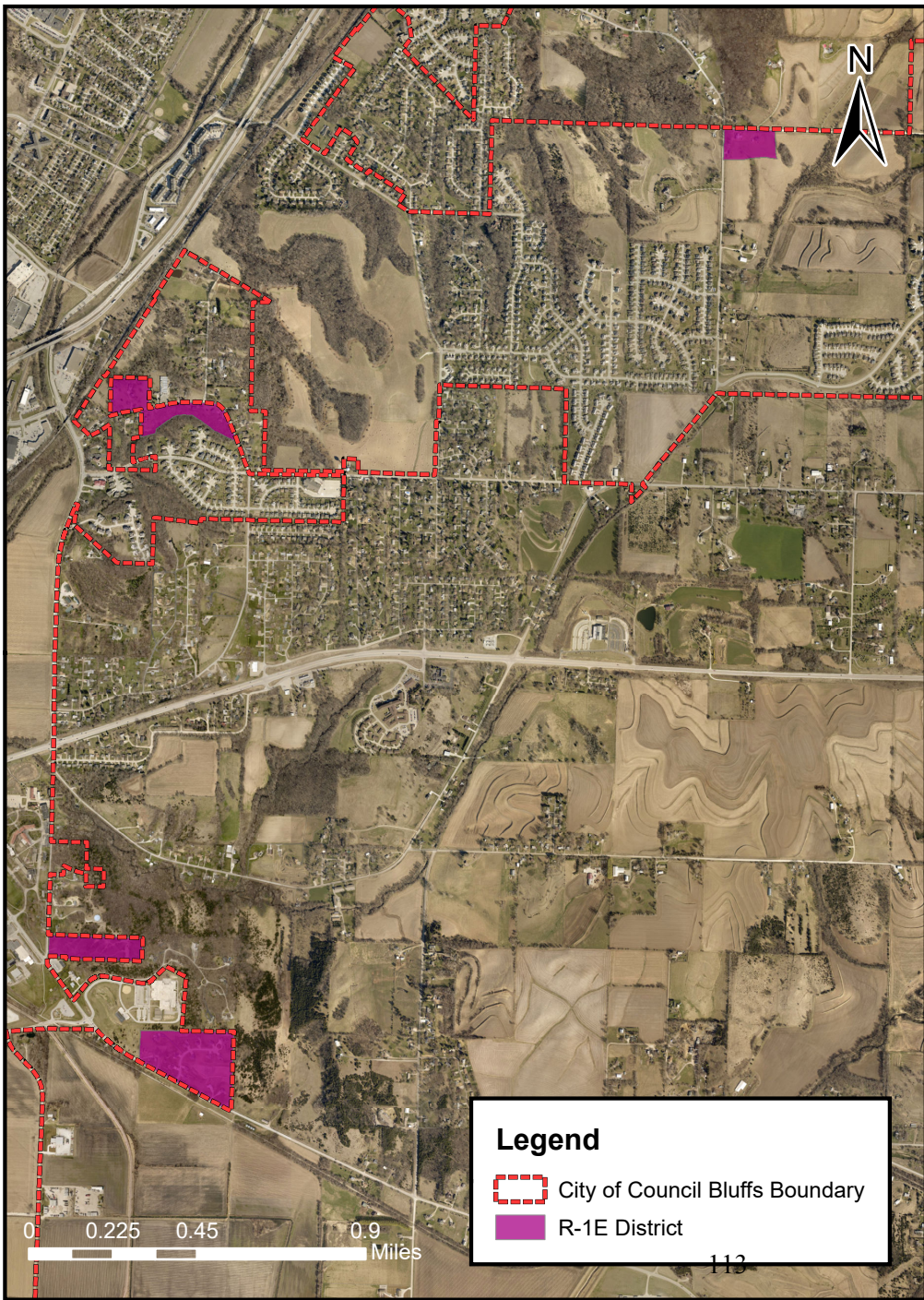
Attachments

Attachment A: Proposed text amendment to Chapter 15.08A, R-1E/Single-Family Estates Residential District

Attachment B: Map showing all R-1E District properties in the City of Council Bluffs

Prepared by: Moises Monrroy, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASE #ZT-19-003 R-1E DISTRICT IN THE CITY OF COUNCIL BLUFFS



Chapter 15.08A - R-1E/SINGLE-FAMILY RESIDENTIAL ESTATES DISTRICT

Sections:

15.08A.010 - Statement of intent.

This district is intended for low-density residential neighborhoods characterized by single-family detached dwellings on large lots. This district is also intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services. It is also appropriate for established areas of the city where it serves to preserve existing low-density neighborhoods and for newly developed areas where environmental concerns preclude smaller lots.

(Ord. 5305 § 1 (part), 1996).

15.08A.020 - Principal uses.

The following principal uses shall be permitted outright in an R-1E district:

01. Community recreation services;
02. Dwelling, single-family detached;
03. Family home;
04. Local utility services;
05. Park and recreation services;
06. Public safety services;
07. Religious assembly.

(Ord. 5305 § 1 (part), 1996).

15.08A.030 - Conditional uses.

The following conditional uses shall be permitted in an R-1E district when authorized in accordance with the requirements set forth in Section 15.27.020 of this title:

01. Cemetery;
02. Day care services.

(Ord. 5305 § 1 (part), 1996).

15.08A.040 - Accessory uses.

The following accessory uses shall be permitted in an R-1E district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. No accessory structure shall exceed the ground floor coverage of the principal structure.

(Ord. 5305 § 1 (part), 1996).

15.08A.050 - Site development regulations.

Minimum Lot Size

Lot area:	43,560 square feet (1 acre)
Lot width at front building line:	125 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	35 feet	Greater of 35 feet or existing front setback line of principal structure
Interior side yard:	20 feet at building setback line	10 feet
Street side yard:	30 feet	30 feet
Rear yard:	35 feet	10 feet
Maximum height:	35 feet	18 feet
Lot coverage: all structures	10% maximum 20% maximum	

One principal structure per lot.

(Ord. 5305 § 1 (part), 1996).

15.08A.060 - Additional regulations.

01. Private Sewage Disposal System. The construction, use, and maintenance of individual sewage disposal systems in the R-1E district shall comply with ~~Chapter 4.32 of the municipal code~~ Chapter 69 of the Iowa Administrative Code.
02. Cluster Lots Prohibited. The subdivision of cluster lots under Chapter 14.10 of the municipal code shall be prohibited in the R-1E district.

(Ord. 5305 § 1 (part), 1996).

15.08A.070 - Signs.

Signage in this district shall comply with Chapter 15.33, "Signs."

(Ord. 5305 § 1 (part), 1996).

DRAFT

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 12th day of August, 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 Chapter 15.08A, R-1E/Single-Family Residential Estates District, of the Municipal Code (Zoning Ordinance) by amending Section 15.08A.050 "Site Development Regulations" to increase the maximum lot coverage for all structures from 10% to 20%, and amending Section 15.08A.060(01) "Additional Regulations, Private Sewage Disposal System" by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

(Case ZT-19-003)

ORDINANCE NO. 6394

AN ORDINANCE TO AMEND CHAPTER 15.08A-R-1/SINGLE-FAMILY RESIDENTIAL ESTATES DISTRICT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.08A.050 “SITE DEVELOPMENT REGULATIONS” AND SECTION 15.08A.060 “ADDITIONAL REGULATIONS”.

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

SECTION 1. That Chapter 15.08A-R-1/Single-Family Residential Estates District of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.08A.050 “Site development regulations” and Section 15.08A.060 “Additional regulations” to read as follows:

15.08A.050 - Site development regulations.

Minimum Lot Size

Lot area:	43,560 square feet (1 acre)
Lot width at front building line:	125 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	35 feet	Greater of 35 feet or existing front setback line of principal structure
Interior side yard:	20 feet at building setback line	10 feet
Street side yard:	30 feet	30 feet
Rear yard:	35 feet	10 feet
Maximum height:	35 feet	18 feet
Lot coverage: all structures	20% maximum	

One principal structure per lot.

Case #ZT-19-003

15.08A.060 - Additional regulations.

01. Private Sewage Disposal System. The construction, use, and maintenance of individual sewage disposal systems in the R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.
02. Cluster Lots Prohibited. The subdivision of cluster lots under Chapter 14.10 of the municipal code shall be prohibited in the R-1E district.

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

August 12, 2019.

MATTHEW J. WALSH

Mayor

Attest: _____

JODI QUAKENBUSH

City Clerk

First Consideration: 7-22-19

Second Consideration: 8-12-19

Public Hearing: 8-12-19

Third Consideration: _____

Council Communication

Department: Community Development
Case/Project No.: SAV-19-006
Submitted by: Moises Monrroy, Planner

Resolution 19-184
ITEM 5.C.

Council Action: 8/12/2019

Description

Resolution to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #SAV-19-006 Staff Report	Other	7/11/2019
Case #SAV-19-006 Attachment A	Map	7/11/2019
Case #SAV-19-006 Public Hearing Notice	Other	7/11/2019
Resolution 19-184	Resolution	8/5/2019

Council Communication

Department: Community Development Case #SAV-19-006 Property Owner/Applicant: Crystal Slason 1702 Avenue G Council Bluffs, IA 51501	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 7/9/2019 Set Public Hearing: 7/22/2019 Public Hearing: 8/12/2019
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Subject/Title

Request: Public hearing on the request of Crystal Slason to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition.

Location: West of North 17th Street, between Avenue G and Avenue H

Background/Discussion

The Community Development Department has received an application from Crystal Slason to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition. The subject east/west alley is unimproved and measures 10 feet in width by 204 feet in length. As per the applicant, a fire was started in the alley that burned down several structures located nearby. If vacated, the applicant intends to acquire the portion adjoining her property to restrict access and increase safety.

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 eight property owners with land that abuts the subject alleyway. The owners of these properties are as follows:

- North – Residential property owned by Martin and Rosario Espinoza (1717 Avenue H)
 Residential property owned by Vicki L. Jones (1715 Avenue H)
 Residential property owned by Tamara A. Donney (1705 Avenue H)
 Residential property owned by Jacob A. Brandt (716 North 17th Street)
- South – Residential property owned by Dixie D. Shaffar (1700 Avenue G)
 Residential property owned by Crystal C. Slason (1702 Avenue G)
 Residential property owned by Wayne Rasmussen (1704 Avenue G)
 Residential property owned by Michael S. Knotek (1714 Avenue G)

All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the portion of the alley 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 Avenue G or Avenue H, except the property at 716 North 17th Street, which has frontage on North 17th Street, and will not be landlocked or have their access negatively impacted if the subject east/west alley is vacated.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.*

This request will eliminate an existing dead-end alley, as the subject east/west alley dead-ends at the eastern boundary of Woodrow Wilson Junior High School.

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 Fire Department stated they have no comments on the vacation.
- The Public Works Department stated they have no concerns with the vacation.
- Council Bluffs Water Works stated they have no public facilities located within the subject east/west alley.
- MidAmerican Energy Company stated they have existing overhead distribution facilities within the subject east/west alley. They noted that since these facilities supply electric service to multiple residences, they would like to retain an easement over the alley to maintain accessibility for maintenance and reliability.
- Cox Communications stated they have utilities in the alley on the MidAmerican poles. They also stated they would to retain an easement over the alley for access.
- Black Hills Energy stated they had no objections to the vacation and noted they do not have facilities within the subject alley and have no plans to use it in the future.

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 subject east/west alley.

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:

- Crystal Slason stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Wayne Rasmussen stated he is in favor of the request and willing to acquire the portion of the east/west alley adjacent to his property at no cost.
- Vicki L. Jones stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Dixie D. Shaffar stated she is in favor of the request and willing to acquire the portion of the east/west alley adjacent to her property at no cost.
- Tamara A. Donney stated she is opposed to the request, but is willing to acquire the portion of the east/west alley adjacent to her property at no cost if vacated.

- There has been no reply from Martin and Rosario Espinoza, Jacob A. Brandt or Michael S. Knotek regarding the vacation request.

Recommendation

The Community Development Department recommends approval to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H, 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).

Public Hearing

Staff speaker on behalf of request:

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

Speakers in favor:

1. Crystal Slason, 1702 Avenue G, Council Bluffs, IA 51501
2. Ron Rasmussen, 1704 Avenue G, Council Bluffs, IA 51501
3. Wayne Rasmussen, 2503 Lockwood Place, Council Bluffs, IA 51503

Speakers against:

1. Tamara Donney, 1705 Avenue H, Council Bluffs, IA 51501

Planning Commission Recommendation

The Planning Commission recommends approval to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, 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).

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

Attachment

Attachment A: Location and Zoning Map

Prepared by: Moises Monnroy, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-19-006 LOCATION/ZONING MAP

Legend

 Subject Alleyway

0 20 40
1 Inch = 44 Feet



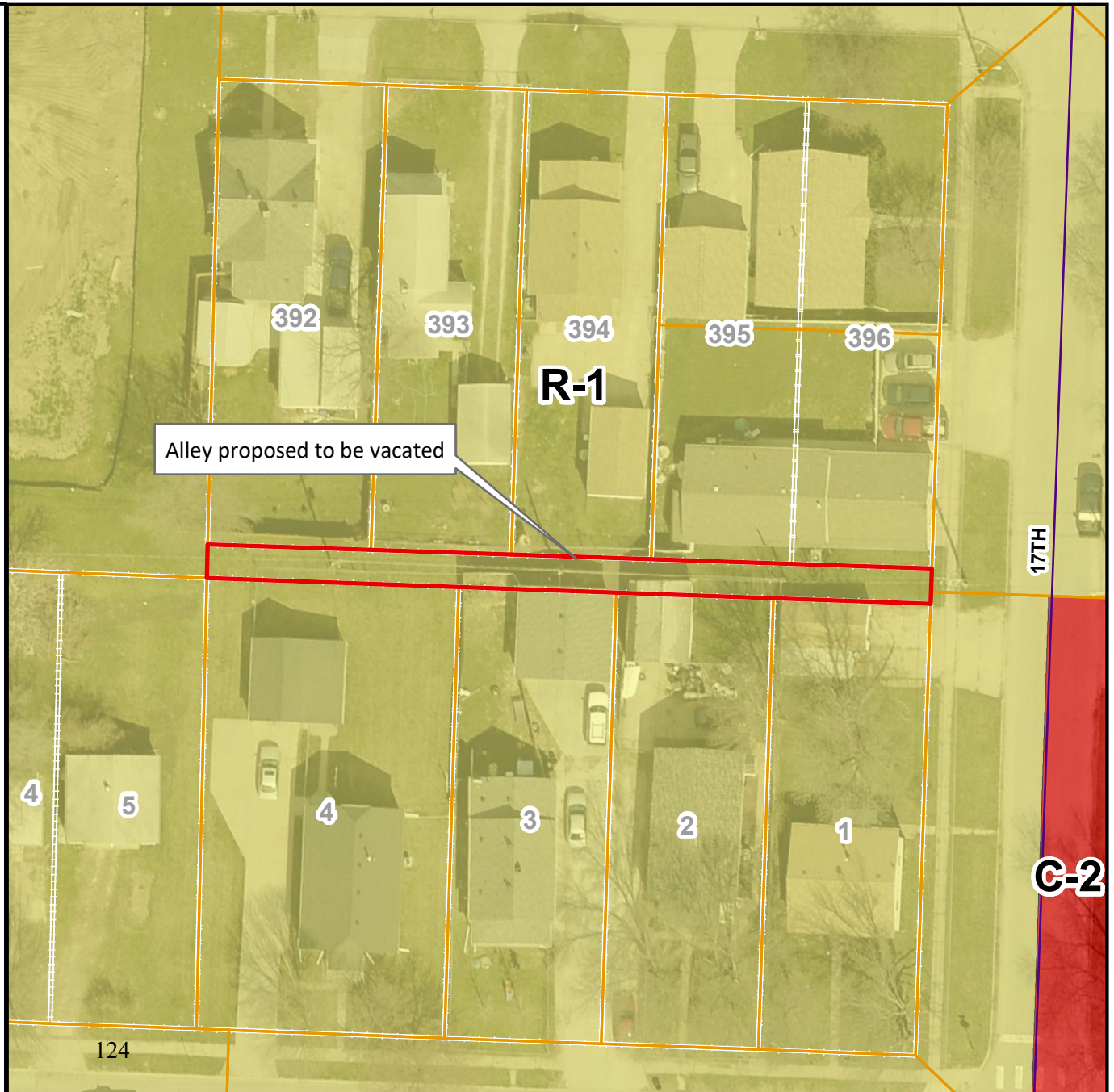
Last Amended: 6/17/19



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 or the use 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.



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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Crystal Slason to vacate and dispose of the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin's Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 12th day of August, 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.

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 328-4629

RESOLUTION NO. 19-184

A RESOLUTION TO VACATE AND DISPOSE OF THE EAST/WEST ALLEY ADJACENT TO LOTS 1 THROUGH 4, BLOCK 7, MULLIN’S SUBDIVISION AND LOTS 392 THROUGH 396, BELMONT ADDITION, LYING WEST OF NORTH 17TH STREET, BETWEEN AVENUE G AND AVENUE H, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: the east/west alley adjacent to Lots 1 through 4, Block 7, Mullin’s Subdivision and Lots 392 through 396, Belmont Addition, lying west of North 17th Street, between Avenue G and Avenue H, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public meeting was held on this matter on the 12th day of August, 2019; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose 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); and

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

**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 and conveyed as follows:

Martin and Rosario Espinoza and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 392, Belmont Addition, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Vicki L. Jones and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 393, Belmont Addition, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Tamara A. Donney and all successors in interest: The North ½ of the vacated east/west alley abutting Lot 394, Belmont Addition, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Jacob A. Brandt and all successors in interest: The North ½ of the vacated east/west alley abutting the South ½ of Lots 395 and 396, Belmont Addition, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Dixie D. Shaffar and all successors in interest: The South ½ of the vacated east/west alley abutting Lot 1, Block 7, Mullin's Subdivision, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Crystal C. Slason and all successors in interest: The South ½ of the vacated east/west alley abutting Lot 2, Block 7, Mullin's Subdivision, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Wayne Rasmussen and all successors in interest: The South ½ of the vacated east/west alley abutting Lot 3, Block 7, Mullin's Subdivision, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

Michael S. Knotek and all successors in interest: The South ½ of the vacated east/west alley abutting Lot 4, Block 7, Mullin's Subdivision, Council Bluffs, Pottawattamie County, in consideration of the vacation application fee already paid.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above described alley right-of-way in consideration of the vacation application fee already paid; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED:

August 12, 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

Council Communication

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

Ordinance 6395
ITEM 6.A.

Council Action: 8/12/2019

Description

Ordinance to amend Chapter 8.21 - Theft of the 2015 Municipal Code, by amending Section 8.21.030 "Value" and Section 8.21.042 "Computer Theft".

Background/Discussion

Amending this Chapter is in response to the passing of legislation on theft related charges and the increase of the maximum amount of each offense that became effective on July 1, 2019.

Our code has the value for a Theft-5th simple misdemeanor as "\$200 or less" and the new law raised that maximum to "\$300.00 or less".

This amendment will bring our City Code up to date with the newly passed legislation.

Recommendation

Approval of this ordinance.

ATTACHMENTS:

Description

[Ordinance 6395](#)

Type

Ordinance

Upload Date

7/16/2019

ORDINANCE NO. 6395

AN ORDINANCE TO AMEND CHAPTER 8.21-THEFT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.21.030 “VALUE” AND SECTION 8.21.042 “COMPUTER THEFT”.

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

SECTION 1. That Chapter 8.21-Theft of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 8.21.030 “Value” and Chapter 8.21.042 “Computer Theft” to read as follows:

8.21.030-Value.

The value of property is its value by any reasonable standard at the time it is stolen or the fraudulent practice is committed. Reasonable standard includes but is not limited to market value within the community, actual value, or replacement value. Such value shall not exceed ~~two hundred dollars (\$200.00)~~ three hundred dollars (\$300.00) for the purposes of this chapter

8.21.042 – Computer theft.

A person commits computer theft when the person knowingly and without authorization accesses or causes to be accessed a computer, computer system, or computer network, or any part thereof, for the purpose of (1) obtaining services, data, information or property or (2) knowingly and without authorization and with the intent to permanently deprive the owner of possession, takes, transfers, conceals or retains possession of a computer, computer system, or computer network or any computer software or program, or data contained in a computer, computer system, or computer network. Computer theft, under this code, is a simple misdemeanor when the theft involves or results in a loss of services or ~~property~~ property that has a value of not more than ~~two hundred dollars (\$200.00)~~ three hundred dollars (\$300.00).

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

August 12, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 7-22-19

Second Consideration: 8-12-19

Public Hearing: N/A

Third Consideration: _____

Council Communication

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

Ordinance 6396
ITEM 6.B.

Council Action: 8/12/2019

Description

An ordinance to amend Chapter 8.44 - Property Damage of the 2015 Municipal Code, by amending Section 8.44.010 "Criminal Mischief".

Background/Discussion

Amending this Chapter is in response to the passing of legislation on criminal mischief charges and the increase of the maximum amount of each offense that became effective on July 1, 2019.

This amendment will bring our City Code up to date with the newly passed legislation.

Recommendation

Approval of this ordinance.

ATTACHMENTS:

Description

[Ordinance 6396](#)

Type

Ordinance

Upload Date

7/16/2019

ORDINANCE NO. 6396

AN ORDINANCE TO AMEND CHAPTER 8.44-PROPERTY DAMAGE OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 8.44.010 “CRIMINAL MISCHIEF”.

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

SECTION 1. That Chapter 8.44-Property Damage of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 8.44.010 “Criminal Mischief” to read as follows:

8.44.010-Criminal mischief.

Any person who intentionally damages, defaces, alters or destroys any tangible property of another so that the cost of replacing, repairing or restoring the property does not exceed ~~two hundred dollars (\$200.00)~~ three hundred dollars (\$300.00), is guilty of criminal mischief in the fifth degree.

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

August 12, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 7-22-19
Second Consideration: 8-12-19
Public Hearing: N/A
Third Consideration: _____

Council Communication

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

Resolution 19-185
ITEM 7.A.

Council Action: 8/12/2019

Description

Resolution to adopt the current Schedule of Fees for 2019, Version 3, dated 8-12-19

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[Redline Version](#)

[Resolution 19-185](#)

Type

Other

Resolution

Upload Date

7/31/2019

8/5/2019

CITY OF COUNCIL BLUFFS, IOWA

SCHEDULE OF FEES

2019 Version 3

Council Approved 8-12-19

CITY OF COUNCIL BLUFFS – SCHEDULE OF FEES

Chapter 2.08 SCHEDULE OF FEES

2.08.010 Purpose.

The purpose of this chapter is to set forth those fees and charges authorized to be charged by the city pursuant to specific authorization of the city council, as evidenced herein, or as authorized in other chapters of this code.

The provisions of this chapter shall constitute authorization for the mayor or his/her designee to charge and collect the fees and charges set forth herein. If a fee or charge is authorized to be made or charged in another chapter of this code, but is not set forth in this chapter, such fee or charge is nonetheless authorized to be made or charged, the same as if it were set forth herein.

(Ord. 5768 § 2 (part), 2003).

2.08.020 Fees set by resolution.

Any fees not specifically set forth in this chapter shall be set and amended by resolution of the city council. The schedule of fees shall be maintained and shall be available for inspection in the office of the city clerk.

(Ord. 5768 § 2 (part), 2003).

2.08.030 Waiver of fees.

The fees contained in the schedule and those authorized by other provisions of this municipal code may be waived by resolution of the city council if it is determined to be in the best interests of the city of Council Bluffs. In addition to this waiver authority of the city council, the mayor may waive parking meter hood fees set out in Section 2.08.060 herein, if he/she determines such a waiver to be in the best interests of the city.

(Ord. 5768 § 2 (part), 2003).

(Ord. No. 6035, § 1, 7-27-2009).

FEES CHARGED BY THE COUNCIL BLUFFS POLICE DEPARTMENT

RANGE FEES - Defensive tactics - Laser Shot	
4 hours (1/2 day)	60.00
8 hours (full day)	120.00
Reports	10.00
Supplement Reports	.50 per page
Photos	25.00 + actual processing fee
DVD	30.00
VHS	30.00
Cassette	30.00
Fingerprints	15.00 + 5.00 extra card
Tow In Ad Fees	35.00
Records Check	10.00
Vault Fees	20.00

Resolution No. 10-47 (2/8/10)

	Special Transit Service	2.50/person/ride
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Resolution 12-86

1.52.020	Fees for Ambulance Services:	
	Basic Life Support Emergency	525.00
	Advance Life Support (ALS)	600.00
	Advanced Life Support 2	700.00
	Mileage (per loaded mile)	11.00
	ALS – Treat/No Transport	150.00

Resolution No. 09-202 (7/13/09)

Ordinance

No. 5760, Section 2 (part), 2003

3.12.040(b)	Alarm System Fees:	
	Registrations – 12 months	25.00
	Late registration – add penalty	25.00
3.12.080	False Alarm Fees	

Municipal
Code Section

Description of License, Fee, or Permit

Charge

	Two per year	100.00
	Three or more per year	250.00/each incident
	After 30 days – late fee	50.00

	Public Entertainment:	
3.14.010	Menagerie or circus (or combination) includes street parades	25.00 - 150.00 per day
	Other shows	25.00 per day
	Street exhibition	10.00 per day
	Theatricals	5.00 per performance
	Six performances	18.00
	Twelve performances	24.00
	Twenty-four performances	30.00
	Museum	10.00 per month
	Other exhibitions, concerts or performance by non-C.B. citizens	5.00
3.14.030	Carnivals	Costs – police officer expense 50.00 - 100.00
3.14.050	Temporary structures	50.00 deposit
3.14.060	Temporary structures refund – following inspection	Up to 48.00

Ordinances are from 1925 – 1930

	Adult Entertainment:	
3.15.070	Application and renewal fee – adult entertainment business license	250.00 (nonrefundable)
3.15.130	Escort/Models Permit & renewal	250.00
3.15.120	Permit transfer fee	10.00
	Games and Amusements:	
3.24.010	Shooting gallery license	10.00 per month/50.00 per year (7-3-1882)
3.24.030	Horoscopic views license	5.00 per month (7-3-1882)
3.24.040	Lung testers license	5.00 per month (7-3-1882)
3.24.050	Skill games license	20.00??
3.24.060	Games of chance license	10.00 – one month only
	Rubble Dumps:	
3.31.065	License – original	1,000.00
3.31.095	License – renewal	1,000.00
	Junk, Salvage, Scrap Processing and Storage Yards:	
3.32.170	Up to 5,000 sq. ft. 5,001 – 10,000 sq. ft. 10,001 – 20,000 sq. ft. 20,001 + sq. ft.	50.00 100.00 150.00 200.00
3.32.180	Renewal	Same as original
	Juke Boxes and Amusement Devices:	

Municipal
Code Section

Description of License, Fee, or Permit

Charge

3.34.060	Juke boxes	10.00 per machine
	Mechanical amusement devices requiring the deposit of one cent for operation	10.00 per machine
	Mechanical amusement devices requiring the deposit of five cents or more for operation	50.00 per machine
	Application for distributor's license	100.00 per year
3.34.090	Amusement parks (in lieu of license fee)	150.00 per month
	Miniature Golf:	
3.36.030	License fee	100.00 per year
	Motion Picture Theaters:	
3.38.010	License fee – inside fire limits	50.00 per year (500 seats or less) .05 per seat per year (over 500 seats)
3.38.020	License fee – outside fire limits	25.00 per year (500 seats or less) .05 per seat per year (over 500 seats)
3.38.030	License fee – transient businesses	25.00/10 days 2.50 per day after 10 days
	Pawnbrokers:	
3.44.050	License fee	100.00 per year
3.44.110	Bond & license filing fee	.50 each license 1.00 each bond
	Pool & Billiard Halls:	
3.46.010	License fee	25.00 per year (1 table)
		15.00 per year (each add'l table)
	Public Buildings and Halls:	
3.48.010	Public Buildings – license required	100.00 per year
3.48.020	Public hall – license required	100.00 per year
	Secondhand Dealers:	
3.52.050	License fee	100.00 per year
3.52.110	Bond and license filing fee	.50 each license 1.00 each bond
	Street Sales:	
3.58.010	Stands – license required	25.00/3 months 50.00/3-6 months 75.00/6-9 months 100.00/9-12 months
	Transient Merchants:	
3.62.080	License fee	100.00 per person/one week per year

Municipal
Code Section

Description of License, Fee, or Permit

Charge

		10.00 each additional week per year
	Duplicate license	1.00
	Vehicles for Hire – Taxis:	
3.68.060	Taxicab driver permit	10.00/first year
	Renewal	5.00/year

	Air Pollution Control:	
4.02.020(4)(B)(i)	Prescription Burn Application Fee	200.00
	Tattoo and Body Piercing Regulations:	
4.05.070	Application and renewal	250.00/year

2.08.040 Fees and charges authorized in Title 4.

4.12.020	Administrative fee – assessment of delinquent solid waste bills	10.00
4.12.080	Monitoring/inspection fee – solid waste generated outside Council Bluffs city limits	.50 per ton
4.12.090	Commercial Collection (Annual fee)	\$ 40.00/pickups 75.00/packers/ large trucks
4.12.110(a)	Residential Solid Waste Collection and Disposal	\$216.00/year
4.12.110(b)	Special Residential Solid Waste Collection and Disposal for applicants whose combined gross household income does not exceed \$13,690.00	\$108.00/year
4.12.110(c)	Extra bag charge	2.50/bag
	Late fee for nonpayment	\$20.00/billing cycle
4.12.160(c)	Administrative fee for delinquent account	\$50.00/account
4.12.170	Surcharge on non-secured/non-covered loads	\$15.00/each load

Ordinance No. _____ (2010)

	Abandoned and Junk Vehicles:	
4.15.060	Administrative fee – abatement/ removal of junk vehicles	\$25.00 per vehicle (plus the actual cost of abatement)
	Weed Nuisances and Solid Waste:	
4.19.020	Abatement of weeds/offensive growths and solid waste (plus actual cost of abatement)	
	Size of lot cut	

	0-10,000 sq. ft. 10,001 – 20,000 sq. ft. 20,001 – 30,000 sq. ft. 30,001 – 40,000 sq. ft. 40,001 – 43,559 sq. ft. 43,560 – 217,779 sq. ft. 217,800 +	110.00 145.00 180.00 215.00 250.00 285.00 320.00
	Animal Control Fees:	
4.20.030	Cruel treatment - Impound fee	250.00
4.20.050	Tickets/Fees: Animal at Large/Impound First Occurrence Second Occurrence Third Occurrence Fourth Occurrence Subsequent (add per occurrence) Failure to pay within 30 days of issuance – Fines are doubled	50.00 60.00 70.00 80.00 10.00 (add up to \$100)
4.20.060	Impoundment fee Microchip fee	40.00 20.00
4.20.070	Adoption fees Dogs Cats Other animals Reso. 11-46 2/28/11	120.00 120.00 Highest offer
4.20.120	Appeal Bond	250.00
4.20.145	Pet Cremation Fees Up to 30 pounds 31- 75 pounds 76 pounds or more	50.00 75.00 100.00
4.20.150	Removal of dead animals from residences After business hours	20.00 40.00
	Unwanted Animals: Brought in for adoption Picked up during business hours* Picked up after business hours* *Transporting animal within city limits only Humane Disposal of Animals: Brought in Picked up during business hours* Picked up after business hours*	0.00 20.00 40.00 0.00 20.00 40.00
4.20.230	Failure to Have License Fee Tickets 1 st Occurrence 2 nd Occurrence	50.00 60.00

	3 rd Occurrence 4 th Occurrence Subsequent Occurrences (add per occurrence) Failure to pay within 30 days of issuance – Fines are doubled	70.00 80.00 10.00 (up to \$100)
4.20.240	Dog Licenses: Altered Unaltered Late Penalty Duplicate Tag Cat Licenses Altered Unaltered Late Penalty Duplicate Tag License for dogs or cats 4-6 months old or new to the community, 50% discount after July 1. For any cat or dog that cannot be altered without extraordinary risk of physical complications because of age or health and for which a licensed vet has verified this condition in writing, the license fee will be that of an altered animal.	14.00 30.00 15.00 5.00 10.00 22.00 15.00 5.00
4.20.260	Failure to Display License/Rabies Tag Fee Tickets 1 st Occurrence 2 nd Occurrence 3 rd Occurrence 4 th Occurrence Subsequent (add per occurrence) Failure to pay within 30 days of issuance – Fines are doubled	10.00 20.00 30.00 40.00 10.00
4.20.274	Cattery License: Commercial Non-commercial	50.00 30.00
	Kennel License: Commercial Non-commercial Hobby Breeder	50.00 30.00 30.00
4.20.290	Farm Animal Permit, per year	75.00
4.32.146	Permit to construct, alter or extend a private sewage disposal system	150.00
4.33.030	Private well	25.00
4.60.040	Hazardous material response: Manpower Apparatus (utilized) Apparatus (standby) Ambulance/Rescue Squad Command vehicle/Utility truck	40.00 per hour 150.00 per hour 100.00 per hour 150.00 per hour 60.00 per hour

	Supplies or outside services	Market prices plus 15% admin. fee.
	Mileage (assessed after first 10 miles)	
	Decontamination, repair, replacement, maintenance of equipment, apparatus or supplies	6.00
	Small motor fuels – anti-freeze response	Cost, plus admin. fee 100.00
	Fireworks displays	150.00

2.08.050 Fees and charges authorized in Title 5.

5.22.010	New service charge, rate or rental, inside the city limits:	
	For the first 15 hundred cubic feet per month	\$2.86 per 100 cubic feet
	Next 1,985 hundred cubic feet per month	July 1, 2017 - \$2.24/100 cubic ft. July 1, 2018 - \$2.53/100 cubic ft. July 1, 2019 - \$2.86/100 cubic ft.
	Over 2,000 hundred cubic feet per month	July 1, 2017 - \$1.67/100 cubic ft. July 1, 2018 - \$2.18/100 cubic ft. July 1, 2019 - \$2.86/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 200,000 cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	
	New service charge, rate or rental, outside the city limits:	
	For the first 15 hundred cubic feet per month	\$3.56 per 100 cubic feet
	Next 1,985 hundred cubic feet per month	July 1, 2017 - \$2.80/100 cubic ft. July 1, 2018 - \$3.16/100 cubic ft. July 1, 2019 - \$3.56/100 cubic ft.
	Over 2,000 hundred cubic feet per month	July 1, 2017 - \$2.07/100 cubic ft. July 1, 2018 - \$2.72/100 cubic ft. July 1, 2019 - \$3.56/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage	

	during the billing periods which most closely correspond with the months November through March.	
5.22.020	Flat rate sewerage service charge per month	\$22.88/Residential unit
	Minimum sewerage service charge per month	\$8.58/Residential unit
5.22.050	Administrative assessment fee for collection of delinquent sewer bills	50.00
5.22.060	Special rates for users who are defined as significant users under the city's pretreatment program based on concentration of raw flow prior to pretreatment shall be as follows:	
	Flow rate (inside city limits):	July 1, 2017 - \$0.96/100 cubic ft. July 1, 2018 - \$1.30/100 cubic ft. July 1, 2019 - \$1.75/100 cubic ft.
	Flow rate (outside city limits):	July 1, 2017 - \$1.35/100 cubic ft. July 1, 2018 - \$1.83/100 cubic ft. July 1, 2019 - \$2.47/100 cubic ft.
	Surcharges (inside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	July 1, 2017 - \$0.160 per pound July 1, 2018 - \$0.216 per pound July 1, 2019 - \$0.291 per pound
	For suspended solids over 350 parts per million, by weight	July 1, 2017 - \$0.327 per pound July 1, 2018 - \$0.442 per pound July 1, 2019 - \$0.596 per pound
	For recoverable oil and grease over 100 parts per million, by weight	July 1, 2017 - \$0.160 per pound July 1, 2018 - \$0.216 per pound July 1, 2019 - \$0.291 per pound
	Surcharges (outside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	July 1, 2017 - \$0.206 per pound July 1, 2018 - \$0.278 per pound July 1, 2019 - \$0.375 per pound
	For suspended solids over 350 parts per million, by weight	July 1, 2017 - \$0.375 per pound July 1, 2018 - \$0.506 per pound July 1, 2019 - \$0.684 per pound
	For recoverable oil and grease over 100 parts per million, by weight	July 1, 2017 - \$0.206 per pound July 1, 2018 - \$0.278 per pound July 1, 2019 - \$0.375 per pound
5.22.070	Surcharge rates for users not eligible for special rates contained in 5.22.060:	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	0.1346 per pound

Municipal
Code Section

Description of License, Fee, or Permit

Charge

	For suspended solids over 350 parts per million, by weight	0.2743 per pound
	For recoverable oil and grease over 100 parts per million, by weight	0.1080 per pound
5.23.020	Disposal fees for septic tank refuse	\$30.00/1,000 gallons

(Ord. 5825 § 1, 2004). (Ord. 6228, 2015).

	Post-Construction Stormwater Control Fee Structure	
6.20	All Development – Review Fee	500.00
	Residential <10 acres	
	Minimum Fee	650.00
	Maximum Fee	2,000
	Disturbed Acre Fee	150.00/acre
	Residential >10 acres	
	Minimum Fee	2,500
	Maximum Fee	7,500
	Disturbed Acre Fee	200/acre
	Commercial/Industrial/Mixed Use	
	Minimum Fee	1,000
	Maximum Fee	7,500
	Disturbed Acre Fee	500/acre
Resolution 12-341	Re-Development	
	Minimum	1,000
	Maximum	5,000
	Disturbed Acre Fee	500/acre

2.08.060 Fees and charges authorized in Title 9.

9.08.180	Prohibited parking violation	15.00
	After 30 days	20.00
9.36.030	Parking meter fees	
	1/2 hour meters	0.75 per hour
	1-2 hour meters	0.50 per hour
	10 hour meters	0.25 per hour
9.32.120	Leased Parking in Municipal Lots: Scott Street lot, Beno Lot @ Kanesville & Main, Vine Street Lot	25.00/month
9.36.090	Parking meter hood fee	5.00 per day per hood
9.36.120	Overtime parking violation	15.00
	After 30 days	20.00

2.08.070 Parks and Recreation fees and charges.

Dodge Riverside Golf Course (All fees include tax)	
<i>Weekday Rates (Per Person)</i>	
18 holes with cart	\$35.00
18 holes walking	23.00
9 holes with cart	25.00
9 holes walking	16.00
18 holes with cart (senior)	24.00
18 holes walking (senior)	16.00
9 holes with cart (senior)	19.00
9 holes walking (senior)	13.00
18 holes walking (junior)	13.00
9 holes walking (junior)	9.00
9 holes with cart (league)	24.00
9 holes walking (league)	16.00
18 holes with cart (outing) (Merchandise fee)	33.00
9 holes with cart (outing) (Merchandise fee)	23.00
<i>Weekend Rates (Per Person)</i>	
18 holes with cart	41.00
18 holes walking	29.00
9 holes with cart	28.00
9 holes walking	18.00
18 holes with cart (outing) (Merchandise fee)	39.00
9 holes with cart (outing) (Merchandise fee)	27.00

Senior Weekday Passes (Individual)	
18 hole pass walking (good for no more than 18 holes per day)	550.00
18 holes pass with cart	720.00
9 hole pass walking (good for no more than 18 holes per day)	355.00
9 holes pass with cart	485.00

Passes valid Monday – Friday, not valid on weekends, holidays, or for leagues or outing.

Tee times subject to availability.

10% discount on Pro Shop Merchandise (not valid on sale items)

10% off food at Caddy's Riverside Grille (not valid on daily specials)

Corporate Memberships (Annual)	
Masters Package	3150.00
w/Granite Tee Sign Ad Panel	3550.00
US Open Package	1625.00
w/Granite Tee Sign Ad Panel	2125.00
PGA Package	825.00
w/Granite Tee Sign Ad Panel	1475.00
Tee Sign Ad Panel Only (full color, text, and logo)	750.00

Discount Cards (Buy 10 Rounds, Get 1 Round Free)	
Junior (walking) Monday – Friday only	130.00
Senior (walking) Monday – Friday only	160.00
Senior (cart) Monday – Friday only	240.00
Adult (walk) Monday – Friday only	230.00
Adult (cart) Monday – Friday only	350.00
Weekend & Holidays (walk)	290.00
Weekend & Holidays (cart)	410.00

Seniors are considered to be fifty-five (55) years of age or older.

Juniors are considered to be seventeen (17) years of age or younger.

Carts are required for all outings.

Holiday rates are the same as weekend rates.

Senior and junior rates are not available on weekends or holidays.

* Special rates may be offered based upon weather, course conditions, or time of year. Examples include, but are not limited to, fall rates, afternoon rates, twilight rates, and are subject to Parks and Recreation Director approval.

Published outing fee will be thirty-nine dollars (\$39.00) per person, including cart, for outings with thirty-two (32) or more on weekends, and thirty-three dollars (\$33.00) on weekdays. Outings less than thirty-two (32) will be the normal green fee rate. The published outing fee will be negotiable based upon size, time of day, time of year, or day of week, subject to Parks and Recreation Director approval.

Westwood Park Golf Course (All fees include tax)	
Weekday and Weekend Rates (Per Person)	
18 holes walking	11.00
9 holes walking	8.00
18 holes walking (senior)	9.00
9 holes walking (senior)	6.00
18 holes walking (junior)	9.00
9 holes walking (junior)	6.00

Seniors are considered to be fifty-five (55) years of age or older.

Juniors are considered to be seventeen (17) years of age or younger.

Municipal

Code Section

Description of License, Fee, or Permit

Charge

There are no motorized carts at Westwood.

Senior and junior rates are available on weekends or holidays.

Juniors who are fourteen (14) and under can play for free when accompanied by a paying adult.

Dodge Park/Westwood - Summer Junior Pass	1 child	2 children	3 or more
Westwood Golf Course Only	60.00	100.00	125.00
Dodge and Westwood G.C.	125.00	190.00	225.00

Juniors are considered to be seventeen (17) years of age or under or still in high school.

Passes good from June 1--August 31.

Passes not good on weekends or holidays and only one round per day per course.

Outdoor Water Park Fees (All fees include tax)		Resolution 12-342
Pirate Cove Water Park		
Admission without slide		4.00
Admission with slide		5.00
10 Swim Punch Card (slide)		40.00
10 Swim Punch Card (w/o slide)		30.00
Individual Season Pass		75.00
Season Pass (five or less)		200.00
Additional family member		75.00
Family night-per person		2.00
Swim Lessons:		25.00
Pool Rental (up to 30 people)		200.00
Katelman Water Park		
Admission		4.00
10 Swim Punch Card		30.00
Individual Season Pass		75.00
Season Pass (five or less)		200.00
Additional family member		75.00
Family night--per person		2.00
Swim lessons		25.00
Pool Rental (up to 30 people)		175.00
Municipal Indoor Swimming Pool/YMCA		
Swim lessons (per session)	Member	Non-Member
Summer--5 week	22.00	38.00
Summer--6 week	26.00	45.00

Day classes	34.00	61.00
Swim passes 3 months		
Adult		75.00
Senior adult		55.00
Family		140.00
Day pass		
Youth		3.00
Adult		7.00
Family		10.00
Adult Softball (Team Fee)		
Single game league		325.00
Fall league		200.00
Instructional Youth Baseball and Softball (Individual Fee)		
Tee Ball, Co-Ed, and Girls Infield Machine Pitch		35.00 (30.00 if they have shirts from previous sport)
Youth Fast Pitch and Baseball		
Junior fast pitch		35.00/player
Senior fast pitch		35.00/player
10 and under		35.00/player
12 and under		35.00/player
14 and under		35.00/player
Non-CBRC Field Rental Fees		
Baseball and softball fields		50.00/field/day (no team fees)
Lights		30.00/day
Council Bluffs Recreation Complex Rental Fees		
Baseball/Softball		
Fields #1--6, 10		70.00/day
Fields #7, 8, 9		75.00/day
Adult use (out of high school)		
Baseball/Softball Fields		80.00/day
Baseball/Softball Fields #1-10		
Single game, non-league, non-repeating use only		30.00

Baseball/Softball--Lights		
Fields 1--4		30.00/day
Fields 5--6		20.00/day
Fields 7--10		60.00/day
Tournament Fee		
1-5 Fields/day		325.00/day
6+ Fields/day		650.00/day
Baseball/Softball Fee for Premium Usage Dates (CWS dates)		\$5000 Lump Sum
Soccer Fields		
U12 13/14		75.00/field/day
U10		50.00/field/day
U8		40.00/field/day
U6		30.00/field/day
Soccer Team Fee		15.00/team
Tournament Soccer Fee		500.00
Field Reconfiguration Fee		500.00
CBYSA Game Fee		15.00/game
WIYS Game Fee		40.00/game
Practice Permits		
For parks and recreation league teams, fees are:		
1/2 soccer field, baseball field, tennis court		5.00
Entire soccer field		8.00
For non-parks and recreation league teams, fees are:		
1/2 soccer field, baseball field, tennis court		10.00
Entire soccer field		15.00
Tennis Tournaments		
Adult singles		20.00
Adult doubles		24.00
Junior singles		15.00
Junior doubles		20.00
Jr. Tennis Lessons	1 Child	2 or more children in family
1 session (4 weeks)	44.00	40.00/child
2 sessions (8 weeks)	80.00	70.00/child/session

Fall session (4 weeks)	20.00	
Adult Indoor Volleyball		180.00
Adult Sand Volleyball		65.00/team
Youth Sand Volleyball		32.00/person
Bayliss Park Rental Fees		
Park (nonperformance area) with or without electricity		50.00/2 hours
Performance area		100.00/2 hours
Performance area with sound system		150.00/2 hours
Refundable deposit for performance area rental (includes microphone & stand)		100.00

* In addition to these fees, for some events the Director of Parks and Recreation shall collect a security deposit along with the permit fees to cover any negative impact an event may have on the park or its improvements. Proof of insurance may be required if deemed appropriate by the director.

Tom Hanafan River's Edge Park Rental Fees			
Rental Fees	2 Hr. Rate	½ Day Rate	All Day Rate
Great Lawn	50.00	200.00	300.00
Beachfront	100.00	400.00	700.00
Amphitheater	150.00	600.00	1,000.00
Entire Park	300.00	1,200.00	2,000.00
Other Fees (Direct, in park costs to be charged)			
City Stage	200.00 plus staff time		
Additional Portable Restrooms	Direct contractor cost based on number and length of use		
Fencing for Small Beer Garden	400.00		
Fencing for Large Beer Garden	1,000.00		
Additional Fencing	1.25 per foot installed and removed		
City Labor	Hourly cost assessed for non-park staff		
Electrical Power	200 if electrical distribution unit(s) are required		
Other Fees	Depending upon use		

The *Use Policy for Tom Hanafan River's Edge Park* outlines the rental policies and specific allocation of the above park fees.

10.02.070	Administrative fee for enforcing and overseeing the removal of solid waste and other nuisances as set forth in Section 1.97.030(11), in addition to actual documented costs	110.00
10.20.120	Abandon sewer lateral	
	Address: For new structures	50.00
	Banner	25.00
	Driveway	

	Residential* Commercial/Industrial*	50.00 90.00
	*If work involves the roadway, such as saw cutting or milling, add \$10.00 to the fee	
	Excavation: Behind back of curb* *If work involves sidewalk *If work involves driveway approach In roadway – each location *Bore, Tunnel, or Trench - Conduit for cable *Construct Structure, Junction Box, or New Pole for Conduit	75.00 Add 25.00 Add 25.00 150.00 0.20 / LF 250.00 ea.
	Sidewalk	40.00
	Small Wireless Facilities: Annual Attachment fee for City owned poles Permit Application – up to five installations* *If more than five	150.00 ea. 500.00 Add 50.00 ea.
	Truck: Oversize dimensions or overweight One time trip Annual Commercial vehicle or tractor in residential area	25.00 250.00 50.00
	Miscellaneous work in right-of-way License to occupy Communications License Agreement	45.00 100.00 1000.00/annual
10.44.020	Moving contractor (new & renewal)	100.00
10.44.040	Moving permit fee – 100% of the permit fee charges for the estimated cost of new building or structure of similar construction for both locations Moving permit fee – Type “J” buildings	150.00
12.03.010	Aerosol products – to store level 2 or 3 products in excess of 500 lbs.	20.00
	Outside tire storage – to store tires outside in excess of 1,000 cubic feet	25.00
	Flammable or combustible liquid pipeline – to repair or modify a pipeline	25.00
	To line an underground fuel tank – Installation fees For each tank: 0 – 6,000 gallons 6,001 – 20,000 gallons 20,001 – 50,000 gallons 50,001 – 200,000 gallons 200,001 – 1,000,000 gallons 1,000,001 gallons ore more	25.00 40.00 75.00 100.00 150.00 275.00

	Removal of underground storage tanks	30.00
	Each additional tank on same site	15.00
	Storage of flammable liquids, compressed and liquefied gas systems:	
	1,000 – 3,000 gallons	25.00
	3,001 – 30,000 gallons	30.00
	30,001 – 60,000 gallons	60.00
	60,001 – 100,000 gallons	75.00
	100,001 – 300,000 gallons	125.00
	300,001 gallons or more	225.00
	Retail dealers in flammable liquids, combustible/explosive materials or public garages:	
	Acetylene torch or propane torch:	
	Over 10 pounds	15.00
	Each addition	5.00
	Pedestalator or outlet service pump	10.00
	Each addition	3.00
	Ammunition – to store or sell small arms ammunition	15.00
	Calcium carbide – to store over 100 pounds	15.00
	Chemicals – to store over 250 gallons of hazardous chemicals	25.00
	Dry cleaners – to operate	40.00
	Laundromats – to operate	40.00
	Finishing shop, including painting, spraying, and dipping, storing more than 5 gallons of flammable finish - to operate	40.00
	Public garages – including car washes to operate/per bay	10.00
	Oil dealers – to operate	15.00
	Paint dealers – to operate	30.00
	To operate and maintain a refrigeration system containing more than 20 pounds of refrigerant	15.00
	Lumber yards – to operate	100.00
	Tent sales – to operate	35.00
	Grain elevators to operate	160.00

	Fireworks Display (per day)	150.00
13.01.030	Temporary License – Fee (temporary)	150.00 (one year)
13.03.030	Board of Appeals Administrative filing fee per appeal	50.00
13.07.100	General Contractor – biennial – Class A Building Contractor – biennial – Class B Residential Contractor – biennial – Class C Class D & E Moving Contractor – biennial Sign Contractor – biennial Siding – biennial (Residential) Window – biennial (Residential) Retaining Walls – biennial (Residential) Grading - biennial One Job License General Contractor – per job – Class A Building Contractor – per job – Class B Residential Contractor – per job – Class C Class D & E ONE JOB LICENSE – per job Certificate Fee The fee for inspection and a certificate of occupancy for a change in group occupancy/use (if not part of a current active building permit).	150.00 150.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 100.00 1,000.00 500.00 400.00 150.00 150.00 150.00
13.07.120	Penalty for late renewals	20.00 per month for a maximum of three months
13.07.175	Landlord Registration – work done in rental units	100.00/two year period
13.08.100	Building Permit Fees: Total valuations: \$1.00 - \$500.00 501.00 to 2,000.00 2,001.00 - 25,000.00	\$23.50 \$23.50 for the first \$500 + \$3.05 for each additional \$100.00 or fraction thereof, to an including \$2,000.00 \$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.00

	<p>25,001.00 – 50,000.00</p> <p>50,001.00 – 100,000.00</p> <p>100,001.00 – 500,000.00</p> <p>500,001.00 – 1,000,000.00</p> <p>1,000,000.00 and up</p> <p>Fees (One and Two Family Dwellings and accessory structures only):</p> <p>Roofing-Siding-Window Replacement (Combo)</p> <p>Any combination of Two Replacement</p> <p>Replacement of any one of the three</p> <p>Fences over 6 feet (Includes Electric Fences)</p> <p>Retaining wall</p>	<p>\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.00</p> <p>\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.00</p> <p>\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.00</p> <p>\$3233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof to an including \$1,000,000.00</p> <p>\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000 or fraction thereof</p> <p>75.00</p> <p>50.00</p> <p>30.00</p> <p>Based on valuation</p> <p>Based on valuation</p>
13.08.370	Sign permit fees – signage area Per square foot	1.00
13.09.070	Building Other Inspections and Fees: Inspections outside normal business hours per hour (minimum charge 2.5 hours) Re-inspection fees assessed under provisions of Section 13.01.305.8, per Inspection	123.00/hour 123.00/hour

	<p>Inspections for which no fee is specifically indicated (minimum charge one hour)</p> <p>Additional plan review required by changes, additions, or revisions (minimum charge one hour)</p> <p>For use of outside consultants for plan review and inspections</p> <p>*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</p>	<p>123.00/hour</p> <p>123.00/hour</p> <p>Actual Costs*</p>
13.09.070	<p>Mechanical Code Permit Fees:</p> <p>Permit issuance fee</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finalized</p> <p>Unit Fee Schedule: (Note: The following do not include permit-issuing fee)</p> <p><u>Furnace & Heat Pumps</u> –</p> <p>For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW)</p> <p>For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW)</p> <p>For the installation or relocation of each floor furnace, including vent</p> <p>For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater</p> <p><u>Appliance Vents</u> –</p> <p>For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit</p> <p><u>Repairs or Additions</u> –</p> <p>For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code</p> <p><u>Boilers, compressors, Absorption Systems and Air Conditioning</u> –</p> <p>For the installation or relocation of each boiler or compressor up to and including 3 ton horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)</p> <p>For the installation or relocation of each boiler or compressor over 3 ton horsepower (10.6 kW) to and including 15 ton horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)</p>	<p>23.50</p> <p>7.50</p> <p>14.80</p> <p>18.20</p> <p>14.80</p> <p>14.80</p> <p>7.25</p> <p>13.70</p> <p>14.70</p> <p>27.15</p>

	<p>For the installation or relocation of each boiler or compressor over 15 ton horsepower (52.7 kW) to and including 30 ton horsepower (105.5 kW), or each absorption system of 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)</p> <p>For the installation or relocation of each boiler or compressor over 30 ton horsepower (105.5 kW) to and including 50 ton horsepower (176 kW), or each absorption system of 1,000,000 Btu/h (291.1 kW) to and including 1,750,000 Btu/h (512.9 kW)</p> <p>For the installation or relocation of each boiler or compressor over 50 ton horsepower (176 kW) or each absorption system over 1,750,000 Btu/h (512.9 kW)</p> <p><u>Air Handlers</u> –</p> <p>For each air-handling unit up to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto <i>(Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code)</i></p> <p>For each air-handling unit over 10,000 cfm (4719 L/s)</p> <p><u>Evaporative Coolers</u> –</p> <p>For each evaporative cooler other than portable type</p> <p><u>Ventilation and Exhaust</u> –</p> <p>For each ventilation fan connected to a single duct</p> <p>For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit</p> <p>For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood</p> <p><u>Incinerators</u> –</p> <p>For the installation or relocation of each domestic-type incinerator</p> <p>For the installation or relocation of each commercial or industrial-type incinerator</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which the fee is listed in the table</p>	<p>37.25</p> <p>55.45</p> <p>92.65</p> <p>10.65</p> <p>18.10</p> <p>10.65</p> <p>7.25</p> <p>10.65</p> <p>10.65</p> <p>18.20</p> <p>14.50</p> <p>10.65</p>
	<p>Mechanical Other Inspections and Fees:</p> <p>Inspections outside normal business hours per hour (minimum charge 2.5 hours)</p> <p>Re-inspection fees assessed under provision of Section 305.8, per Inspection</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour)</p> <p>Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)</p>	<p>123.00</p> <p>123.00</p> <p>123.00</p> <p>123.00</p>
	<p>Mechanical Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more):</p>	

	For the issuance of each mechanical permit	
	For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finalized	23.50
		7.50
	System Fee Schedule:	
	Steam or Hydronic Heating System sized by million Btu/hour (MBH)	
	Radiant Floor Heating System sized by million Btu/hour (MBH)	2.86
	Chilled Beam Cooling System sized by million Btu/hour (MBH)	3.81
	Underfloor Air Distribution System sized by cubic feet per minute (CFM)	2.86
	Geothermal Well System sized by each (EA)	0.03
	Variable Refrigerant Flow System sized by million Btu/hour (MBH)	28.60
	Process Fluid System (Air, Natural Gas, Vacuum, DI Water, RO Water, Nitrogen, Medical Gas) sized by square footage (SF)	14.30
	Fuel Oil and Gas Dispensing System or Standby System sized by gallon capacity (GAL)	2.86
	Refrigerant System for Commercial Kitchen Coolers and Freezers sized by million Btu/hour (MBH)	14.30
	Vehicle Exhaust System sized by million Btu/hour (MBH)	14.30
	Welding Exhaust System sized by million Btu/hour (MBH)	0.14
	Industrial Dust Collector System sized by million Btu/hour (MBH)	0.14
		0.03
	Unit Fee Schedule:	
	<i>(Note: The following do not include permit issuing fee)</i>	
	Chiller (water-cooled, air-cooled, absorption) sized by tons (Tons)	
	Cooling Tower (natural draft, mechanical draft) sized by tons (Tons)	2.86
	Unitary Evaporative Cooler sized by tons (Tons)	2.86
	Packaged AC Unit/Heat Pump with Integral Gas Furnace sized by tons (Tons)	2.86
	Ductless Split AC Unit/Heat Pump sized by tons (Tons)	5.72
	Ducted Split DX AC Unit/Heat Pump without Forced Air Furnace sized by tons (Tons)	5.72
	Computer Room AC Unit Water-Cooled sized by tons (Tons) CRAH	7.15
	Computer Room AC Unit Refrigerant Cooled (remote condenser) sized by tons (Tons) CRAC	7.15
	Gas or Fuel Oil Fired Boiler (Water or Steam) sized by million Btu/hour (MBH)	14.30
	Electric Boiler sized by kilowatts (kW) sized by million Btu/hour (MBH)	0.57
	Gas-Fired or Infrared Unit Heater sized by million Btu/hour (MBH)	0.57

	<p>Electric Unit Heater and Electric Radiators sized by million Btu/hour (MBH) 0.36</p> <p>Steam Humidifier sized by square footage (SF) 0.36</p> <p>0.29</p> <p>Central Station or Built-Up Air Handling Unit sized by cubic feet per minute (CFM)</p> <p>Terminal Unit (VAV, CV, PIU, WSHP, etc.) sized by each (EA) 0.10</p> <p>Fan Coil Unit sized by each (EA) 28.60</p> <p>Commercial Kitchen Hood sized by each (EA) 28.60</p> <p>Commercial Kitchen Hood Make-up Unit sized by each (EA) 28.60</p> <p>Exhaust Fans with Ductwork sized by each (EA) 57.20</p> <p>Exhaust Fans without Ductwork sized by each (EA) 57.20</p> <p>Outdoor Air Supply Fan sized by each (EA) 28.60</p> <p>Smoke Control and Refrigerant Exhaust Fan sized by each (EA) 28.60</p> <p>Exhaust Hood (non-laboratory) sized by each (EA) 57.20</p> <p>Laboratory Fume Hood Cabinet sized by each (EA) 57.20</p> <p><u>Miscellaneous</u> – 57.20</p> <p>For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which the fee is listed in the table sized by each (EA)</p> <p>143.00</p>	
	<p>Mechanical Other Inspections and Fees:</p> <p>Inspections outside of normal business hours per hour (minimum charge 2.5 hours) 286.00*</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection 286.00*</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour) 286.00*</p> <p>Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour) 286.00*</p> <p>*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</p>	
13.12.060	<p>Plumbing Code Permit Fees:</p> <p>For the issuance of each plumbing permit 23.50</p> <p>For the issuing each supplemental permit for which the original permit has not expired, been cancelled, or finalized 7.50</p> <p>Unit Fee Schedule:</p> <p><i>(Note: the following do not include permit-issuing fee)</i></p> <p><u>Fixtures and Vents</u> –</p> <p>For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage, piping, and backflow protection thereof) 9.80</p>	

	<p>For repair or alteration of drainage or vent piping, each fixture <u>Sewers, Disposal Systems and Interceptors:</u></p> <p>For each building sewer and water service and each trailer park sewer and water service 24.65</p> <p>For each cesspool 37.25</p> <p>For each private sewage disposal system 74.50</p> <p>For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps 19.90</p> <p>Rainwater systems – per drain 9.80</p> <p><u>Water Piping and Water Heaters –</u></p> <p>For installation, alteration, or repair of water piping or water-treating equipment, or both, each 4.75</p> <p>For each water heater, including vent 12.30</p> <p>For vents only, see Mechanical Permit Fees</p> <p><u>Gas Piping Systems –</u></p> <p>For each piping system of one to five outlets 6.15</p> <p>For each additional outlet over five, each 1.20</p> <p><u>Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices –</u></p> <p>For each lawn sprinkler system on any one meter, including backflow protection devices thereof 14.80</p> <p>For atmospheric-type vacuum breakers or backflow protection devices not included in Fixtures and Vents:</p> <p> 1 to 5 devices 12.30</p> <p> Over 5 devices, each 2.25</p> <p>For each backflow-protection device other than atmospheric-type vacuum breakers:</p> <p> 2 inches (50.8 mm) and smaller 12.30</p> <p> Over 2 inches (50.8 mm) 24.65</p> <p><u>Swimming Pools –</u></p> <p>For each swimming pool or spa (in ground):</p> <p> Public pool 91.25</p> <p> Public spa 60.75</p> <p> Private pool 60.75</p> <p> Private spa 30.25</p> <p><u>Miscellaneous –</u></p> <p>For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code 9.80</p>	
	<p>Plumbing Other Inspections and Fees:</p> <p>Inspections outside normal business hours per hour (minimum charge 2.5 hours) 123.00</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection 123.00</p>	

	Inspections for which no fee is specifically indicated per hour (minimum charge one hour)	123.00
	Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)	123.00
	Plumbing Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more):	23.50
	For the issuance of each plumbing permit	7.50
	For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finalized	
	System Fee Schedule:	
	Domestic Supply Piping System sized by peak gallons per minute (GPM)	2.86
	Domestic Drain Piping System sized by peak gallons per minute (GPM)	2.86
	Stormwater Piping System sized by peak gallons per minute (GPM)	2.86
	Reverse Osmosis/Deionized Water System sized by peak gallons per minute (GPM)	5.72
	Pool Filtration System sized by peak gallons per minute (GPM)	5.72
	Process Vacuum System sized by horsepower of vacuum pump (HP)	28.60
	Solar Water Heating System sized by number of solar panels (EA)	14.30
	Rain Water System sized by capacity of system in gallons (GAL)	2.86
	Gas Piping System sized by million Btu/hour (MBH)	2.86
	Irrigation System sized by number of sprinkler heads (EA)	5.72
	Unit Fee Schedule:	
	<i>(Note: The following do not include permit issuing fee)</i>	
	<u>Fixtures and Vents –</u>	
	For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof) sized by each (EA)	5.72
	For repair or alterations of drainage or vent piping, each fixture (EA)	5.72
	<u>Sewers, Disposal Systems and Interceptors –</u>	286.00
	For each cesspool sized by each (EA)	286.00
	For each private sewage disposal system sized by each (EA)	
	For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps sized by each (EA)	286.00
	<u>Water Heaters –</u>	
		1.43

	<p>Potable Water Heat Exchanger sized by gallon per minute (GPM)</p> <p>Commercial Gas-Fired Water Heater sized by tank capacity in gallons (GAL)</p> <p>Commercial Electric Water Heater sized by tank capacity in gallons (GAL)</p> <p>Residential Gas-Fired Water Heater sized by tank capacity in gallons (GAL)</p> <p>Residential Electric Water Heater sized by tank capacity in gallons (GAL)</p> <p>Instantaneous, Point of Use, Electric Water Heater sized by gallon per minute (GPM)</p> <p>Backflow Preventer sized by each (EA)</p> <p>Domestic Water Booster Pump sized by horsepower of pump (HP)</p> <p>Gray Water Lift Station sized by horsepower of pump(s) (HP)</p> <p>Sewage Ejector Pump sized by horsepower of pump(s) (HP)</p> <p>Sump Pumps sized by horsepower of pump(s) (HP)</p> <p>Process Air Compressor sized by horsepower of motor(s) (HP)</p> <p>Water Softener sized by gallon per minute (GPM)</p> <p><u>Swimming Pools</u> –</p> <p>Public Pool sized by capacity in gallons (GAL)</p> <p>Public Spa sized by capacity in gallons (GAL)</p> <p>Private Pool sized by capacity in gallons (GAL)</p> <p>Private Spa sized by capacity in gallons (GAL)</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which the fee is listed in this code sized by each piece of equipment (EA)</p>	<p>1.43</p> <p>1.43</p> <p>1.43</p> <p>1.43</p> <p>1.43</p> <p>5.72</p> <p>57.20</p> <p>11.44</p> <p>11.44</p> <p>11.44</p> <p>11.44</p> <p>11.44</p> <p>28.60</p> <p>0.01</p> <p>0.06</p> <p>0.01</p> <p>0.11</p> <p>14.30</p>
	<p>Plumbing Other Inspections and Fees:</p> <p>Inspections outside of normal business hours per hour (minimum charge 2.5 hours)</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour)</p> <p>Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)</p>	<p>286.00*</p> <p>286.00*</p> <p>286.00*</p> <p>286.00*</p>
13.16.120	<p>Electrical Code Permit Fees:</p> <p>For the issuance of each electrical permit</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finalized</p> <p>System Fee Schedule:</p>	<p>23.50</p> <p>7.50</p>

	<i>(Note: the following do not include permit issuing fee)</i>	
	<u>New Residential Buildings –</u> The following fees shall include all wiring and electrical equipment on each building, or other electrical equipment on the same premises constructed at the same time.	
	Multifamily. For new multifamily buildings (apartments and condominiums) having three or more dwelling units, constructed at the same time, not including the area of garages, carports and accessory building, per square foot (0.09m ²)	0.050
	Single – and two-family. For new single – and two-family residential buildings constructed at the same time and not including the area of garages, carports, and accessory buildings, per square foot (0.09m ²)	0.056
	<i>For other types of residential occupancies and for alterations, additions, and modifications to existing residential buildings, use the Unit Fee Schedule</i>	
	<u>Private Swimming Pools –</u> For new private, in-ground swimming pools for single-family and multifamily occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each pool	49.50
	<u>Carnivals and Circuses –</u> Carnivals, Circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays, and attractions.	
	For electrical generators and electrically driven rides, each	23.50
	For mechanically driven rides and walk-through attractions or displays having electrical lighting, each	7.25
	For a system of area and booth lighting, each	7.25
	<i>For permanently installed rides, booths, displays, and attractions, use the Unit Fee Schedule</i>	
	<u>Temporary Power Service –</u> For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each	23.50
	For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc., each	12.50
	Unit Fee Schedule: <i>(Note: the following do not include permit-issuing fee)</i>	
	<u>Receptacle, Switch and Lighting Outlets –</u> For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders, and meters:	
	First 20 fixtures, each	1.10
	Additional fixtures, each	

	<p><i>(Note: For multioutlet assemblies, each 5 feet (1524 mm) or fraction thereof may be considered as one outlet)</i></p> <p><u>Lighting Fixtures</u> –</p> <p>For lighting fixtures, sockets or other lamp-holding devices:</p> <p>First 20 fixtures, each</p> <p>Additional fixtures, each</p> <p>For pole or platform-mounted lighting fixtures, each</p> <p>For theatrical-type lighting fixtures or assemblies, each</p> <p><u>Residential Appliances</u> –</p> <p>For fixed residential appliances or receptacles outlets for same, including wall-mounted electrical ovens; counter-mounted cooking tops; electric ranges; self-contained room, console, or through-wall air conditions; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding 1 horsepower (HP) (746 W) in rating, each</p> <p><i>(Note: For other types of air-conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus)</i></p> <p><u>Nonresidential Appliances</u> –</p> <p>For nonresidential appliances and self-contained factory-wired nonresidential appliances not exceeding 1 horsepower (HP), kilowatt (kW), or kilovolt-ampere (kVA) in rating, including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types equipment, each</p> <p><i>(Note: For other types of air-conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus)</i></p> <p><u>Power Apparatus</u> –</p> <p>For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:</p> <p>Rating in horsepower (HP), kilowatts (kW), kilovolt-amperes (kVA) or kilovolt-amperes-reactive (kVAR):</p> <p>Up to and including 1, each</p> <p>Over 1 and not over 10, each</p> <p>Over 10 and not over 50, each</p> <p>Over 50 and not over 100, each</p> <p>Over 100, each</p> <p><i>(Note:</i></p> <p>1. <i>For equipment or appliances having more than one motor, transformer, heater, etc. the sum of the combined ratings may be used.</i></p>	<p>0.73</p> <p>1.10</p> <p>0.73</p> <p>1.10</p> <p>1.10</p> <p>4.75</p> <p>4.75</p> <p>4.75</p> <p>4.75</p> <p>12.30</p> <p>24.60</p> <p>49.50</p> <p>74.50</p>
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	<p>2. <i>These fees include all switches, circuit breakers, contactors, thermostats, relays, and other directly related control equipment.)</i></p> <p><u>Busways</u> –</p> <p>For trolley and plug-in-type busways, each 100 feet (30 480 mm) or fraction thereof</p> <p><i>(Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways) A fee is not required for portable tools.</i></p> <p><u>Sign, Outline Lighting and Marquees</u> –</p> <p>For signs, outline lighting systems or marquees supplied from one branch circuit, each</p> <p>For additional branch circuits within the same sign, outline lighting system or marquee, each</p> <p><u>Services</u> –</p> <p>For services of 600 volts or less and not over 200 amperes in rating, each charge</p> <p>For services of 600 volts or less and over 200 amperes to 1,000 amperes, each</p> <p>For services over 600 volts or over 1,000 amperes in rating, each</p> <p><u>Miscellaneous Electrical Apparatus Conduits and Conductors</u> -</p> <p>For electrical apparatus, conduits, and conductors for which a permit is required but for which no fee is herein set forth</p> <p><i>(Note: this fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment)</i></p>	<p>7.25</p> <p>24.60</p> <p>4.75</p> <p>30.50</p> <p>62.15</p> <p>124.50</p> <p>18.20</p>
	<p>Electrical Other Inspections and Fees:</p> <p>Inspections outside normal business hours per hour (minimum charge 2.5 hours)</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour)</p> <p>Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)</p>	<p>123.00</p> <p>123.00</p> <p>123.00</p> <p>123.00</p>
	<p>Electrical Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more):</p> <p>For the issuance of each electrical permit</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been canceled, or finalized</p> <p>System Fee Schedule:</p> <p>Ventilation Equipment sized by horsepower (HP)</p> <p>Heating Equipment sized by kilowatts (kW)</p>	<p>23.50</p> <p>7.50</p> <p>9.53</p> <p>11.44</p>

Code Section	Description of License, Fee, or Permit	Charge
	Pumps (P) sized by horsepower (HP)	8.17
	Variable Air Volume Devices (VAV) sized by kilowatts (kW)	7.15
	Emergency Electrical System Generators sized by kilowatts (kW)	1.14
	Equipment Grounding Inspection sized by exothermic or mechanical terminations	0.03
	Building Lightning Protection Inspection sized by exothermic or mechanical terminations	0.03
	Temporary Power Service	286.00
	For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, sized by amps (AMPS)	
	For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks, etc., sized by amps (AMPS)	
	Unit Fee Schedule: <i>(Note: The following do not include permit issuing fees)</i>	
	120 volt Outlets sized by amps (AMPS)	0.76
	Light Fixtures sized by wattage	0.05
	Transformers sized by kilovolt-amps (kVA)	0.76
	Motor Control Centers sized by amps (AMPS)	0.95
	Sub-panels sized by amps (AMPS)	0.57
	<u>Industrial Appliances/Devices/Machinery –</u>	
	For fixed Appliances/Devices/Machinery sized by kilowatts (kW)	1.14
	<u>Busways –</u>	
	For trolley and plug-in-type busways, sized by amps (AMPS) <i>(Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. A fee is not required for portable tools.)</i>	1.43
	<u>Signs, Outline Lighting and Marquees –</u>	
	For signs, outline lighting systems or marquees sized by amps (AMPS)	19.07
	<u>Services –</u>	
	Meter Loop & Service sized by kilowatts (kW)	0.95
	<u>Miscellaneous Apparatus, Conduits, and Conductors –</u>	
	For electrical Apparatus, conduits, and conductors for which a permit is required by for which no fee is herein set forth, sized by circuit amps (AMPS) <i>(Note: the fee is not applicable when a fee is paid for one or more service, outlets, fixtures, appliances, power apparatus, busways, signs, or other equipment.)</i>	14.30
	Electrical Other Inspections and Fees:	
	Inspections outside of normal business hours per hour (minimum charge 2.5 hours)	286.00*

	Re-inspection fees assessed under provisions of Section 13.01.305.8, per Inspection Inspections for which no fee is specifically indicated per hour (minimum charge one hour) Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour) *Or the hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	286.00* 286.00* 286.00*
13.17.210	License/registration: biennial Electrical Contractor – active Electrical Contractor – inactive Honorary (retired) Contractor Journeyman Electrical Temporary Journeyman (for 4 months – renewal same) Honorary (retired) Journeyman Residential Wireman Maintenance Electrician Apprentice Electrician	150.00 70.00 20.00 50.00 50.00 10.00 50.00 50.00 20.00
13.18.050	Factory Built Structures Set down fee Penalty (set down without permit)	20.00 40.00
13.18.070	Electrical hook-up fee	20.00
13.18.080	Plumbing hook-up fee	20.00
13.18.085	Mechanical hook-up fee	20.00
13.18.090	Utility hook-up fee	20.00
13.33.050(K)	Grading and Excavation Permit Fees Less than 50 cubic yards 50 cubic yards or more/per CY* On-site only Hauled outside city limits Hauled from outside city limits to site Hauled from one site within city limits *Permit issuance fee	40.00 0.05 0.10 0.15 0.10 25.00

14.03.060	Text amendment to subdivision ordinance	150.00
14.05.030	Application for property line adjustment	100.00
14.06.030	Application for parcel split	200.00
14.07.010	Application for re-subdivision	250.00 + \$5.00 per lot
14.08.030	Application for minor subdivision (final plat)	250.00 + \$5.00 per lot
14.09.020	Application for major subdivision (final plat)	250.00

Municipal
Code Section

Description of License, Fee, or Permit

Charge

14.10.020	Application for cluster subdivision (final plat)	250.00
14.11.020	Application for preliminary subdivision review	250.00 + \$5.00 per lot
14.11.060	Preliminary plan variance request	200.00/variance
14.12.060	Review final construction plans-minimum	200.00 + \$10.00 per lot??
15.02.060	Zoning change	200.00
	Conditional use	200.00
	Development plan review	400.00
	Appeal of administrative decision	200.00
	Text amendment to zoning ordinance	150.00
	Urban revitalization application	500.00 + \$15.00 per \$100,000 in value/maximum \$1,500.00
	Zoning variance application	200.00
	Comprehensive plan amendment	200.00
	Enterprise Zone Application Business and Developer Applications	\$750.00 plus \$50.00 per \$100,000 valuation over \$500,000. \$1,250 maximum
	Residential Projects	\$500.00 plus \$20.00 per unit. \$1,000 maximum
	Application for any amendments	\$250.00
	Street, alley and public property vacation	100.00
	Acquisition of street property: 0-300 square feet 301 – 5,000 square feet Over 5,000 square feet	75.00 0.15 per square ft. 0.50 per square ft.
15.23.025	Parking lot of 10 stalls or less Parking lot greater than 10 stalls	0.00 1.00 per stall not to exceed \$200.00 maximum
16.09.020	Historic preservation design review	25.00
17.09.020	Rental Registration Fee (Annual) a. Single Family Dwelling b. Two Family Dwelling – Duplex c. Multi Family Dwelling d. Late fee for Non-Registration e. Fee for Non-Registration of rental unit (per unit)(institution of this fee will place dwelling or dwelling unit on a one year inspection cycle for three years) f. Single Family Dwelling fee for Non-Registration (per year for three years)	35.00 70.00 25.00 and 17.50 per unit 25.00 per month per dwelling unit 1,000.00 200.00

Municipal

Code Section

Description of License, Fee, or Permit

Charge

	g. Duplex fee for Non-Registration (per year)	400.00
	h. Multi Family (per year)	200.00 and 50.00 per unit
	*(d.) 25.00 cap	
	*(f., g., h.) will apply for a three year period if no violations are found in a three year cycle	
17.09.030	Rental Housing Re-Inspection Fee 1 st Re-Inspection 2 nd Re-Inspection 3 rd and Subsequent Re-Inspection No Show fee for missing a scheduled inspection Inspection fee for three year cycle for Non-Registered houses	50.00 per inspection 100.00 per inspection 100.00 per inspection 100.00 100.00 per inspection
17.11.050	Housing Board of Appeals Filing Fee	50.00

Resolution 19-185

A Resolution to adopt the current Schedule of Fees for 2019, Version 3, dated 8-12-19.

WHEREAS, Update of the Schedule of Fees; and

WHEREAS, the City Clerk's office will maintain and update the Schedule of fees and will submit at a minimum an annual update; and

WHEREAS, it would be in the best interest of the City to adopt the current Schedule of Fees.

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

That the Schedule of Fees attached hereto and entitled Schedule of Fees 2019, Version 3, dated 8-12-19, is hereby adopted and approved, and a copy shall be maintained and available for inspection in the City Clerk's office.

ADOPTED
AND
APPROVED

August 12, 2019

Matthew J. Walsh,

Mayor

Jodi Quakenbush,

City Clerk

Council Communication

Department: Police
Case/Project No.: JAG Grant 2019
Submitted by: Captain Scott Milner

Resolution 19-186
ITEM 7.B.

Council Action: 8/12/2019

Description

Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Council Bluffs and Pottawattamie County with regard to the Byrne Justice Assistance Grant (JAG) Program Award

Background/Discussion

I am requesting permission to apply for the 2019 JAG Grant. The grant is shared with the Pottawattamie County Sheriff's Office. The grant application must be submitted by August 23, 2019.

This is an annual grant that is provided by the federal government and it is a set amount established by the state of Iowa. This grant is used to purchase equipment used by the officers and deputies of the respective agencies.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Resolution 19-186](#)

Type

Resolution

Upload Date

8/6/2019

RESOLUTION NO. 19-186

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY COUNCIL BLUFFS AND POTTAWATTAMIE COUNTY WITH REGARD TO THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD.

WHEREAS, this resolution authorizes the Mayor to execute an Interlocal Agreement between the City and County; and

WHEREAS, following the approval by City Council to be held on August 12, 2018 7:00 p.m., execution of the agreement shall take place on August 12, 2018.

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

That, the Mayor shall sign the Interlocal agreement between the City and County with regard to the Byrne Justice Assistance Grant (JAG) Program award.

ADOPTED
AND
APPROVED

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 19-187
ITEM 7.C.

Council Action: 8/12/2019

Description

Resolution authorizing the Mayor to execute the Road Improvements Development and Escrow Agreement with C1-Council Bluffs, LLC.

Background/Discussion

City and Parcel A Owner have been in discussions regarding the potential construction of a data center (the "Project") on a parcel of land under contract by Parcel A Owner. The parcel of land, containing approximately 20 acres, will be subdivided and will be known as Parcel A, being a portion of Lot 4, SouthPointe Subdivision Phase II, City of Council Bluffs, Iowa ("Parcel A").

The location of the Project will be accessed by Gifford Road a public road that must be reconstructed to meet City standards. The proposed street improvements for Gifford Road are identified in Exhibit "A" (the "Gifford Road Improvements").

City has agreed to undertake the design and construction of the Gifford Road Improvements with the understanding that, in the event Parcel A Owner in fact acquires Parcel A and goes forward with the Project, Parcel A Owner will reimburse City all costs associated with the initial design and initial construction of the Gifford Road Improvements.

To assure City that it will be reimbursed by Parcel A Owner, Parcel A Owner has agreed to place into an escrow account with Escrow Agent, to be held in a financial institution mutually agreeable to the parties, a sum of money equal to 110% of the estimate for the Gifford Road Improvements. City will be allowed to draw down upon the escrow account to cover the costs of progress payments to both the engineers and contractor engaged by City.

If Parcel A Owner has completed all aspects of the Project (other than the Gifford Road Improvements) to the point where the Project would normally be considered eligible for a temporary certificate of occupancy ("TCO") and, ultimately, the final Certificate of Occupancy ("CO"), then the status of the Gifford Road Improvements will not be the basis for not granting the TCO and/or the CO

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Other	8/1/2019
Map	Map	8/1/2019
HGM Associates Cost Estimate	Other	8/1/2019
Typical Section Map	Map	8/1/2019
Resolution 19-187	Resolution	8/5/2019

ROAD IMPROVEMENTS DEVELOPMENT AND ESCROW AGREEMENT

THIS ROAD IMPROVEMENTS DEVELOPMENT AND ESCROW AGREEMENT (the "Escrow Agreement") is made and entered into effective as of the ____ day of _____, 2019, between and among **C1-Council Bluffs, LLC**, a Delaware limited liability company ("Parcel A Owner"), the **City of Council Bluffs Iowa** ("City"), and **Chicago Title Insurance Company** ("Escrow Agent").

RECITALS

- A. City and Parcel A Owner have been in discussions regarding the potential construction of a data center (the "Project") on a parcel of land under contract by Parcel A Owner. The parcel of land, containing approximately 20 acres, will be subdivided and will be known as Parcel A, being a portion of Lot 4, SouthPointe Subdivision Phase II, City of Council Bluffs, Iowa ("Parcel A").
- B. The location of the Project will be accessed by Gifford Road a public road that must be reconstructed to meet City standards. The proposed street improvements for Gifford Road are identified in Exhibit "A" (the "Gifford Road Improvements").
- C. City has agreed to undertake the design and construction of the Gifford Road Improvements with the understanding that, in the event Parcel A Owner in fact acquires Parcel A and goes forward with the Project, Parcel A Owner will reimburse City all costs associated with the initial design and initial construction of the Gifford Road Improvements.
- D. To assure City that it will be reimbursed by Parcel A Owner, Parcel A Owner has agreed to place into an escrow account with Escrow Agent, to be held in a financial institution mutually agreeable to the parties, a sum of money equal to 110% of the estimate for the Gifford Road Improvements. City will be allowed to draw down upon the escrow account to cover the costs of progress payments to both the engineers and contractor engaged by City.
- E. If Parcel A Owner has completed all aspects of the Project (other than the Gifford Road Improvements) to the point where the Project would normally be considered eligible for a temporary certificate of occupancy ("TCO") and, ultimately, the final Certificate of Occupancy ("CO"), then the status of the Gifford Road Improvements will not be the basis for not granting the TCO and/or the CO.

The Recitals and all Exhibits attached to this Escrow Agreement are incorporated in and made a part of this Escrow Agreement.

In consideration of the premises and other good and valuable consideration, the receipt, adequacy and sufficiency of which are acknowledged, the parties, intending to be legally bound, covenant and agree as follows:

1. Escrow Agent. City and Parcel A Owner designate, constitute and appoint Escrow Agent as the "Escrow Agent" under this Escrow Agreement, and Escrow Agent accepts such designation and appointment. The parties covenant and agree that in performing any of its duties under this Escrow Agreement, Escrow Agent will not incur any liability to anyone for any losses, costs or damages except for any losses, costs or damages arising out of its willful default or gross negligence. Accordingly, Escrow Agent will not incur any liability with respect to (i) any action taken or omitted to be taken in good faith upon advice of its counsel given with respect to any questions relating to its duties and responsibilities under this Agreement, or (ii) any action taken or omitted to be taken in reliance upon any documents or written notices presented to Escrow Agent which Escrow Agent in good faith believes to be genuine, to have been signed or presented by a proper person or persons and to conform with the provisions of this Escrow Agreement.

2. Deposit of Funds. On the date Parcel A Owner acquires title to Parcel A (the "Closing"), Parcel A Owner will deliver (i) notice of the Closing to City and Escrow Agent, and (ii) the amount set forth in Section 4, below, by wire transfer of immediately available funds (the "Escrow Funds"), to Escrow Agent (unless the final bid has not been obtained, in which event the Escrow Funds will be delivered within 5 business days after Parcel A Owner receives the final bid from City). Escrow Agent will acknowledge receipt of the Escrow Funds once deposited. The Escrow Funds will be held by Escrow Agent and administered and disbursed pursuant to and strictly in accordance with the terms and conditions of this Escrow Agreement. Escrow Agent will promptly deposit or invest the Escrow Funds in an interest bearing account with a federally insured financial institution. All interest accrued on the Escrow Funds will be disbursed to Parcel A Owner upon the final disbursement by Escrow Agent of the remaining Escrow Funds.

3. Rise Grant. City and Parcel A Owner agree as follows:

(i) City has applied for and will diligently pursue a Rise Grant for potential state funding to be applied to the cost of the Gifford Road Improvements (the "Rise Grant") pursuant to the application attached as Exhibit B. Parcel A Owner will cooperate with City in all reasonable respects in pursuing the Rise Grant.

(ii) City will keep Parcel A Owner informed bi-monthly of the status of the Rise Grant by email to Lindsey Bruner at lbruner@cyrusone.com and to Parcel A Owner's counsel Maureen Callahan at maureen.callahan@troutman.com.

(iii) If and to the extent funds are received by City under the Rise Grant (or from any other funding source, other than City's funds), City will advise Parcel A Owner in writing of its receipt of the funding and the amount of the same, and City will deposit the funds so received with Escrow Agent. City will also direct Escrow Agent to refund that same amount to Parcel A Owner from the Escrow Funds previously deposited by Parcel A Owner. If the funds are received by City prior to Closing, then at Closing that amount will be deposited by City and the balance of the required funds will be deposited by Parcel A Owner.

(iv) If funds from the Rise Grant are received after Escrow Funds have been withdrawn to pay for the Gifford Road Improvements, the amount received from the Rise Grant (or other source) will be paid directly by City to Parcel A Owner; however, in no event will Parcel A Owner receive reimbursement in excess of the amount Parcel A Owner has actually paid for the Gifford Road Improvements.

(v) This Section 3 will expressly survive the termination of this Escrow Agreement and is legally binding and specifically enforceable by Parcel A Owner against City.

4. Gifford Road Improvements.

City and Parcel A Owner further agree as follows:

(i) City will cause the Gifford Road Improvements to be designed and permitted to City standards and, after the Closing, City will enter into a contract for the Gifford Road Improvements. Once commenced, City will diligently pursue the work to completion.

(ii) Notwithstanding any other provision of this Escrow Agreement to the contrary if, after the Closing but prior to the date City commences construction, Parcel A Owner gives written notice to City that Parcel A Owner has determined not to go forward with the Project, an amount equal to the design costs actually incurred by City will be reimbursed to City, the balance of the Escrow Funds will be refunded to Parcel A Owner, and this Escrow Agreement will terminate and be of no further force or effect. City will deliver reasonable evidence of the costs incurred by City.

(iii) City will choose a contractor and obtain a final bid for the Gifford Road Improvements (which will be a guaranteed maximum price contract) and 110% of that bid will be deposited as the Escrow Funds once the bid is received and the final amount is determined. City will use its best efforts to obtain a final bid and enter into the contract for the work prior to the expected date of Closing (which is currently targeted for mid-August, 2019). City will deliver the final bid and a copy of the signed contract to Parcel A Owner and Escrow Agent.

(iv) City expressly acknowledges, covenants and agrees that no permit for the Project, and neither the TCO or the CO for the Project will be tied to, or conditioned on, commencement or completion of the Gifford Road Improvements.

(v) If the Closing does not occur on or prior to October 30, 2019, this Escrow Agreement will terminate and neither City nor Parcel A Owner will have any other or further obligations under this Escrow Agreement.

5. Evidence of Completion; Disbursements to City. The Escrow Funds will be released to City monthly as the Gifford Road Improvements are completed and in each case reserving 5% of the amount expended (the "Retainage"). City will deliver a copy of each draw

request (from City's engineer or contractor, as the case may be) to Parcel A Owner and Escrow Agent and will request disbursement less the calculated Retainage.

Upon completion of the Gifford Road Improvements, City will deliver to Parcel A Owner and Escrow Agent, (i) a certification from the project engineer certifying completion of the Gifford Road Improvements, and (ii) a calculation of the total Retainage withheld and then payable to the engineer and contractor, as the case may be, and (iii) a final lien waiver from the contractor(s) performing the work as well as the engineer (and any other party otherwise entitled to file a lien for nonpayment). Once the work is complete and this evidence is received, the Retainage will be paid to the party entitled to receive the same and any remaining Escrow Funds, together with all accrued interest, will be paid to Parcel A Owner.

Notwithstanding any provision to the contrary contained in this Escrow Agreement, if the Escrow Funds are insufficient to pay the costs of the Gifford Road Improvements, Parcel A Owner will be required to pay for the actual shortfall, it being agreed by Parcel A Owner that Parcel A Owner is responsible for cost increases for the Gifford Road Improvements pursuant to the contract entered into by City for the work. However, City will (i) deliver a copy of any change order resulting in any increased cost, prior to signing it, to Parcel A Owner for review and input, (ii) allow Parcel A Owner the opportunity to discuss the change order with the contractor and both parties will endeavor to minimize cost overruns. In all events, City will provide detailed information supporting any cost overruns. If at any time City and Parcel A Owner disagree on any amount due from Parcel A Owner under this Escrow Agreement, the parties will meet and attempt to resolve the difference in good faith within 10 business days. If the parties are unsuccessful, the parties will mutually agree on and engage a mediator within 5 business days (who has not represented either party in the past). City and Parcel A Owner will share the costs of mediation, equally, and agree to resolve the difference in good faith through mediation.

6. Indemnity. City and Parcel A Owner agree to indemnify and hold harmless Escrow Agent against any and all losses, claims, damages, liabilities and expenses including, without limitation, reasonable attorneys' fees, which may be imposed upon or incurred by Escrow Agent in connection with its serving as Escrow Agent; provided that such losses, claims, damages, liabilities and expenses were not incurred by Escrow Agent as a result of or due to its willful default or gross negligence. Escrow Agent's fee of \$750.00 will be paid by Parcel A Owner.

7. Interpleader. In the event of a dispute between any of the parties sufficient in the reasonable discretion of Escrow Agent to justify its doing so, Escrow Agent will tender into the registry or custody of any court of competent jurisdiction all the Escrow Funds, together with such legal pleadings as it deems appropriate, and will be discharged from all further duties and liabilities under this Escrow Agreement. Any legal action may be brought in the court Escrow Agent determines to have jurisdiction.

8. Notices. All notices, requests, demands or other communications will be in writing and given as provided in 3(ii) above (as relates to the Rise Grant) or in writing and will

be deemed to have been properly given or served as of: (i) the date of personal service upon the person to whom the notice is addressed, or if such person is not available, the date such notice is left at the address of the person to whom it is directed, or (ii) on the date the notice is postmarked by the United States Post Office, provided it is sent prepaid, registered or certified mail, return receipt requested, or (iii) on the date the notice is delivered by a courier service (including Federal Express, Express Mail, Emery or similar operation) to the address of the person to whom it is directed, provided it is sent prepaid, with confirmation of receipt requested. The current addresses for notices are below:

City: City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503
Attn: Richard Wade
Email: rwade@councilbluffs-ia.gov

Parcel A Owner: C1-Council Bluffs, LLC
c/o CyrusOne LLC
2101 Cedar Springs Rd., Suite 900
Dallas, Texas 75201
Attn: General Counsel
Email: generalcounsel@cyrusone.com

With a copy to:

Troutman Sanders LLP
600 Peachtree Street NE
Suite 3000
Atlanta, Georgia 30308-2216
Attn: Maureen Theresa Callahan, Esq.
Email: maureen.callahan@troutman.com

Escrow Agent: Chicago Title Insurance Company
National Commercial Services – Atlanta
3301 Windy Ridge Parkway, Suite 300
Atlanta, GA 30339
Attn: Linda Hart
Email: Linda.hart@fntg.com

9. Successors and Assigns. Parcel A Owner's rights under this Escrow Agreement will automatically inure to any successor-in- title to Parcel A; including, but not limited to any transfer of Parcel A pursuant to (a) foreclosure by any lender (a "Lender") under any mortgage or deed of trust encumbering Parcel A (a "Mortgage"), whether by judicial action or pursuant to non-judicial proceedings, (b) any other exercise by a Lender of rights and remedies under a Mortgage, as a result of which any successor becomes owner of Parcel A, or (c) delivery to a

Lender (or its designee or nominee) of a deed or other conveyance of title to Parcel A in lieu of any of the foregoing.

10. Counterparts. This Escrow Agreement may be executed in several counterparts, each of which will be deemed an original, and all of such counterparts together will constitute one and the same instrument. Electronic signatures and signatures exchanged by electronic mail or facsimile will be deemed original signatures.

11. Governing Law. This Escrow Agreement will be governed by and construed under the laws of the State of Iowa.

[Signatures begin on next page]

The parties have caused this Escrow Agreement to be duly executed by their respective authorized representatives as of the day, month and year set forth below.

City:

City of Council Bluffs, Iowa

By: _____

Name: _____

Title: _____

Date Signed: _____, 2019

Parcel A Owner:

C1-Council Bluffs, LLC,
a Delaware limited liability company

By: _____

Name: _____

Title: _____

Date Signed: _____, 2019

Escrow Agent:

Chicago Title Insurance Company

By: _____

Name: _____

Title: _____

Date Signed: _____, 2019

EXHIBIT A

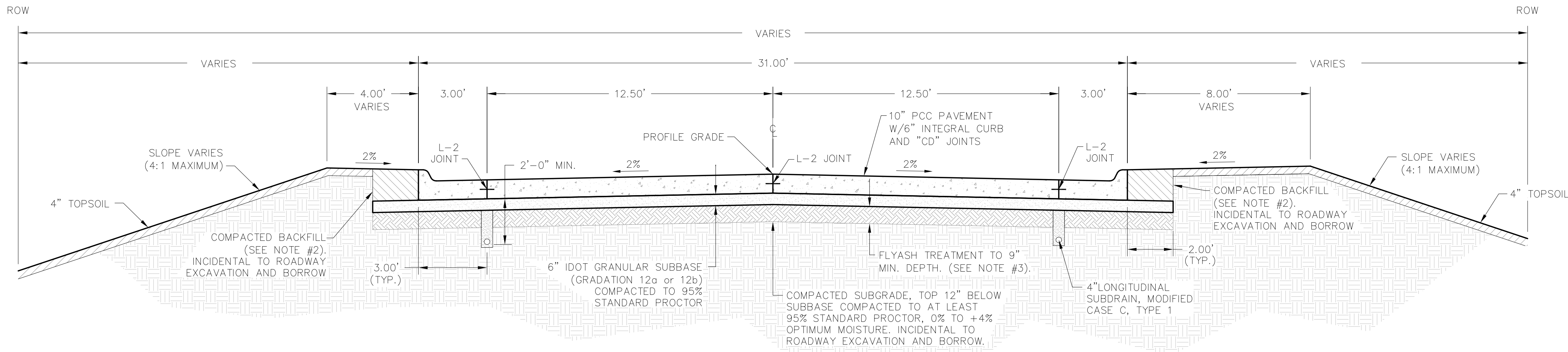
Gifford Road Improvements

A-1

EXHIBIT B

Copy of Rise Grant Application

B-1



1

B.01

TYPICAL SECTION - GIFFORD ROAD
RECONSTRUCTION PAVING

- NOTES:
1. MAXIMUM TRANSVERSE "C" JOINT SPACING SHALL BE 21T WHERE "T" IS THE PAVEMENT THICKNESS IN INCHES (15.75' FOR 9" PAVEMENT, 17.50' FOR 10" PAVEMENT).
 2. THE COMPACTED BACKFILL (95% MAXIMUM DENSITY @ OPTIMUM MOISTURE ASTM D698) BEHIND THE CURB SHALL BE TOTALLY FREE OF ALL ROCK, STONE, CONCRETE, AND DEBRIS. THE COMPACTED BACKFILL SHALL BE OF SUFFICIENT GRADE AND ELEVATION TO PROVIDE POSITIVE SURFACE DRAINAGE OVER THE TOP OF THE CURB TO THE GUTTER THROUGHOUT THE PROJECT LENGTH.
 3. SUBGRADE TREATMENT WITH FLY ASH MAY BE NECESSARY FOR PROPER COMPACTION IF HIGH MOISTURE CONTENT SOILS ARE ENCOUNTERED. FLY ASH SHALL BE USED IN LOCATIONS AS DIRECTED BY THE ENGINEER TO ACHIEVE REQUIRED SUBGRADE STABILITY.

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

hgm

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

640 FIFTH AVENUE COUNCIL BLUFFS, IA

PHONE: 712-323-0530

KMN	drawn	designed	SDR	approved	JUL '19	date
						revision

project GIFFORD ROAD RECONSTRUCTION

client CITY OF COUNCIL BLUFFS
COUNCIL BLUFFS, IOWA

sheet SECTION VIEW

project no. 000719-172

sheet EXHIBIT

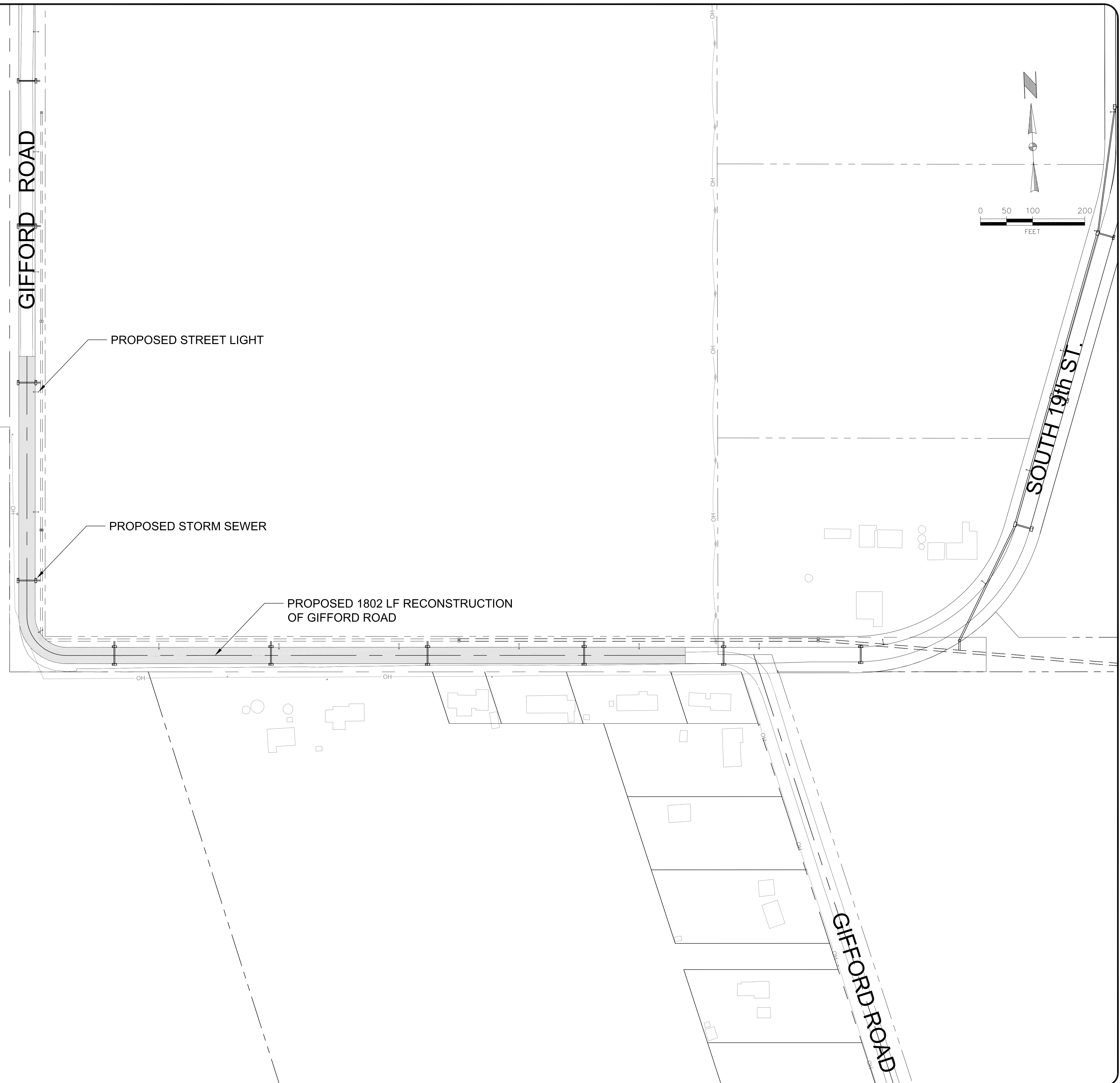


**ENGINEER'S PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST
GIFFORD ROAD RECONSTRUCTION**

July 2, 2019

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	PRICE	TOTAL AMOUNT
1	Mobilization	1.00	LS	\$30,000.00	\$30,000.00
2	Traffic Control	1.00	LS	\$20,000.00	\$20,000.00
3	Clearing and Grubbing	1.00	LS	\$35,000.00	\$35,000.00
4	Remove Existing Pavement	4,754.00	SY	\$14.00	\$66,556.00
5	Earthwork, On-Site	1.00	LS	\$60,000.00	\$60,000.00
6	Storm Sewer, 15" RCP	240.00	LF	\$63.00	\$15,120.00
7	Storm Sewer Inlet	12.00	EA	\$4,000.00	\$48,000.00
8	Connect to Existing Storm Sewer	6.00	EA	\$1,400.00	\$8,400.00
9	10" PCC Roadway with Integral Curb (31' wide)	6,205.00	SY	\$78.00	\$483,990.00
10	6" Granular Base	7,008.00	SY	\$13.00	\$91,104.00
11	Subgrade Treatment, Fly Ash	7,008.00	SY	\$10.00	\$70,080.00
12	Subdrain, Longitudinal, 4" Dia.	3,604.00	LF	\$10.00	\$36,040.00
13	Topsoil	745.00	CY	\$32.50	\$24,212.50
14	Seeding Fertilizing and Mulching	1.45	AC	\$3,600.00	\$5,220.00
15	Silt Fence	3,600.00	LF	\$4.50	\$16,200.00
16	Inlet Protection Device, Filter	12.00	EA	\$300.00	\$3,600.00
17	Permanent Tape Marking, 4" Stripe	3,600.00	LF	\$6.00	\$21,600.00
18	Street Light and Electric service	12.00	EA	\$6,500.00	\$78,000.00
19	Trench Dewatering	1.00	LS	\$50,000.00	\$50,000.00

CONSTRUCTION TOTAL:	\$1,163,122.50
Engineering / Construction Phase Services (15%):	\$174,468.38
PROJECT TOTAL:	\$1,337,590.88



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

hgm

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

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

drawn	revision	date
KMN		
designed		
SDR		
approved		
JUL '19		
date		

project GIFFORD ROAD RECONSTRUCTION

client CITY OF COUNCIL BLUFFS
COUNCIL BLUFFS, IOWA

sheet **PLAN VIEW**

project no.
000719-172
sheet
EXHIBIT

RESOLUTION NO. 19-187

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ROAD IMPROVEMENTS DEVELOPMENT AND ESCROW AGREEMENT WITH C1-COUNCIL BLUFFS, LLC.

WHEREAS, the City and C1-Council Bluffs, LLC have been in discussions regarding the potential construction of a data center (“Project”) on a parcel of land; and

WHEREAS, the location of the project will be accessed by Gifford Road, a public road that must be reconstructed to meet City standards; and

WHEREAS, the City has agreed to undertake the design and construction with the understanding that C1-Council Bluffs acquires the parcel and goes forward with the project and reimburse the City all costs associated with the initial design and initial construction of the Gifford Road Improvements; and

WHEREAS, it is in the best interest of the City of Council Bluffs to execute the Road Improvements Development and Escrow Agreement.

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

That the Mayor of Council Bluffs is hereby authorized to execute the Road Improvements Development and Escrow Agreement.

ADOPTED
AND
APPROVED

August 12, 2019.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: B-19-90
Submitted by: Pat Miller, Public Works
Operations Director

Resolution 19-188
ITEM 7.D.

Council Action: 8/12/2019

Description

Resolution accepting the bid of McGinnis Construction Inc. in the amount of \$158,844.00 for the Community Development Renovation Project.
Project No. B-19-90

Background/Discussion

On July 23, 2019, bids were received in the office of the city clerk as follows:

	<u>Base Bid</u>
McGinnis Construction Inc., Omaha, NE	\$158,844.00
Rife Construction, Omaha, NE	\$159,853.00
Barry Larson & Son, Elkhorn, NE	\$178,800.00
Cost Estimate (HGM Associates Inc.)	\$148,500.00

The Community Development Department will be moving into the space once occupied by the Health Department at City Hall. This space has not been renovated for decades and is currently not ADA accessible. The remodel will give this space a fresh new look. It will provide adequate office space for the Community Development staff and will address the ADA issue with a ramp system that will be installed as part of this project. This move will enhance communication and availability of the Community Development Department with other City departments.

The Fire Department's administrative staff is in desperate need of more office space. They will move into the area Community Development currently occupies to remedy that issue.

The estimated cost for the complete project is approximately \$235,000 which includes the following expenses in addition to the above remodeling bid. Funding for the project is provided with Gaming Funds.

Architectural fees (HGM)	\$17,000.00
Flooring	\$14,282.00
Furniture	\$38,000.00
IT cabling/equipment	\$7,500.00

The project is scheduled to be completed by November 27, 2019.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Resolution 19-188](#)

Type

Resolution

Upload Date

8/5/2019

RESOLUTION NO. 19-188

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
MCGINNIS CONSTRUCTION INC. FOR THE
COMMUNITY DEVELOPMENT RENOVATION PROJECT
PROJECT #B-19-90**

WHEREAS, the plans, specifications, and form of contract are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Community Development Renovation Project; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on June 24, 2019 and the plans, specifications, form of contract, and cost estimate were approved; and

WHEREAS, McGinnis Construction Inc. has submitted a low bid in the amount of \$158,844.00 for this contract.

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

That the bid of McGinnis Construction Inc. in the amount of \$158,844.00 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Community Development Renovation Project; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW20-09
Submitted by: Matthew Cox, Public Works
Director

Resolution 19-189
ITEM 7.E.

Council Action: 8/12/2019

Description

Resolution accepting the bid of Compass Utility, LLC in the amount of \$1,155,887.61 for the East Manawa Sewer Rehab, Phase VIII. Project # PW20-09

Background/Discussion

On July 23, 2019 bids were received in the office of the city clerk as follows:

	Division I <u>General</u>	Division II <u>Pavement</u>	Division III <u>Storm Sewer</u>	Division IV <u>San. Sewer</u>	Division V <u>Water Main</u>	<u>Total</u>
Compass Utility LLC, Council Bluffs, IA	\$265,203.23	\$482,236.30	\$64,906.94	\$203,555.10	\$139,986.04	\$1,155,887.61
Carley Construction LLC, Council Bluffs, IA	\$409,754.50	\$523,333.00	\$66,287.00	\$292,864.00	\$125,592.50	\$1,417,831.00
Engineer's Opinion (EGA)	\$289,620.50	\$459,983.00	\$83,628.25	\$284,994.00	\$160,700.00	\$1,278,925.75

The area of East Manawa is very flat with open ditches. There are no storm sewers in this area and the streets are thin asphalt or seal-coated rock roads. During rainfall events, considerable surface ponding occurs due to the poor drainage.

Due to the narrow right-of-way (30 ft.) and the high water table in the area, conventional storm sewer construction is not practical. The use of porous pavement in conjunction with a drainable granular base and shallow subdrain/conveyance system was determined to be the most cost effective means available to improve the area drainage.

The rehab program also includes installation of new sanitary sewers utilizing a vacuum system.

Phase I and II of the program have been completed and included Huron Circle from Navajo to north of Osage Street. Phase III of the program was construction of the sanitary sewer vacuum pump station. Phase IV included the first phase of vacuum sewer installation with the porous pavement and subdrain system on Huron Circle from Navajo to just west of Blackhawk Street. Phase V is complete and continued the rehab along Huron Circle from just west of Blackhawk Street to 585 feet east and Osage Street from Huron Circle to Victor Street. Phases VI and VII are now complete and included Blackhawk Street, Victor Street from Osage to Blackhawk, and Aztec Street from Huron Circle to Victor.

Phase VIII will complete Victor Street from Navajo to Blackhawk and Aztec Street from Victor to the south.

The project was included in the FY20 CIP with a budget of \$1,500,000 in GO Bond funding.

The project schedule is as follows:

Construction Start	August 2019
Construction End	May 2020

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Map](#)

[Resolution 19-189](#)

Type

Map

Resolution

Upload Date

8/1/2019

8/5/2019

PW 20-09
EAST MANAWA
SEWER REHAB PH. VIII



Legend

 PW20-09

RESOLUTION
NO 19-189

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
COMPASS UTILITY, LLC FOR THE
EAST MANAWA SEWER REHAB, PHASE VIII
PROJECT #PW20-09**

WHEREAS, the plans, specifications, and form of contract for the East Manawa Sewer Rehab, Phase VIII 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 July 8, 2019, and the plans, specifications and form of contract were approved; and

WHEREAS, Compass Utility, LLC has submitted a low bid in the amount of \$1,155,887.61 for this contract.

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

That the bid of Compass Utility, LLC in the amount of \$1,155,887.61 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 East Manawa Sewer Rehab, Phase VIII; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Compass Utility, 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.

AND BE IT FURTHER RESOLVED

ADOPTED
AND
APPROVED

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW20-24
Submitted by: Matthew Cox, Public Works
Director

Resolution 19-190
ITEM 7.F.

Council Action: 8/12/2019

Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the Gifford Road Reconstruction, Phase III. Project #PW20-24

Background/Discussion

Gifford Road from Veterans Memorial Highway to 45th Avenue was previously reconstructed with RISE grant funding. The project was identified as FY15-24 in the CIP.

A second RISE grant allowed Gifford Road to be further reconstructed an additional 725 feet south of 45th Ave. This project also extended S. 19th Street to Gifford Road. The project was identified as PW17-11 in CIP and was completed in coordination with the Council Bluffs Industrial Foundation.

This project will reconstruct Gifford Road from S. 19th Street to the south limit of the paving completed with Project PW17-11.

A development agreement between the City and a developer is also on the Council agenda for approval. A data center project is planned for a 20 acre parcel within the South Point, Phase II industrial development. Gifford Road must be improved to serve this development and the land owner/developer will fund the reconstruction. A RISE grant application will be submitted as a potential supplementary funding source.

This project will be added to the CIP with street improvement costs to be paid by the developer. The project will also extend sanitary sewer to allow for future service to neighboring undeveloped land. The budget for sanitary is \$250,000 and will be paid with Sales Tax Funds.

HGM was previously selected for the design of Gifford Road, Phase I, II and the Gifford Road Storm Outfall project. They were also privately retained for economic development projects located along Gifford Road and are assisting the Industrial Foundation with the South Point industrial area. It is appropriate for HGM to continue their role as project engineer for the Gifford Road Reconstruction, Phase III.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description

[Map](#)

[Contract for Engineering Services](#)

[Resolution 19-190](#)

Type

Map

Agreement

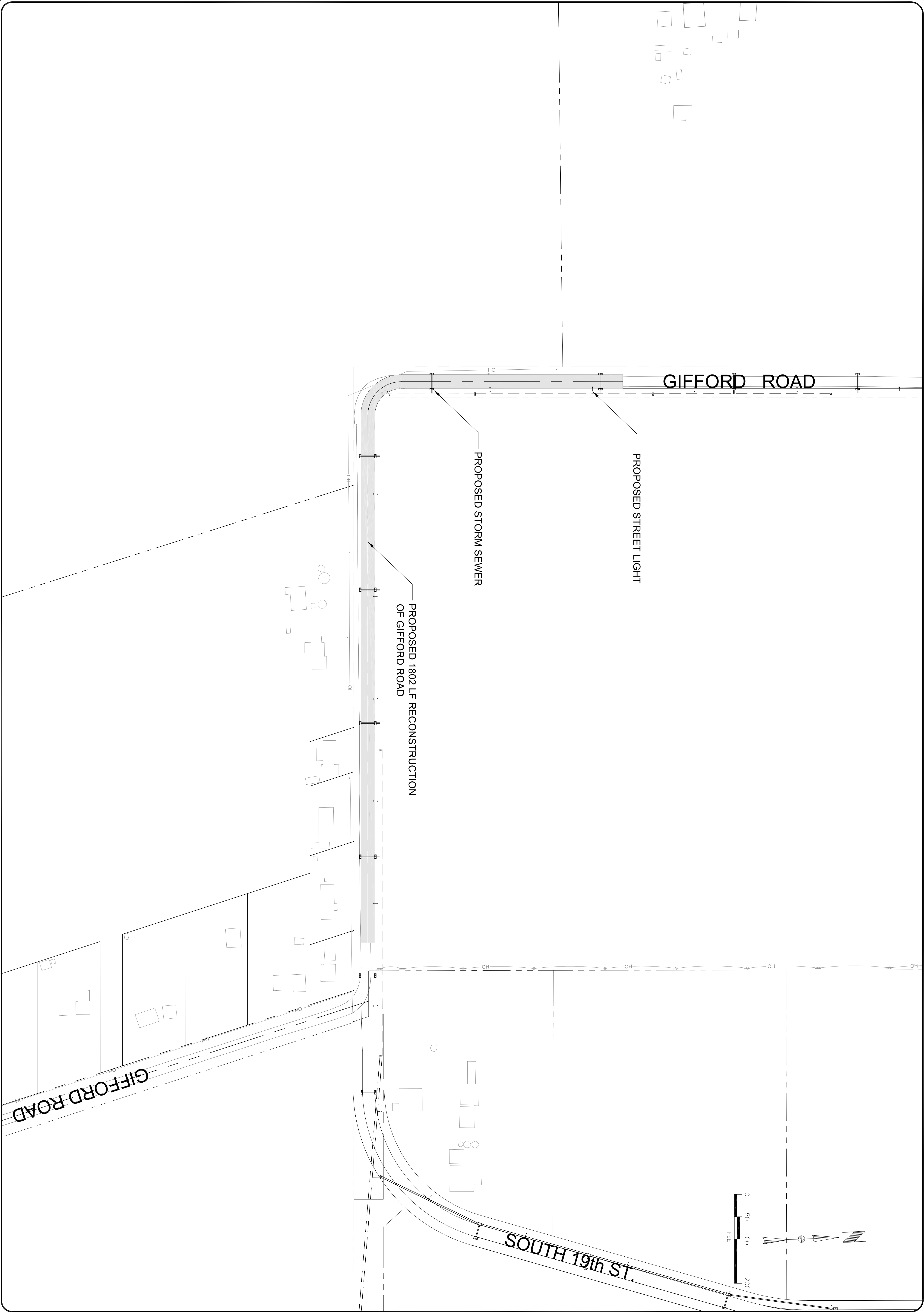
Resolution

Upload Date

8/2/2019

8/2/2019

8/5/2019



EXHIBIT

project no.
000719-172
sheet

project GIFFORD ROAD RECONSTRUCTION

client CITY OF COUNCIL BLUFFS
COUNCIL BLUFFS, IOWA

sheet **PLAN VIEW**

drawn	KMN	
designed		
approved	SDR	
date	JUL 19	
revision		date

hgm
ASSOCIATES INC.

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

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

Contract for Engineering Services

THIS CONTRACT, executed by the CITY OF COUNCIL BLUFFS, IOWA, FIRST PARTY, hereinafter referred to as the CONTRACTING AUTHORITY; and HGM ASSOCIATES INC., 640 Fifth Avenue, Council Bluffs, Iowa, 51501-6427, SECOND PARTY, hereinafter referred to as the ENGINEER; made this _____ day of _____, 20____, in consideration of the mutual covenants hereinafter:

WHEREAS, the CONTRACTING AUTHORITY proposes to make the following improvements described as:

GIFFORD ROAD RECONSTRUCTION, PHASE III
CITY OF COUNCIL BLUFFS, IOWA
CITY PROJECT NO. PW 20-24
HGM PROJECT NO. _____

WHEREAS, the CONTRACTING AUTHORITY desires to employ the ENGINEER to perform General Consulting and Construction Phase Engineering Services for the above designated improvement program as described in the following general Scope of Services:

I. Scope of Services:

- A. Meet with the CONTRACTING AUTHORITY to define the project and to prepare a detailed scope of services for the project.
- B. Conduct a topographic survey of defined project area in sufficient detail to prepare construction plans.
- C. Prepare plans and specifications for the construction of the project improvements. There will be four submittals: 30%, 60%, 95% and Final.
- D. Provide bid phase services as follows: preparation of final opinion of probable cost; distribution of bid documents, plans and specifications; attend letting; check and tabulate bids; and prepare letter of recommendation regarding award of construction contract for improvements.
- E. Provide engineering services during construction phase including part-time construction observation to allow the ENGINEER to prepare a statement that improvements have been completed in substantial compliance with the plans and specifications. Services will include a project representative, construction contract administration, staking of proposed construction improvements and the preparation of record drawings at the completion of construction.

- F. Provide project management services including coordination of other subconsultants or consulting services as directed by the CONTRACTING AUTHORITY.
- G. Additional services, as authorized in writing by the CONTRACTING AUTHORITY, requiring the use of other subconsultants or commercial testing laboratories.
- H. Prepare, as authorized in writing by the CONTRACTING AUTHORITY, right-of-way plats and descriptions, easement descriptions, outside permits and special assessments.

WHEREAS, the ENGINEER desires to accept the said employment under the terms and conditions hereinafter outlined.

NOW, THEREFORE, IT IS AGREED AND STIPULATED by and between the parties hereto as follows:

II. Terms and Conditions:

- A. The ENGINEER agrees to:
 - 1. Provide all office and field equipment and supplies to perform such duties designated in the scope of services.
 - 2. Provide, in addition to his own professional services, the necessary personnel to perform such duties as shall be designated by the CONTRACTING AUTHORITY and to act under the direction of said authority.
- B. The CONTRACTING AUTHORITY agrees to employ and pay the ENGINEER under the following terms and conditions:
 - 1. For items I.A. and I.F. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll costs times 2.19 with a negotiated "not to exceed" maximum amount.
 - 2. For items I.B., I.C., and I.D. of the scope of services, the fees will be a negotiated lump sum amount for each of these services.
 - 3. For item I.E. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19 with negotiated maximum amount based on a percent (%) of the *averaged construction cost amount*. The *averaged construction cost amount* shall be equal to the average amount of the bid amount of the two (2) low bidders.
 - 4. For item I.G. the fee will be the actual cost as billed by the subconsultant or commercial testing laboratory.

5. For item I.H. the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19.
6. For additional services performed by the ENGINEER as authorized in writing by the CONTRACTING AUTHORITY the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.19.
7. All engineering and related fees will be billed on a monthly basis for services rendered during the specific period.
8. The payroll cost used as a basis for payment shall mean the salaries and wages paid to principals and employees engaged directly on the project, including--but not limited to -- engineers, architects, surveyors, designers, drafters, specification writers, estimators, other technical personnel, stenographers, typists, and clerks; plus the cost of fringe benefits including -- but not limited to -- social security contributions, unemployment, excise and payroll taxes, workmen's compensation, health and retirement benefits, sick leave, vacation and holiday pay applicable thereto. The payroll cost will be determined by multiplying actual payroll times 1.37.

C. GENERAL CONDITIONS:

1. Ownership of Documents:

Both parties agree that the ownership of documents prepared by the ENGINEER at the direction of the CONTRACTING AUTHORITY, including specifications, drawings, maps, plats, and other related documents, shall be and remain property of the CONTRACTING AUTHORITY; and further, that such right in the CONTRACTING AUTHORITY shall not preclude the right of the ENGINEER to make and retain copies of same, to which copies ENGINEER shall have full right of ownership.

2. Termination of Agreement:

This agreement, or any portion thereof, may be terminated immediately upon written notice by the CONTRACTING AUTHORITY. In event such Notice of Termination shall be given by the CONTRACTING AUTHORITY, the payment for unbilled Engineering Services for work performed prior to the date of termination shall be determined by multiplying the ENGINEER'S payroll cost times 2.19, plus outside expense.

3. Revision of Completed Documents of Service:

Drafts of documents of service shall be submitted to the CONTRACTING AUTHORITY by the ENGINEER for review and comment. The comments received from the CONTRACTING AUTHORITY and the reviewing agencies shall be incorporated by the ENGINEER prior to submission of the final work product by the ENGINEER. Documents of service revised in accordance with review comments shall constitute "satisfactorily completed and accepted work." Requests for changes on documents of service by the CONTRACTING AUTHORITY shall be in writing. In the event there are no comments from the CONTRACTING AUTHORITY or reviewing agencies to be incorporated by the ENGINEER into the final document of service, the CONTRACTING AUTHORITY shall immediately notify the ENGINEER, in writing, that the document of service is considered to constitute "satisfactorily completed and accepted work."

In the event that the document of service prepared by the ENGINEER is found to be inadequate and revision or reworking of the document of service is necessary, the ENGINEER agrees that it shall do such revising without expense to the CONTRACTING AUTHORITY, even though final payment may have been received. The ENGINEER must give immediate attention to these changes so there will be a minimum of delay in the project. Should the CONTRACTING AUTHORITY find it desirable to have previously satisfactorily completed and accepted document of service or parts thereof revised, the ENGINEER shall make such revisions if requested and directed by the CONTRACTING AUTHORITY in writing. This work will be paid for as provided in Section II.B.6.

4. Extra Work/Changes in Scope:

If the ENGINEER is of the opinion that any work it has been directed to perform is beyond the scope of this Agreement, and constitutes "Extra Work," the ENGINEER shall promptly notify the CONTRACTING AUTHORITY in writing to that effect. In the event that the CONTRACTING AUTHORITY determines that such work does constitute "Extra Work," the CONTRACTING AUTHORITY shall provide extra compensation to the ENGINEER as provided in Section II.B.6. or at a negotiated lump sum. Unless written approval from the CONTRACTING AUTHORITY for "Extra Work" has been secured in advance from the ENGINEER, no claims will be allowed. However, the CONTRACTING AUTHORITY shall have benefit of the service rendered.

7. Dispute Resolution – Arbitration:

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

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

8. Engineer's Responsibility:

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

9. Successors and Assigns:

Both parties agree that, upon execution of this agreement, same shall be binding upon their/its successors, assigns, and legal representatives until terminated by the expiration of agreement or termination by written notice, as provided above.

10. Title VI Requirements:

Appendix "A" attached to this Agreement lists Title VI requirements that are part of this Agreement.

(Signature page to follow)

Dated this _____ day of _____, 20__.

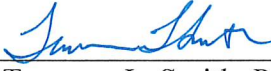
CITY OF COUNCIL BLUFFS, IOWA * FIRST PARTY
CONTRACTING AUTHORITY

By: _____
Mayor: Matthew J. Walsh

Attest: _____
City Clerk: Jodi Quakenbush

HGM ASSOCIATES INC. * SECOND PARTY
ENGINEER

By:  _____
Ronald N. Tekippe, P.E.
President

Attest:  _____
Terrence L. Smith, P.E.
Vice President

APPENDIX “A”

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

1. Compliance with Regulations: The Engineer shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix “B” of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
4. Information and Reports: The Engineer shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Council Bluffs, the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of an engineer is in the exclusive possession of another who fails or refuses to furnish this information, the Engineer shall so certify to the City of Council Bluffs, the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Engineer's noncompliance with the nondiscrimination provisions of this contract, the City of Council Bluffs shall impose such contract sanctions as it, the Iowa Department of Transportation or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Engineer under the contract until the Engineer complies; and/or,
 - b. cancellation, termination or suspension of the contract, in whole or in part.

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

RESOLUTION
NO 19-190

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HGM ASSOCIATES INC. FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
GIFFORD ROAD RECONSTRUCTION, PHASE III
PROJECT #PW20-24**

- WHEREAS, the city wishes to make improvements known as the Gifford Road Reconstruction, Phase III within the city, as therein described; and
- WHEREAS, HGM Associates Inc. has submitted an agreement to provide engineering services for the work necessary for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

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

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with HGM Associates Inc. for engineering services relative to the Gifford Road Reconstruction, Phase III 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

August 12, 2019

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Liquor Licenses
ITEM 8.A.

Council Action: 8/12/2019

Description

1. Aldi, 3135 Manawa Centre Dr
2. Atherton Automotive Service, 2900 W Broadway
3. Avenue G Store, 1602 Avenue G
4. Council Bluffs TravelCenter, 3210 S 7th St
5. D&S Xpress, 2924 N Broadway
6. D&S Xpress, 1220 N 25th St
7. Fast Break Sports Iowa, LLC, 5 Arena Way
8. Huhot Mangolian Grill, 3120 Manawa Centre Dr
9. Kwik Shop #595, 1749 W Broadway
10. La Mesa Mexican Restaurant, 3036 S Expressway
11. Lipstix, 1501 N 16th St
12. The Quarhouse, 107 Pearl St
13. Tobacco Hut & Liquor, 3134 Manawa Centre Dr, #9
14. Wal-Mart Supercenter #1965, 3200 Manawa Centre Dr

Background/Discussion

1. Aldi, 3135 Manawa Centre Dr
2. Atherton Automotive Service, 2900 W Broadway
3. Avenue G Store, 1602 Avenue G
4. Council Bluffs TravelCenter, 3210 S 7th St
5. D&S Xpress, 2924 N Broadway
 - a. 2/6/19- Citation issued for Underage Tobacco Purchase.
6. D&S Xpress, 1220 N 25th St
7. Fast Break Sports Iowa, LLC, 5 Arena Way
8. Huhot Mangolian Grill, 3120 Manawa Centre Dr
9. Kwik Shop #595, 1749 W Broadway
10. La Mesa Mexican Restaurant, 3036 S Expressway
11. Lipstix, 1501 N 16th St
 - a. 10/7/18- Assault/Public Intox- Officers were called to the Pool Room in reference to an assault inside the business. Upon arrival, The female suspect was located inside the Lipstix portion of the business and was arrested for Public Intoxication and Assault.
 - b. 10/31/18- Disturbance/Public Intox- Officers were called to the Pool Room for a female causing a disturbance at the bar. Upon arrival, The female was located outside the business and was arrested for Public Intoxication.
 - c. 11/18/18- Disturbance/Public Intox- Officers were called to the Pool Room for a disturbance inside the bar. Upon arrival they located two intoxicated females outside the bar who had been fighting inside the bar. They were both arrested for Public Intoxication.
 - d. 12/7/18- Disturbance- a bouncer was arrested for assaulting other employees in the business.
 - e. 7/24/19- Officers were dispatched to the area in reference to an erratic driver. They located the vehicle in the parking lot of Lipstix and arrested for OWI.
12. The Quarhouse, 107 Pearl St
13. Tobacco Hut & Liquor, 3134 Manawa Centre Dr, #9
 - a. 2/6/19- Citation issued for Underage Tobacco Purchase.
14. Wal-Mart Supercenter #1965, 3200 Manawa Centre Dr

Recommendation

ATTACHMENTS:

Description

[Liquor License Applications, 8.12.19](#)

Type

Other

Upload Date

8/5/2019



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Applicant BC0028096, Aldi, Inc., Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Aldi, Inc. (Kansas) (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Aldi, Inc.

Address of Premise: 3135 Manawa Centre Dr

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (913) 768-1119

Cell / Home Phone:

Same Address

Mailing Address: 10505 S. K7 Highway

Mailing Address Line 2:

City: Olathe

State: Kansas

Zip: 66061

Contact Name: Jennifer Deschacht

Phone: (913) 768-1119

Email Address: Jennifer.Deschacht@aldi.us

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Applicant BC0017261, Atherton Automotive Service, Council Bluffs

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

Name/Partnership Name(s):

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

Address of Premise: 2900 West Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 322-2900

Cell / Home Phone:

Same Address

Mailing Address: 2900 West Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501-0000

Contact Name: Matt Atherton Sr.

Phone: (712) 322-2900

Email Address: matt@athertonauto.com

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Applicant LE0003119, Avenue G Store, Council Bluffs

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Corporation Name/Sole Proprietor: ZEEW, LLC

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):
Name of Business (D/B/A): Avenue G Store

Address of Premise: 1602 Avenue G

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 321-8664

Cell / Home Phone: (402) 321-8664

Same Address

Mailing Address: 1602 avenue G

Mailing Address Line 2:

City: council bluffs

Zip: 51501

State: Iowa

Contact Name: Zemichae! B. Mehari

Phone: (402) 321-8664

Email Address: zemichael282004@yahoo.com

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Applicant BC0029111, Council Bluffs TravelCenter, Council Bluffs

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Corporation Name/Sole Proprietor: TA Operating LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

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

Address of Premise: 3210 S 7th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-2217

Cell / Home Phone:

Same Address

Mailing Address: 255 Washington Street, Suite 100

Mailing Address Line 2: Attn: General Counsel

City: Newton

Zip: 02458163

State: Massachusetts

Contact Name: Adena Santiago, Husch Blackwell

Phone: (202) 378-2338

Email Address: asantiago@huschblackwell.com

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Applicant BC0030307, D&S Xpress, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Trace Enterprises Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): D&S Xpress

Address of Premise: 2924 North Broadway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 322-4403

Cell / Home Phone:

Same Address

Mailing Address: 2924 North Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Don Doeblin

Phone: (712) 322-4403

Email Address: ddoebelin@cox.net

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Applicant BC0030306, D&S Xpress, Council Bluffs

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Corporation Name/Sole Proprietor: Trace Enterprises Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): D&S Xpress

Address of Premise: 1220 North 25th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 322-2170

Cell / Home Phone:

Same Address

Mailing Address: 2924 North Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: Donald Doebelein Jr

Phone: (712) 322-2170

Email Address: ddoebelein@cox.net

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Applicant LC0044837, Fast Break Sports Iowa, LLC , Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Fast Break Sports Iowa, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Fast Break Sports Iowa, LLC

Address of Premise: 5 Arena Way

Address Line 2:

City: Council Bluffs

County: Iowa

Zip: 51503

Business Phone: (712) 322-1831

Cell / Home Phone:

Same Address

Mailing Address: 21008 Cumberland Drive, Suite 110

Mailing Address Line 2:

City: Omaha

Zip: 68022

State: Nebraska

Contact Name: William J. Douglas

Phone: (402) 213-1345

Email Address: wdouglas@homesbymalibu.com

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Applicant BW0092509, Huhot Mangolian Grill, Council Bluffs

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

Name of Business (D/B/A): Huhot Mangolian Grill

Address of Premise: 3120 Manawa Center Dr.

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 309-0100

Cell / Home Phone:

Same Address

Mailing Address: 1938 N Woodlawn, Ste 110

Mailing Address Line 2:

City: Wichita

State: Kansas

Zip: 67208

Contact Name: Amy Kim

Phone: (316) 685-1622

Email Address: frog.licensing@issvc.com

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Applicant LE0002645, KWIK SHOP #595, Council Bluffs

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

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

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

Address of Premise: 1749 W BROADWAY

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 391-1808

Cell / Home Phone:

Same Address

Mailing Address: EG Retail America

Mailing Address Line 2: 302 W. 3rd Street, Suite 300

City: Cincinnati

State: Ohio

Zip: 45202

Contact Name: Debbie Brown

Phone: (513) 964-1520

Email Address: eglegaldept@eg-america.com

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Applicant LC0034060, La Mesa Mexican Restaurant, Council Bluffs

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Corporation Name/Sole Proprietor Name/Partnership Name(s): Manawa La Mesa Corporation (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): La Mesa Mexican Restaurant

Address of Premise: 3036 S Expressway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-2762

Cell / Home Phone:

Same Address

Mailing Address: 3036 S Expressway

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: david

Phone: (712) 256-2762

Email Address: azulito7701@hotmail.com

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BUILDING <u>SR</u>	Issued _____	
ZONING <u>CR</u>	Expires _____	
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Applicant LC0030130, Lipstix, Council Bluffs

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- General Premises
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- Dram Cert
- Local Endorse
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Corporation Name/Sole Proprietor: JDR, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s): JDR, Inc.

Name of Business (D/B/A): Lipstix

Address of Premise: 1501 N 16th St

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501-0000

Business Phone: (712) 322-4510

Cell / Home Phone:

Same Address

Mailing Address: 1501 N 16 St

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Caren Taylo (Randy 712.322.3600)

Phone: (402) 321-3400

Email Address: caren.taylo@yahoo.com

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FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>SS</u>	Issued _____	
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- History

Applicant LC0030137, Quarhouse, The, 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): Quarhouse, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Quarhouse, The

Address of Premise: 107 Pearl St

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 322-9830

Cell / Home Phone: (402) 734-1233

Same Address

Mailing Address: 107 Pearl St

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51503

Contact Name: David Sinnott Jr.

Phone: (712) 322-9830

Email Address: djsjr@outlook.com

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Applicant LE0002779, Tobacco Hut & Liquor, 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): Albro Holdings LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Tobacco Hut & Liquor

Address of Premise: 3134 Manawa Center Dr #9

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-1873

Cell / Home Phone: (402) 706-4246

Same Address

Mailing Address: 3134 Manawa Center Dr #9

Mailing Address Line 2:

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: Jason Brown

Phone: (402) 669-5496

Email Address: jasonbrown@expressdistribution.

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Applicant LE0000981, Wal-Mart Supercenter #1965, Council Bluffs

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Corporation Name/Sole Proprietor: Walmart Inc.

(Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s):

Name of Business (D/B/A): Wal-Mart Supercenter #1965

Address of Premise: 3200 Manawa Dr

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503-0000

Business Phone: (712) 366-3326

Cell / Home Phone: (501) 277-2768

Same Address

Mailing Address: 702 SW 8th St. Dept. 8916

Mailing Address Line 2:

City: Bentonville

Zip: 72716-0500

State: Arkansas

Contact Name: Cynthia Montero

Phone: (479) 277-4656

Email Address: cynthia.montero@walmart.com

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Council Communication

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

Cigarette Permits
ITEM 8.B.

Council Action: 8/12/2019

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

[Cigarette Permit Application 8.12.19](#)

Type

Other

Upload Date

7/29/2019



SEE INSTRUCTIONS ON THE REVERSE SIDE

For period (MM/DD/YYYY) 7 / 1 / 2019 through June 30, 20

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade Name/DBA: TOBACCO VAPOR FOOD MART
Physical Location Address: 1531 2ND City: KANSAS CITY ZIP: 64501
Mailing Address: _____ City: _____ State: _____ ZIP: _____
Business Phone Number: (712) 352-0153

Legal Ownership Information:

Type of Ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☐ LLC ☒ LLP ☐
Name of sole proprietor, partnership, corporation, LLC, or LLP: Karima Elouahidi
Mailing Address: 930 Conner Grand Rd City: New Bern State: NC ZIP: 28562
Phone Number: (252) 876-8117 Fax Number: () _____ Email: Manal@ashraf@yahoo.com

Retail Information:

Types of Sales: Over-the-counter ☒ Vending machine ☐

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative Nicotine Products ☐ Vapor Products ☒

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store ☒ Bar ☐ Convenience store/gas station ☐ Drug store ☐
Grocery store ☒ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☒
Has vending machine that assembles cigarettes ☐ Other ☐

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

SIGNATURE OF OWNER(S), PARTNER(S), OR CORPORATE OFFICIAL(S)

Name (please print): ZAYED ALZAH AM Name (please print): _____
Signature: [Signature] Signature: _____
Date: 7-19-19 Date: _____

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$100.00
- Fill in the date the permit was approved by the council or board: 8.12.19
- Fill in the permit number issued by the city/county: 727030
- Fill in the name of the city or county issuing the permit: Council Bluffs

RENEWAL

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: japledge@iowaabd.com
- Fax: 515-281-7375

Council Communication

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

Noise Variance Request
ITEM 8.C.

Council Action: 8/12/2019

Description

Railway Inn requesting two dates:
1. 8.17.19, 8:00p - 11:00p
2. 8.30.19, 8:00p - 11:00p

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Noise Variance Request, 8.12.19	Other	8/5/2019

NOISE VARIANCE REQUEST

APPLICATION DATE: 8-5-19
REQUESTING PERSON:
NAME: Deniel L Driscoll
MAILING ADDRESS: 165 South 12th St
CB - Iowa 51501
PHONE NUMBER: 762-328-9913
EMAIL: WHA
ORGANIZATION/EVENT: Outdoor Band
EVENT LOCATION: Railway Inn
EVENT DATE: 8-17-19
EVENT TIME: 8pm - 11pm

EXPLAIN SOURCE OF NOISE AND SPECIFIC HOURS OF NOISE:

Outdoor Love Band

Please return to the City Clerk's Office, 209 Pearl Street, Ste 102, Council Bluffs, IA 51503
Phone Number: 712-890-5261.

Please Note: This application is approved/disapproved by the City Council. Applications **MUST** be received 15 days before the event, to ensure enough time to be reviewed by City Council.

City Council met on _____, 20____, regarding this application requesting noise variance as described above.

APPROVED ()

DISAPPROVED ()

APPROVED WITH STIPULATION ()

The Police have the authority to cease music or require reduction of volume for the remainder of event if complaints are received.

City Clerk

Date

NOISE VARIANCE REQUEST

APPLICATION DATE: 8-5-19
REQUESTING PERSON:
NAME: Daniel L Driscoll
MAILING ADDRESS: 115 South 12th St
CB-Town 51501
PHONE NUMBER: 712-328-9913
EMAIL: N/A
ORGANIZATION/EVENT: Outdoor Band
EVENT LOCATION: 115 South 12th St CB-Town Railway Park
EVENT DATE: 8-30-19
EVENT TIME: 8pm - 11pm

EXPLAIN SOURCE OF NOISE AND SPECIFIC HOURS OF NOISE:

Outdoor Live Band

Please return to the City Clerk's Office, 209 Pearl Street, Ste 102, Council Bluffs, IA 51503
Phone Number: 712-890-5261.

Please Note: This application is approved/disapproved by the City Council. Applications **MUST** be received 15 days before the event, to ensure enough time to be reviewed by City Council.

City Council met on _____, 20____, regarding this application requesting noise variance as described above.

APPROVED ()

DISAPPROVED ()

APPROVED WITH STIPULATION ()

The Police have the authority to cease music or require reduction of volume for the remainder of event if complaints are received.

City Clerk

Date