

Bond Review - Jon Burmeister, PFM

Pavement Management follow up - Matt Cox

Review Agenda

### **EXECUTIVE SESSION**



## **City Council Meeting Minutes April 22, 2024**

### **CALL TO ORDER**

Mayor Walsh called the meeting to Order at 7:00 p.m. on Monday April 22, 2024.

Council Members present: Joe Dislavo, Steve Gorman, Chris Peterson, Roger Sandau and Jill Shudak.

Staff present: Amanda Kopera, Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

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

Reading, correction and approval of the March 25, 2024 Special Meeting, March 25, 2024 Regular Meeting and April 1, 2024 City Council Meeting Minutes.

#### **Ordinance 6604**

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020, and setting a public hearing for May 6, 2024 at 7:00 p.m., by rezoning 2100 South 6th Street, legally described in the Council packet, from C-2/Commercial District to R-2/Two-Family Residential District, as defined in Chapter 15.09. ZC-24-003

#### **Ordinances 6605 and 6606**

Ordinance 6605 to amend Chapter 15.28-P-R/Planned Residential Overlay of the Municipal Code (Zoning Ordinance) and setting a public hearing for May 6, 2024 at 7:00 p.m. by amending Section 15.28.020 “Applicability”.

Ordinance 6606 to amend Chapter 15.08B-R-1/Single-Family Residential District of the Municipal Code (Zoning Ordinance) and setting a public hearing for May 6, 2024 at 7:00 p.m. by amending Section 15.08B.020 “Principal Uses”. ZT-24-002

Resolution 24-109

Resolution authorizing transfers between funds under Iowa Code 545-2 For FY24.

Resolution 24-110

Resolution directing the City Clerk to publish notice and setting a public hearing for May 6, 2024 at 7:00 p.m. on the plans, specifications and form of contract for the 3426 2nd Avenue Demolition and Restoration Project.

Resolution 24-111

Resolution setting a public hearing for 7:00 p.m. on May 6, 2024, for a commemorative street renaming of Avenue J and 18th Street in honor of Charles M. Wickersham.

Resolution 24-124

Resolution of Intent to enter into a Non-exclusive Public Right-of-Way License Agreement with Iowa Network Services, Inc. d/b/a Aureon Network Services for the provision of communications services in Council Bluffs.

Mayor's Appointment

Storm Water Advisory Committee

Roger Sandau and Jill Shudak moved and seconded approval of Consent Agenda. Unanimous, 5-0 vote.

**MAYORS PROCLAMATIONS**

A. Arbor Day

B. Workers Memorial Day

Mayor Walsh presented Workers Memorial Day Proclamation.

**PUBLIC HEARINGS**

Resolution 24-112

Resolution approving the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2025.

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 24-112. Unanimous, 5-0 vote.

Resolution 24-113A and 24-113B

Resolution 23-113A, directing the sale of \$23,960,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A

Resolution 23-113B, directing the sale of \$2,800,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds, Series 2024B

Roger Sandau and Jill Shudak moved and seconded approval of Resolutions 24-113A & 24-113B at 7:05 p.m.. Unanimous, 5-0 vote.

Resolutions 24-114 and 24-115

Resolution 24-114 to dispose of City property located at 1612 7th Avenue. OTB-24-001

Resolution 24-115 to dispose of City property located at 1614 7th Avenue. OTB-24-002

Jill Shudak and Steve Gorman moved and seconded approval of Resolutions 24-114 and 24-115 amended to intent to dispose and setting at public hearing for May 6, 2024 at 7:00 p.m.. Unanimous, 5-0 vote.

Resolution 24-116

Resolution granting final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43. Location: Undeveloped land located north of property addressed as 1102 State Orchard Road. SUB-24-001

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 24-116. Unanimous, 5-0 vote.

Resolution 24-117

Resolution granting final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in the Council packet. Location: Land lying north of property addressed as 2849 River Road. SUB-24-002

Steve Gorman and Jill Shudak moved and seconded approval of Resolution 24-117. Unanimous, 5-0 vote.

Resolution 24-118

Resolution approving Request for Proposals for approximately .25 acres of land at 1st Avenue and S. 8th Street.

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 24-118. Unanimous, 5-0 vote.

## **ORDINANCES ON 1ST READING**

### **Ordinance 6607**

Ordinance to amend Chapter 3.58 Mobile Food Vendors of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Sections 3.58.020 "Definitions"; 3.58.030 "License Required, Exemptions"; 3.58.060 "License Fee"; 3.58.070 "Renewal"; 3.58.080 "Sales Regulations"; 3.58.090 "Revocation"; 3.58.100 "Penalty" and 3.58.110 "Special Districts".

Steve Gorman and Jill Shudak moved and seconded approval of First Consideration of Ordinance 6607. Second Consideration to be held May 6, 2024 at 7:00 p.m.. Unanimous, 5-0 vote.

## **ORDINANCES ON 2ND READING**

### **Ordinance 6603**

Ordinance designating the Council Bluffs Consolidated Urban Revitalization Area for the City of Council Bluffs, Iowa. URV-24-001

Roger Sandau and Steve Gorman moved and seconded approval of Second Consideration of Ordinance 6603. Unanimous, 5-0 vote.

Roger Sandau and Chris Peterson moved and seconded approval of Motion to waive Third Consideration of Ordinance 6603. Ordinance passes to law.. Unanimous, 5-0 vote.

## **RESOLUTIONS**

### **Resolution 24-119**

Resolution authorizing the use of American Rescue Plan Act (ARPA) Funds for the purchase of two 2024 Chevrolet Equinox Vehicles for the Council Bluffs Police Department.

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-119. Unanimous, 5-0 vote.

### **Resolution 24-120**

Resolution authorizing the Mayor to execute the Orders Accepting the Acknowledgment/Settlement Agreements from Casey's #6116, Casey's #6122, CB Quick Stop, Family Dollar #24414 and 7 Days Mart for violations for Iowa Code Section 453A.2.

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 24-120. Unanimous, 5-0 vote.

### **Resolution 24-121**

Resolution authorizing the use of American Rescue Plan Act (ARPA) to purchase five, 2024 Chevrolet Tahoes for the Council Bluffs Police Department.

Roger Sandau and Jill Shudak moved and seconded approval of Resolution 24-121. Unanimous, 5-0 vote.

#### Resolution 24-122

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the State Orchard Road Reconstruction. Project #PW25-07

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 24-122. Unanimous, 5-0 vote.

#### Resolution 24-123

Resolution approving the plans and specifications for the Vine Street Parking Lot Expansion. Project # PW23-15

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 24-123. Unanimous, 5-0 vote.

#### Resolution 24-125

Resolution to authorize the Mayor to make a \$50,000.00 contribution to the Riverfront Development in support of an Enhance Iowa Grant.

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-125, as amended to use ARPA funds if available. Unanimous, 5-0 vote.

## **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

### Liquor Licenses

1. BBQ Brothers, 321 Comanche St. - New
2. Bike Night, 100 Block area - Sp Evt
3. Bottoms Up, 2800 Twin City Dr.
4. Buffalo Wild Wings, 3701 Metro Dr.
5. Council Bluffs Country Club, 4500 Piute St.
6. J & B's Lounge, 16 S. 19th St.
7. Midwest Mixers Mobile Bar + Events, 120 W. Broadway – Sp Evt
8. Speedy Gas N Shop, 2024 5th Ave. – New
9. Tish's, 1207 S. 35th St.
10. T'z, 128 W. Broadway

Roger Sandau and Chris Peterson moved and seconded approval of Applications for Permits and Cancellations, Item 9A 1-10. Unanimous, 5-0 vote.

### Tobacco Permits

12 Tobacco Permits

Special Event Application  
Celebrate CB Parade

Jill Shudak and Chris Peterson moved and seconded approval of Applications for Permits and Cancellations, Item 9B and 9C. Unanimous, 5-0 vote.

Noise Variance

The Dock - Live music on weekends May - October until 11:30pm.

Roger Sandau and Jill Shudak moved and seconded approval of Applications for Permits and Cancellations, Item 9D. Voice Vote, 4-0 vote. (Abstain: Disalvo)

**OTHER BUSINESS**

**CITIZENS REQUEST TO BE HEARD**

Heard from Genevieve Pfitzer, 2912 Avenue B

**ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:17 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor  
Attest: Jodi Quakenbush, City Clerk

**Council Communication**

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

Approval of Agenda and tape recordings of  
these proceedings to be incorporated into the  
official minutes.  
ITEM 3.A.

Council Action: 4/22/2024

<b>Description</b>
<b>Background/Discussion</b>
<b>Recommendation</b>

## Council Communication

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

Reading, correction and approval of the March  
25, 2024 Special Meeting, March 25, 2024  
Regular Meeting and April 1, 2024 City Council  
Meeting Minutes.  
ITEM 3.B.

Council Action: 4/22/2024

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

Description	Type	Upload Date
<a href="#">3-25-24 Special Meeting Minutes</a>	Minutes	4/2/2024
<a href="#">3-25-24 Regular Meeting Minutes</a>	Minutes	4/2/2024
<a href="#">4-1-24 Regular Meeting Minutes</a>	Minutes	4/2/2024



## **City Council Special Meeting Minutes March 25, 2024**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order on Monday March 25, 2024 at 6:30 p.m.

Council Members present: Joe Disalvo, Steve Gorman, Roger Sandau and Jill Shudak.

Council Member present via Zoom: Chris Peterson.

Staff Present: Danielle Bemis, Brandon Garrett, Jodi Quakenbush and Richard Wade.

### **PUBLIC HEARINGS**

Resolution 24-84

Resolution approving the City of Council Bluffs Proposed Property Tax Levy for fiscal year ending June 30, 2025.

Heard from : Danielle Bemis, Finance Director for the City of Council Bluffs,

Duane Barrier, 26 Westlake Village, Lee Ann Wells, 10 Kenmore Avenue, Sandra Tomford, 2004 South 10th Street, Lisa Tenhulzen, 320 College Road, Robert Donahue, 423 Stusman

Motion to receive and file by Disalvo, seconded by Sandau, unanimous.

Jim, 520 Forest Street and Christine Brandt, 514 South 4th and 104 Happy Hollow.

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 24-84. Unanimous, 5-0 vote.

### **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:48 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 Meeting Minutes March 25, 2024**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order on Monday March 25, 2024 at 7:55 p.m. (Special meeting held before ran long)

Council Members present: Joe Disalvo, Steve Gorman, Roger Sandau and Jill Shudak.

Council Members present via Zoom: Chris Peterson.

Staff Present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

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

Reading, correction and approval of the March 11, 2024 City Council Meeting Minutes.

Ordinance 6601

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 and setting a public hearing for April 1, 2024 at 7:00 p.m. by rezoning property described as undeveloped land located north of 1102 State Orchard Road, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District as defined in chapter 15.08a. ZC-24-002

Resolutions 24-70 and 24-71 (Continued from 3-11-24)

Resolution 24-70 of intent to dispose of and setting a public hearing for April 22, 2024 at 7:00 p.m. for City property located at 1612 7th Avenue. OTB-24-001

Resolution 24-71 of intent to dispose of and setting a public hearing for April 22, 2024 at 7:00 p.m. for City property located at 1614 7th Avenue. OTB-24-002

Resolution 24-85

Resolution setting a public hearing for April 22, 2024 at 7:00 p.m. on the City of Council Bluffs budget for the fiscal year ending June 30, 2025.

Resolution 24-86

Resolution setting a public hearing for 7:00 p.m. on May 6, 2024, for FY2025 State Transit Assistance funding.

Resolution 24-87

Resolution to set a public hearing for April 1, 2024 at 7:00 pm for the Recreation Complex Facility Maintenance Yard Upgrade Project, R23-14 & R25-03.

Resolution 24-96

Resolution to accept the work and release the remaining funds for the Peterson Park Playground Upgrade to Dostal Construction in the amount of \$10,950.00.

Boards/Commissions

Historic Preservation Commission

Claims

Steve Gorman and Jill Shudak moved and seconded approval of Consent Agenda. Unanimous, 5-0 vote.

**PUBLIC HEARINGS**

Ordinance 6598 (Continued from 3-11-24)

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 by rezoning property legally described as Lots 1 and 3a, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/Commercial District as defined in Chapter 15.15 with specific requirements described in the Council packet.

Location: 3200 Manawa Centre Drive. ZC-23-015

Heard from Nick Brenner, 5101 Menards Dr.

Roger Sandau and Joe Disalvo moved and seconded approval of motion to Deny Ordinance 6598.. Unanimous, 5-0 vote. Ordinance fails.

Ordinance 6597 (Continued from 3-11-24)

Ordinance to amend Chapter 15.09 R-2/Two-Family Residential District of the Municipal Code (zoning ordinance) by amending Section 15.09.030 "Conditional Uses" to include "boarding, lodging, rooming house or bed and breakfast". ZT-24-001

Heard from Deborah Peterson, 215 Main Street and Danielle Wright, 2122 Avenue A.

Steve Gorman and Jill Shudak moved and seconded approval of second consideration of ordinance 6597. Third consideration to be heard April 1, 2024 at 7:00 p.m. Passed, 4-1 vote. (Nays: Sandau)

Resolution 24-88

Resolution accepting the proposal from Sapp Bros, Inc. and to dispose of City property generally located along 23rd Avenue at South 24th Street.

Steve Gorman and Jill Shudak moved and seconded approval of Resolution 24-88. Unanimous, 5-0 vote.

Resolution 24-89

Resolution rejecting all proposals submitted in accordance with the requests for proposals for the disposition of City owned property located at 1901 2nd Avenue.

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 24-89. Unanimous, 5-0 vote.

Resolution 24-90

Resolution to dispose of City property legally described as the east 29 1/3 feet of Lot 19 and the west 21 2/3 feet of Lot 20, all in Block 23, Omaha Addition. Location: the property formerly addressed as 2914 8th Avenue. OTB-24-005

Heard from Lynn Dittmer, 1221 South Main

Steve Gorman and Roger Sandau moved and seconded approval of Resolution 24-90. Unanimous, 5-0 vote.

Resolutions 24-91 and 24-92

Resolution to dispose of City property located at 827 16th Avenue. OTB-24-003

Resolution to dispose of City property located at 1709 4th Avenue. OTB-24-004

Jill Shudak and Joe Disalvo moved and seconded approval of Resolutions 24-91 and 24-92. Unanimous, 5-0 vote.

Resolution 24-93

Resolution approving and authorizing execution of an Amended and Restated Purchase, Sale, and Development Agreement by and between the City of Council Bluffs and Spin Lofts, LLC, and the conveyance of real property to Spin Lofts, LLC thereunder.

Heard from Eric Smith

Joe Disalvo and Roger Sandau moved and seconded approval of Resolution 24-93. Unanimous, 5-0 vote.

## **ORDINANCES ON 1ST READING**

### **Ordinance 6602**

Ordinance to amend Chapter 3.62 Solicitors by amending Section 3.62.100 "Prohibited Acts"

Heard from Genevieve Pfitzer, 2912 Avenue B

Steve Gorman and Jill Shudak moved and seconded approval of first consideration of Ordinance 6602. Second consideration to be held April 1, 2024 at 7:00 p.m. Unanimous, 5-0 vote.

## **RESOLUTIONS**

### **Resolution 24-94**

Resolution authorizing the Mayor and City Clerk to execute IDOT Agreement No. 4-24-HBP-011 for a City Highway Bridge Program project for the 9th Avenue Bridge over Indian Creek, IDOT Project No. BRM-1642(689)--8N-78.

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 24-94. Unanimous, 5-0 vote.

### **Resolution 24-95**

Resolution to award the contract to Henngingsen Construction for the City Wide Parking Lot Upgrades - Big Lake Park and Valley View Park parking lots.

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 24-95. Unanimous, 5-0 vote.

### **Resolution 24-97**

Resolution authorizing the City Clerk to certify assessments against properties to the Pottawattamie County Treasurer for unreimbursed costs incurred by the City for the abatement of weeds and the removal of solid waste nuisances upon properties and directing them to be collected in the same manner as a property tax.

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-97. Unanimous, 5-0 vote.

### **Resolution 24-98**

Resolution authorizing the Mayor to execute an agreement for the consent to subdivision and petition for voluntary annexation of parcel number 744303326010, otherwise identified as 15380 214th Street, between City of Council Bluffs and Jonah M. and Amanda D. Leinen. MIS-24-001

Steve Gorman and Roger Sandau moved and seconded approval of Resolution 24-98. Unanimous, 5-0 vote.

#### Resolution 24-99

Resolution of intent to enter into an Electric Easement with Midamerican Energy Company to install underground electric facilities in a portion of city-owned property located along Valley View Drive

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-99. Unanimous, 5-0 vote.

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

#### Liquor Licenses

- 1.) 1892 German Beer Haus, 142 W. Broadway
- 2.) C'Mon Inn, 144 W Broadway
- 3.) Godfather's Pizza, 3020 W Broadway
- 4.) Kikkers, 1503 Ave. C
- 5.) Saint Albert Catholic Schools, 400 Gleason Ave. (Special Event)
- 6.) Squirrel Cage Jail, 226 Pearl St.

#### Special Event Application

Live on Nebraska (Fireworks)

Roger Sandau and Joe Disalvo moved and seconded approval of Application for Permits and Cancellations, Items 1A 1-6 and 7B. Unanimous, 5-0 vote.

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

#### Gail Hunter

My family is requesting to be heard in regards to the city's denial of a permit for electricity at 2913 Emil Lane.

Heard from Gail Hunter, 900 Woodbury and Sherry Leaders, 2016 eagle Ridge Dr.

Heard from Christine Brandt, 104 Happy Hollow

### **ADJOURNMENT**

Mayor Adjourned the meeting at 9:21 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 Meeting Minutes April 1, 2024**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 7:00 p.m. on Monday April 1, 2024.

Council Members present: Joe Disalvo, Steve Gorman, Chris Peterson, Roger Sandau and Jill Shudak.

Staff present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

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

Resolution 24-100

Resolution setting a public hearing for 7:00 p.m. on April 22, 2024 for the Vine Street Parking Lot Expansion. Project # PW23-15

Resolution 24-101

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY24

January 2024 Financial Reports and Right of Redemption

Roger Sandau and Steve Gorman moved and seconded approval of Consent Agenda. Unanimous, 0-0 vote.

### **MAYORS PROCLAMATIONS**

A. National Library Week

## **PUBLIC HEARINGS**

### **Ordinance 6601**

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020 and setting a public hearing for April 1, 2024 at 7:00 p.m. by rezoning property described as undeveloped land located north of 1102 State Orchard Road, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District as defined in chapter 15.08a. ZC-24-002

Heard from Luke Norville, 4206 Cambridge, Kansas City

Roger Sandau and Joe Disalvo moved and seconded approval of second consideration of Ordinance 6601. Unanimous, 5-0 vote.

Roger Sandau and Chris Peterson moved and seconded approval of Motion to waive third consideration of Ordinance 6601. Ordinance passes to law. Unanimous, 5-0 vote.

### **Resolution 24-102**

Resolution approving the plans, specifications, and cost estimate for the Recreation Complex Facility Maintenance Yard Upgrade Project.

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-102. Unanimous, 5-0 vote.

### **Resolution 24-103**

Resolution adopting the Amended and Restated Consolidated Urban Revitalization Plan for the Council Bluffs Consolidated Urban Revitalization Area. URV-24-001

Jill Shudak and Joe Disalvo moved and seconded approval of Resolution 24-103. Unanimous, 5-0 vote.

### **Resolution 24-104**

Resolution authorizing the Mayor to enter into an Electric Easement with MidAmerican Energy Company to install underground electric facilities in a portion of city-owned property along Valley View Dr

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-104. Unanimous, 5-0 vote.

## **ORDINANCES ON 1ST READING**

### **Ordinance 6603**

Ordinance designating the Council Bluffs Consolidated Urban Revitalization Area for the City of Council Bluffs, Iowa. URV-24-001

Roger Sandau and Steve Gorman moved and seconded approval of first consideration of Ordinance 6603. Second consideration to be held April 22, 2024 at 7:00 p.m. Unanimous, 5-0 vote.

## **ORDINANCES ON 2ND READING**

### **Ordinance 6602**

Ordinance to amend Chapter 3.62 Solicitors by amending Section 3.62.100 "Prohibited Acts"

Jill Shudak and Steve Gorman moved and seconded approval of second consideration of Ordinance 6602. Unanimous, 5-0 vote.

Roger Sandau and Jill Shudak moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 5-0 vote.

## **ORDINANCES ON 3RD READING**

### **Ordinance 6597**

Ordinance to amend Chapter 15.09 R-2/Two-Family Residential District of the Municipal Code (zoning ordinance) by amending Section 15.09.030 "Conditional Uses" to include "boarding, lodging, rooming house or bed and breakfast". ZT-24-001

Steve Gorman and Jill Shudak moved and seconded approval of third consideration of Ordinance 6597. Ordinance passes to law. Unanimous, 4-1 vote. (Nays: Sandau)

## **RESOLUTIONS**

### **Resolution 24-105**

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the West Graham Reconstruction. PW25-10

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 24-105. Unanimous, 5-0 vote.

### **Resolution 24-106**

Resolution authorizing the advance of \$1,240,000 from the General Fund to satisfy the City of Council Bluffs' obligations for the Marketplace Urban Renewal Area.

Jill Shudak and Steve Gorman moved and seconded approval of Resolution 24-106. Unanimous, 5-0 vote.

Resolution 24-107A & 24-107B

A) Resolution directing the advertisement for sale of \$23,960,000 (dollar amount subject to change) General Obligation Bonds, Series 2024A, and approving electronic bidding procedures and Official Statement.

B) Resolution directing the advertisement for sale of \$2,800,000 (dollar amount subject to change) Taxable General Obligation Bonds, Series 2024B, and approving electronic bidding procedures and Official Statement.

Roger Sandau and Steve Gorman moved and seconded approval of Resolutions 24-107A and 24-107B. Unanimous, 5-0 vote.

**ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:10 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor  
Attest: Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: ZC-24-003  
Submitted by: Moises Monrroy, Planner

Ordinance 6604  
ITEM 3.C.

Council Action: 4/22/2024

**Description**

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020, and setting a public hearing for May 6, 2024 at 7:00 p.m., by rezoning 2100 South 6th Street, legally described in the Council packet, from C-2/Commercial District to R-2/Two-Family Residential District, as defined in Chapter 15.09. ZC-24-003

**Background/Discussion**

See attached staff report.

**Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Attachment A: Location/Zoning Map</a>	Map	4/12/2024
<a href="#">Attachment B: Letter of Intent</a>	Letter	4/12/2024
<a href="#">Notice of Public Hearing</a>	Notice	4/12/2024
<a href="#">Ordinance 6604</a>	Ordinance	4/17/2024

## City Council Communication

Department: Community Development  CASE #ZC-24-003  Applicant/Property Owner: Eric Havermann Lochland Holdings, LTD 1115 South 10 <sup>th</sup> Street Apt. #9 Omaha, NE 68103	Resolution No. _____	<u>City Council</u> 1 <sup>st</sup> Consideration: 4/22/2024 2 <sup>nd</sup> Consideration: 5/6/2024 3 <sup>rd</sup> Consideration: 5/20/2024  Planning Commission: 4/9/2024
<b>Subject/Title</b>		
<p><b>Request:</b> Public hearing on the requests of Lochland Holdings Ltd., represented by Eric Haverman, and the City of Council Bluffs to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan’s Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.</p> <p><b>Location:</b> 2100 South 6<sup>th</sup> Street</p>		
<b>Background</b>		
<p>The Community Development Department has received an application from Lochland Holdings, LTD, represented by Eric Havermann, to rezone property legally described as Lot 1 and the East ½ of the vacated north/south alley adjacent, except railroad roadway, Block 15, Hughes and Doniphan’s Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District. The Community Development Department expanded the rezoning request to include property legally described as being part of Lot 16 and the West ½ of the vacated north/south alley adjacent, along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan’s Addition, City of Council Bluffs, Pottawattamie County, Iowa, for zoning consistency purposes</p> <p>The subject property is developed with a ‘single-family dwelling, detached.’ Since a ‘single-family dwelling, detached’ is not a permitted use in the C-2/Commercial District, it is deemed a legal nonconforming use. The proposed rezoning will bring the existing dwelling on the subject property into conformance with the Zoning Ordinance. The purpose of this request is to facilitate the sale of the subject property and allow future owners to obtain mortgage loans from banks.</p> <p><u>Land Use and Zoning</u> – The following zoning and land uses surround the subject property:</p> <p>North: Residential properties that are zoned R-2/Two-Family Residential District and a glass/mirror shop (Midwest Glass &amp; Glazing, Inc.) that is zoned C/2/Commercial District.</p> <p>South: The South Side Trail and a commercial building, which are zoned C-2/Commercial District.</p> <p>East: Undeveloped land that is zoned R-3/Low Density Multifamily Residential District.</p> <p>West: The South Side Trail, which is zoned C-2/Commercial District.</p> <p>The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as ‘Low-Density Residential.’</p>		

**Property Owner Notification** – Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department received the following comment:

1. Anna Richey, owner of 2026 South 6<sup>th</sup> Street, contacted the Community Development Department with general inquiries about the proposed rezoning.

**City Departments and Utilities** – All appropriate City departments and utilities were notified of the proposed planned commercial development plan. The following comments were received:

- The Council Bluffs Permits and Inspections Division stated they had no comments on the request.
- The Council Bluffs Public Works Department stated they had no comments on the request.
- The Council Bluffs Parks and Recreation Department stated they have comments on the request.
- The Council Bluffs Fire Department stated they had no comments on the request.
- The Council Bluffs Police Department stated they had no comments or objections to the request.
- Council Bluffs Water Works stated they had no comments on the request.

#### **Discussion**

- A. The subject property is developed with a ‘single-family dwelling, detached.’ Since a ‘single-family dwelling, detached’ is not a permitted use in the C-2/Commercial District, it is deemed legal nonconforming use. As per Section 15.26.050 of the Council Bluffs Municipal Code (Zoning Ordinance), “any legal nonconforming residential use of a structure may be enlarged to the extent that an otherwise conforming residential use of a structure could be enlarged under the zoning regulations of the most restricted residential district in which such residential use of a structure would be permitted as a principal use.” The proposed rezoning to the R-2/Two-Family Residential District would bring the existing dwelling into conformance with the Zoning Ordinance.
- B. The subject property does not meet the minimum lot size requirements of the C-2 District. As such, it is considered a legal nonconforming lot of record. Since the subject property does not meet the minimum lot size requirements of the R-2 District, the proposed rezoning would not affect its conformance status.
- C. If the proposed rezoning were approved, any construction that occurs on the subject property would be subject to the site development standards in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- D. Properties located to the north of the subject property are zoned R-2 District. As such, the proposed change of zone would be consistent with surrounding zoning.
- E. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as ‘Low-Density Residential,’ which is primarily intended for single-family development. The proposed rezoning is consistent with the Future Land Use Plan.
- F. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate uses permitted in the R-2 District.

#### **Recommendation**

The Community Development Department recommends approval of the request to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of

Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District, subject to the comments stated above.

### **Public Hearing**

Staff speakers for the request:

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

Speakers in favor:

1. Tina Polly, 1032 Woodbury Avenue, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District, subject to the comments stated above.

VOTE: AYE – Hutcheson, Fruend, Rater, and Stroebele. NAY – None. ABSTAIN – Rew and VanHouten  
ABSENT – Rater and Watson. VACANT – Three. Motion: Carried.

### **Attachments**

Attachment A: Location/Zoning Map  
Attachment B: Letter of Intent

Prepared by: Moises Monrroy, Planner, Community Development Department

# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-24-003 LOCATION/ZONING MAP

## Legend

 Subject Property

0 15 30



1 Inch = 38 Feet



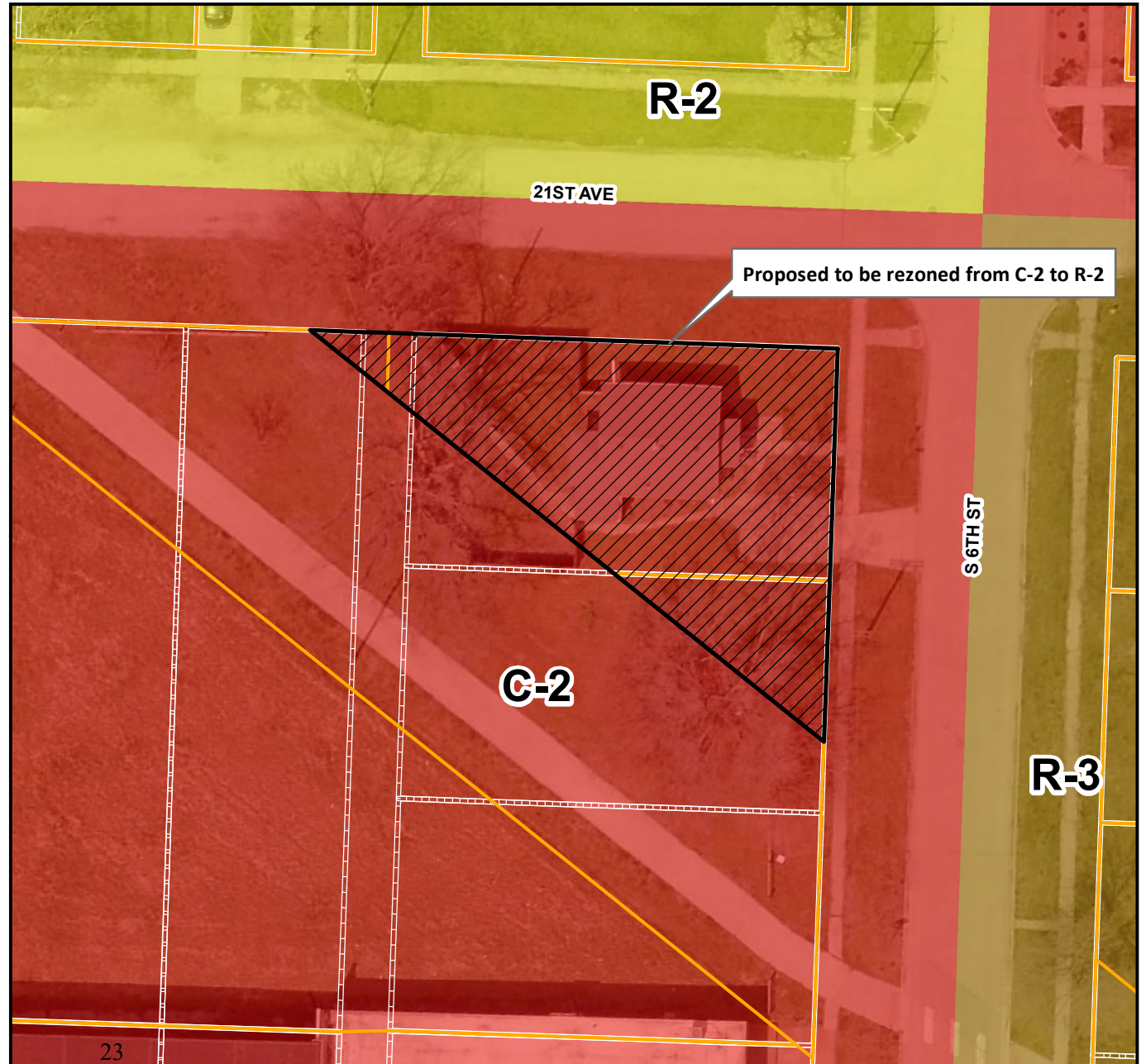
Last Amended: 3/18/2024



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

### DISCLAIMER

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



Attachment 'B'

3/07/2024

To whom it may concern,

This letter is to request the zoning be changed for 2100 s 6<sup>th</sup> Council Bluffs, IA 51501. Property is and has always been used as a single family home. The property is currently zoned C2 and I would like it to be changed to R1. Property is for sale and currently have a accepted offer to purchase, the mortgage company will not loan on property until zoning is the R1.

Respectfully submitted,

### **NOTICE OF PUBLIC HEARING**

You are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing for May 6, 2024 at 7:00 p.m. in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs at which time all persons interested in this matter will be given an opportunity to be heard on the request of Lochland Holdings Ltd., represented by Eric Haverman, and the City of Council Bluffs to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.

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Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6604**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.27.020 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS BEING PART OF LOT 1, AND THE EAST ½ OF THE VACATED NORTH/SOUTH ALLEY ADJACENT, EXCEPT RAILROAD ROADWAY; AND PART OF LOT 16, AND THE WEST ½ OF THE VACATED NORTH/SOUTH ALLEY ADJACENT ALONG WITH PART OF LOT 2, LYING NORTHEASTERLY OF THE RAILROAD RIGHT-OF-WAY, ALL IN BLOCK 15, HUGHES AND DONIPHAN’S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA FROM C-2/COMMERCIAL DISTRICT TO R-2/TWO-FAMILY RESIDENTIAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTER 15.09 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.**

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

**SECTION 1.** That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2020 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by rezoning property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan’s Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District, as set forth and defined in Chapter 15.09 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED AND APPROVED

May 6, 2024.

First Consideration: 4-22-24  
Second Consideration: 5-6-24  
Public Hearing: 5-6-24  
Third Consideration: \_\_\_\_\_

\_\_\_\_\_  
MATTHEW J. WALSH Mayor  
Attest: \_\_\_\_\_  
JODI QUAKENBUSH City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: ZT-24-002  
Submitted by: Haley Weber, Planner

Ordinances 6605 and 6606  
ITEM 3.D.

Council Action: 4/22/2024

<b>Description</b>
Ordinance 6605 to amend Chapter 15.28- <u>P-R/Planned Residential Overlay</u> of the Municipal Code (Zoning Ordinance) and setting a public hearing for May 6, 2024 at 7:00 p.m. by amending Section 15.28.020 “Applicability”.
Ordinance 6606 to amend Chapter 15.08B- <u>R-1/Single-Family Residential District</u> of the Municipal Code (Zoning Ordinance) and setting a public hearing for May 6, 2024 at 7:00 p.m. by amending Section 15.08B.020 “Principal Uses”. ZT-24-002

<b>Background/Discussion</b>
See attached staff report.

<b>Recommendation</b>
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### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Attachment A: Proposed Section 15.28.020, Applicability</a>	Code Section	4/12/2024
<a href="#">Attachment B: Proposed Section 15.08B.020, Principal Uses</a>	Code Section	4/12/2024
<a href="#">Notice of Public Hearing</a>	Notice	4/12/2024
<a href="#">Ordinance 6605</a>	Ordinance	4/17/2024
<a href="#">Ordinance 6606</a>	Ordinance	4/17/2024

## City Council Communication

Department: Community Development  CASE #ZT-24-002  Applicant: Community Development Department	Ordinance No. _____	<u>City Council</u> 1 <sup>st</sup> Consideration: 4/22/2024 2 <sup>nd</sup> Consideration: 5/06/2024 3 <sup>rd</sup> Consideration: 5/20/2024  Planning Commission: 4/09/2024
<b>Subject/Title</b>		
<p><b>Request:</b> Public hearing on the request of the City of Council Bluffs to amend Section 15.28.020, <i>Applicability</i>, of the P-R/Residential Overlay District and Section 15.08B.020, <i>Principal Uses</i>, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units.</p>		
<b>Background</b>		
<p>The Community Development Department, at the request of City Council, is proposing to amend Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code as follows:</p> <ul style="list-style-type: none"> <li>A. Amend Section 15.28.020, <i>Applicability</i>, by allowing one structure with a minimum of two dwelling units to qualify for use of the PR-2 Overlay, as opposed to the currently required three dwelling units; and</li> <li>B. Amend Section 15.08B.020, <i>Principal Uses</i>, to state that “dwelling, single-family attached” is a principal use as permitted in a planned residential overlay in CBMC 15.28.</li> </ul> <p>Currently, a PR-2 Overlay can be adopted for site-specific infill development in all residential zoning districts (excluding the R-1M/Single-Family Manufactured Housing District and A-P/Administrative Professional District) if one of the following is included within the development:</p> <ul style="list-style-type: none"> <li>A. A minimum of two (2) residential structures;</li> <li>B. A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units; or</li> <li>C. A minimum of one (1) mixed commercial-residential structure.</li> </ul> <p>The proposed text amendment would modify #2 above to state, “A minimum of one (1) residential structure that contains a minimum of <b><u>two (2)</u></b> dwelling units” to allow for the PR-2 Overlay to be utilized for development of a duplex or single-family attached structure with only two dwelling units.</p> <p>All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.</p>		
<b>Discussion</b>		
<p>A. The Planned Residential Overlay was established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods. The PR Overlay is intended to:</p>		

1. Provide for innovative and imaginative development through flexibility in subdivision and site layout, placement of buildings, a variety of housing types, efficient diversification of land uses, alternative modes of transportation, pedestrian and vehicular interconnections, use of open space, conservation of natural habitats and wildlife, and related architectural design, off-street parking and signage considerations;
2. Increase and diversify the city's housing stock;
3. Encourage the preservation and use of existing landscape features;
4. Promote efficient land use and infrastructure with smaller networks of utilities and streets;
5. Promote an attractive and safe living environment which is compatible with surrounding residential developments;
6. Provide an alternative method for redeveloping older residential areas and to encourage infill development.

The PR-2 Overlay is intended for site-specific infill development and can be applied to any property, or combination of contiguous properties owned by the same person or entity that contain a maximum of one and one-half (1 ½) acres of total land area. The proposed text amendment would further diversify the housing typologies allowed in the R-1/Single-Family district and provide additional opportunity to increase the City's housing stock.

- B. Per Section 15.28.050, *Establishment of a Planned Residential Overlay*, of the CBMC (Zoning Ordinance), a planned residential overlay shall be considered in the same manner as a rezoning request; therefore, any application made to utilize the PR-2 Overlay for the use of a duplex or single-family attached development would require that all property owners within 200 feet of the subject property be notified of the request.

### **Recommendation**

The Community Development Department recommends approval to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units, as shown in Attachments 'A' and 'B.'

### **Public Hearing**

Staff speakers for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-

1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units, as shown in Attachments ‘A’ and ‘B.’

VOTE: AYE – Hutcheson, Fruend, Rater, Rew, Stroebale, and Van Houten, NAY – None.  
ABSTAIN – None ABSENT – Rater and Watson. VACANT – Three. Motion: Carried.

**Attachment**

Attachment A: Proposed Section 15.28.020, *Applicability*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Section 15.08B.020, *Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber, Planner, Community Development Department

## **Chapter 15.28 - P-R/PLANNED RESIDENTIAL OVERLAY**

### **15.28.020 Applicability**

1. A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P/Administrative-Professional District.
2. PR-1 Overlay (General Master Planned Development). The PR-1 Overlay is intended for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres.
3. PR-2 Overlay (Site-Specific Infill Development). The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or 2 combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:
  1. A minimum of two (2) residential structures.
  2. A minimum of one (1) residential structure that contains a minimum of ~~three~~ **(3) two (2)** dwelling units.
  3. A minimum of one (1) mixed commercial-residential structure.
4. All PR Overlays existing prior to the effective date of this ordinance shall continue to be governed by all applicable conditions of the adopted development plan on the subject property.

(Ord. 5309 § 1 (part), 1996)

#### HISTORY

Amended by Ord. [6483](#) on 2/28/2022

**Chapter 15.08B - R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT**

**15.08B.020 Principal Uses**

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

1. Community recreational services;
2. Dwelling, single-family attached (as permitted in a cluster subdivision as outlined in CBMC 14.10 and as permitted in a planned residential overlay in CBMC 15.28);
3. Dwelling, single-family detached;
4. Dwelling, townhouse (as permitted in a planned residential overlay in CBMC 15.28);
5. Family home;
6. Local utility services;
7. Park and recreation services;
8. Public safety services;
9. Religious assembly;
10. School.

(Ord. 5305 § 2 (part), 1996)

## NOTICE OF PUBLIC HEARING

### TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing for May 6, 2024 at 7:00 p.m. in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time all persons interested in this matter will be given an opportunity to be heard on the request of the Community Development Department to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units.

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Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6605**

**AN ORDINANCE TO AMEND CHAPTER 15.28-P/R/PLANNED RESIDENTIAL OVERLAY OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.28.020 “APPLICABILITY”.**

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

**SECTION 1.** That Chapter 15.28 P/R/Planned Residential Overlay be and the same is hereby amended by amending Section 15.28.020 “Applicability” to read as follows:

**15.28.020 Applicability**

1. A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P/Administrative-Professional District.
2. PR-1 Overlay (General Master Planned Development). The PR-1 Overlay is intended for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres.
3. PR-2 Overlay (Site-Specific Infill Development). The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or 2 combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:
  1. A minimum of two (2) residential structures.
  2. A minimum of one (1) residential structure that contains a minimum of two (2) dwelling units.
  3. A minimum of one (1) mixed commercial-residential structure.
4. All PR Overlays existing prior to the effective date of this ordinance shall continue to be governed by all applicable conditions of the adopted development plan on the subject property.

(Ord. 5309 § 1 (part), 1996)

**HISTORY**

*Amended by Ord. 6483 on 2/28/2022*

**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

May 6, 2024.

---

MATTHEW J. WALSH

Mayor

Attest:

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JODI QUAKENBUSH

City Clerk

First Consideration: 4-22-24  
Second Consideration: 5-6-24  
Public Hearing: 5-6-24  
Third Consideration: \_\_\_\_\_

**ORDINANCE NO. 6606**

**AN ORDINANCE TO AMEND CHAPTER 15.08B–R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.08B.020 “PRINCIPAL USES”.**

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

**SECTION 1.** That Chapter 15.08B R-1/Single-Family Residential District be and the same is hereby amended by amending Section 15.08B.020 “Principal Uses” to read as follows:

**15.08B.020 Principal Uses**

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

1. Community recreational services;
2. Dwelling, single-family attached (as permitted in a cluster subdivision as outlined in CBMC 14.10 and as permitted in a planned residential overlay in CBMC 15.28);
3. Dwelling, single-family detached;
4. Dwelling, townhouse (as permitted in a planned residential overlay in CBMC 15.28);
5. Family home;
6. Local utility services;
7. Park and recreation services;
8. Public safety services;
9. Religious assembly;
10. School.

(Ord. 5305 § 2 (part), 1996)

**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

May 6, 2024.

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

\_\_\_\_\_  
Mayor

First Consideration: 4-22-24

Second Consideration: 5-6-24

Public Hearing: 5-6-24

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

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

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

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



## Council Communication

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

Resolution 24-109  
ITEM 3.E.

Council Action: 4/22/2024

### Description

Resolution authorizing transfers between funds under Iowa Code 545-2 For FY24.

### Background/Discussion

Effective April 17, 2019 the Administrative Code for the State of Iowa was changed as it relates to interfund transfers. The Code now requires all interfund transfers must be approved by Council. A fund transfer log must be completed for all transfers between funds and must include the purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received and the dollar amount of the transfer.

This resolution is brought forward for approval of the FY24 actual interfund transfer to date.

### Recommendation

Approve this resolution.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">FY24 Fund Transfers</a>	Other	4/12/2024
<a href="#">Resolution 24-109</a>	Resolution	4/17/2024

**Fund Transfers**  
**Council Meeting: 04/22/24**

Transfer From		Transfer To				
Fund Category	Fund Name	Fund Category	Fund Name	Amount	Purpose	Effective FY
General Fund	General Fund	Capital Projects	Capital Projects	50,000	Funding for LB 24-02 Library Booksorter	2024

**Resolution 24-109**

**Resolution authorizing transfers between funds under Iowa Code 545-2 for FY24**

WHEREAS, the Administrative Code for the State of Iowa, Section 545-2, was revised as it relates to interfund transfers, effective April 17, 2019.

WHEREAS, the Administrative Code now requires all interfund transfers must be approved by Council resolution. A fund transfer resolution must be completed for all transfers between funds and must include the purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received, and the dollar amount of the transfer.

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

That the transfers identified are hereby approved and City Finance is authorized, empowered and directed to make the necessary transfers of said dollars between funds.

Adopted and Approved: April 22, 2024

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Matthew J. Walsh, Mayor

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Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Dessie Redmond, Housing &  
Economic Development Planner

Resolution 24-110  
ITEM 3.F.

Council Action: 4/22/2024

<b>Description</b>  Resolution directing the City Clerk to publish notice and setting a public hearing for May 6, 2024 at 7:00 p.m. on the plans, specifications and form of contract for the 3426 2nd Avenue Demolition and Restoration Project.
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<b>Background/Discussion</b>  See attached staff report.
--

<b>Recommendation</b>
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### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Demolition specifications</a>	Other	4/12/2024
<a href="#">Notice of Public Hearing</a>	Notice	4/12/2024
<a href="#">Resolution 24-110</a>	Resolution	4/17/2024

## Council Communication

Department: Community Development	Ordinance No.: N/A  Resolution No.: 24-	Set Public Hearing : 4-22-2024 Public Hearing: 5-6-2024
<b>Subject/Title</b> Resolution setting public hearing on the plans and specifications and form of contract for the 3426 2 <sup>nd</sup> Avenue Demolition and Restoration Project.		
<b>Background/Discussion</b> <u>Background</u> The City has owned the property located at 3426 2 <sup>nd</sup> Avenue since 2015. The Public Works Department has utilized the building to store equipment since its purchase; however, it is no longer in need of the building. Over the last few year, the City has been purchasing property and cleaning up properties along the 1 <sup>st</sup> Avenue corridor as part of its West Broadway Redevelopment Plan. The first large property purchase was the Bunge grain elevators with structure demolition completed in 2014. In 2021, the City demolished the old Echo Building in this same area. Demoing the old Public Works building will continue the City’s efforts to clean up this area.  <u>Discussion</u> The City wishes to demolish the structures on the site located at 3426 2 <sup>nd</sup> Avenue due to unsafe conditions as currently the building is boarded up and not completely sealed from outside elements. Additionally, restoration of the sites will further the City’s plans for redevelopment of the 1 <sup>st</sup> Avenue corridor. The demolition will be funded with bond money.  The timeline shall be as follows: <div><div>May 7, 2024 June 6, 2024 June 24, 2024 June 25, 2024 July 25, 2024</div><div>Bid opening at 10:00 am via IonWave PRPs due on IonWave City Council award demolition contract Start demolition work Demolition work complete</div></div>		
<b>Staff Recommendation</b> Staff recommends City Council adopt a resolution directing the City Clerk to publish notice and setting a public hearing on the plans, specifications and form of contract for the 3426 2 <sup>nd</sup> Avenue Demolition and Restoration Project.		
<b>Attachment</b> 1. Demolition specifications 2. Resolution		



Specifications and Contract Documents:

Site Demolition and Restoration Project  
3426 2<sup>nd</sup> Avenue

City of Council Bluffs, Iowa  
April 12, 2024

Prepared By:  
Community Development Department,  
City of Council Bluffs

## **NOTICE TO BIDDERS**

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

The following is a demolition and restoration project. Sealed bids for the project will be received via the electronic submission system at <https://cbiabids.ionwave.net/> until noon on June 6, 2024 for all work set forth below for the project.

**Project:** Demolition and restoration of 3426 2<sup>nd</sup> Avenue, Council Bluffs, IA. See Attachment A for a map depicting site location.

**Legal Description:** Lots 8, 9 and south ½ vacated alley adjacent; Lots 16-20, Lots 21-23 and north ½ vacated alley adjacent, Lot 24 and vacated alley adjacent, Lot 25-30 and north ½ vacated alley adjacent; Block 13 Ferry Addition, City of Council Bluffs, Pottawattamie County, Iowa (Attachment B).

**Bidding Documents:** Bid documents may be viewed in Ion Wave with a registered account.

**Major Items of Work:** includes the demolition, clearing, grading, removal of structures and improvements, restoration and seeding of the property located at 3426 2<sup>nd</sup> Avenue and in accordance with the Construction Plans (Attachment C) plans set out in and include the following:

1. All removals specified in the demolition plan shall be conducted to meet the minimum requirements of Division 11 Section 1110 of the Iowa Sudas Standard Specifications.
2. All asbestos materials and other hazardous waste materials within the demolition limits shall be removed and disposed of in accordance with local, state and federal regulations to strictest standard. Asbestos containing materials shall be addressed prior to demolition of the property. If asbestos materials and other hazardous waste materials are found during demolition, they shall be removed and disposed of in accordance with local, state and federal regulations to strictest standard. A copy of the asbestos abatement notice is required from a licensed asbestos abatement contractor as part of the demolition permit application process from the City. In accordance with State of Iowa Code 88B the prime contractor shall be a licensed abatement contractor with the State of Iowa in order to bid the work or designate a licensed subcontractor in the proposal. The proposal shall include a copy of the prime contractor's or designated subcontractor's state abatement license in order to be considered responsive.
3. Excavation backfill shall be placed in eight (8) inch lifts and compacted to a minimum of 95% of the material's maximum standard proctor dry density (ASTM 698) with moisture content not less than 2% below optimum or more than 3% above optimum. Field compaction testing shall be conducted once every two (2) vertical feet of consolidated fill. Contractor shall retain the services of a geotechnical engineer to perform all compaction testing. Results of testing shall be provided to the City and the Project Engineer.
4. Associated work shall include placement of clean compacted fill on excavation areas, security, traffic control, and erosion control in accordance with the 3426 2<sup>nd</sup> Avenue Demolition and Restoration Project set out in Attachment C. Stabilized construction entrances will be required and silt fence shall be constructed to stop any sediment from leaving the site. After the site is stabilized, the contractor shall remove the silt fences. Existing inlets shall be protected. Any track out from the sites on the City streets shall be removed on a daily basis.
5. Construction of new sidewalk shall be installed along the site at S. 35<sup>th</sup> Street, as specified in the plans.

6. Upon completion of all fill activities the site(s) shall be graded, seeded and mulched in accordance with the construction plans set out in Attachment C.
7. The relocation of structures or accessory structures on the site is prohibited, unless otherwise agreed to prior to the execution of a 'Notice to Proceed'.
8. All demolition materials shall be disposed of in accordance with all federal, state and local regulation requirements, or ordinances to the strictest standard, a licensed demolition or sanitary landfill facility.

**Bids Due:** June 6, 2024 at noon via the electronic submission system at <https://cbiabids.ionwave.net/>.

**Award Date:** The anticipated award date is on June 25, 2024

**Notice to Proceed:** The anticipated notice to proceed date is June 25, 2024. No work shall commence prior to receipt of a written 'Notice to Proceed'

**Security:** The Contractor shall take all necessary steps to secure the site in a manner to prevent access by the general public.

**Debris Monitoring:** N/A

**Project completion:** The work under the proposed contract shall be completed as detailed in the Notice to Bidders and in accordance with the construction plans set out in Attachment C. All demolition work is to be completed on or before July 25, 2024

**Additional Requirements:**

1. Contractor is responsible for obtaining all required City permits, including a demolition permit, and utility disconnects. A copy of the asbestos abatement notice is required from the licensed asbestos abatement contractor in order to obtain a demolition permit from the City. The contractor shall pay all fees associated with the demolition permit and utility service disconnections, if applicable.
2. Contractor shall supply the City's Public Works Right-of-Way Department with coordinates of the location of any capped or plugged City infrastructure (i.e. sanitary sewer service, etc.)
3. Contractor shall inform the local Iowa Department of Transportation (IDOT) office of the project and obtain any permits that may be deemed necessary.
4. In accordance with Municipal Code Chapter 13.07, the prime contractor shall be a licensed General Building or Demolition contractor with the City of Council Bluffs, Iowa in order to be awarded this contract. These licenses are obtained by proof of passing the approved exam and payment of appropriate fees.
5. Each bidder's proposal shall be submitted on the Bidder's Proposal form included in this packet and must include a list of at least three (3) projects completed in the last five (5) years. These projects shall be similar in contract amount and scope of work to the proposed project. Bidders shall also submit with their bid the phone numbers and the names of contact persons for each of the similar projects listed. Must manually sign the Proposal for the bid to be considered complete and valid.
6. Each proposal shall be accompanied by a certified check, bid bond by a surety company registered to do business in the State of Iowa, or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States in the amount of ten percent (10%) of the total bid price and made payable to the City of Council Bluffs.

7. The bidder shall agree to the Policy Statement and Non-Discrimination in Employment Clause and must manually sign the Title VI & EEO Certificate of Compliance, after printing, for the bid to be considered complete and valid. See Attachment D.
8. Progress payments will be made monthly based on project completion. All change orders must be approved in advance of work completed by the City's Engineering firm and by the Community Development Director.
9. The City reserves the right to reject or accept any or all bids and waive any irregularities in the interest of the City.
10. All demolition and debris removal may be supervised by a demolition supervisor retained by the City. Load and dump tickets of material removed from the site will be required.
11. The Contractor shall furnish the appropriate insurance certificates to remain in effect during all phases of construction to be done by him, his sub-contractor, his agents, employees and servants, under the pursuant to any contract received the Contractor under this quote. Insurance shall include:

**a. INDEMNIFICATION**

Contractor shall: (1) faithfully perform said Contract on Principal's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the Owner from all costs and damages which said Owner may suffer by reason of failure to do so; and (3) fully reimburse and repay said Owner all outlay and expenses which said Owner may incur in making good any default.

The Contractor shall protect, defend, indemnify and save harmless the Owner, the Architect/Engineer and their officers, collectively referred to as "Indemnitees", from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Contractor, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Contractor's direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services.

The Contractor's indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Contractor shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

The Contractor shall carry and maintain during the life of the Contract insurance as follows:

**b. INSURANCE**

Contractor, and any Subcontractors utilized by Contractor herein, shall obtain insurance naming the City of Council Bluffs as additional insured in the minimum amounts and areas of coverage as stated in this section and shall maintain such coverage throughout the duration of this agreement. Prior to commencing any work or services in accordance with this agreement, Contractor, and any Subcontractors utilized by Contractor herein, shall provide a current Certificate of Insurance as part of this agreement AND the City shall have accepted the same by written approval to Contractor and/or Subcontractor. Furthermore, Contractor and any Subcontractors utilized by Contractor herein, agree and understand that any subrogation under this agreement is hereby waived in favor of the City in the Contractor's General Liability policy. Contractor shall not alter or otherwise change any

current insurance coverage submitted under this agreement without prior written approval from the City.

The Certificate of Insurance must stipulate on the Certificate of Liability Insurance under the Description of Operations box the following: 30 days' notice of cancellation from the insurance company, the City of Council Bluffs is named as an additional insured, and waiver of subrogation is granted in favor of the City of Council Bluffs.

**General Liability:** The Contractor's General Liability policy shall provide for an unimpaired General Aggregate pursuant to this section. The Contractor's insurance coverage shall be primary and noncontributory to any valid and/or collectible excess insurance coverage carried by or available to the City, and shall carry the following minimum levels and areas of coverage:

The General Liability Policy shall have limits of not less than \$1,000,000.00 per occurrence, and \$2,000,000.00 Aggregate. The Commercial General Liability provides: (1) Bodily Injury and Property Damage Liability; (2) Personal and Advertising Injury Liability; (3) Contractual Liability covering this contract; (4) Independent Contractors' Liability; (5) Premises and Operations, with the City of Council Bluffs named as Additional Insured; (6) Completed Operations, with the City of Council Bluffs named as Additional Insured.

**Worker's Compensation Insurance and Employer's Liability Insurance:** The Contractor, and any Subcontractors utilized by Contractor herein, shall provide applicable statutory Worker's Compensation and Employers Liability Insurance. In the event that Worker's Compensation and Employers Liability Insurance is not required by statute or is otherwise deferred, such party shall execute a Worker's Compensation Release Form prior to commencing any work or services in accordance with this agreement.

**Commercial Automobile:** The Contractor, and any Subcontractors utilized by Contractor herein, shall provide coverage for all owned, non-owned, leased, rented, or borrowed vehicles with injury minimum limits of at least \$1,000,000.00, with the City of Council Bluffs named as additional insured.

**Umbrella Insurance:** The Contractor, and any subcontractor utilized by Contractor herein, shall provide, in addition to the above requirements, an Umbrella policy. The Contractor's insurance coverage shall be primary and noncontributory to any valid and/or collectible excess insurance coverage carried by or available to the City, and shall carry a minimum \$5,000,000 limit.

**Pollution Liability Insurance:** The Contractor, and any subcontractor utilized by Contractor herein, shall provide a Pollution Liability insurance policy and shall carry a minimum \$1,000,000 limit.

**Professional Liability Insurance:** The Contractor, and any subcontractor utilized by Contractor herein, shall provide a Professional Liability insurance policy and shall carry a minimum \$1,000,000 limit.

Contractor/Subcontractor agrees to maintain the above insurance for the benefit of the contractor and/or owner for a period of 2 years from commencement of contract.

The Contractor shall be responsible for any deductibles associated with the above policies, and shall bear all loss to the Contractor's equipment, supplies and vehicles.

**The Bidder's must upload their Certificate of Insurance into Ion Wave**

Please contact Dessie Redmond, Housing & Economic Development Planner at [DRedmond@councilbluffs-ia.gov](mailto:DRedmond@councilbluffs-ia.gov) or by phone at 712-890-5352 with any questions.

By order of:

A handwritten signature in blue ink, appearing to read "Courtney Harter", is positioned above a horizontal line.

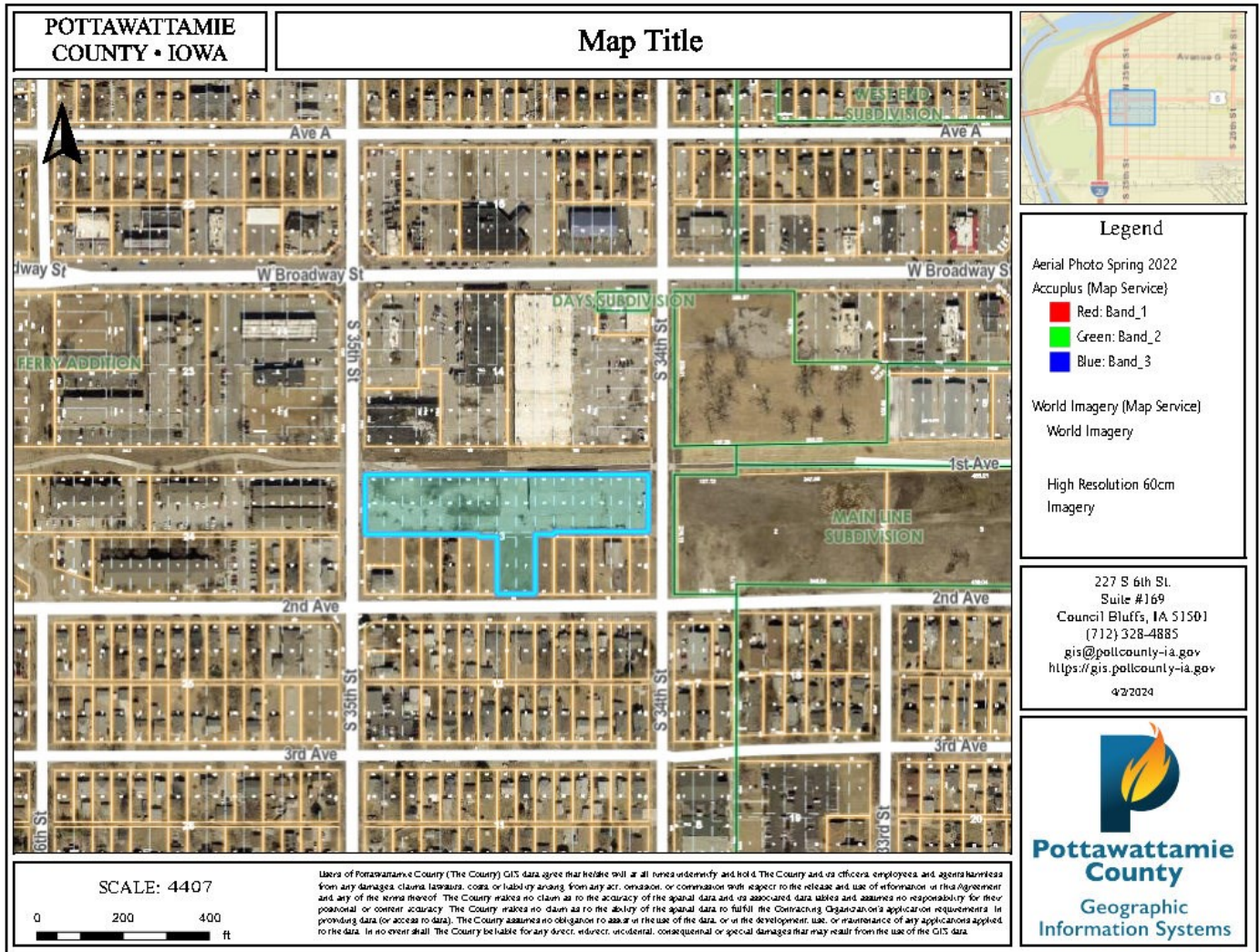
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Courtney Harter, Director  
Community Development Department

## Attachment A

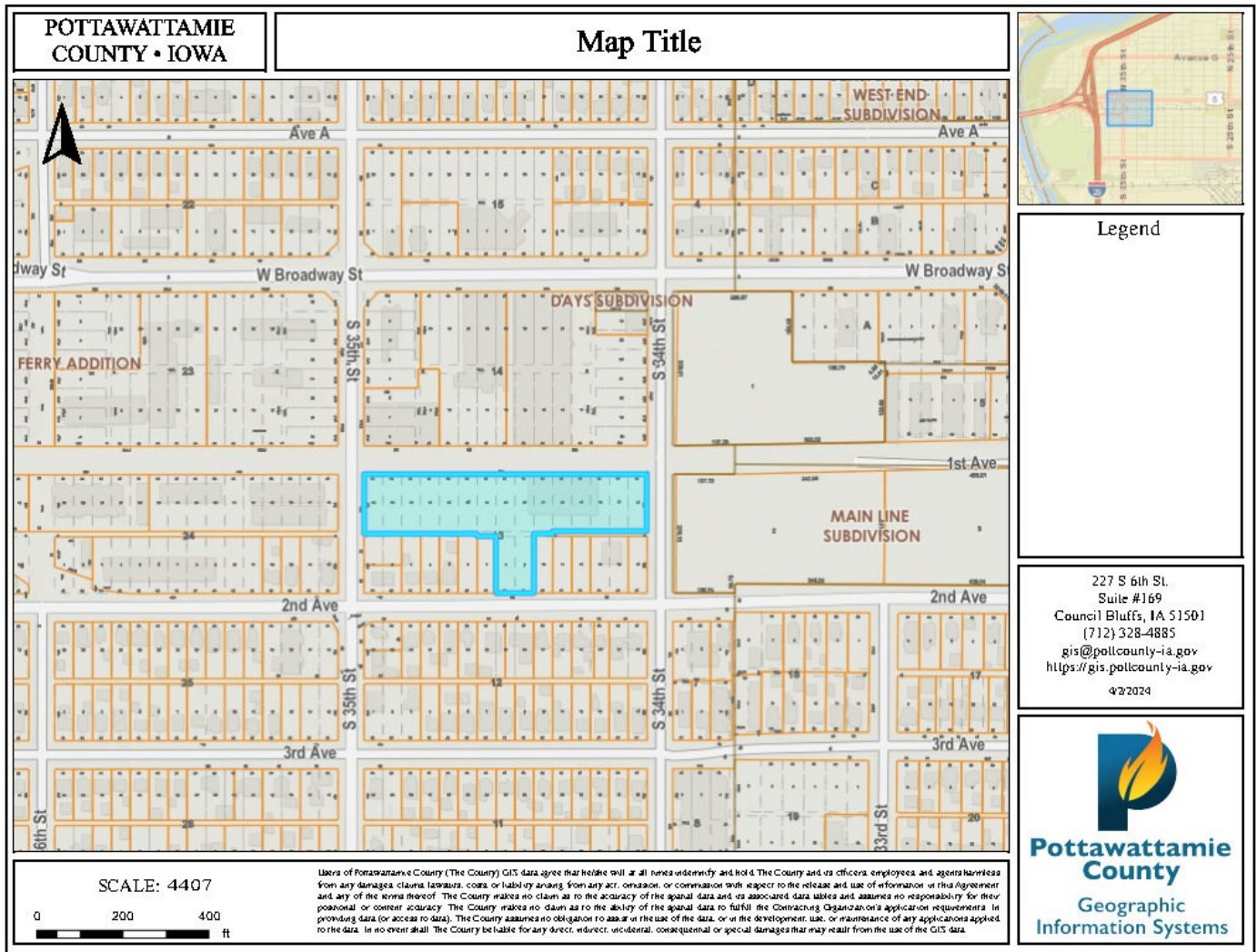
### Location

Located adjacent along the FIRST AVE trail, north of 2<sup>nd</sup> Avenue and between S. 35<sup>th</sup> & S. 36<sup>th</sup> Street  
Council Bluffs, IA



## Attachment B Legal Description

Lots 8, 9 and south ½ vacated alley adjacent; Lots 16-20, Lots 21-23 and north ½ vacated alley adjacent, Lot 24 and vacated alley adjacent, Lot 25-30 and north ½ vacated alley adjacent; Block 13  
Ferry Addition, City of Council Bluffs, Pottawattamie County,  
Iowa











Attachment C  
**Construction Plans for 3426 2<sup>nd</sup> Avenue, Council Bluffs, IA**



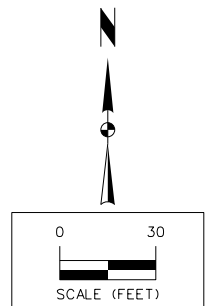


LEGEND

- |   |                            |
|---|----------------------------|
|  | EXISTING CONCRETE PAVEMENT |
|  | EXISTING ASPHALT PAVEMENT  |
|  | PROPERTY BOUNDARY          |
|  | FENCE (CHAIN LINK)         |
|  | SIGN                       |
|  | OVERHEAD ELECTRIC          |
|  | UTILITY POLE               |
|  | LIGHT POLE                 |

NOTES:

1. PAVEMENT AND ALL BASE MATERIAL SHALL BE REMOVED IN ALL PAVED AREAS.
2. FENCE REMOVAL INCLUDES ALL FENCE MATERIAL, POSTS, AND GATES.
3. ALL UTILITIES SERVICING THE BUILDING HAVE BEEN DISCONNECTED.
4. ALL UTILITIES IN PUBLIC RIGHT OF WAY SHALL BE PROTECTED.



# 3426 2ND AVENUE - DEMOLITION & RESTORATION

# DEMOLITION PLAN

**COUNCIL BLUFFS, IOWA**

**SNYDER & ASSOCIATES, INC.**  
1751 MADISON AVENUE  
COUNCIL BLUFFS, IA 51503  
712-322-3202 | [www.snyder-associates.com](http://www.snyder-associates.com)

Technician: IDS	Date: 09/08/23	Field Bk:	Pg:
Project No: 123.1079		Sheet 2 of 6	

Project No: 123.1079


Sheet 2 of 6

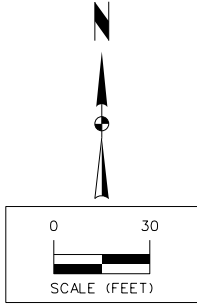


**SNYDER**  
& ASSOCIATES

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- LEGEND**
-  SEEDING
  -  SILT FENCE



3426 2ND AVENUE - DEMOLITION & RESTORATION		COUNCIL BLUFFS, IOWA	
RESTORATION AND EROSION CONTROL PLAN			
SNYDER & ASSOCIATES, INC. I		1751 MADISON AVENUE COUNCIL BLUFFS, IA 51503 712-322-3202   www.snyder-associates.com	
Project No: 123.1079		Sheet 3 of 6	

MARK	REVISION	DATE	BY
Engineer: TDS	Checked By: BJJ	Scale: 1"=30'	Pg:
Technician: BJJ	Date: 09/08/23	Field Bk:	



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MAINTENANCE SCHEDULE:

THE FOLLOWING MAINTENANCE SCHEDULE HAS BEEN PROVIDED. THE INSPECTOR MUST PERFORM THE INSPECTIONS. THE OPERATOR/CONTRACTOR MUST PERFORM ALL NEEDED MAINTENANCE. FURTHERMORE, ALL EROSION CONTROL FEATURE REQUIRING MAINTENANCE MAY NOT BE LISTED BELOW. THE OPERATOR/CONTRACTOR AND INSPECTOR MUST PERFORM THEIR RESPECTIVE DUTIES ON ALL BMP'S THAT ARE NOT LISTED BELOW AS WELL.

1. CONSTRUCTION ENTRANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR THE WASHING AND REWORKING OF EXISTING STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY. THE USE OF WATER TRUCKS TO REMOVE MATERIALS DROPPED, WASHED, OR TRACKED ONTO ROADWAYS WILL NOT BE PERMITTED UNDER ANY CIRCUMSTANCES.
2. SILT FENCE - SILT FENCE SHOULD BE INSPECTED AS DEFINED BY THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION AND AFTER ALL MAJOR RAIN EVENTS TO ENSURE THAT THE DEVICE IS FUNCTIONING PROPERLY. REMOVE SEDIMENT FROM BEHIND FENCE WHEN THE DEPTH OF SEDIMENT HAS BUILT UP TO 1/3 THE HEIGHT OF THE FENCE ABOVE GRADE. INSPECT THE BASE OF THE FENCE TO ENSURE THAT NO GAPS HAVE DEVELOPED AND RE-TRENCH AS NECESSARY. INSPECT FENCE POSTS TO ENSURE THAT THEY ARE PROPERLY SUPPORTING THE FENCE. STRAIGHTEN, RESET AND ADD POSTS IF NECESSARY. IF FILTER FABRIC IS RIPPED, DAMAGED, OR DETERIORATED, REPLACE IT IN ACCORDANCE WITH THE ORIGINAL SPECIFICATIONS DETAILS.
3. STORM DRAIN INLET PROTECTION - THE MAINTENANCE MEASURES ARE AS FOLLOWS: (4.1) STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRS MADE AS NECESSARY AND (4.2) STRUCTURES SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE REMAINING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.
4. TEMPORARY SEEDING - AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSION WILL BE RE-SEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.
5. PERMANENT SEEDING - THE MAINTENANCE MEASURES ARE AS FOLLOWS: (5.1) IN GENERAL, A STAND OF VEGETATION CANNOT BE DETERMINED TO BE FULLY ESTABLISHED UNTIL IT HAS BEEN MAINTAINED FOR ONE FULL YEAR AFTER PLANNING; (5.2) NEW SEEDLINGS SHALL BE SUPPLIED WITH ADEQUATE MOISTURE, SUPPLY WATER AS NEEDED, ESPECIALLY LATE IN THE SEASON, IN ABNORMALLY HOT OR DRY CONDITIONS, OR ON ADVERSE SITES, WATER APPLICATIONS SHALL BE CONTROLLED TO PREVENT EXCESSIVE RUNOFF; (5.3) INSPECT ALL SEEDED AREAS FOR FAILURES AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE; [5.3.A] IF STAND IS INADEQUATE FOR EROSION CONTROL, OVER SEED AND FERTILIZE USING HALF OF THE RATES ORIGINALLY SPECIFIED; [5.3.B] IF STAND IS 60% DAMAGED, RE-ESTABLISH FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS; [5.3.C] IF STAND HAS LESS THAN 40% COVER, RE-EVALUATE CHOICE OF PLANT MATERIALS AND QUANTITIES OF LIME AND FERTILIZER, THE SOIL MUST BE TESTED TO DETERMINE IF ACIDITY OR NUTRIENT IMBALANCES ARE RESPONSIBLE, RE-ESTABLISH THE STAND FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS.
6. MULCHING - ALL MULCHES AND SOIL COVERINGS SHOULD BE INSPECTED PERIODICALLY (PARTICULARLY AFTER RAINSTORMS) TO CHECK FOR EROSION. WHERE EROSION IS OBSERVED IN MULCHED AREAS, ADDITIONAL MULCH SHOULD BE APPLIED. NETS AND MATS SHOULD BE INSPECTED AFTER RAINSTORMS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, REINSTALL NETTING OR MATTING AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE OR DITCH. INSPECTIONS SHOULD TAKE PLACE UNTIL GRASSES ARE FIRMLY ESTABLISHED. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE; REPAIR AS NEEDED.
7. STREET CLEANING / SWEEPING - THE MAINTENANCE MEASURES ARE AS FOLLOWS: (7.1) EVALUATE ACCESS POINTS DAILY FOR SEDIMENT TRACKING; (7.2) WHEN TRACKED OR SPILLED SEDIMENT IS FOUND ON PAVED SURFACES, IT WILL BE REMOVED DAILY, DURING TIMES OF HEAVY TRACK-OUT, SUCH AS DURING RAINS, CLEANING MAY BE DONE SEVERAL TIMES THROUGHOUT THE DAY; (7.3) UNKNOWN SPILLS OR OBJECTS WILL NOT BE MIXED WITH THE SEDIMENT; AND (7.4) IF SEDIMENT IS MIXED WITH OTHER POLLUTANTS, IT WILL BE DISPOSED OF PROPERLY AT AN AUTHORIZED LANDFILL.

TOPSOIL PRESERVATION:

1. PRIOR TO IMPLEMENTATION OF ANY GRADING ACTIVITIES, TOPSOIL IS TO BE PRESERVED BY STOCKPILING UNTIL FINAL GRADES ARE REACHED. EACH STOCKPILE MUST BE EQUIPPED WITH PROPER SEDIMENT AND EROSION CONTROLS TO PRESERVE THE TOPSOIL AND PROTECT ADJACENT AREAS FROM IMPACTS. ONCE FINAL GRADES HAVE BEEN REACHED, THE PRESERVED TOPSOIL SHOULD BE UTILIZED TO APPLY AT A MINIMUM DEPTH OF 4" TO AREAS IDENTIFIED FOR STABILIZATION.
2. THE COMPACTION OF SOIL SHOULD ALSO BE MINIMIZED TO THE DEGREE PRACTICABLE DURING GRADING ACTIVITIES, ESPECIALLY DURING THE REPLACEMENT OF TOPSOIL TO AID IN QUICKLY ESTABLISHING VEGETATIVE COVER. COMPACTION OF SOIL MAY ALSO REDUCE RAINFALL'S ABILITY TO INFILTRATE INTO THE SOIL, INCREASING THE AMOUNT OF STORMWATER RUNOFF.

SEQUENCE OF ACTIVITIES	
ACTIVITY	TIME FRAME
EROSION CONTROL IMPLEMENTATION/GRADING	SEPTEMBER/OCTOBER 2023
SITE DEMOLITION	OCTOBER 2023
SITE RESTORATION AND STABILIZATION	NOVEMBER 2023

CONSTRUCTION ACTIVITIES & SCHEDULE

ACTIVITY	SCHEDULE
Install all BMP's needed and associated with the Grading Phase such as stabilized construction entrances, silt basins, riser pipes, outlet pipes, silt traps, silt fence, diversions, terraces, and etcetera.	Prior to any stripping of existing vegetation or grading.
Proceed with stripping of existing vegetation and grading in accordance with the grading plan, while disturbing no more than necessary.	After Installing all BMP's needed and associated with the Grading Phase. Furthermore, INSPECTOR approval must be obtained before the start of any stripping of existing vegetation or grading.
Proceed with infrastructure installation.	Infrastructure installation must occur prior to any lot development.
Implement the installation of Temporary Seeding, Permanent Seeding, and/or Mulching.	Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
Proceed with removal of BMP's.	BMP's may not be removed until each impacted drainage basin has been fully developed. Full development shall mean installation of pavement, buildings, and utilities, landscaping, and fully established permanent seeding. Furthermore, INSPECTOR approval must be obtained before the removal of any BMP's.

CERTIFICATION

"I certify under penalty of law that I have personally examined and am familiar with information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information. I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Printed Name of Applicant	Title
Signature of Applicant	Date

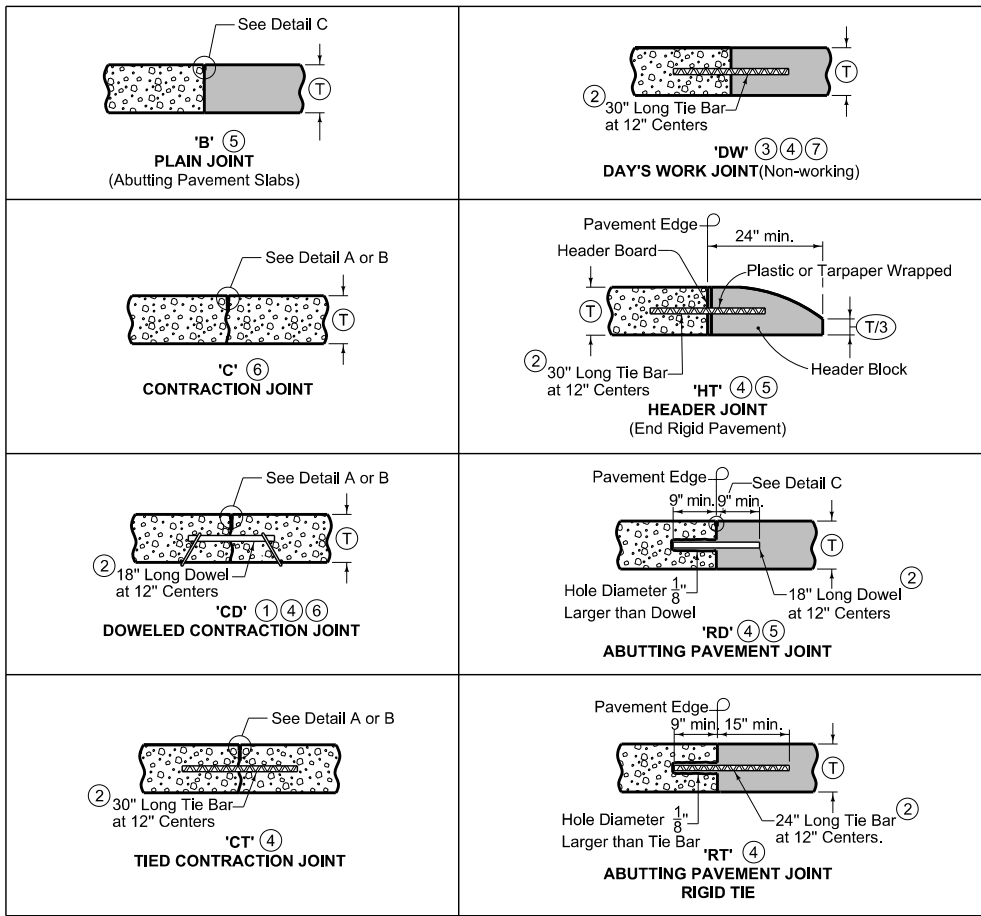
CONTRACTOR CERTIFICATION:

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site as part of this certification. Futher, by my signature, I understand that I am becoming a Co-Permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the Iowa Department of Natural Resources NPDES General Permit No. 2 for "Storm Water Discharge Associated with Industrial Activity for Construction Activities" at the Identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and conditions of the storm water pollution prevention plan developed under this NPDES permit and the terms of this NPDES permit."

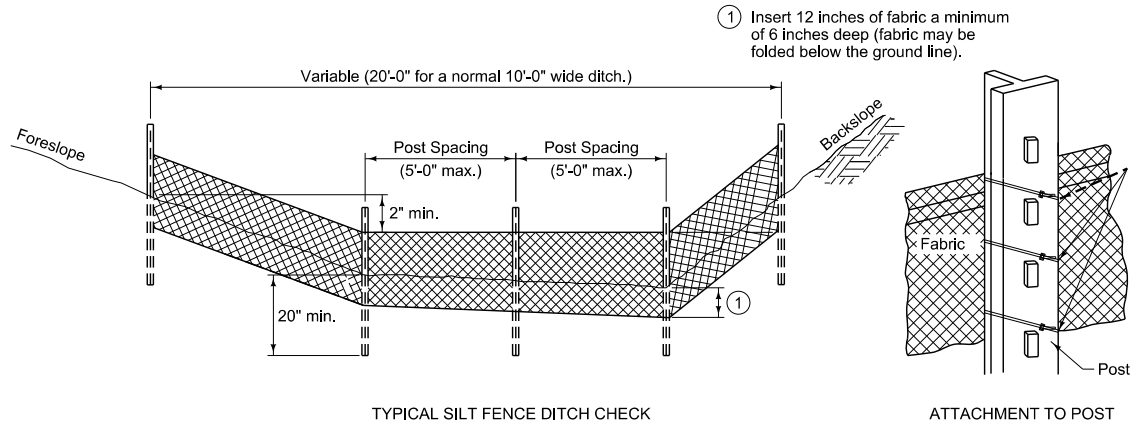
Signature of Contractor	Date
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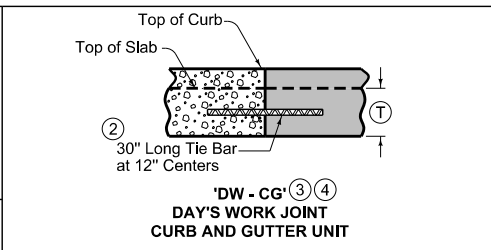
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- See dowel assemblies for fabrication details.
- See Bar Size Table for Contraction Joints on Sheet 2.
- Locate 'DW' joint at a mid-panel location between future 'C' or 'CD' joints. Place no closer than 5 feet to a 'C' or 'CD' joint.
- Place bars within the limits shown under dowel assemblies.
- Edge with 1/8 inch tool for length of joint. For HT joint, remove header block and board when second slab is placed.
- Unless specified otherwise, use 'CD' transverse contraction joints in mainline pavement when  $\textcircled{T}$  is greater or equal to 8 inches. Use 'C' joints when  $\textcircled{T}$  is less than 8 inches.
- 'RT' joint may be used in lieu of 'DW' joint at the end of the days work. Remove any pavement damaged due to the drilling at no additional cost to the Contracting Authority.



	REVISION	
	2	10-21-14
	9040.119	
	SHEET 1 of 2	
SILT FENCE		

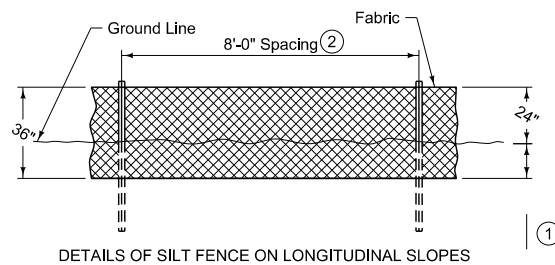


**TRANSVERSE CONTRACTION**

FIGURE 7010.101		REVISION
STANDARD ROAD PLAN		11 04-19-22
MODIFICATIONS: Modified circle note 32.		
REVISIONS:		
SUSAN DIRECTOR		DESIGN METHOD ENGINEER
JOINTS		

LEGEND	
	Existing Pavement
	Proposed Pavement

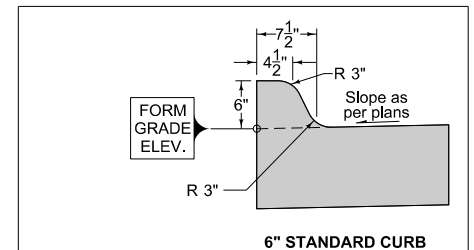
- 6 inch Standard Curb, 6 inch Sloped Curb, or 4 inch Sloped Curb as specified.
- $\frac{1}{8}$  inch if Proposed Pavement is HMA. No elevation difference if Proposed Pavement is PCC.
- 'BT', 'KT', or 'L' joint if Proposed Pavement is PCC. 'B' joint if Proposed Pavement is HMA.
- 0 to 2 inches for residential entrances.  $1\frac{1}{2}$  to 3 inches for industrial or commercial entrances.



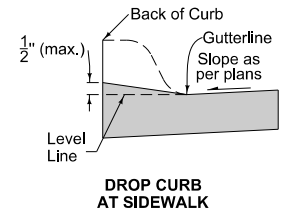
DETAILS OF SILT FENCE ON LONGITUDINAL SLOPES

- Insert 12 inches of fabric a minimum of 6 inches deep (fabric may be folded below the ground line).
- Reduce post spacing to 5'-0" at water concentration areas, or as required to adequately support fence.

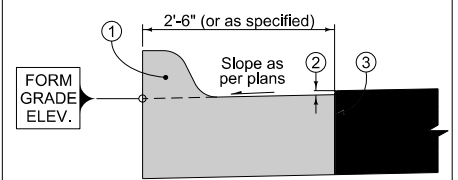
REVISION	
2	10-21-14
9040.119	SHEET 2 of 2
SILT FENCE	



6" STANDARD CURB

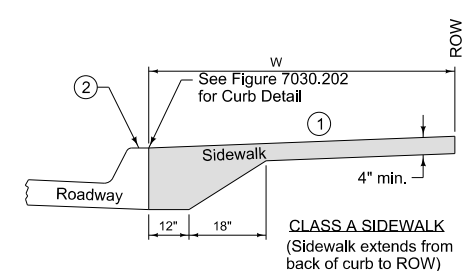


DROP CURB AT SIDEWALK

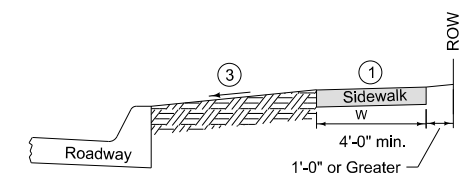


CURB AND GUTTER UNIT

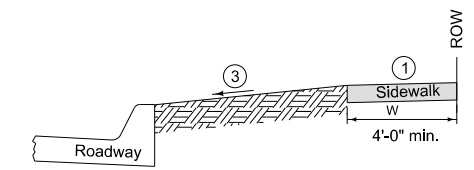
REVISION	
5	04-21-20
FIGURE 7010.102	STANDARD ROAD PLAN
SHEET 1 of 2	
REVISIONS: Split DRIVEWAY DROP CURB detail into two details. Added new circle note 4 on Sheet 1. Transformed circle note on Sheet 5.	
MODIFICATIONS:	
SUSAN DIRECTOR	
DESIGN METHOD ENGINEER	
PCC CURB DETAILS	



CLASS A SIDEWALK  
(Sidewalk extends from back of curb to ROW)



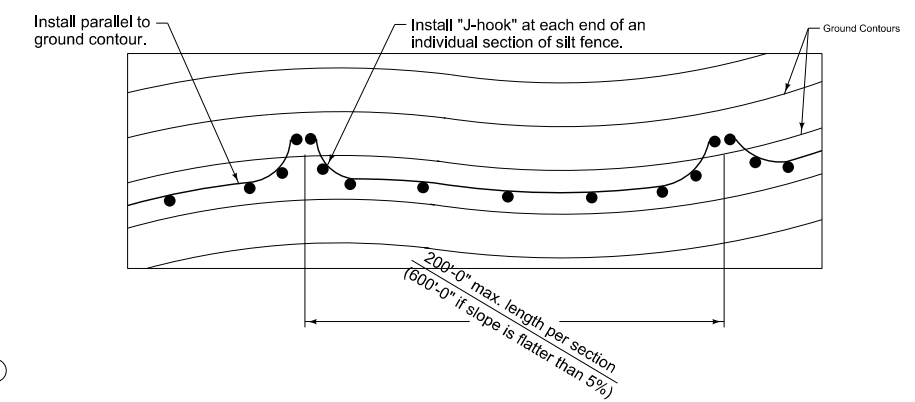
CLASS B SIDEWALK



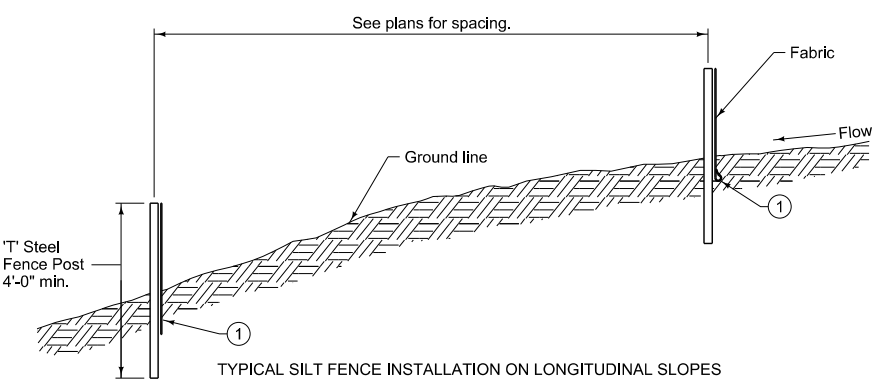
CLASS C SIDEWALK

- Target cross slope of 1.5% with a maximum cross slope of 2.0% (including sidewalk through driveway).
  - Ensure top of curb slopes to street for drainage.
  - Parking Slopes:  
If parking width is less than 10 feet wide, slope at  $\frac{1}{4}$  inch per foot.  
If parking width is 10 feet wide and greater, slope at  $\frac{1}{2}$  inch per foot.
- Special grade may be specified in the contract documents.
- W = Sidewalk width as specified in the contract documents.

REVISION	
3	2022 Edition
7030.201	SHEET 1 of 1
CLASSES OF SIDEWALKS	



TYPICAL SILT FENCE INSTALLATION ON LONGITUDINAL SLOPES  
(Plan View)



TYPICAL SILT FENCE INSTALLATION ON LONGITUDINAL SLOPES  
(Profile View)

3426 2ND AVENUE - DEMOLITION & RESTORATION

DETAILS

SNYDER & ASSOCIATES, INC.

SNYDER & ASSOCIATES

COUNCIL BLUFFS, IOWA

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

Project No: 123.1079

Sheet 6 of 6

MARK

REVISION

DATE

BY

Engineer: BJJ

Checked By: BJJ

Date: 09/08/23

Field Bk: TDS

Scale: 1"=10'

Page: 6

Sheet 6 of 6

123.1079

**Bidder's Policy Statement, Title VI & EEO Certificate of Compliance, and Non-Discrimination of  
Employment Clause for 3426 2<sup>nd</sup> Avenue, Council Bluffs, IA**

**POLICY STATEMENT**

Each contractor shall cause each of his/her subcontractors to file compliance reports with the contracting agency or the Secretary of Labor as may be directed. Compliance reports shall be filed within such time and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form as the Secretary of Labor or contracting agency may prescribe.

Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contracts subject to the provisions of this nondiscrimination in employment form or Executive Order 11246, or any proceeding similar to either of the two aforementioned items, and in that event to submit, on behalf of themselves and their proposed subcontractors, compliance reports prior to or as an initial part of their bid or negotiation of a contract.

Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the compliance report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor or contracting agency may prescribe; provided, that to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training in such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the Secretary of Labor or contracting agency as part of its compliance report and shall set forth what efforts he/she has made to obtain such information.

The Secretary of Labor or contracting agency may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his/her compliance report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of age, race, creed, color, sex, national origin, religion, or disability, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this nondiscrimination in employment clause, or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of this nondiscrimination in employment clause. In the event that the union or the agency shall refuse to execute such a statement, the compliance report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the Secretary of Labor or the contracting agency may require.

Full Legal Name of Company: \_\_\_\_\_

By: Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

## TITLE VI & EEO CERTIFICATE OF COMPLIANCE

### I. Contract Clauses Incorporated by Reference

#### A. Equal Opportunity Clause

The undersigned agrees that the Equal Opportunity Clause, prohibiting discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin, codified as 41 CFR 60-1.4, is incorporated by reference in each nonexempt contract or purchase order which is presently existing or which may be entered into hereafter, between the undersigned and the Contractor.

#### B. Affirmative Action for Disabled Veterans of the Vietnam Era

The undersigned agrees that the Affirmative Action Clause relating to the employment and advancement of disabled veterans and veterans of the Vietnam Era, codified as 41 CFR 60-250.4, is incorporated by reference in each nonexempt contract which presently exists or which may be entered into hereafter, between the undersigned and the Contractor.

#### C. Affirmative Action for Handicapped Workers

The undersigned agrees that the Affirmative Action Clause relating to the employment of qualified handicapped employees and applicants for employment, codified as 41 CFR 60-741.4, is incorporated by reference in each nonexempt contract which presently exists or which may be entered into hereafter, between the undersigned and the Contractor.

#### D. Title VI – APPENDIX “A”

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

1. Compliance with Regulations: The Contractor 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 Contractor, 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 Contractor 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 Contractor 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 Contractor of the Contractor'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 Contractor 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 a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor 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 Contractor'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 contractor under the contract until the contractor complies; and/or, b. cancellation, termination or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor 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 Contractor 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 a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor 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 Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **II. Affirmative Action Programs**

### **A. Equal Employment Opportunity**

The undersigned agrees that if it has 50 or more employees and (1) has a subcontract of \$10,000 or more; or (2) has Government bills of lading which can reasonably be expected to total \$10,000 or more in any 12-month period; or (3) serves as a depository of Government funds in any amount; or (4) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, it will develop a written affirmative action compliance program for each of its establishments within 120 days from the commencement of this contract.

### **B. Affirmative Action for Disabled Veterans of the Vietnam Era**

The undersigned agrees that if it holds a contract of \$10,000 or more and if it has 50 or more employees, it will prepare and maintain an affirmative action program at each establishment, setting forth its policies, practices, and procedures relating to the employment and advancement of disabled veterans and veterans of the Vietnam Era, in accordance with the provisions of 41 CFR 60-250.6. This program may be integrated into or kept separate from other affirmative action programs of the undersigned, but must be prepared within 120 days of commencement of this contract.

### **C. Affirmative Action for Handicapped Workers**

The undersigned agrees that if it holds a contract of \$10,000 or more and if it has 50 or more employees, it will prepare and maintain an affirmative action program at each establishment, setting forth its policies, practices, and procedures relating to the employment and advancement of handicapped workers in accordance with the provisions of 41 CFR 60-741.5. This program may be integrated into or kept separate from other affirmative action programs of the undersigned, but must be prepared within 120 days of commencement of this contract.

## **III. Standard Form 100 (EEO-1) Reports**

If the undersigned is (1) not exempt from the provisions of the Equal Opportunity Clause; (2) has 50 or more employees; (3) is a prime contractor or first tier subcontractor; and (4) has a contract, subcontract or purchase order amounting to \$10,000 or more or serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes, the undersigned agrees that it will file with the appropriate Federal agency a complete and accurate report on Standard Form 100 (EEO-1) within 30 days after the signing of this certificate or the award of any such purchase order (unless such a report has been filed in the last 12 months).

## **IV. Certificates of Non-segregated Facilities**

In accordance with 41 CFR 60-1.8 the undersigned certifies that it does not and will not maintain any facilities it provides for its employees in a segregated manner, or permit its employees to perform their services at any location under its control where segregated facilities are maintained; and that the undersigned will obtain a similar certification prior to the award of any nonexempt subcontract

Full Legal Name of Company: \_\_\_\_\_

By: Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

## **NONDISCRIMINATION IN EMPLOYMENT CLAUSE**

In accordance with the affirmative action program of the City of Council Bluffs, Iowa, and Executive Order 11246 as amended, all contracts entered into on behalf of the City shall agree:

"During the performance of the contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advancements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
3. The contractor will send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor unions or workers' representative of the contractor's commitments under this nondiscrimination in employment clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order No. 11246, the rules, regulations, and relevant orders of the Secretary of Labor, Title 7 of the Civil Rights Act of 1964, Chapter 601A of the Iowa Code and Chapter 8.39 of the Council Bluffs Municipal Code.
5. The contractor will furnish all information and reports required by the laws cited in the previous section, and will permit access to his/her books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with the laws as specified in the previous section.
6. Any bidder or prospective contractor or subcontractor shall submit their written policy on work place harassment, including a plan for educating management and personnel on how to prevent, detect and correct situations that may reflect such hostile and harassing actions. Any bidder or prospective contractor or subcontractor shall submit a copy of their policy regarding equal opportunity for employment, and a copy of their affirmative action plan.
7. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part, and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 or by rule, regulation or order or as otherwise provided by law.
8. The contractor shall include the provisions of the nondiscrimination in employment clause from beginning through paragraph (8) in every subcontract or purchase order, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the contracting agency or Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or a vendor as a result of such direction, the contractor may request the United States and/or the contracting agency to enter into such litigation to protect the interests of the United States and/or the contracting agency."

Full Legal Name of Company: \_\_\_\_\_

By: Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

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

**NOTICE OF PUBLIC HEARING  
ON THE PLANS AND SPECIFICATIONS FOR THE 3426 2<sup>nd</sup> AVENUE DEMOLITION AND  
RESTORATION PROJECT**

A public hearing will be held on May 6, 2024 at 7:00 p.m. in the Council Chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans and specifications for the 3426 2<sup>nd</sup> Avenue Demolition and Restoration Project. The project will include the demolition of any structures and improvements on the property. Upon completion, the affected area will be graded and seeded. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

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

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

**RESOLUTION NO. 24-110**

**A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE AND SETTING A PUBLIC HEARING ON THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE 3426 2<sup>ND</sup> AVENUE DEMOLITION AND RESTORATION PROJECT.**

**WHEREAS,** The City wishes to demolish the vacant Public Works building at 3426 2<sup>nd</sup> Avenue; and

**WHEREAS,** This project is known as the 3426 2<sup>nd</sup> Avenue Demolition and Restoration Project; and

**WHEREAS,** Such improvements are required to remove an unsafe structure; and

**WHEREAS,** The plans, specifications and form of contract for the improvements 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 directed to set a public hearing on May 6, 2024 at 7:00 p.m. on the plans, specifications and form of contract for the 3426 2<sup>nd</sup> Avenue Demolition and Restoration Project.

ADOPTED

AND

APPROVED:

April 22, 2024

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

## Council Communication

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

Resolution 24-111  
ITEM 3.G.

Council Action: 4/22/2024

### Description

Resolution setting a public hearing for 7:00 p.m. on May 6, 2024, for a commemorative street renaming of Avenue J and 18th Street in honor of Charles M. Wickersham.

### Background/Discussion

In 2017, the City Council passed Resolution 17-195 establishing a Commemorative Renaming Policy relating to street signs.

An application has been submitted to rename segments of Avenue J and 18th Street in honor of Charles M. Wickersham.

Charles M. Wickersham (deceased) graduated from Thomas Jefferson High School in 1961. His brother, Gale Wickersham, graduated from Abraham Lincoln High School in 1967. When the Council Bluffs Stadium, home of the school districts football, track, soccer and baseball fields, was transformed in 2017 and 2018, Gale and his wife Judy made a generous financial contribution to the project. The gift sparked many other individual, corporate and foundation donations that resulted in the grand opening of a beautiful complex that is a source of pride for our school district and community.

Charles was active in Thomas Jefferson High School activities and sports, including ROTC, football, track, wrestling, Spanish Club, and Glee Club. At Abraham Lincoln High School, Gale was involved in ROTC, Red Cross and the school newspaper. With the school district's athletic complex named after an AL graduate, it seems fitting that the roadway to the complex bear the name of a TJ graduate, his brother Charles M. Wickersham. (Honoree significance and nexus from application)

The proposed signage will read "Charles M. Wickersham Way".

The proposed locations for the commemorative signs are at the intersections of Avenue J and N. 16th Street and Avenue J and N. 17th Street (both eastbound and westbound locations). The other entrance into the athletic complex will include one sign at N. 18th Street and Avenue G.

### Recommendation

Approval of this resolution to set a public hearing for the commemorative street renaming.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Notice of Public Hearing</a>	Notice	4/15/2024
<a href="#">Resolution 24-111</a>	Resolution	4/17/2024

Notice of Public Hearing

on the

Commemorative Street Renaming of Avenue J and

The Commemorative Street Renaming of N. 18<sup>th</sup> Street

In Honor Of

Charles M. Wickersham

A public hearing will be held on May 6, 2024, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed commemorative street renaming of Avenue J, between N. 16th Street and N. 17th Street and N. 18<sup>th</sup> Street, north of Avenue G. At said hearing, any interested person may appear and file objections to such plan.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

**RESOLUTION**  
**NO 24-111**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
COMMEMORATIVE STREET RENAMING OF AVENUE J  
AND THE COMMEMORATIVE STREET RENAMING OF N. 18<sup>TH</sup> STREET  
IN HONOR OF CHARLES M. WICKERSHAM**

WHEREAS,           the City has received an application for a  
commemorative street renaming; and

WHEREAS,           the request has been reviewed, and approved  
by the Public Works Director and Mayor.

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 commemorative street renaming of Avenue J, between N. 16<sup>th</sup> Street and N. 17<sup>th</sup> Street and N. 18<sup>th</sup> Street, north of Avenue G in honor of Charles M. Wickersham, setting May 6th, 2024, at 7:00 p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

ATTEST:

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

## Council Communication

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

Resolution 24-124  
ITEM 3.H.

Council Action: 4/22/2024

**Description**

Resolution of Intent to enter into a Non-exclusive Public Right-of-Way License Agreement with Iowa Network Services, Inc. d/b/a Aureon Network Services for the provision of communications services in Council Bluffs.

**Background/Discussion**

The City has received an inquiry from Iowa Network Services Inc. DBA Aureon Network Services to utilize the City's right of way in order to construct, install, repair, maintain and operate a fiber optic infrastructure network for the provision of communication services, including broadband internet access services and voice over internet protocol services. Such services will enhance the communications capability for the citizens of Council Bluffs.

**Recommendation**

Approval is recommended.

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Proposed Agreement</a>	Other	4/12/2024
<a href="#">Public Hearing Notice</a>	Other	4/12/2024
<a href="#">Resolution 24-124</a>	Resolution	4/17/2024

## NON-EXCLUSIVE PUBLIC ROW LICENSE AGREEMENT

This Non-Exclusive Public ROW License Agreement (“**Agreement**”) is by and between the City of Council Bluffs, a city organized and existing under the laws of the State of Iowa (“**Municipality**”), and Iowa Network Services Inc. DBA Aureon Network Services, an Iowa corporation and its subsidiaries, successors, or assigns (“**Licensee**”).

### RECITALS

- A. Municipality has jurisdiction over the use of the public rights-of-way in Municipality (“**Public ROW**”).
- B. Licensee desires, and Municipality desires to permit Licensee, to install, maintain, operate, and control a fiber optic infrastructure network in Public ROW (“**Network**”) for the purpose of offering communications services (“**Services**”), including broadband Internet access service as defined in 47 C.F.R. § 8.1(b) (“**Broadband Internet Services**”) and Voice over Internet Protocol services, but excluding multichannel video programming services that would be subject to a video services franchise and telecommunications services as defined in 47 C.F.R. § 153(53), to residents and businesses in Municipality (“**Customers**”).
- C. The Network consists of equipment and facilities that may include aerial or underground fiber optic cables, lines, wires, or strands; underground conduits, vaults, access manholes and handholes; electronic equipment; power generators; batteries; pedestals; boxes; cabinets; vaults; and other similar facilities (“**Network Facilities**”).

### AGREEMENT

In consideration of the mutual promises made below, Municipality and Licensee agree as follows:

#### 1. Permission to Use and Occupy.

- 1.1. Permission to Use and Occupy Public ROW. Municipality grants Licensee permission to use and occupy the Public ROW (the “**License**”) for the purpose of constructing, installing, repairing, maintaining, operating, and if necessary removing the Network and the related Network Facilities (the “**Work**”). This Agreement and the License do not authorize Licensee to use any property other than the Public ROW as agreed herein. Licensee’s use of any other Municipality property, including poles and conduits, will be governed under a separate Agreement regarding that use.
- 1.2. Subject to State and Local Law. This Agreement and the License are subject to Municipality’s valid authority under state and local laws as they exist now or may be amended from time-to-time, and subject to the conditions set forth in this Agreement.
- 1.3. Subject to Municipality’s Right to Use Public ROW. This Agreement and the License are subject and subordinate to Municipality’s prior and continuing right to use the Public ROW, including constructing, installing, operating, maintaining, repairing, or removing sewers, streets, alleys, sidewalks, water pipes, storm drains, gas pipes,

utility poles, overhead and underground electric lines and related facilities, and other public utility and municipal uses.

- 1.4. Subject to Pre-Existing Property Interests. Municipality's grant of the License is subject to all valid pre-existing easements, restrictions, conditions, covenants, third party licenses, encumbrances, claims of title or other property interests that may affect the Public ROW. Licensee will obtain at its own cost and expense any permission or rights as may be necessary to accommodate such pre-existing property interests.
- 1.5. No Grant of Property Interest. The License does not grant or convey any property interest.
- 1.6. Non-Exclusive. The License is not exclusive. Municipality expressly reserves the right to grant licenses, permits, franchises, privileges or other rights to any other individual, corporation, partnership, limited liability company, trust, joint stock company, business trust, unincorporated association, joint venture, governmental authority or other entity of any nature whatsoever ("**Person**"), as well as the right in its own name as a municipality, to use Public ROW for similar or different purposes allowed Licensee under this Agreement.

## **2. Licensee's Obligations.**

- 2.1. Individual Permits Required. Licensee will obtain Municipality's approval of any and all required individual encroachment, construction, and/or other required permits before placing its Network Facilities in the Public ROW or other property of Municipality as authorized. Licensee will pay all lawful processing, field marking, engineering, and inspection fees associated with the issuance of individual permits by Municipality.
- 2.2. Licensee's Sole Cost and Expense. Licensee will perform the Work at its sole cost and expense.
- 2.3. Compliance with Laws. Licensee will comply with all applicable laws and regulations when performing the Work. Licensee will place its Network Facilities in conformance with the required permits, plans, and drawings approved by Municipality.
- 2.4. Reasonable Care. Licensee will exercise reasonable care when performing the Work and will use commonly accepted practices and equipment to minimize the risks of personal injury, property damage, soil erosion, and pollution of surface or groundwater.
- 2.5. No Nuisance. Licensee will maintain its Network Facilities in good and safe condition so that its Network Facilities do not cause a public nuisance.
- 2.6. Repair. Licensee will promptly repair any damage to the Public ROW, Municipality property, or private property if such damage is directly caused by Licensee's Work and no other Person is responsible for the damage (e.g., where a Person other than Licensee fails to accurately or timely locate its underground facilities as required by applicable law). Licensee will repair the damaged property to a condition equal to or better than that which existed prior to the damage. Licensee's obligation under this Section 2.6 will be limited by, and consistent with, any applicable seasonal or other restrictions on construction or restoration work.

- 2.7. As-Built Drawings and Maps. Licensee will maintain accurate as-built drawings and maps of its Network Facilities located in Municipality and will provide them to Municipality upon reasonable request and on a mutually-agreed timetable (e.g., piecemeal following the closure of each permit, or all at once after all the Work is complete), subject to applicable confidentiality protections.
- 2.8. Network Design. Nothing in this Agreement requires Licensee to build to all areas of Municipality, and Licensee retains the discretion to determine the scope, location, and timing of the design and construction of the Network.

### **3. Municipality's Obligations**

- 3.1. Emergency Removal or Relocation by Municipality. In the event of a public emergency that creates an imminent threat to the health, safety, or property of Municipality or its residents, Municipality may remove or relocate the applicable portions of the Network Facilities without prior notice to Licensee. Municipality will, however, make best efforts to provide prior notice to Licensee before making an emergency removal or relocation. In any event, Municipality will promptly provide to Licensee a written description of any emergency removals or relocations of Licensee's Network Facilities. Licensee will reimburse Municipality for its actual, reasonable, and documented costs or expenses incurred for any such work performed by Municipality, the direct cause of which was Licensee's construction, installation, operation, maintenance, repair, or removal of its Network Facilities.
- 3.2. Relocation to Accommodate Governmental Purposes. If Licensee's then-existing Network Facilities would interfere with Municipality's planned use of the Public ROW or other Municipality property for a legitimate governmental purpose, such as the construction, installation, repair, maintenance, or operation of a new water, sewer, or storm drain line, or a public road, curb, gutter, sidewalk, park, or recreational facility, Licensee will, upon written notice from Municipality, relocate its Network Facilities at Licensee's own expense to such other location or locations in the Public ROW as may be mutually agreed by the parties, taking into account the needs of Municipality's governmental purpose and Licensee's interest in maintaining the integrity and stability of its Network. Licensee will relocate its Network Facilities within a commercially reasonable period of time agreed to by the parties, taking into account the urgency of the need for relocation, the difficulty of the relocation, and other relevant facts and circumstances, except that Municipality may not require Licensee to relocate or remove its Network Facilities with less than ninety (90) days' notice.
- 3.3. Relocation to Accommodate Non-Governmental Purposes. If Licensee's then-existing Network Facilities would interfere with (a) Municipality's planned use of the Public ROW for a non-governmental (e.g., commercial) purpose, or (b) a third-party's use of the Public ROW, Licensee will not be required to relocate its Network Facilities at Licensee's cost.
- 3.4. Non-Discrimination. Municipality will at all times treat Licensee in a non-discriminatory manner as compared to other non-incumbent holders of local or state franchise authority offering facilities-based broadband Internet access services.

- 3.5. Post-Removal Restoration of Public ROW. When removal or relocation is required under this Agreement, Licensee will, after the removal or relocation of the Network Facilities, at its own cost, repair and return the Public ROW in which the facilities were located to a safe and satisfactory condition in accordance with the construction-related conditions and specifications as established by Municipality, as well as any applicable local ordinance or state law..

#### 4. Contractors and Subcontractors.

- 4.1. Use of Contractors and Subcontractors. Licensee may retain contractors and subcontractors to perform the Work on Licensee's behalf.
- 4.2. Contractors to be Licensed. Licensee's contractors and subcontractors used for the Work will be properly licensed under any applicable law.
- 4.3. Authorized Individuals. Licensee's contractors and subcontractors may submit individual permit applications to Municipality on Licensee's behalf, so long as the permit applications are signed by individuals that Licensee has authorized to act on its behalf via a letter of authorization provided to Municipality in the form attached as **Exhibit A ("Authorized Individuals")**. Municipality will accept permit applications under this Agreement submitted and signed by Authorized Individuals, and will treat those applications as if they had been submitted by Licensee under this Agreement.

#### 5. Defense and Indemnity.

- 5.1. Obligations. Licensee will defend Municipality, its officers, elected representatives, and employees, and indemnify them against any and all Third Party Damages, including but not limited to, property damage, personal injury, or death to the extent caused by the negligence or willful misconduct of Licensee or its contractors arising from this Agreement ("**Third Party Legal Proceeding**").
- 5.2. Exclusions. Section 5 (Defense and Indemnity) will not apply to the extent the underlying allegation (a) arises from or is related to the negligence or willful misconduct of an indemnified party or (b) is made by Municipality's employee and covered under applicable workers' compensation laws.
- 5.3. Conditions. Section 5.1 (Obligations) is conditioned on the following: (a) Municipality must promptly notify Licensee in writing of the Third Party Legal Proceeding and any allegation(s) that preceded the Third Party Legal Proceeding no later than fifteen (15) days after Municipality was served, in accordance with Iowa law, the Third Party Legal Proceeding; (b) Municipality must reasonably cooperate in the defense at Licensee's request; and (c) Municipality must tender sole control of the indemnified portion of the Third Party Legal Proceeding to Licensee, subject to the following: (i) Municipality may appoint its own non-controlling counsel, at its own expense; and (ii) any settlement requiring Municipality to admit liability, pay money, or take (or refrain from taking) any action, will require Municipality's prior written consent, not to be unreasonably withheld, conditioned, or delayed.

#### 6. Limitation of Liability. NEITHER PARTY WILL BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES IN

CONNECTION WITH THIS AGREEMENT. THE PARTIES ACKNOWLEDGE THAT THIS LIMITATION WILL BE SUBJECT TO AND MAY BE LIMITED BY APPLICABLE LAW.

7. **Performance Bond.** Licensee will, promptly after the Effective Date, provide Municipality with a performance bond in the amount of fifty thousand dollars (\$50,000) naming Municipality as obligee and guaranteeing Licensee's faithful performance of its obligations under this Agreement. The performance bond will remain in full force during the Term of this Agreement.

8. **Insurance.**

8.1. Licensee will carry and maintain:

8.1.1. Commercial General Liability (CGL) insurance, with policy limits not less than \$2,000,000 in aggregate and \$2,000,000 for each occurrence covering bodily injury and property damage with the following features: (a) CGL primary insurance endorsement; and (b) CGL policy will include an endorsement which names Municipality, its employees, and officers as additional insureds.

8.2. All insurance certificates, endorsements, coverage verifications and other items required pursuant to this Agreement will be mailed directly to Municipality's insurance compliance representative prior to the commencement of any work under this Agreement.

9. **Term.** This Agreement is effective on the later of (a) the date the last party to sign executes this Agreement and (b) the date on which any implementing ordinance becomes effective in accordance with its terms and state law ("**Effective Date**"). The Agreement will expire automatically on the tenth anniversary of the [Effective Date ("**Original Term**")], unless earlier terminated in accordance with the provisions herein. Thereafter, the Agreement will automatically renew for successive 5-year terms (each a "**Renewal Term**") unless a party provides at least ninety (90) days prior written notice to the other party of its intent not to renew.

10. **Termination.**

10.1. **Termination by Municipality.** Municipality may terminate this Agreement if Licensee is in material breach of the Agreement, provided that Municipality must first provide Licensee written notice of the breach and one hundred eighty (180) days to cure, unless the cure cannot reasonably be accomplished in that time period, in which case Licensee and Municipality must mutually agree to a schedule that will establish benchmarks and an end date to allow for any cure beyond the provided one hundred eighty (180) day period. No termination under this paragraph will be effective until the relevant cure period has expired.

10.2. **Termination by Licensee.** Licensee may terminate this Agreement for convenience upon one hundred eighty (180) days' written notice to Municipality.

11. **Assignment.** Except as set forth below, neither party may assign or transfer its rights or obligations under this Agreement, in whole or part, to a third party, without the written consent of the other party. Any agreed upon assignee will take the place of the assigning

party, and the assigning party will be released from all of its rights and obligations upon such assignment.

11.1. Notwithstanding the foregoing, Licensee may at any time, on written notice to Municipality, assign this Agreement or any or all of its rights and obligations under this Agreement:

11.1.1. to any Affiliate (as defined below) of Licensee;

11.1.2. to any successor in interest of Licensee's business operations in Municipality in connection with any merger, acquisition, or similar transaction if Licensee determines after a reasonable investigation that the successor in interest has the resources and ability to fulfill the obligations of this Agreement; or

11.1.3. to any purchaser of all or substantially all of Licensee's Network Facilities in Municipality if Licensee determines after a reasonable investigation that the purchaser has the resources and ability to fulfill the obligations of this Agreement.

11.2. Following any assignment of this Agreement to an Affiliate, Licensee will remain responsible for such Affiliate's performance under the terms of this Agreement. For purposes of this section, (a) "Affiliate" means any Person that now or in the future, directly or indirectly controls, is controlled with or by, or is under common control with Licensee; and (b) "control" means, with respect to: (i) a U.S. corporation, the ownership, directly or indirectly, of fifty percent (50%) or more of the voting power to elect directors thereof, or (ii) a non-U.S. corporation, if the voting power to elect directors thereof is less than fifty percent (50%), the maximum amount allowed by applicable law; and (iii) any other Person, fifty percent (50%) or more ownership interest in said Person, or the power to direct the management of such Person.

**12. Notice.** All notices related to this Agreement will be in writing and sent, if to Licensee to the email addresses set forth below, and if to Municipality to the address set forth in Municipality's signature block to this Agreement. Notices are effective (a) when delivered in person, (b) upon confirmation of a receipt when transmitted by electronic mail, (c) on the next business day if transmitted by registered or certified mail, postage prepaid (with confirmation of delivery), (d) on the next business day if transmitted by overnight courier (with confirmation of delivery), or (e) three (3) days after the date of mailing, whichever is earlier.

Licensee's e-mail address for notice is [googlefibernotices@google.com](mailto:googlefibernotices@google.com), with a copy to [legal-notices@google.com](mailto:legal-notices@google.com).

**13. General Provisions.** This Agreement is governed by the laws of the state where Municipality is located. Neither party will be liable for failure or delay in performance to the extent caused by circumstances beyond its reasonable control. This Agreement sets out all terms agreed between the parties and supersedes all previous or contemporaneous agreements between the parties relating to its subject matter. This Agreement, including any exhibits, constitutes the entire agreement between the parties related to this subject matter, and any change to its terms must be in writing and signed by the parties. The parties may execute this Agreement in counterparts, including facsimile, PDF, and other electronic copies, which taken together will constitute one instrument. Each party to this Agreement agrees that Licensee may use electronic signatures.

*[Signature page follows]*

Signed by authorized representatives of the parties on the dates written below.

City of Council Bluffs

\_\_\_\_\_  
(Authorized Signature)

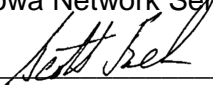
\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

Address:

Date: \_\_\_\_\_

Iowa Network Services, Inc.

  
\_\_\_\_\_  
(Authorized Signature)

Scott Behn

\_\_\_\_\_  
(Name)

CEO

\_\_\_\_\_  
(Title)

Address:

7760 Office Plaza Drive South  
West Des Moines, Iowa 50266

Date: 4/11/2024  
\_\_\_\_\_

**EXHIBIT A  
FORM OF LETTER OF AUTHORIZATION**

[LICENSEE LETTERHEAD]

[Date]

Via Email ([Email Address])

[City of Council Bluffs, Iowa]

[Addressee]

[Address]

Re: [Amended] Letter of Authorization

Dear [Name],

In accordance with Section [4.3] of the Non-Exclusive Public ROW License Agreement dated [ ] between [Council Bluffs, IA] and [Iowa Network Services, Inc. dba Aureon Network Services] hereby designates the following Authorized Individuals (as that term is defined in the Agreement), who may submit and sign permit applications and other submissions to Municipality on behalf of ENTITY NAME. *[If applicable: This letter amends and supersedes the Letter of Authorization dated \_\_\_\_\_.]*

*[Insert name and title for each Authorized Individual, including any Authorized Individual previously named and whose authority continues. Strike through the names of any individuals who are no longer authorized, if any.]*

1. Name, Title Matt Weiser Outside Plant Engineer
2. Name, Title Jeff Klocko Outside Plant Engineer
3. Name, Title (previously authorized, authorization continues)
4. Name, Title (authorization withdrawn)

This authorization may be withdrawn or amended and superseded by a written amendment to this Letter of Authorization, which will be effective 24 hours after receipt by Municipality.

Kind regards,

[Name]

Manager, [ENTITY NAME]

**NOTICE OF PUBLIC HEARING  
ON INTENT TO ENTER INTO A NON-EXCLUSIVE PUBLIC RIGHT OF WAY  
LICENSE AGREEMENT WITH IOWA NETWORK SERVICES INC. D/B/A AUREON  
NETWORK SERVICES**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a Public Hearing on the proposed License Agreement with Iowa Network Services Inc. DBA Aureon Network Services for the provision of communications services in Council Bluffs.

You are further notified that this Public Hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the 6th day of May, 2024, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, IA 51503, at which time and place all persons interested in said matter will be given an opportunity to be heard.

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

City Clerk

**RESOLUTION NO. 24-124**

**A RESOLUTION OF INTENT TO ENTER INTO A NON-EXCLUSIVE PUBLIC RIGHT-OF-WAY LICENSE AGREEMENT WITH IOWA NETWORK SERVICES INC. D/B/A AUREON NETWORK SERVICES FOR THE PROVISION OF COMMUNICATIONS SERVICES IN COUNCIL BLUFFS.**

**WHEREAS,** the City has received an inquiry from Iowa Network Services Inc. DBA Aureon Network Services to utilize the City's right of way in order to construct, install, repair, maintain and operate a fiber optic infrastructure network for the provision of communication services, including broadband internet access services and voice over internet protocol services; and

**WHEREAS,** It is in the best interest of the City of Council Bluffs to enter into this Agreement.

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

That this matter is set for public hearing on May 6, 2024 at 7 o'clock p.m.

ADOPTED  
AND  
APPROVED: April 22, 2024.

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

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

**Council Communication**

Department: Mayor  
Case/Project No.: Boards and Commissions  
Submitted by: Matt Walsh

Mayor's Appointment  
ITEM 3.I.

Council Action: 4/22/2024

<b>Description</b>  Storm Water Advisory Committee
--

<b>Background/Discussion</b>  With City Council concurrence, I would like to make the following appointment:  Elizabeth Hunter 208 Antioch Drive
---

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

## Council Communication

Department: Mayor

Case/Project No.:

Submitted by:

## Arbor Day

ITEM 4.A.

Council Action: 4/22/2024

Description
-------------

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

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

**ATTACHMENTS:**

### Description

Type

Upload Date

Council Communication

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

Workers Memorial Day  
ITEM 4.B.

Council Action: 4/22/2024

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Workers Memorial Day Proclamation</a>	Proclamation	4/12/2024

# City of Council Bluffs Iowa

## Office of the Mayor P R O C L A M A T I O N

WHEREAS, every year tens of thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, tens of thousands more are permanently disabled; and

WHEREAS, millions are injured or made ill; and

WHEREAS, 57 Iowans died on the job in 2023; and

WHEREAS, concerned Americans are determined to prevent these tragedies by:

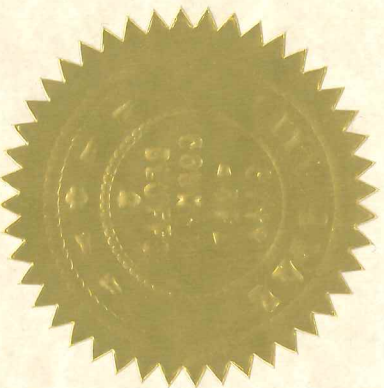
- observing Workers Memorial Day on April 28<sup>th</sup>, as a day to remember these victims of workplace injuries and disease
- renewing our efforts to enforce safety and health protections
- redirecting ourselves to improving safety and health in every American workplace.

NOW, THEREFORE, I, Matthew J. Walsh, Mayor of the City of Council Bluffs, do hereby proclaim April 28<sup>th</sup>, 2024 as

### Workers Memorial Day

in Council Bluffs, Iowa, and encourage all citizens to join me in honoring those who lost their lives to workplace injuries, and recognizing the importance of workplace safety.

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 22<sup>nd</sup> day of  
April, in the year Two Thousand  
Twenty-Four.



Matthew J. Walsh, Mayor

## Council Communication

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

Resolution 24-112  
ITEM 5.A.

Council Action: 4/22/2024

<b>Description</b>
Resolution approving the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2025.

<b>Background/Discussion</b>
Staff is requesting approval of the Budget for Fiscal Year Ending June 30, 2025. Upon approval, documents will be prepared and submitted to the Iowa Department of Management and to the Pottawattamie County Auditor prior to April 30, 2024.

<b>Recommendation</b>
Approval of the resolution in order to abide by the required filing date of April 30, 2024.

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Budget Public Hearing Notice</a>	Other	3/29/2024
<a href="#">Budget Presentation</a>	Other	3/29/2024
<a href="#">Resolution 24-112</a>	Resolution	4/17/2024

**NOTICE OF PUBLIC HEARING -- PROPOSED BUDGET**  
**Fiscal Year July 1, 2024 - June 30, 2025**

City of: **COUNCIL BLUFFS**

The City Council will conduct a public hearing on the proposed Budget at: **City Council Chambers, City Hall 209 Pearl Street Council Bluffs, IA 51503**  
**Meeting Date: 4/22/2024 Meeting Time: 07:00 PM**

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of revenues and expenditures on file with the City Clerk and County Auditor.

City budgets are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult <https://dom.iowa.gov/local-budget-appeals>.

**The Budget Estimate Summary of proposed receipts and expenditures is shown below. Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.**

The estimated Total tax levy rate per \$1000 valuation on regular property 17.85467

The estimated tax levy rate per \$1000 valuation on Agricultural land is 3.00375

**At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.**

Phone Number  
(712) 890-5100

City Clerk/Finance Officer's NAME  
Danielle Bemis

		<b>Budget FY 2025</b>	<b>Re-estimated FY 2024</b>	<b>Actual FY 2023</b>
<b>Revenues &amp; Other Financing Sources</b>				
Taxes Levied on Property	1	60,110,245	55,189,841	54,346,092
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
<b>Net Current Property Taxes</b>	3	60,110,245	55,189,841	54,346,092
Delinquent Property Taxes	4	0	2,981	21,167
TIF Revenues	5	3,190,030	3,631,982	3,545,782
Other City Taxes	6	23,291,382	23,081,151	25,989,037
Licenses & Permits	7	2,745,250	2,207,452	3,024,709
Use of Money and Property	8	1,744,550	2,624,121	2,450,979
Intergovernmental	9	21,756,357	20,529,791	23,932,058
Charges for Fees & Service	10	31,846,258	26,668,389	34,501,423
Special Assessments	11	166,000	166,977	174,953
Miscellaneous	12	1,757,765	10,191,600	4,995,165
Other Financing Sources	13	6,059,240	26,372,266	3,058,541
Transfers In	14	42,301,472	60,671,970	26,774,348
<b>Total Revenues and Other Sources</b>	15	194,968,549	231,338,521	182,814,254
<b>Expenditures &amp; Other Financing Uses</b>				
Public Safety	16	43,946,287	43,478,570	40,824,987
Public Works	17	13,270,407	12,656,308	11,564,903
Health and Social Services	18	316,479	314,630	184,407
Culture and Recreation	19	13,986,484	13,389,193	13,467,637
Community and Economic Development	20	6,502,256	8,285,255	6,311,094
General Government	21	21,003,434	20,116,824	18,825,292
Debt Service	22	13,513,061	10,910,851	10,596,970
Capital Projects	23	27,145,240	42,631,454	21,994,748
<b>Total Government Activities Expenditures</b>	24	139,683,648	151,783,085	123,770,038
Business Type / Enterprises	25	20,172,564	19,543,394	17,604,124
<b>Total ALL Expenditures</b>	26	159,856,212	171,326,479	141,374,162
Transfers Out	27	42,301,472	60,671,970	26,774,348
Total ALL Expenditures/Transfers Out	28	202,157,684	231,998,449	168,148,510
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b>	29	-7,189,135	-659,928	14,665,744
Beginning Fund Balance July 1	30	285,678,200	286,338,128	271,672,384
<b>Ending Fund Balance June 30</b>	31	278,489,065	285,678,200	286,338,128



# City of Council Bluffs

## FY25 Annual Budget

Public Hearing April 22, 2024



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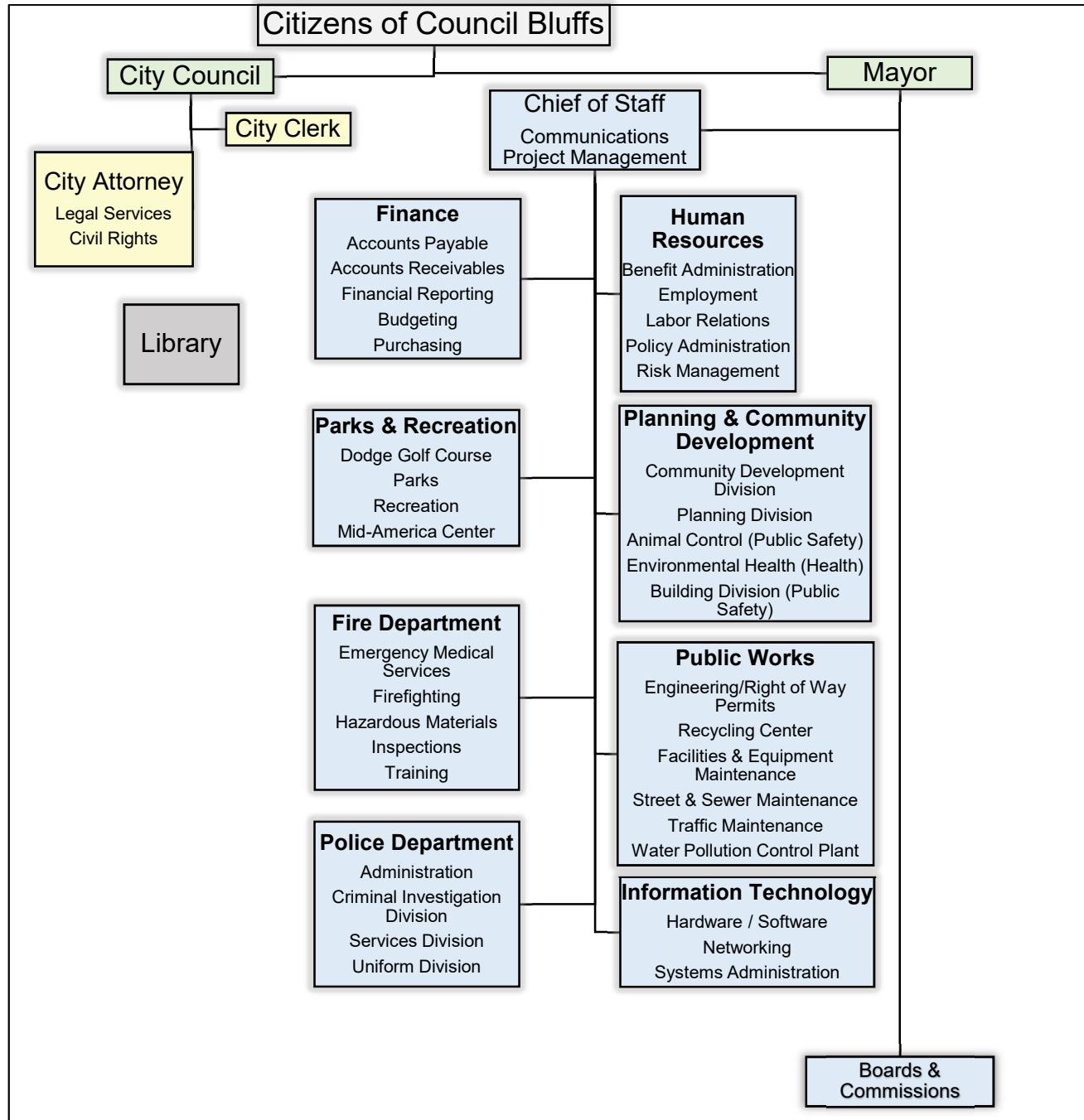
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# FY25 Annual Budget

## Highlights of the FY25 Annual Budget:

- Overall property tax revenue increased by 8.92%
  - Total City property tax levy decreased to \$17.8547, a decrease of \$0.40531 from FY24. This reduction was primarily driven by legislation changes in House File 718 and the strategic use of reserve funds. Refer to page 8.
  - Overall taxable valuation increased by 11.0%, primarily due to new construction and market changes adding to total taxable value.
  - Local option sales tax is projected to increase by \$1M due to strong economic activity.
  - License and permits revenues are projected to increase by approximately \$1.1M based on increased construction activity for large developments.
  - Debt service levy remains flat as part of the City's strategic plan.
- Operating expenditures decreased versus FY24 budget:
  - Salaries & wages increased by 4.0% (\$1.78M).
  - Pension costs decreased by 1.81% (\$120K).
  - Group insurance increased by 2.30% (\$294.9K) driven by increased health insurance costs.
  - Property and general liability insurance increased by 5.98% (\$110K), primarily due to market factors.
- Expenditures for capital improvement projects included in the annual budget decreased 35.7%, primarily due to \$22.3M in levee projects budgeted in FY24.
- American Rescue Plan Act (ARPA) funds of \$24.8M were received in FY21 and FY22.
  - Project spend does not occur until determined and approved by Council. Unspent ARPA dollars are classified as unearned revenue until expense is incurred.
  - All revenues and expenditures related to ARPA are retained in a Special Revenue Fund. ARPA revenues and expenditures are not included in this packet.
  - All funds will be obligated by December 31, 2024, with all funds spent by December 31, 2026.

# City of Council Bluffs Organizational Chart



Elected by the Citizens  
of Council Bluffs

Appointed by the  
City Council

Appointed by the  
Mayor

Appointed by the  
Library Board

## City of Council Bluffs Officials

### Elected City Officials

Matt Walsh	Mayor	December 31, 2025
Joe Disalvo	Council Member	December 31, 2027
Steve Gorman	Council Member	December 31, 2025
Jill Shudak	Council Member	December 31, 2027
Chris Peterson	Council Member	December 31, 2025
Roger Sandau	Council Member	December 31, 2027

### Term Expires

### Council Appointed Officials

Richard Wade	City Attorney
Jodi Quakenbush	City Clerk

### City Officials

Brandon Garrett	Chief of Staff
Matthew Davis	Police Chief
Matthew Cox	Director Public Works
Courtney Harter	Director Community Development
Mark Howard	Chief Information Officer
Justin James	Fire Chief
Stacie Jensen	Director Human Resources
Vincent Martorello	Director Parks and Recreation
Danielle Bemis	Director Finance

Antonia Krupicka-Smith Library Director

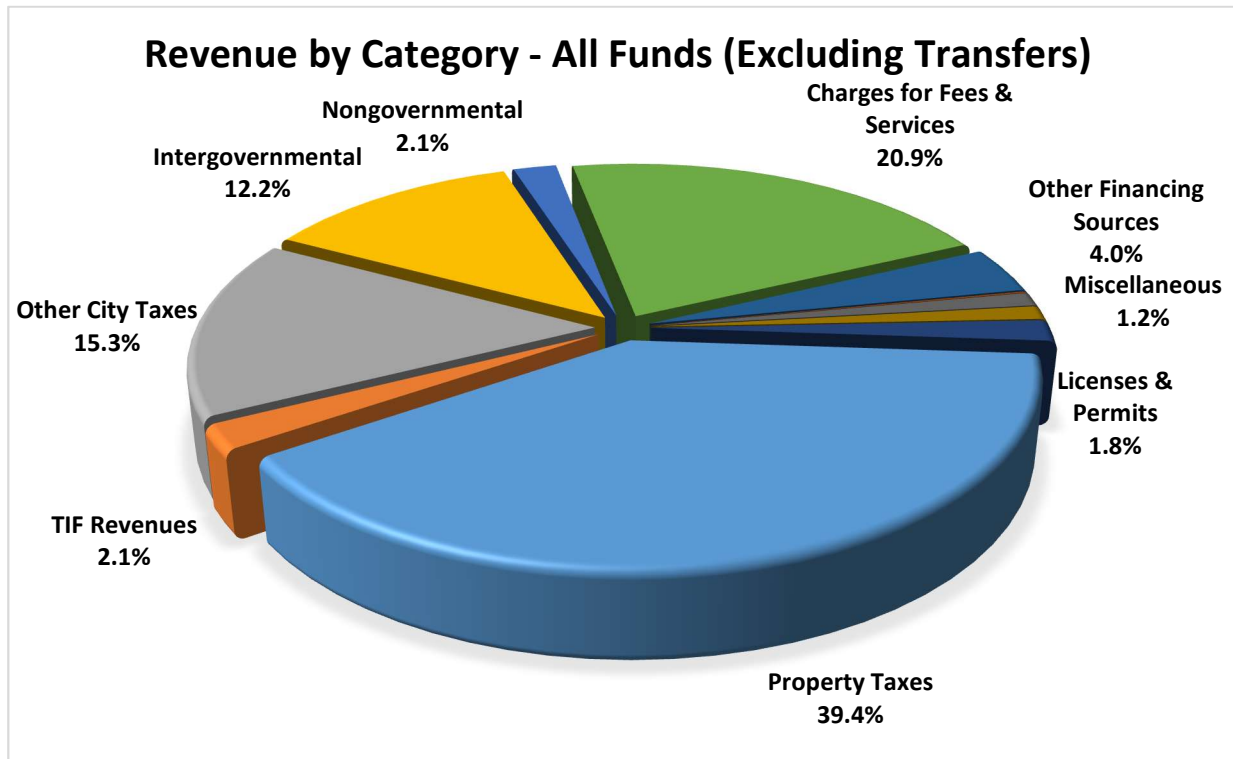
## Budget Summary All Funds

	FY25 Operating	FY25 Capital	FY25 Total
<b>REVENUE &amp; OTHER FINANCING SOURCES</b>			
Property Taxes	\$ 60,110,208	\$ -	\$ 60,110,208
TIF Revenues	3,190,030	-	3,190,030
Other City Taxes	23,291,418	-	23,291,418
Licenses & Permits	2,745,250	-	2,745,250
Use of Money & Property	1,744,550	-	1,744,550
Intergovernmental	13,664,988	4,955,000	18,619,988
Nongovernmental	1,056,369	2,080,000	3,136,369
Charges for Fees & Services	31,846,258	-	31,846,258
Special Assessments	166,000	-	166,000
Miscellaneous	1,757,765	-	1,757,765
Other Financing Sources	-	6,059,240	6,059,240
Transfers In	22,391,232	19,910,240	42,301,472
<b>TOTAL REVENUE &amp; OTHER FINANCING SOURCES</b>	<b>\$ 161,964,069</b>	<b>\$ 33,004,480</b>	<b>\$ 194,968,549</b>
<b>EXPENDITURES &amp; OTHER FINANCING USES</b>			
Public Safety	\$ 43,946,287	\$ -	\$ 43,946,287
Public Works	13,270,407	-	13,270,407
Health & Social Services	316,479	-	316,479
Culture & Recreation	13,986,484	-	13,986,484
Community & Economic Development	6,502,256	-	6,502,256
General Government	21,003,434	-	21,003,434
Debt Service	13,513,061	-	13,513,061
Capital Projects	400,000	26,745,240	27,145,240
Business Type Activities	20,172,563	-	20,172,563
Transfers Out	33,322,617	8,978,855	42,301,472
<b>TOTAL EXPENDITURES &amp; OTHER FINANCING USES</b>	<b>\$ 166,433,588</b>	<b>\$ 35,724,095</b>	<b>\$ 202,157,683</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>\$ (4,469,520)</b>	<b>\$ (2,719,615)</b>	<b>\$ (7,189,135)</b>

## Revenue Budget Detail - All Funds

REVENUE & OTHER FINANCING SOURCES	FY24 BUDGET	FY25 BUDGET	CHANGE
<b>Property Taxes</b>	\$ 55,189,841	\$ 60,110,208	\$ 4,920,367
<b>TIF Revenues</b>	3,631,982	3,190,030	(441,952)
<b>Other City Taxes</b>			
Local Option Sales Tax	11,000,000	12,000,000	1,000,000
Franchise Tax	2,720,000	2,400,000	(320,000)
Utility Property Tax Replacement	3,334,151	3,361,418	27,267
Hotel/Motel Tax	3,000,000	3,000,000	-
Gaming Tax	3,027,000	2,530,000	(497,000)
<b>Total Other City Taxes</b>	23,081,151	23,291,418	210,267
<b>Licenses &amp; Permits</b>	1,620,650	2,745,250	1,124,600
<b>Use of Money &amp; Property</b>	1,236,303	1,744,550	508,247
<b>Intergovernmental</b>			
Federal Grants	3,630,452	4,990,220	1,359,768
State Grants	2,509,500	2,536,000	26,500
Road Use Tax	8,100,000	8,500,000	400,000
Commercial Rollback	2,586,556	2,205,412	(381,144)
County & Other Governments	433,022	388,356	(44,666)
<b>Total Intergovernmental</b>	17,259,530	18,619,988	1,360,458
<b>Nongovernmental Grants</b>	1,383,369	3,136,369	1,753,000
<b>Charges for Fees &amp; Services</b>			
Sewer Services	10,662,500	14,762,500	4,100,000
Refuse Services	6,440,613	6,347,476	(93,137)
MidAmerica Center Services	3,628,972	4,012,380	383,408
Police and Fire Services	2,741,000	3,174,000	433,000
Park & Recreation Services	1,205,497	1,208,600	3,103
Other	1,985,207	2,341,302	356,095
<b>Total Charges for Fees &amp; Services</b>	26,663,789	31,846,258	5,182,469
<b>Special Assessments</b>	166,000	166,000	-
<b>Miscellaneous</b>			
Red Light Enforcement Fines	1,100,000	860,000	(240,000)
Fines and Violations	415,900	421,900	6,000
Expense Reimbursements	322,610	304,425	(18,185)
Other	165,190	171,440	6,250
<b>Total Miscellaneous</b>	2,003,700	1,757,765	(245,935)
<b>Other Financing Sources, GO Bonding</b>	25,950,000	6,059,240	(19,890,760)
<b>TOTAL REVENUE &amp; OTHER FINANCING SOURCES</b>	<b>158,186,315</b>	<b>152,667,076</b>	<b>(5,519,238)</b>
<b>Transfers In</b>	<b>60,671,970</b>	<b>42,301,472</b>	<b>(18,370,498)</b>
<b>TOTAL REVENUE</b>	<b>\$ 218,858,285</b>	<b>\$ 194,968,549</b>	<b>\$ (23,889,736)</b>

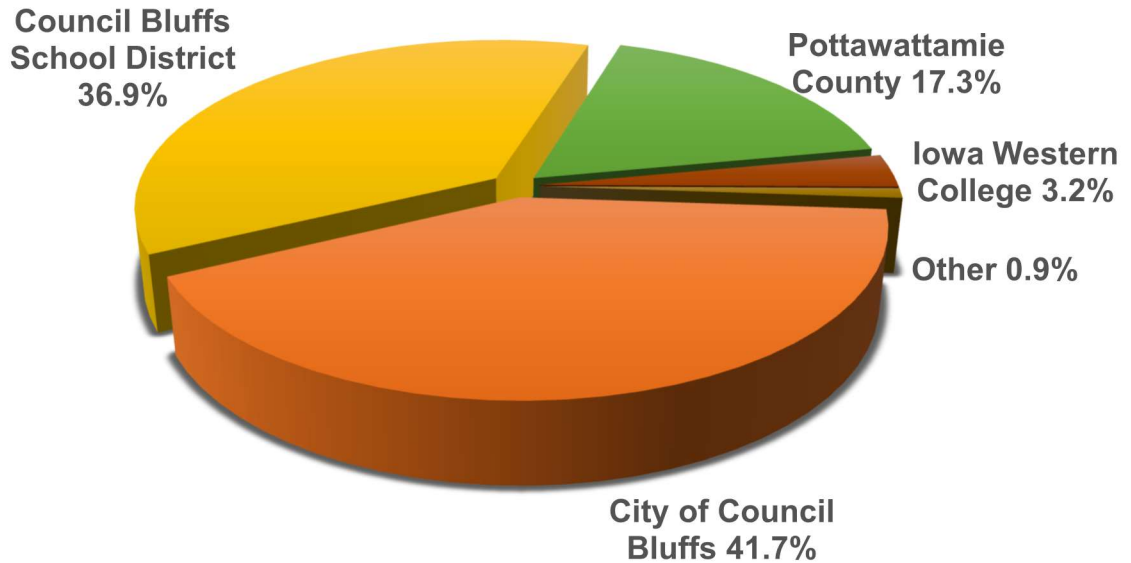
## Revenue Budget



Excluding transfers between funds, FY25 budgeted revenues decrease by \$5,519,238 vs FY24. The largest drivers of the decrease are a decrease in GO Bond funding for capital projects, and a decrease in gaming taxes. The primary increase in year over year revenue is due to charges for fees and services, and taxable valuation increases leading to increased property tax revenues.

## Property Tax Levy by Taxing Authority

Property taxes support many different taxing authorities; primarily cities, counties and school districts. Each taxing authority sets their own levy rate. The City of Council Bluffs total tax levy proposed for the FY25 Budget is \$17.8547. This is a slight decrease from the FY24 levy rate. The total levy for FY24 for Pottawattamie County residents residing in the Council Bluffs school district was \$43.78222.



City of Council Bluffs	18.26000	}	Total FY24 Levy	43.78222
Council Bluffs School District	16.15808			
Pottawattamie County	7.56484			
Iowa Western College	1.38967			
Other	0.40963			

## Historical City of Council Bluffs Levy Summary

<b>Tax Levy</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
General	\$ 8.3700	\$ 8.5050	\$ 8.5050	\$ 8.5050	\$ 7.7750	\$ 8.3083	\$ 8.5050	\$ 8.2573
Transit	0.3186	0.3186	0.3186	0.3186	0.4186	0.3933	0.3933	0.4634
Airport	0.2700	0.2499	0.2499	0.2499	0.2500	0.2400	0.2400	0.2400
Liability and Insurance	0.7053	1.0506	0.8290	0.8290	0.9490	0.8290	0.7400	0.7000
Employee Benefit	5.8789	5.4159	5.5375	5.5375	5.3174	5.2350	5.5617	5.3740
Debt Service	2.3644	2.7201	2.8200	2.8200	2.8200	2.8200	2.8200	2.8200
<b>Total</b>	<b>\$ 17.9072</b>	<b>\$ 18.2600</b>	<b>\$ 18.2600</b>	<b>\$ 18.2600</b>	<b>\$ 17.5300</b>	<b>\$ 17.8256</b>	<b>\$ 18.2600</b>	<b>\$ 17.8547</b>

Overall FY25 budgeted property tax revenue has increased vs. FY24 budget by 8.92 % or \$4.9 million, primarily driven by increase in taxable property valuation from new construction and the following levy changes.

- Due to legislation changes, including House File 718, the Combined General Fund Levy was reduced by \$0.2477 per thousand dollars of taxable value.
- Due to increased transit costs, the transit levy was increased by \$0.0701 per thousand dollars of taxable value.
- With strategic plans for reserves, we were able to reduce the liability and insurance levy by \$0.04 per thousand dollars of taxable value and the employee benefit levy by \$0.1877 per thousand dollars of taxable value

## **ADDITIONAL INFORMATION ON PROPERTY TAX LEVIES**

The City can generate property tax revenue through the use of a number of tax levies designated by the state for specific uses. Those levies are listed below along with their designated uses and levy thresholds.

### **General Fund Levy**

With the passage of House File (HF) 718 in 2023, the State Code of Iowa section 384.1 sets forth the Adjusted City General Fund Levy (ACGFL) for cities. The General Fund Levy assists with the funding of public safety, public works, culture and recreation, cemeteries, community and economic development, inspection services and general administration. For fiscal years 2025 through 2028, the amount of the levy is limited to \$8.10 per thousand dollars of taxable value, adjusted for certain former levies eliminated with HF 718 and with a growth factor defined in code section 384.1, paragraph C. Beginning in FY2029, the amount of the levy will be limited to \$8.10 per thousand dollars of taxable value. The City's allowable general fund levy for FY2025 is \$8.2578 once all adjustments have been included. The City is currently levying at the maximum value as allowed by law.

### **Transit Levy**

The State of Iowa allows cities to levy a property tax for the operation of a transit system. The amount of the levy is limited by State of Iowa law to no more than \$0.95 per thousand dollars of assessed value. The revenue generated from this levy is used to fund the operation and maintenance of a municipal transit system and supplements other revenue sources from the transit system including fares and grant proceeds. The City of Council Bluffs is currently at a levy rate of \$0.46340 per thousand, a slight increase from the FY24 budget. The increase is driven by increases in transit costs and the need to replace fleet.

### **Aviation Authority Levy**

The City of Council Bluffs levies on behalf of the Council Bluffs Airport Authority. This levy is remitted to the City who in turn, remits the collected aviation levy to the Airport Authority.

### **Liability and Insurance Levy**

The State of Iowa allows cities to levy a property tax to fund costs of tort liability insurance and settlements, property insurance, and any other insurance that may be necessary in the operation of the city, and the costs of a self-insurance program. This levy has no maximum, but its use is limited to the actual costs of the insurance and liability program. The City of Council Bluffs is currently at a levy rate of \$0.7000 per thousand, which is a decrease from the FY24 budget. In FY25, the liability and insurance levy was adjusted to provide funding in other areas.

### **Employee Benefits Levy**

The Employee Benefits Levy, known as the trust and agency levy under Iowa Code, is used to fund the employee benefits of the City, including retirement and health insurance. There is no maximum for this levy under State of Iowa law, but can be used only to fund employee benefits. The City of Council Bluffs is currently at a levy rate of \$5.3740 per thousand, which is a slight decrease to the FY24 budget. In FY25, the employee benefit levy was adjusted to provide funding in other areas.

### **Debt Service Levy**

The City's Debt Service Levy is used to fund the annual payments on the money the City has borrowed to fund the Capital Improvement Program. The debt service levy is unlimited. Section 384.4 of the Code of Iowa states, "A city shall establish a Debt Service Fund and shall certify taxes to be levied for the Debt Service Fund in the amount necessary to pay":

1. Judgments against the city, except those authorized by State law to be paid from other funds.
2. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, at maturity of all general obligation bonds.
3. Payments required to be made from the Debt Service Fund under a lease or lease-purchase agreement.
4. Payments required to be made from the Debt Service Fund under a loan agreement.
5. Payments authorized to be made from the Debt Service Fund to a flood project fund.

## **ADDITIONAL CITY REVENUE**

### **OTHER CITY TAXES**

#### **Local Option Sales Tax (LOST)**

Besides property taxes, a significant source of tax revenue is the Local Option Sales Tax. The sales tax rate in Council Bluffs is 7%, with 6% going to the State and 1% coming back to the local government (County/City). By City Ordinance, 100% of sales tax revenue shall be devoted to the maintenance and improvement of the city's sewer and street systems. Based on recent Iowa Department of Revenue estimates, the City budgeted \$12.0 million in Local Option Sales Taxes, which is an increase of 9.0% from the FY24 budget.

#### **Hotel/Motel Tax**

The City utilizes a 7% hotel/motel tax imposed on the gross receipts of renting. State law requires that 50% of hotel/motel tax is to be used for acquiring, improving or operating recreational, cultural or entertainment facilities as well as encouragement of tourism and convention business. The City supports the Council Bluffs Convention and Visitor's Bureau and development of recreational facilities with hotel/motel funds. The remaining revenues may be spent on any other lawful purpose. The City budgeted \$3.0 million in hotel/motel tax revenue for FY25, which is consistent with the FY24 budget.

#### **Gaming Tax**

The City receives a portion of all monies received by local casino operators. These funds are used to support general fund expenditures. The City is able to provide gaming funds to support facilities maintenance and capital projects. The City receives funding from admissions on the riverboat and 0.05% of adjusted gross revenue recorded by the casino operators. Gaming revenue budgeted in FY25 is \$2.53 million, down \$497K against the FY24 budget. This decrease was primarily driven by changes in Nebraska legislation legalizing gaming facilities in that state.

#### **Other Taxes**

Other taxes include utility property tax replacement and franchise tax. Franchise tax is on gas, electric and cable. The amount of franchise tax budgeted for FY25 is \$2.4 million, a decrease of \$320 thousand, or 11% compared to the budget in FY24. The decrease is primarily driven by a revised agreement with a large technology company, which caps the maximum amount of franchise tax to \$500K for FY25 and a reduction in franchise fees generated from cable.

## **LICENSES AND PERMITS**

Fees from licenses and registrations include business, alarm, beer, liquor, cigarette, dog, cat, housing and other misc. licenses and registrations. Fees from permits include building, electrical, mechanical, plumbing, refuse hauling, excavation, subdivision inspection, and other permits.

## **USE OF MONEY AND PROPERTY**

This category includes interest and investment earnings collected and rent received from City owned property. Interest earned has increased as a result of rising interest rates.

## **INTERGOVERNMENTAL REVENUE**

Intergovernmental revenues include Federal grants and reimbursements, State grants and reimbursements, State shared revenues, and County or other local grants and reimbursements. Many of these revenues are construction project related and thus change significantly with the timing and type of projects.

This category includes Road Use Tax Funds (RUTF). The State Road Use Tax Fund consists of revenues from fuel tax, vehicle registration fees, use tax, driver's license fees and other miscellaneous sources. Road Use Tax is distributed on a per capita basis.

The State Grant category includes flood mitigation funds which is the sales tax revenue anticipated to be received from the State to be used for flood mitigation. That revenue is expected to be \$2.2 million in FY25, which is consistent with FY24. The revenue is based on an agreement between the City of Council Bluffs and the State of Iowa over a 20 year funding period.

Commercial Rollback (Commercial and Industrial Replacement, and Business Property Tax Replacement) tax collection has been included in the budget. The amount of rollback tax collection included in the budget for FY25 is \$2.2 million.

## **CHARGES FOR SERVICES**

This category includes revenue from charges for services for Sewer and Sanitation charges. Other Charges for Services include parking, transit, ambulance, rental registration, golf fees, swimming fees and Mid-America Center revenue. Charges for Services are up \$5.2 million vs. FY24 budget driven by increased rates from Sewer and GEMT Ambulance.

## **SPECIAL ASSESSMENTS**

Special Assessments are an additional tax levied on private property for public improvements that enhance the value of the property. The City assesses a special assessment on drainage districts to aid in the cost of maintaining the run off of water within these areas. Special assessments are flat vs. FY24 budget.

## **MISCELLANEOUS REVENUE**

This category includes donations, library fines & charges, court fines, red light camera revenue and reimbursements. Revenues of a non-recurring nature which are not assigned above are included in this category. The amount built into the FY25 budget for red light enforcement revenue is \$860 thousand compared to \$1.1 million in FY24. This decrease is primarily driven by anticipated construction on highways with red light cameras, as well as public safety efforts to reduce traffic violations in these areas.

## **OTHER FINANCING SOURCES**

This category is used for the proceeds from bonding. The FY25 budget includes two bond issuances, a General Obligation issuance of \$6 million as defined in the FY25 Capital Improvement Projects (CIP).

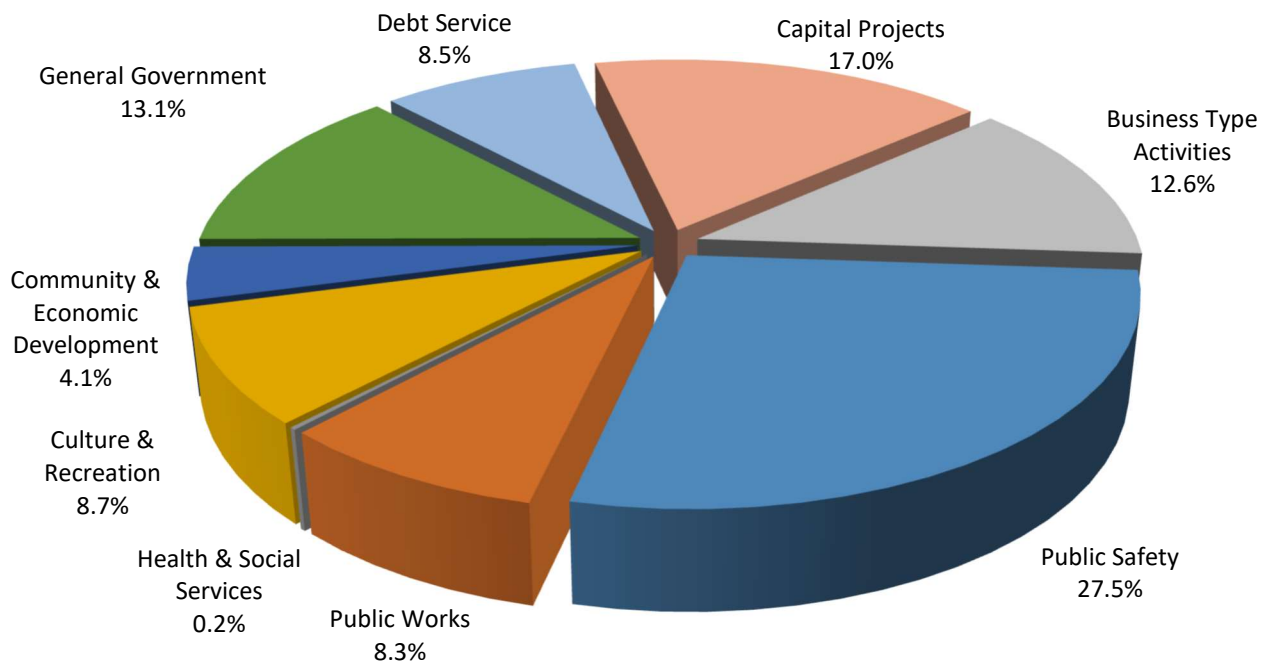
## Expenditures Budget – All Funds

EXPENDITURES & OTHER FINANCING USES	FY24 BUDGET	FY25 BUDGET	CHANGE
Public Safety	\$ 43,086,068	\$ 43,946,287	\$ 860,219
Public Works	12,656,307	13,270,407	614,100
Health & Social Services	314,630	316,479	1,849
Culture & Recreation	13,389,492	13,986,484	596,991
Community & Economic Development	8,219,771	6,502,256	(1,717,516)
General Government	20,101,548	21,003,434	901,885
Debt Service	10,910,851	13,513,061	2,602,210
Capital Projects	42,190,000	27,145,240	(15,044,760)
Business Type Activities	19,543,394	20,172,563	629,170
Transfers Out	60,671,970	42,301,472	(18,370,498)
<b>TOTAL EXPENDITURES &amp; OTHER FINANCING USES</b>	<b>\$ 231,084,032</b>	<b>\$ 202,157,683</b>	<b>\$ (28,926,349)</b>

<b>TOTAL EXPENDITURES, EXCLUDING TRANSFERS</b>	<b>\$ 170,412,061</b>	<b>\$ 159,856,211</b>	<b>\$ (10,555,851)</b>
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Excluding transfers between funds, the City of Council Bluffs FY25 Proposed Expenditures Budget is \$159,856,211, a decrease of 6.2% from the FY24 Approved Budget. This increase is primarily driven by a decrease in budgeted capital project spend.

### Expenditures by Service - All Funds, excluding Transfers



## Expenditures Budget Detail – All Funds

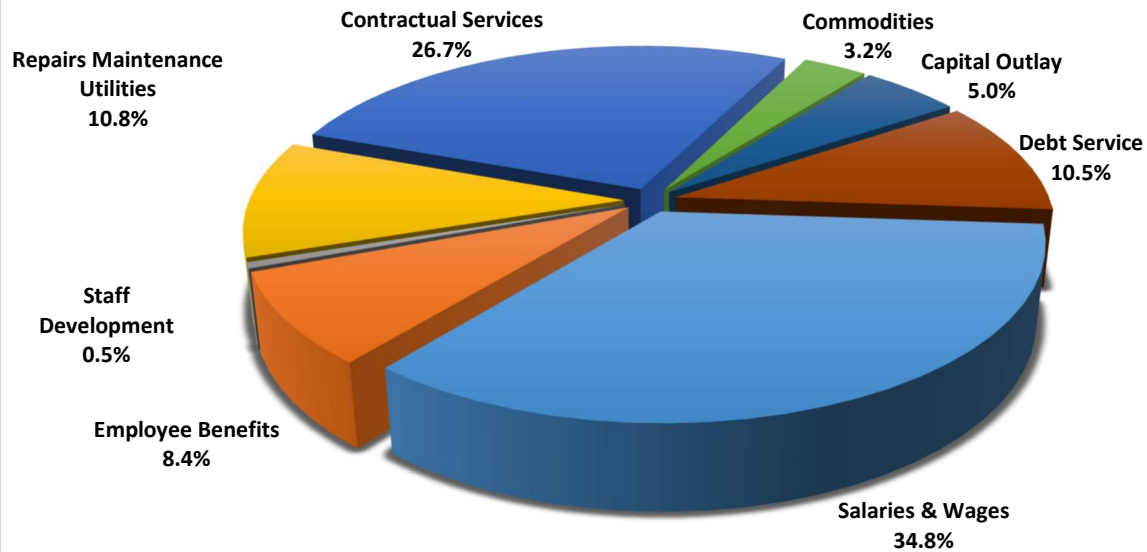
	FY24 BUDGET	FY25 BUDGET	CHANGE
<b>Public Safety</b>			
Police	\$ 22,752,469	\$ 22,562,259	\$ (190,210)
Fire	17,712,352	18,769,953	1,057,601
Building Inspections	1,594,202	1,612,422	18,220
Animal Control	658,984	670,273	11,289
Flood Control	368,061	331,380	(36,681)
<b>Total Public Safety</b>	<b>43,086,068</b>	<b>43,946,287</b>	<b>860,219</b>
<b>Public Works</b>			
Roads, Bridges, & Sidewalks	10,326,007	10,739,307	413,300
Transit Operations	2,330,300	2,531,100	200,800
<b>Total Public Works</b>	<b>12,656,307</b>	<b>13,270,407</b>	<b>614,100</b>
<b>Health Inspection</b>	<b>314,630</b>	<b>316,479</b>	<b>1,849</b>
<b>Culture &amp; Recreation</b>			
Library Services	3,309,961	3,631,876	321,915
Parks	4,718,712	4,360,094	(358,617)
Dodge Riverside Golf Course	1,507,298	1,507,151	(147)
Mid America Center	3,853,522	4,487,363	633,841
<b>Total Culture &amp; Recreation</b>	<b>13,389,492</b>	<b>13,986,484</b>	<b>596,991</b>
<b>Community &amp; Economic Development</b>			
Planning & Administration	1,045,602	1,072,902	27,300
Community Development	4,355,999	2,619,758	(1,736,241)
TIF	2,818,170	2,809,595	(8,575)
<b>Total Community &amp; Economic Development</b>	<b>8,219,771</b>	<b>6,502,256</b>	<b>(1,717,516)</b>
<b>General Government*</b>	<b>20,101,548</b>	<b>21,003,434</b>	<b>901,885</b>
<b>Debt Service</b>	<b>10,910,851</b>	<b>13,513,061</b>	<b>2,602,210</b>
<b>Capital Projects</b>	<b>42,190,000</b>	<b>27,145,240</b>	<b>(15,044,760)</b>
<b>Business Type Activities</b>			
Sewer	12,677,707	13,134,609	456,902
Refuse	6,865,687	7,037,955	172,268
<b>Total Business Type Activities</b>	<b>19,543,394</b>	<b>20,172,563</b>	<b>629,170</b>
<b>TOTAL EXPENDITURES BEFORE TRANSFERS</b>	<b>\$ 170,412,061</b>	<b>\$ 159,856,211</b>	<b>\$ (10,555,851)</b>

\*See Next Page for General Government Detail

## General Government Expenditure Detail

	FY24 BUDGET	FY25 BUDGET	CHANGE
<b>Mayor</b>	\$ 912,936	\$ 942,917	\$ 29,980
<b>City Council</b>	75,918	79,516	3,598
<b>City Clerk/Civil Service</b>	394,795	314,518	(80,277)
<b>Human Resources</b>			
Employee Benefits & Insurance	2,036,448	1,907,067	(129,380)
Insurance & Risk Management	1,993,269	2,288,006	294,737
Human Resources Dept	706,046	695,423	(10,623)
<b>Total Human Resources</b>	<b>4,735,763</b>	<b>4,890,496</b>	<b>154,734</b>
<b>Finance/Procurement</b>	<b>1,678,661</b>	<b>1,725,961</b>	<b>47,299</b>
<b>Legal</b>			
Tort & Liability	756,914	1,105,940	349,026
City Attorney and Legal HR	465,540	460,070	(5,470)
<b>Total Legal</b>	<b>1,222,454</b>	<b>1,566,010</b>	<b>343,556</b>
<b>Information Technology</b>	<b>3,154,053</b>	<b>3,329,601</b>	<b>175,548</b>
<b>City Equipment Maintenance</b>	<b>2,474,313</b>	<b>2,425,762</b>	<b>(48,551)</b>
<b>City Facilities Maintenance</b>	<b>1,571,007</b>	<b>1,595,216</b>	<b>24,209</b>
<b>City Central Stores</b>	<b>21,400</b>	<b>18,600</b>	<b>(2,800)</b>
<b>Parking Garage</b>	<b>118,515</b>	<b>138,718</b>	<b>20,203</b>
<b>Bass Pro Property Taxes</b>	<b>630,965</b>	<b>642,100</b>	<b>11,135</b>
<b>Tourism and Promotion</b>	<b>800,000</b>	<b>984,555</b>	<b>184,555</b>
<b>Economic Development Commitments</b>	<b>324,000</b>	<b>402,500</b>	<b>78,500</b>
<b>Administration</b>	<b>1,175,016</b>	<b>1,070,310</b>	<b>(104,706)</b>
<b>Aviation Tax Levy</b>	<b>811,752</b>	<b>876,655</b>	<b>64,903</b>
<b>Total General Government</b>	<b>\$ 20,101,548</b>	<b>\$ 21,003,434</b>	<b>\$ 901,885</b>

## Expenditures by Category, excluding Capital Projects and Transfers



### **SALARIES AND WAGES**

Includes salaries for full-time, part-time and seasonal employees along with over-time

### **EMPLOYEE BENEFITS**

Primarily consists of FICA, retirement plans (IPERS and MFPRSI) and work compensation

### **CONTRACTUAL SERVICES**

Includes employee health insurance program, TIF commitments, CDBG projects, property and casualty insurance

### **CAPITAL OUTLAY**

Includes spend for capital equipment and depreciation in Business Type Activities (BTA).

## OVERVIEW OF FUNDS

The City utilizes separate funds in order to account for revenues and expenditures that are reserved for specific purposes as required by the State and Government Accounting Standards Board (GASB). Major fund categories are: General, Special Revenue, TIF Special Revenue, Debt Service, Capital Projects, Permanent and Proprietary.

### Transfers between specific funds

Revenue that is restricted and received in one major fund category is transferred to the fund that is accumulating the costs. For example, a CIP project in the Capital Projects fund may receive funding from a Special Revenue fund. This will result in a transfer out (expenditure) in the Special Revenue fund and a transfer in (revenue) the Capital Projects fund.

#### ADOPTED BUDGET SUMMARY

City Name: COUNCIL BLUFFS  
Fiscal Year July 1, 2024 - June 30, 2025

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
<b>Revenues &amp; Other Financing Sources</b>										
Taxes Levied on Property	1 32,324,582	18,101,541		9,684,122	0			60,110,245	55,189,841	54,346,092
Less: Uncollected Property Taxes-Levy Year	2 0	0		0	0			0	0	0
Net Current Property Taxes	3 32,324,582	18,101,541		9,684,122	0			60,110,245	55,189,841	54,346,092
Delinquent Property Taxes	4 0	0		0	0			0	2,981	21,167
TIF Revenues	5		3,190,030					3,190,030	3,631,982	3,545,782
Other City Taxes	6 9,748,758	13,011,728		530,896	0			23,291,382	23,081,151	25,989,037
Licenses & Permits	7 2,687,250	48,000					10,000	2,745,250	2,207,452	3,024,709
Use of Money and Property	8 1,104,250	635,000	0	0	0	0	5,300	1,744,550	2,624,121	2,450,979
Intergovernmental	9 2,499,577	11,077,843	20,703	1,123,234	7,035,000		0	21,756,357	20,529,791	23,932,058
Charges for Fees & Service	10 10,616,282	5,000		0	0	0	21,224,976	31,846,258	26,668,389	34,501,423
Special Assessments	11 0	166,000		0	0		0	166,000	166,977	174,953
Miscellaneous	12 1,652,200	55,000		0	0	240	50,325	1,757,765	10,191,600	4,995,165
Sub-Total Revenues	13 60,632,899	43,100,112	3,210,733	11,338,252	7,035,000	240	21,290,601	146,607,837	144,294,285	152,981,365
<b>Other Financing Sources:</b>										
<b>Total Transfers In</b>	14 19,873,861	400,000	0	2,117,371	19,910,240	0	0	42,301,472	60,671,970	26,774,348
Proceeds of Debt	15 0	0	0	0	6,059,240		0	6,059,240	25,950,000	2,984,001
Proceeds of Capital Asset Sales	16 0	0	0	0	0	0	0	0	422,266	74,540
<b>Total Revenues and Other Sources</b>	17 80,506,760	43,500,112	3,210,733	13,455,623	33,004,480	240	21,290,601	194,968,549	231,338,521	182,814,254
<b>Expenditures &amp; Other Financing Uses</b>										
Public Safety	18 43,761,518	184,769	0	0		0		43,946,287	43,478,570	40,824,987
Public Works	19 2,915,966	10,354,441	0	0		0		13,270,407	12,656,308	11,564,903
Health and Social Services	20 316,479	0	0	0		0		316,479	314,630	184,407
Culture and Recreation	21 13,669,484	317,000	0	0		0		13,986,484	13,389,193	13,467,637
Community and Economic Development	22 1,072,903	2,619,758	2,809,595			0		6,502,256	8,285,255	6,311,094
General Government	23 20,361,334	642,100	0	0		0		21,003,434	20,116,824	18,825,292
Debt Service	24 0	0	0	13,513,061		0		13,513,061	10,910,851	10,596,970
Capital Projects	25 0	400,000	0	0	26,745,240	0		27,145,240	42,631,454	21,994,748
<b>Total Government Activities Expenditures</b>	26 82,097,684	14,518,068	2,809,595	13,513,061	26,745,240	0		139,683,648	151,783,085	123,770,038
Business Type Proprietary: Enterprise & ISF	27						20,172,564	20,172,564	19,543,394	17,604,124
<b>Total Gov &amp; Bus Type Expenditures</b>	28 82,097,684	14,518,068	2,809,595	13,513,061	26,745,240	0	20,172,564	159,856,212	171,326,479	141,374,162
<b>Total Transfers Out</b>	29 985,000	29,252,781	484,836	0	8,978,855	0	2,600,000	42,301,472	60,671,970	26,774,348
Total ALL Expenditures/Fund Transfers Out	30 83,082,684	43,770,849	3,294,431	13,513,061	35,724,095	0	22,772,564	202,157,684	231,998,449	168,148,510
Excess Revenues & Other Sources Over	31									
(Under) Expenditures/Transfers Out	32 -2,575,924	-270,737	-83,698	-57,438	-2,719,615	240	-1,481,963	-7,189,135	-659,928	14,665,744
<b>Beginning Fund Balance July 1</b>	33 36,724,892	41,313,526	1,075,678	2,201,971	17,032,596	67,559	187,261,978	285,678,200	286,338,128	271,672,384
<b>Ending Fund Balance June 30</b>	34 34,148,968	41,042,789	991,980	2,144,533	14,312,981	67,799	185,780,015	278,489,065	285,678,200	286,338,128

The State Budget summary reflects the entire operating budget for the City aligned by the various funds. The excess of expenditures over revenue (line 32 of the form) is primarily driven by the timing of spend vs revenue received. For example, the timing of spend for large capital improvement projects will extend over the fiscal year planned. It is also driven by depreciation required by GASB to be reflected in the proprietary funds. (See the proprietary funds schedule included in this report.)

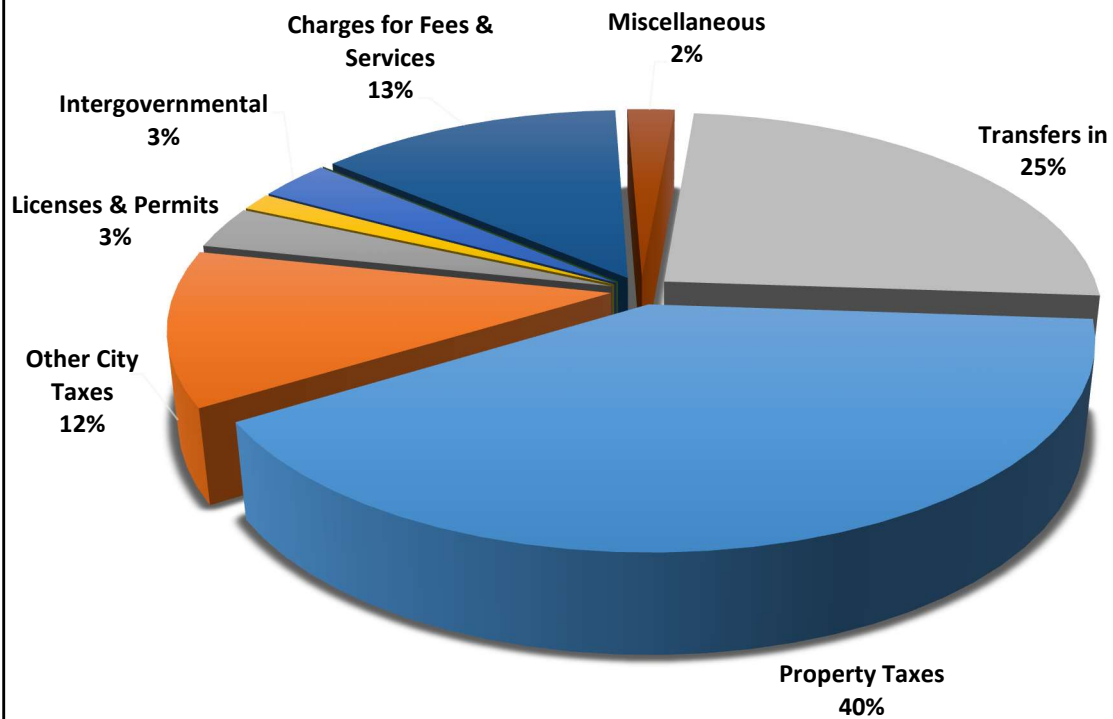
## General Fund

The General Fund is the primary fund used by a government entity. This fund is used to record all resources inflows and outflows that are not associated with special-purpose funds, such as Special Revenue and Capital Project Funds. Primary functions being paid for through the General Fund are Public Safety, Culture and Recreation and General Administrative.

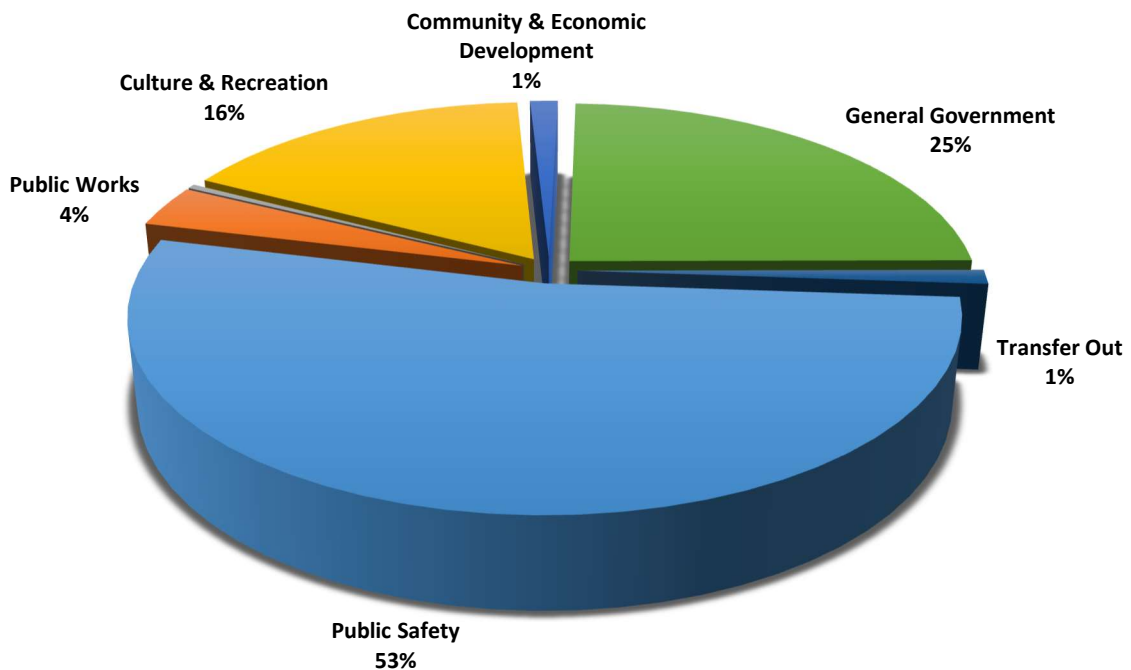
### Budget Summary General Fund

	FY24 Budget	FY25 Budget
<b>REVENUE &amp; OTHER FINANCING SOURCES</b>		
Property Taxes	\$ 28,835,176	\$ 32,324,578
Other City Taxes	10,501,420	9,748,773
Licenses & Permits	1,560,650	2,687,250
Use of Money & Property	595,600	1,104,250
Intergovernmental	2,544,377	2,499,577
Nongovernmental	100,000	-
Charges for Fees & Services	9,443,176	10,616,282
Miscellaneous	1,915,960	1,652,200
Transfers In	20,704,599	19,873,861
<b>TOTAL REVENUE &amp; OTHER FINANCING SOURCES</b>	<b>\$ 76,200,958</b>	<b>\$ 80,506,772</b>
<b>EXPENDITURES &amp; OTHER FINANCING USES</b>		
Public Safety	\$ 42,882,083	\$ 43,761,518
Public Works	2,705,522	2,915,967
Health & Social Services	314,630	316,479
Culture & Recreation	13,175,492	13,669,484
Community & Economic Development	1,045,602	1,072,902
General Government	19,470,583	20,361,334
Transfers Out	1,994,500	985,000
<b>TOTAL EXPENDITURES &amp; OTHER FINANCING USES</b>	<b>\$ 81,588,413</b>	<b>\$ 83,082,684</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>\$ (5,387,454)</b>	<b>\$ (2,575,912)</b>

## Receipts by General Fund



## Expenditures - General Fund



## General Fund Supplemental Schedules

Separate third party management companies manage the Mid-America Arena and Convention Center and Dodge Riverside Golf Course. Both facilities continue to benefit from professional management.

In FY25, House File 718 eliminated the Civic Center Levy. In prior fiscal years, the City utilized this levy to help subsidize operations at the Mid-America Arena and Convention Center. The City plans to utilize other general fund revenue to offset anticipated shortfalls.

In FY18, the city entered into a capital lease with River's Edge Parking, LLC for a parking facility located at the River's Edge development. The FY25 budget includes lease payments which are funded by the Iowa West Foundation.

### Mid-America Arena and Convention Center Operating Budget

	FY24 BUDGET	FY25 BUDGET	CHANGE
Operating Revenue	\$ 3,628,972	\$ 4,012,380	\$ 383,408
Operating Expense	3,382,819	4,262,363	(879,544)
<b>Operating Net Income (Loss)</b>	<b>246,153</b>	<b>(249,983)</b>	<b>(496,136)</b>
Less Management Fees	470,703	225,000	245,703
<b>Net Loss</b>	<b>(224,550)</b>	<b>(474,983)</b>	<b>(250,433)</b>
Property Taxes - Civic Center Levy	448,348	-	(448,348)
<b>Net (Loss) after Property Taxes &amp; Rollback</b>	<b>\$ 223,798</b>	<b>\$ (474,983)</b>	<b>\$ (698,781)</b>

### Dodge Riverside Golf Operating Budget

	FY24 BUDGET	FY25 BUDGET	CHANGE
Operating Revenue	\$ 1,470,450	\$ 1,516,770	\$ 46,320
Operating Expense	1,424,738	1,424,591	(147)
<b>Operating Net Income</b>	<b>45,712</b>	<b>92,180</b>	<b>46,468</b>
Less Management Fees	82,560	82,560	-
<b>Net Income (Loss)</b>	<b>\$ (36,848)</b>	<b>\$ 9,620</b>	<b>\$ 46,468</b>

### River's Edge Parking, LLC Parking Garage Operating Budget

	FY24 BUDGET	FY25 BUDGET	CHANGE
Iowa West Foundation Grant	\$ 775,369	\$ 775,369	\$ -
Lease Payment	775,369	775,369	-
TIF	116,025	90,740	(25,285)
<b>Net Total</b>	<b>116,025</b>	<b>90,740</b>	<b>(25,285)</b>
Maintenance	106,515	126,718	20,203
Management Fees	12,000	12,000	-
<b>Net Income (Loss)</b>	<b>\$ (2,490)</b>	<b>\$ (47,978)</b>	<b>\$ (45,488)</b>

## Special Revenue Funds

Special Revenue Funds are used to account for revenues derived from specific sources that are usually required by law or regulation to be accounted for separately from the City's general fund.

### Special Revenue Funds Summary by Fund

	CDBG/Comm Dev	Road Use	Local Option Sales Tax	Library Donations	Employee Benefits	Other	Total FY25 Budget
<b>REVENUE &amp; FINANCING</b>							
<b>SOURCES</b>							
Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ 17,965,537	\$ 135,994	\$ 18,101,531
Other City Taxes	-	-	12,000,000	-	1,011,737	-	13,011,737
Licenses & Permits	-	48,000	-	-	-	-	48,000
Use of Money & Property	-	5,000	-	-	-	630,000	635,000
Intergovernmental	1,608,000	8,500,000	-	26,000	653,067	9,776	10,796,843
Nongovernmental	-	-	-	281,000	-	-	281,000
Charges for Fees & Services	-	5,000	-	-	-	-	5,000
Special Assessments	-	-	-	-	-	166,000	166,000
Miscellaneous	-	45,000	-	10,000	-	-	55,000
Transfers In	-	-	400,000	-	-	-	400,000
<b>TOTAL REVENUE &amp; FINANCING</b>							
<b>SOURCES</b>	<b>\$ 1,608,000</b>	<b>\$ 8,603,000</b>	<b>\$ 12,400,000</b>	<b>\$ 317,000</b>	<b>\$ 19,630,341</b>	<b>\$ 941,770</b>	<b>\$ 43,500,111</b>
<b>EXPENDITURES &amp; FINANCING</b>							
<b>USES</b>							
Public Safety	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 184,769	\$ 184,769
Public Works-Road Use	-	10,354,440	-	-	-	-	10,354,440
Culture & Recreation - Library	-	-	-	317,000	-	-	317,000
Community & Economic Development	2,479,758	-	-	-	-	140,000	2,619,758
General Government	-	-	-	-	-	642,100	642,100
Debt Service	-	-	-	-	-	-	-
Capital Projects	-	-	400,000	-	-	-	400,000
Transfers Out	-	-	9,600,000	-	19,652,781	-	29,252,781
<b>TOTAL EXPENDITURES &amp; FINANCING USES</b>	<b>\$ 2,479,758</b>	<b>\$ 10,354,440</b>	<b>\$ 10,000,000</b>	<b>\$ 317,000</b>	<b>\$ 19,652,781</b>	<b>\$ 966,869</b>	<b>\$ 43,770,849</b>
<b>Net Revenue (Expenditures)</b>	<b>\$ (871,758)</b>	<b>\$ (1,751,440)</b>	<b>\$ 2,400,000</b>	<b>\$ -</b>	<b>\$ (22,440)</b>	<b>\$ (25,099)</b>	<b>\$ (270,738)</b>

### Special Revenue Fund – Community Dev Block Grant (CDBG)/Community Development

The City accounts for all federal funding from the US Department of Housing and Urban Development and other state and local grants in specific funds for community development.

### Special Revenue Fund - Road Use

The State shared revenue from gasoline taxes and vehicle registrations are provided to cities for the purpose of funding road improvements and maintenance. The revenue received is based on a per capita rate. The City maintains over 600 miles of streets, as well as alleys, right of ways, ADA ramps and City owned sidewalks.

### Special Revenue Fund - Local Option Sales Tax

The City collects a 1% Local Option Sales Tax which supports the Cities street and sewer improvements.

**Special Revenue Fund - Library Donations**

The Library fund is used to account for donations directed specifically to the City Public Library.

**Special Revenue Fund - Employee Benefit**

The Employee Benefit fund provides for the cost of insurance, retirement, worker compensation and other benefits to all City employees. This funding is currently recorded in the Employee Benefit fund and transferred to the appropriate general fund where the expense is recorded.

**Special Revenue Fund - Other**

This category includes smaller special revenue funds which includes Bass Pro, City Drainage District funds and a Self-Supported Municipal Improvement District (SSMID).

**Special Revenue Fund – ARPA**

The ARPA fund provided relief due to the impact of Covid-19 pandemic. ARPA revenues and expenditures are not included in this budget packet.

## TIF Special Revenue Fund

Tax Increment Finance (TIF) is a method to promote urban renewal/economic development efforts in an area by directing the property tax revenues generated from property value increases within a designated TIF district to finance the costs of improvements made in the district. TIF districts are established within approved urban renewal areas (URA). Tax revenues are then used to fund infrastructure improvements and other incentives to allow for economic development in these districts.

### Budget Summary TIF Revenues

	FY24 Budget	FY25 Budget	Change
Tax Increment Revenue	\$ 3,631,982	\$ 3,210,733	\$ (421,249)
<b>TOTAL REVENUE &amp; OTHER FINANCING SOURCES</b>	<b>\$ 3,631,982</b>	<b>\$ 3,210,733</b>	<b>\$ (421,249)</b>

### TIF Expenditures

	FY24 Budget	FY25 Budget	Change
Payment to Developers	\$ 2,038,170	\$ 2,049,595	\$ 11,425
Bond Payment (Marketplace)	780,000	760,000	(20,000)
Expense Reimbursement	355,549	221,080	(134,469)
Transfer to Capital Projects	207,890	200,000	(7,890)
Transfer to Debt Service	429,481	63,756	(365,725)
<b>TOTAL EXPENDITURES &amp; OTHER FINANCING USES</b>	<b>\$ 3,811,090</b>	<b>\$ 3,294,431</b>	<b>\$ (516,659)</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>\$ (179,108)</b>	<b>\$ (83,698)</b>	<b>\$ 95,410</b>

## Debt Service Fund

The Debt Service Fund is a legally required fund. The fund administers the payments for the City's debt. The City issues general obligation bonds to fund capital projects. \$6.0 million of general obligation bonds for FY25 capital projects will be issued late in FY24. For the majority of projects funded through general obligation debt, the City usually issues general obligation bonds for a period of 10 years. However the general obligation bonds on the new Police Department Headquarters issued in FY18 were issued for a period of 20 years. The City borrowed funds in FY12 to fund sewer improvement projects. The debt service for this loan is paid directly from sewer fees and not from the debt levy. The City's debt associated with the TIF developer agreements is included in the TIF fund and not from the debt levy.

### DEBT SERVICE REVENUES

	<b>FY24 BUDGET</b>	<b>FY25 BUDGET</b>	<b>CHANGE</b>
Property Tax Levy	\$ 9,661,147	\$ 10,562,872	\$ 901,725
Nongovernmental Grant	775,369	775,369	-
Transfer In Debt Payments	429,481	2,117,371	1,687,890
<b>Total Debt Service Revenue</b>	<b>\$ 10,865,997</b>	<b>\$ 13,455,612</b>	<b>\$ 2,589,615</b>

### DEBT SERVICE EXPENDITURES

	<b>FY24 BUDGET</b>	<b>FY25 BUDGET</b>	<b>CHANGE</b>
Bond Payments	\$ 10,135,482	\$ 12,737,692	\$ 2,602,210
Lease Payments	775,369	775,369	-
<b>Total Debt Service Payments</b>	<b>\$ 10,910,851</b>	<b>\$ 13,513,061</b>	<b>\$ 2,602,210</b>

### Statutory Debt Capacity Update

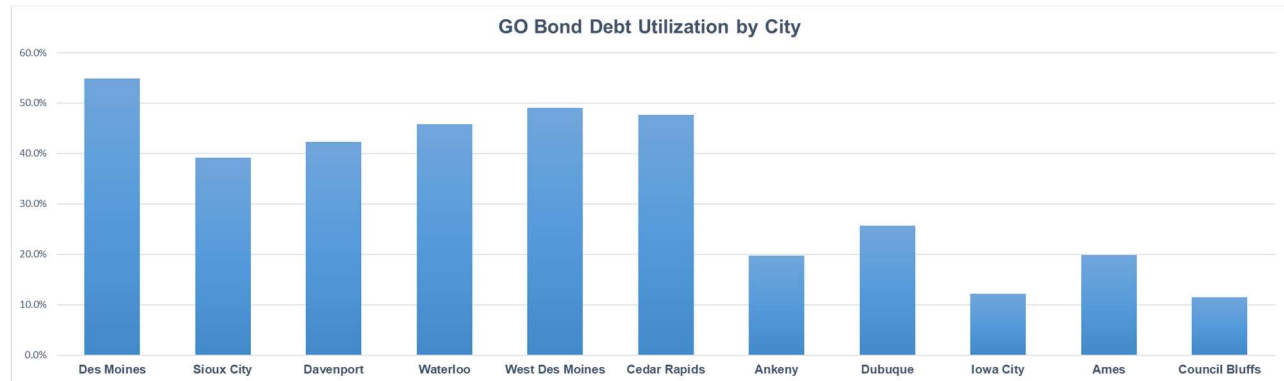
The Iowa Constitution stipulates the debt of a community may not exceed 5% of the Actual Assessed Value of the Taxable Property within the city or town. General obligation bonds, TIF debt and leases paid from the general fund are included as indebtedness of the City under the statutory debt limit. Below is the debt capacity calculation for the City:

### City of Council Bluffs Debt Capacity Calculation

100% Assessed Value of property, January 1, 2023:	\$ 8,551,193,845
Statutory Debt limit	5%
Debt Limit	<u>\$ 427,559,692</u>
Outstanding GO Debt, TIF Debt, Loan and Installment Purchases Debt	\$ 78,704,184
Fund Balance available for Debt repayment	<u>(3,378,573)</u>
Projected Net Debt Outstanding June 30, 2024	<u>\$ 75,325,611</u>
Legal Debt Margin Utilized	<u>17.62%</u>

## GO Bond Debt Capacity Used by City

General Obligation (GO) Bonds is the primary debt funding mechanism for a City. Legal debt margin for all debt of a City cannot exceed 5% of total actual valuation. The City of Council Bluffs has a very low utilization of the legal debt margin.



### As of June 30, 2023

City	Population	100% Valuation (\$)	Debt Limit	GO Debt Capacity in Use	% of Debt Capacity Used for GO Bonds
Des Moines	214,133	\$ 19,295,979,349	\$964,798,967	\$529,035,000	54.8%
West Des Moines	68,723	\$ 13,023,721,244	\$651,186,062	\$319,175,000	49.0%
Cedar Rapids	137,710	\$ 15,351,186,702	\$767,559,335	\$366,140,000	47.7%
Waterloo	67,314	\$ 5,352,535,964	\$267,626,798	\$122,550,000	45.8%
Davenport	101,724	\$ 9,873,205,822	\$493,660,291	\$208,650,000	42.3%
Sioux City	85,797	\$ 7,354,863,452	\$367,743,173	\$144,025,000	39.2%
Dubuque	59,667	\$ 6,438,522,409	\$321,926,120	\$ 82,480,000	25.6%
Ames	66,427	\$ 6,566,910,557	\$328,345,528	\$ 65,175,000	19.8%
Ankeny	67,887	\$ 10,599,779,037	\$529,988,952	\$104,450,000	19.7%
Iowa City	74,828	\$ 8,707,355,872	\$435,367,794	\$ 52,915,000	12.2%
<b>Council Bluffs</b>	<b>62,799</b>	<b>\$ 8,551,193,845</b>	<b>\$427,559,692</b>	<b>\$ 48,785,000</b>	<b>11.4%</b>

#### Sources:

United States Census 2020 Population  
 State of Iowa Department of Management as of 1/1/2023 (100% Valuation)  
 Iowa Department of Management Annual Financial Reports Fiscal Year June 30, 2023

## Capital Projects Fund

The City of Council Bluffs Capital Improvement Program (CIP) is adopted annually by the City Council. The CIP includes expenditures that are of significant value and have a long-term useful life such as, streets, sewers, land and major equipment. CIP projects are additionally approved on an individual basis during the bidding process. Funding for capital projects is primarily provided through federal, state and local grants and by general obligation bonds.

### CAPITAL PROJECTS FUND

	<b>FY25 BUDGET</b>
<b>REVENUE &amp; FINANCING SOURCES</b>	
Federal Grants	\$ 2,755,000
State Grants	2,200,000
County Contribution	-
Nongovernment Grants	2,080,000
Donations and Other Payments	-
Proceeds of Debt	6,059,240
Transfers In	12,985,000
<b>TOTAL REVENUE &amp; FINANCING SOURCES</b>	<b>\$ 26,079,240</b>

	<b>FY25 BUDGET</b>
<b>EXPENDITURES &amp; FINANCING USES</b>	
Levee Certification Projects	\$ 2,450,000
Public Works Street Projects	13,955,000
Community Development Projects	4,150,000
Parks & Recreation Projects	722,940
MidAmerica Center Projects	1,975,000
IT Software & Hardware	780,000
Fire Projects	1,010,000
Police Projects	542,300
Building Maintenance Projects	780,000
Library Projects	380,000
<b>TOTAL EXPENDITURES &amp; FINANCING USES</b>	<b>\$ 26,745,240</b>

### CAPITAL PROJECTS EXPENDITURES TO REVENUE RECONCILIATION

Total Revenue & Financing Sources	\$ 26,079,240
Total Expenditures & Financing Uses	26,745,240
Revenue under Expenditures	(666,000)
Plus revenue received in prior years (GO Bonding)	866,000
TIF revenue collected in FY25 for prior year spend	(200,000)
Net Expenditures & Revenue	<u>\$ -</u>

## Permanent Fund

The City uses a separate fund to account for funds received and held for perpetual care, Fairview Cemetery. A portion of all cemetery plots sold are accounted for in this fund.

## Proprietary Fund (Business Type Activities, BTA)

The City utilizes proprietary funds to account for the two business type activities: Sewer and Refuse.

### Proprietary Fund - Sewer

The City of Council Bluffs operates approximately 287 miles of sanitary sewer and 217 miles of storm sewers. The City maintains 22 sanitary and 15 storm sewer pump stations. Sewer rates were first increased in FY22 with a planned increase over the next 5 years, outlined in the Schedule of Fees.

### Proprietary Fund - Sewer

	FY24 BUDGET	FY25 BUDGET
<b>REVENUE &amp; FINANCING SOURCES</b>		
Charges for Services	\$ 10,712,500	\$ 14,762,500
Miscellaneous	15,000	42,000
<b>TOTAL REVENUE &amp; FINANCING SOURCES</b>	<b>\$ 10,727,500</b>	<b>\$ 14,804,500</b>
<b>EXPENSES &amp; FINANCING USES</b>		
Sewer Operations & Maintenance	\$ 8,065,087	\$ 8,397,159
Sewer Equipment	158,000	488,150
Sewer Capital Improvement Loan	54,620	49,300
Transfers Out	1,950,000	2,600,000
<b>Total Expenditures</b>	<b>10,227,707</b>	<b>11,534,609</b>
Depreciation Expense	4,400,000	4,200,000
<b>TOTAL EXPENSES &amp; FINANCING USES</b>	<b>\$ 14,627,707</b>	<b>\$ 15,734,609</b>
<b>NET REVENUE (EXPENSES)</b>	<b>\$ (3,900,207)</b>	<b>\$ (930,109)</b>

**Proprietary Fund - Recycling and Refuse**

The City of Council Bluffs operates a recycling center and curbside refuse and recycling collection program. Most recyclables are received from the curbside collection program and from recycling containers located throughout the region including locations in Pottawattamie, Harrison and Mills County. Refuse collection rates were first increased in FY22 with a planned increase over the next 3 years, outlined in the Schedule of Fees.

**Proprietary Fund - Refuse**

	<b>FY24 BUDGET</b>	<b>FY25 BUDGET</b>
<b>REVENUE &amp; FINANCING SOURCES</b>		
Charges for Refuse Collection	\$ 5,400,613	\$ 5,402,476
Sale of Recyclables & Other Services	1,105,000	1,060,000
Rents & Royalties	5,300	5,300
Miscellaneous	32,500	18,325
<b>TOTAL REVENUE &amp; FINANCING SOURCES</b>	<b>\$ 6,543,413</b>	<b>\$ 6,486,101</b>
<b>EXPENDITURES &amp; FINANCING USES</b>		
Refuse Disposal	\$ 3,651,180	\$ 3,443,418
Recycling Center Operations	2,809,507	3,284,537
Recycling Center Equipment	130,000	35,000
<b>Total Expenditures</b>	<b>\$ 6,590,687</b>	<b>\$ 6,762,955</b>
Depreciation Expense	275,000	275,000
<b>TOTAL EXPENDITURES &amp; FINANCING USES</b>	<b>\$ 6,865,687</b>	<b>\$ 7,037,955</b>
<b>NET REVENUE (EXPENSES)</b>	<b>\$ (322,274)</b>	<b>\$ (551,854)</b>

## Supplemental Schedules

### Transfer Detail (Interfund and Intrafund)

Transfer From		Transfer To		Amount	Purpose
Fund Category	Fund Name	Fund Category	Fund Name		
General	Parks Maintenance	Capital	Capital Projects	50,000	FY25 CIP
General	Gaming	Capital	Capital Projects	935,000	FY25 CIP
Special Revenue	Local Option Sales Tax	Capital	Capital Projects	9,200,000	FY25 CIP
Special Revenue	Local Option Sales Tax	Special Revenue	LOST Projects	400,000	FY25 CIP
Special Revenue	Employee Benefit Levy	General	Employee Benefits	19,652,781	Fund Employee Benefits
Tax Increment Financing (TIF)	W. Broadway TIF	General	Community Development	690	Expense Reimbursement
Tax Increment Financing (TIF)	Playland Park TIF	General	Community Development	11,954	Expense Reimbursement
Tax Increment Financing (TIF)	Playland Park TIF	General	General Admin	113,629	River's Edge CAM Agreement
Tax Increment Financing (TIF)	Playland Park TIF	General	River's Edge Parking Garage	90,740	River's Edge Parking Garage Maintenance Expense
Tax Increment Financing (TIF)	Playland Park TIF	Debt Service	Debt Service	63,756	GO Bond 2010C
Tax Increment Financing (TIF)	Playland Park TIF	Capital	Capital Projects	200,000	River's Edge Development Project
Tax Increment Financing (TIF)	Valley View TIF	General	Community Development	650	Expense Reimbursement
Tax Increment Financing (TIF)	New Horizon TIF	General	Community Development	3,417	Expense Reimbursement
Capital	River Levee	Debt Service	Debt Service	2,053,615	GO Bonds Issued in 2024
BTA	Sewer	Capital	Capital Projects	2,600,000	FY25 CIP
Capital	GO Bonding	Capital	Capital Projects	6,925,240	FY25 CIP
<b>Total Transfers</b>				<b>42,301,472</b>	

## Capital Improvement Program FY25 approved by Council on November 27, 2023

Complete approved FY25 Capital Improvement Program (CIP) can be found at:

<https://www.councilbluffs-ia.gov/149/Finance>

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Project Cost	Notes/Further Information
<b>Building Maintenance</b>			<b>\$3,135,000</b>	
BM-25-01	MAC Parking Lot Rehab - Phase V	Replacement of City owned lots	\$1,000,000	
BM-25-02	MAC Cooling Towers	Replace existing cooling towers due to age and condition	\$900,000	
BM-25-03	Library Building Automation Upgrades	Replace failing building automation components and purchase new building automation software	\$380,000	Gaming
BM-25-04	UP Museum Windows and Doors	Replace all windows and doors	\$530,000	Gaming
BM-25-05	UP Museum Roof Top Mechanical	Replace two roof top units	\$150,000	Gaming
BM-25-06	Central Fire Station Exterior Repair	Clean and seal exterior walls	\$100,000	Gaming
BM-25-07	MAC Automated Floor Scrubber	Purchase Automated Floor scrubber	\$75,000	Gaming
<b>Community Development</b>			<b>\$7,350,000</b>	
CD-25-01	FIRST AVE Program (Furthering Interconnections, Revitalization, Streetscapes, Transportation, and Aesthetics for a Vibrant Economy)	Acquisitions/demolition	\$500,000	
CD-25-02	Downtown projects	Acquisitions/demolition/infrastructure/studies/façade grants	\$200,000	
CD-25-03	Rivers Edge Water Main	Extension of water main to Rivers Edge	\$1,300,000	2021B GO Bonds
CD-25-04	East Manawa Development	Planning, design, infrastructure	\$5,350,000	Fed: CDBG Other Grant: Housing Dev Fund Other: ARPA
<b>Police Department</b>			<b>\$542,300</b>	
PD-25-01	Vehicles and Heavy Equipment	Equipment purchases and improvements, to include fleet	\$542,300	
<b>Fire Department</b>			<b>\$1,010,000</b>	
FD-25-01	Medic Unit Refurbishment	Apparatus Replacement Previous year delay FY/24	\$350,000	
FD-25-02	Medic Unit Refurbishment	Apparatus Replacement	\$270,000	
FD-25-03	Vehicles and Heavy Equipment	Equipment purchases and improvements, to include fleet	\$390,000	
<b>IT</b>			<b>\$780,000</b>	
IT-25-01	Safety and Security	Parameter cameras at City Hall and pump stations; Cyber security	\$75,000	
IT-25-02	Infrastructure & Services	Fiber, network switches, servers, storage	\$430,000	Library Foundation
IT-25-03	Mobile Technology	MDTs and tablets	\$75,000	
IT-25-04	Software Licensing	Software renewals; permit/licensing software implementation	\$200,000	Gaming
<b>Parks and Recreation Department</b>			<b>\$722,940</b>	
PR-25-01	City Wide Parking Lot Upgrades	Additional funding request to completed improvements to Big Lake Park and Valley View Park parking lots	\$150,000	
PR-25-03	Council Bluffs Recreation Complex Facility Maintenance Yard Improvements	Additional funding for Improvements to Existing Facility to Include Security Fence, Outdoor Storage and Parking Lot Modifications	\$175,000	
PR-25-05	Bahnsen Field Maintenance Building	Install prefabricated storage building at Bahnsen Field	\$20,000	
PR-25-06	Valley View Trail Sealcoat	sealcoat existing trail	\$50,000	Operating
PR-25-07	Vehicles and Heavy Equipment	Equipment purchases and improvements	\$327,940	

PROJECT #	PROJECT TITLE	DESCRIPTION	Current Year Project Cost	Notes/Further information
<b>Public Works Department</b>			<b>\$16,805,000</b>	
PW-25-01	Infrastructure Maintenance	PCC Street Repairs	\$400,000	
PW-25-04	Infrastructure Management	Traffic studies - Franklin, Valley View, Harry Langdon	\$150,000	
PW-25-05	NPDES PH II Program Management	Citywide MS4 permit - storm sewer improvements	\$100,000	
PW-25-06	Levee Certification Projects			
	Program Management	Consultant Services	\$250,000	
	Geotech MC_3	Stability improvements to Mosquito Creek Levee	\$2,200,000	FMP
PW-25-07	State Orchard Road Reconstruction	EHD to Steven Rd	\$3,000,000	
PW-25-08	30th Ave Sewer Rehab - Phase III	Sewer	\$500,000	Other = Sewer
PW-25-09	E Manawa Sewer Rehab - Phase XIII	Mowhawk Street - Pavement, sewers	\$1,750,000	Other = Sewer
PW-25-10	West Graham Reconstruction	Pavement, sewer	\$3,655,000	STBG
PW-25-12	30th Avenue Reconstruction	Pavement - Entrance to Power Center at S Expressway	\$750,000	
PW-25-13	Avenue B	Pavement, sewer - 8th St. to 13th St.	\$2,000,000	Other = Sewer
PW-25-14	Fiber Optic Extension to WPCP	Fiber connection for communication	\$250,000	Other = Sewer
PW-25-15	Storm Pump Station Rehab	Backup Gen Set at I-80	\$500,000	
PW-25-16	WPCP Solids Bldg Concrete Repairs	Concrete rehab of walls and ceiling in head cell pit	\$500,000	
PW-25-17	Pump Station Rehab	Southwest Trash Rack Replacement	\$800,000	Other = Sewer
<b>Total</b>			<b>\$30,345,240</b>	

# FY25 Proposed Property Tax Levy, Public Hearing held on March 25, 2024

## Additional Property Tax Levy Details can be found at:

<https://www.councilbluffs-ia.gov/2556/Property-Tax-Levy>

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 3/25/2024 Meeting Time: 06:30 PM Meeting Location: Council Chambers at City Hall, 209 Pearl St., Council Bluffs, IA 51503  
At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After the hearing of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)  
<https://www.councilbluffs-ia.gov/>

City Telephone Number  
(712) 890-5100

Iowa Department of Management	Current Year Certified Property Tax 2023 - 2024	Budget Year Effective Property Tax 2024 - 2025	Budget Year Proposed Property Tax 2024 - 2025
Taxable Valuations for Non-Debt Service	2,998,042,680	3,343,055,436	3,343,055,436
Consolidated General Fund	25,498,354	25,498,354	27,604,543
Operation & Maintenance of Public Transit	1,179,190	1,179,190	1,549,172
Aviation Authority	719,530	719,530	802,333
Liability, Property & Self Insurance	2,218,552	2,218,552	2,340,139
Support of Local Emergency Mgmt. Comm.	0	0	0
Unified Law Enforcement	0	0	0
Police & Fire Retirement	4,548,031	4,548,031	4,402,804
FICA & IPERS (If at General Fund Limit)	3,348,814	3,348,814	3,065,582
Other Employee Benefits	8,777,310	8,777,310	10,497,161
Capital Projects (Capital Improv. Reserve)	0	0	0
Taxable Value for Debt Service	3,100,034,981	3,434,085,684	3,434,085,684
Debt Service	8,742,099	8,742,099	9,684,122
CITY REGULAR TOTAL PROPERTY TAX	55,031,880	55,031,880	59,945,858
CITY REGULAR TAX RATE	18.26000	16.39223	17.85467
Taxable Value for City Ag Land	9,662,093	9,452,504	9,452,504
Ag Land	29,023	29,023	28,393
CITY AG LAND TAX RATE	3.00375	3.07040	3.00375
<b>Tax Rate Comparison-Current VS. Proposed*</b>			
Residential property with an Actual/Assessed Value of \$100,000	Current Year Certified 2023/2024	Budget Year Proposed 2024/2025	Percent Change
City Regular Residential	998	827	-17.13
Commercial property with an Actual/Assessed Value of \$100,000	Current Year Certified 2023/2024	Budget Year Proposed 2024/2025	Percent Change
City Regular Commercial	998	827	-17.13

Note: Actual/Assessed Valuation is multiplied by a Rollback Percentage to get to the Taxable Valuation to calculate Property Taxes. Residential and Commercial properties have the same Rollback Percentage at \$100,000 Actual/Assessed Valuation.

### Reasons for tax increase if proposed exceeds the current:

Increase in property tax valuation is primarily driven by new construction and market changes. Increased property tax revenue will be utilized to offset continued inflation costs, supply and demand, as well as increased costs for employee and property/liability insurance.

### How to read this form and what it means:

**Tax Rate Comparison-Current VS Proposed\*** - This section uses a specific formula to compare property tax costs for a \$100,000 home for two years. For example, in 2024, the tax would be \$997.91; in 2025, it would be \$827.44. However, it does not consider any increase by the County Assessor to the home's assessed value for 2025, so it does not fully indicate how your taxes might have changed due to an increase in valuation.

**The formula used is:** (((Assessed Value x Residential Rollback Rate) / 1000) x Levy Rate).

\*Your assessed value can be found at [www.pottco.org](http://www.pottco.org).

\*The Residential Rollback Rate is 54.6501% for FY24 and 46.3428% for FY25.

\*The certified levy rate for FY24 is \$18.26000; the proposed levy rate for FY25 is to be lowered to \$17.85467.

Note: The Residential Rollback Rate (set forth by the State of Iowa) prescribe the portion of the assessed value that is taxable by local governments.

Note: The first \$150,000 of taxable valuation on commercial, industrial, and railroad properties is subject to the current residential rollback; any value over is subject to the 90% rollback.

**Current Year Certified** - This column shows the FY24 certified valuations (set forth by the County Assessor), levy rate, and revenue for the City of Council Bluffs. The overall City of Council Bluffs levy rate for FY24 is \$18.26000.

**Budget Year Effective** - This column shows increased valuations for the FY25 budget (set forth by the County Assessor) but automatically keeps revenue consistent with FY24 and calculates the overall levy rate. However, it doesn't consider ongoing factors such as inflation, supply/demand, or increased costs for operations and insurance needed for the City to maintain services.

**Budget Year Proposed** - This column shows the increased valuations for FY25 budget (set forth by the County Assessor) and calculates the overall levy rate for the City of Council Bluffs, determined by the needs of the proposed FY25 operating budget. The proposed budget, and in turn, levy rate considers factors such as inflation, supply/demand issues, costs for operations and insurance needed for the City to maintain services. The FY25 proposed levy rate is \$17.85467, reflecting a decrease of 2.2% from FY24.

\*This signifies a requirement outlined in House File 718, passed through legislation in 2023.

RESOLUTION NO. 24-112

A Resolution approving the City of Council Bluffs Budget for  
Fiscal Year Ending June 30, 2025

WHEREAS, The City of Council Bluffs is required to hold a public hearing on the proposed budget for fiscal year ending June 30, 2025, and

WHEREAS, The City Council Bluffs has a requirement to submit its budget for the fiscal year ending June 30, 2025 to the Iowa Department of Management and to the Pottawattamie County Auditor prior to April 30, 2024, and

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

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

Approval of the City of Council Bluffs Budget for Fiscal Year Ending June 30, 2025.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

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

## Council Communication

Department: Finance

Case/Project No.:

Submitted by: Finance Department/Danielle

Bemis

Resolution 24-113A and 24-113B

ITEM 5.B.

Council Action: 4/22/2024

### Description

Resolution 23-113A, directing the sale of \$23,960,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A

Resolution 23-113B, directing the sale of \$2,800,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds, Series 2024B

### Background/Discussion

On Monday April 22, 2024 at 10:00 o'clock A.M. the City of Council Bluffs will receive bids for the competitive sale of:

A) Up to \$23,960,000 (dollar amount subject to change) in General Obligation Bonds Series 2024A

and

B) Up to \$2,800,000 (dollar amount subject to change) in Taxable General Obligation Bonds Series 2024B

The bids will be received and opened in the offices of the City's Municipal Advisor, PFM Financial Advisors, LLC and City Hall. PFM and the Director of Finance will tally and analyze the bids to determine the best offer in terms of purchase price, true interest rate and net interest cost. That information, along with all other bids will be forwarded to the City of Council Bluffs Finance Office. The Director of Finance will use that information to complete the resolution framework attached and recommend the sale of the Bonds to the lowest responsible bid. The Finance Office will then forward the necessary information to the City's Bond Counsel, who will prepare a resolution for consideration at the May 6, 2024 regular meeting of the City Council, finalizing and officially authorizing the sale of the bonds on the terms detailed in the lowest responsible bid.

### Recommendation

The City is currently at Step 8 in the General Obligation Bonding process, which is to hold the public hearing for receipt of bids and directing the sale of General Obligation Bonds. It is in the best interest of the City to continue to move forward in the process of proposing the issuance of General Obligation Bonds to satisfy the funding requirements for capital improvement projects for FY25.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">GO Bond Process</a>	Other	4/9/2024
<a href="#">Resolution 23-113A</a>	Resolution	4/17/2024
<a href="#">Resolution 23-113B</a>	Resolution	4/17/2024

# City of Council Bluffs

## GO Bonding Process

Step 1 – Determine CIP requirements and Tax levy for next year budget

- a. 5 year CIP prepared and presented to Planning Commission
- b. Set public hearing
- c. Conduct public hearing on approval of 5 year CIP

Step 2 – Set public hearing for bond purposes

- a. 4/20 notice for essential corporate purpose
- b. 10/20 notice for general corporate purpose

Step 3 – Conduct public hearing and approve bond purpose resolutions to issue bonds

Step 4 – Reimbursement resolution

Step 5 – Resolution to collect a tax levy (also referred to as pre-levy)

Step 6 – Prepare Preliminary Official Statement (no Council action needed)

- a. Presentation to Moody's Investors for debt rating

Step 7 – Notice of Bond Sale; set public hearing for sale of bonds

Step 8 – Sale of Bonds public hearing

Step 9 – Final resolution is to approve the Bond paying agent and registrar

**Resolution 23-113A**

**ITEMS TO INCLUDE ON AGENDA**

**CITY OF COUNCIL BLUFFS, IOWA**

\$23,960,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A

- Receipt of bids.
- Resolution directing sale.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE  
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

April 22, 2024

The Director of Finance of the City of Council Bluffs, State of Iowa, met at City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 10:00 A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the Bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 7:00 P.M. on the above date.

The following persons were present:

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\* \* \* \* \*

This being the time and place for the opening of bids for the sale of \$23,960,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2024A, the meeting was opened for the receipt of bids for the Bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The Director of Finance then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.
3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: \_\_\_\_\_

True Interest Rate (as-bid): \_\_\_\_\_%

Net Interest Cost (as-bid): \$\_\_\_\_\_

In consultation with PFM Financial Advisors LLC, the City considered the adjustment of the aggregate principal amount of the Bonds and each scheduled maturity thereof in accordance with the Terms of Offering and the following actions were taken:

Final Par Amount as adjusted: \$\_\_\_\_\_

Purchase Price as adjusted: \$\_\_\_\_\_

All bids were then referred to the Council for action.

April 22, 2024

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M., on the above date. There were present Mayor Walsh, in the chair, and the following named Council Members:

\_\_\_\_\_

Absent: \_\_\_\_\_

Vacant: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$23,960,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2024A," and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

Resolution 24-113A

RESOLUTION DIRECTING SALE OF \$23,960,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2024A

WHEREAS, bids have been received for the Bonds described as follows and the best bid received (with permitted adjustments, if any) is determined to be the following:

\$23,960,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2024A

Bidder: \_\_\_\_\_ of \_\_\_\_\_

The terms of award:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

True Interest Rate: \_\_\_\_\_%

Net Interest Cost: \$ \_\_\_\_\_

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

Section 1. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded as described above.

Section 2. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the Bonds heretofore given and all acts of the Clerk done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED this 22<sup>nd</sup> day of April, 2024.

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Mayor

ATTEST:

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City Clerk

# CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this 23rd day of April, 2024.

City Clerk, City of Council Bluffs, State of  
Iowa

(SEAL)

**Resolution 24-113B**

**ITEMS TO INCLUDE ON AGENDA**

**CITY OF COUNCIL BLUFFS, IOWA**

\$2,800,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds,  
Series 2024B

- Receipt of bids.
- Resolution directing sale.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE  
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

April 22, 2024

The Director of Finance of the City of Council Bluffs, State of Iowa, met at City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 10:00 A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the Bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 7:00 P.M. on the above date.

The following persons were present:

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\* \* \* \* \*

This being the time and place for the opening of bids for the sale of \$2,800,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Bonds, Series 2024B, the meeting was opened for the receipt of bids for the Bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The Director of Finance then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.
3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: \_\_\_\_\_

True Interest Rate (as-bid): \_\_\_\_\_%

Net Interest Cost (as-bid): \$\_\_\_\_\_

In consultation with PFM Financial Advisors LLC, the City considered the adjustment of the aggregate principal amount of the Bonds and each scheduled maturity thereof in accordance with the Terms of Offering and the following actions were taken:

Final Par Amount as adjusted: \$\_\_\_\_\_

Purchase Price as adjusted: \$\_\_\_\_\_

All bids were then referred to the Council for action.

April 22, 2024

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M., on the above date. There were present Mayor Walsh, in the chair, and the following named Council Members:

\_\_\_\_\_

Absent: \_\_\_\_\_

Vacant: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$2,800,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2024B," and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

Resolution 24-113B

RESOLUTION DIRECTING SALE OF \$2,800,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2024B

WHEREAS, bids have been received for the Bonds described as follows and the best bid received (with permitted adjustments, if any) is determined to be the following:

\$2,800,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2024B

Bidder: \_\_\_\_\_ of \_\_\_\_\_

The terms of award:

Final Par Amount as adjusted: \$ \_\_\_\_\_

Purchase Price as adjusted: \$ \_\_\_\_\_

True Interest Rate: \_\_\_\_\_%

Net Interest Cost: \$ \_\_\_\_\_

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

Section 1. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded as described above.

Section 2. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the Bonds heretofore given and all acts of the Clerk done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED this 22<sup>nd</sup> day of April, 2024.

---

Mayor

ATTEST:

---

City Clerk

# CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this 23rd day of April, 2024.

City Clerk, City of Council Bluffs, State of  
Iowa

(SEAL)

02332619\10342-200

## Council Communication

Department: Community Development  
Case/Project No.: OTB-24-001 & OTB-24-002  
Submitted by: Marianne Collins, Housing &  
Economic Development Planner

Resolutions 24-114 and 24-115  
ITEM 5.C.

Council Action: 4/22/2024

<b>Description</b>
Resolution 24-114 to dispose of City property located at 1612 7th Avenue. OTB-24-001
Resolution 24-115 to dispose of City property located at 1614 7th Avenue. OTB-24-002
<b>Background/Discussion</b>
See attached staff report.
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Attachment A: Location Map 1612 7th Avenue</a>	Map	4/12/2024
<a href="#">Attachment B: Location Map 1614 7th Avenue</a>	Map	4/12/2024
<a href="#">Attachment C: IonWave Application</a>	Other	4/12/2024
<a href="#">Resolution 24-114</a>	Resolution	4/17/2024
<a href="#">Resolution 24-115</a>	Resolution	4/17/2024

### Council Communication

Department: Community Development  Applicant: USA Builders LLC 2423 S. 8 <sup>th</sup> Street Council Bluffs, IA 51501	Reso. of Intent No. _____  Reso. to Dispose No. _____  Case # OTB-24-001 OTB-24-002	Set Public Hearing: 3/25/2024  Public Hearing: 4/22/2024
<b>Subject/Title</b>		
<p>Request of USA Builders LLC, represented by Miguel Santacruz to purchase property located at 1612 7<sup>th</sup> Avenue legally described as Everetts Addition E 45 FT, Lot 10 EX N 6 FT for Alley, Block 25, City of Council Bluffs, Pottawattamie County, Iowa and property located at 1614 7<sup>th</sup> Avenue legally described as Everetts Addition W 15 FT, Lot 10, and E 30 FT, Lot 11, Block 25, EXC N 5 FT for Alley, City of Council Bluffs, Pottawattamie County, Iowa</p> <p>Location: 1612 7<sup>th</sup> Avenue and 1614 7<sup>th</sup> Avenue</p>		
<b>Background/Discussion</b>		
<p>The Community Development Department has received an offer from USA Builders LLC to purchase City-owned property located at 1612 7<sup>th</sup> Avenue legally described as Everetts Addition E 45 FT, Lot 10 EX N 6 FT for Alley, Block 25, City of Council Bluffs, Pottawattamie County, Iowa and 1614 7<sup>th</sup> Avenue legally described as Everetts Addition W 15 FT, Lot 10, and E 30 FT, Lot 11, Block 25, EXC N 5 FT for Alley, City of Council Bluffs, Pottawattamie County, Iowa. The subject properties is zoned R-2/Two-Family Residential District and are classified as ‘transitional preserve’ due to the use of Community Development Block Grant – COVID-19 Assistance Program (CDBG-CV) funds to acquire and demolish the structures. The subject properties are located within a flood zone.</p> <p>The subject property was acquired by the city of Council Bluffs on June 27, 2023. The city has demolished the structures using funds from the CDBG-CV Program. With the location of these properties we are unable to use the CDBG funding to create affordable housing options. In this instance, the selling price is set by the total amount the City has incurred to purchase and demolish the homes. Staff released an RFP allowing for the lots to be purchased at the total amount the City has incurred to purchase and demolish the homes which would “buy out” the affordability requirement.</p> <p>The 1612 7<sup>th</sup> Avenue property shall be priced at the total amount the City has incurred to purchase and demolish the home, which is \$11,682.00. The applicant has offered \$11,682.00 to purchase the property, and has submitted the required 10% down payment (\$1,168.00). The 1614 7<sup>th</sup> Avenue property shall be priced at total amount the City has incurred to purchase and demolish the home, which is \$12,618.00. The applicant has offered \$12,618.00 to purchase the property, and has submitted the required 10% down payment (\$1,262.00). Proceeds from the sale will be deposited into the CDBG account. This is required to remove the affordability requirement.</p> <p>The 1612 7<sup>th</sup> Avenue property is zoned R-2/Two-Family Residential District and measures 45’ x 130’ (5,850 square feet) which exceeds the minimum lot size requirements for the R-2/Two-Family Residential District. The 1614 7<sup>th</sup> Avenue property is zoned R-2/Two-Family Residential District and measures 45’ x 130’ (5,850</p>		

square feet) which exceeds the minimum lot size requirements for the R-2/Two-Family Residential District. The applicant has not submitted any conceptual house plans to the City for review at this time. However, based on the size of the parcels, the applicant shall be able to construct a new single-family residential dwelling on the subject property that meets or exceeds the City's minimum single-family residential dwelling size requirements (20 feet wide with a minimum 500 square feet ground floor area).

### **Recommendation**

The Community Development Department recommends selling of the property located at 1612 7<sup>th</sup> Avenue legally described as Everetts Addition E 45 FT, Lot 10 EX N 6 FT for Alley, Block 25, City of Council Bluffs, Pottawattamie County, Iowa and 1614 7<sup>th</sup> Avenue legally described as Everetts Addition W 15 FT, Lot 10, and E 30 FT, Lot 11, Block 25, EXC N 5 FT for Alley, City of Council Bluffs, Pottawattamie County, Iowa and subject to the following conditions:

1. The purchase price for 1612 7<sup>th</sup> Avenue, including the submitted \$1,168.00 down payment, shall be \$11,682.00. The purchase price for 1614 7<sup>th</sup> Ave, including the submitted \$1,262.00 down payment, shall be \$12,618.00; and
2. The applicant shall close on the subject property within 30 days of the date of Council's decision.

### **Attachments**

Attachment A: Location Map 1612 7<sup>th</sup> Avenue

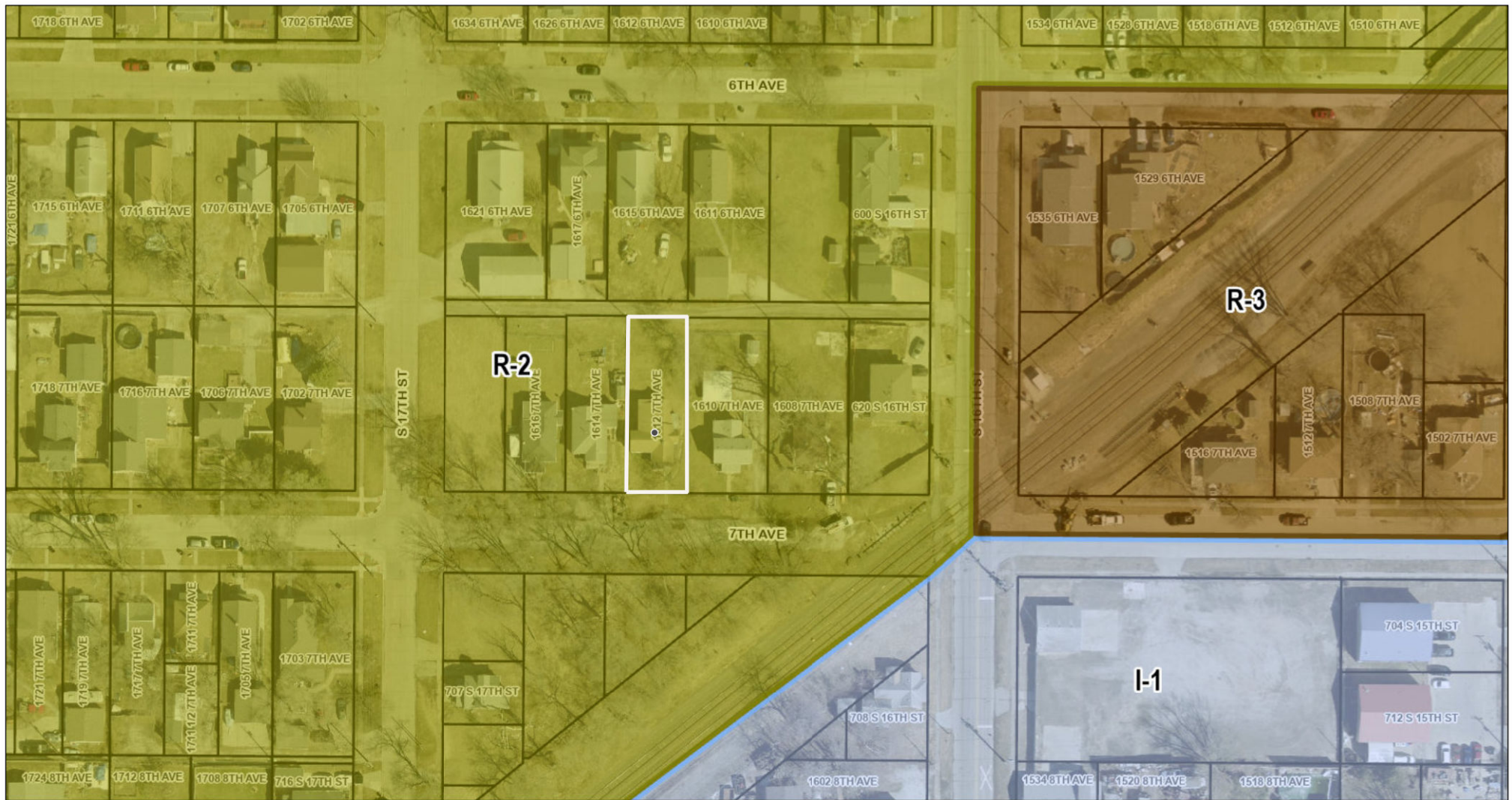
Attachment B: Location Map 1614 7<sup>th</sup> Avenue

Attachment C: IonWave Application

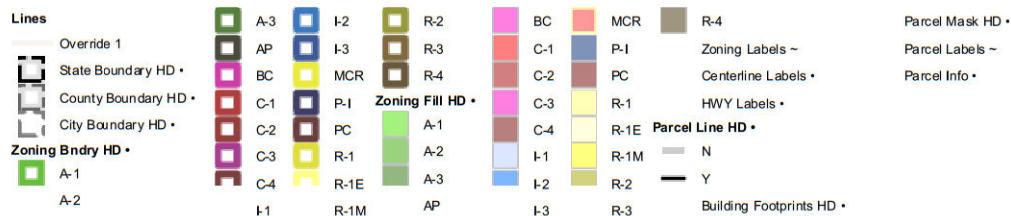
Prepared by: Marianne Collins, Housing & Economic Development Planner, Community Development Department

Submitted by: Courtney Harter, Director Planning & Community Development, Community Development Department

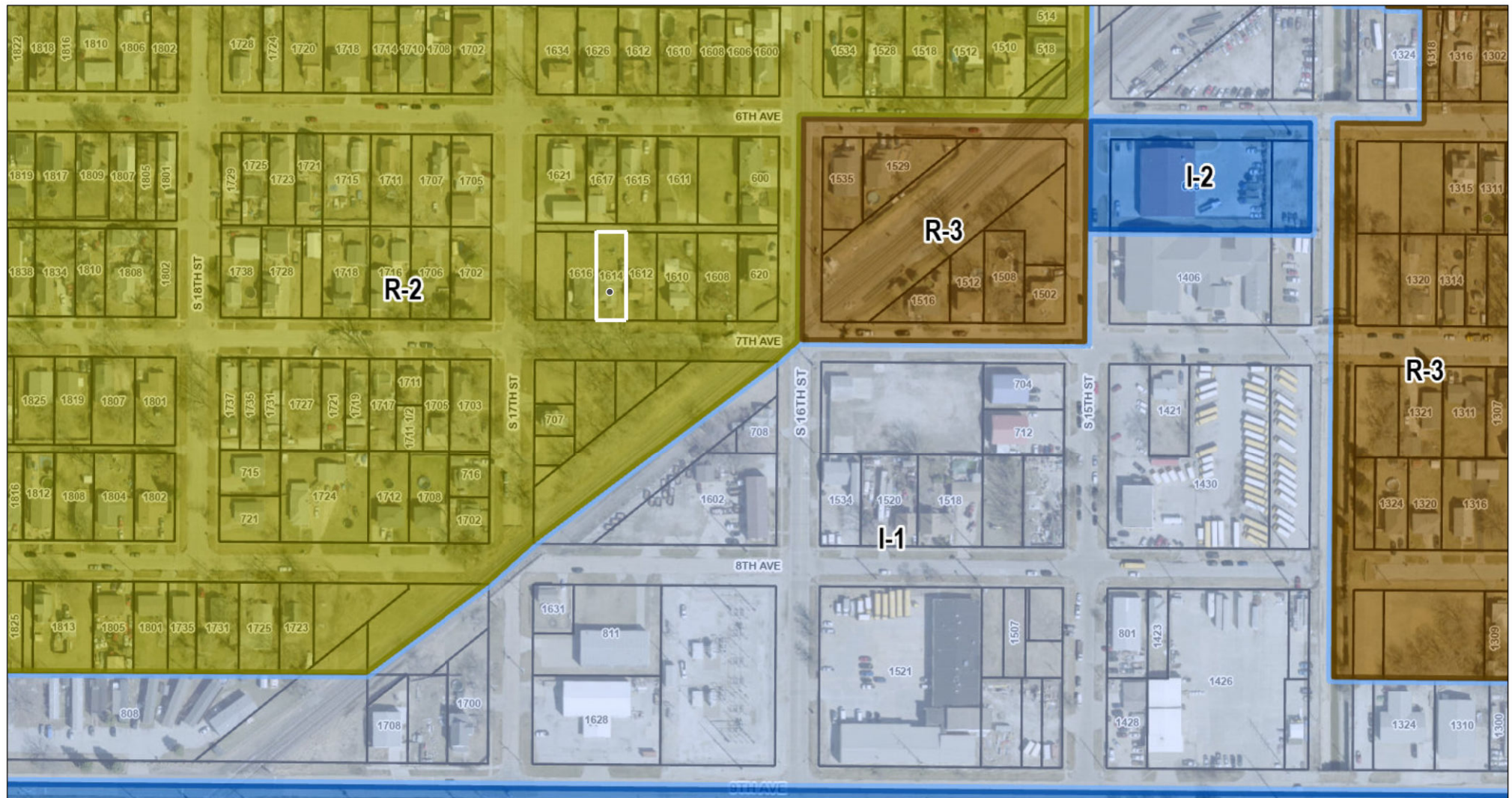
## Location and Zoning Map



12/12/2023, 9:52:42 AM

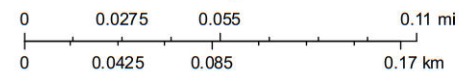
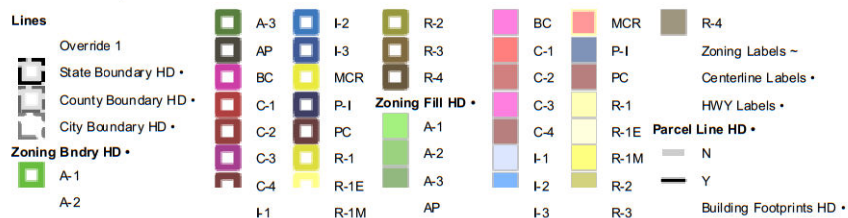


## Location and Zoning Map



12/12/2023, 10:02:44 AM

1:2,257



City of Council Bluffs GIS Department, City of Council Bluffs Public Works Department  
City of Council Bluffs GIS Department, City of Council Bluffs Community Development Department  
City of Council Bluffs GIS Department, Pottawattamie County GIS

## Web App Builder for ArcGIS

**Attachment B**  
**1612 7<sup>th</sup> Avenue and 1614 7<sup>th</sup> Avenue**  
**City of Council Bluffs, Iowa 51501**

**Proposal and Submittal Requirement Form:**

In a clear and concise manner, contractor must submit proposals that demonstrate the contractor's capacity to satisfy the requirements of this RFP. Submittals shall include the following:

This page must be completed and included with the submittal (attach additional sheets if necessary).

1. Contractor Information including all partners involved with the project:\_\_\_\_\_

- a. Project contact person with all contact information:

\_\_\_\_\_ Miguel Santacruz 712 3148741 miguelsantacruz@gmail.com \_\_\_\_\_

- b. Insurance information:

\_\_\_\_\_ Connie West 7122561074 \_\_\_\_\_  
Anchor Insurance Agency, Inc \_\_\_\_\_

2. Contractor Experience

- a. Description of contractor's experience and qualifications:

\_\_\_\_\_ Build over a dozen single family dwellings. \_\_\_\_\_

- b. List of reference projects:

\_\_\_\_\_ 1212 17th Ave Council Bluffs IA 51501 \_\_\_\_\_

\_\_\_\_\_ 4024 Ave D Council Bluffs IA \_\_\_\_\_

3. Option Selection:

- a. Option A: 1612 7<sup>th</sup> Avenue Price: \_\_\_\_\_

- b. Option B: 1614 7<sup>th</sup> Avenue Price: \_\_\_\_\_

- c. Option C: Both Properties Price: 24300 \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Print Name and Title: Miguel Santacruz Owner \_\_\_\_\_

*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) 890-5350*

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**RESOLUTION NO. 24-114**

**A RESOLUTION TO DISPOSE OF CITY PROPERTY LOCATED AT 1612 7<sup>TH</sup> AVENUE LEGALLY DESCRIBED AS EVERETTS ADDITION E 45 FT, LOT 10 EX N 6 FT FOR ALLEY, BLOCK 25, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** the City is disposing of City owned property located at 1612 7<sup>th</sup> Avenue legally described as Everetts Addition E 45 FT, Lot 10 EX N 6 FT for Alley, Block 25, City of Council Bluffs, Pottawattamie County, Iowa.

**WHEREAS,** a public hearing has been held in this matter on April 22, 2024 at 7:00 p.m.

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

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

USA Builders LLC, and all successors in interest: Property legally described as Everetts Addition E 45 FT, Lot 10 EX N 6 FT for Alley, Block 25, City of Council Bluffs, Pottawattamie County, Iowa.

**BE IT FURTHER RESOLVED**

That the purchase price be \$11,682.00. Property closing shall occur within 30 days of the date of approval.

**BE IT FURTHER RESOLVED**

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

ADOPTED

AND

APPROVED:

April 22, 2024

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

Mayor

ATTEST:

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

City Clerk

*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) 890-5350*

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**RESOLUTION NO. 24-115**

**A RESOLUTION TO DISPOSE OF CITY PROPERTY LOCATED AT 1614 7<sup>TH</sup> AVENUE LEGALLY DESCRIBED AS EVERETTS ADDITION W 15 FT, LOT 10, AND E 30 FT, LOT 11, BLOCK 25, EXC N 5 FT FOR ALLEY, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** the City is disposing of City owned property located at 1614 7<sup>th</sup> Avenue legally described as Everetts Addition W 15 FT, Lot 10, and E 30 FT, Lot 11, Block 25, EXC N 5 FT for Alley, City of Council Bluffs, Pottawattamie County, Iowa.

**WHEREAS,** a public hearing has been held in this matter on April 22, 2024 at 7:00 p.m.

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

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

USA Builders LLC, and all successors in interest: Property legally described as Everetts Addition W 15 FT, Lot 10, and E 30 FT, Lot 11, Block 25, EXC N 5 FT for Alley, City of Council Bluffs, Pottawattamie County, Iowa.

**BE IT FURTHER RESOLVED**

That the purchase price be \$12,618.00. Property closing shall occur within 30 days of the date of approval.

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED:

April 22, 2024

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

Mayor

ATTEST:

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

City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: SUB-24-001  
Submitted by: Haley Weber, Planner

Resolution 24-116  
ITEM 5.D.

Council Action: 4/22/2024

<b>Description</b>  Resolution granting final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43. Location: Undeveloped land located north of property addressed as 1102 State Orchard Road. SUB-24-001
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<b>Background/Discussion</b>  See attached staff report.
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<b>Recommendation</b>
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### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Attachment A: Proposed Oak View Estates Final Plat</a>	Other	4/12/2024
<a href="#">Attachment B: Location/zoning map</a>	Map	4/12/2024
<a href="#">Resolution 24-116</a>	Resolution	4/17/2024

## City Council Communication

Department: Community Development  CASES #SUB-24-001, #ZC-24-002  Applicant/Property Owner: Luke A. and Natalie R. Norville 4206 Cambridge Street Kansas City, KS 66103  Engineer/Surveyor: Snyder & Associates 231 Bennett Avenue Council Bluffs, IA 51503	Ordinance No. _____  Resolution No. _____	CASE #ZC-24-002: 1 <sup>st</sup> Consideration: 3/25/2024 2 <sup>nd</sup> Consideration: 4/1/2024 3 <sup>rd</sup> Consideration: 4/22/2024  CASE #SUB-24-001: 4/22/2024  Planning Commission: 3/12/2024
<div style="text-align: center;"><b>Subject/Title</b></div> <p><b>Request:</b> Combined public hearings on the request of Luke A. and Natalie R. Norville for final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa and to rezone the subject property, legally described above, from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District.</p> <p><b>Location:</b> Undeveloped land located north of property addressed as 1102 State Orchard Road</p>		
<div style="text-align: center;"><b>Background</b></div> <p>The Community Development Department has received the following requests from Luke A. and Natalie R. Norville for property legally described above:</p> <ol style="list-style-type: none"> <li>1. <b><u>CASE #SUB-24-001:</u></b> Final plat approval of a four-lot residential estate subdivision to be known as Oak View Estates; and</li> <li>2. <b><u>CASE #ZC-24-002:</u></b> Rezone the property from A-2/Parks, Estates, and Agricultural District to R-1E/Single-family Residential Estates District.</li> </ol> <p><b><u>CASE #SUB-24-001</u></b></p> <p>The proposed subdivision, to be known as Oak View Estates, contains 25.65 acres, more or less, of undeveloped land and will consist of four residential estate lots. The applicant intends to retain ownership of proposed Lot 1 to develop with a single-family dwelling and sell off proposed Lots 2-4 for future single-family residential development. All lots will have direct access to State Orchard Road. The proposed final plat is included as Attachment 'A.'</p>		
<div style="text-align: center;"><b>Comments</b></div> <ol style="list-style-type: none"> <li>A. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted an application to rezone the subject property (see Case #ZC-24-002) to R-1E/Single-Family Residential Estates District to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code.</li> <li>B. All proposed lots comply with minimum R-1E/Single-Family Residential Estates District lot size requirements             <ol style="list-style-type: none"> <li>1. Proposed Lot 1 contains 22.654 acres of land (more/less)</li> <li>2. Proposed Lots 2-4 contain 1.0 acres of land each (more/less).</li> </ol> </li> <li>C. All development on the proposed lots shall comply with the site development standards listed in Section 15.08A.050, <i>Site Development Regulations</i>, for the R-1E District. For zoning purposes, the easterly property line adjacent to State Orchard Road shall be considered the front property line; the northerly property line shall be</li> </ol>		

considered an interior side property line; the westerly property line shall be considered the rear property line; the southerly property line adjacent to Steven Road right-of-way shall be considered the street side property line; with all other property lines being considered interior side yard property lines.

- D. All proposed lots will have direct access to State Orchard Road, which is a public street. Driveway locations shall conform to Public Works Department standards. Proposed Lot 1 also abuts the future extension of Steven Road, which the applicant has not requested access to at this time. Any future access to Steven Road shall be coordinated with the Public Works Department. No new public streets are proposed within this subdivision.
- E. The subject property is located along State Orchard Road, which does not have sanitary sewer, but has water, electric, and gas utilities available. The purpose of the proposed R-1E zoning designation is to allow for septic systems and on-site water wells to be utilized in areas of the City in which access to utilities is not readily available. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
- F. All driveways and off-street parking areas within the proposed subdivision shall be hard-surfaced paved and designed in accordance with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- G. The Council Bluffs Zoning Board of Adjustment (ZBA) approved a conditional use permit to allow a 180-foot tall monopole communication tower within a 60'x60' lease area in an A-2/Parks, Estates, and Agricultural District on the subject property on March 17, 2010. The tower is located in the northeastern corner of the subject property. The proposed final plat notes a fall zone with a 190' radius around the communication tower. No dwelling shall be located within said fall zone.
- H. The following existing easements are recorded on the subject property and are shown on the proposed final plat:
  - 1. Transmission line easements to Midwest Power Systems, Inc. along the westerly property line, as filed on December 18, 1992 in Book 93, Page 18023.
  - 2. Exclusive and access and utility easements over the access drive and tower area for the existing communication tower (Case #CU-10-001) as filed on March 31, 2017 in Book 2017, Page 03808.
- I. The proposed final plat includes a dedication of a 33'x603.93' (0.458 acres) section of State Orchard Road right-of-way to the City of Council Bluffs.
- J. The subject property is not located within a floodzone.

#### **CASE #ZC-24-002**

The subject property is zoned A-2/Parks, Estates, and Agricultural District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-3 (County Zoning)	Single-family residential dwellings
South	A-2/Parks, Estates and Agricultural District	Former site of single-family dwelling, undeveloped land
East	A-2/Parks, Estates and Agricultural District and R-1E/Single-Family Residential Estates District	Undeveloped land and single-family dwellings
West	A-2/Parks, Estates and Agricultural District	Undeveloped land

A location/zoning map is included with this report as Attachment 'B.'

Public notices were mailed to all property owners within 200 feet of the subject property. The following responses have been received as of the date of this report:

Warren Weber, 4703 Cedar Lane, Council Bluffs, IA 51503 contacted the Community Development Department on February 27, 2024 and expressed concerns regarding the condition of State Orchard Road and how it would be negatively affected by additional traffic. W. Weber stated that the County currently maintains the road and asked if they had been informed of the current requests. W. Weber expressed concern with the potential to further subdivide proposed Lot 1 in the future. W. Weber was informed of the City's future plan to rebuild State Orchard Road between Steven Road and Eastern Hills Drive. W. Weber emailed the Community Development and Public Works Departments

on March 4, 2024 requesting that the City also improve State Orchard Road between Steven Road and Cedar Lane at that time.

### Discussion

- A. The subject property is zoned A-2/Parks, Estates and Agricultural District and is proposed to be rezoned to R-1E/Single-Family Residential Estates District to allow for the proposed single-family residential estates development. The subject property is located along State Orchard Road, which does not have sanitary sewer, but has water, electric, and gas utilities available. The purpose of the proposed R-1E zoning designation is to allow for septic systems and on-site water wells to be utilized in areas of the City in which access to utilities is not readily available.
- B. The applicant is proposing to retain ownership of proposed Lot 1 for their single-family dwelling and to sell proposed Lots 2-4 for future single-family residential development.
- C. The future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Low Density Residential.' Rezoning the subject property from A-2 to R-1E would support the goals of the Comprehensive Plan and be an appropriate zoning designation based on the future land use map.
- D. The Council Bluffs ZBA approved a conditional use permit to allow a 180-foot tall monopole communication tower within a 60'x60' leased area in an A-2/Parks, Estates, and Agricultural District on the subject property on March 17, 2010. Per Section 15.31, Communication Towers, "*communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of two hundred (200) feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in CBMC 15.02 and the additional minimum standards and procedures of this chapter.*" Therefore, as communication towers are allowed as a conditional use permit in all zoning districts, the proposed rezoning would not result in the tower becoming nonconforming. The tower has a fall zone with a 190' radius; no dwelling shall be located within said fall zone.

The rezoning and subdivision requests were routed to all City Departments and local utility providers. The following comments were received:

The Council Bluffs Public Works Department stated that no public improvements are required at the time of platting but all lots shall be required to manage stormwater runoff at the time of development. The Public Works Department also reviewed the comments received from W. Weber and stated that the City is planning a complete reconstruction of State Orchard Road between Steven Road and Eastern Hills Drive with an anticipated construction date of 2025.

The Council Bluffs Fire Department noted there is a fire hydrant south of Cedar Lane on State Orchard Road for fire protection.

The Council Bluffs Police Department stated they have no comment on the requests.

Lumen noted that they have facilities that run along the easterly portion of Lots 1-4 and that an access and maintenance easement shall be retained over this area.

Note: The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.

Council Bluffs Water Works stated they have no comment on the requests.

MidAmerican Energy stated they have no concerns regarding the proposed subdivision or rezoning and noted that the developer or their agents should contact them directly to identify costs, responsibilities, and timelines for extending electric services to the proposed subdivision.

### **Recommendation**

The Community Development Department recommends the following:

- A. Final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
  1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Director.
  2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
  3. The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.
  4. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.
  5. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.
  6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility; and
- B. Approval of the request to rezone property legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District, subject to the comments stated above.

### **Public Hearing**

Staff speakers for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs, IA 51503
2. Warren Weber, 4703 Cedar Lane, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended the following:

- A. Final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
  1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Director.
  2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
  3. The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.
  4. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.
  5. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.

6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility; and

- B. Approval of the request to rezone property legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District, subject to the comments stated above.

VOTE: AYE – Bass, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, VanHouten, and Watson. NAY – None. ABSTAIN – None ABSENT – Bailey. VACANT - One Motion: Carried.

#### **Attachments**

Attachment A: Proposed Oak View Estates Final Plat

Attachment B: Location/zoning map

Prepared by: Haley Weber, Planner, Community Development Department

OAK VIEW ESTATES  
FINAL PLAT  
A REPLAT OF PARCEL "D" OF THE NORTHEAST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH  
P.M., POTTAWATTAMIE COUNTY, IOWA.

INDEX LEGEND


SURVEYOR'S NAME / RETURN TO:  
TARRON MEAIKE  
SNYDER & ASSOCIATES, INC.  
231 BENNETT AVENUE  
COUNCIL BLUFFS, IOWA 51503  
712-322-3202  
TMEAIKE@SNYDER-ASSOCIATES.COM  
SERVICE PROVIDED BY:  
SNYDER & ASSOCIATES, INC.  
SURVEY LOCATED:  
NE 1/4 SE 1/4  
SEC. 33-T75N-R43W  
POTTAWATTAMIE, IOWA  
OWNER/REQUESTED BY:  
LUKE NORVILLE

PLAT DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:  
BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 0° 16' 34" WEST ALONG THE EAST LINE OF SAID SECTION 33 A DISTANCE OF 603.93 FEET TO THE NORTHEAST CORNER OF PARCEL "B"; THENCE NORTH 89° 43' 26" WEST ALONG THE NORTH LINE OF SAID PARCEL "B", 255.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE SOUTH 0° 16' 34" WEST ALONG THE WEST LINE OF SAID PARCEL "B", 198.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE SOUTHEASTERLY CORNER OF PARCEL "D" OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL "D" FOR THE FOLLOWING SEVEN COURSES: THENCE NORTH 89° 44' 02" WEST, 321.30 FEET; THENCE NORTH 29° 57' 32" WEST, 84.94 FEET; THENCE NORTH 52° 23' 05" WEST, 110.58 FEET; THENCE SOUTH 79° 39' 39" WEST, 149.62 FEET; THENCE SOUTH 42° 49' 10" WEST, 121.17 FEET; THENCE SOUTH 14° 33' 17" WEST, 146.24 FEET; THENCE SOUTH 14° 32' 08" EAST, 339.92 FEET TO THE NORTH RIGHT OF WAY LINE OF STEVEN ROAD; THENCE NORTH 89° 36' 37" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 425.93 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 0° 19' 25" EAST ALONG SAID WEST LINE, 1255.60 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 89° 23' 09" EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 1310.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 28.112 ACRES MORE OR LESS, INCLUDING 0.458 ACRES MORE OR LESS OF PUBLIC ROAD RIGHT OF WAY.

EXISTING EASEMENTS

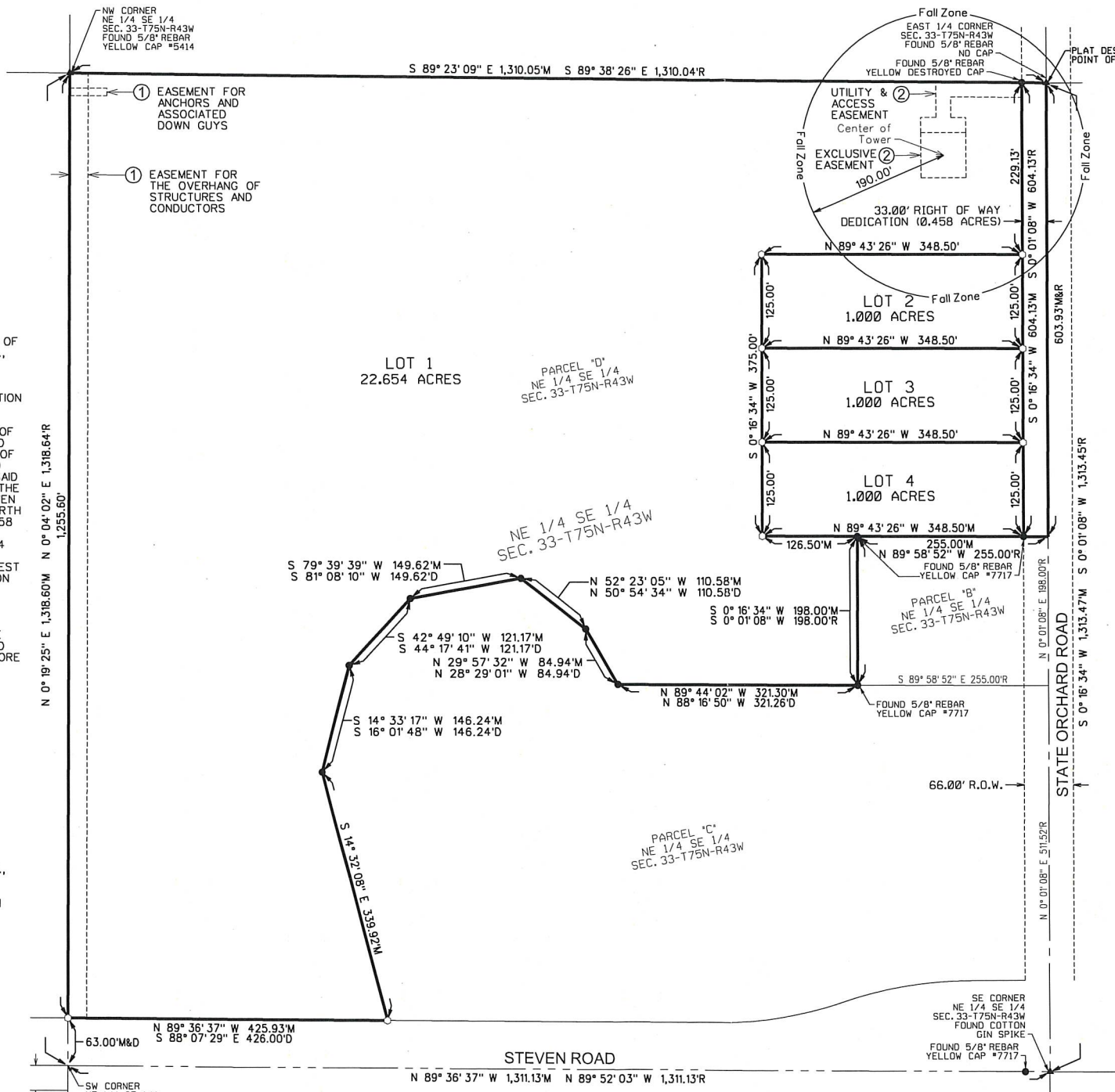
- ① TRANSMISSION LINE EASEMENT TO MIDWEST POWER SYSTEMS, INC., FILED DECEMBER 18, 1992 IN BOOK 93, PAGE 18023  
② EASEMENT AND ASSIGNMENT AGREEMENT, FILED MARCH 31, 2017 IN BOOK 2017, PAGE 03808.



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.

*Tarron Meaike* 2/5/2024  
Tarron Meaike, PLS Date

License Number 23722  
My License Renewal Date is December 31, 2025  
Pages or sheets covered by this seal:  
Sheet 1 of 1



LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Cap #23722 (Unless Otherwise Noted)	●	○
5/8" Rebar, Aluminum Cap #11416 (Unless Otherwise Noted)	●	○
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	---	
Section Line	---	
1/4 Section Line	---	
1/4 1/4 Section Line	---	
Easement Line	---	

PROPRIETOR'S DEDICATION

1. A 5-FOOT WIDE EASEMENT ON ALL SIDE LOT LINES AND A 10-FOOT WIDE EASEMENT ALONG ALL FRONT AND REAR LOT LINES IS RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES;
- A. ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER, PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACED ROADWAY OVER AND WITHIN THE EASEMENT AREA.
- B. CHANGE OF GRADE PROHIBITED: GRANTOR SHALL NOT CHANGE THE GRADE, ELEVATION OR CONTOUR OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
- C. RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHT OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.
- D. REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR SUCCESSORS OR ASSIGNS.
- E. SURFACE RESTORATION: THE CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.
- F. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO THE GRANTOR.
- G. EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ON GRANTOR'S SUCCESSORS AND ASSIGNS.
- H. GRANTOR RESERVATION: GRANTOR RESERVES THE RIGHT TO USE THE EASEMENT AREA FOR OTHER PURPOSES PROVIDED HOWEVER THESE PURPOSES SHALL NOT INTERFERE WITH GRANTEES USE OF THE EASEMENT AREA UNDER THE RIGHTS OF THIS AGREEMENT.
2. PRIVATE RESTRICTIONS AND/OR COVENANTS FOR OAK VIEW ESTATES WILL BE RECORDED SEPARATELY.

KNOW ALL PERSONS BY THESE PRESENTS THAT LUKE NORVILLE AND NATALIE NORVILLE BEING THE OWNERS OF THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED AS LOTS 1 THROUGH 4 TO BE KNOWN AS OAK VIEW ESTATES, LUKE NORVILLE AND NATALIE NORVILLE DO HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR STATE ORCHARD ROAD (0.458 ACRES).

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2024

BY: LUKE NORVILLE BY: NATALIE NORVILLE  
STATE OF IOWA } SS.  
COUNTY OF POTTAWATTAMIE }

ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2024, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED LUKE NORVILLE AND NATALIE NORVILLE, HUSBAND AND WIFE, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, AND THE ABOVE AND FORGOING INSTRUMENT WAS SIGNED ON THEIR BEHALF AND ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH

ATTESTED TO BY:

CITY CLERK: JODIQUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: COURTNEY HARTER DATE

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

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA VOSS DATE

OAK VIEW ESTATES

FINAL PLAT


COUNCIL BLUFFS, IA

SNYDER & ASSOCIATES, INC.

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

Project No: 1231362

Sheet 1 of 1



SNYDER & ASSOCIATES

Project No: 1231362

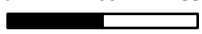
Sheet 1 of 1

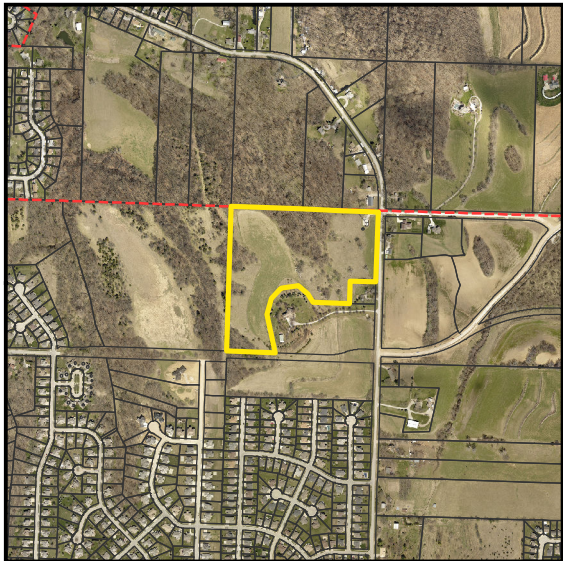
# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

## CASES #SUB-24-001 AND #ZC-24-002

### Legend

- Subject Property Cases #SUB-24-001 and #ZC-24-002
- Parcels
- City of Council Bluffs Corporate Limits

0      165      330  
  
 1 Inch = 333 Feet



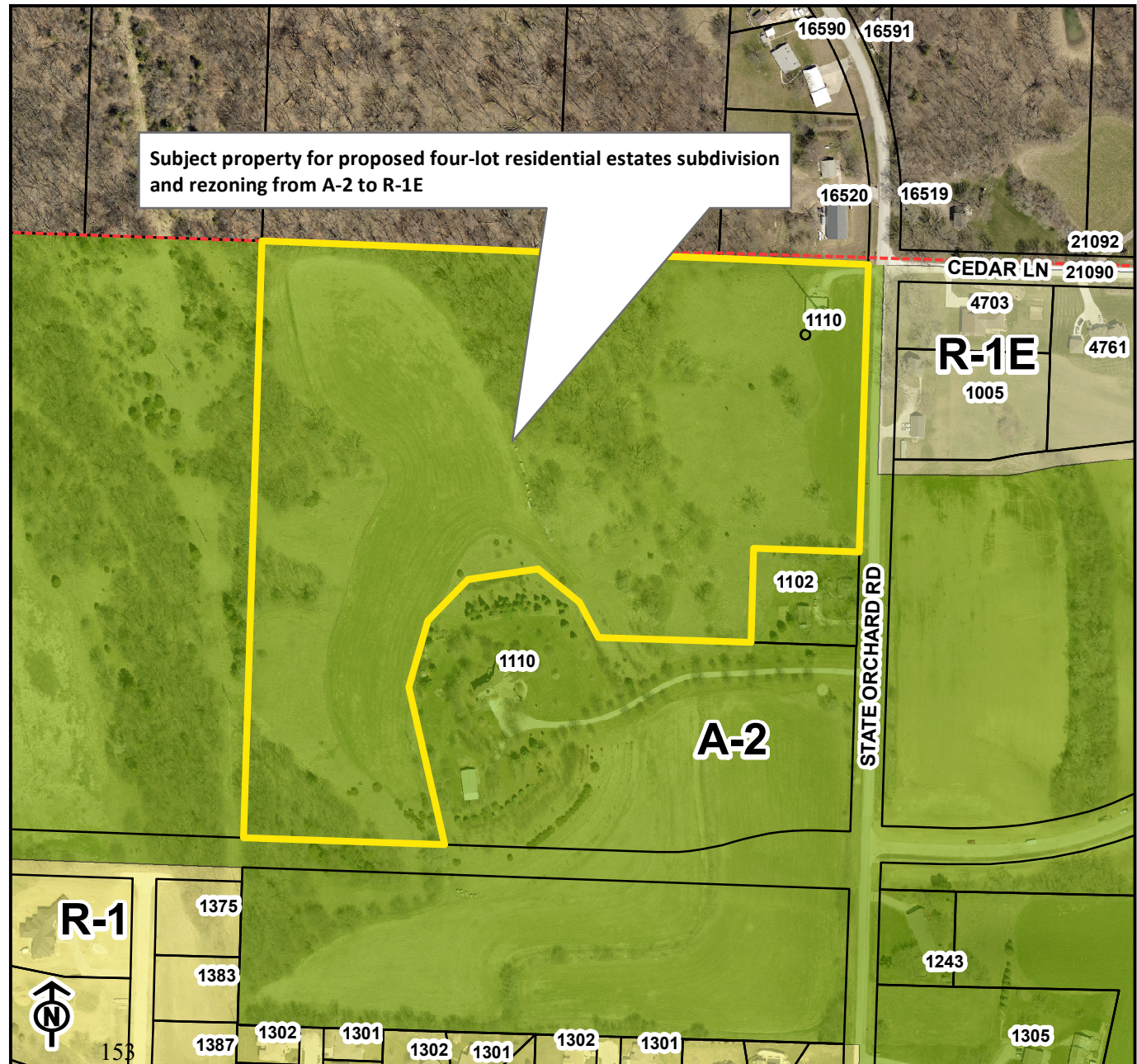
Last updated on 2/20/2024



Council Bluffs Community  
 Development Department  
 209 Pearl Street  
 Council Bluffs, IA 51503  
 Telephone: (712) 890-5350

#### 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, the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



## RESOLUTION NO. 24-116

### **A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FOUR-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS OAK VIEW ESTATES, LEGALLY DESCRIBED AS BEING A REPLAT OF PARCEL 'D' OF THE NE1/4 SE1/4 OF SECTION 33-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Luke A. and Natalie R. Norville are requesting final plat approval for this subdivision to be built on undeveloped land located north of property addressed as 1102 State Orchard Road; and

**WHEREAS,** The Community Development Department provided the following comments:

- A. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted an application to rezone the subject property (see Case #ZC-24-002) to R-1E/Single-Family Residential Estates District to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code.
- B. All proposed lots comply with minimum R-1E/Single-Family Residential Estates District lot size requirements
  - 1. Proposed Lot 1 contains 22.654 acres of land (more/less)
  - 2. Proposed Lots 2-4 contain 1.0 acres of land each (more/less).
- C. All development on the proposed lots shall comply with the site development standards listed in Section 15.08A.050, *Site Development Regulations*, for the R-1E District. For zoning purposes, the easterly property line adjacent to State Orchard Road shall be considered the front property line; the northerly property line shall be considered an interior side property line; the westerly property line shall be considered the rear property line; the southerly property line adjacent to Steven Road right-of-way shall be considered the street side property line; with all other property lines being considered interior side yard property lines.
- D. All proposed lots will have direct access to State Orchard Road, which is a public street. Driveway locations shall conform to Public Works Department standards. Proposed Lot 1 also abuts the future extension of Steven Road, which the applicant has not requested access to at this time. Any future access to Steven Road shall be coordinated with the Public Works Department. No new public streets are proposed within this subdivision.
- E. The subject property is located along State Orchard Road, which does not have sanitary sewer, but has water, electric, and gas utilities available. The purpose of the proposed R-1E zoning designation is to allow for septic systems and on-site water wells to be utilized in areas of the City in which access to utilities is not readily available. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.

- F. All driveways and off-street parking areas within the proposed subdivision shall be hard-surfaced paved and designed in accordance with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- G. The Council Bluffs Zoning Board of Adjustment (ZBA) approved a conditional use permit to allow a 180-foot tall monopole communication tower within a 60'x60' lease area in an A-2/Parks, Estates, and Agricultural District on the subject property on March 17, 2010. The tower is located in the northeastern corner of the subject property. The proposed final plat notes a fall zone with a 190' radius around the communication tower. No dwelling shall be located within said fall zone.
- H. The following existing easements are recorded on the subject property and are shown on the proposed final plat:
  - 1. Transmission line easements to Midwest Power Systems, Inc. along the westerly property line, as filed on December 18, 1992 in Book 93, Page 18023.
  - 2. Exclusive and access and utility easements over the access drive and tower area for the existing communication tower (Case #CU-10-001) as filed on March 31, 2017 in Book 2017, Page 03808.
- I. The proposed final plat includes a dedication of a 33'x603.93' (0.458 acres) section of State Orchard Road right-of-way to the City of Council Bluffs.
- J. The subject property is not located within a floodzone; and

**WHEREAS,** The Community Development Department recommends final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:

- A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Director.
- B. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
- C. The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.
- D. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.
- E. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.

- F. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

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

That the request for final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa is hereby approved.

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

April 22, 2024.

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

Mayor

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

JODI QUAKENBUSH

City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: SUB-24-002  
Submitted by: Christopher N. Gibbons, AICP,  
Planning Manager

Resolution 24-117  
ITEM 5.E.

Council Action: 4/22/2024

<b>Description</b>  Resolution granting final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in the Council packet. Location: Land lying north of property addressed as 2849 River Road. SUB-24-002
--

<b>Background/Discussion</b>  See attached staff report.
--

<b>Recommendation</b>
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### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/12/2024
<a href="#">Attachment A: Southlands Subdivision Final Plat</a>	Other	4/12/2024
<a href="#">Attachment B: Location/zoning map</a>	Map	4/12/2024
<a href="#">Resolution 24-117</a>	Resolution	4/17/2024

## Council Communication

Department: Community Development  CASE #SUB-24-002  Applicants/Owners: Questa LLC c/o Corporation Service Co. 2801 Centerville Road 1 <sup>st</sup> Floor, PMB 811 Wilmington, DE 19808  MidAmerican Energy Co. P.O. Box 657 Des Moines, IA 50306  Surveyor: David E. Forsythe HGM Associates Inc. 640 5 <sup>th</sup> Avenue Council Bluffs, Iowa 51501	Resolution No. _____	City Council: 4/22/2024
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### Subject/Title

Request: Public hearing on the request of Questa, LLC and Mid-American Energy for final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in Attachment A.

Location: Land lying north of property addressed as 2849 River Road.

### Background/Discussion

The Community Development Department has received a request from Questa, LLC and Mid-American Energy for final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in Attachment A.

The proposed subdivision is comprised of a total of 972.94 acres of land (more/less) and includes 5.37 acres of Wabash Avenue right-of-way and 14.937 acres of Pony Creek right-of-way. Proposed Lot 1 will contain 927.65 acres of land and will be owned by Questa, LLC and further developed with data center buildings. Proposed Lots 2 and 3 will contain 5.62 acres and 16.98 acres respectively and will be owned by Mid-American Energy, as said lots are developed with existing Mid-American Energy electrical utility sub-stations. The purpose of this subdivision is to allow Questa, LLC and Mid-American Energy to consolidate their existing parcels into new lots of record, with one uniform boundary, for future growth and development. All existing and proposed easements within Southlands Subdivision are shown on the proposed final plat.

### Land Use/Zoning

All land within the proposed Southlands Subdivision is zoned I-2/General Industrial District (see Attachment B). Surrounding zoning includes A-3 (County) and I-1 (County) to the north; A-4 (County) to the east; I-3/Heavy Industrial District, and A-3 (County) to the west; and A-4 (County) and I-2 (County) to the south. Existing land uses in the general vicinity of the request includes Pony Creek and agriculture

farmland to the north; large acreage residential properties and Loess Hills to the east; Bunge Corp to the south; Interstate 29, Mid-American Energy Power Plant, undeveloped land, and a farming operation to the west. The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the property as 'Light Industrial'.

### Comments

1. The proposed Southlands Subdivision is generally consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
2. The minimum lot size property zoned I-2 District is 15,000 square feet, as per Section 15.21.050, Site development regulations, I-2/Industrial District of the Municipal Code (Zoning Ordinance). Proposed Lot 1 will contain 927.65 acres of land and will be owned by Questa, LLC; and proposed Lots 2 and 3 will contain 5.62 acres and 16.98 acres respectively and will be owned by Mid-American Energy. All lots within the proposed subdivision comply with I-2 District lot size requirements.
3. All future construction and development within this subdivision shall comply with standards stated in Section 15.21.050, Site development regulations, I-2/Industrial District of the Municipal Code (Zoning Ordinance).
4. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0595E, dated February 4, 2005, and is protected from Missouri River and Pony Creek floods by levees.
5. Proposed Lot 1 has direct access Bunge Avenue. Proposed Lots 2 and 3 will have access to Bunge Avenue via pre-existing ingress/egress easements across Lot 1, as shown on Sheets, 2, 3, 5 and 8 of the proposed final plat. No new public roadway extensions are proposed at this time.
6. All electric, gas, water, cable and communication facilities are available to serve development within the subdivision and shall be installed underground. Overhead transmission lines that connect into Mid-American Energy's substations on Lots 2 and 3 are not required to be buried underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the developers/land owners, and not the City of Council Bluffs.
7. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such is stated on the final plat.
8. All City Departments and local utility companies were provided a copy of the proposed final plat to review. The following comments were received:
  - a. Council Bluffs Public Works stated easements all natural drainage ways that flow through the site require easements to be defined over them. Additionally, Public Works has no concerns with the plat not containing standard perimeter easements for utilities as they are all supplied through defined easements paths on the property. Public Works also recommended all of the hatched easements be captured in a legend on the plat with a definition of the easement and ownership.
  - b. The Council Bluffs Fire Department stated they have no comments.
  - c. Council Bluffs Water Works stated they have no comments.
  - d. Council Bluffs Police Department stated they have no comments.
9. The following technical corrections must be made to the final plat prior to being signed by the City:
  - a. Sheet 2 of 11: Identify which point on the plat map is the "Point of Beginning".
  - b. Sheet 5 of 11: Notate the course bearing distance and linear feet of all property lines shown on the plat.

- c. Sheet 8 of 11: Notate the course bearing distance and linear feet of all property lines shown on the plat.

### **Recommendation**

The Community Development Department recommends final plat approval of Questa, LLC and Mid-American Energy for final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in Attachment A, subject to all comments stated above and following conditions:

- a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
- b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- d. All electric, gas, water, cable and communication facilities shall be installed underground. Overhead transmission lines that connect into Mid-American Energy's substations on Lots 2 and 3 are not required to be buried underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the developers/land owners, and not the City of Council Bluffs.

### **Attachments**

Attachment A: Southlands Subdivision Final Plat

Attachment B: Location/zoning map

Surveyor: David Forsyth, HGM Associates Inc., 640 5<sup>th</sup> Avenue, Council Bluffs, Iowa 51501

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

hgm: 103623 S:\Survey\Drafting\103623 HDR-CERFS-SIN\Engineering\Draws\Survey\103623 Southlands Sub.dwg

fb:

# Attachment A

RECORDER'S INDEX
ALIQUOT PART: SW 1/4 SW 1/4
SECTION: 27 /TOWNSHIP: 74 / RANGE: 43
ALIQUOT PART: S 1/2
SECTION: 28 /TOWNSHIP: 74 / RANGE: 43
ALIQUOT PART: SE 1/4
SECTION: 29 /TOWNSHIP: 74 / RANGE: 43
ALIQUOT PART: NE 1/4
SECTION: 32 /TOWNSHIP: 74 / RANGE: 43
ALIQUOT PART: N 1/2
SECTION: 33 /TOWNSHIP: 74 / RANGE: 43
ALIQUOT PART: NW 1/4 NW 1/4
SECTION: 34 /TOWNSHIP: 74 / RANGE: 43
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: QUESTA LLC
PROPRIETOR: MIDAMERICAN ENERGY COMPANY
REQUESTED BY: HDR ENGINEERING INC.
DATE OF FIELD SURVEY: SEPTEMBER 8, 2023

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

## DEDICATION:

KNOW ALL PERSONS THAT QUESTA LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS THE SOLE OWNER OF LAND TO BE PLATTED AS LOT 1 HEREIN, AND MIDAMERICAN ENERGY COMPANY, AN IOWA CORPORATION, AS THE SOLE OWNER OF LAND TO BE PLATTED AS LOTS 2 AND THE SOLE OWNER OF A PORTION OF LAND TO BE PLATTED AS LOT 3 HEREIN, CONSENT TO THIS PLAT TO BE KNOW AS SOUTHLANDS SUBDIVISION, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND HAVE CAUSED SAID PROPERTY TO BE SO PLATTED.

AS PART OF THIS PLATTING, QUESTA LLC, A DELAWARE LIMITED LIABILITY COMPANY AND MIDAMERICAN ENERGY COMPANY, AN IOWA CORPORATION DOES HEREBY DEDICATE TO MIDAMERICAN ENERGY COMPANY, AN IOWA CORPORATION IT'S SUCCESSORS AND ASSIGNS A TRANSMISSION LINE WITHIN LOT 1 AS SHOWN ON SHEET 10 OF 11 AND SHEET 11 OF 11.

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT,  
A. NO PRIVATE RESTRICTIONS AND/OR COVENANTS WILL BE A PART OF THE SUBJECT DEVELOPMENT.  
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

QUESTA LLC, A DELAWARE LIMITED LIABILITY COMPANY  
IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.  
BY: QUESTA LLC, A DELAWARE LIMITED LIABILITY COMPANY

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

NOTARY PUBLIC  
SEE ATTACHED NOTARY ACKNOWLEDGEMENT

MIDAMERICAN ENERGY COMPANY  
IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS PLAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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

STATE OF )  
 ) SS.  
COUNTY OF )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS\_\_\_\_DAY OF \_\_\_\_\_, 2024, BY \_\_\_\_\_.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES:

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

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

CITY COUNCIL \_\_\_\_\_

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

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

COMMUNITY DEVELOPMENT DIRECTOR: COURTNEY HARTER DATE \_\_\_\_\_

## SOUTHLANDS SUBDIVISION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SECTION 27, ALL OF THE SOUTH HALF OF SECTION 28 (INCLUDING ALL OF PARCEL "A", PARCEL "B" AND A PORTION OF PARCEL "C" IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4), ALL OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2SE1/4), ALL OF LOTS 1 AND 2 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 1 AND ALL OF LOT 1 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2 ALL IN SECTION 29, ALL OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 32, A PORTION OF THE NORTH HALF OF SECTION 33 INCLUDING ALL OF PARCEL "A" IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4), PARCEL "A" IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF PARCEL "C" IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

OWNER:  
QUESTA LLC  
1600 AMPHITHEATRE PARKWAY  
MOUNTAIN VIEW, CA 94043

OWNER:  
MIDAMERICAN ENERGY COMPANY  
PO BOX 657  
DES MOINES, IA 50306-0657

DEVELOPER:  
QUESTA LLC  
1600 AMPHITHEATRE PARKWAY  
MOUNTAIN VIEW, CA 94043

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SECTION 27, ALL OF THE SOUTH HALF OF SECTION 28 (INCLUDING ALL OF PARCEL "A", PARCEL "B" AND A PORTION OF PARCEL "C" IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4), ALL OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2SE1/4), ALL OF LOTS 1 AND 2 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 1 AND ALL OF LOT 1 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2 ALL IN SECTION 29, ALL OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 32, A PORTION OF THE NORTH HALF OF SECTION 33 INCLUDING ALL OF PARCEL "A" IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4), PARCEL "A" IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF PARCEL "C" IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER(NW1/4NW1/4) OF SECTION 34, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1 OF THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2;

THENCE ON THE NORTH LINE OF SAID LOT 1 AND IT'S EASTERLY PROLONGATION, SOUTH 88 DEGREES 02 MINUTES 34 SECONDS EAST, 2602.70 FEET TO THE NORTHWEST CORNER OF SAID SOUTH HALF(S1/2) OF SECTION 28;

THENCE ON THE NORTH LINE OF SAID SOUTH HALF(S1/2), SOUTH 88 DEGREES 40 MINUTES 31 SECONDS EAST, 5295.06 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF(S1/2);

THENCE ON THE EAST LINE OF SAID SOUTH HALF(S1/2), SOUTH 01 DEGREE 11 MINUTES 46 SECONDS WEST, 1317.77 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER(SW1/4SW1/4);

THENCE ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER(SW1/4SW1/4), SOUTH 88 DEGREES 18 MINUTES 48 SECONDS EAST, 1306.59 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER(SW1/4SW1/4);

THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER(SW1/4SW1/4), SOUTH 01 DEGREE 22 MINUTES 24 SECONDS WEST, 235.37 FEET TO A POINT ON THE CENTERLINE OF WABASH AVENUE;

THENCE ON SAID CENTERLINE THE FOLLOWING 3 COURSES:  
1. SOUTH 31 DEGREES 35 MINUTES 35 SECONDS WEST, 3080.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET;  
2. SOUTHWESTERLY, ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 28 DEGREES 10 MINUTES 45 SECONDS, 469.69 FEET;  
3. SOUTH 59 DEGREES 46 MINUTES 21 SECONDS WEST, 1377.30 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH HALF(N1/2) OF SECTION 33;

THENCE ON SAID SOUTH LINE, NORTH 88 DEGREES 28 MINUTES 19 SECONDS WEST, 506.98 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 31 DEGREES 10 MINUTES 19 SECONDS EAST, 1206.00 FEET, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF BUNGE AVENUE;

THENCE WESTERLY ON SAID CURVE AND ON SAID NORTH RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 59 DEGREES 17 MINUTES 17 SECONDS, 1247.93 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTH HALF(N1/2);

THENCE ON SAID SOUTH LINE, NORTH 88 DEGREES 28 MINUTES 19 SECONDS WEST, 1829.54 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER(NE1/4);

THENCE ON THE SOUTH LINE OF SAID NORTHEAST QUARTER(NE1/4), NORTH 88 DEGREES 21 MINUTES 45 SECONDS WEST, 2643.01 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER(NE1/4);

THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER(NE1/4), NORTH 01 DEGREE 08 MINUTES 49 SECONDS EAST, 2613.58 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2 OF THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 1;

THENCE ON SAID SOUTH LINE, NORTH 87 DEGREES 56 MINUTES 18 SECONDS WEST, 26.28 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD;

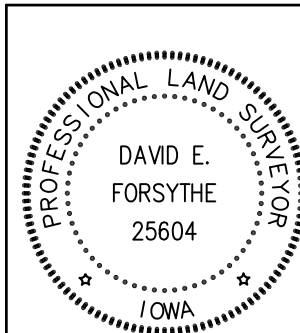
THENCE ON SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:  
1. NORTH 03 DEGREES 45 MINUTES 22 SECONDS EAST, 2000.00 FEET;  
2. NORTH 86 DEGREES 14 MINUTES 38 SECONDS WEST, 100.00 FEET  
3. NORTH 03 DEGREES 45 MINUTES 22 SECONDS EAST, 661.49 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2;

THENCE ON SAID NORTH LINE, SOUTH 88 DEGREES 23 MINUTES 48 SECONDS EAST, 38.53 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 972.943 ACRES(MORE OR LESS) INCLUDING 5.379 ACRES(MORE OR LESS) OF WABASH AVENUE RIGHT-OF-WAY AND 14.937 ACRES(MORE OR LESS) OF PONY CREEK RIGHT-OF-WAY.

## NOTE:

A PERPETUAL EASEMENT IS RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES 10 FEET WIDE ALONG THE PERIMETER OF SOUTHLANDS SUBDIVISION.



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.

DAVID E. FORSYTHE MARCH 20, 2024  
DATE  
LICENSE NUMBER 25604  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024.  
PAGES OR SHEETS COVERED BY THIS SEAL:  
SHEET 1 OF 2 SHEET 2 OF 2

this drawing is being made  
and used for the purpose of  
recording for use on this project in  
accordance with hgm associates  
inc. agreement for professional  
services. hgm associates inc.  
does not warrant the accuracy of  
this drawing or any part thereof  
except in accordance with the  
terms of the above agreement.

hgm  
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ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

DEF drawn DEF designed DEF approved  
date revision  
SEPT 12 2023

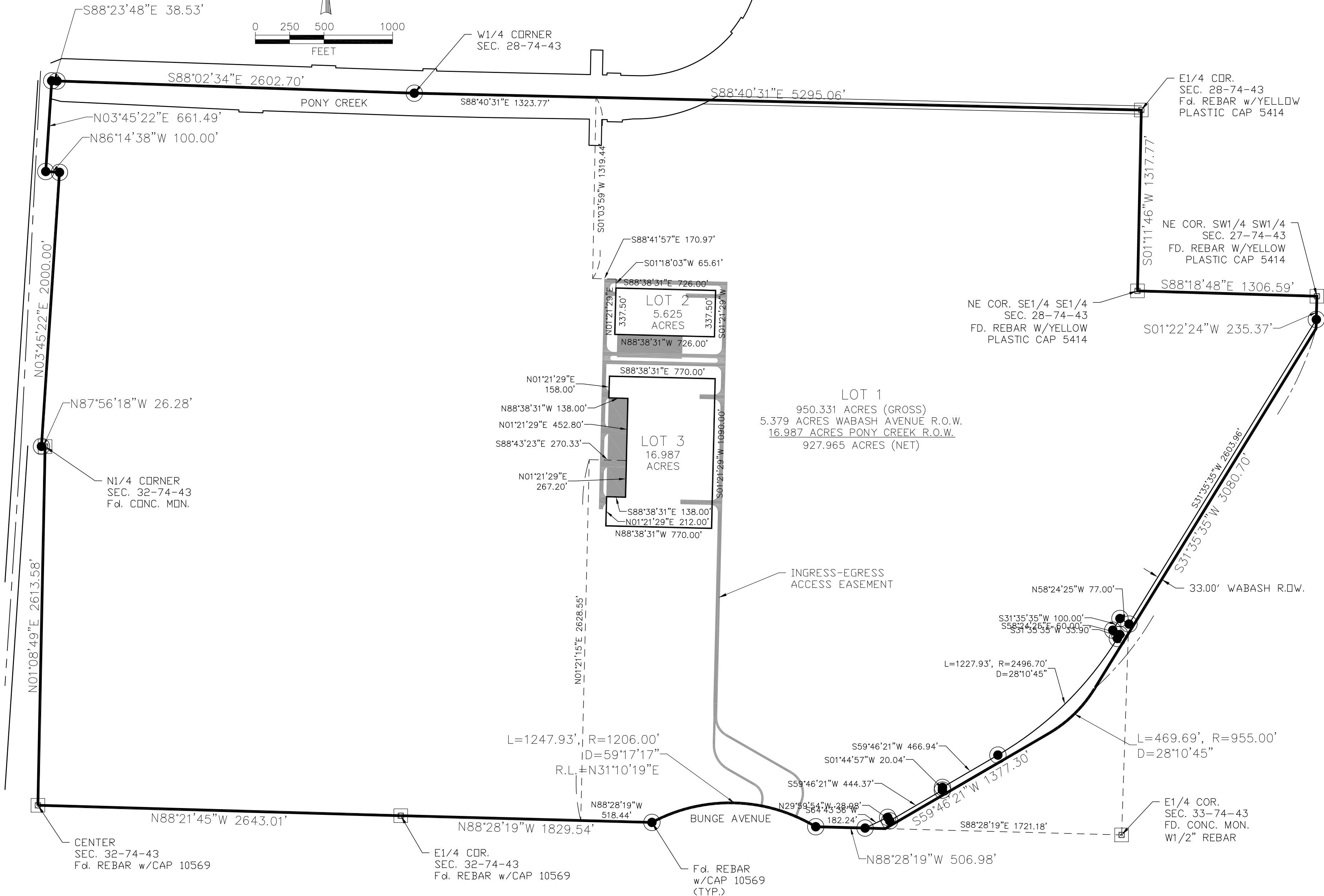
project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

project no.  
103623  
sheet  
1 OF 11

# SOUTHLANDS SUBDIVISION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SECTION 27, ALL OF THE SOUTH HALF OF SECTION 28 (INCLUDING ALL OF PARCEL "A", PARCEL "B" AND A PORTION OF PARCEL "C" IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4)), ALL OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2SE1/4), ALL OF LOTS 1 AND 2 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 1 AND ALL OF LOT 1 IN THE AUDITOR'S SUBDIVISION OF GOVERNMENT LOT 2 ALL IN SECTION 29, ALL OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 32, A PORTION OF THE NORTH HALF OF SECTION 33 INCLUDING ALL OF PARCEL "A" IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4), PARCEL "A" IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND A PORTION OF PARCEL "C" IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

## LOT LAYOUT



this drawing is being made  
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responsible for any errors  
or omissions in this  
drawing or any part thereof  
except in accordance with the  
terms of the above agreement.

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

DEF	drawn	DEF	designed	DEF	approved	SEPT. 23	date
							revision
							date

project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

project no.  
103623  
sheet  
2 OF 11

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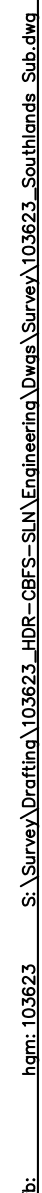
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council bluffs omaha

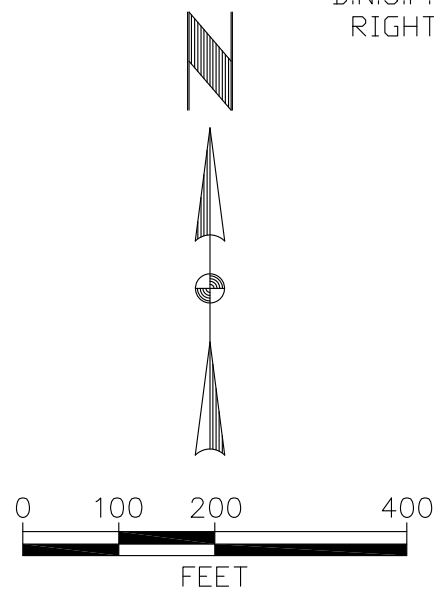
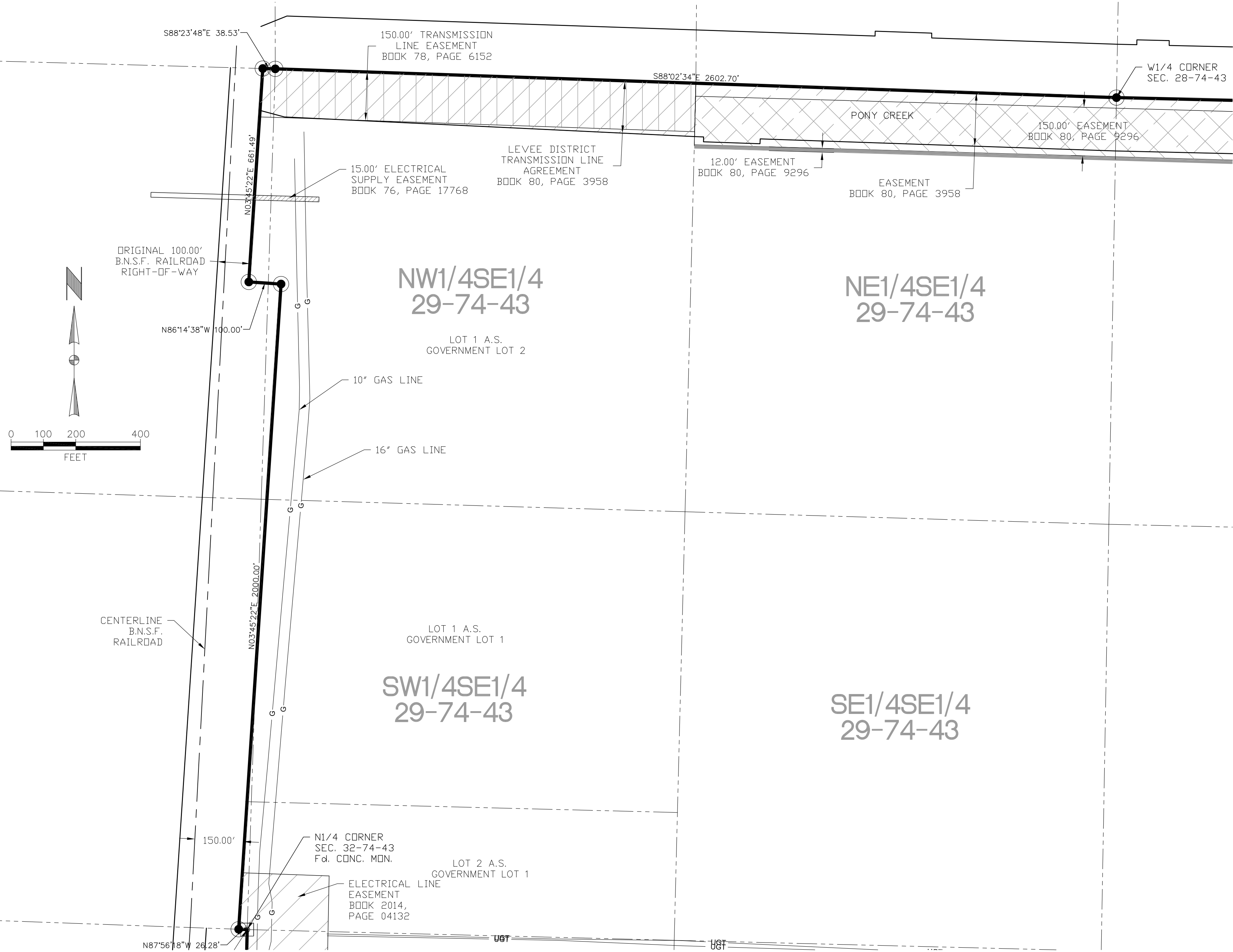
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DEF	designed	SEPT.'23	
DEF	approved		

project **SOUTHLANDS SUBDIVISION**  
client **HDR ENGINEERING INC**  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet **SUBDIVISION PLAT**

project no.  
103623  
sheet  
3 OF 11



SOUTHLANDS SUBDIVISION



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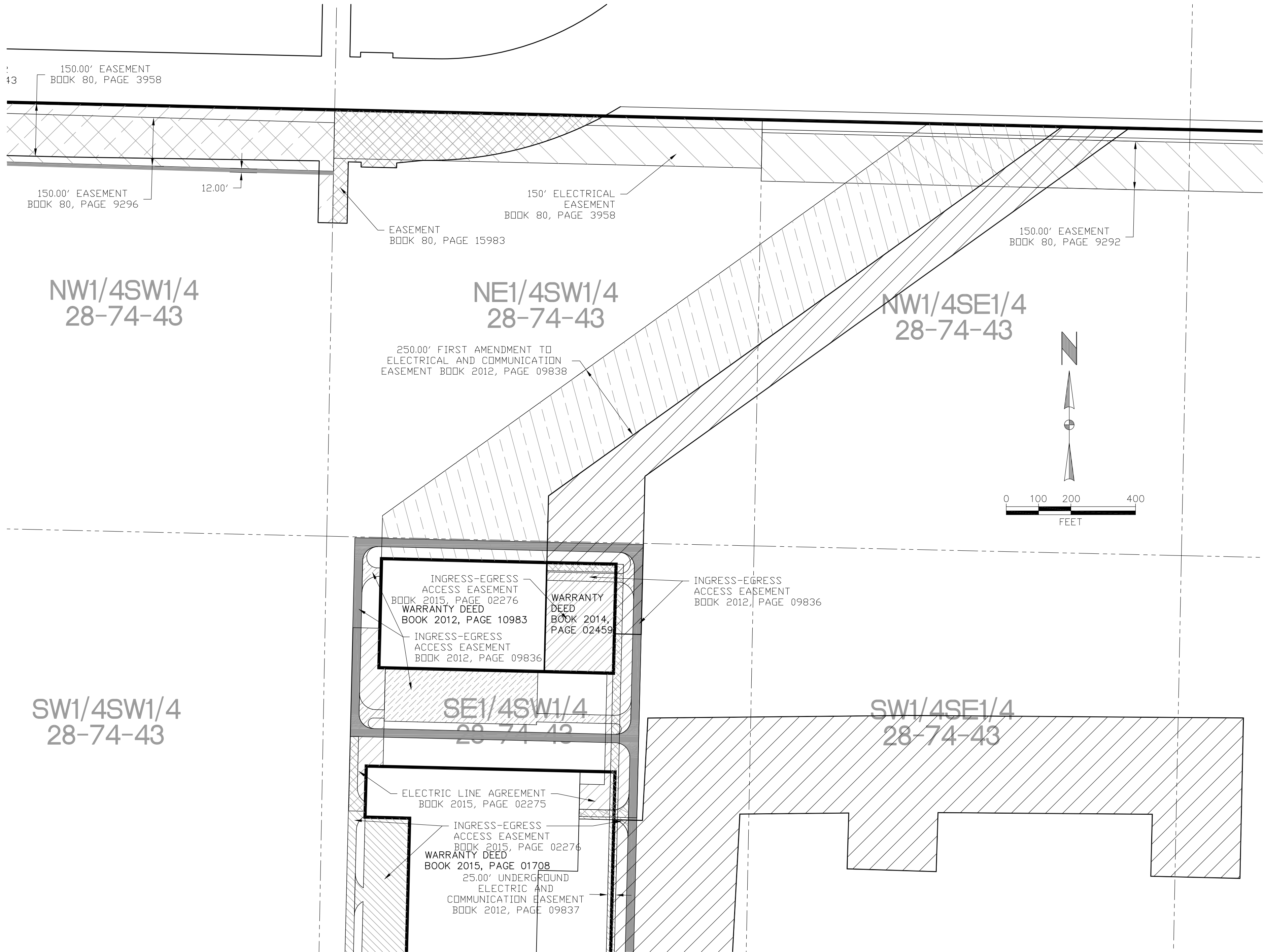
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council bluffs omaha

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project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

project no. 103623  
sheet 4 OF 11

SOUTHLANDS SUBDIVISION



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Act, Chapter 549, R.S.M.  
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							revision

project SOUTHLANDS SUBDIVISION  
client  
sheet SUBDIVISION PLAT

project no.  
103623  
sheet  
5 OF 11

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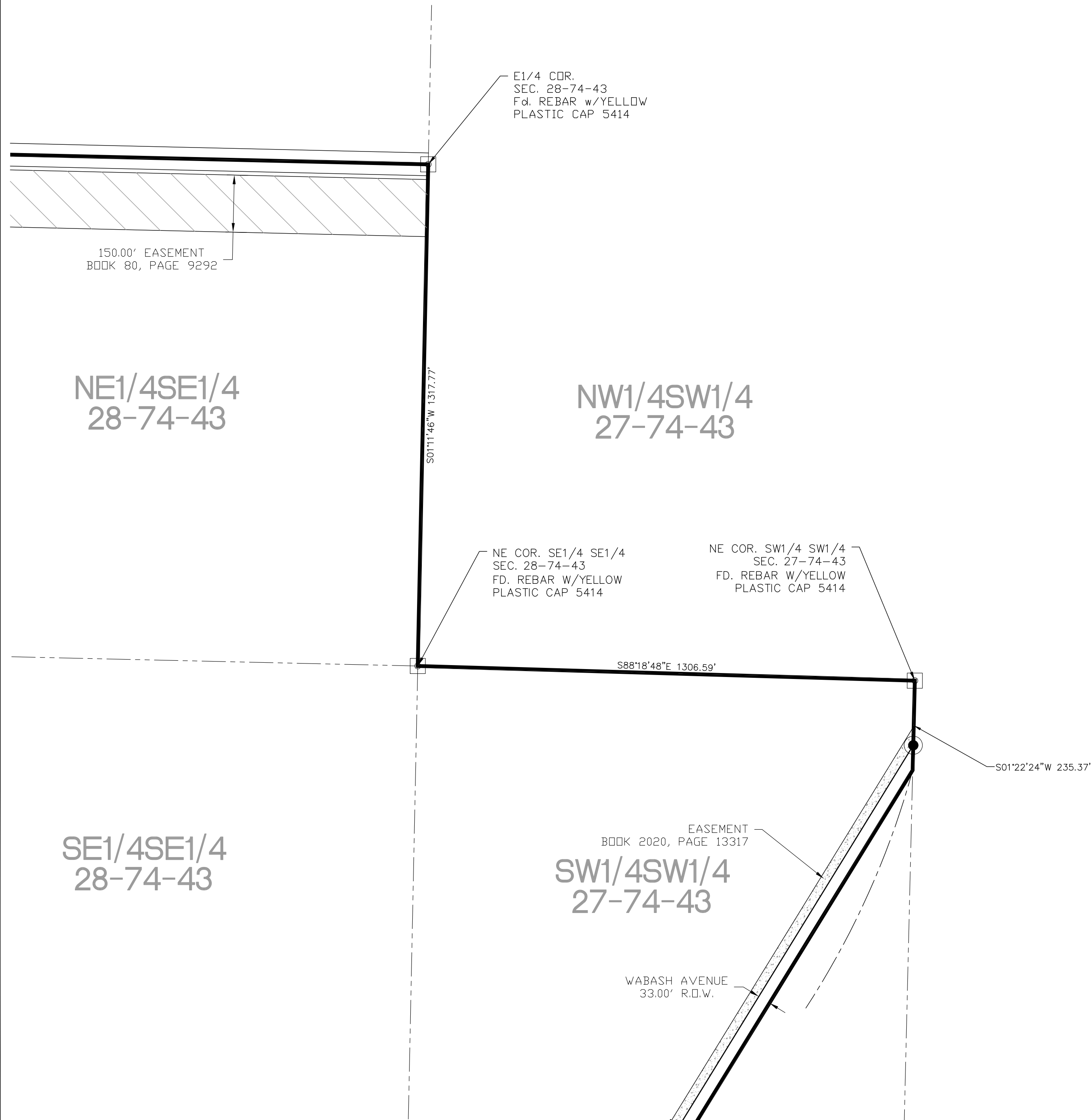
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ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

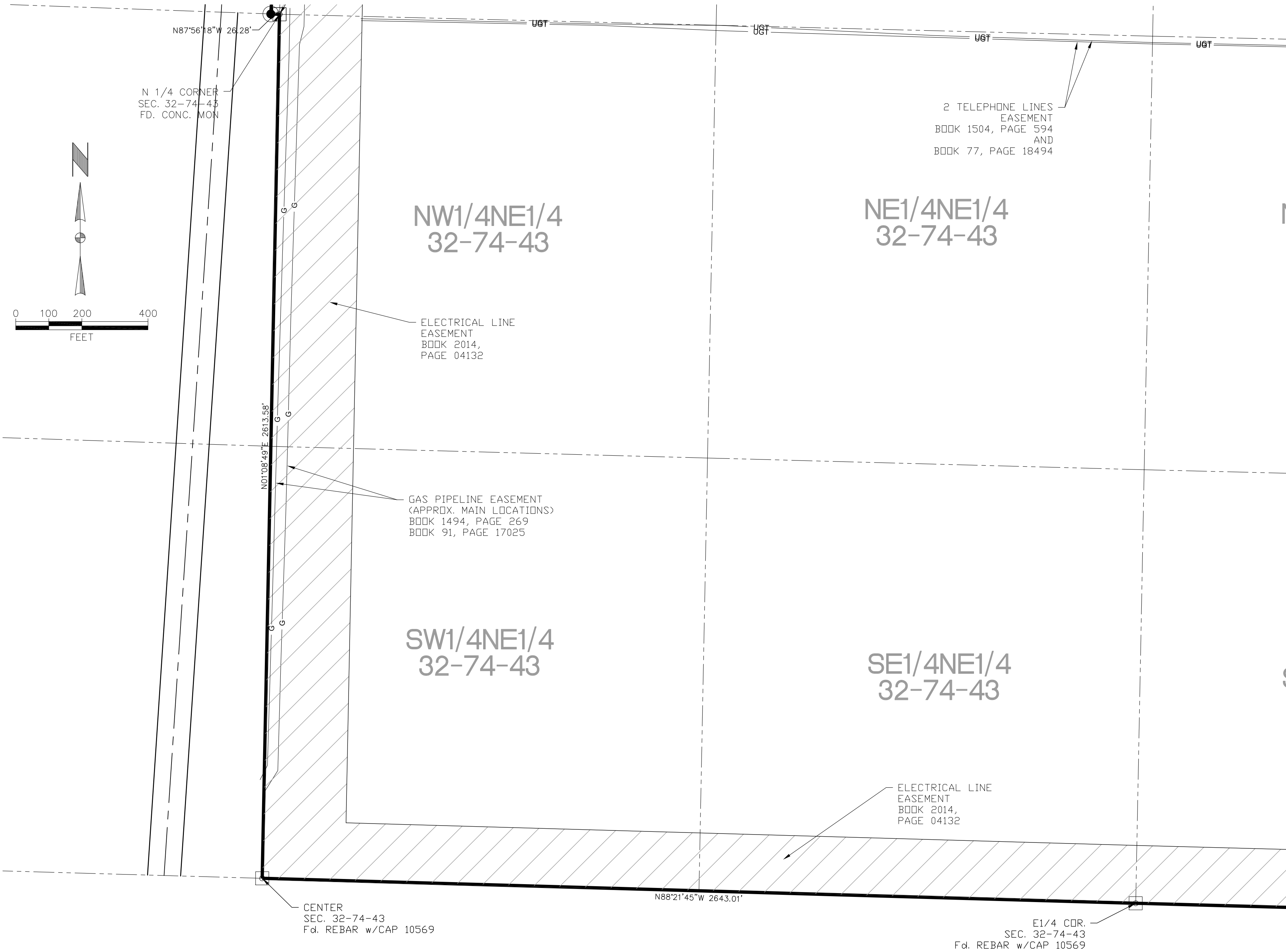
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DEF	designed	SEPT.'23	
DEF	approved		

Project: SOUTHLANDS SUBDIVISION  
Client: HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
Sheet: SUBDIVISION PLAT

project no.  
103623  
sheet  
6 OF 11



SOUTHLANDS SUBDIVISION



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terms of the above agreement.

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ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

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							revision

project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

project no. 103623  
sheet 7 OF 11

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council bluffs omaha

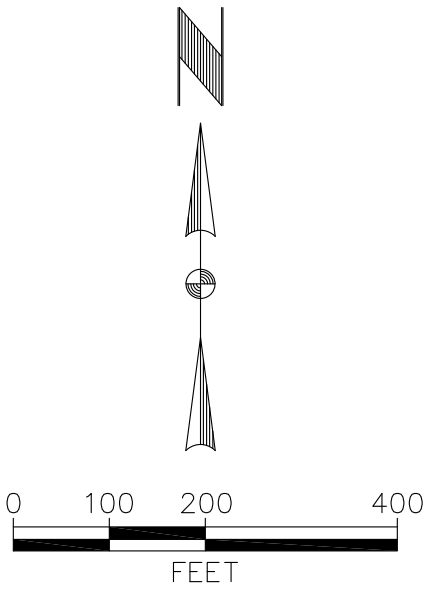
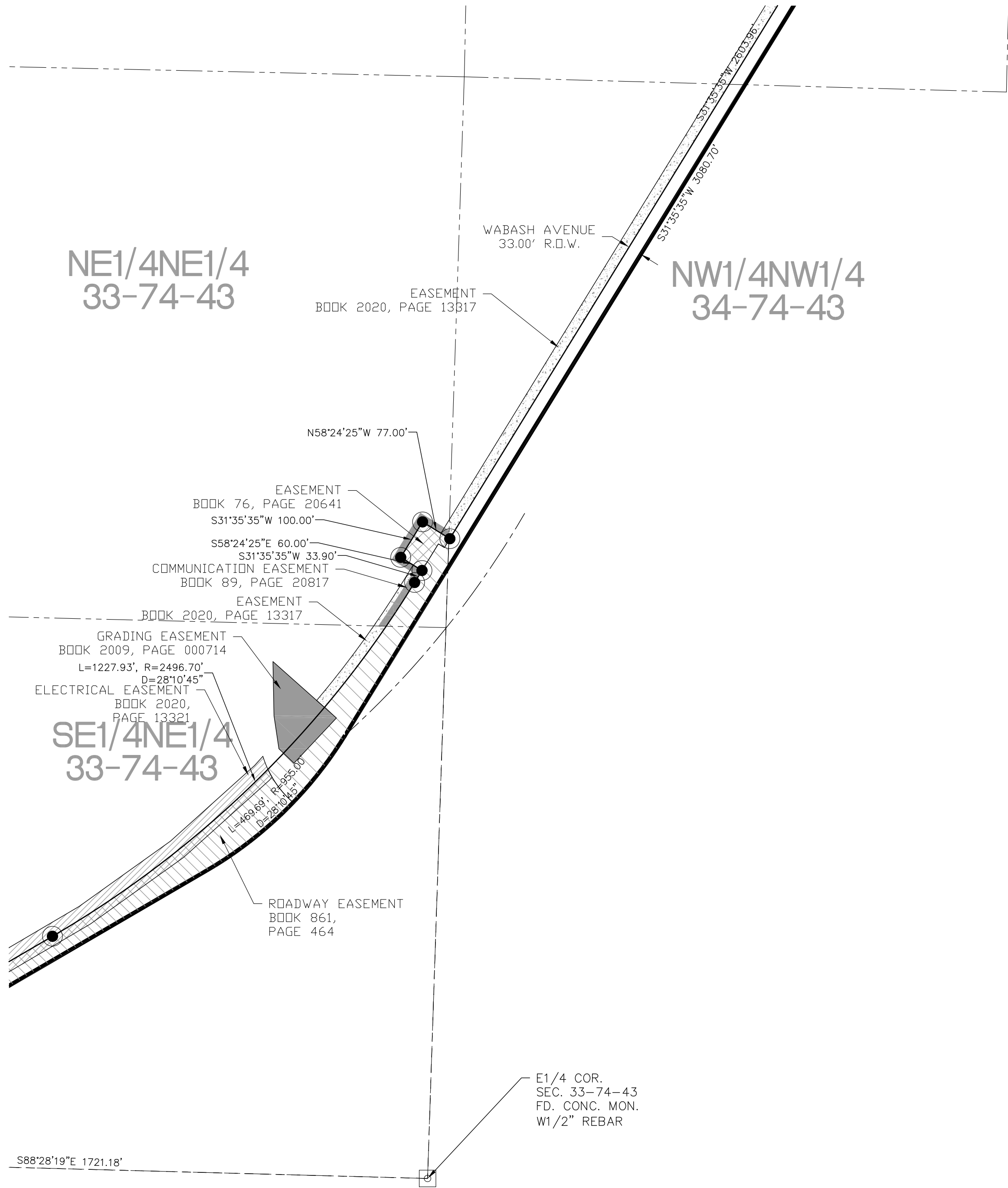
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DEF	designed	SEPT.'23	
DEF	approved		

Project: SOUTHLANDS SUBDIVISION  
Client: HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
Sheet: SUBDIVISION PLAT

project no.  
103623  
sheet  
8 OF 11



SOUTHLANDS SUBDIVISION



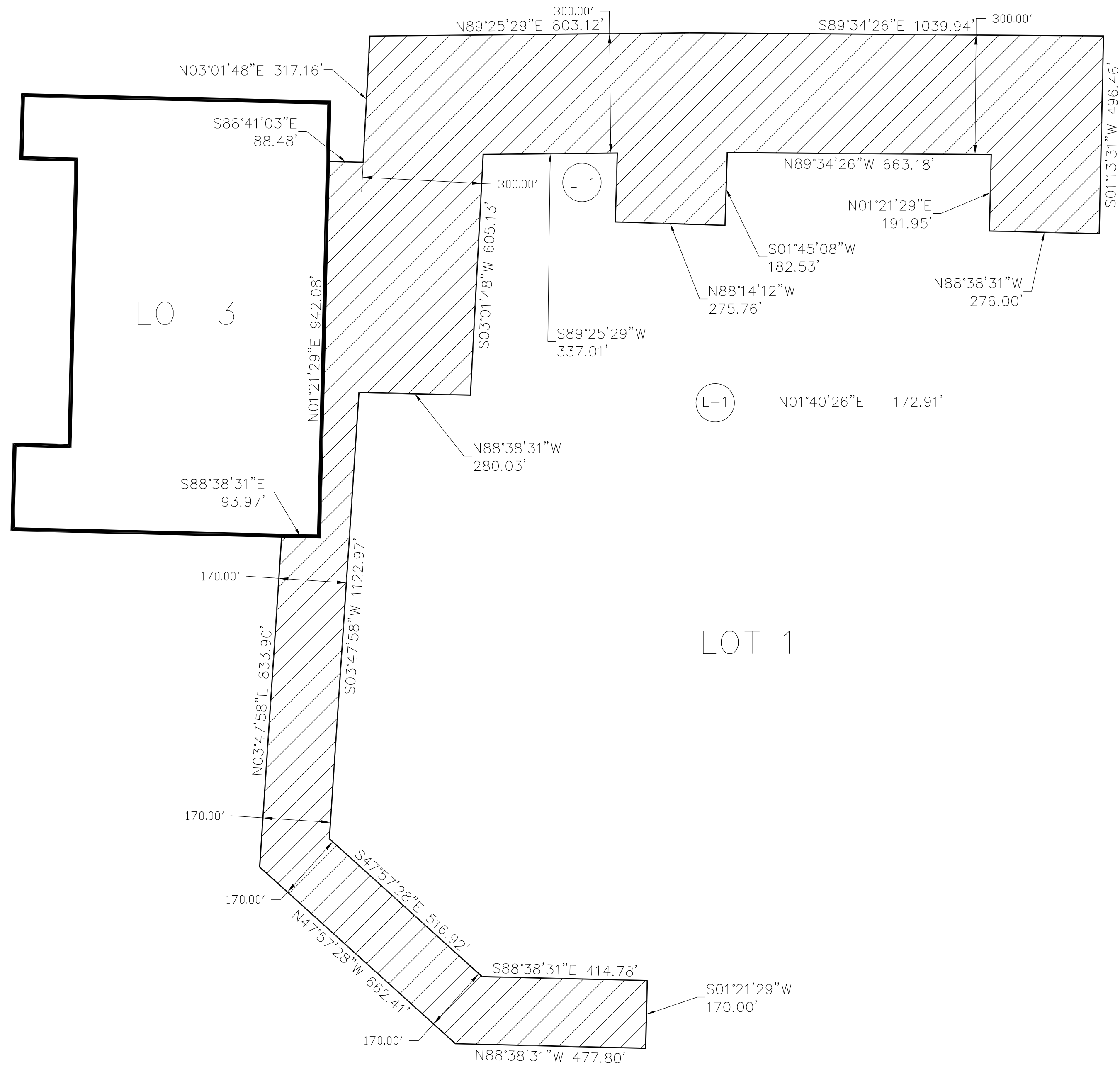
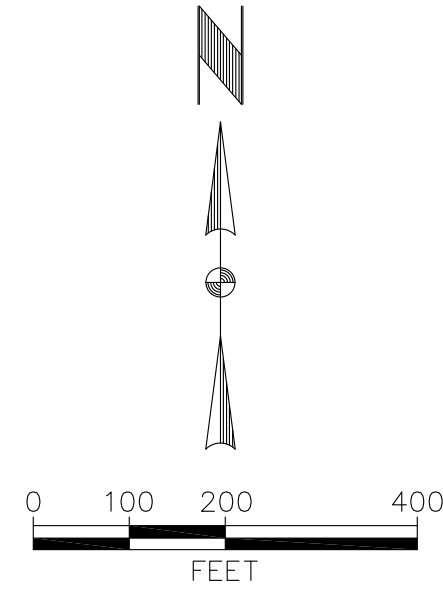
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SEPT 12 2023	revision	date

project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

project no. 103623  
sheet 9 OF 11

THIS DRAWING IS BEING MADE FOR THE PROJECT OF THE SOUTHLANDS SUBDIVISION, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERING ACT, CHAPTER 48, SECTION 48.01, IRRS, IN THE STATE OF IOWA. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE ABOVE INFORMATION. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

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council bluffs omaha



project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT

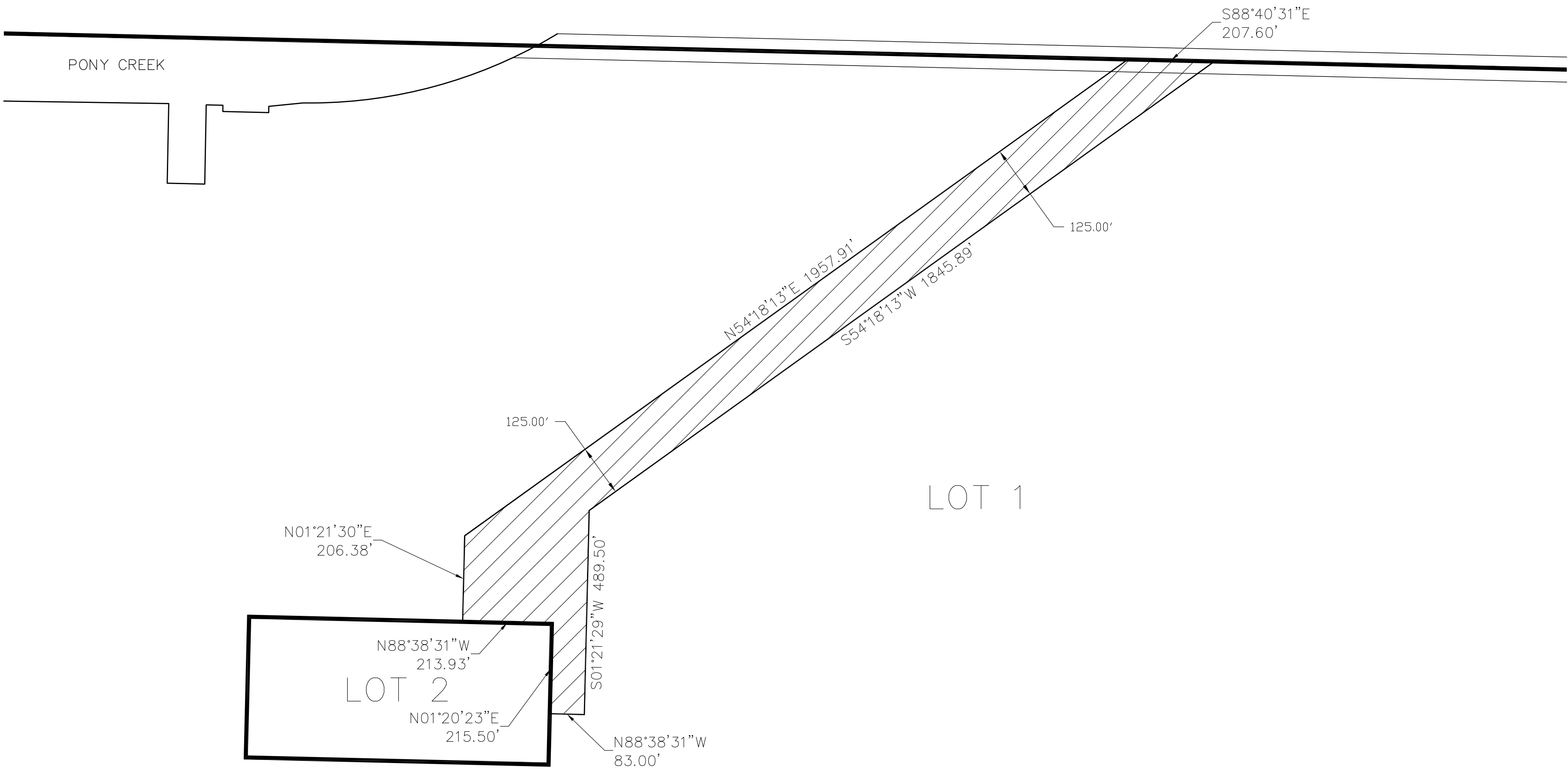
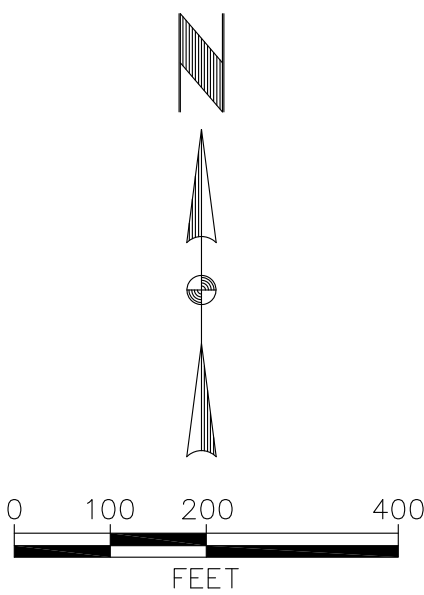
project no. 103623  
sheet 10 OF 11

DEF	date
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ENGINEERING ARCHITECTURE SURVEYING  
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SOUTHLANDS SUBDIVISION  
TRANSMISSION LINE EASEMENT



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professional seal of the  
engineer for use on this project. In  
accordance with hgm associates  
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services, hgm associates inc.  
and its employees shall not be  
liable for any part thereof  
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ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omaha

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							date




project SOUTHLANDS SUBDIVISION  
client HDR ENGINEERING INC  
1917 SOUTH 6th ST., OMAHA, NE 68106  
sheet SUBDIVISION PLAT


project no.  
103623  
sheet  
11 OF 11

# CITY OF COUNCIL BLUFFS - CITY COUNCIL CASE #SUB-24-002 LOCATION/ZONING MAP

## Attachment B

### Legend

-  Case #SUB-24-002 Subject Properties
-  City of Council Bluffs Municipal Boundary
-  Parcels

0 1,000 2,000  
  
 1 Inch = 2,000 Feet

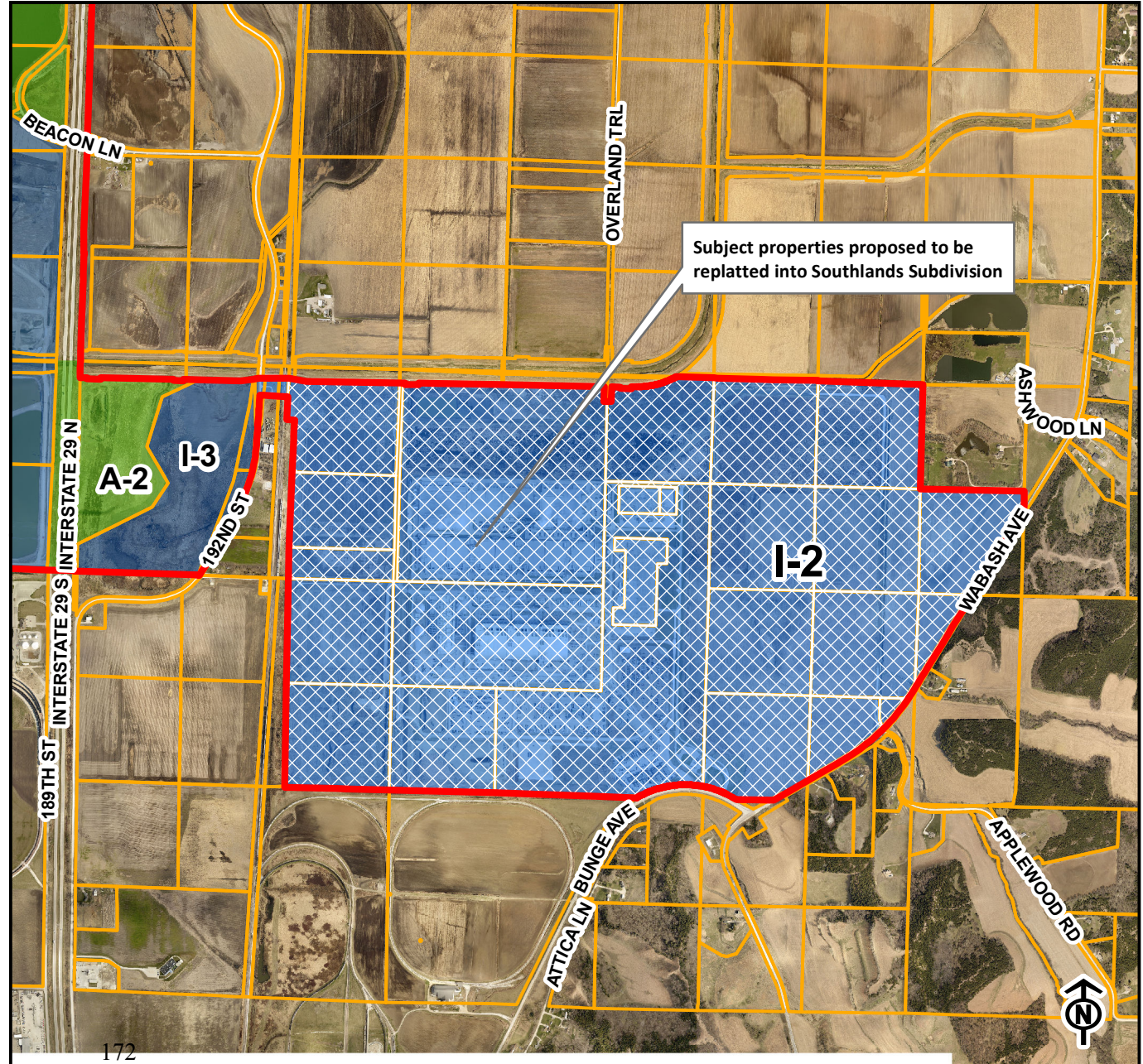


Last Amended: 4/01/2024



Council Bluffs Community  
 Development Department  
 209 Pearl Street  
 Council Bluffs, IA 51503  
 Telephone: (712) 890-5350

**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 misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



## RESOLUTION NO. 24-117

### **A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT INDUSTRIAL SUBDIVISION TO BE KNOWN AS SOUTHLANDS SUBDIVISION, AS LEGALLY DESCRIBED IN “ATTACHMENT A”.**

**WHEREAS,** Questa, LLC and MidAmerican Energy are requesting final plat approval for this subdivision to be built on land lying north of property addressed as 2849 River Road and legally described in “Attachment A”; and

**WHEREAS,** The Community Development Department provided the following comments:

- A. The proposed Southlands Subdivision is generally consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
- B. The minimum lot size property zoned I-2 District is 15,000 square feet, as per Section 15.21.050, Site development regulations, I-2/Industrial District of the Municipal Code (Zoning Ordinance). Proposed Lot 1 will contain 927.65 acres of land and will be owned by Questa, LLC; and proposed Lots 2 and 3 will contain 5.62 acres and 16.98 acres respectively and will be owned by MidAmerican Energy. All lots within the proposed subdivision comply with I-2 District lot size requirements.
- C. All future construction and development within this subdivision shall comply with standards stated in Section 15.21.050, Site development regulations, I-2/Industrial District of the Municipal Code (Zoning Ordinance).
- D. The subdivision is located within a Flood Zone ‘X’, according to FEMA Map Number 19155C0595E, dated February 4, 2005, and is protected from Missouri River and Pony Creek floods by levees.
- E. Proposed Lot 1 has direct access Bunge Avenue. Proposed Lots 2 and 3 will have access to Bunge Avenue via pre-existing ingress/egress easements across Lot 1, as shown on Sheets, 2, 3, 5 and 8 of the proposed final plat. No new public roadway extensions are proposed at this time.
- F. All electric, gas, water, cable and communication facilities are available to serve development within the subdivision and shall be installed underground. Overhead transmission lines that connect into MidAmerican Energy’s substations on Lots 2 and 3 are not required to be buried underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the developers/land owners, and not the City of Council Bluffs.
- G. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such is stated on the final plat.
- H. All City Departments and local utility companies were provided a copy of the proposed final plat to review. The following comments were received:
  - 1. Council Bluffs Public Works stated easements all natural drainage ways that flow through the site require easements to be defined over them. Additionally, Public Works has no concerns with the plat not

containing standard perimeter easements for utilities as they are all supplied through defined easements paths on the property. Public Works also recommended all of the hatched easements be captured in a legend on the plat with a definition of the easement and ownership.

- I. The following technical corrections must be made to the final plat prior to being signed by the City:
  1. Sheet 2 of 11: Identify which point on the plat map is the “Point of Beginning”.
  2. Sheet 5 of 11: Notate the course bearing distance and linear feet of all property lines shown on the plat.
  3. Sheet 8 of 11: Notate the course bearing distance and linear feet of all property lines shown on the plat; and

**WHEREAS,** The Community Development Department recommends final plat approval of Questa, LLC and MidAmerican Energy for final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in “Attachment A”, subject to all comments stated above and following conditions:

- A. All technical corrections shall be incorporated into the final plat document prior to being executed; and
- B. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
- C. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- D. All electric, gas, water, cable and communication facilities shall be installed underground. Overhead transmission lines that connect into MidAmerican Energy’s substations on Lots 2 and 3 are not required to be buried underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the developers/land owners, and not the City of Council Bluffs.

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

That the request for final plat approval of a three-lot industrial subdivision to be known as Southlands Subdivision, as legally described in “Attachment A”, is hereby approved.

**BE IT FURTHER RESOLVED**

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

ADOPTED  
AND  
APPROVED

April 22, 2024.

---

MATTHEW J. WALSH

Mayor

Attest:

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JODI QUAKENBUSH

City Clerk

## Council Communication

Department: Community Development  
Case/Project No.:  
Submitted by: Dessie Redmond, Housing &  
Economic Development Planner

Resolution 24-118  
ITEM 5.F.

Council Action: 4/22/2024

<b>Description</b>
Resolution approving Request for Proposals for approximately .25 acres of land at 1st Avenue and S. 8th Street.
<b>Background/Discussion</b>
See attached staff report.
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	4/15/2024
<a href="#">Request for Proposals</a>	Other	4/15/2024
<a href="#">Habitat for Humanity Application Form</a>	Other	4/15/2024
<a href="#">Resolution 24-118</a>	Resolution	4/17/2024

## Council Communication

Department: Community Development	Resolution No.: 24 -	City Council: April 22, 2024
<b>Subject/Title</b>		
Resolution approving the request for proposal for approximately .25 acres of land at 1 <sup>st</sup> Avenue and S. 8 <sup>th</sup> Street based on the additional investment on the property and adjacent property and the creation of new affordable housing.		
<b>Background/ Discussion</b>		
<u>Background</u>		
<p>In 2017, the City took title to property located at 1<sup>st</sup> Avenue and S. 8<sup>th</sup> Street (Parcel ID: 754436789009) under Iowa Code 6547A. This allows the City to petition the court to declare a property abandoned. Once the court awards the City title, the City files a “change of title” certificate with the County to show the City as owner. Through this process, the City then obtains the property free and clear from any encumbrances (mortgages, liens, etc.) that may have been attached to the property. Later in 2017, the residence was demoed and the property has been vacant ever since. The property is located in the Bluffs Center 1 Urban Renewal Area. Staff believes it is in the best interest of the City to request proposals for the redevelopment of the site through a RFP process requesting development designs for a multi-family project.</p> <p>As part of the disposition of property, state statutes require the city ensure a reasonable competitive bidding procedure and 30 days to respond. This also includes providing notice by publication in a newspaper having a general circulation to the community 30 days prior to the execution of a contract involving the transfer of property. The RFP was published March 5, 2024 and proposals were due April 4, 2024.</p> <p>Developers were required to submit proposals that demonstrate their capacity to satisfy the requirements of the RFP including:</p> <ol style="list-style-type: none"><li>1. Name, address, and contact information of the person or legal entity submitting the proposal.</li><li>2. A description of the individual or entity’s background and business.</li><li>3. A narrative description of plan for the site. Conceptual plans are preferable but not necessary.</li><li>4. Timeframe</li><li>5. An itemized description and costs of project.</li><li>6. Proposed method of financing the acquisition and improvements made.</li></ol> <p>The proposal was reviewed by staff of the Community Development Department and was determined to meet the RFP requirements. An appraisal was conducted on the property on September 28, 2024 and the value was estimated at \$40,000. As part of their response to the RFP, Habitat for Humanity proposed a bid amount of \$12,950 because it is half the amount that the county assesses the property’s tax value of \$25,900. Habitat for Humanity explained that given their significant investment committed to the neighboring townhome development, and partnership with city planning to create a multiphase expansion of those original six townhomes, they are requesting that their offer of half of the tax valuation be considered. Staff considers this to be a reasonable offer given the additional investment on the property and the creation of new affordable housing, which the City is in need of.</p>		
<u>Discussion</u>		
<p>One developer responded to the RFP. Habitat for Humanity submitted a proposal to use the property to complete a second phase of their Baldwin Court Townhome project. These are 4bedroom/2 bathroom</p>		

## Council Communication

homes that complement the surrounding neighborhood architecture and brings revitalization this urban core neighborhood needs. Phase I of six townhomes is currently underway. Phase II planning will begin in this summer of 2024 and construction would commence during the 2026 fiscal year.

Staff reviewed the proposals and believes the Habitat for Humanity Baldwin Phase II project fully complies with the requirements of the RFP and the development proposal achieves the City's long-range vision for Bluffs Center 1 Urban Renewal Area.

### **Recommendation**

Resolution approving the request for proposal for approximately .25 acres of land at 1<sup>st</sup> Avenue and S. 8<sup>th</sup> Street based on the additional investment on the property and adjacent property and the creation of new affordable housing.

### **Attachments**

Habitat for Humanity response to the RFP

**City of Council Bluffs, Iowa**  
**Request for Proposals**  
**Redevelopment of Land Located at 1<sup>st</sup> Avenue and S. 8<sup>th</sup> Street**  
**Proposal Due Date: April 4, 2024**

Bids will be received by the City of Council Bluffs via the electronic submission system at <https://cbiabids.ionwave.net/> until noon on April 4, 2024 for all work set forth in the plans, specifications and proposals for the above mentioned project.

Re

The City of Council Bluffs through its Community Development Department is accepting proposals for the purchase and development of .25 acres of property located in west Council Bluffs for the development of a multi-family housing units. The subject property is located between S. 8<sup>th</sup> and S. 7<sup>th</sup> Street along 1<sup>st</sup> Avenue (See Attachment B - Location).

The property is located in the Bluffs Center 1 Urban Renewal Area and because the block is in the R-3 zoning district and surrounded commercial, multi-family and single-family uses, the City wishes to increase density along the 1<sup>st</sup> Avenue but be sensitive to the aesthetics of the original neighborhood.

**City Objectives**

The city is seeking proposals to develop the site in conformance with applicable ordinances, as well as in compliance with the following stated objectives. These objectives include, but are not limited to:

- To cause the construction of new affordable housing units with occupancy on or before October 30, 2025.
- To provide a positive impact on the city resulting in increased tax revenues and contribute to the city's long term economic and community growth objectives.
- To implement the recommendations contained in the Bluffs Center 1 Urban Renewal Area.

**Site Description**

In 2017, the City took title to property located at 1<sup>st</sup> Avenue and S. 8<sup>th</sup> Street (Parcel ID: 754436789009) under Iowa Code 6547A. This allows the City to petition the court to declare a property abandoned. Once the court awards the City title, the City files a "change of title" certificate with the County to show the City as owner. The City then obtains the property free and clear from any encumbrances (mortgages, liens, etc.) that may have been attached to the property. Later in 2017, the residence was demoed and the property has been vacant ever since. The property will be for the purchase of the appraised price of \$40,000.

The parcel is served with water, sanitary sewer, storm sewer, and street paving, but individual service lines may need to be extended to accommodate the project.

The property is located in the Zone X (protected by the levee). Since Zone X is protected by the levee, there are not additional flood development requirements.

**Value of the Property**

The appraised value of the property is \$40,000.

**Inquiries, Questions and Deadlines**

All inquiries/questions regarding this RFP must be in IonWave. Any other contact in reference to this RFP will not be addressed.

RFP Issued: March 5, 2024

Q&A Ends: March 21, 2024

Answers to all questions will be posted no later than March 28, 2024

RFP Due: April 4, 2024 at noon

Proposals submitted by fax or email will not be accepted. Proposals received after the submission deadline will not be accepted.

### **Proposal and Submittal Requirements**

In a clear and concise manner, developers must submit proposals that demonstrate the developer's capacity to satisfy the requirements of this RFP. Proposals do not need to be elaborate or costly, but should be prepared in a professional manner. Developers are required to submit electronic proposals on IonWave and must include the following information to be submitted for consideration:

1. Name, address, and contact information of the person or legal entity submitting the proposal.
2. A description of the individual or entity's background and business.
3. A narrative description of plan for the site. Conceptual plans are preferable but not necessary.
4. Timeframe
5. An itemized description and costs of project.
6. Proposed method of financing the acquisition and improvements made.

City Council will consider submitted proposals at a public hearing scheduled for April 22, 2024.

### **General Provisions**

- 1) Submittal Ownership/Costs: Upon submission, all information becomes the property of the City of Council Bluffs. The City has the right to use any or all ideas presented in any submission in the response to this RFP, whether or not the submittal results in a contract with the submitting Developer. All costs for development of the written submittal and any oral presentation are entirely the obligation of the Developer and shall not be reimbursed.
- 2) Non-Warranty of Request for Qualifications: The City shall not be responsible for any errors or omissions in this RFP, nor for the failure on the part of the Developers to ensure that they have all the information necessary to affect their submittals.
- 3) Request for Clarification: The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers, either orally or in writing.
- 4) Acceptance/Rejection of Submittals: The City reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities, or to accept submittals or portions thereof, which, in the City's judgment, best serve the interest of the City of Council Bluffs.

The City reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contract, which results from this RFP.

- 5) Indemnification: The selected Developer shall: (1) faithfully perform said Contract on City's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the City

from all costs and damages which said City may suffer by reason of failure to do so; and (3) fully reimburse and repay said City all outlay and expenses which said City may incur in making good any default.

The selected Developer shall protect, defend, indemnify and save harmless the City, its agents, boards and employees, collectively referred to as “Indemnitees”, from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Developer, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Developer’s direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services. The Developer’s indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Developer shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

- 6) Insurance: The selected Developer shall carry and maintain during the life of the contract insurance as deemed appropriate by the City of Council Bluffs. Specific amounts and types of insurance will be detailed in the negotiated development agreement.
- 7) Collusion: The Developer, by submitting a Proposal, declares that the submission is made without any previous understanding, agreement or connections with any persons, Developers or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.
- 8) Consideration of Submittals: Proposals will be considered from Developers normally engaged in providing and performing services as specified in this RFP. The Developer must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City. The City reserves the right to inspect the facilities and organization or to take any other action necessary to determine the ability to perform in accordance with specifications, terms and conditions before recommending any award.
- 9) Discrimination Clause: According to the City of Council Bluffs Municipal Code 1.40, discrimination of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, age or mental or physical disability is prohibited in any form. This extends to any and all partner agencies and contractual obligations.

**Attachment A - Application Form**  
**Redevelopment of Land Located**  
**at 1st Avenue and S. 8th Street**

**Bidder Information**

1. Name of Business: Habitat for Humanity of Council Bluffs
2. Address: 1228 S Main Street
3. City, State & Zip Code: Council Bluffs, IA 51503
4. Contact Person: Blake Johnson Title: Executive Director
5. Phone: 402-515-1415 Fax: \_\_\_\_\_ Email: bjohnson@habitatcb.org
6. FEIN: 42-1394987

**Bid Amount:** 12950

(Appraised Value \$40,000)

Provide narrative if proposing a bid amount less than appraised value.

The county assesses this properties tax value at \$25,900. Given the significant investment committed to the neighboring townhome development, and partnership with city planning to create a multiphased expansion of those original six townhomes, we are requesting that our offer of half of the tax valuation be considered.

**Business Information**

1. Provide a brief description and history of the individual or business entity.

Habitat Council Bluffs was affiliated in 1994. To date, we have built over 90 homes in Council Bluffs and we are committed to ramping up our production of affordable housing in the coming years.

We provide the homes we build to qualified buyers under 80% AMI with an affordable mortgage to purchase the home.

Besides homebuilding and mortgage creation, we also offer home repair solutions for owner occupied homes and operate a retail thrift store dedicated to providing affordable building materials, furniture, and home decor.

2. Business Structure:

☐ Cooperative  
☐ Partnership

☐ Corporation  
☐ Sole Proprietorship

☐ Limited Liability Company  
☐ Individual

☒ Non-Profit / Government

3. Is business currently located within Council Bluffs and relocating? ☒ Yes ☐ No

If Yes, list current business location: 1228 S Main St

**Project Information**

1. Describe in detail the proposed project. (Include project proposed project, timeline with dates, building renovation and construction, onsite infrastructure improvements, etc.). Use additional pages as necessary.

Habitat for Humanity of Council Bluffs is proposing a use of this property to complete a second phase of our Baldwin Court Townhome project. These are 4BR/2BA homes that compliment the surrounding neighborhood architecture, revitaliz this urban core neighborhood, and bring much needed invesment to a lot that has sat underutilized for many years.

Phase I of six townhomes is currently underway. Phase II planning will begin this summer (2024) and construction would happen during our 2026 fiscal budget year (July 2025 - June 2026)

A new private drive will be constructed to provide access to the development, as well as property covenants and HOA will apply as an extention of Phase I of the project.



4. Proposals will be evaluated on the following criteria:

- Price (20 points)
- Proposed Reuse (25 points)
- Neighborhood Compatibility (20 points)
- Feasibility (20 points)
- Timeframe (10 Points)
- Other (5 points)

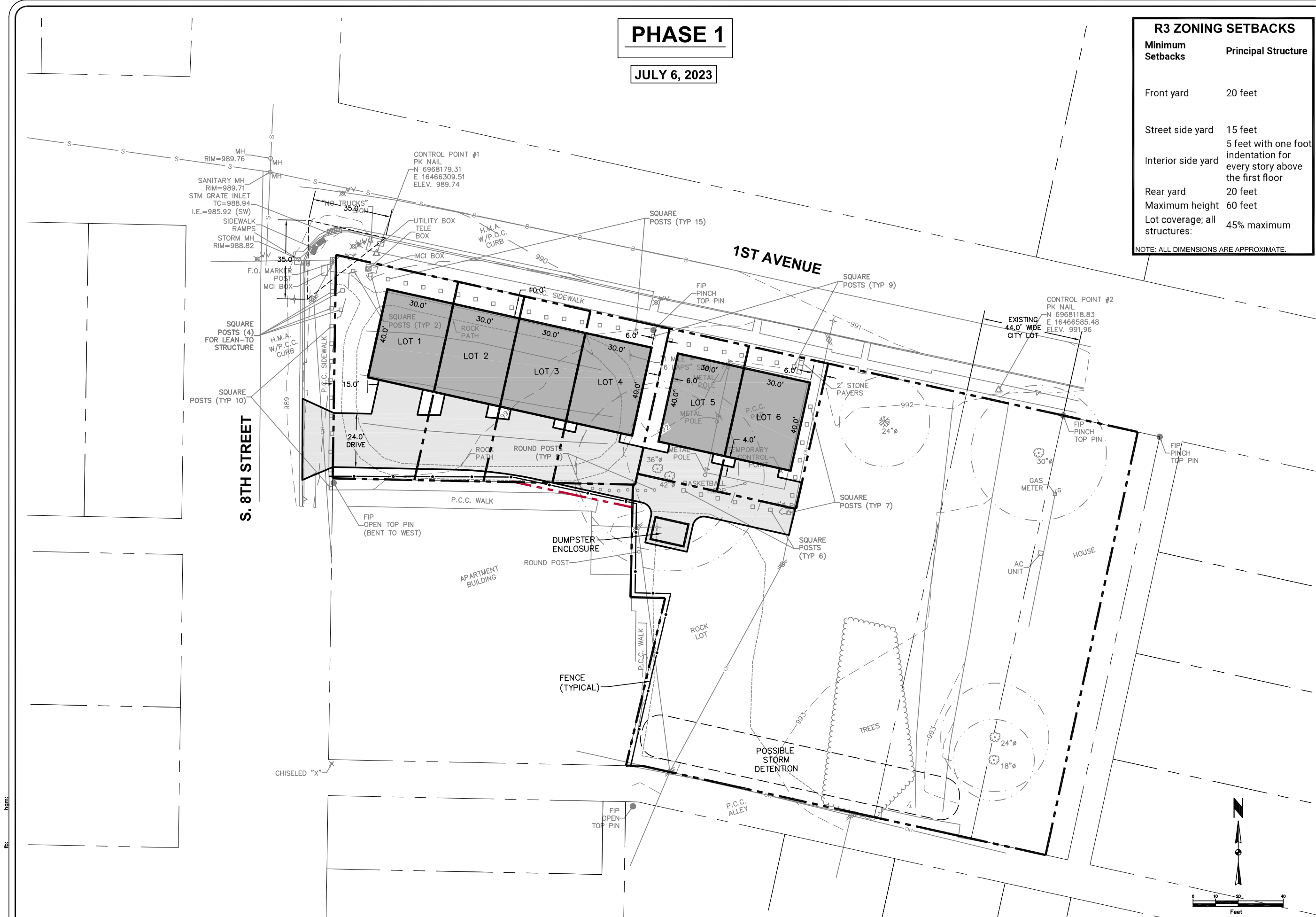
The bidder is hereby advised that by signature of this proposal he/she is deemed to have acknowledged all requirements. All bids are final, no bids received may be withdrawn or amended after being duly received and recorded by the City of Council Bluffs.

Name: Blake Johnson

Title: Executive Director

Signature: 





PHASE 1

JULY 6, 2023

R3 ZONING SETBACKS	
Minimum Setbacks	Principal Structure
Front yard	20 feet
Street side yard	15 feet
Interior side yard	5 feet with one foot indentation for every story above the first floor
Rear yard	20 feet
Maximum height	60 feet
Lot coverage; all structures:	45% maximum

NOTE: ALL DIMENSIONS ARE APPROXIMATE.

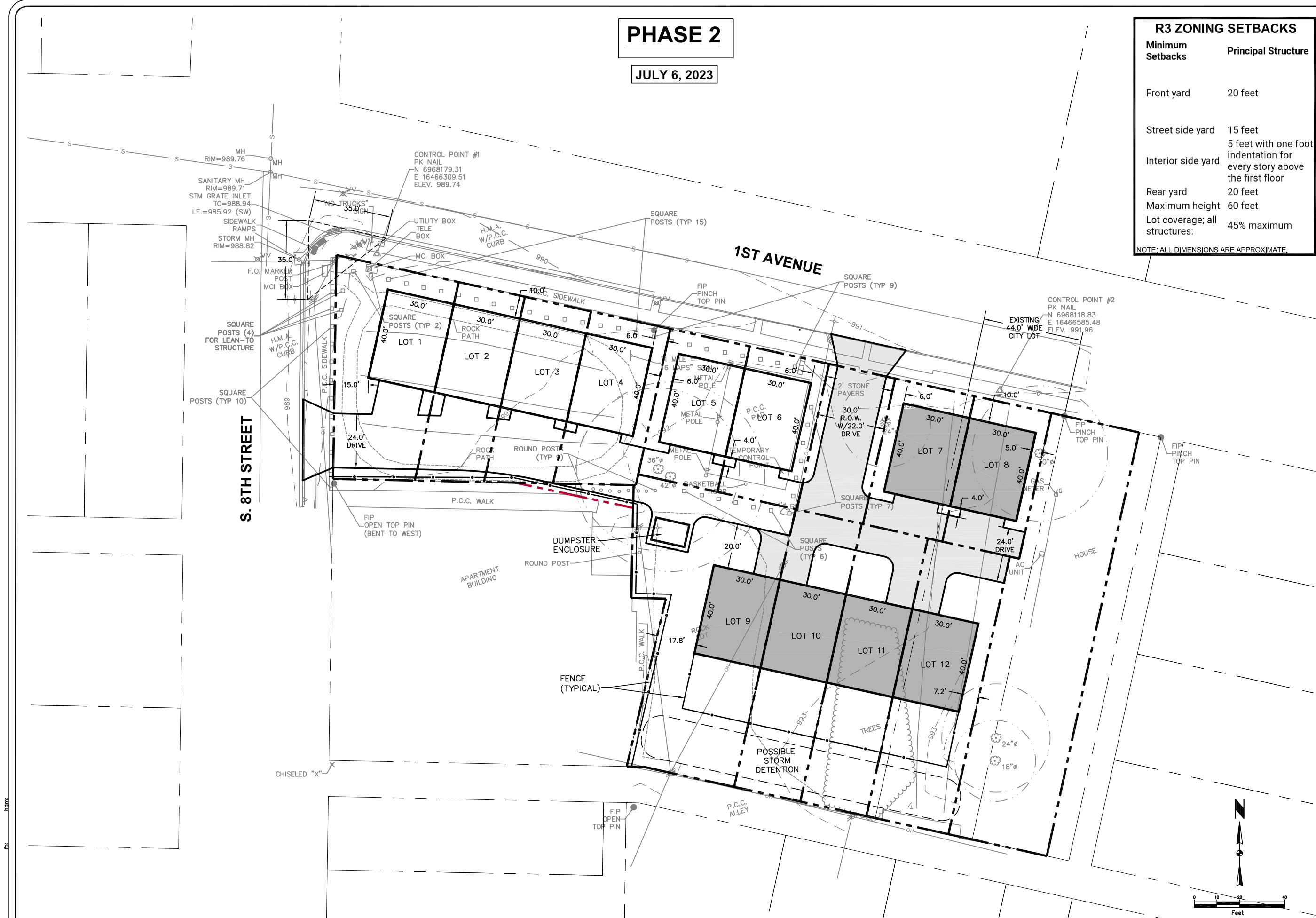
This drawing is being made for use on this project in accordance with the professional seal of the engineer. The engineer assumes no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

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

JNS	drawn	date
JEL	designed	
JEL	approved	
JULY 23	date	revision

project H.F.H. 1ST AVENUE LOTS  
client HABITAT FOR HUMANITY  
sheet **LOT LAYOUT - PHASE 1**

project no. 104523  
sheet **2 OF 4**



PHASE 2

JULY 6, 2023

R3 ZONING SETBACKS	
Minimum Setbacks	Principal Structure
Front yard	20 feet
Street side yard	15 feet
Interior side yard	5 feet with one foot indentation for every story above the first floor
Rear yard	20 feet
Maximum height	60 feet
Lot coverage; all structures:	45% maximum

NOTE: ALL DIMENSIONS ARE APPROXIMATE.

This drawing is being made 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.

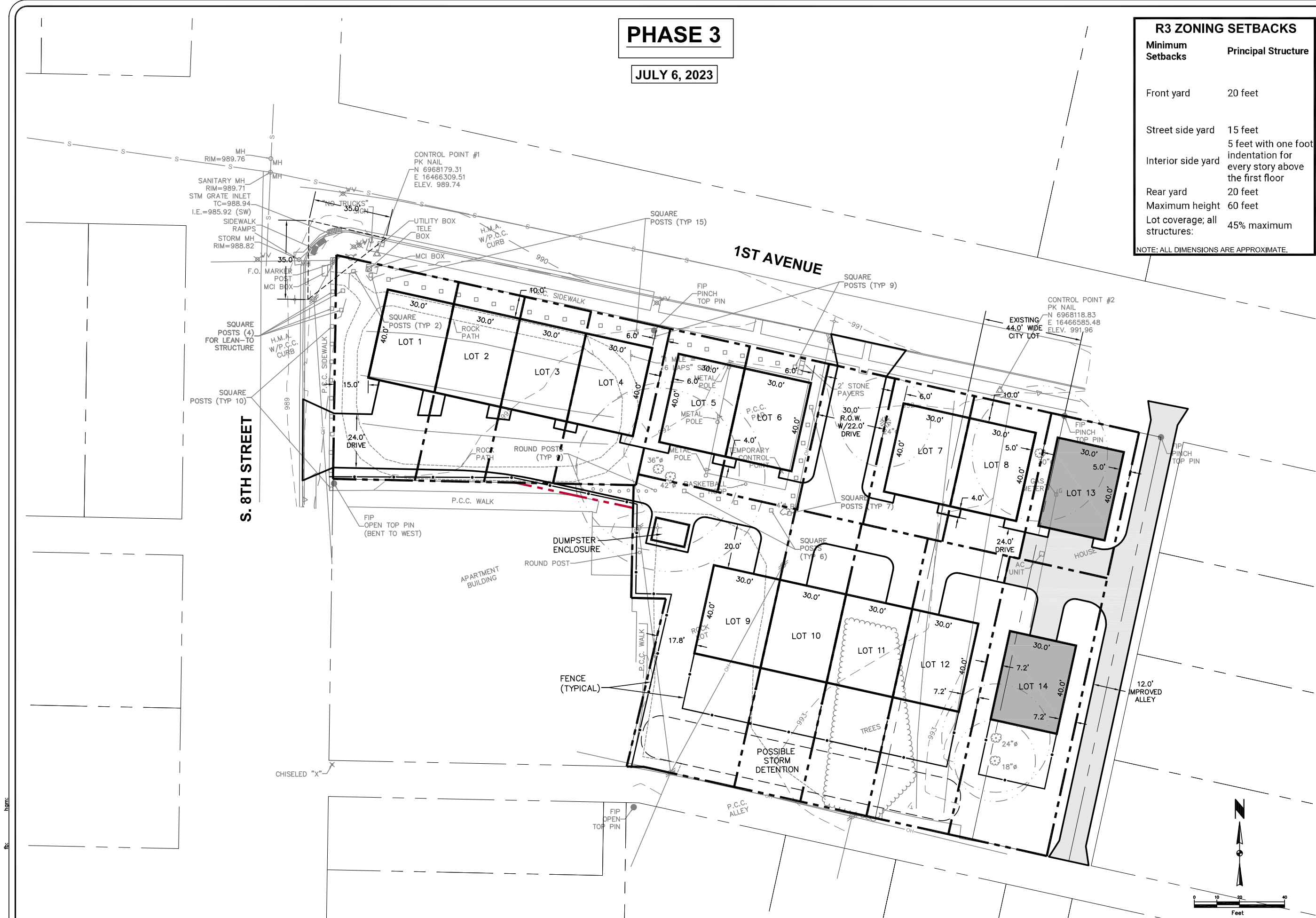
**hgm**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA  
PHONE: (712) 323-0530

JNS	drawn	date
JEL	designed	date
JEL	approved	date
JULY 23	revision	date

project H.F.H. 1ST AVENUE LOTS  
client HABITAT FOR HUMANITY  
sheet **LOT LAYOUT - PHASE 2**

project no. 104523  
sheet **3 OF 4**

S:\Blue\_Team\Projects\104523 HABITAT - 1ST AVENUE LOTS\Engineering\Drawings\Design\104523 DESIGN - PASING.dwg, 7/6/2023 2:09:50 PM, Adobe PDF



R3 ZONING SETBACKS	
Minimum Setbacks	Principal Structure
Front yard	20 feet
Street side yard	15 feet
Interior side yard	5 feet with one foot indentation for every story above the first floor
Rear yard	20 feet
Maximum height	60 feet
Lot coverage; all structures:	45% maximum

NOTE: ALL DIMENSIONS ARE APPROXIMATE.

This drawing is being made 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**  
ASSOCIATES INC.  
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA  
PHONE: (712) 323-0530

JNS	drawn	date
JEL	designed	date
JEL	approved	date
JULY 23	revision	date

project H.F.H. 1ST AVENUE LOTS  
client HABITAT FOR HUMANITY  
sheet **LOT LAYOUT - PHASE 3**

project no. 104523  
sheet **4 OF 4**

**RESOLUTION NO. 24-118**

**A RESOLUTION APPROVING REQUEST FOR PROPOSALS FOR APPROXIMATELY .25 ACRES OF LAND AT 1<sup>ST</sup> AVENUE AND S. 8<sup>TH</sup> STREET,**

**WHEREAS,** this Council has previously found and determined that certain areas located within the City are eligible and should be designated as urban renewal area under Iowa law, and, Bluffs Center 1 Urban Renewal Area was approved and adopted,

**WHEREAS,** the City owns certain real property located within the Urban Renewal Area (the “Development Property”), and

**WHEREAS,** the Plan provides for, among other things, the disposition of properties for development or redevelopment as an urban renewal project; and

**WHEREAS,** the City desires to sell the Development Property to a developer for development into multi-family housing; and

**WHEREAS,** City staff has caused a Request for Proposals to be prepared, attached hereto as Exhibit 1 and made a part hereof, which sets forth information regarding the Development Property and requirements and evaluation criteria for proposals to develop the Development Property; and

**WHEREAS,** this Council believes it is in the best interest of the City and the Plan to act as expeditiously as possible to offer the Development Property for redevelopment as set out herein.

**NOW, THEREFORE, BE IT RESOLVED**

**BY THE CITY COUNCIL**

**OF THE**

**CITY OF COUNCIL BLUFFS, IOWA**

1. That the form and content of the Request for Proposal attached hereto, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed.

2. That City staff is are hereby authorized, empowered, and directed to do all such acts and things as may be necessary to carry out and comply with the provisions of the Request for Proposals, and the City’s receipt of proposals thereunder.

3. The Development Property offered for sale and redevelopment in accordance with the Request for Proposals is legally described as follows: Bayliss 1<sup>st</sup> Addition, W31' LOT 4, BLOCK 11 FE1/2 Lot 13, Block 11, Pottawattamie County, Council Bluffs, IA.

PASSED AND APPROVED this 22<sup>nd</sup> day of April, 2024.

ADOPTED

AND

APPROVED:

April 22, 2024

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

## Council Communication

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

Ordinance 6607  
ITEM 6.A.

Council Action: 4/22/2024

### Description

Ordinance to amend Chapter 3.58 Mobile Food Vendors of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Sections 3.58.020 “Definitions”; 3.58.030 “License Required, Exemptions”; 3.58.060 “License Fee”; 3.58.070 “Renewal”; 3.58.080 “Sales Regulations”; 3.58.090 “Revocation”; 3.58.100 “Penalty” and 3.58.110 “Special Districts”.

### Background/Discussion

In order to minimize inconsistencies for mobile food vendors coming over from across the river, we essentially copied the Omaha city code relating to the regulation of food vendors back in 2019. City staff has determined the ordinance encompasses too many areas of food distribution, and due to lack of staff available to truly police all vendors, it was determined that several exceptions would clear confusion about who is covered under the ordinance and allow staff to focus on food trucks. This also allows other vendors such as farmer’s markets to operate with their established State of Iowa permits and under the purview of the State.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Redline Changes</a>	Ordinance	4/16/2024
<a href="#">Ordinance 6607</a>	Ordinance	4/17/2024

### 3.58.010 Adoption; Scope

This ordinance shall be known as the Council Bluffs Mobile Food Vendor Code and shall apply to Mobile Food Vendors within the city limits of Council Bluffs, Iowa.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### 3.58.020 Definitions

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

CATERING BUSINESS: A business, social or home catering service providing food and incidental services for a social affair, event, or for a private dwelling, which does not use commercial vehicles that are equipped in any manner for the purpose of the distribution of food directly from such vehicles to individually paying patrons.

"City" means the City of Council Bluffs, Iowa.

"Director" means the director of the Parks and Recreation Department or his/her authorized designee.

"Food" means any raw, cooked, or processed edible substance, beverage, ingredient, ice, or water used or intended for use or for sale in whole or in part for human consumption.

"Mobile Food Vendor" shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase.

"Permanent Food Establishment" means a fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food.

"Private Property" means a lot or defined area of land which is not in the ownership of a local, state, or federal government entity.

"Public Property" means a lot or defined area of land owned by a local, state or federal government entity, including, but not limited to, city parks, the public right-of-way and service area at the rear or side of buildings, generally more narrow than the street, and any land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

**Commented [GJ1]:** Most sister cities do not have a definition of food, and the ones that do are identical to ours.

### **3.58.030 License Required; Exemptions**

It shall be unlawful for any person to sell or offer for sale food as a Mobile Food Vendor or operate as a Mobile Food Vendor within the City unless such person complies with the requirements and regulations of this article, including holding a valid and active Mobile Food Vendor license issued by the director under this article.

The following activities are excluded from such definition, and, alone, do not subject a Mobile Food Vendor to being covered by such definition:

Farmer's Markets – a physical retail marketplace, whether indoor or outdoor, intended to sell foods from farmers and producers directly to the public.

Farm Stands - the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her, or food that is being sold or attempted to be sold on the same parcel or group of parcels under common ownership on which said food is grown.

Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

Temporary food units associated with a private party on private property hosted by the owner of the property upon which the unit is dispensing food and/or beverage.

#### Catering Businesses.

Non-Profit Organizations-Sales activities by a charitable, educational, or religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

Mobile Food Vending Ancillary to a Permanent Food Establishment-A Mobile Food Vendor license shall not be required if the mobile food vending is ancillary to an existing Permanent food Establishment on the same parcel if all of the following conditions are met:

There is a primary land use in a building, which is constructed or which is being constructed, on the parcel in which the mobile food vending unit would be located.

Sales of food, associated with the Permanent Food Establishment on the parcel would be allowed, or is lawfully occurring on said parcel.

The Mobile Food Vendor is the owner of the Permanent Food Establishment on the parcel where the mobile food vending unit or food stand would be located.

#### **HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### **3.58.040 Application**

An applicant for a license pursuant to this article shall file with the Director a signed application on a form to be furnished by the Director, which shall contain the following information:

The applicant's business name, address, and phone number; and e-mail address, if any;

If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;

If food is to be sold from any motor vehicle, the vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food, and the names of all persons expected to drive such vehicles;

The description of the general type of food items to be sold;

Documentation from the proper authority showing its approval of the applicant's sale of food, if required;

A copy of the State of Iowa sales tax permit, or proof of an applicable sales tax exemption, for the applicant;

A copy of all certification required by any applicable local, state or federal fire, safety and/or hazardous guidelines related to the sale of food, and the preparation, storage or cooking process thereof;

A general description of the types of locations the applicant anticipates selling from;

All necessary written consent from property owners, Permanent food Establishment owners or any other written consent required under this Code;

Proof of general liability insurance, including products liability coverage, in the amount of \$1,000,000 or more per occurrence and \$1,000,000 for property damage;

Such other information as the Director may require and as requested in the said application form.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.050 Issuance; Denial**

Upon receipt of a complete application for a license pursuant to this article, the Director shall make or cause to be made any inquiry or investigation that may be necessary to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code. The Director may request and take into consideration the recommendations of other affected departments of the City.

After receipt of the completed application and application fee, the Director shall either approve or deny the application. Grounds for denial may include, but are not limited to, the following:

A finding that the application is incomplete;

The nonpayment of applicable fees;

A finding that the application is not in conformance with any applicable laws or this Code;

A finding that the applicant has been convicted of three or more separate violations of the provisions of this article within the 12 months preceding the submission of a complete application.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.60 License Fee**

An application for a license under this article shall be accompanied by a nonrefundable processing fee as listed in the Schedule of Fees in CBMC 2.08 for each motor vehicle, trailer, cart or other piece of mobile equipment to be utilized in the business by a mobile food vendor. An additional nonrefundable processing fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a mobile food vendor who will be primarily doing business ~~within the boundaries of any business improvement district located in whole or in part~~ within the area zoned C4 under the CBMC 2.08. If such additional fee is paid, such fact shall be noted on the mobile food vendor's license. A mobile food vendor may primarily do business within such area only upon exhibiting a license showing payment of the additional fee. ~~The additional fees paid under this section shall be forwarded by the city over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other mobile food vendor associated maintenance expenses within the boundaries of the said district.~~

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.070 Renewal**

A license issued under this article shall expire on December 31 of each year, unless renewed for the following year by the permittee. The permittee shall renew the license for the following year by filing with the Director, by December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the Director. At the time of registration, the permittee shall pay a renewal fee as listed in the Schedule Of Fees in CBMC 2.08 per year for each motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business. An additional renewal fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a Mobile Food Vendor who will be primarily doing business ~~within the boundaries of any business~~

~~improvement district located in whole or in part~~ within the area zoned C-4/Commercial District under the Council Bluffs Municipal Code. If such additional fee is paid, such fact shall be noted on the receipt or other documentation of renewal issued to the Mobile Food Vendor. A Mobile Food Vendor may primarily do business within such area only upon exhibiting a receipt or other documentation showing payment of the additional fee for that year. ~~The additional fees paid under this section shall be forwarded by the City over to the said business improvement district, to offset expenses incurred by the district for cleaning, security, sanitation, and other Mobile Food Vendor-associated maintenance expenses within the boundaries of the said district.~~

## HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### 3.58.080 Sales Regulations

A Mobile Food Vendor shall not sell nor offer to sell food from a location within ~~200~~500 feet of a public entrance used by customers to enter or exit a Permanent food Establishment during the hours food is sold within such Permanent food Establishment, unless each such Permanent food Establishment within such area has provided written consent.

A motor vehicle from which a Mobile Food Vendor sells or offers to sell food shall not exceed 40 feet in length and 96 inches in width. A Mobile Food Vendor selling or offering the sale of food from or using a trailer or other auxiliary equipment shall, during such operations, keep the trailer or auxiliary equipment hitched to an operable motor vehicle towing it, unless otherwise permitted by the City in association with an authorized street show, festival, parade, block party, or similar event. An attached trailer or other auxiliary equipment shall not exceed 96 inches in width, and the combined length of the motor vehicle and trailer or auxiliary equipment shall not exceed 60 feet.

The maximum dimensions in this subsection may be exceeded by a particular motor vehicle, trailer, or piece of equipment, if approved by the Director upon a Mobile Food Vendor's application for a waiver. If the proposed site of the Mobile Food Vendor shall be in an area designated as City right-of-way, such application for a waiver under this subsection shall also require approval of the Public Works Department, Right-of-Way Division.

A Mobile Food Vendor may sell or offer to sell food from a motor vehicle at a location in a City right-of-way open to traffic or parking, but only from a motor vehicle parked in a location where a motor vehicle is authorized to park by law, signage, or city permit. Such a motor vehicle and auxiliary equipment shall not be parked at a diagonal parking space. Such a motor vehicle and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.

A Mobile Food Vendor who sells or offers to sell food from a vehicle parked at a metered parking space shall pay the metered parking rate required, at such meter. When parking at a

parking space with a meter limited to two hours, a mobile food vendor may park at such space for no longer than four consecutive hours.

A Mobile Food Vendor shall not sell or offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic.

A Mobile Food Vendor shall not sell nor offer to sell food from City park property unless he/she possesses the specific written consent of the Director. Mobile Food Vendors shall be limited to hard-surfaced areas of the park, but this shall not mean within any roadway or parking lot drive aisle, and shall be limited to the park hours of operation set by the City.

A Mobile Food Vendor shall not sell nor offer to sell food from a school property unless he/she possesses the written consent of an authorized representative of the school and presents such written permission at the time of application.

A Mobile Food Vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or within 200 feet of any boundary of such authorized area, unless the mobile food vendor is in possession of the written consent of the event permittee to sell or offer to sell food from that location and has provided such written consent as part of the application.

A Mobile Food Vendor shall possess and be able to exhibit, at all times during which the mobile food vendor is selling or offering to sell food, his/her license under this article, all required Pottawattamie County Health Department permits, a State of Iowa sales tax permit or proof of sales tax exemption, and any other applicable State of Iowa permits or licenses related to the inspection and operation of a mobile food unit, and any written consents or documentation required under this article., ~~at all times during which the mobile food vendor is selling or offering to sell food~~

An authorized employee of the City's Public Works or Police Departments may order a Mobile Food Vendor to move from or leave a specific location, if the operation of the Mobile Food Vendor at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The City may tow or otherwise move a Mobile Food Vendor's vehicle or other auxiliary equipment to another location if the vehicle or equipment presents a danger to public safety and the Mobile Food Vendor fails to move the same. The City shall provide to the Mobile Food Vendor a written explanation for any such order, upon written request by the mobile food vendor to the City.

An individual representative of the Mobile Food Vendor shall be present with the motor vehicle and other auxiliary equipment operated by the Mobile Food Vendor at all times that it is parked in City right-of-way or on City property, and at all times that it is parked on private property at a location where food is or will be offered for sale.

A Mobile Food Vendor may sell or offer to sell food seven days a week, but only from 6:00 a.m. to 2:30 a.m. It shall be unlawful for a Mobile Food Vendor to sell or offer to sell food at any other times. Notwithstanding this subsection, upon evidence of endangerment of public safety,

the chief of police or his/her designee may further limit hours of operation for all mobile food trucks as needed for the protection of public safety.

A Mobile Food Vendor using a motor vehicle shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested.

A Mobile Food Vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

It shall be unlawful for a Mobile Food Vendor to sell or offer to sell alcoholic drinks or food.

A Mobile Food Vendor shall visibly display his/her business name on his/her motor vehicle or auxiliary equipment.

A Mobile Food Vendor shall provide trash receptacles for the collection of trash and recyclable materials, in sizes sufficient to serve his/her customers. Prior to leaving a location, the Mobile Food Vendor shall pick up and properly dispose of any trash, litter, or recyclable materials within 20 feet of the location. Receptacles and their contents shall be removed from the location for proper disposal or recycling, and contents shall not be deposited in public trash or recycling containers on City right-of-way or City property.

A Mobile Food Vendor shall not place on City right-of-way or City property any freestanding sign, table, chair, umbrella, electric generator, or other fixture or equipment; provided, that a mobile food vendor may place one identification or menu sign and one table (not for seating customers) on the sidewalk or other area directly adjacent to his/her parked motor vehicle or other equipment.

A Mobile Food Vendor shall comply with all City ordinances regulating noise.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.090 Revocation; Suspension**

A license issued under this article may be revoked or suspended by the Director for any of the following reasons:

Any fraud, misrepresentation, or false statement contained in the application for license;

Any fraud, misrepresentation, or false statement made in connection with the selling of food;

Any violation of this article or any applicable laws or provisions of this Code.

Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

The Director shall revoke a license issued under this article for any Mobile Food Vendor who is convicted of three or more separate violations of the provisions of this article within any consecutive 12-month period. For purposes of this section conviction shall mean any finding of guilt or liability on the part of the Mobile Food Vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

To revoke or suspend a license, the Director shall provide written notice to the license holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be served personally upon the license holder or sent by regular U.S. mail to the license holder's address as stated in his/her application.

A license holder aggrieved by either suspension or revocation of his/her license under this Code may appeal such decision to the Council Bluffs City Council by filing, in writing, a written request of appeal to the Director within ten (10) days of receiving written notice. Such appeal hearing shall occur at the next regularly scheduled City Council meeting, and such notice of the hearing shall be mailed to the licensee at the last known address at least five (5) days prior to the date set for the hearing. At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Within twenty (20) days after the conclusion of a hearing held pursuant to this section, the City Council shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the City Council, the mobile food vendor shall cease all mobile food vending operations.

A person whose license has been revoked under this article may not re-apply for a new license for a period of one-year after the effective date of the revocation.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.100 Penalty**

Any person, firm, partnership, corporation or other legal entity found guilty of a civil violation of this chapter shall be subject to the penalties provided in § 1.95.020 of the CBMC, and may be served by any peace officer employed by the City of Council Bluffs.

#### HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.110 Special Districts**

The City finds that the City's various and diverse neighborhoods and business districts have differing characteristics, and will be affected in varying ways by the operations of Mobile Food Vendors. Thus, it is appropriate to provide for the creation of special districts subject to special rules governing mobile food vendors.

The City Council may, by Resolution, establish a special district with defined geographic boundaries, and adopt special rules governing Mobile Food Vendors to be applied, based on a reasonable showing of public health and/or public safety concerns demonstrating the need for different operation of Mobile Food Vendor, within such special district. "Special rules" shall mean rules governing Mobile Food Vendors that modify the general rules stated in § 3.58.080, within that special district only. If adopted, such special rules shall take precedence over any conflicting general rules in § 3.58.080. The special rules shall not prevent Mobile Food Vendors from operating within the special district. The general rules in § 3.58.080 shall continue to apply in a special district, unless specifically modified by the special rules.

~~An application for the establishment of a special district may be submitted to the Director by a neighborhood association that is registered as such with the planning department, or by a business improvement district. The proposed special district must lie within the geographic boundaries of such neighborhood association or business improvement district. An application by a neighborhood association or business improvement district shall contain:~~

~~A map indicating the boundaries of the proposed special district;~~

~~The name of the proposed special district;~~

~~The text of the proposed special rules to be applicable in the special district.~~

~~A copy of the signed resolution of the governing body of the business improvement district or neighborhood association approving the proposed special district and special rules.~~

~~Documentation showing that an official of the business improvement district or neighborhood association discussed the proposed special district and special rules with Mobile Food Vendors who primarily operate in the proposed special district.~~

~~Enumeration of the specific reason(s) for expansion or limitation of Mobile Food Vendor activity based upon public health and/or public safety concerns.~~

Upon the filing of such an application, the mayor or any City councilmember may request that a Resolution establishing such a special district and special rules be forwarded to the City Council for consideration and final action.

## HISTORY

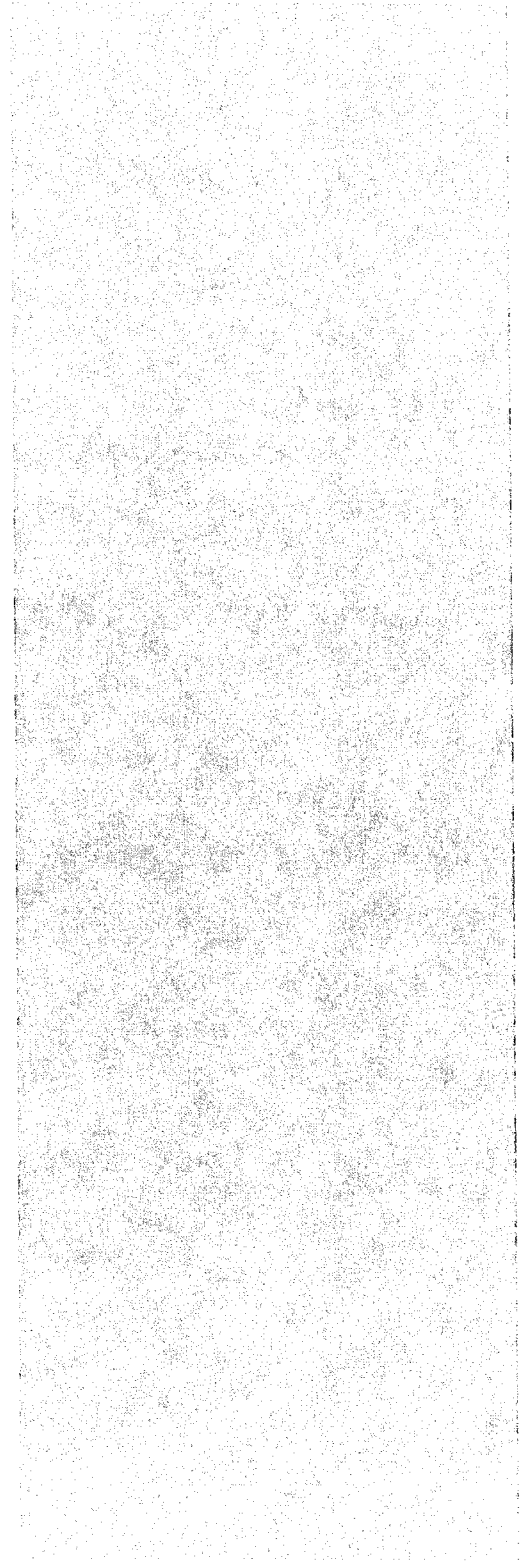
Repealed & Reenacted by Ord. 6402 on 10/21/2019

### **3.58.120 Periodic Review**

The mayor and/or Director may, in conjunction with the Public Works and Police Departments, a representative from the City Council, a representative of the Mobile Food Vendor industry, and/or other stakeholders as necessary, perform an annual review of Mobile Food Vendor operations, the general rules in this article, and any special rules adopted under this article, and make recommendations as needed to the City Council for amendment of this article.

## HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019



**ORDINANCE NO. 6607**

**AN ORDINANCE TO AMEND CHAPTER 3.58 MOBILE FOOD VENDORS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 3.58.020 “DEFINITIONS”; 3.58.030 “LICENSE REQUIRED, EXEMPTIONS”; 3.58.060 “LICENSE FEE”; 3.58.070 “RENEWAL”; 3.58.080 “SALES REGULATIONS”; 3.58.090 “REVOCATION”; 3.58.100 “PENALTY” AND 3.58.110 “SPECIAL DISTRICTS”.**

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

**SECTION 1.** That Chapter 3.58 Mobile Food Vendors of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Sections 3.58.020 “Definitions”; 3.58.030 “License Required, Exemptions”; 3.58.060 “License Fee”; 3.58.070 “Renewal”; 3.58.080 “Sales Regulations”; 3.58.090 “Revocation”; 3.58.100 “Penalty” and 3.58.110 “Special Districts” to read as follows:

**3.58.020 Definitions**

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

**CATERING BUSINESS:** A business, social or home catering service providing food and incidental services for a social affair, event, or for a private dwelling, which does not use commercial vehicles that are equipped in any manner for the purpose of the distribution of food directly from such vehicles to individually paying patrons.

"City" means the City of Council Bluffs, Iowa.

"Director" means the director of the Parks and Recreation Department or his/her authorized designee.

"Food" means any raw, cooked, or processed edible substance, beverage, ingredient, ice, or water used or intended for use or for sale in whole or in part for human consumption.

"Mobile Food Vendor" shall mean a person who by traveling from place to place upon the public ways sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase.

"Permanent Food Establishment" means a fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food.

"Private Property" means a lot or defined area of land which is not in the ownership of a local, state, or federal government entity.

"Public Property" means a lot or defined area of land owned by a local, state or federal government entity, including, but not limited to, city parks, the public right-of-way and service area at the rear or side of buildings, generally more narrow than the street, and any land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

## HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### **3.58.030 License Required; Exemptions**

It shall be unlawful for any person to sell or offer for sale food as a Mobile Food Vendor or operate as a Mobile Food Vendor within the City unless such person complies with the requirements and regulations of this article, including holding a valid and active Mobile Food Vendor license issued by the director under this article.

The following activities are excluded from such definition, and, alone, do not subject a Mobile Food Vendor to being covered by such definition:

Farmer's Markets – a physical retail marketplace, whether indoor or outdoor, intended to sell foods from farmers and producers directly to the public.

Farm Stands - the sale or offer for sale of farm products produced or raised by such a vendor from land occupied and cultivated by him/her, or food that is being sold or attempted to be sold on the same parcel or group of parcels under common ownership on which said food is grown.

Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

Temporary food units associated with a private party on private property hosted by the owner of the property upon which the unit is dispensing food and/or beverage.

Catering Businesses.

Non-Profit Organizations-Sales activities by a charitable, educational, or religious organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and the charitable or religious object for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.

Mobile Food Vending Ancillary to a Permanent Food Establishment-A Mobile Food Vendor license shall not be required if the mobile food vending is ancillary to an existing Permanent food Establishment on the same parcel if all of the following conditions are met:

There is a primary land use in a building, which is constructed or which is being constructed, on the parcel in which the mobile food vending unit would be located.

Sales of food, associated with the Permanent Food Establishment on the parcel would be allowed, or is lawfully occurring on said parcel.

The Mobile Food Vendor is the owner of the Permanent Food Establishment on the parcel where the mobile food vending unit or food stand would be located.

## HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### **3.58.060 License Fee**

An application for a license under this article shall be accompanied by a nonrefundable processing fee as listed in the Schedule of Fees in CBMC 2.08 for each motor vehicle, trailer, cart or other piece of mobile equipment to be utilized in the business by a mobile food vendor. An additional nonrefundable processing fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a mobile food vendor who will be primarily doing business within the area zoned C4 under the CBMC 2.08. If such additional fee is paid, such fact shall be noted on the mobile food vendor's license. A mobile food vendor may primarily do business within such area only upon exhibiting a license showing payment of the additional fee.

#### **HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

Amended by Ord. 6590 on 11/13/2023

### **3.58.070 Renewal**

A license issued under this article shall expire on December 31 of each year, unless renewed for the following year by the permittee. The permittee shall renew the license for the following year by filing with the Director, by December 31, a registration updating or confirming the information provided in the immediately preceding license application or registration. The registration shall be on a form provided by the Director. At the time of registration, the permittee shall pay a renewal fee as listed in the Schedule Of Fees in CBMC 2.08 per year for each motor vehicle, trailer, cart, or other piece of mobile equipment to be utilized in the business. An additional renewal fee as listed in the Schedule Of Fees in CBMC 2.08 shall be paid by a Mobile Food Vendor who will be primarily doing business within the area zoned C-4/Commercial District under the Council Bluffs Municipal Code. If such additional fee is paid, such fact shall be noted on the receipt or other documentation of renewal issued to the Mobile Food Vendor. A Mobile Food Vendor may primarily do business within such area only upon exhibiting a receipt or other documentation showing payment of the additional fee for that year.

#### **HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

Amended by Ord. 6590 on 11/13/2023

### **3.58.080 Sales Regulations**

A Mobile Food Vendor shall not sell nor offer to sell food from a location within 200 feet of a public entrance used by customers to enter or exit a Permanent food Establishment during the hours food is sold within such Permanent food Establishment, unless each such Permanent food Establishment within such area has provided written consent.

A motor vehicle from which a Mobile Food Vendor sells or offers to sell food shall not exceed 40 feet in length and 96 inches in width. A Mobile Food Vendor selling or offering the sale of food from or using a trailer or other auxiliary equipment shall, during such operations, keep the trailer or auxiliary equipment hitched to an operable motor vehicle towing it, unless otherwise permitted by the City in association with an authorized street show, festival, parade, block party, or similar event. An attached trailer or other auxiliary equipment shall not exceed 96 inches in width, and the combined length of the motor vehicle and trailer or auxiliary equipment shall not exceed 60 feet.

The maximum dimensions in this subsection may be exceeded by a particular motor vehicle, trailer, or piece of equipment, if approved by the Director upon a Mobile Food Vendor's application for a waiver. If the proposed site of the Mobile Food Vendor shall be in an area designated as City right-of-way, such application for a waiver under this subsection shall also require approval of the Public Works Department, Right-of-Way Division.

A Mobile Food Vendor may sell or offer to sell food from a motor vehicle at a location in a City right-of-way open to traffic or parking, but only from a motor vehicle parked in a location where a motor vehicle is authorized to park by law, signage, or city permit. Such a motor vehicle and auxiliary equipment shall not be parked at a diagonal parking space. Such a motor vehicle and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection.

A Mobile Food Vendor who sells or offers to sell food from a vehicle parked at a metered parking space shall pay the metered parking rate required, at such meter. When parking at a parking space with a meter limited to two hours, a mobile food vendor may park at such space for no longer than four consecutive hours.

A Mobile Food Vendor shall not sell or offer to sell food from a location which would involve customers to be waited on or served while standing in a portion of a street being traversed by motor vehicle traffic. A Mobile Food Vendor shall not sell nor offer to sell food from City park property unless he/she possesses the specific written consent of the Director. Mobile Food Vendors shall be limited to hard-surfaced areas of the park, but this shall not mean within any roadway or parking lot drive aisle, and shall be limited to the park hours of operation set by the City.

A Mobile Food Vendor shall not sell nor offer to sell food from a school property unless he/she possesses the written consent of an authorized representative of the school and presents such written permission at the time of application.

A Mobile Food Vendor shall not sell nor offer to sell food from a location within an area authorized for a street show, festival, parade, block party, or similar event, or within 200 feet of any boundary of such authorized area, unless the mobile food vendor is in possession of the written consent of the event permittee to sell or offer to sell food from that location and has provided such written consent as part of the application.

A Mobile Food Vendor shall possess and be able to exhibit, at all times during which the mobile food vendor is selling or offering to sell food, his/her license under this article, all required Pottawattamie County Health Department permits, a State of Iowa sales tax permit or proof of sales tax exemption, any applicable State of Iowa permits or licenses related to the inspection and operation of a mobile food unit, and any written consents or documentation required under this article.

An authorized employee of the City's Public Works or Police Departments may order a Mobile Food Vendor to move from or leave a specific location, if the operation of the Mobile Food Vendor at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The City may tow or otherwise move a Mobile Food Vendor's vehicle or other auxiliary equipment to another location if the vehicle or equipment presents a danger to public safety and the Mobile Food Vendor fails to move the same. The City shall provide to the Mobile Food Vendor a written explanation for any such order, upon written request by the mobile food vendor to the City.

An individual representative of the Mobile Food Vendor shall be present with the motor vehicle and other auxiliary equipment operated by the Mobile Food Vendor at all times that it is parked in City right-of-way or on City property, and at all times that it is parked on private property at a location where food is or will be offered for sale.

A Mobile Food Vendor may sell or offer to sell food seven days a week, but only from 6:00 a.m. to 2:30 a.m. It shall be unlawful for a Mobile Food Vendor to sell or offer to sell food at any other times. Notwithstanding this subsection, upon evidence of endangerment of public safety, the chief of police or his/her designee may further limit hours of operation for all mobile food trucks as needed for the protection of public safety.

A Mobile Food Vendor using a motor vehicle shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested. A Mobile Food Vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

It shall be unlawful for a Mobile Food Vendor to sell or offer to sell alcoholic drinks or food. A Mobile Food Vendor shall visibly display his/her business name on his/her motor vehicle or auxiliary equipment.

A Mobile Food Vendor shall provide trash receptacles for the collection of trash and recyclable materials, in sizes sufficient to serve his/her customers. Prior to leaving a location, the Mobile Food Vendor shall pick up and properly dispose of any trash, litter, or recyclable materials within 20 feet of the location. Receptacles and their contents shall be removed from the location for proper disposal or recycling, and contents shall not be deposited in public trash or recycling containers on City right-of-way or City property.

A Mobile Food Vendor shall not place on City right-of-way or City property any freestanding sign, table, chair, umbrella, electric generator, or other fixture or equipment; provided, that a mobile food vendor may place one identification or menu sign and one table (not for seating customers) on the sidewalk or other area directly adjacent to his/her parked motor vehicle or other equipment. A Mobile Food Vendor shall comply with all City ordinances regulating noise.

## HISTORY

Repealed & Reenacted by Ord. 6402 on 10/21/2019

### **3.58.090 Revocation; Suspension**

A license issued under this article may be revoked or suspended by the Director for any of the following reasons:

Any fraud, misrepresentation, or false statement contained in the application for license;

Any fraud, misrepresentation, or false statement made in connection with the selling of food;

Any violation of this article or any applicable laws or provisions of this Code.

Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

The Director shall revoke a license issued under this article for any Mobile Food Vendor who is convicted of three or more separate violations of the provisions of this article within any consecutive 12-month period. For purposes of this section conviction shall mean any finding of guilt or liability on the part of the Mobile Food Vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

To revoke or suspend a license, the Director shall provide written notice to the license holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be served personally upon the license holder or sent by regular U.S. mail to the license holder's address as stated in his/her application.

A license holder aggrieved by either suspension or revocation of his/her license under this Code may appeal such decision to the Council Bluffs City Council by filing, in writing, a written request of appeal to the Director within ten (10) days of receiving written notice. Such appeal hearing shall occur at the next regularly scheduled City Council meeting, and such notice of the hearing shall be mailed to the licensee at the last known address at least five (5) days prior to the date set for the hearing. At the hearing the licensee shall be afforded the opportunity to present evidence and argument. Formal rules of evidence and procedure shall not apply. Within twenty (20) days after the conclusion of a hearing held pursuant to this section, the City Council shall make written findings which shall be based on a preponderance of the evidence as the standard of proof. Any decision rendered pursuant to this section shall be deemed a final action of the City and subject to appeal in accordance with Iowa law. Until an appeal is heard and determined by the City Council, the mobile food vendor shall cease all mobile food vending operations.

A person whose license has been revoked under this article may not re-apply for a new license for a period of one-year after the effective date of the revocation.

#### **HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.100 Penalty**

Any person, firm, partnership, corporation or other legal entity found guilty of a civil violation of this chapter shall be subject to the penalties provided in § 1.95.020 of the CBMC, and may be served by any peace officer employed by the City of Council Bluffs.

#### **HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

#### **3.58.110 Special Districts**

The City finds that the City's various and diverse neighborhoods and business districts have differing characteristics, and will be affected in varying ways by the operations of Mobile Food Vendors. Thus, it is appropriate to provide for the creation of special districts subject to special rules governing mobile food vendors.

The City Council may, by Resolution, establish a special district with defined geographic boundaries, and adopt special rules governing Mobile Food Vendors to be applied, based on a reasonable showing of public health and/or public safety concerns demonstrating the need for different operation of Mobile Food Vendor, within such special district. "Special rules" shall mean rules governing Mobile Food Vendors that modify the general rules stated in § 3.58.080, within that special district only. If adopted, such special rules shall take precedence over any conflicting general rules in § 3.58.080. The special rules shall not prevent Mobile Food Vendors from operating within the special district. The general rules in § 3.58.080 shall continue to apply in a special district, unless specifically modified by the special rules.

Upon the filing of such an application, the mayor or any City councilmember may request that a Resolution establishing such a special district and special rules be forwarded to the City Council for consideration and final action.

**HISTORY**

Repealed & Reenacted by Ord. 6402 on 10/21/2019

**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 publication, as by law provided.

PASSED  
AND  
APPROVED

April 22, 2024.

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

\_\_\_\_\_  
Mayor

Attest:

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

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

First Consideration: 4-22-24  
Second Consideration: 5-6-24  
Public Hearing: n/a  
Third Consideration: \_\_\_\_\_

**Council Communication**

Department: City Clerk  
Case/Project No.: URV-24-001  
Submitted by: Marianne Collins, Housing &  
Economic Development Planner

Ordinance 6603  
ITEM 7.A.

Council Action: 4/22/2024

**Description**  
Ordinance designating the Council Bluffs Consolidated Urban Revitalization Area for the City of Council Bluffs, Iowa. URV-24-001

**Background/Discussion**  
See attached staff report.

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	3/22/2024
<a href="#">Ordinance 6603</a>	Ordinance	3/27/2024

## Council Communication

Department: Community Development	Resolution No.: 24-	Resolution of Intent: 02/26/2024
Case No.: URV-24-001	Ordinance No.:	Planning Commission: 02/13/2024
Submitted by: Housing & Economic Development		Public Hearing & First Reading: 04/01/2024
		Second Reading: 04/22/2024
		Third Reading: Request to Waive
<b>Subject/Title</b>		
Amendment to restate and consolidate the 16 current urban revitalization areas and add an additional area, South Expressway Urban Revitalization Area.		
<b>Background/Discussion</b>		
<p><u>Background</u></p> <p>Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property.</p> <p>Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.</p> <p>Staff has prepared a Consolidated Urban Revitalization Plan, including South Expressway Urban Revitalization Area, in accordance with Chapter 404 of the Iowa Code and has scheduled the matter for City Council consideration.</p> <p><u>Discussion</u></p> <p>The Community Development Department has created a Consolidated Urban Revitalization Plan. The consolidated plan includes the 16 current urban revitalization area plans that are in effect and adds the South Expressway Urban Revitalization Plan. Consolidating the 16 urban revitalization plans into one will make all the plans consistent and easier to update in the future.</p> <p>Two updates are included in the Consolidated Urban Revitalization Plan:</p> <ol style="list-style-type: none"> <li>1. Multi-Family Housing Development: In the prior individual plans the period of time for exemption was 4 years, we are wanting to extend the time period to 6 years for the exemption. This extension is vital to many developers when deciding to come to Council Bluffs or take their developments elsewhere.</li> <li>2. Additional Area Added: The City is working with a developer to construct a 20,000 square foot new construction commercial retail car dealership that will improve the property by \$9,000,000. It is located along the South Expressway in an undeveloped parcel. There is a separate parcel that is currently being used for salvage storage that has the potential for redevelopment. These additional parcels are comprised of 6.83 acres, more or less, of land. If the South Expressway Urban Revitalization Area is approved, the project as proposed could be eligible for full exemption from taxation for three years or a ten year declining property tax abatement.</li> </ol>		

## Council Communication

On February 26, 2024, City Council approved Resolution 24-48, which directed staff to initiate the process of consolidating the 16 urban revitalization areas and adding the South Expressway Urban Revitalization Area to the Consolidated Urban Revitalization Plan. This resolution set April 1, 2024 as the date of the public hearing.

Staff specifically asks that the Commission consider the following:

- Consolidating the 16 urban revitalization areas into one consistent and uniform plan.
- The proposed South Expressway Urban Revitalization Area furthers the goals of the City's Comprehensive Plan.
- The South Expressway Urban Revitalization Area is an area appropriate for urban revitalization designation as specified in Iowa Code Section 404.1.4, which discusses an area which is appropriate as an economic development area as defined in section 403.17. Provides that "economic development area" means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises or housing and residential development for low and moderate income families, including single or multi-family housing.

This matter was brought before the City Planning Commission at their February 13, 2024 meeting. The Commission found the following: 1) That the proposed Consolidated Urban Revitalization Plan furthers the goals of the City's *Bluffs Tomorrow: 2030 Plan*, which is the general plan for the development of the City of Council Bluffs; and 2) That the Consolidated Urban Revitalization Area is an area appropriate for urban revitalization as specified in Section 404.1.4.

Property owners were notified and no written correspondence was received by the Community Development Department either in support or against the proposed plan. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the consolidated urban revitalization area can be considered. Upon adoption of the area and approval of an ordinance, the City is permitted to grant tax abatement to qualified projects.

### **Staff Recommendation**

The Community Development Department recommends approval of consolidating the 16 Urban Revitalization Areas and add the South Expressway Urban Revitalization Area and 1<sup>st</sup> consideration of the ordinance.

### **Planning Commission Recommendation**

The Planning Commission recommended approval of the Consolidated Urban Revitalization Plan.

Vote: 7-0-4

AYE – Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten and Watson

NAY – None

ABSTAIN – None

ABSENT – Bailey, Bass and Knauss

VACANT - One

Motion: Carried

Prepared by: Marianne Collins, Community Development Housing & Economic Planner, Community Development Department  
Submitted by: Courtney Harter, Housing & Economic Development Director, Community Development Department

ORDINANCE NO. 6603

ORDINANCE DESIGNATING THE COUNCIL BLUFFS  
CONSOLIDATED URBAN REVITALIZATION AREA FOR  
THE CITY OF COUNCIL BLUFFS, IOWA

WHEREAS, Iowa Code Chapter 404 (the “Urban Revitalization Act”), authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria of the Urban Revitalization Act, pursuant to the procedural requirements of the Urban Revitalization Act; and

WHEREAS, the City of Council Bluffs currently has sixteen urban revitalization plans for various urban revitalization areas within the City, including the 1<sup>st</sup> Avenue Urban Revitalization Plan, the 5<sup>th</sup> and West Broadway Urban Revitalization Plan, the 14<sup>th</sup> Avenue Urban Revitalization Plan, the 16<sup>th</sup> Avenue Urban Revitalization Plan, the 21<sup>st</sup> Avenue Urban Revitalization Plan, the American Games Urban Revitalization Plan, the Black Squirrel Flats Urban Revitalization Plan, the Bluffs Northway Urban Revitalization Plan, the College Road Urban Revitalization Plan, the Council Pointe Road Urban Revitalization Plan, the Mid-America Urban Revitalization Plan, the River Road Urban Revitalization Plan, the South Pointe Urban Revitalization Plan, the Valley View Urban Revitalization Plan, the Veterans Memorial Highway Urban Revitalization Plan, and the Whispering Oaks Urban Revitalization Plan; and

WHEREAS, each revitalization plan was established for different revitalization areas, and in connection therewith the City adopted Ordinances Nos. 6177, 6411, 6412, 6479, 6495, 6476, 6532, 6281, 6310, 6326, 6469, 6464, 6375, 6289, 6409, and 6533 to designate corresponding urban revitalization areas; and

WHEREAS, on April 1, 2024, this Council did, by Resolution No. 24-103, adopt an Amended and Restated Consolidated Urban Revitalization Plan (“Amended and Restated Plan”) that amended and consolidated the previously established urban revitalization plans into a single urban revitalization plan and consolidated the previously existing urban revitalization areas into a single urban revitalization area to be known as the Council Bluffs Consolidated Urban Revitalization Area (“Area” or “Revitalization Area”); and

WHEREAS, the Council has previously determined that the urban revitalization areas within the City are suitable revitalization areas authorized by Iowa Code Chapter 404; and

WHEREAS, the Amended and Restated Plan additionally identifies a new area to be established as a subarea of the Revitalization Area, referred to as the South Expressway Subarea of the Revitalization Area, as legally described herein; and

WHEREAS, the continued revitalization of the Area, as amended, will enhance the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the Area and is necessary in the interest of the public health, safety, or welfare of the residents of the City, and the Area substantially meets the criteria of Iowa Code Section 404.1; and

WHEREAS, pursuant to the provisions of the Urban Revitalization Act, the City has adopted the Amended and Restated Plan for said Area, and now desires to amend the prior ordinances designating revitalization areas within the City and to designate the consolidated Revitalization Area as an urban revitalization area by ordinance.

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

Section 1. That, consistent with the adoption of the Amended and Restated Plan, the previously established urban revitalization areas legally described as follows are hereby designated as subareas of an urban revitalization area to be known as the Council Bluffs Consolidated Urban Revitalization Area of the City of Council Bluffs, Iowa:

Whispering Oaks Urban Revitalization Area

A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 5, SAID TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 5, TOWNSHIP 74N, RANGE 43 WEST; THENCE N1°06'10"E (ASSUMED BEARING), 53.00 FEET TO THE POINT OF BEGINNING; THENCE N88°28'13"W A DISTANCE OF 351.12 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE ON THE FOLLOWING DESCRIBED COURSES: THENCE N1°20'57"E, A DISTANCE OF 433.34 FEET; THENCE N88°16'18"W, A DISTANCE OF 15.99 FEET; THENCE N1°31'50"E, A DISTANCE OF 313.54 FEET TO THE SOUTHWEST CORNER OF LOT 106, WHISPERING OAKS; THENCE S88°34'04"E, A DISTANCE OF 56.87 FEET ALONG THE SOUTH LINE OF LOT 106, WHISPERING OAKS TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°28'13"E, A DISTANCE OF 306.04 FEET ALONG THE SOUTH LINE OF LOT 106 & SOUTH LINE OF OUTLOT A, WHISPERING OAKS TO A POINT AT THE INTERSECTION OF THE SOUTH LINE OF OUTLOT A & THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°15'01"E, A DISTANCE OF 562.24 FEET ALONG THE SOUTH LINE OF OUTLOT A, & LOTS 87-90 WHISPERING OAKS TO THE SOUTHEAST CORNER OF LOT 87 WHISPERING OAKS; THENCE S88°15'01"E, A DISTANCE OF 714.76 FEET; THENCE S88°15'01"E, A DISTANCE OF 17.46, TO THE WEST RIGHT OF WAY LINE OF FRANKLIN AVENUE; THENCE S1°43'39"W, A DISTANCE OF 747.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF FRANKLIN AVENUE; THENCE N88°15'01"W DISTANCE OF 1,086.30 FEET

TO THE EAST LINE OF A PARCEL BOOK 87, PAGE 22729; THENCE N01°06'10"E ALONG SAID EAST LINE OF SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL BOOK 87, PAGE 22729; THENCE N88°15'01"W ALONG THE NORTH LINE OF SAID PARCEL, BOOK 87, PAGE 22729 A DISTANCE OF 200.00 FEET; THENCE S1°06'10"W ALONG SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1,193,878.13 SQ.FT. OR 27.40 ACRES MORE OR LESS

South Pointe Urban Revitalization Area

A PARCEL OF LAND BEING ALL OF ROGERS AUTO SUBDIVISION, SOUTH POINTE SUBDIVISION, SOUTH POINTE SUBDIVISION REPLAT 1, SOUTH POINTE SUBDIVISION REPLAT 2, SOUTH POINT SUBDIVISION PHASE 2, SOUTH 24TH AND HIGHWAY 275 INDUSTRIAL AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, SECTION 14, GOVERNMENT LOT 1 TO SAID SECTION 14 AND A PORTION OF THE EAST HALF OF SECTION 15, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 10, SAID CENTER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE; THENCE EASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, 2,730 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH 24TH STREET; THENCE SOUTHERLY ON SAID WESTERLY RIGHT-OF-WAY LINE, 2,329 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VETERANS MEMORIAL HIGHWAY; THENCE WESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE, 197 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF SAID SECTION 10; THENCE SOUTHERLY ON SAID EASTERLY LINE AND ON IT'S SOUTHERLY PROLONGATION, 390 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VETERANS MEMORIAL HIGHWAY; THENCE EASTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 2,760 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTH POINTE SUBDIVISION REPLAT 2; THENCE SOUTHERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION REPLAT 2, 1,246 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTH POINTE SUBDIVISION REPLAT 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION REPLAT 1, 533 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID SOUTH POINTE SUBDIVISION PHASE 2; THENCE EASTERLY ON SAID NORTH LINE, 110 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID

SOUTH POINTE SUBDIVISION PHASE 2, SAID NORTHEAST CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN CREEK; THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION PHASE 2 AND ON SAID WESTERLY RIGHT-OF-WAY LINE, 2,742 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 5 IN SAID SOUTH POINTE SUBDIVISION PHASE 2; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 5, 149 FEET MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GIFFORD ROAD; THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, 1,420 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GIFFORD ROAD; THENCE WESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE, 1,209 FEET MORE OR LESS; THENCE SOUTHWESTERLY, 1,883 FEET MORE OR LESS TO A POINT ON THE MISSOURI RIVER MEANDER LINE; THENCE SOUTHWESTERLY ON SAID MISSOURI RIVER MEANDER LINE, 1,174 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 15; THENCE NORTHERLY ON SAID EAST LINE, 802 FEET MORE OR LESS; THENCE WESTERLY, 631 FEET MORE OR LESS; THENCE NORTHWESTERLY, 2,019 FEET MORE OR LESS TO A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 15; THENCE WESTERLY ON SAID EAST-WEST CENTERLINE, 1,322 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF GATEWAY SUBDIVISION IN SAID CITY OF COUNCIL BLUFFS; THENCE NORTHERLY ON SAID EAST LINE, 1,256 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VETERANS MEMORIAL HIGHWAY; THENCE NORTHEASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, 1,355 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE NORTH-SOUTH CENTERLINE OF SAID SOUTHEAST QUARTER OF SECTION 10; THENCE NORTHERLY ON SAID SOUTHERLY PROLONGATION AND ON SAID NORTH-SOUTH CENTER, 2,480 FEET MORE OR LESS; THENCE WESTERLY, 1,315 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY ON SAID WEST LINE, 998 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 500 ACRES, MORE OR LESS.

Valley View Urban Revitalization Area

Lot 3 of New Horizon Subdivision, City of Council Bluffs, Pottawattamie County,  
Iowa

Veterans Memorial Highway Urban Revitalization Area

The North 660 feet of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 12-74-44, except the West 250 feet, and the West 16.5 feet of the South 20 feet north of the highway in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 12-74-44 and commencing at a point 660 feet East of the NW

corner of the SW ¼ of the SW quarter of section 12, thence South 660 feet, thence East 250 feet, thence North 660 feet, thence West 250 feet to the place of beginning, subject to right of ways of public highway City of Council Bluffs, Pottawattamie County, Iowa

#### College Road Urban Revitalization Area

Proposed Lots 1-4, New Horizon Subdivision, Replat Two, City of Council Bluffs, Pottawattamie County, Iowa

#### Council Pointe Road Urban Revitalization Area

Lot 1, Fox Run Landing, Replat Three, City of Council Bluffs, Pottawattamie County, Iowa.

Lot 116, Fox Run Landing, except the northwest corner dedicated to City right-of-way, along with northerly part of Lot 117 commencing at the southeast corner of said Lot 116, thence North 469.54 feet, thence Northeasterly 885.29 feet, thence South 787.74 feet, and thence West 806.06 feet back to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa

#### Mid-America Urban Revitalization Area

A PARCEL OF LAND BEING ALL OF BASS PRO SUBDIVISION, BLUFFS VISION SUBDIVISION, BLUFFS VISION SUBDIVISION REPLAT 1, BLUFFS VISION 4 SUBDIVISION, BLUFFS VISION 4 SUBDIVISION REPLAT 1, HORSESHOE SUBDIVISION, HOTEL PLAZA AT THE MAC, HOTEL PLAZA AT THE MAC REPLAT 1, INRIP SUBDIVISION TRACT NO 1 1<sup>st</sup> ADDITION, MORRIS SUBDIVISION, MORRIS SUBDIVISION REPLAT 1, PLAZA AT MARCC, SAPP BROS TRAVEL CENTER, A PORTION OF RAILROAD ADDITION, A PORTION OF THE SOUTH HALF OF SECTION 03 AND A PORTION OF GOVERNMENT LOTS 2 AND 3 IN SECTION 04, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOW:

BEGINNING AT THE NORTHEAST CORNER OF SAID SAPP BROS TRAVEL CENTER, SAID NORTHEAST CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 24<sup>th</sup> STREET;

THENCE SOUTH ON SAID WEST RIGHT-OF-WAY LINE, 726 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MID-AMERICAN DRIVE;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1 WESTERLY, 352 FEET MORE OR LESS;
- 2 SOUTHWESTERLY, 1,272 FEET MORE OR LESS;
- 3 WESTERLY AND WESTERLY ON THE WESTERLY PROLONGATION, 2,382 FEET MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, 3,909 FEET MORE OR LESS TO A POINT ON THE SOUTHWESTERLY PROLONGATION OF THE NORTH LINE OF SAID INRIP SUBDIVISION TRACT NO 1 1<sup>st</sup> ADDITION;

THENCE NORTHEASTERLY ON SAID WESTERLY PROLONGATION AND ON SAID LINE, 942 FEET MORE OR LESS TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH 35<sup>th</sup> STREET;

THENCE SOUTHEASTERLY ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND SOUTHEASTERLY ON IT'S SOUTHEASTERLY PROLONGATION, 1,073 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 23<sup>rd</sup> AVENUE;

THENCE EASTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 4,982 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH 24<sup>th</sup> STREET;

THENCE SOUTH ON SAID WESTERLY RIGHT-OF-WAY, 610 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 285 ACRES, MORE OR LESS.

River Road Urban Revitalization Area

Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

American Games Urban Revitalization Area

Lot 3, Pollard Games Addition, City of Council Bluffs, Pottawattamie County, Iowa

Black Squirrel Flats Urban Revitalization Area

Lot 1, Black Squirrel Flats Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

Bluffs Northway Urban Revitalization Area

Lots 2 and 3, Walmart Bluffs Northway Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

Lots 10 through 18 and the east/west alley abutting Belmont Addition along with the Canadian National Railway right-of-way abutting on the north and Avenue P right-of-way abutting on the south; Lots 33 through 37 and the North ½ vacated alley abutting and Lots 56 through 61 and the South ½ vacated alley abutting Belmont Addition along with Avenue O right-of-way abutting on the south; Lots 79 through 83 and the North ½ vacated alley abutting and Lots 102 through 106 and the South ½ vacated alley abutting Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa

#### 16<sup>th</sup> Avenue Urban Revitalization Area

A parcel of land situated in the North Half (N1/2) of Section 2, Township 74 North, Range 44 West and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 35, Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, State of Iowa, according to an official plat of said land filed in the District Land Office, bounded and described as follows: Beginning at a point on the North-South centerline of said Section 2, from which point the center of said section bears South, 264.98 feet; thence North 89 degrees 50 minutes 17 seconds East, 200.00 feet; thence North 00 degrees 00 minutes 17 sections East, 2150.79 feet to the south line of 16<sup>th</sup> Avenue; thence along said south line South 89 degrees 30 minutes 12 seconds West, 200.0 feet to a point on said North-South centerline of said Section 2; thence along said North-South centerline North 20.90 feet to the north quarter corner of said Section 2; thence along the North-South centerline of said Section 35, North 00 degrees 21 minutes 09 seconds West, 60.0 feet to a point on the north line of 16<sup>th</sup> Avenue, said point also being the southwest corner of Lot 12, Block 36, Fleming and Davis addition; thence South 89 degrees 38 minutes 51 seconds West, 16.0 feet; thence North 00 degrees 21 minutes 09 seconds West, 646.37 feet to a point on the south line of 14<sup>th</sup> Avenue prolonged, said point being South 89 degrees 38 minutes 53 seconds West, 16.0 feet from the northwest corner of Lot 1, Block 29, Fleming and Davis Addition; thence South 89 degrees 38 minutes 53 seconds West, 379.00 feet; thence South 75 degrees 42 minutes 26 seconds West, 399.46 feet; thence South 82 degrees 12 minutes 26 seconds West, 126.58 feet; thence South 21 degrees 28 minutes 31 seconds East, 2490.70 feet to a point on the North-South centerline of said Section 2; thence along said North-South centerline, South 441.28 feet to the Point of Beginning. Containing an area of 1,548,471 square feet, more or less, or 35.548 acres, more or less.

AND

A parcel of land legally described as being the East 16 feet of the South 686 feet, except the South 178 feet of the North 323 feet, all in the SE1/4 SW1/4 of Section 35-75-44, City of Council Bluffs, Pottawattamie County, Iowa. Said parcel of land contains an area of 8,276 square feet more or less, or .19 acres, more or less.

#### 21<sup>st</sup> Avenue Urban Revitalization Area

Lots 9, 10, 18, 19, 20, 21 and 22, a portion of Lots 7, 8, 11, 12, 13, 16, 17, 23, 24 and 25 in Block 14, a portion of Lots 16, 17, 18 and 19 in Block 19, all of the vacated alley's in said Block 14 and all of vacated 22nd Avenue right-of-way lying within the following described parcel, all in Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa

*And*

Lots 14 and 15 and that part of Lot 13 in Block 14, Hughes and Doniphan's Addition to the City of Council Bluffs, Pottawattamie County, Iowa, all lying Southwest of the former Wabash Railroad Right-of-Way (now Southside Trail Bike Trail Right-of-Way) AND That part of the vacated north/south alley lying north of the north right-of-way line of 22nd Avenue and south of the southerly right-of-way of the former Wabash Railroad (now Southside Trail Bike Trail) AND The North 1/2 of vacated 22nd Avenue lying between the east right-of-way line of South 6th Street and southwesterly right-of-way line of Southside Trail Bike Trail.

#### 14<sup>th</sup> Avenue Urban Revitalization Area

Lots 16-30, Block 37, Brown's Subdivision, Council Bluffs, Pottawattamie County, Iowa

#### 5<sup>th</sup> and West Broadway Urban Revitalization Area

The portion of Block 6, Mynster's Addition Southeast of the right-of-way of Kanesville Boulevard; The portion of Lots C and D, Auditor's Subdivision of Block 6 Mynster's Addition and Block 2 Bayliss 1st Addition located Southeast of the right-of-way of Kanesville Boulevard, and the entirety of the alleyway adjacent to Lot D; Lots E-P, Auditor's Subdivision of Block 6 Mynster's Addition and Block 2 Bayliss 1st Addition, and the vacated alley adjacent to Lot N; Lot 5, Block 2, Bayliss Addition to Council Bluffs, Pottawattamie County, Iowa;

*And:*

Lots 1-13, Auditor's Subdivision of Lot 5, Block 5 Mynster's Addition and Block 1, Bayliss 1st Addition, and the alleyway adjacent; Lot 2 excluding City right-of-way, Lots 3 and 4, and Lots 6-10, Mynster's Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa.

#### 1<sup>st</sup> Avenue Urban Revitalization Area

Lots 9 through 16, Block 6, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa

Section 2. That, consistent with the adoption of the Amended and Restated Plan and in accordance with the provisions of the Urban Revitalization Act, the area legally described as follows is hereby designated as an urban revitalization area, as a subarea of the Council Bluffs Consolidated Urban Revitalization Area of the City of Council Bluffs, Iowa:

South Expressway Subarea

Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres,  
City of Council Bluffs, Pottawattamie County, Iowa

Section 3. That Ordinances Nos. 6177, 6411, 6412, 6479, 6495, 6476, 6532, 6281, 6310, 6326, 6469, 6464, 6375, 6289, 6409, and 6533 and all other previously adopted ordinances of the City designating urban revitalization areas within the City are hereby amended and replaced by this Ordinance, and that all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. That if any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 5. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 22<sup>nd</sup> day of April, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

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

First Consideration: 4-1-24

Second Consideration: 4-22-24

Public Hearing: N/A

Third Consideration: Request to Waive

PASSED AND APPROVED: April 22, 2024.

I, Jodi Quakenbush, City Clerk of the City of Council Bluffs, County of Pottawattamie, State of Iowa, do hereby certify that the above and foregoing is a true copy of Ordinance No. 6603

passed and approved by the City Council of the City at a meeting held April 22, 2024, and published in the Daily Nonpareil on \_\_\_\_\_, 2024.

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City Clerk, Council Bluffs, Iowa

(SEAL)

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## Council Communication

Department: Police  
Case/Project No.:  
Submitted by: Captain Scott Milner #672

Resolution 24-119  
ITEM 8.A.

Council Action: 4/22/2024

### Description

Resolution authorizing the use of American Rescue Plan Act (ARPA) Funds for the purchase of two 2024 Chevrolet Equinox Vehicles for the Council Bluffs Police Department.

### Background/Discussion

In September 2023, Mayor Walsh approved a request from the police department to replace two vehicles in the current CID fleet. The current fleet has eight Chevy Impalas ranging in years from 2011-2016. Last Fall, it was determined that these two vehicles would either be purchased with bonds or ARPA dollars. The Finance Director has determined that ARPA is the most appropriate funding source.

### Recommendation

Approval of the use of ARPA funds in the amount of \$51,107.60 to be used for the purchase of two 2024 Chevrolet Equinox vehicles for the Council Bluffs Police Department.

### ATTACHMENTS:

Description

[Resolution 24-119](#)

Type

Resolution

Upload Date

4/17/2024

**RESOLUTION  
NO 24-119**

**RESOLUTION AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA)  
FUNDS FOR THE PURCHASE OF TWO 2024 CHEVROLET EQUINOX VEHICLES FOR THE  
COUNCIL BLUFFS POLICE DEPARTMENT**

WHEREAS, The Police Department is requesting the use of ARPA Funds to purchase two, 2024 Chevrolet Equinox at a cost of \$51,107.60 total.

WHEREAS, The vehicles are an approved use of ARPA Revenue Loss funds as enumerated in the ARPA Final rule and will be purchased at the state of Iowa contract price.

WHEREAS, These vehicles will be used to replace vehicles currently being used by detectives in the Criminal Investigations Unit.

WHEREAS, This purchase was requested and approved by the Mayor in September, 2023.

WHEREAS, It has since been determined by the Mayor and Finance Director that the best funding source for this purchase would be from ARPA.

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

That the use of ARPA funds in the amount of \$51,107.60 may be used for the purchase of two 2024 Chevrolet Equinox vehicles for the Council Bluffs Police Department.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

ATTEST:

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

## Council Communication

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

Resolution 24-120  
ITEM 8.B.

Council Action: 4/22/2024

### Description

Resolution authorizing the Mayor to execute the Orders Accepting the Acknowledgment/Settlement Agreements from Casey's #6116, Casey's #6122, CB Quick Stop, Family Dollar #24414 and 7 Days Mart for violations for Iowa Code Section 453A.2.

### Background/Discussion

On or about February 8, 2024, a citation was issued to an employee of each of these businesses, for providing tobacco to a minor. We pursued a civil penalty against each permit holder. The civil penalty for a first violation is \$300.00 and the penalty has been submitted by each business along with their Acknowledgement/Settlement Agreements. A resolution has been prepared authorizing the Mayor to execute the Order to Accept the Acknowledgement/Settlement Agreements from these businesses.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Signed Agreements</a>	Other	4/8/2024
<a href="#">Proposed Orders</a>	Other	4/8/2024
<a href="#">Resolution 24-120</a>	Resolution	4/17/2024

IN RE:

Casey's #6116  
15 N. 16<sup>th</sup> Street  
Council Bluffs, IA 51501

**ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT**

I/We hereby knowingly and voluntarily acknowledge that we have received the **Complaint and Hearing Notice** in the above case. I/We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I/We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I/We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I/We have enclosed a check in the amount of \$300.00, made payable to the City of Council Bluffs, Iowa, to settle the above-referenced complaint. The above-captioned permit holder hereby waives all jurisdictional claims.

DATED this 25<sup>th</sup> day of March, 2024.

James S. Skloda, Assistant General Counsel

Printed Name and Title of Representative

DocuSigned by:

*James Skloda*

210A0D768A4E429...  
Signature

**NOTE: This must be signed by an individual cigarette permittee or, in the case of another business entity, by individual(s) who have authority to bind the entity.**

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document (properly signed and dated), along with your \$300.00 check made payable to the City of Council Bluffs, Iowa, should be returned to:

Council Bluffs City Attorney  
City Hall-Legal Dept  
209 Pearl Street  
Council Bluffs, IA 51503

IN RE:

Casey's #6122  
3434 Nebraska Avenue  
Council Bluffs, IA 51501

**ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT**

I/We hereby knowingly and voluntarily acknowledge that we have received the **Complaint and Hearing Notice** in the above case. I/We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I/We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I/We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I/We have enclosed a check in the amount of \$300.00, made payable to the City of Council Bluffs, Iowa, to settle the above-referenced complaint. The above-captioned permit holder hereby waives all jurisdictional claims.

3/25/2024

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

James Skloda, Assistant  
General Counsel

Printed Name and Title of Representative

James Skloda

Signature

**NOTE: This must be signed by an individual cigarette permittee or, in the case of another business entity, by individual(s) who have authority to bind the entity.**

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document (properly signed and dated), along with your \$300.00 check made payable to the City of Council Bluffs, Iowa, should be returned to:

Council Bluffs City Attorney  
City Hall-Legal Dept  
209 Pearl Street  
Council Bluffs, IA 51503

IN RE:

CB Quick Stop  
3500 Avenue A  
Council Bluffs, IA 51501

**ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT**

I/We hereby knowingly and voluntarily acknowledge that we have received the **Complaint and Hearing Notice** in the above case. I/We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I/We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I/We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I/We have enclosed a check in the amount of \$300.00, made payable to the City of Council Bluffs, Iowa, to settle the above-referenced complaint. The above-captioned permit holder hereby waives all jurisdictional claims.

DATED this 5th day of March, 2024.

*Shahid Aslam Secretary*

Printed Name and Title of Representative

Signature

**NOTE: This must be signed by an individual cigarette permittee or, in the case of another business entity, by individual(s) who have authority to bind the entity.**

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document (properly signed and dated), along with your \$300.00 check made payable to the City of Council Bluffs, Iowa, should be returned to:

Council Bluffs City Attorney  
City Hall-Legal Dept  
209 Pearl Street  
Council Bluffs, IA 51503

IN RE:

Family Dollar #24414  
2801 W. Broadway  
Council Bluffs, IA 51501

**ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT**

I/We hereby knowingly and voluntarily acknowledge that we have received the **Complaint and Hearing Notice** in the above case. I/We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I/We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I/We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I/We have enclosed a check in the amount of \$300.00, made payable to the City of Council Bluffs, Iowa, to settle the above-referenced complaint. The above-captioned permit holder hereby waives all jurisdictional claims.

DATED this 28th day of February, 2024.

Patricia Haas, Assistant General Counsel

Printed Name and Title of Representative

*Patricia Haas*

Signature

**NOTE: This must be signed by an individual cigarette permittee or, in the case of another business entity, by individual(s) who have authority to bind the entity.**

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document (properly signed and dated), along with your \$300.00 check made payable to the City of Council Bluffs, Iowa, should be returned to:

Council Bluffs City Attorney  
City Hall-Legal Dept  
209 Pearl Street  
Council Bluffs, IA 51503

IN RE:

7 Days Mart  
501 S. 21<sup>st</sup> Street  
Council Bluffs, IA 51501

**ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT**

I/We hereby knowingly and voluntarily acknowledge that we have received the **Complaint and Hearing Notice** in the above case. I/We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. I/We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. I/We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. I/We have enclosed a check in the amount of \$300.00, made payable to the City of Council Bluffs, Iowa, to settle the above-referenced complaint. The above-captioned permit holder hereby waives all jurisdictional claims.

DATED this 26 day of March, 2024.

Shumet ABEBE  
Printed Name and Title of Representative

A. alr.  
Signature

**NOTE: This must be signed by an individual cigarette permittee or, in the case of another business entity, by individual(s) who have authority to bind the entity.**

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document (properly signed and dated), along with your \$300.00 check made payable to the City of Council Bluffs, Iowa, should be returned to:

Council Bluffs City Attorney  
City Hall-Legal Dept  
209 Pearl Street  
Council Bluffs, IA 51503

BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:

Casey's #6116  
15 N. 16<sup>th</sup> Street  
Council Bluffs, IA 51501

**ORDER ACCEPTING THE  
ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT (FIRST VIOLATION)**

ON this 22<sup>nd</sup> day of April, 2024, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

The City Council FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on February 8, 2024 and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the executed Acknowledgment/Settlement Agreement.

IT IS THEREFORE ORDERED that the Acknowledgment/Settlement Agreement be approved. This sanction is consistent with the Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

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

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

---

IN RE:

Casey's #6122  
3434 Nebraska Avenue  
Council Bluffs, IA 51501

**ORDER ACCEPTING THE  
ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT (FIRST VIOLATION)**

---

ON this 22<sup>nd</sup> day of April, 2024, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

The City Council FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on February 8, 2024 and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the executed Acknowledgment/Settlement Agreement.

IT IS THEREFORE ORDERED that the Acknowledgment/Settlement Agreement be approved. This sanction is consistent with the Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

---

MATTHEW J. WALSH Mayor

Attest:

---

JODI QUAKEBUSH City Clerk

BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:

CB Quick Stop  
3500 Avenue A  
Council Bluffs, IA 51501

**ORDER ACCEPTING THE  
ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT (FIRST VIOLATION)**

ON this 22<sup>nd</sup> day of April, 2024, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

The City Council FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on February 8, 2024 and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the executed Acknowledgment/Settlement Agreement.

IT IS THEREFORE ORDERED that the Acknowledgment/Settlement Agreement be approved. This sanction is consistent with the Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

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

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH                      City Clerk

BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:

Family Dollar #24414  
2801 W. Broadway  
Council Bluffs, IA 51501

**ORDER ACCEPTING THE  
ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT (FIRST VIOLATION)**

ON this 22<sup>nd</sup> day of April, 2024, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

The City Council FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on February 8, 2024 and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the executed Acknowledgment/Settlement Agreement.

IT IS THEREFORE ORDERED that the Acknowledgment/Settlement Agreement be approved. This sanction is consistent with the Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

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

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH                      City Clerk

BEFORE THE CITY COUNCIL  
FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:

7 Days Mart  
501 S. 21<sup>st</sup> Street  
Council Bluffs, IA 51501

**ORDER ACCEPTING THE  
ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT (FIRST VIOLATION)**

ON this 22<sup>nd</sup> day of April, 2024, in lieu of a public hearing on the matter, the City Council approves the attached Acknowledgment/Settlement Agreement between the above-captioned permittee and the City of Council Bluffs, Iowa.

The City Council FINDS that the permit holder acknowledged in the Agreement that a first violation of Iowa Code section 453A.2 occurred on February 8, 2024 and that the mandatory sanction for this violation is a \$300.00 civil penalty. The permit holder has submitted a check in the amount of \$300.00 with the executed Acknowledgment/Settlement Agreement.

IT IS THEREFORE ORDERED that the Acknowledgment/Settlement Agreement be approved. This sanction is consistent with the Iowa Code section 453A.22(2)(a) for a first violation of Iowa Code section 453A.2(1).

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

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

**RESOLUTION NO. 24-120**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ORDERS ACCEPTING THE ACKNOWLEDGMENT/SETTLEMENT AGREEMENTS FROM CASEY’S #6116, 15 N. 16<sup>TH</sup> STREET, COUNCIL BLUFFS, IA 51501; CASEY’S #6122, 3434 NEBRASKA AVENUE, COUNCIL BLUFFS, IA 51501; CB QUICK STOP, 300 AVENUE A, COUNCIL BLUFFS, IA 51501; FAMILY DOLLAR #24414, 2801 W. BROADWAY, COUNCIL BLUFFS, IA 51501; AND 7 DAYS MART, 501 S. 21<sup>ST</sup> STREET, COUNCIL BLUFFS, IA 51501 FOR VIOLATIONS OF THE STATE’S TOBACCO LAWS.**

**WHEREAS,** the Iowa Alcoholic Beverages Division has enacted a comprehensive program aimed at reducing underage tobacco use; and

**WHEREAS,** compliance checks in Council Bluffs earlier this year resulted in citations being issued to an employee at each of these businesses on February 8, 2024; and

**WHEREAS,** the mandatory civil penalty of \$300.00 has been paid and it is in the best interest of the City to execute an Order for each business to accept the executed Acknowledgment/Settlement Agreements.

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

That the Mayor is hereby authorized to execute the Order Accepting the Acknowledgment/Settlement Agreements from Casey’s #6116, Casey’s #6122, CB Quick Stop, Family Dollar #24414 and 7 Days Mart for violation of Iowa Code Section 453A.2.

ADOPTED  
AND  
APPROVED

April 22, 2024.

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

Mayor

Attest:

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

City Clerk

## Council Communication

Department: Police  
Case/Project No.:  
Submitted by: Captain Scott Milner #672

Resolution 24-121  
ITEM 8.C.

Council Action: 4/22/2024

### Description

Resolution authorizing the use of American Rescue Plan Act (ARPA) to purchase five, 2024 Chevrolet Tahoes for the Council Bluffs Police Department.

### Background/Discussion

In planning FY 2024, the Police Department planned for the purchase of six Chevrolet Tahoes as part of the annual replacement program for the marked cruisers. We are only going to receive five of the six Tahoes due to supply issues. It was determined by the Finance Director that ARPA in the most appropriate funding source.

### Recommendation

Approval of the use of ARPA funds in the amount of \$249,526.00 to be used for the purchase of five, 2024 Chevrolet Tahoes for the Council Bluffs Police Department.

### ATTACHMENTS:

Description

[Resolution 24-121](#)

Type

Resolution

Upload Date

4/17/2024

**RESOLUTION  
NO 24-121**

**RESOLUTION AUTHORIZING THE USE OF AMERICAN RESCUE PLAN ACT (ARPA)  
FUNDS FOR THE PURCHASE OF FIVE 2024 CHEVROLET TAHOE VEHICLES FOR THE  
COUNCIL BLUFFS POLICE DEPARTMENT**

WHEREAS, The Police Department is requesting the use of ARPA Funds to purchase five, 2024 Chevrolet Tahoes at a cost of \$249,526.00 total.

WHEREAS, The vehicles are an approved use of ARPA Revenue Loss funds as enumerated in the ARPA Final rule and will be purchased at the state of Iowa contract price.

WHEREAS, These vehicles will be used as marked cruisers assigned to the Uniform Division.

WHEREAS, This purchase was planned and is part of the annual replacement program.

WHEREAS, It has since been determined by the Finance Director that the best funding source for this purchase would be from ARPA.

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

That the use of ARPA funds in the amount of \$249,526.00 may be used for the purchase of five 2024 Chevrolet Tahoes vehicles for the Council Bluffs Police Department.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

ATTEST:

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW25-07  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 24-122  
ITEM 8.D.

Council Action: 4/22/2024

### Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with the State Orchard Road Reconstruction. Project #PW25-07

### Background/Discussion

State Orchard Road is in need of reconstruction. The project extends approximately 2,500 feet in length, from Eastern Hills Drive to Steven Road. The existing street segment is a 22-foot wide rural section located within a 66-foot right-of-way. State Orchard Road pavement is in poor condition with no shoulders and open ditches for drainage. There are no pedestrian pathways.

The project will construct a new curbed concrete roadway with storm sewer and a trail on one side of the roadway. Completing this segment of State Orchard Road will provide an improved roadway and trail connection from Eastern Hills Drive to Steven Road.

This project was included in the FY25 CIP and includes a budget of \$3,000,000 in Local Option Sales Tax funds.

HGM Associates Inc. was selected as the most qualified to perform the work for this project. They previously provided engineering services for the construction of Eastern Hills Drive and have a clear understanding of this project. The proposed team is well qualified to successfully complete this challenging project.

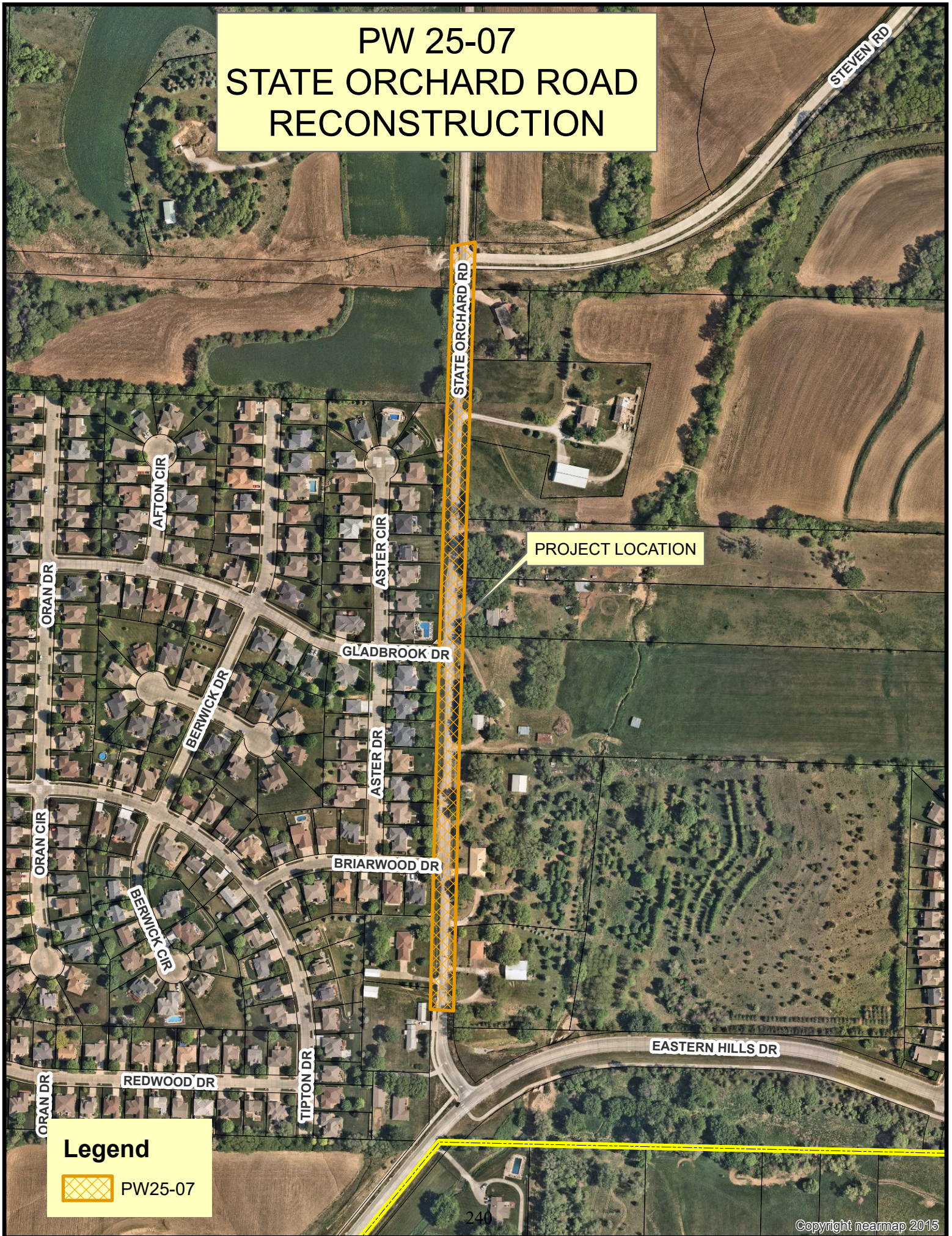
### Recommendation

Approval of this resolution to enter into an agreement with HGM for engineering services for the State Orchard Road Reconstruction project.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	4/11/2024
<a href="#">Engineering Agreement</a>	Agreement	4/11/2024
<a href="#">Resolution 24-122</a>	Resolution	4/17/2024

# PW 25-07 STATE ORCHARD ROAD RECONSTRUCTION



## Legend

 PW25-07

## **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:

STATE ORCHARD ROAD RECONSTRUCTION  
CITY OF COUNCIL BLUFFS, IOWA  
CITY PROJECT NO. PW 25-07  
HGM PROJECT NO. 150424

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 1.4612.

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.

5. Indemnification:

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

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

6. Insurance:

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

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

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:  \_\_\_\_\_  
Terrence L. Smith, P.E.  
President

Attest:  \_\_\_\_\_  
Zachary M. Wheat, P.E.  
Project Manager

## 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 24-122**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
HGM ASSOCIATES INC. FOR ENGINEERING SERVICES  
IN CONNECTION WITH THE  
STATE ORCHARD ROAD RECONSTRUCTION  
PROJECT #PW25-07**

WHEREAS,           the city wishes to make improvements known as the  
State Orchard Road Reconstruction 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 State Orchard Road Reconstruction  
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

April 22, 2024

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

ATTEST:

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW23-15  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 24-123  
ITEM 8.E.

Council Action: 4/22/2024

### Description

Resolution approving the plans and specifications for the Vine Street Parking Lot Expansion. Project # PW23-15

### Background/Discussion

The Vine Street Parking Lot Expansion will construct additional parking to the west of the existing lots located along Vine Street. The site is a vacant lot owned by the City.

The new lot will provide 26 stalls of new parking.

The project was included in the FY23 CIP with a budget of \$250,000 from the Downtown TIF district.

At the east end of the existing Vine Street parking area the trash dumpster and enclosure are frequently vandalized, requiring continuous clean up and repairs. To improve this situation, the 100 Block businesses have requested areas for two new trash compactors. The rented compactors will replace the dumpsters currently being used.

Included in the project is a proposed concrete pad located adjacent to the new parking lot with a new 3-phase electrical service to serve a trash compactor. The second trash compactor will be located on an existing concrete pad on the east side of the east parking lot. A new 3-phase electrical service will be added to this location. The fencing around the existing dumpster will be removed and the area will be converted to two additional metered parking stalls. The estimated cost of these improvements is \$32,600, and will be bid as an alternate. The trash compactors will be leased by the businesses from a private solid waste company.

The project schedule is as follows:	Hold Public Hearing	April 22, 2024
	Bid Letting	May 9, 2024
	Award	May 20, 2024

### Recommendation

Approval of this resolution to approve the plans and specifications for the Vine Street Parking Lot Expansion project.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	4/12/2024
<a href="#">Resolution 24-123</a>	Resolution	4/17/2024

PW 23-15  
VINE STREET  
PARKING LOT EXPANSION

VINE ST

PROJECT LOCATION

N 2ND ST

W BROADWAY ST

Legend

 PW 23-15

**RESOLUTION**  
**NO 24-123**

**RESOLUTION APPROVING THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
VINE STREET PARKING LOT EXPANSION  
PROJECT #PW23-15**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Vine Street Parking Lot Expansion; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on April 22, 2024.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the Vine Street Parking Lot Expansion Project.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

ATTEST:

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

## Council Communication

Department: Parks and Recreation  
Case/Project No.: CITY CONTRIBUTION  
TOWARDS THE RIVERFRONT  
DEVELOPMENT  
Submitted by: Vincent Martorello

Resolution 24-125  
ITEM 8.F.

Council Action: 4/22/2024

### Description

Resolution to authorize the Mayor to make a \$50,000.00 contribution to the Riverfront Development in support of an Enhance Iowa Grant.

### Background/Discussion

The Riverfront Development, Phase 4 consists of an adventure tower, which will be equipped with an outdoor climbing wall, roll glide, and interior caving space. Also included is a pier, approximately 700 linear feet in length that extends from the levee trail to the Missouri River and will be located south of I-480, approximately 250 linear feet north of the Harrah's parking lot and entry into Tom Hanafan Park. A playground and dog park are also being planned as part of the development. The dog park will be located north of the I-480 Bridge, just south of the Tom Hanafan parking lots. The playground will be located south of the I-480 Bridge, north of the Broadmoor apartments, east of the levee trail. The City is in discussion with IDOT for the disposal of a portion of the DOT right-of-way in order to place the playground. A portion of the site is also owned by Broadmoor Apartments, and they have agreed to transfer the property to the City. The design of the adventure tower, tree top walk and pier has not changed since the Council has reviewed the project. The dog park and playground will be presented to the Council at a later date. However, a supplement packet has been submitted with this resolution that includes design layout and images of the project.

The City is in the process of drafting a management agreement with a third party to manage these recreational elements. The US Army Corps. of Engineers (USACOE) is currently reviewing the development of the adventure tower, tree top walk and pier. The permits for the dog park and playground will be submitted to the USACOE when the design development plans are at 90%.

To date, \$47,700,000.00 has been raised through private donations and grants. Unfortunately, given the increase costs of construction and necessary refinement of the development plans, the project is still projected to need an estimated four to six million dollars. We have already begun the process of raising the remaining funds. And, we submitted an Enhance Iowa Grant application to the state and requested an award of \$1,000,000.00. A requirement of this grant is a contribution from the city and county the development is located. The city has proposed to contribute \$50,000.00 and will ask the county to contribute \$25,000. Without this contribution, the city is not eligible to receive the Enhance Iowa Grant award.

### Recommendation

Approve the resolution that authorizes the Mayor to make a \$50,000.00 contribution on behalf of the City towards the Riverfront Development project in accordance with the requirements of the Enhance Iowa Grant.

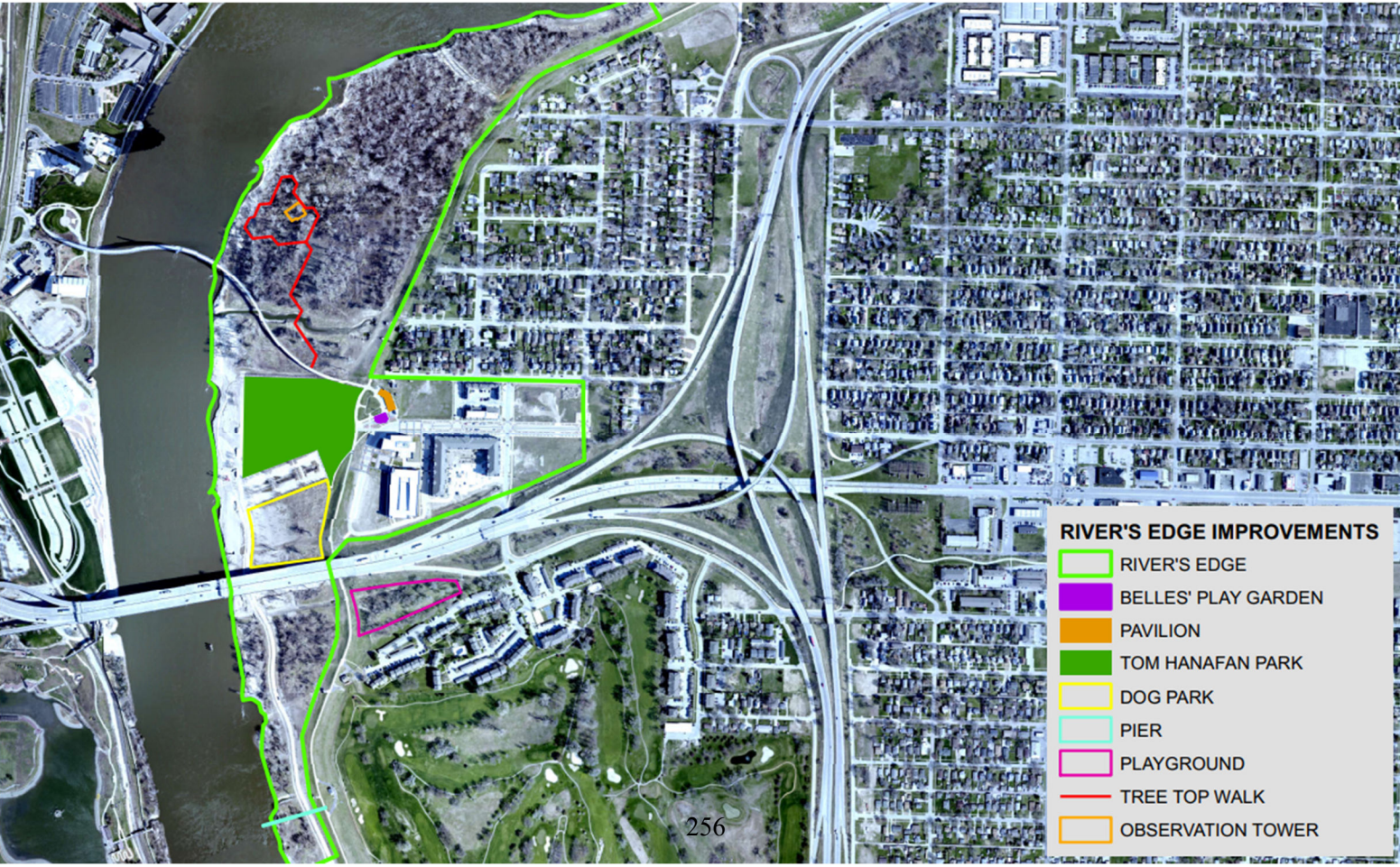
### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Other</a>	Other	4/12/2024
<a href="#">Resolution 24-125</a>	Resolution	4/17/2024

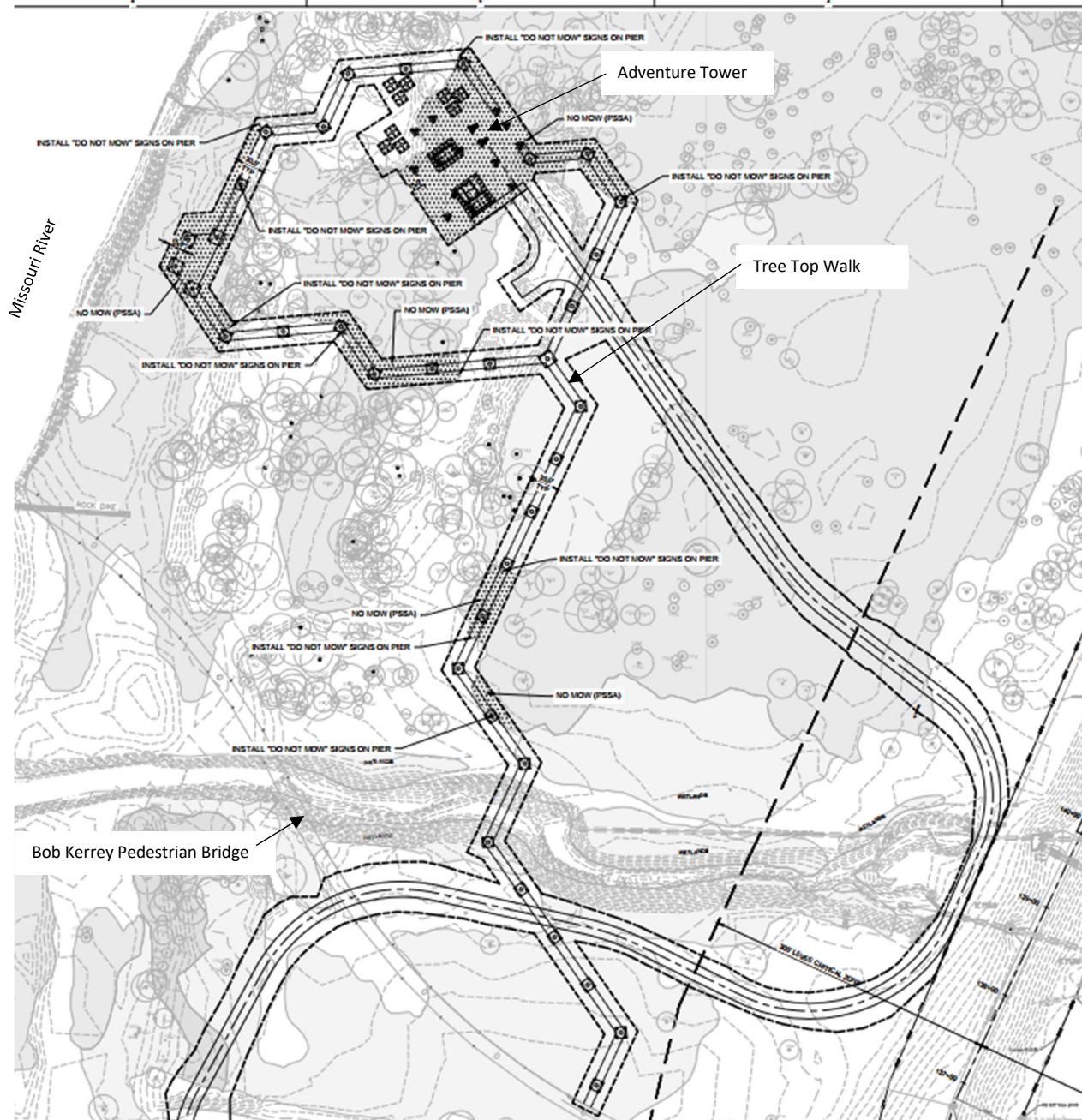


## **RIVERFRONT DEVELOPMENT, PHASE 4**

OVERALL SITE PLAN RIVERFRONT REVITALIZATION



## ADVENTURE TOWER AND TREE TOP WALK AND VISUALS



**ADVENTURE TOWER SILHOUETTE**

View from Interstate 80 Bridge over Missouri River



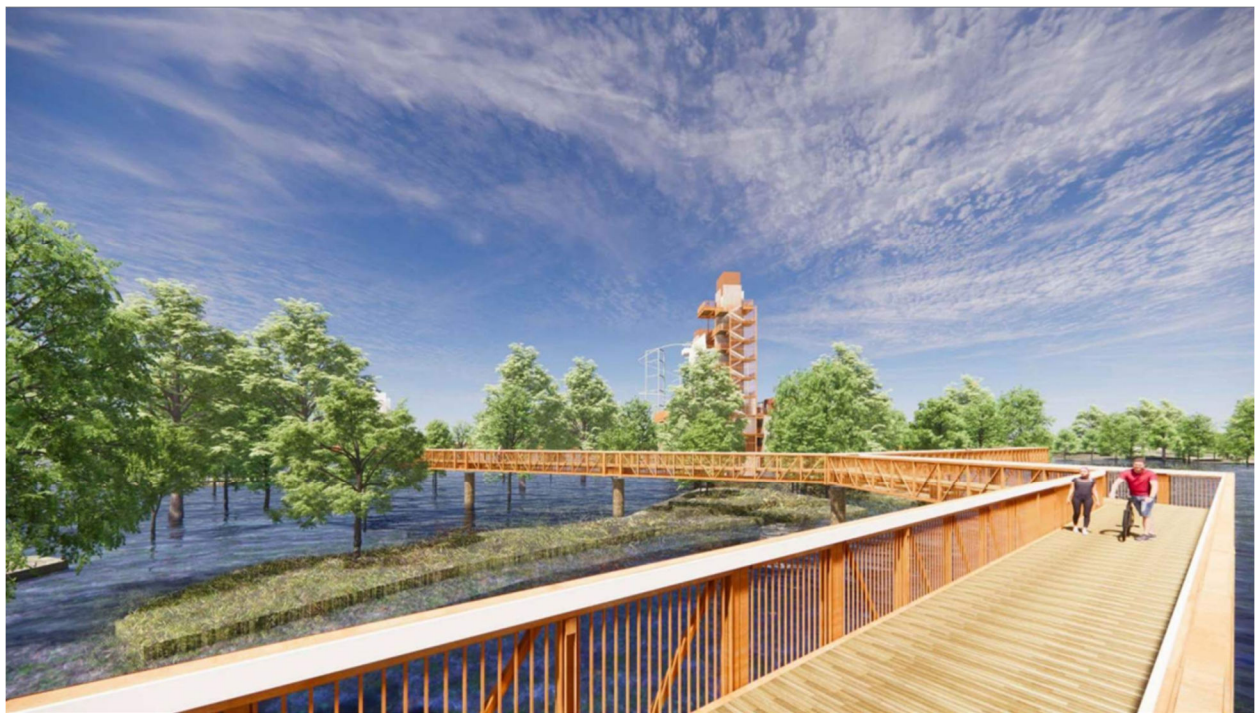
View from Bob Kerrey Pedestrian Bridge



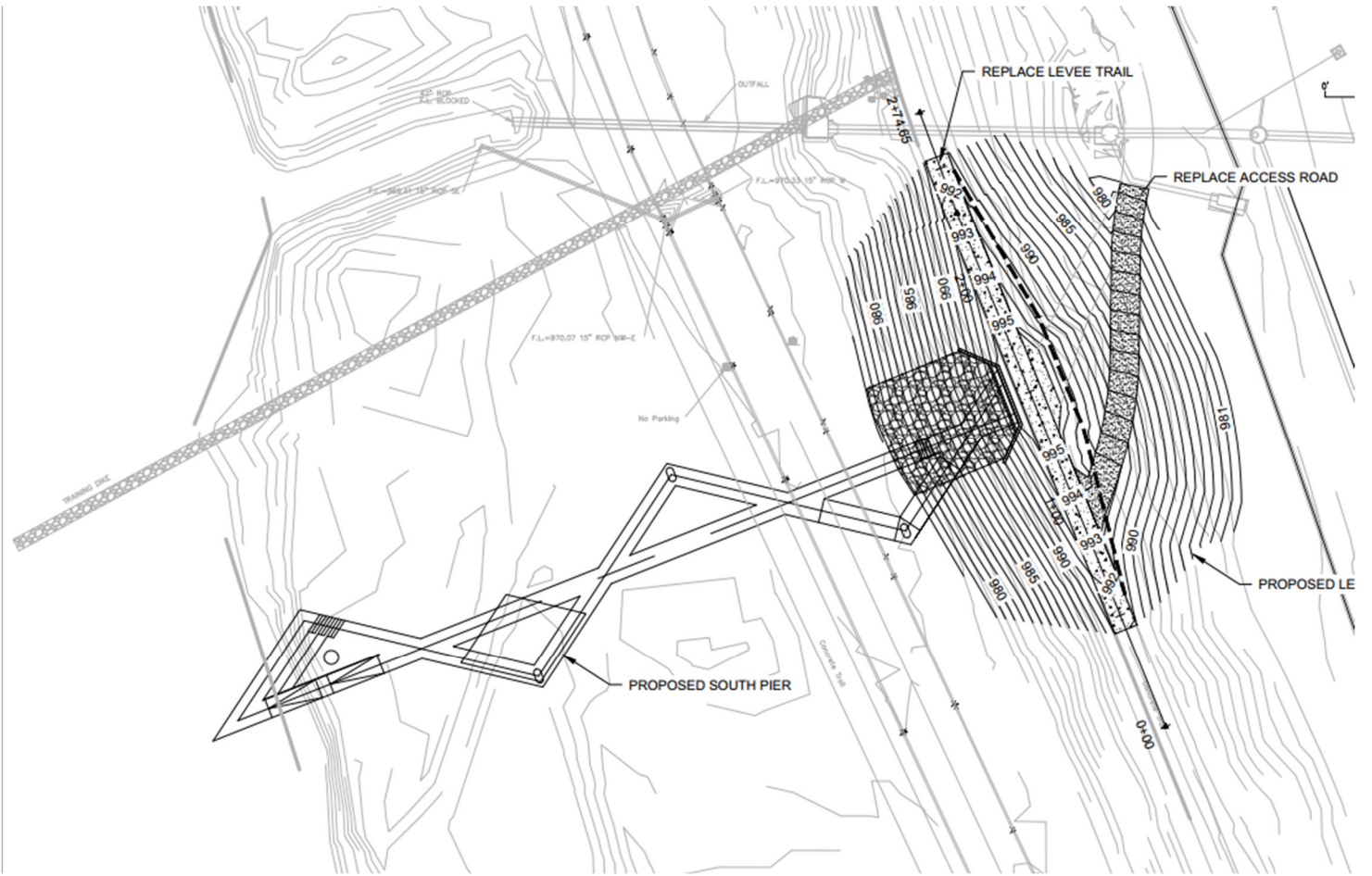
## ADVENTURE TOWER AND TREE TOP WALK IMAGES

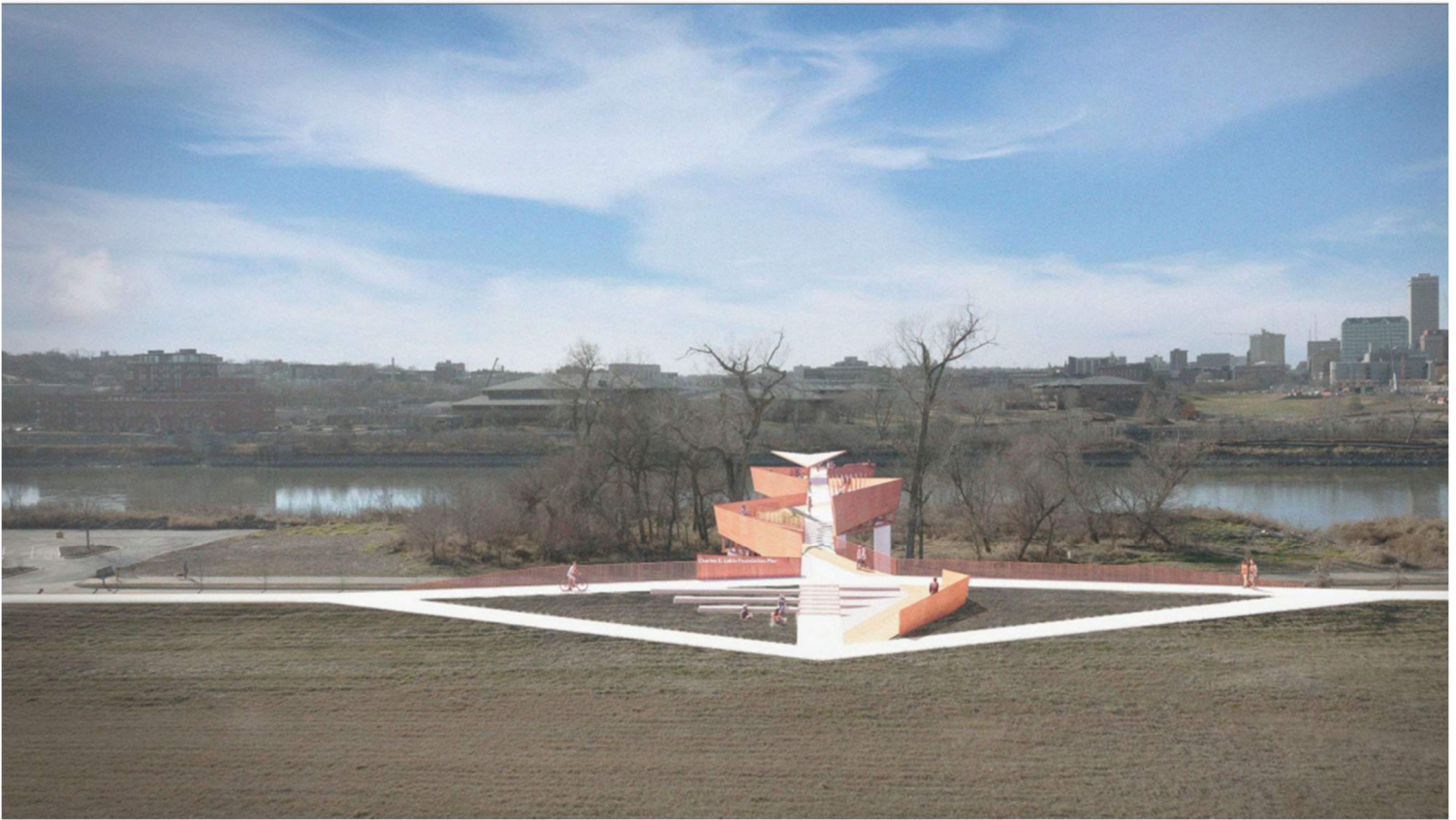






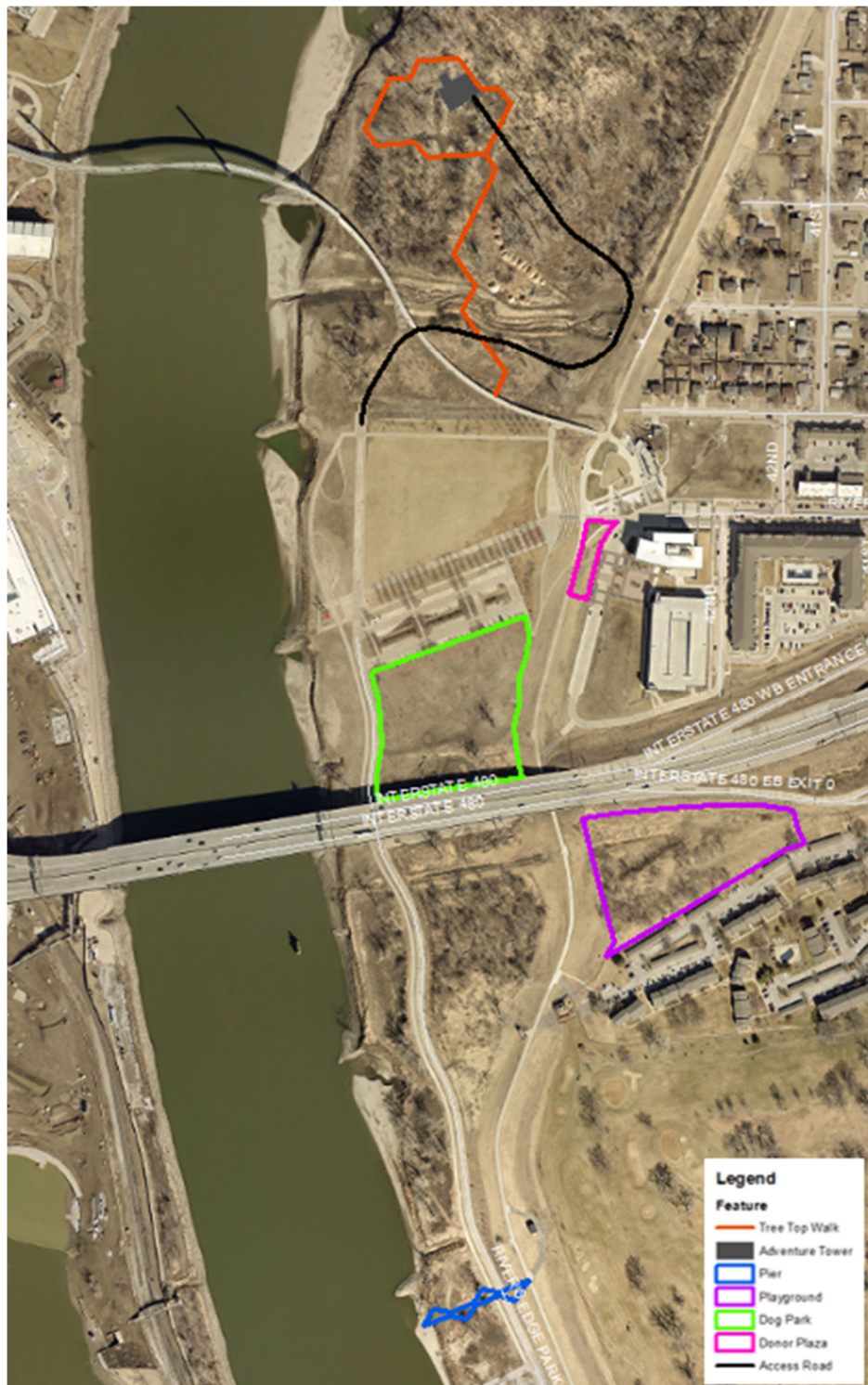
## PIER SITE PLAN AND VISUALS

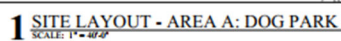
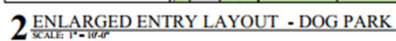






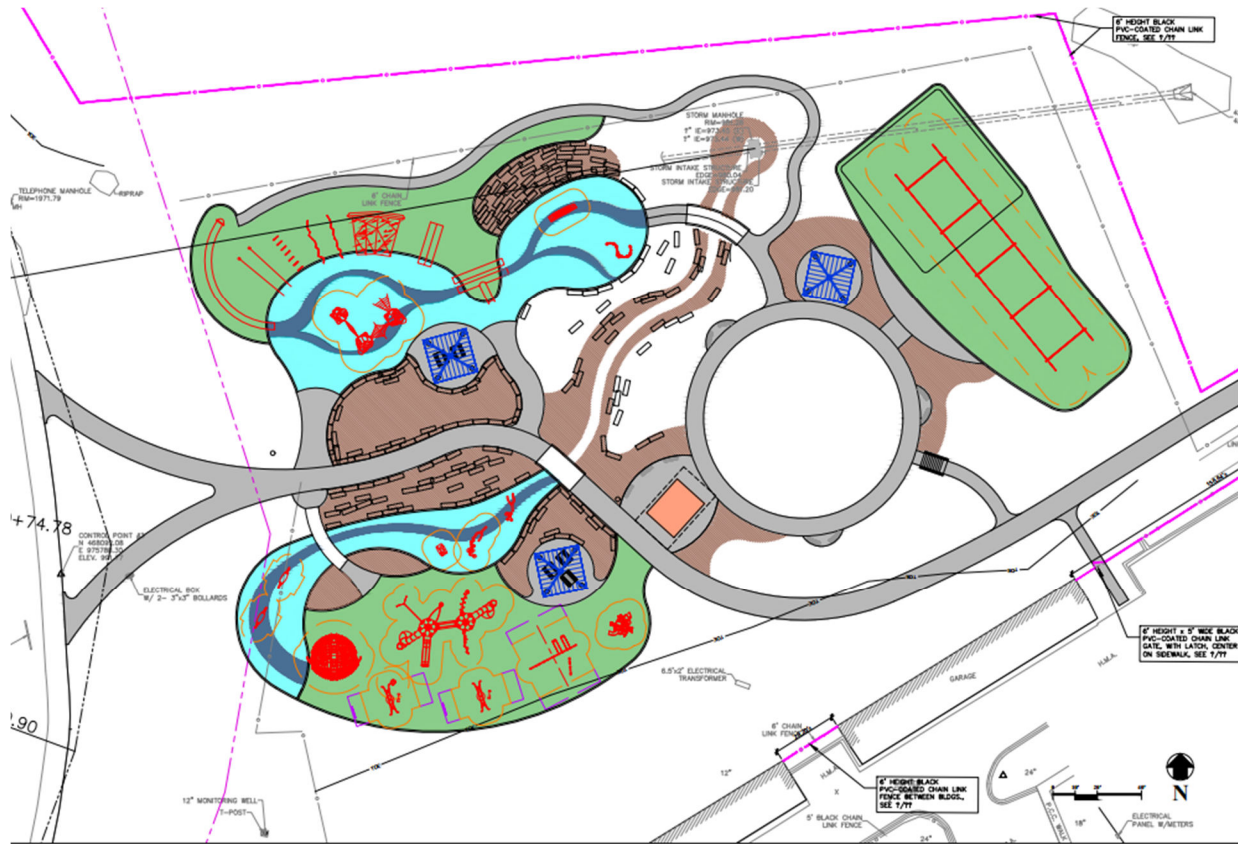
## PLAYGROUND AND DOG PARK SITE PLAN AND VISUALS



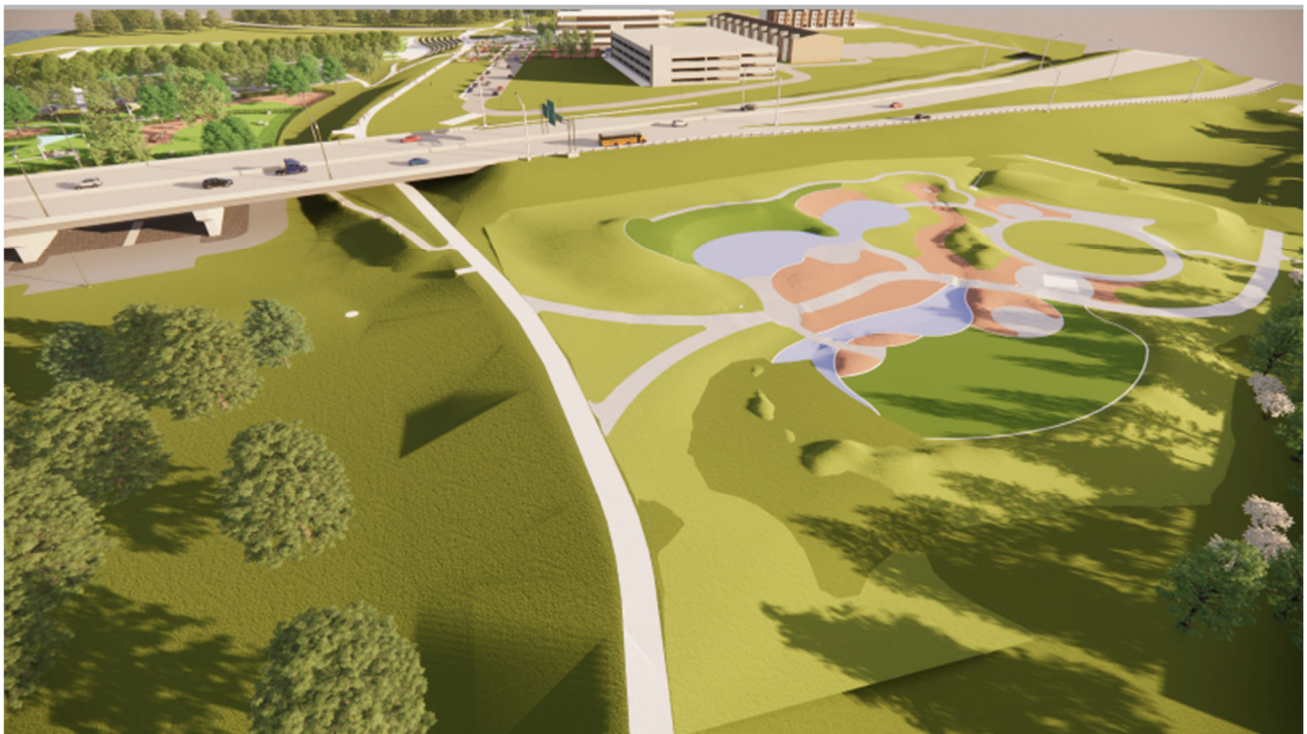




# PLAYGROUND



**1 ENLARGED SITE PLAN - AREA C: PLAY AREA**  
SCALE: 1" = 20'-0"



**RESOLUTION  
NO 24-125**

**RESOLUTION TO MAKE A CONTRUBUTION TO THE RIVERFRONT DEVELOPMENT  
PROJECT IN THE AMOUNT OF \$50,000.00.**

- WHEREAS, the private fundraising effort for the Riverfront Development, which includes an adventure tower, tree top walkway, pier, dog park and playground, has raised \$47,700,000.00; and
- WHEREAS, the project is still in need of approximately \$4,000,000.00 - \$6,000,000.00 and additional fundraising efforts have already begun with success and our initial contacts indicate that we will be able to raise the remaining funds; and
- WHEREAS, The City, in an effort to secure additional funding has submitted an Enhance Iowa Grant to the state and requested a \$1,000,000.00 award for the project, and
- WHEREAS, a requirement of the grant is a local contribution from the City and County in which the project will be developed; and
- WHEREAS, the City is in position to contribute \$50,000.00 and discussions with the County are occurring for a contribution of \$25,000.00; and
- WHEREAS, the potential support from the state is a major influencer when approaching others for additional funds.

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

That the Mayor is hereby authorized, empowered and directed to provide a local contribution on behalf of the City of Council Bluffs in the amount of \$50,000.00 in accordance with the requirements of the Enhance Iowa Grant requirements for the Riverfront Development Project.

ADOPTED  
AND  
APPROVED

April 22, 2024

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

ATTEST:

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

## Council Communication

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

Liquor Licenses  
ITEM 9.A.

Council Action: 4/22/2024

<b>Description</b>  1. BBQ Brothers, 321 Comanche St. - New 2. Bike Night, 100 Block area - Sp Evt 3. Bottoms Up, 2800 Twin City Dr. 4. Buffalo Wild Wings, 3701 Metro Dr. 5. Council Bluffs Country Club, 4500 Piute St. 6. J & B's Lounge, 16 S. 19th St. 7. Midwest Mixers Mobile Bar + Events, 120 W. Broadway – Sp Evt 8. Speedy Gas N Shop, 2024 5th Ave. – New 9. Tish's, 1207 S. 35th St. 10. T'z, 128 W. Broadway
<b>Background/Discussion</b>  Calls for service - see attachment.
<b>Recommendation</b>

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Calls For Service</a>	Other	4/17/2024
<a href="#">Liquor Licenses</a>	Other	4/17/2024

# CBPD ALCOHOL PERMIT RENEWAL REVIEW

	ESTABLISHMENT	ADDRESS	OWNER	RENEWAL DATE
1.				
2.				
3.				
4.				
5.				
6.				
7.				

	CITATIONS	CFS*	NEXUS*	GREEN*	YELLOW*	RED*	
1.							*CFS - Calls in the area, establishment mentioned
2.							*Nexus - Calls originated at establishment
3.							
4.							
5.							*Green - No issues
6.							*Yellow - Minor issues
7.							*Red - Major issues

## COMMENTS

\*Additional information relating to the CFS can be made available upon request

SIGNATURE \_\_\_\_\_

**BBq Brothers**

Premise Street : 321 Comanche Street

Application Number : App-191898

Special Class C Retail Alcohol License

>	Application Type <b>New</b>	Tentative Effective Date 2024-04-01	Tentative Expiration Date 2025-03-31	Application Status ? <b>Pending Dramshop Review</b>
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**STILL NEED**

- ☒ Deed/Lease
- ☒ Sketch
- ☒ Notary page
- ☒ Background Info Sheet
- ☒ State background check - *refaxed 3/27/24*

<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <i>sk</i>	Local Amt _____	
FIRE <i>AF</i>	Endorsed _____	
BUILDING <i>KS</i>	Issued _____	
ZONING <i>CS</i>	Expires _____	
	Council <i>4-82-24</i>	

<input type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> SPECIAL EVENT
POLICE _____	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING _____	Issued _____	
ZONING <u>CG</u>	Expires _____	
	Council <u>4-22-24</u>	

### BIKE NIGHT

Premise Street : 100 and 200 Block West Broadway

Application Number : App-199039

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	New	2024-05-15	2024-05-19	Pending Dramshop Review

### BIKE NIGHT

Premise Street : 100 AND 200 BLOCK West Broadway

Application Number : App-199043

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	New	2024-06-11	2024-06-15	Pending Dramshop Review

### BIKE NIGHT

Premise Street : 100 AND 200 BLOCK West Broadway

Application Number : App-199045

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	New	2024-07-17	2024-07-21	Pending Dramshop Review

### BIKE NIGHT

Premise Street : 100 AND 200 BLOCK West Broadway

Application Number : App-199046

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	New	2024-08-14	2024-08-18	Pending Dramshop Review

### BIKE NIGHT

Premise Street : 100 AND 200 BLOCK West Broadway

Application Number : App-199047

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	New	2024-09-18	2024-09-22	Pending Dramshop Review

Bottoms Up- LC0019224

Premise Street : 2800 Twin City Drive

Application Number : App-197397

Class C Retail Alcohol License

>	Application Type Renewal	Tentative Effective Date 2024-05-15	Tentative Expiration Date 2025-05-14	Application Status ? Submitted to Local Authority
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<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>AF</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>SS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>4-22-24</u>	

Buffalo Wild Wings- LC0036967

Premise Street : 3701 Metro Drive

Application Number : App-197578

Class C Retail Alcohol License

>	Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
	Renewal	2024-05-01	2025-04-30	Submitted to Local Authority

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>AF</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>BS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>4-22-24</u>	

Council Bluffs Country Club- LC0033840

Premise Street : 4500 Piute Street

Application Number : App-196358

Class C Retail Alcohol License

>	Application Type Renewal	Tentative Effective Date 2024-05-06	Tentative Expiration Date 2025-05-05	Application Status ? Pending Dramshop Review
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<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>AF</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>KS</u>	Issued _____	
ZONING <u>TO</u>	Expires _____	
	Council <u>4-22-24</u>	

J & B's Lounge- LC0033876

Premise Street : 16 S. 19th St.

Application Number : App-198667

Class C Retail Alcohol License

>	Application Type Renewal	Tentative Effective Date 2024-05-26	Tentative Expiration Date 2025-05-25	Application Status ? Pending Dramshop Review
---	-----------------------------	--	---	---

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE _____	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>RS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council _____	

Midwest Mixers Mobile Bar + Events

Premise Street : 120 West Broadway

Application Number : App-196242

Class C Retail Alcohol License

Application Type New	Tentative Effective Date 2024-05-11	Tentative Expiration Date 2024-05-15	Application Status ? Pending Dramshop Review
License Length 5 Day	Local Authority City of Council Bluffs	Dramshop	Corporation Name Midwest Mixers Mobile Bar + Events LLC

Dusted Charm Boutique

Sidewalk/birthday bash sale May 2024.

<input type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> SPECIAL EVENT
POLICE _____	Local Amt _____	
FIRE <u>AF</u> _____	Endorsed _____	
BUILDING <u>R</u> _____	Issued _____	
ZONING <u>City</u> _____	Expires _____	
	Council _____	

**SPEEDY GAS N SHOP**

Premise Street : 2024 5th Avenue

Application Number : App-196366

Class E Retail Alcohol License

>	Application Type New	Tentative Effective Date 2024-03-28	Tentative Expiration Date 2025-03-27	Application Status ? Submitted to Local Authority
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STILL NEED

- ☒ Deed/Lease
- ☒ Sketch
- ☒ Notary page
- ☒ Background Info Sheet
- ☒ State background check - Nebraska

<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>  <i>AF</i>  </u>	Local Amt <u>          </u>	
FIRE <u>  <i>AF</i>  </u>	Endorsed <u>          </u>	
BUILDING <u>  <i>KS</i>  </u>	Issued <u>          </u>	
ZONING <u>  <i>CS</i>  </u>	Expires <u>          </u>	
	Council <u>  4-22-24  </u>	

Tz LC0036142

Premise Street : 128 W. Broadway

Class C Retail Alcohol License

Application Number : App-198621



Application Type

Renewal

Tentative Effective Date

2024-05-13

Tentative Expiration Date

2025-05-12

Application Status ?

Pending Dramshop Review

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE _____	Local Amt _____	
FIRE <u>AF</u> _____	Endorsed _____	
BUILDING <u>KS</u> _____	Issued _____	
ZONING <u>CS</u> _____	Expires _____	
	Council _____	

Tish's Restaurant-LC0027061

Premise Street : 1207 South 35th Street

Application Number : App-197150

Class C Retail Alcohol License



Application Type

Renewal

Tentative Effective Date

2024-04-01

Tentative Expiration Date

2025-03-31

Application Status ?

Pending Dramshop Review

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>AF</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>BS</u>	Issued _____	
ZONING <u>GS</u>	Expires _____	
	Council <u>4.22.24</u>	

## Council Communication

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

Tobacco Permits  
ITEM 9.B.

Council Action: 4/22/2024

### Description

12 Tobacco Permits

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description

[Tobacco Permit](#)

Type

Other

Upload Date

4/17/2024

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 6116

Iowa sales and use tax account number: 0-00-007787

Retail address: 15 N 16TH STREET City: COUNCIL BLUFFS State: IA ZIP: 51501

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 712-329-0009

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐ Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$100-
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1215019
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**Legal name/Doing business as (DBA): CASEY'S # 6122Iowa sales and use tax account number: 0-00-007787Retail address: 3434 NEBRASKA AVE City: COUNCIL BLUFFS State: IA ZIP: 51501Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021Phone: 0**Legal Ownership Information:**Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANYPrimary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐  
Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Signature: Douglas M. Beech

Date: 04/01/2024

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$ 100 -
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1215018
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 6127

Iowa sales and use tax account number: 0-00-007787

Retail address: 2711 S 24TH STREET City: COUNCIL BLUFFS State: IA ZIP: 51501

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 712-256-2713

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐

Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$ 100-
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1215020
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 6134

Iowa sales and use tax account number: 0-00-007787

Retail address: 3501 W BROADWAY City: COUNCIL BLUFFS State: IA ZIP: 51503

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 712-322-2268

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐

Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Signature: Douglas M. Beech

Date: 04/01/2024

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$100-
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1215021
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 3201

Iowa sales and use tax account number: 0-00-007787

Retail address: 701 32ND AVE City: COUNCIL BLUFFS State: IA ZIP: 51501

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 7123665453

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐

Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐

Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):

YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**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: 4-22-24
- Fill in the permit number issued by the city/county: 5
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 2284

Iowa sales and use tax account number: 0-00-007787

Retail address: 1030 VETERAN MEMORIAL HWY City: COUNCIL BLUFFS State: IA ZIP: 51501

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 7123660960

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐

Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐

Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐

Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):

YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: 100<sup>00</sup>
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1218002
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**Legal name/Doing business as (DBA): CASEY'S # 3050Iowa sales and use tax account number: 0-00-007787Retail address: 510 23RD AVE City: COUNCIL BLUFFS State: IA ZIP: 51503Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021Phone: 7122420640**Legal Ownership Information:**Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANYPrimary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM**Retail Information:**Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒**Type of Establishment: (Select the options that best describe the establishment)**Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):

YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Signature: Douglas M. Beech

Date: 04/01/2024

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: 100-
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1218003
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 3203

Iowa sales and use tax account number: 0-00-007787

Retail address: 1928 SHERWOOD DR City: COUNCIL BLUFFS State: IA ZIP: 51503

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 7123289684

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐  
Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):

YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$ 100 -
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1218004
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**

Legal name/Doing business as (DBA): CASEY'S # 6117

Iowa sales and use tax account number: 0-00-007787

Retail address: 1759 MADISON AVE City: COUNCIL BLUFFS State: IA ZIP: 51503

Mailing address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 0

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: CASEY'S MARKETING COMPANY

Primary office address: ONE SE CONVENIENCE BLVD. City: ANKENY State: IA ZIP: 50021

Phone: 515-446-6404 Fax: 515-446-6303 Email: LICENSINGTEAM@CASEYS.COM

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐  
Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
YES, CASEY'S HAS 557 LOCATIONS IN IOWA HOLDING A TOBACCO LICENSE.

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: SEE ATTACHED Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

**Signature of Owner(s), Partner(s), or Corporate Official(s)**

Printed name: DOUGLAS BEECH, ASSISTANT SECRETARY

Printed name: \_\_\_\_\_

Signature: Douglas M. Beech

Signature: \_\_\_\_\_

Date: 04/01/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

**FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE**

- Fill in the amount paid for the permit: \$100 -
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1218005
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**

For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

Type text here

**Business Information:**

Legal name/Doing business as (DBA): Hy-Vee #1 Fast & Fresh

Iowa sales and use tax account number: 178025497

Retail address: 21 South 25th Street City: Council Bluffs State: IA ZIP: 51501

Mailing address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266

Phone: 712-352-1731

**Legal Ownership Information:**

Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐

Name of sole proprietor, partnership, corporation, LLC, or LLP: Hy-Vee, Inc.

Primary office address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266

Phone: 515-267-2800 ext 4216 Fax: \_\_\_\_\_ Email: knylen@hy-vee.com

**Retail Information:**

Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐  
Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒

**Type of Establishment: (Select the options that best describe the establishment)**

Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☒ Drug store ☐  
Grocery store ☐ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_

Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
See Attached

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**

Name: See Attached Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

## Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor, page 2

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

### Signature of Owner(s), Partner(s), or Corporate Official(s)

Printed name: Andrew Schroder SVP Accounting, Controller

Printed name: \_\_\_\_\_

Signature: Andrew Schroeder

Signature: \_\_\_\_\_

Date: 4/9/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

### FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$100<sup>00</sup>
- Fill in the date the permit was approved by the council or board: 4-22-24
- Fill in the permit number issued by the city/county: 1214180
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**Legal name/Doing business as (DBA): Hy-Vee #1 Food StoreIowa sales and use tax account number: 178013830Retail address: 2323 West Broadway City: Council Bluffs State: IA ZIP: 51501Mailing address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266Phone: 712-328-9792**Legal Ownership Information:**Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐Name of sole proprietor, partnership, corporation, LLC, or LLP: Hy-Vee, Inc.Primary office address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266Phone: 515-267-2800 ext 4216 Fax: \_\_\_\_\_ Email: knylen@hy-vee.com**Retail Information:**Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐  
Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒**Type of Establishment: (Select the options that best describe the establishment)**Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☐ Drug store ☐  
Grocery store ☒ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐  
Other (provide description) ☐ \_\_\_\_\_Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
See Attached

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**Name: See Attached Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

## Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor, page 2

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

### Signature of Owner(s), Partner(s), or Corporate Official(s)

Printed name: Andrew Schroder SVP Accounting, Controller

Printed name: \_\_\_\_\_

Signature: Andrew Schroeder

Signature: \_\_\_\_\_

Date: 4/9/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

### 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: 4-22-24
- Fill in the permit number issued by the city/county: 1214178
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

**Additional instructions are on the final page.**For period (MM/DD/YYYY) 07 / 01 / 2024 through 06/30/2025

Use this form to apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products at retail. If you need a different, non-retail cigarette or tobacco permit, use form 70-015. If approved, the permit is only valid for the location listed on the permit. You must obtain a separate retail permit for each location you own or operate.

**Business Information:**Legal name/Doing business as (DBA): Hy-Vee #2 Food StoreIowa sales and use tax account number: 178013973Retail address: 1745 Madison Ave City: Council Bluffs State: IA ZIP: 51503Mailing address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266Phone: 712-322-9260**Legal Ownership Information:**Type of ownership: Sole Proprietor ☐ Partnership ☐ Corporation ☒ LLC ☐ LLP ☐Name of sole proprietor, partnership, corporation, LLC, or LLP: Hy-Vee, Inc.Primary office address: 5820 Westown Parkway City: West Des Moines State: IA ZIP: 50266Phone: 515-267-2800 ext 4216 Fax: \_\_\_\_\_ Email: knylen@hy-vee.com**Retail Information:**Types of Sales: Over-the-counter ☒ Vending machine ☐ Vending machine that assembles cigarettes ☐ Delivery sales of alternative nicotine/vapor products (see instructions) ☐Mobile sales (see instructions) ☐ VIN: \_\_\_\_\_ License plate number: \_\_\_\_\_

Types of Products Sold: (Check all that apply)

Cigarettes ☒ Tobacco ☒ Alternative nicotine products ☒ Vapor products ☒**Type of Establishment: (Select the options that best describe the establishment)**Alternative nicotine/vapor store ☐ Bar ☐ Convenience store/gas station ☐ Drug store ☐Grocery store ☒ Hotel/motel ☐ Liquor store ☐ Restaurant ☐ Tobacco store ☐Other (provide description) ☐ \_\_\_\_\_Do you have other permits issued under Iowa Code chapter 453A? If yes, provide permit number(s):  
See Attached

Include with this application a list of your suppliers and customers on a separate sheet.

**Identify partners or corporate officers if the business is not a sole proprietorship.**Name: See Attached Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

## Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor, page 2

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

If this application is approved and a permit is 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. I declare under penalties of perjury or false certificate, that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

### Signature of Owner(s), Partner(s), or Corporate Official(s)

Printed name: Andrew Schroder SVP Accounting, Controller

Printed name: \_\_\_\_\_

Signature: Andrew Schroder

Signature: \_\_\_\_\_

Date: 4/9/2024

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If your local jurisdiction permits electronic transmission of this application, your email or fax signature will constitute a valid signature. It is up to your local jurisdiction to approve this application and issue the permit. You must have an approved permit issued to you by the local jurisdiction before acting as a retailer in that jurisdiction. You must separately apply in each local jurisdiction in which you plan to act as a retailer. If you have any questions about the status of your application, contact your city clerk (within city limits) or your county auditor (outside city limits). NOTE: A completed application is NOT a valid permit even if submitted to your local jurisdiction with the applicable fee.

### 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: 4-22-24
- Fill in the permit number issued by the city/county: 1214179
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New ☐ Renewal ☒

Send completed/approved application to the Iowa Department of Revenue 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. If a permit is being exchanged due to change of location within the same jurisdiction, permittee should complete an application with new location information and application should be sent to the Department as described above. Permittees who exchange a valid permit are not required to pay an additional fee when an exchange application is submitted. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

## Council Communication

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

Special Event Application  
ITEM 9.C.

Council Action: 4/22/2024

### Description

Celebrate CB Parade

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description

[Special Event Application](#)

Type

Other

Upload Date

4/17/2024

**For City Use Only:**

Name of Special Event: *Celebrate CB*

Date of Special Event: *May 11, 2024*

Note to Departments: You are requested to review this application and return it to the city Clerk's Office with any comments shown below. Comments should include pertinent laws and ordinances as well as notice of any required changes, fees, permits, and licenses.

Department Comments:

*PW - see notes RE: barricades - setup/teardown, bagging meters.*

☒ Approved

☐ Denied

Department: \_\_\_\_\_

Signature/Initials: \_\_\_\_\_

CD ✓

FIRE ✓

BUILDING HS

LEGAL —

PARKS ✓

POLICE ✓

PW ✓

RISK M ✓

INS CERT ✓

COUNCIL 4/22/24

FORMS SENT OUT 4/4/2024

***SPECIAL EVENT PERMIT APPLICATION***  
(Must be turned in at least 2 weeks prior to event)

**Effective July 1, 2024:** there will be a permit fee for all special event applications.  
\$25 – Neighborhood block parties, smaller events with a smaller amount of attendees.  
\$50 – Events with main road closures, events with a larger amount of attendees.

A Special Event Permit is required from the City of Council Bluffs for any special activity that requires exclusive use of city streets and sidewalks, requires special assistance of a city department, or is likely to have a large impact on traffic.

Please Note: If you are having a small event in a City park (small wedding, family picnic, etc.) you may need to fill out the Parks & Rec. Special Event Form.

Please check any boxes that apply:

**I. General Information:**

- Organization/Person Requesting: The 712 Initiative
- Name of Event: Celebrate CB (Council Bluffs)
- Contact Name: Lindsey Rodgers
- Mailing Address for Contact: 1228 S Main Street, Council Bluffs, IA 51503
- Contact Phone Number: 712-396-2494 x203
- Email: [Lindsey@the712initiative.org](mailto:Lindsey@the712initiative.org)
- Address of Event: Downtown Bayliss Park/Council Bluffs
- Estimate of Number of Participants:
  - ☐ 1-50                      ☐ 251-500
  - ☐ 51-100                   ☐ 501-1,000
  - ☐ 100-250                ☒ > 1,000
- Attach map of event location, set-up, and/or route

**II. Type of Event:**

- |   |   |
|---|---|
| <input type="checkbox"/> Circus*            | <input type="checkbox"/> Walk, Run, Bicycle Event                               |
| <input type="checkbox"/> Carnival*          | <input checked="" type="checkbox"/> Concert                                     |
| <input type="checkbox"/> Fireworks*         | <input type="checkbox"/> Neighborhood/Block or Private Party                    |
| <input checked="" type="checkbox"/> Parade* | <input checked="" type="checkbox"/> Other: Games and Activities in Bayliss Park |

**\*The above events require City Council approval, which could take 2-4 weeks to obtain.**

**III. Date of Event**

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| - Date Set Up: <u>May 11, 2024</u> | Date Taken Down: <u>May 11, 2024</u> |
| - Date Held: <u>May 11, 2024</u>   | Times Held: <u>8 am – 2 pm</u>       |

- IV. Brief description of event:** Celebrate CB is a week-long celebration of Council Bluffs. Tuesday, May 7<sup>th</sup> - Clean Sweep from 4-6 pm. This takes place all around the city.

Saturday May 11<sup>th</sup> - The Pancake Man will be serving breakfast in Bayliss Park from 8-10:30 am. Parade staging starts at 9 am. Parade at 10:30 am. Map attached. Following the parade there will be kids' activities, games, and music (Kanesville Symphony Orchestra) set up in Bayliss Park. Food trucks will be parked along 1<sup>st</sup> Avenue and serve to the park side. No carnival in 2024.

V. Additional permits required when event includes

- ☐ Sale of Alcoholic Beverages
  - Requires temporary liquor license from the Iowa Alcoholic Beverage Division. Apply on-line at [www.iowaabd.com](http://www.iowaabd.com). ABD can be reached at 1-866-469-2223.
  - The application for a temporary liquor license must be reported to the City Clerk's office and approved by multiple City Departments before final approval of the City Council. (this process could take 2-4 weeks)
- ☐ Sale of Food Products
  - Requires permit from Iowa Department of Inspections & Appeals (515-281-6538).
- ☐ Fireworks
  - Requires permit from City Fire Department (712-328-4646).
- ☐ Noise
  - If event includes music, a live band, or noise of any kind a request for a noise variance must be made. See form attached.

VI. Traffic Control

**X** Request Police Assistance: for the parade.

Cost for City worker's overtime may be required. Administrative fees for police services and cruisers are provided at additional costs.

**X** Street closures (**Must include a Map**)

If using the 712 Initiative Block Party Trailer, please complete section VIII.

- Street closures must be in compliance with the Manual for Uniform Traffic Control Devices. Traffic control barricades and signage must be furnished and placed by qualified companies or by the city. The city charges fees for this service.
- Street closures require abutting property owners' concurrence. Petition/permission form attached. Requires signature of any property affected by the closure.
- Event Organizers are responsible for notifying businesses that affected by street closure. Notice to businesses must be given at least 4 weeks in advance of the event.

VII. Please check any of the following boxes that apply to this event.

- X** animals
- ☐ open fires (other than barbeques)
- X** portables (porta-potties) – recommendations based on duration/people attending
- X** using a park, sidewalk or street surrounding a park
- ☐ using any portion of a public trail

- ☒ using any public area
- ☐ there will alcoholic beverages be sold
- ☐ there will alcoholic beverages be served
- ☒ there will there be a fee/charge to take part in this event

If you checked any of the boxes above, please give a brief description below:

Animals may be in the parade.

Port-a-johns in Bayliss Park and on the corner of S Main and 6<sup>th</sup> Ave.

Bayliss Park will be utilized for breakfast, kids' activities, Food Trucks on Saturday, May 11.

Public streets (see attached map) for the parade on Saturday, May 11.

There is an entry fee for participants in the parade.

#### VIII. Street Closure while utilizing the 712 Initiative Block Party Trailer:

The following items must be completed and submitted with this application to the City Clerk's Office, 209 Pearl Street, Suite 102, Council Bluffs.

- ☒ Diagram of Street Closure attached
- ☐ Completed Street Closure Permission form, with signatures from all properties affected by the closure.

The 712 Initiative will provide the City Clerk's Office with your reservation information once they have approved the use of the trailer.

If not using the 712 Initiative Block Party Trailer, you must obtain insurance, as outlined below.

**Insurance Requirements:** For all events, an *Insurance Certificate* is required in the amount of \$1,000,000.00, for Liability coverage, listing the City of Council Bluffs as an Additional Insured and as a Certificate Holder.

**PLEASE NOTE:** The request form must be returned to the City Clerk's Office, 209 Pearl Street, at least 2 weeks prior to the event or the event will be denied. If you have any questions please contact us at 712-890-5261

## Council Communication

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

Noise Variance  
ITEM 9.D.

Council Action: 4/22/2024

### Description

The Dock - Live music on weekends May - October until 11:30pm.

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Noise Variance</a>	Other	4/17/2024

NOISE VARIANCE REQUEST

APPLICATION DATE: 3/25/24  
REQUESTING PERSON:  
NAME: Joe Disalvo / The Dock Bar & Grill  
MAILING ADDRESS: 401 Vets Memorial Hwy  
PHONE NUMBER: 402 917 0115  
EMAIL: The Dock CB @Gmail.com  
ORGANIZATION/EVENT: Dock Summer Series  
EVENT LOCATION: 401 Veterans Memorial Hwy  
EVENT DATE: May 1st - Oct 6 Friday & Sat nights  
EVENT TIME: 5pm - 11:30pm

EXPLAIN SOURCE OF NOISE AND SPECIFIC HOURS OF NOISE:

Live music & people talking

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