



**Study Session Agenda  
City of Council Bluffs, Iowa  
October 25, 2021, 3:45 PM  
Council Chambers, 2nd Floor, City Hall  
209 Pearl Street**

**STUDY SESSION AGENDA**

- A. NeighborWorks Home Solutions - David Hazlewood
- B. Review Agenda
- C. Vacant Property Registration - Graham Jura



**Council Agenda, City of Council Bluffs, Iowa  
Regular Meeting October 25, 2021, 7:00 PM  
Council Chambers, 2nd Floor, City Hall  
209 Pearl Street**

**AGENDA**

**1. PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER**

**3. CONSENT AGENDA**

- A. Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.
- B. Reading, correction and approval of the October 11, 2021 City Council Meeting Minutes.
- C. Ordinance 6470  
Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning 6.87 acres of land lying west/southwest of property addressed as 4445 Gifford Road, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-010
- D. Ordinance 6471  
Ordinance to amend Chapter 15.19 P-I/Planned Industrial District by amending Section 15.19.020 "Principal Uses" to allow "School."
- E. Ordinance 6472  
Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by designating the property commonly known as the Council Bluffs Telephone Exchange Building and legally described as Lot 'N' of Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss First Addition as a local Historic Landmark. Location: 12 Scott Street. HP-21-010
- F. Ordinance 6473  
Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning approximately 63.1 acres of land generally located at the southeast corner of the intersection of College Road and East Kaneshville Boulevard, more specifically described in the Council packet, from P-C/Planned Commercial District to P-I/Planned Industrial District as defined in Chapter 15.19. ZC-21-009

G. Ordinance 6474

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property described as 4220 Gifford Road and City-owned property and right-of-way at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-008

H. Resolution 21-302

Resolution of intent to dispose of and setting a Public Hearing for November 8, 2021 at 7:00 p.m. for City property described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition. Location: Property formerly addressed as 746 West Washington Avenue. OTB-21-010

I. Resolution 21-303

Resolution accepting the work of Carley Construction, LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the South 1st Street Neighborhood Rehab, Phase XI. Project # PW21-12

J. August FY22 Financial Reports

K. Right of Redemption

L. Claims

**4. MAYORS PROCLAMATIONS**

A. National Lead Poisoning Prevention Week Proclamation

B. "Extra Mile Day" Proclamation

**5. PUBLIC HEARINGS**

A. Resolution 21-304

Resolution to dispose of City property legally described as being part of the NW1/4 NW1/4 of Section 14-74-44, more specifically described in the Council packet. Location: vacant land lying southwest of the intersection of 42nd Avenue and Gifford Road (approx. 4205 Gifford Road). OTB-21-009

## **6. ORDINANCES ON 2ND READING**

### **A. Ordinance 6475**

Ordinance to amend Chapter 1.40 Council Bluffs Civil Rights Commission of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Section 1.40.030 “Definitions-Civil Rights Commission”; Section 1.40.080 “Unfair Employment Practices”; Section 1.40.100 “Unfair Or Discriminatory Practices-Housing”; Section 1.40.110 “Unfair Credit Practices”; Section 1.40.120 “Unfair Or Discriminatory Practices-Education” and Section 1.40.140 “Retaliation”.

## **7. RESOLUTIONS**

### **A. Resolution 21-305**

Resolution setting the Mayor's spending authority in relation to the use of American Rescue Plan Act funds

### **B. Resolution 21-306**

Resolution authorizing the Mayor to execute an agreement with Motorola Solutions, Inc. to provide radio equipment and services for the City of Council Bluffs.

### **C. Resolutions 21-307 and 21-308**

Resolution 21-307 granting Preliminary Subdivision Plan Approval of a two-lot industrial subdivision to be known as Council Bluffs Industrial Park Subdivision on property legally described as part of the SE1/4 of Section 21 and the NE1/4 of Section 28, all in Township 75 North, Range 43 West, more specifically described in the Council packet. Location: Generally located at the southeast corner of the intersection of College Road and East Kaneshville Boulevard (U.S. Highway 6.) SUB-21-011

Resolution 21-308 adopting the Planned Industrial Development Plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision. PI-21-001

### **D. Resolution 21-309**

Resolution accepting the bid of Carley Construction, LLC in the amount of \$94,466.75 for the Dodge Park Clubhouse Pavement Improvement Project. Project # BM22-05

### **E. Resolution 21-310**

Resolution authorizing Mayor to execute the Assignment and Assumption and Bifurcation of Agreement for Private Development and the Certificates of Completions on Lot 1, Block 2 of River's Edge Subdivision Replat Two and Block 6 of River's Edge Subdivision by and between River's Edge Apartments, L.L.C.; River's Edge Apartments I, L.L.C.; River's Edge Apartments II, L.L.C. and the City of Council Bluffs.

**8. APPLICATIONS FOR PERMITS AND CANCELLATIONS**

A. Liquor Licenses

1. Bluffs Lodge No 531 BPO Elks, 380 McKenzie Ave
2. Goldmine Bar & Grill, 1601 Harry Langdon Blvd
3. LPL's, 1707 Harry Langdon Blvd
4. Mo Fish, 2403 Nash Blvd
5. Rustic Cuts, 501 Veterans Memorial Hwy

**9. CITIZENS REQUEST TO BE HEARD**

**10. OTHER BUSINESS**

**11. ADJOURNMENT**

DISCLAIMER:

*If you plan on attending this meeting and require assistance please notify the City Clerk's office at (712) 890-5261, by 5:00 p.m., three days prior to the meeting.*



## **City Council Meeting Minutes October 11, 2021**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 7:00 p.m. on Monday October 11, 2021.

Council Members present: Joe Disalvo, Chad Hannan, and Mike Wolf.

Council Members absent: Melissa Head and Roger Sandau.

Staff present: Richard Wade and Allison Head.

### **CONSENT AGENDA**

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

Reading, correction and approval of the September 27, 2021 City Council Meeting Minutes.

Resolution 21-289

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY21.

Resolution 21-290

Resolution of intent to dispose of and setting a Public Hearing for October 25, 2021 at 7:00 p.m. for City property legally described as being part of the NW1/4 NW1/4 of Section 14-74-44, more specifically described in the Council packet. Location: vacant land lying southwest of the intersection of 42nd Avenue and Gifford Road (approx. 4205 Gifford Road). OTB-21-009

July FY22 Financial Reports, Claims, Right of Redemption

Chad Hannan and Mike Wolf moved and seconded approval of Consent Agenda. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

## **PUBLIC HEARINGS**

### **Ordinance 6470**

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning 6.87 acres of land lying west/southwest of property addressed as 4445 Gifford Road, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-010

Heard from Max Kelch, 8506 S 117th Street, LaVista, NE.

Chad Hannan and Joe Disalvo moved and seconded approval of Second consideration of Ordinance 6470. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Chad Hannan and Mike Wolf moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

### **Ordinance 6471**

Ordinance to amend Chapter 15.19 P-I/Planned Industrial District by amending Section 15.19.020 "Principal Uses" to allow "School.

Joe Disalvo and Mike Wolf moved and seconded approval of Second consideration of Ordinance 6471. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Mike Wolf and Joe Disalvo moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 3-0 vote. (Absent: Head, Sandau)

### **Ordinance 6472**

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by designating the property commonly known as the Council Bluffs Telephone Exchange Building and legally described as Lot 'N' of Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss First Addition as a local Historic Landmark. Location: 12 Scott Street. HP-21-010

Heard from Sheryl Garst, 1228 S Main Street, Council Bluffs, IA.

Joe Disalvo and Chad Hannan moved and seconded approval of Second consideration of Ordinance 6472. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Mike Wolf and Chad Hannan moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Ordinance 6473

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning approximately 63.1 acres of land generally located at the southeast corner of the intersection of College Road and East Kanesville Boulevard, more specifically described in the Council packet, from P-C/Planned Commercial District to P-I/Planned Industrial District as defined in Chapter 15.19. ZC-21-009

Chad Hannan and Joe Disalvo moved and seconded approval of Second consideration of Ordinance 6473. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Chad Hannan and Mike Wolf moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Ordinance 6474

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property described as 4220 Gifford Road and City-owned property and right-of-way at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-008

Mike Wolf and Joe Disalvo moved and seconded approval of Second consideration of Ordinance 6474. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Chad Hannan and Joe Disalvo moved and seconded approval of Motion to waive third consideration. Ordinance passes to law. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Resolution 21-291

Resolution granting Final Plat Approval of a 101-lot residential subdivision to be known as Whispering Oaks, Phase III and located north of Forest Glen Drive and between Sycamore Street and Bayberry Circle, more specifically described in the Council packet. SUB-21-012

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 21-291. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Resolution 21-292

Resolution approving the renaming of Big Lake Road to Mark Burbridge Drive.  
Resolution 21-292 was removed from agenda with motion on Consent Agenda. No action taken

Resolution 21-293

Resolution of intent to vacate and dispose of a section of 45th Avenue right-of-way lying west of Gifford Road and South of Veterans Memorial Highway, more specifically described in the Council packet.

SAV-21-005

Heard from Max Kelch, 8506 S 117th Street, LaVista, NE.

Mike Wolf and Joe Disalvo moved and seconded approval of Resolution 21-293. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Resolution 21-294

Resolution of intent to vacate and dispose of a section of Gifford Road right-of-way lying south of US-275/Veterans Memorial Highway, more specifically described in the Council packet. SAV-21-003

Heard from Max Kelch, 8506 S 117th Street, LaVista, NE.

Joe Disalvo and Chad Hannan moved and seconded approval of Resolution 21-294. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Resolution 21-295

Resolution granting Final Plat Approval of a one-lot minor industrial subdivision to be known as Mark Andersen – Twin City Church Subdivision. Location: 4220 Gifford Road and City-owned property and right-of-way at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway. SUB-21-010

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 21-295. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Resolution 21-296

Resolution to vacate and dispose of a portion of Ridge Road right-of-way lying east of property legally described as Lot 14, Tower Ridge Estates, Phase II. Location: Immediately east of 1128 Tower Ridge Drive. SAV-21-004

Mike Wolf and Joe Disalvo moved and seconded approval of Resolution 21-296. Unanimous, 3-0 vote.

(Absent: Head, Sandau)

Resolution 21-297

Resolution approving the plans, specifications and form of contract for the 29 South 35th Street Demolition Project and directing the Community Development Department to advertise for bids on IonWave and setting November 10, 2021 at 10:00 a.m. as the date and time for the bid opening for the project.

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 21-297. Unanimous, 3-0 vote.  
(Absent: Head, Sandau)

**ORDINANCES ON 1ST READING**

Ordinance 6475

Ordinance to amend Chapter 1.40 Council Bluffs Civil Rights Commission of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Section 1.40.030 “Definitions-Civil Rights Commission”; Section 1.40.080 “Unfair Employment Practices”; Section 1.40.100 “Unfair Or Discriminatory Practices-Housing”; Section 1.40.110 “Unfair Credit Practices”; Section 1.40.120 “Unfair Or Discriminatory Practices-Education” and Section 1.40.140 “Retaliation”.

Mike Wolf and Joe Disalvo moved and seconded approval of First consideration of Ordinance 6475. Unanimous, 3-0 vote. (Absent: Head, Sandau)

**RESOLUTIONS**

Resolution 21-298

Resolution accepting the bid of The Wilson Group in the amount of \$169,471.00 for Fire Station #2 Window Replacement. #BM-22-04

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 21-298. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Resolution 21-299

Resolution authorizing the Mayor to execute the First Amendment to Agreement for Private Development by and between the City of Council Bluffs and MAC Ventures, LLC

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 21-299. Unanimous, 3-0 vote.  
(Absent: Head, Sandau)

Resolution 21-300

Resolution authorizing the Mayor to execute the First Amendment to Parking Rights and Agreement regarding Mid-America Center, Fieldhouse, Retail Spine and Hotel Developments by and between the City of Council Bluffs and MAC Ventures, LLC.

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 21-300. Unanimous, 3-0 vote. (Absent: Head, Sandau)

Resolution 21-301

Resolution approving the use of 2022 Community Development Block Grant and HOME Investment Partnership program funds and directing the Mayor to submit the 2022 Annual Plan to the City of Omaha and the U.S. Department of Housing and Urban Development.

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 21-301. Unanimous, 3-0 vote. (Absent: Head, Sandau)

**APPLICATIONS FOR PERMITS AND CANCELLATIONS**

Liquor Licenses

Aldi, Inc., 3135 Manawa Centre Drive; Atherton Automotive Service, 2900 W Broadway; Casey’s General Store #3050, 510 23rd Avenue; Cracker Barrel #219, 530 30th Avenue; Fast Break Sports Iowa, LLC, 5 Arena Way; Hy-Vee #2 Clubroom, 1745 Madison Avenue; Iowa Western Community College, 2700 College Road; Thunderbowl & McCoy’s on the Bluff, 1900 Madison Avenue

Joe Disalvo and Mike Wolf moved and seconded approval of Applications for Permits and Cancelations, 7A 1-7. Unanimous, 3-0 vote. (Absent: Head, Sandau)

**CITIZENS REQUEST TO BE HEARD**

Heard from:

Bruce Kelly, 864 McKenzie Ave, Extra lane on Kanseville, bike trail, and polk weed.

Lisa Lima, 1000 S Main St, Wanted full disclosure that Joe Disalvo and Hunter are brother-in-laws and Roger Sandau and Peterson are cousins.

**ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:26 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.: ZC-21-010  
Submitted by: Christopher N.  
Gibbons, AICP, Planning Manager

Ordinance 6470  
ITEM 3.C.

Council Action: 10/25/2021

### **Description**

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning 6.87 acres of land lying west/southwest of property addressed as 4445 Gifford Road, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-010

### **Background/Discussion**

See attachments

### **Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Letter of Intent	Letter	9/17/2021
Attachment B - Plat of Survey	Other	9/17/2021
Attachment C - Plat of Survey	Other	9/17/2021
Attachment D - Location and zoning map	Map	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6470	Ordinance	10/19/2021

**City Council Communication**

<p>Department: Community Development</p> <p>Cases #SAV-21-005 &amp; #ZC-21-010</p> <p>Applicant/Property Owner: Tom Eyman c/o Eyman Investments, LLC 8506 South 117<sup>th</sup> Street LaVista, NE 68128</p>	<p>Ordinance No. _____</p> <p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>Planning Commission: 09/14/2021</p> <p><u>CASE #ZC-21-010</u> 1<sup>st</sup> Consideration: 09/27/2021 2<sup>nd</sup> Consideration: 10/11/2021 3<sup>rd</sup> Consideration: Requested to be waived</p> <p><u>CASE #SAV-21-005</u> Resolution of Intent: 09/27/2021 Resolution to Vacate: 10/11/2021</p>
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**Subject/Title**

**Requests:** Combined public hearings on the request of Eyman Investments, LLC, represented by Max Kelch, to rezone 6.87 acres of land legally described as Parcel "21219" of the West 1/2 of the NE1/4 and a portion of SE1/4 NE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District; and to vacate the southerly portion of 45th Avenue right-of-way lying west of Gifford Road and south of Veterans Memorial Highway and being legally described as a portion of Parcels 21219 and 21220 of the SE1/4 NE1/4 and a portion of the NE1/4 SE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: Lying west/southwest of property addressed as 4445 Gifford Road.

**Location:** Lying west/southwest of property addressed as 4445 Gifford Road.

**Background/Discussion**

The Community Development Department has received an application from Tom Eyman, represented by Max Kelch to rezone property legally described as Parcel "21219" of the West 1/2 of the NE1/4 and a portion of SE1/4 NE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District; and to vacate the southerly portion of 45th Avenue right-of-way lying west of Gifford Road and south of Veterans Memorial Highway and being legally described as a portion of Parcels 21219 and 21220 of the SE1/4 NE1/4 and a portion of the NE1/4 SE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa.

The applicant owns 31.6 acres of land immediately east of the subject 45<sup>th</sup> Avenue right-of-way and has a purchase agreement with Robert D. Adkins to acquire the subject 6.87 acres of land, which is proposed to be rezoned from A-2 District to I-2 District. The applicant has requested to vacate the southerly portion of 45<sup>th</sup> Avenue right-of-way and to rezone the subject property legally described above so that they can subdivide their landholdings into multiple parcels to facilitate new industrial development adjacent to South Pointe Subdivision. A letter of intent from the applicant is included with this staff report as Attachment 'A'. Additionally, the applicant has provided the City with plats of survey for the southerly portion of 45<sup>th</sup> Avenue right-of-way proposed to be vacated (Attachment B), and for the 6.87 acre parcel of land proposed to be rezoned from A-2 District to I-2 District (Attachment C).

**CASE #SAV-21-005** – Vacate the southerly portion of 45<sup>th</sup> Avenue right-of-way, being legally described on Attachment B.

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

1. *To provide due process and citizen participation in the application and review process for vacations.* There are four property owners with land that abuts the subject 45<sup>th</sup> Avenue right-of-way, as follows:
  - East – A 21.9 acre parcel of land owned by Eyman Investments, LLC.
  - West – An undeveloped 5.16 acre parcel of land owned by Robert D. Adkins Jr. This parcel is under contract to be purchased by the applicant and to be rezoned from A-2 District to I-2 District.
  - South – An undeveloped 39 acre parcel of land owned by Kenneth L. Adkins, and an undeveloped 69 acre parcel of land owned by Walter and Cynthia Bussey.All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request. Responses to these petitions are summarized in Comment #10 below.
2. *To ensure that no property owner is deprived of required and reasonable access.* The subject portion of 45<sup>th</sup> Avenue proposed to be vacated is unimproved and does not provide vehicular and/or pedestrian access to any of the abutting parcels. Furthermore, all abutting properties have access to other existing public rights-of-way such as: Veterans Memorial Highway, Gifford Road, and 55<sup>th</sup> Avenue.
3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* The proposed request will create a dead-end section of 45<sup>th</sup> Avenue; however, the subject right-of-way is unimproved, relatively inaccessible due to existing vegetation, and is not needed for required access to any abutting parcels. The creation of a dead-end street at this location is not anticipated to negatively impact the development potential for any abutting properties, nor would it impede access for any abutting properties.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:
  - Council Bluffs Fire Department stated they have no comments for the vacation request.
  - Council Bluffs Parks and Recreations Department stated they have no comments for the vacation request.
  - Council Bluffs Water Works stated they have no public water mains or appurtenances within the subject right-of-way.
  - MidAmerican Energy stated they have no utilities in the subject right-of-way.
  - Lumen's stated that CenturyLink has a buried telecommunication line that extends the entire length of 45<sup>th</sup> Avenue and that a utility easement must be reserved for perpetual access/maintenance purposes. Lumen's further stated any cost to move and/or relocate this existing telecommunication will be at the developer's expense.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* The subject right-of-way is unimproved and not being used for pedestrian and/or vehicular circulation.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The proposed request will vacate the southerly portion of 45<sup>th</sup> Avenue right-of-way which is unimproved, relatively

inaccessible due to existing vegetation, and is not needed for required access to any abutting parcels. The partial vacation at this location is not anticipated to negatively impact the development potential for any abutting properties, nor would it impede access for any abutting properties.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* The subject 45<sup>th</sup> Avenue right-of-way exists as an easement on private property, and not land that was formally dedicated as right-of-way to the City of Council Bluffs. As such, there is no land to dispose of to any adjacent owners. If vacated, the City will release their easement interest over the subject right-of-way, and land will continue to be owned by each abutting property owner. All abutting property owners returned their petitions to the City stating they are in favor of the vacation request.

**CASE #ZC-21-010** – Rezone 6.87 acres of land legally described on Attachment ‘C’ from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District.

The applicant has submitted a request to rezone 6.87 acres of land legally described above, and being more particularly described in Attachment ‘C’ from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District. The applicant currently owns 31.6 acres of land to the immediate east of this subject property. If the rezoning request is approved, the applicant intends to subdivide their total combined 38.47 acres into multiple parcels of land to facilitate new industrial development (e.g., warehousing/distribution, contractor shops, etc.) adjacent to the South Pointe Subdivision.

Land Use and Zoning

The following zoning and land uses surround the subject property (see Attachment D):

North: Veterans Memorial Highway (US Hwy 275) and a single-family residential dwelling (2601 Veterans Memorial Highway) zoned A-2/Parks, Estates, and Agricultural District.

South: Fox Run Golf Course and undeveloped land zoned A-2/Parks, Estates, and Agricultural District.

East: Undeveloped land zoned I-2/General Industrial District

West: Undeveloped land zoned R-3/Low Density Multi-Family Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject 6.87 acre parcel as Office/Industrial.

Public notices were mailed to all property owners within 200 feet of the request. No comments from the public have been received as of the date of this report.

All City Departments and local utilities were notified of the proposed rezoning. No comments in opposition of this request were received.

**Discussion**

1. The applicant currently owns 31.6 acres of land to the immediate east of this subject property. If the rezoning request is approved, the applicant intends to subdivide their total combined 38.47 acres into multiple parcels of land to facilitate new industrial development (e.g., warehousing/distribution, contractor shops, etc.) adjacent to the South Pointe Subdivision.

2. On July 12, 2021, the Council Bluffs City Council rezoned land immediately east and southeast of the subject property from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District (see Case #ZC-21-006). The purpose of said rezoning was to facilitate new industrial development within an area of the City that has pre-existing industrial land uses (e.g., Consolidated Concrete, CB Recycling Center, CyrusOne, etc.).
3. The subject parcel contains 6.87 acres of land which complies with the minimum lot size requirement (15,000 square feet) for property zoned I-2/Industrial District.
4. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property "Office/Industrial." The proposed rezoning request is consistent with the Bluffs Tomorrow: 2030 Future Land Use Plan.
5. Adequate utilities (e.g. water, sanitary sewer, storm sewer, electric, etc.) are available to accommodate the uses permitted in the I-2/General Industrial District.
6. If the rezoning request is approved, the property located at 2601 Veterans Memorial Highway will be surrounded by industrial land uses/zoning. The owner of this parcel has not expressed any interest to the City to include their property in the previous rezoning request (Case #ZC-21-006) or the proposed rezoning request (Case #ZC-21-010). Additionally, the Community Development Department did not voluntarily include this property in the proposed rezoning request as it would cause the existing single-family residential dwelling to become non-conforming.

### **Recommendation**

The Community Development Department recommends the following:

1. Approval to vacate the southerly portion of 45<sup>th</sup> Avenue right-of-way, as legally described on Attachment 'B', subject to the reservation of a permanent and perpetual easement for existing utilities within said right-of-way; and
2. Approval to rezone property legally described on Attachment 'C' from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District

### **Public Hearing**

Staff speaker for the request:

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

Speakers in favor:

1. Max Kelch, 8506 S. 117<sup>th</sup> Street, LaVista, NE 68128

Speakers against: None

### **Planning Commission Recommendation**

The City Planning Commission recommended:

1. Approval to vacate the southerly portion of 45<sup>th</sup> Avenue right-of-way, as legally described on Attachment 'B', subject to the reservation of a permanent and perpetual easement for existing utilities within said right-of-way; and
2. Approval to rezone property legally described on Attachment 'C' from A-2/Parks, Estates, and Agricultural District to I-2/Industrial District.

City Council Staff Report

VOTE: AYE - Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Scott, Stroebele, and VanHouten.  
NAY - None ABSTAIN - Rew ABSENT – Haner VACANT - None Motion: Carried.

**Attachments**

Attachment A: Letter of intent from the applicant

Attachment B: Plat of survey for the subject portion of 45<sup>th</sup> Avenue right-of-way proposed to be vacated

Attachment C: Plat of survey for subject property proposed to be rezoned from A-2 District to I-2 District

Attachment D: Location/zoning map

Prepared by: Christopher Gibbons, AICP, Planning Manager, Community Development Department

**TOM EYMAN, BUYER**

**PROPOSED PLAN FOR 21.90 ACRES OWNED CURRENTLY BY ADKINS.**

The current proposal for the 21.90 acre tract will be for a warehouse(s) similar to the 83000 square foot warehouse in LaVista, Nebraska, which was developed, built and marketed by Tom Eyman and presently leased long term to the United States Postal Service. [Photos of LaVista warehouse and property attached.] In fact, a distribution company currently located in the same Iowa industrial park as the 21.90 acre tract attempted to lease the warehouse in LaVista but was late as the United States Postal Service had already secured the property.

Properties for lease with sufficient surface parking are underserved at present and this 21.90 acre tract has sufficient surface area to accommodate even the high usage needs for parking. Therefore, depending on the interest developed this may expand to a single 100,000 plus square feet building if one company desires the entire property or two separate 83,000 square foot buildings with each utilizing approximately a 10 acre tract of the property for parking. The buildings would initially be built without inside improvements since most companies want the interior to be specific for their requirements. Then, depending on the lease, the interior is finished by a local contractor to fit the particular requirements of the lessee.

The plan would be to work with a local engineering company and the City to meet or exceed all local rules and requirements.

From past experience these type of developed properties should generate at a minimum 50 jobs per company.

All buildings would be permitted and connected to City utilities.

The requested zoning change is a necessity in order to attract companies willing to commit long term to the property and the creation of jobs.

**Attachment B**

**EXHIBIT**

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4), SECTION 15, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

This drawing is being made available for use on this project in accordance with the professional engineering agreement for professional services. It is not to be used for any other purpose without the written consent of the engineer. The engineer assumes no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

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

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4), SECTION 15, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4);

THENCE ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4), NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, 1167.07 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AN EXISTING ROADWAY RECORDED IN ROAD CALENDAR BOOK B, PAGE 554, PETITION 325 IN THE POTTAWATTAMIE COUNTY ENGINEER'S OFFICE, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON THE SOUTHERLY PROLONGATION OF SAID EAST RIGHT-OF-WAY LINE, SOUTH 08 DEGREES 26 MINUTES 39 SECONDS WEST, 33.34 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF AN EXISTING ROADWAY RECORDED IN ROAD CALENDAR BOOK D, PAGE 68, PETITION 993 IN THE POTTAWATTAMIE COUNTY ENGINEER'S OFFICE;

THENCE ON SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, 148.11 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4);

THENCE ON SAID WEST LINE, NORTH 00 DEGREES 33 MINUTES 52 SECONDS EAST, 33.00 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4);

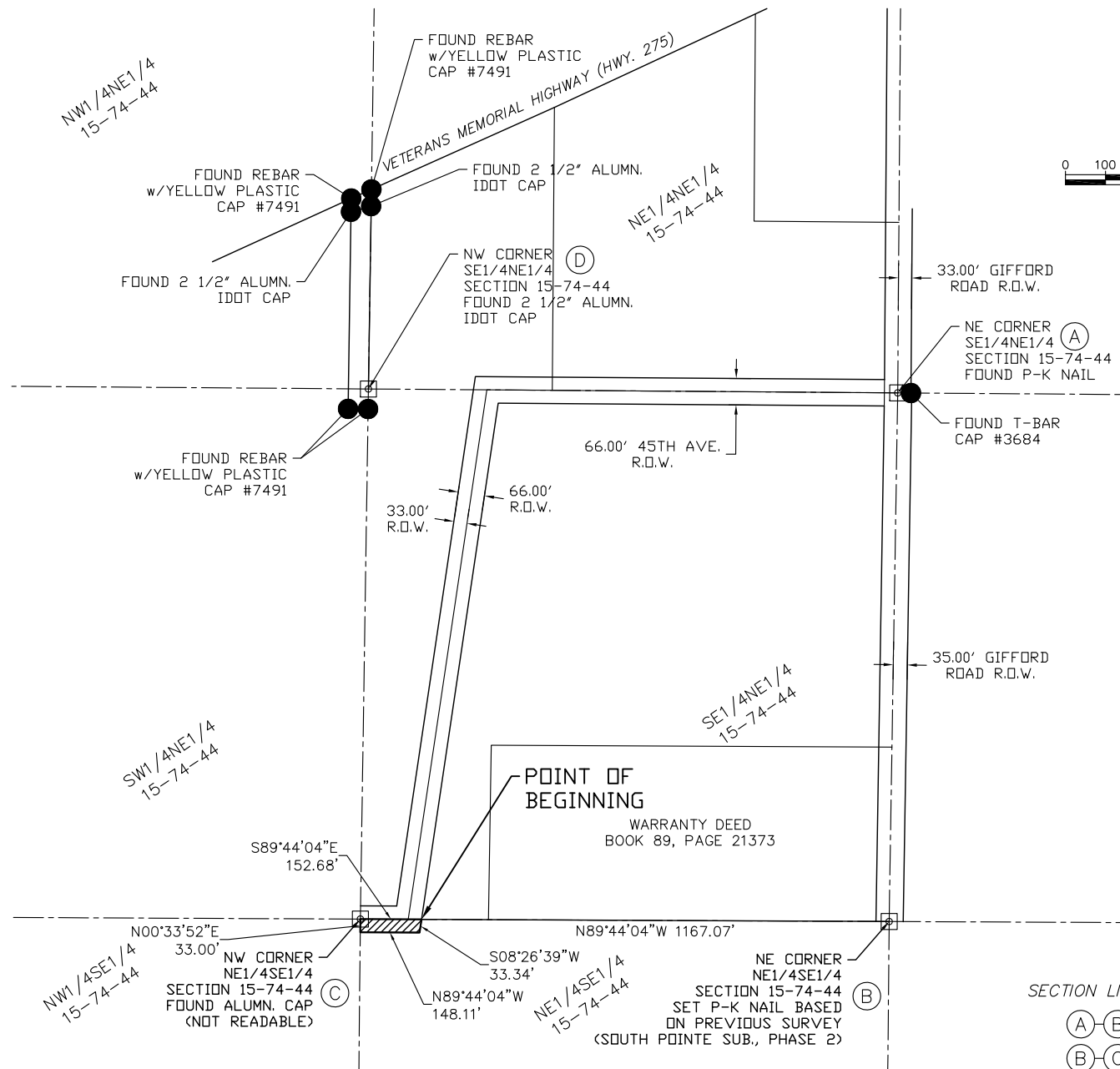
THENCE ON THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4), SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST, 152.68 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 0.114 ACRE, MORE OR LESS.

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVENUE, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

DATE PLOTTED: 8/13/2021 9:20 AM DRAWN BY: ZEH PLOT SCALE: 1:2

FILENAME: S:\Survey\Drafting\107121\_Eyman-Gifford\_Road\Engineering\Drawings\Survey\107121\_ROW-Vac.dwg



SECTION LINE BEARINGS & DISTANCES

(A)-(B)	S00°55'48"W	1319.77'(S)	1319.90'(P)
(B)-(C)	N89°44'04"W	1319.75'(S)	1319.58'(P)
(C)-(D)	N00°52'19"E	1323.47'(S)	
(D)-(A)	S89°34'24"E	1321.05'(S)	1321.14'(P)

LEGEND

- FOUND PIN AS NOTED
- SET 5/8" REBAR W/YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 25604"
- FOUND SECTION CORNER AS NOTED
- (S) SURVEYED
- (P) PLAT OF SURVEY BOOK 101, PAGE 50968
- R.O.W. RIGHT-OF-WAY
- (D) WARRANTY DEED BOOK 106, PAGE 04539

drawn	designed	approved	date	revision
ZEH	DEF	DEF	JULY 21	

Project SE1/4NE1/4 SECTION 15-74-44  
client TOM EYMAN  
sheet **VACATION EXHIBIT**

project no. 107121  
sheet 1 OF 1

Attachment B

EXHIBIT

A PARCEL OF LAND BEING A PORTION OF PARCEL "21219" AND A PORTION OF PARCEL "21220" IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), SECTION 15, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF PARCEL "21219" AND A PORTION OF PARCEL "21220" IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), SECTION 15, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4);

THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, 1167.07 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AN EXISTING ROADWAY RECORDED IN ROAD CALENDAR BOOK B, PAGE 554, PETITION 325 IN THE POTTAWATTAMIE COUNTY ENGINEER'S OFFICE, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTH LINE, NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, 152.68 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4);

THENCE ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), NORTH 00 DEGREES 52 MINUTES 19 SECONDS EAST, 33.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AN EXISTING ROADWAY RECORDED IN ROAD CALENDAR BOOK D, PAGE 68, PETITION 993 IN THE POTTAWATTAMIE COUNTY ENGINEER'S OFFICE;

THENCE ON SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST, 90.39 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID EXISTING ROADWAY RECORDED IN BOOK B;

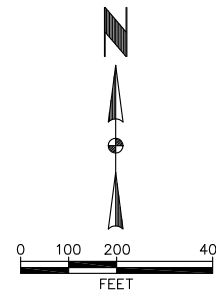
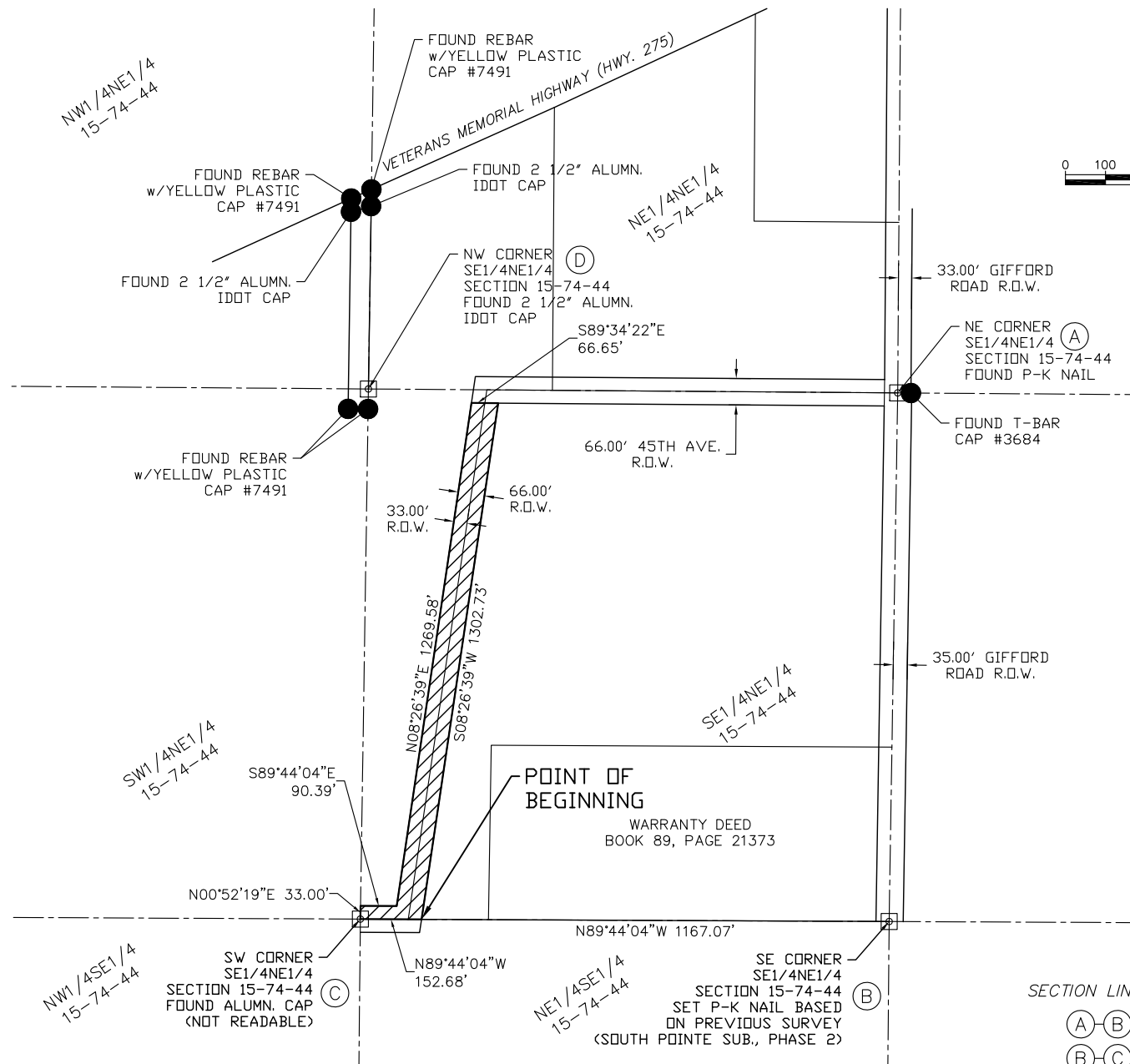
THENCE ON SAID WEST RIGHT-OF-WAY LINE, NORTH 08 DEGREES 26 MINUTES 39 SECONDS EAST, 1269.58 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH RIGHT-OF-WAY LINE OF 45th AVENUE;

THENCE EASTERLY ON SAID WESTERLY PROLONGATION, SOUTH 89 DEGREES 34 MINUTES 22 SECONDS EAST, 66.65 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ON SAID EAST RIGHT-OF-WAY LINE, SOUTH 08 DEGREES 26 MINUTES 39 SECONDS WEST, 1302.73 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 2.041 ACRES, MORE OR LESS.

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5th AVENUE, COUNCIL BLUFFS, IOWA 51502 (712)323-0530



LEGEND

- FOUND PIN AS NOTED
- SET 5/8" REBAR W/YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 25604"
- FOUND SECTION CORNER AS NOTED
- (S) SURVEYED
- (P) PLAT OF SURVEY BOOK 101, PAGE 50968
- R.O.W. RIGHT-OF-WAY
- (D) WARRANTY DEED BOOK 106, PAGE 04539

SECTION LINE BEARINGS & DISTANCES

- (A)-(B) S00°55'48"W 1319.77'(S) 1319.90'(P)
- (B)-(C) N89°44'04"W 1319.75'(S) 1319.58'(P)
- (C)-(D) N00°52'19"E 1323.47'(S)
- (D)-(A) S89°34'24"E 1321.05'(S) 1321.14'(P)

This drawing is being made available for use on this project in accordance with the professional engineering agreement for professional services. It is the responsibility of the client to ensure 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

drawn	date
ZEH	
DESIGNED	
DESIGNED	
APPROVED	
JUL 12/21	

project SE1/4NE1/4 SECTION 15-74-44  
client TOM EYMAN  
sheet VACATION EXHIBIT

project no. 107121  
sheet 1 OF 1

DATE PLOTTED: 8/13/2021 9:21 AM DRAWN BY: ZEH PLOT SCALE: 1:2  
FILENAME: S:\Survey\Drafting\107121\_Eyman-Gifford\_Road\Engineering\Drawings\Survey\107121\_ROW-Vac.dwg

# Attachment C

RECORDER'S INDEX	
LOT:	
BLOCK:	
SUBDIVISION:	
ALIQUOT PART:	W1/2NE1/4 & SE1/4NE1/4
SECTION:	15 / TOWNSHIP: 74 N / RANGE: 44 W
CITY:	COUNCIL BLUFFS
COUNTY:	POTTAWATTAMIE
PROPRIETOR:	ROBERT D. ADKINS JR.
REQUESTED BY:	TOM EYMAN
DATE OF FIELD SURVEY:	JUNE 15, 2021

## PLAT OF SURVEY

PARCEL "21219" BEING A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER (W1/2NE1/4) AND A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) ALL IN SECTION 15, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

### LEGAL DESCRIPTION - PARCEL "21219":

PARCEL "21219" BEING A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER (W1/2NE1/4) AND A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) ALL IN SECTION 15, 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 SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4);

THENCE ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), NORTH 00 DEGREES 52 MINUTES 19 SECONDS EAST, 1273.35 FEET;

THENCE NORTH 89 DEGREES 33 MINUTES 08 SECONDS WEST, 50.11 FEET;

THENCE NORTH 00 DEGREES 51 MINUTES 47 SECONDS EAST, 492.07 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VETERANS MEMORIAL HIGHWAY (HIGHWAY 275) ACQUIRED BY A WARRANTY DEED RECORDED IN BOOK 106, PAGE 04539 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 74 DEGREES 19 MINUTES 00 SECONDS EAST, 52.23 FEET TO A POINT ON THE EASTERLY LINE OF SAID WESTERLY HALF OF THE NORTHEAST QUARTER (W1/2NE1/4);

THENCE ON SAID EASTERLY LINE, SOUTH 00 DEGREES 51 MINUTES 26 SECONDS WEST, 456.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4);

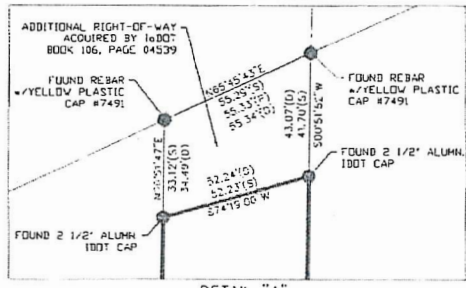
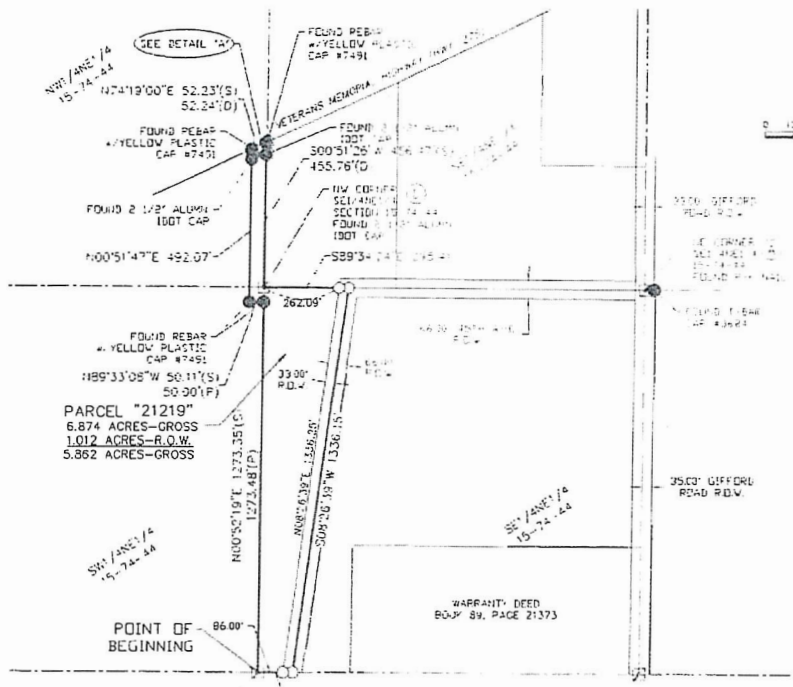
THENCE ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4), SOUTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, 295.41 FEET TO THE CENTERLINE OF AN EXISTING ROADWAY RECORDED IN ROAD CALENDAR BOOK B, PAGE 554, PETITION 325 IN THE POTTAWATTAMIE COUNTY ENGINEER'S OFFICE;

THENCE ON SAID CENTERLINE, SOUTH 08 DEGREES 26 MINUTES 39 SECONDS WEST, 1336.15 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4);

THENCE ON SAID SOUTH LINE, NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST, 119.34 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "21219" CONTAINS AN AREA OF 6.874 ACRES, MORE OR LESS INCLUDING 1.012 ACRES, MORE OR LESS OF ROADWAY RIGHT-OF-WAY.

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA 51903 (712) 331-0530



- LEGEND**
- FOUND PIN AS NOTED
  - SET 5, 8" REBAR W/YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 2560"
  - FOUND SECTION CORNER AS NOTED
  - (S) SURVEYED
  - (P) PLAT OF SURVEY BOOK 101, PAGE 50968
  - R.O.W. RIGHT-OF-WAY
  - (D) WARRANTY DEED BOOK 106, PAGE 04539

SECTION LINE BEARINGS & DISTANCES

(A)-(B)	S00°55'46"W	1319.77(S)	1319.90(TP)
(B)-(C)	N89°44'04"W	1319.75(S)	1319.58(TP)
(C)-(D)	N00°52'19"E	1323.47(S)	
(D)-(A)	S89°34'24"E	1321.06(S)	1321.14(TP)



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  
 LICENSE NUMBER 2564  
 DATE 06/15/21  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OF SHEETS COVERED BY THIS SEAL: 1 OF 1

Small text block containing surveying regulations or disclaimer.

**hgm ASSOCIATES INC.**  
 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA  
 PHONE: (712) 331-0530

DATE	BY	REVISION




PLAT OF SURVEY - PARCEL "21219"  
 PROJECT NO. 107121  
 SHEET 1 OF 1

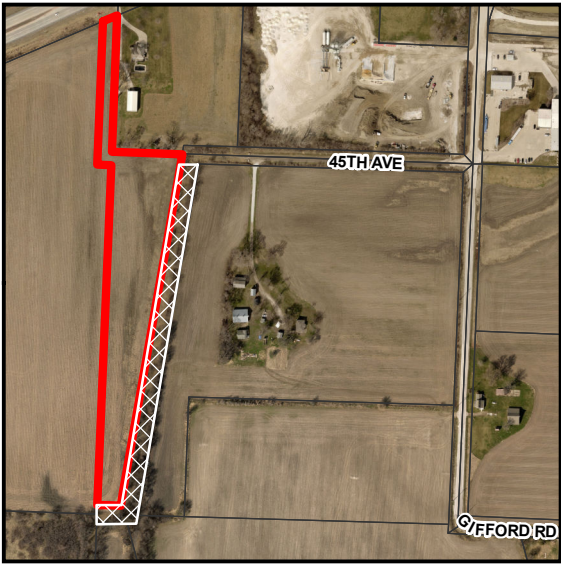
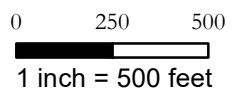
FILENAME: S:\Survey\Outgoing\107121\_LF-man-Cultivat Road\Expanding\04\g\Survey\107121\_Plat of Survey.dwg DATE PLOTTED: 5/25/2021 8:09 AM DRAWN BY: ZEH PLOT SCALE: 1:2

# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

## CASES #ZC-21-010 & #SAV-21-005 LOCATION/ZONING MAP

Attachment D

 CASE #SAV-21-005 - Subject 45th Avenue Vacation Area  
 CASE #ZC-21-010 - Subject Property  
 Parcels



Last Amended: 8/20/2021



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.



## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Tom Eyeman d/b/a Eyman Investments, LLC, represented by Max Kelch, to rezone 6.87 acres of land legally described as: Parcel "21219" of the West 1/2 of the NE1/4 and a portion of SE1/4 NE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'C' of the case staff report, from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District, as defined in Chapter 15.21 of the Municipal Code of Council Bluffs, Iowa.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11th day of October, 2021 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

---

Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6470**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING 6.87 ACRES OF LAND LYING WEST/SOUTHWEST OF PROPERTY ADDRESSED AS 4445 GIFFORD ROAD AND LEGALLY DESCRIBED AS: PARCEL "21219" OF THE WEST 1/2 OF THE NE1/4 AND A PORTION OF SE1/4 NE1/4, ALL IN SECTION 15-74-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED ON ATTACHMENT 'C', FROM A-2/PARKS, ESTATES, AND AGRICULTURAL DISTRICT TO I-2/GENERAL INDUSTRIAL DISTRICT AS DEFINED IN CHAPTER 15.21 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 6.87 acres of land legally described as: Parcel "21219" of the West 1/2 of the NE1/4 and a portion of SE1/4 NE1/4, all in Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'C' of the case staff report, from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District, as defined in Chapter 15.21 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED  
AND  
APPROVED

October 25, 2021.

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

Attest:

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

First Consideration: 9-27-21  
Second Consideration: 10-11-21  
Public Hearing: 10-11-21  
Third Consideration: 10-25-21

## Council Communication

Department: City Clerk  
Case/Project No.: ZT-21-004  
Submitted by: Moises Monrroy,  
Planner

Ordinance 6471  
ITEM 3.D.

Council Action: 10/25/2021

### Description

Ordinance to amend Chapter 15.19 P-I/Planned Industrial District by amending Section 15.19.020 "Principal Uses" to allow "School.

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Proposed Chapter	Other	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6471	Ordinance	10/19/2021

## City Council Communication

Department: Community Development  CASE #ZT-21-004  Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	1 <sup>st</sup> Consideration: 9/27/2021  2 <sup>nd</sup> Consideration: 10/11/2021  3 <sup>rd</sup> Consideration: 10/25/2021  Planning Commission: 9/14/2021
--	---------------------	--

### Subject/Title

**Request:** Public hearing on the request of the City of Council Bluffs to amend Section 15.19.020, *P-I/Planned Industrial District – Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

### Background

The Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance) relative to ‘schools’ as follows:

- Amend Section 15.19.020, *P-I/Planned Industrial District – Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

As per Section 15.03.0595 of the Council Bluffs Municipal Code (Zoning Ordinance), ‘school’ refers to “all schools, public or non-public, at all levels from prekindergarten level through grade twelve, which meet the requirements of the State Board of Public Instruction, and accredited schools that provide post-secondary education,” and includes “the buildings and all land contiguous to said buildings.” Schools are allowed as a principal use in the following zoning districts:

- R-1/Single-Family Residential District;
- R-1M/Single-Family Manufactured Housing District;
- R-2/Two-Family Residential District;
- R-3/Low Density Multifamily Residential District;
- R-4/High Density Multifamily Residential District;
- A-P/Administrative Professional District;
- C-1/Commercial District;
- C-2/Commercial District;
- C-3/Commercial District;
- C-4/Commercial District; and
- P-C/Planned Commercial District.

Additionally, schools are permitted as a conditional use in the MCR/Mixed Commercial-Residential District if it is contained within a mixed commercial/residential structure. A recent inquiry by Iowa Western Community College (IWCC) to operate a vocational training school in conjunction with a proposed logistics park to be located east of their campus (see Cases #SUB-21-011, #ZC-21-010 and #PI-21-001) has necessitated the proposed text amendment.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

**Discussion**

1. The P-I/Planned Industrial District is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The proposed text amendment would allow research and development facilities, colleges, universities and vocational/training schools to occur within business/industrial parks, which is consistent with the intent of the P-I District.
2. Properties zoned P-I District are limited to the new Black Hills Energy facility at 2287 College Road and 30.96 acres, more or less, of undeveloped land owned by IWCC located directly to the north. The Community Development Department has received an application from Nestory Park, a private real estate investment firm, to rezone 63.1 acres, more or less, of undeveloped land lying north of the existing P-I District, also owned by IWCC, from P-C/Planned Commercial District to P-I/Planned Industrial District (see Case #ZC-21-010). The purpose of the request is to allow for the development of a logistics park on the 94.06 acres, more or less, of land lying north of the Black Hills Energy facility. The requested text amendment is also intended to facilitate the development of the proposed logistics park and the associated IWCC vocational training facility, as well as any future planned industrial development that occurs in Council Bluffs. It is anticipated that the proposed text amendment will stimulate broader economic and workforce development by diversifying what is allowed to occur within a planned industrial development.

**Recommendation**

The Community Development Department recommends approval of the request to amend Section 15.19.020, P-I/Planned Industrial District – Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

**Public Hearing**

Staff speaker for the request:

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

Speakers in favor: None

Speakers against: None

**Planning Commission Recommendation**

The Planning Commission recommended approval to amend Section 15.19.020, P-I/Planned Industrial District – Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

VOTE: AYE – Danielsen, Bass, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Haner VACANT – None Motion: Carried.

**Attachments**

Attachment A: Proposed Chapter 15.10, P-I/Planned Industrial District, of the Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department

## **Attachment A**

### **Chapter 15.19 - P-I/PLANNED INDUSTRIAL DISTRICT**

15.19.010 Statement Of Intent

15.19.020 Principal Uses

15.19.030 Conditional Uses

15.19.040 Accessory Uses

15.19.050 Site Development Regulations

15.19.060 Development Plan Review Procedure

15.19.470 Signs

15.19.080 Additional Regulations

#### **15.19.010 Statement of Intent**

The P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the city council, with extensive review by the planning commission.

(Ord. 5688 § 1 (part), 2002)

#### **15.19.020 Principal Uses**

The following principal uses shall be permitted outright in a P-I district:

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, general and light;
- G. Warehousing and distribution, limited;
- H. Retail Shopping establishment.
- I. School

(Ord. 5688 § 1 (part), 2002)

#### **HISTORY**

*Amended by Ord. 6416 on 7/13/2020*

#### **15.19.030 Conditional Uses**

The following conditional uses shall be permitted in a P-I district in accordance with the requirements set forth in CBMC 15.27:

- A. Communication tower;
- B. Day care services.

(Ord. 5688 § 1 (part), 2002)

## HISTORY

*Amended by Ord. 6416 on 7/13/2020*

### **15.19.040 Accessory Uses**

The following accessory uses shall be permitted in a P-I district:

- A. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the P-I district, unless otherwise excluded.

(Ord. 5688 § 1 (part), 2002)

### **15.19.050 Site Development Regulations**

Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedures described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

(Ord. 5688 § 1 (part), 2002)

### **15.19.060 Development Plan Review Procedure**

The development plan review procedure shall be as follows:

- A. Application. A completed application form and ten (10) copies of the development plan along with the required fee shall be submitted to community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:
  - 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and proposed phasing of the project;
  - 2. The development name and legal description of the boundary;
  - 3. A north arrow, scale, bar scale and date;
  - 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
  - 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks and commercial areas;
  - 6. All established floodway or floodway fringe encroachment limits;

7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations pertaining to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication for public use;
9. Layout, numbers and dimensions of all proposed lots;
10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad right of ways, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets and landscaping;
15. Proposed landscaping plan;
16. Proposed signage plan;
17. On projects twenty (20) acres or more in area, or as deemed necessary by the community development director, a traffic impact study to include: (i) data on existing peak hour traffic volumes and conditions; (ii) directional distribution estimates of added traffic; (iii) projections of added traffic volumes for all of the appropriate critical hours; determination of needed improvements, controls, driving locations, and their design; (iv) and identification of any need for additional right-of-way which could be secured from the developer, shall be submitted;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development department director shall determine the adequacy and completeness of the development plan application.

The community development department director may require additional information prior to scheduling review by the city planning commission.

- B. Review by City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscaping, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission in recommending approval of the proposed development plan may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and

purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations on the net square footage of signs, lot coverage limitations and/or height of buildings because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary to reduce noise and glare and designation of responsibility for maintenance of the property.

- C. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.
- D. Building Permit Review. The community development department director shall review all building and public works construction permits for compliance with the approved development plan. No building or public works construction permit shall be issued if it is determined by the community development department director to be inconsistent with the approved development plan. However, the community development department director shall have the authority to approve minor changes to the development plan. If the community development department director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

(Ord. 5688 § 1 (part), 2002)

#### **15.19.470 Signs**

In addition to the signage approved in the development plan, signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5688 § 1 (part), 2002)

#### **15.19.080 Additional Regulations**

Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage.

(Ord. 5688 § 1 (part), 2002)

## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Title 15: Zoning of the Council Bluffs Municipal Code by amending Section 15.19.020, P-I/Planned Industrial District – Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to add ‘school’ as a principal use in the P-I/Planned Industrial District.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11<sup>th</sup> day of October, 2021 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

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Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6471**

**AN ORDINANCE TO AMEND CHAPTER 15.19 P-I/PLANNED INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.19.020 “PRINCIPAL USES” TO ALLOW “SCHOOL”.**

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

**SECTION 1.** That Chapter 15.19 “P-I/Planned Industrial District” of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.19.020 “Principal Uses” to include “School” by reading as follows:

**15.19.020 Principal Uses**

The following principal uses shall be permitted outright in a P-I district:

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited.

**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

October 25, 2021

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

Mayor

Attest:

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

City Clerk

First Consideration: 9-27-21

Second Consideration: 10-11-21

Public Hearing: 10-11-21

Third Consideration: 10-25-21

## Council Communication

Department: City Clerk  
Case/Project No.: HP-21-010  
Submitted by: Christopher N.  
Gibbons, AICP, Planning Manager

Ordinance 6472  
ITEM 3.E.

Council Action: 10/25/2021

### Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by designating the property commonly known as the Council Bluffs Telephone Exchange Building and legally described as Lot 'N' of Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss First Addition as a local Historic Landmark. Location: 12 Scott Street. HP-21-010

### Background/Discussion

See attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Letter of Intent	Letter	9/17/2021
Attachment B - National Register of Historic Places nomination	Other	9/17/2021
Attachment B (cont'd) - Property photos	Other	9/17/2021
Attachment C - Location and zoning map	Map	9/17/2021
Attachment D - Petition	Other	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6472	Ordinance	10/19/2021

**City Council Communication**

<p><u>Department:</u> Community Development</p> <p>CASE #HP-21-010</p> <p><u>Owner/Applicant:</u> Pottawattamie County Development Corp d/b/a The 712 Initiative c/o Sheryl Garst 1228 S. Main Street Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p>	<p>Historic Preservation Meeting: 9/1/2021</p> <p>Planning Commission Meeting: 9/14/2021</p> <p>City Council, First Reading: 9/27/2021</p> <p>City Council, Second Reading: 10/11/2021</p> <p>City Council, Third Reading: 10/25/2021</p>
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**Subject/Title**

Request: Public hearing on the request of the Pottawattamie County Development Corporation d/b/a The 712 Initiative for local historic landmark designation of property legally described as Lot ‘N’ of Auditor’s Subdivision of Block 6, Mynster’s Addition and Block 2, Bayliss First Addition, commonly known as the Council Bluffs Telephone Exchange Building.

Location: 12 Scott Street, Council Bluffs, Iowa

**Background/General Information**

The applicant, Pottawattamie County Development Corporation d/b/a The 712 Initiative, is in the process of revitalizing the 500 Block of West Broadway into a vibrant mixed-use area that will provide new opportunities for commercial and residential uses within downtown Council Bluffs. Their revitalization efforts include: repurposing 530 West Broadway into a mixed commercial/residential structure and 12 Scott Street into a multi-family apartment building; redesigning/reconstructing the City’s parking lot north of 12 Scott Street; and redeveloping the City’s parking lot at the corner of West Broadway and Scott Street with a new multi-family or mixed commercial/residential structure. Additionally, the applicant is committed to preserving the historic architecture of properties they own at 530 West Broadway and 12 Scott Street as part of their revitalization strategy.

In December 2020, the applicant received City Council approval to designate property at 530 West Broadway as a historic local landmark (see Case #HP-20-005, Ordinance No. 6433). They are now seeking approval from the City to designate 12 Scott Street as a historic local landmark, and to support their nomination to list said property on the National Register of Historic Places (NRHP) (see Attachment A). Their request to list 12 Scott Street on the National Register of Historic Places was reviewed and recommended for approval by the Mayor’s Office and the City’s Historic Preservation Commission (HPC) on September 1, 2021. Both recommendations were forwarded to the State Nominations Review Committee (SNRC), who are scheduled to review the NRHP nomination at their October 8, 2021 meeting.

The subject property was originally constructed in 1904 and served as the headquarters of the Council Bluffs Telephone Exchange for nearly 70 years. In general, the building’s exterior facades and interior configurations have retained their original architectural integrity. A complete written description of the subject property’s architectural design and history is detailed within the nomination paperwork (see Attachment B). An overview of the process for designating the subject property as a historic local landmark is described below:

### **Local Landmark Designation Procedure**

The Historic Preservation Commission shall follow the procedures stated in Section 16.07.020 of the Municipal Code when designating a landmark, landmark site, or historic district. The Historic Preservation Commission's recommendation will then be forwarded to the City Planning Commission who will consider the request in the same manner as a rezoning. The Planning Commission shall forward their recommendation to the City Council. The City Council will consider the recommendation of both City Commissions and make a decision. The designation will become effective at the time of determination.

The tentative review schedule is as follows:

- City Historic Preservation Commission: 9/1/2021
- City Planning Commission: 9/14/2021
- City Council first consideration: 9/27/2021
- City Council second consideration: 10/11/2021
- City Council third consideration: 10/25/2021

### **Role of the Historic Preservation Commission**

When considering a local landmark site designation, the Commission must use the following criteria as listed in Section 16.07.005 of the Municipal Code to evaluate the request.

1. If it has historical or cultural importance, having significant character, interest or value, as part of a development, history or cultural characteristics of the city, state, or nation;
2. If it is associated with the life of a person significant in the past;
3. If it is the site of a significant historical event;
4. If it exemplifies or reflects a cultural, political, economic, social or historic heritage of the city, state, or nation;
5. If it has potential for yielding information or archeological significance;
6. If it embodies distinctive elements of an architectural or an engineering type, style, materials or method of construction;
7. If it is representative of the notable work of a master builder, designer or architect whose individual genius influenced the city, state or nation;
8. If it represents an established or familiar visual feature of the neighborhood, community or city due to its unique location or singular physical characteristics;
9. If it has geographical importance by being part of or related to a square, park or other distinctive area and should be developed or reserved according to a plan based on an historic, cultural or an architectural motif;
10. If it has a relationship to a landmark, landmark site or historical district;
11. If it has integrity as a natural environment that significantly contributes to the quality of life in the City.

Based on the information stated in the submitted nomination forms the Community Development Department is of the opinion that the subject property demonstrates the following local designation distinctions as listed above: #1, #4, #6 and #8.

The consultant that prepared the National Register of Historic Places Registration Form found that Criteria 'A' applied to the property. The consultant provided the following statement of significance:

*As the headquarters of Council Bluffs telephone exchange for almost seventy years, the building at 12 Scott Street is locally significant under Criterion A as representative of Council Bluffs telephone communication history. The building's period of significance begins in 1904, the year of construction. To meet the growing demand for telephone service in Council Bluffs and the surrounding area, several additions were constructed starting in 1912, again in 1940, 1947, and*

*1956. The building's period of significance ends in 1971 when the exchange equipment within its walls was phased out and a new company headquarters equipped with modern exchange equipment was constructed elsewhere in the city. Thereafter the building ceased serving as the telecommunication hub for Council Bluffs and the surrounding community.*

**Criteria A:** Property is associated with events that have made a significant contribution to the broad patterns of our history.

### **Planning and Zoning Review**

The subject property is zoned C-4/Downtown Business District and is surrounded by like zoning to the north, south, east, and west (see Attachment C). Existing land uses in the general vicinity of the request include a mixture of professional offices, financial institutions, a restaurant, and City-owned parking lots/open space. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Downtown/Mixed-use. Furthermore, the following vision, goals, and objectives from the Bluffs Tomorrow: 2030 Comprehensive Plan apply to the applicant's proposed multi-family project and local historic designation request:

#### Neighborhood & Housing

Goal – Enhance and maintain the City's neighborhoods to provide the housing, character, and supporting amenities to retain and attract residents to Council Bluffs

Objective #7: Encourage new housing in Downtown through the rehabilitation of historic buildings.

#### Commercial Areas

Goal – Strengthen the City's commercial areas to better meet the daily needs of Council Bluffs residents, attract patrons from beyond Council Bluffs, and create a positive image.

Objective #4: Continue the revitalization of downtown as guided by the 2003 Downtown Plan and the recommendations of the Comprehensive Plan.

#### History & Identity

Goal – Recognize, preserve and build upon Council Bluffs' unique history and character by instilling local community pride and defining the way the community is perceived throughout the region, state and country.

Objective #1: Encourage participation in Council Bluffs local landmark designation program.

In general, the applicant's request to designate the subject property as a Local Historic Landmark is consistent with Bluffs Tomorrow: 2030 Comprehensive Plan.

### **Comments**

City Departments and Local Utility Providers Comments: All City Departments and local utility providers were notified of the proposed National Register of Historic Places nomination and the local historic landmark designation requests. No comments in opposition were submitted to the Community Development Department for these requests.

Neighborhood Response: All property owners located within 200 feet of the subject property were notified of the proposed National Register of Historic Places nomination and the local historic landmark designation requests along with the place/date/time of the Historic Preservation Commission's public hearing on the matter. Copies of the complete nomination were made available for public review in the Council Bluffs Community Development Department. No public comments or inquiries were received for the request. Two letters were returned as undeliverable to the Community Development Department.

At the September 1, 2021 Historic Preservation Commission meeting, the applicant provided the City with a copy of the responses they received from an online social media petition in support of the proposed National Register of Historic Places nomination and local historic designation requests. A copy of this online social media petition is included with this report as Attachment ‘D’.

**Public Hearing – Historic Preservation Commission Meeting – September 1, 2021**

The following individuals spoke in favor of the request:

1. Sheryl Garst, CEO, The 712 Initiative, 1228 S. Main Street, Council Bluffs, Iowa
2. Christina Jansen, Alley Poyner Macchietto Architecture, 1516 Cuming Street, Omaha, NE 68102
3. Christopher Gibbons, Planning Manager, City of Council Bluffs.

No one appeared in opposition.

**Historic Preservation Commission Recommendation**

The Historic Preservation Commission:

1. Concurs with the Community Development Department that 12 Scott Street (a.k.a. Council Bluffs Telephone Exchange Building) is historically significant based on Criteria ‘A’ of the National Register of Historic Places and criteria #1, #4, #6, and #8 of Section 16.07.005, *Procedure* of the Municipal Code (Historic Preservation) and is eligible for designation as a local historic landmark; and
2. Transmits that determination to the City Planning Commission for review and forward to the Mayor and City Council for approval.

VOTE: AYE – Petersen, Johnson, Dowell, Wilson, and Porter NAY – None. ABSTAIN - None  
ABSENT – Cain and Madsen. VACANT – None. Motion carried.

**Recommendation**

The Community Development Department recommends the City Planning Commission find the property located at 12 Scott Street, commonly referred to as the Council Bluffs Telephone Exchange building, and being legally described Lot ‘N’ of Auditor’s Subdivision of Block 6, Mynster’s Addition and Block 2, Bayliss First Addition, as historically significant based on the local designation criteria #1, #4, #6, and #8 as per Section 16.07.005, *Procedure* of the Municipal Code (Historic Preservation), and also find the property historically significant based on Criteria ‘A’ of the National Register of Historic Places, and recommends designation as a historic local landmark to the City Council.

**Public Hearing**

Staff speaker for the request:

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

Speakers in favor:

1. Sheryl Garst, CEO, The 712 Initiative, 1228 S. Main Street, Council Bluffs, Iowa
2. Caitlin Benton, 5001 Blondo Street, Omaha, NE 68104

Speakers against: None

**Planning Commission Recommendation**

The City Planning Commission recommended the property located at 12 Scott Street, commonly referred to as the Council Bluffs Telephone Exchange, and being legally described Lot ‘N’ of Auditor’s Subdivision of Block 6, Mynster’s Addition and Block 2, Bayliss First Addition, be considered historically significant based

on the local designation criteria #1, #4, #6, and #8 as per Section 16.07.005, *Procedure* of the Municipal Code (Historic Preservation), and also find the property historically significant based on Criteria ‘A’ of the National Register of Historic Places, and recommended designation as a historic local landmark to the City Council.

VOTE: AYE - Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Scott, Stroebele, and VanHouten  
NAY - None ABSTAIN - Rew ABSENT – Haner VACANT - None Motion: Carried.

**Attachments**

Attachment A: Letter of intent National Register of Historic Places nomination

Attachment B: National Register of Historic Places nomination

Attachment C: Location/zoning map

Attachment D: Online social media petition in support of the proposed local historic designation request

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

August 12, 2021

Historic Preservation Commission  
c/o Community Development Department  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, IA 51503

RE: 12 Scott Street Historic Nomination

Dear Historic Preservation Commissioners:

As the owner of 12 Scott Street, Pottawattamie County Development Corporation (DBA The 712 Initiative), humbly requests the consideration of 12 Scott St., former Council Bluffs Telephone Exchange, to be dually designated as a Council Bluffs historic landmark and be placed on the National Register of Historic Places. As noted in our application, we believe the building has significant historical character with its Classical Revival style and was associated with a use that has made a significant contribution to the broad patterns of our local and national history. Communication has so vastly changed even in the past decade. We want to preserve the communication era in which this building serviced.

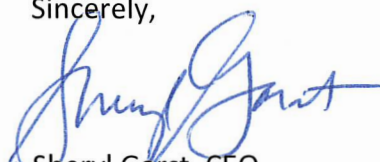
The organization intends to renovate the property adhering to the Secretary of Interior standards and convert it to 23 apartment units. It is expected to be a \$7.4 million project with multiple benefits. It contributes to the housing demand, local economy, energy of downtown and preserving the historic fabric near a large 1960s urban renewal area.

Located at the west entrance of downtown, and Phase II of our previous 500 Block development, it has been and remains an important part of the development and fabric of the city. We believe that saving the character and history of our community great benefits public welfare.

If you have any questions, please contact me at 712-396-2464 or at [sgarst@the712initiative.org](mailto:sgarst@the712initiative.org).

Thank you for the consideration.

Sincerely,



Sheryl Garst, CEO  
The 712 Initiative

United States Department of the Interior  
National Park Service

**ATTACHMENT B**

# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).**

## 1. Name of Property

historic name Council Bluffs Telephone Exchange

other names/site number \_\_\_\_\_

Name of Multiple Property Listing \_\_\_\_\_

(Enter "N/A" if property is not part of a multiple property listing)

## 2. Location

street & number 12 Scott Street  not for publication

city or town Council Bluffs  vicinity

state Iowa county Pottawattamie zip code 51503

## 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this  nomination  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property  meets  does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:  national  statewide  local

Applicable National Register Criteria:  A  B  C  D

Signature of certifying official/Title: Deputy State Historic Preservation Officer Date

State Historical Society of Iowa  
State or Federal agency/bureau or Tribal Government

In my opinion, the property  meets  does not meet the National Register criteria.

Signature of commenting official Date

Title State or Federal agency/bureau or Tribal Government

## 4. National Park Service Certification

I hereby certify that this property is:

entered in the National Register  determined eligible for the National Register

determined not eligible for the National Register  removed from the National Register

other (explain:) \_\_\_\_\_

Signature of the Keeper Date of Action

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply.)

- private
- public - Local
- public - State
- public - Federal

**Category of Property**

(Check only **one** box.)

- building(s)
- district
- site
- structure
- object

**Number of Resources within Property**

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1		buildings
		site
		structure
		object
1	0	<b>Total</b>

Number of contributing resources previously listed in the National Register: N/A

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

COMMERCE/TRADE: Business

**Current Functions**

(Enter categories from instructions.)

VACANT

**7. Description**

**Architectural Classification**

(Enter categories from instructions.)

LATE 19TH AND 20TH CENTURY REVIVALS:

Classical Revival

**Materials**

(Enter categories from instructions.)

foundation: CONCRETE

walls: BRICK, STONE

roof: BALLASTED, RUBBER

other: \_\_\_\_\_

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

---

### Narrative Description

**Summary Paragraph** (Briefly describe the current, general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

The Council Bluffs Telephone Exchange at 12 Scott Street, Council Bluffs, Iowa is comprised of the original two-story building, built in 1904, that fronts Scott Street and a series of two and three-story additions to the north and west, built in 1912, 1940, 1947 and 1956. Located in a commercial area one block north of what historically comprised the west side of the Council Bluffs central business district, the building is situated along Broadway and Main Streets. It is sited at the middle of a city block bound by West Kanesville Boulevard (U.S. Route 6) at the north, West Broadway Street at the south, South 6<sup>th</sup> Street at the west, and Scott Street at the east.

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**Narrative Description** (Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable.)

(Iowa SHPO Additional Instructions: After the main **Narrative Description**, discuss any physical alterations since the period of significance under the subheading **Alterations**, and the seven aspects of integrity as it applies to the resource in a **Statement of Integrity** with each aspect discussed in its own paragraph.)

Located in eastern Iowa, the Council Bluffs Telephone Exchange is situated in a commercial area of Council Bluffs, Pottawattamie County, Iowa. The area consists of a small number of early twentieth century buildings interspersed with modern commercial buildings and paved lots. The other buildings on the block include four attached three-story brick commercial bays directly south, facing Broadway Street, which are separated from this building by an alley; a modern one-story commercial building to the west, facing North 6<sup>th</sup> Street; and a two-story brick multi-family residence to the north, facing Scott Street, which is separated from this building by two parking lots. The remainder of the block contains paved parking lots and strips of grass along West Kanesville Boulevard and Broadway Street.

Historically the city block where the present building stands was much larger, stretching to Mynster Street on the north. This larger city block was bisected by a small tributary that flowed into the Missouri River. Named Indian Creek, the stream flowed from the northeast side of the city through the center of downtown then southwest into the Missouri River. Sanborn maps indicate that in the early 1900s, the south half of the block was lined with commercial buildings facing Broadway. On the north side of the block stood single and multi-family residences facing Mynster Street. The creek was prone to regular flooding and today a box culvert is located below ground adjacent to the north side of the Council Bluffs Telephone Exchange building. Around 1980, the northwest half of the block was also altered by the construction of the multi-lane West Kanesville Boulevard (U.S. Route 6).

The original telephone exchange building is a two-story vernacular Beaux Arts Revival two-part commercial block, completed in 1904. The first additions to the building were two-stories in height and constructed between 1911 and 1912: one addition to the north and one addition to the west. These additions gave the overall building an "L" shaped footprint. The east façade of the 1912 addition mimicked the existing Beaux Arts Revival detailing on the original 1904 building and employed simpler detailing as it moved to the west. The building was further expanded in 1939 with work completed in 1940. The 1940 addition constructed on north and west sides of the building filled the vacant corner of the "L" shape footprint created in 1912. The 1940 addition was also a two-story structure, whose height equaled the pre-existing building. This returned the entire building back to a two-story building with a normative rectangular footprint. Another addition was constructed in 1947. The 1947 addition removed portions of the 1912 addition at the south side, adding two stories between the remaining 1912 addition and the 1940 addition. In 1956 a third level was constructed over the two-story portions of the 1940 and 1947 additions. A rooftop penthouse was included to provide access to the entire building's rooftop mechanical equipment.

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

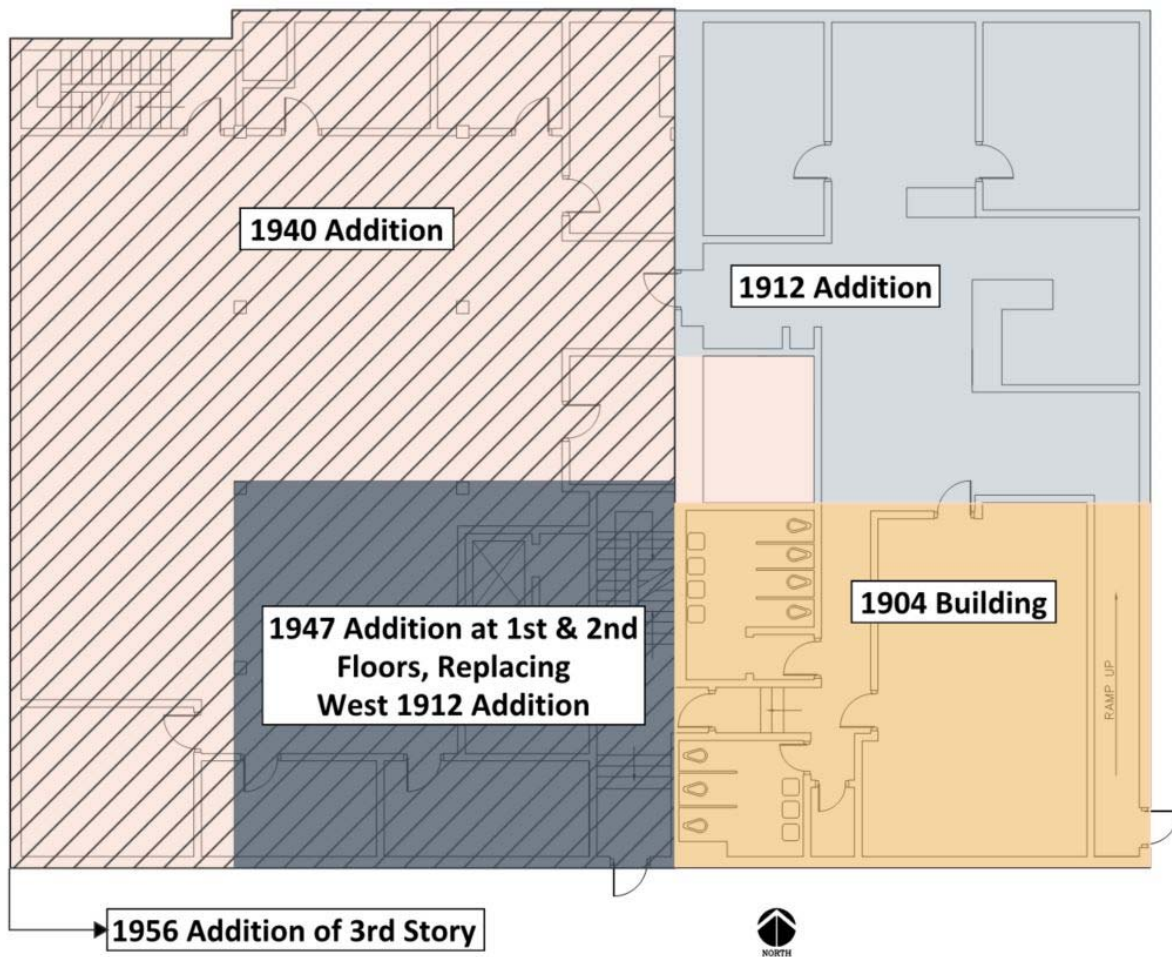


Figure 1: Diagram showing the evolution of the Council Bluffs Telephone Exchange

### ***EAST FAÇADE***

The east façade is a two-part commercial block with an adapted Beaux Arts Revival detailing. It is seven bays wide. Continuous across the bottom is a stone base. A stone water table crowns the base and serves as a sill for the windows directly above.

Above the base, the façade employs a two-story vertical bay pattern with every other bay expressing one of two material treatments. Four bays are red brick laid in a running bond with every fifth course recessed. The remaining three bays are recessed slightly and demarcated by a sandstone window surround, with narrow frames of red brick laid in a running bond at their sides and top. Centered at the top of the sandstone surround is an ornamental "S" shaped stone corbel. The brick bays have a single column of window openings. The stone and brick bays have paired window openings, with the two wider distal bays containing pairings of three windows and the narrower center bay containing pairings of two windows. Between the first and second level windows is a stone panel with minimal rectangular detailing. Above the second-floor windows, the façade is capped by four horizontal stone bands. The bands are vertically equidistant from one another, with roughly two feet of brick between each. The two upper bands of brick are a deeper burgundy shade than the rest of the brick used for this façade. The first stone band is a cornice with bed mold

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

detailing and the proceeding two bands are unembellished flat stone. The final piece is situated at the top of the wall surface and is a simple cornice like the one used first in the sequence.

The primary entrance is at the south end of the façade, within the southernmost bay. A thin sandstone band demarcates the entrance. The entrance is recessed approximately two feet inside the façade, with angled stone panels framing the entry. The entry contains a non-historic metal door and transom. The door has a large central lite. All windows at this façade are historic double hung, one-over-one wood windows.

#### ***NORTH ELEVATION***

At the north elevation it is possible to delineate where additions and alterations have been made to the building. All portions are clad with brick, of differing shades, laid in a common bond. The original 1904 building is two stories tall and five bays wide. At the east side, the brick and stone detailing from the east façade wraps around to this elevation for approximately two feet. The remainder of the 1904 building's north elevation is more simply detailed than the east façade and utilizes bricks with a brownish hue. The coping along the top of the building appears to be stone. There are four single windows at the first floor and three at the second floor. Above the east column of windows, near the top of the elevation, there is a small opening with a stone sill that appears to be a drain. All window openings have a stone sill. The two columns of windows near the west extent of the original building have soldier brick lintels. The windows are the same as those on the east façade.

The 1940 addition is two stories tall and six bays wide. It is delineated from the 1904 building by a vertical expansion joint, differing brick hue, and the use of glass block windows. The wall surface of the addition recedes four feet on the west end, creating space for an exterior stair. The cast concrete stair is a single flight that provides access into the northwest stairwell at the first floor. This entry contains a non-historic metal door with a narrow lite along one side. At the interior, the door has a simple metal frame set into a concrete block wall, which is likely the historic condition. All window openings have masonry sills. They are arranged as a 4x2 grid on the primary face of the north wall. The furthest east first floor window opening has been altered with a small metal window and brick sill surrounded by brick infill. On the recessed west portion of this elevation the fenestration pattern is irregular and includes a door and smaller glass block window on the first floor and a singular glass block window above the exterior door.

The third floor 1956 addition follows the form of the 1940 addition below but utilizes a slightly lighter brick with a redder hue. The coping along the top of the building appears to be concrete at the east and metal at the west, where the wall surface recedes. The three glass block windows at this level match those on the 1940 addition in style and proportion. A chimney is positioned at the corner of the point where the wall surface recedes to the west.

#### ***WEST ELEVATION***

The west elevation is largely uninterrupted brick laid in a common bond and capped with what appears to be metal coping. The upper portion of the concrete foundation wall is visible along the base of the west wall. The distinction between the two-story 1940 addition and the third floor added in 1956 is delineated through the differing brick hues associated with each renovation. At the north side, between the first and second levels, there is a single glass block window with a soldier bond brick lintel. Next to this is an exhaust vent with stone sill.

#### ***SOUTH ELEVATION***

At the south elevation it is possible to delineate where additions and alterations have occurred. The 1912 portion is two stories tall and four bays wide. At the furthest east bay the brick and stone detailing from the east façade, including the stone cornice, wraps around to this side elevation. The remainder of the 1912 building's north elevation is more simply detailed and utilizes brick with a brownish hue. The top is capped by metal coping, which is partially missing. All

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

window openings have stone sills. All windows, three at the first floor and four at the second, are steel with wire glass. Most are two-over-two, with the window at the second floor's furthest west bay being the exception with a three-over-three arrangement.

The 1947 addition makes up the four bays near the center on this elevation at the first and second stories. It is delineated from the other additions by vertical expansion joints and a differing light red brick hue. There is also a shift in vertical window alignment from the 1912 addition but that matches the window alignment from the 1940 addition. At the first floor of the furthest east bay within this addition, there is a recessed entrance with a small metal and wood awning. The entry contains a metal door with a light at its top half and a three lite metal transom above. All windows have masonry sills. The windows are four-over-four steel windows with wire glass.

The 1940 addition is two stories tall and comprises the furthest west two bays. It is delineated from the other additions on this elevation by a variation in brick color. The hue of the brick is browner and has a darker value. Protruding from the wall above the proximal second floor window is a steel I-beam. The window openings in this section maintain vertical alignment with the 1947 addition and are similar in proportion. All the window openings have a masonry sill. The windows are two-over-two steel with wire glass.

The third floor, as well as the elevator penthouse from the 1956 addition, follows the form of the 1940 and 1947 additions below but utilizes a slightly lighter brick with a redder hue. There are fewer window openings at this addition, but the four openings that exist align with those in the 1940 and 1947 additions vertically and are similar in proportion. All windows have masonry sills. The windows are steel with wire glass, but with a horizontal arrangement of two-over-two lites. Above the windows in the two easternmost bays is a metal vent.

### **INTERIOR**

At the interior, the building retains its overall historic configuration and some of its historic features which reflect its use as a telephone exchange. The building was originally constructed to accommodate a business office, telephone equipment, operator boards, along with workspace for the staff that maintained the equipment and the operators that answered and routed the phone calls. Starting in the late 1940s the business office was removed from the 12 Scott Street building in phases and relocated to leased office space elsewhere in the city. Between 1953 and 1971, the primary function of the building was to house telephone equipment and the staff that supported that equipment.

There is a basement and three floors above grade. Circulation between all four levels is provided by two stairwells, the south stair and the northwest stair. Both stairs connect the basement, first, second and third floors. The south stair is centered along the south exterior wall of the building, within the 1947/56 additions. The northwest stair is located at the northwest corner of the building, within the 1940/56 additions. The south stair also extends upwards to a rooftop penthouse, providing the only roof access point. An elevator added circa 1981 also serves all four levels and is located slightly northwest of the central stair. A change in floor level between the east and west sides of the building necessitates the presence of ramps or short flights of stairs at the basement, first, and second floors. Access into the building is provided at the first floor via the east exterior wall, the south exterior wall, and the north exterior wall. The east entry opens into an interior ramp that extends up to the first floor. The south side entry leads into the south stairwell, via a vestibule and short flight of steps. The north entry is accessed via a flight of exterior steps and leads into the northwest stairwell. A third stair at the northeast corner of the building between the basement, exterior grade and first floor has been abandoned. The stair opening has been infilled at the first floor.

By 1953, the east half of the building accommodated most staff, including switchboard operators, repairmen and engineers. Space on the east side of the building at first floor was primarily used for open work areas where engineers

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

and other repair staff would test the exchange system. There was a manager's office along the south exterior wall, restrooms, and janitorial space at the southwest corner, two vaults along the west wall towards the north and a kitchen/lounge area for staff along the north wall. A hallway adjacent to the restrooms was oriented north/south. Only the restrooms and janitorial space remain today. Terrazzo flooring is visible in the janitorial closet and men's restroom. The door frames at the janitorial closet and men's restroom appear historic in material and casing profiles. Some wall partitions at the women's restroom appear to be plaster with some extant painted wood floor base, although new fixtures and other modern finishes have been installed. Flooring at the first floor adjacent to the southeast door appears to be terrazzo although the extent and condition is unclear since it is currently covered with modern carpet. Above the modern suspended ceiling is a 9x9 perforated acoustic panel ceiling with fiberboard backing and a wood furring strip system which has been attached directly to the original flat plaster. Multiple penetrations due to the installation of different ceiling finishes have damaged the plaster. At the historic vault areas, the ceilings appear to be concrete. The columns are wrapped with modern drywall from finished floor to the ceiling. On second floor, space was primarily open with banks of operators' boards at the east side of the room. In the northeast corner of the large room, operators worked on tables to calculate the rate and possible routes for customers placing long-distance telephone calls. Along the west wall was a women's restroom and desks for the chief operator and clerical staff who assisted the operators. The women's restroom remains in its historic location, although new fixtures and finishes have been installed. The five-panel wood door and profiled door casing at the women's restroom appear historic. There were also two other rooms along this wall, one in the northwest corner and one in the southwest corner which are still extant. The flooring is currently carpet adhered to the floor with a thick layer of adhesive making it difficult to determine the historic material and its condition. Above the modern suspended ceiling in the southernmost structural bay, the ceiling is flat painted plaster in varying degrees of repair. A wood beam oriented in the east/west direction has painted wood trim in varying degrees of repair. North of that beam, the plaster ceiling is covered with the same 9x9 perforated acoustic panels, fiberboard backing, and wood furring strip system found on first floor. This plaster has also been damaged due to the installation of different ceiling finishes. Beams are not visible throughout the rest of the second-floor area. It appears that the original ceiling was flat painted plaster. The columns on this floor are wrapped with modern drywall from the finished floor to a foot or so below the perforated acoustic panel ceiling. At that point, the structural wood columns are unpainted and exposed. Today, the first and second floors have been subdivided into individual offices or conference space with modern partitions, new carpet, and acoustic tile ceilings. Most windows on the east and north exterior walls retain historic painted wood trim and some remnants of painted wood baseboard as mentioned. Plaster walls and ceilings remain in varying degrees of repair. Terrazzo floors are visible at a first-floor restroom and a second-floor flight of stairs leading to the south stair.

The west side of the building was used to house the bulk of the telecommunication equipment. This equipment was extremely heavy and required a robust structural system. Therefore, large steel columns encased in concrete and a concrete structural floor system were erected. That system was historically exposed and remains in place. Today, where steel columns encased in concrete are exposed, decorative chamfered corners at each column remain visible. Floors were typically concrete, or composition tile and ceilings were exposed concrete. When the building was most recently occupied by the telephone company, the Toll department was located on the first floor and the Central department was located on the second and third floors. Toll equipment was used to switch calls to other exchanges (i.e., long distance telephone calls) and Central equipment was used to switch calls within the exchange (i.e., local telephone calls). Today there are small offices built of modern partition walls along the north, south and east sides of the first floor, with the larger part of the footprint having an open layout. On the second floor more modern partition walls define rooms of varying sizes arranged off a t-shaped corridor. The third floor only occupies the west side of the building. Modern partitions define rooms of varying sizes arranged off an irregularly shaped corridor. Windows have masonry block wall returns at the interior although modern wood window stools have been added in some locations.

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

Historic bathrooms remain in the southeast corner of the second and third floors. Fixtures and finishes have been replaced, but the original masonry walls remain as well as the glazed block masonry at the bottom half of the wall on the third floor.

Both stair towers have painted masonry walls that reflect the masonry unit size & dimension of the era in which they were constructed, concrete ceilings, and stair treads and landings that are terrazzo between the basement and second floors and linoleum tile between the second and third floors and the south stair rooftop penthouse. Within these original openings the doors are non-historic. All doors retain their historic trim work at the interior and the appearance of the trim is also reflective of the era in which that entry was constructed, with the oldest trim being the most detailed and the newest trim being the most simplified.

The heating/cooling/ventilating equipment that served the building along with space for storage and building maintenance was in the basement. Today the basement remains utilitarian with a series of rooms that generally have masonry walls, concrete floors, and concrete ceilings. A large open area at the west side of the building has been finished, with dropped ceilings and modern drywall partitions. Most windows have masonry block wall returns at the interior.

#### **ALTERATIONS**

The most notable alterations to the building are the additions made between 1911 and 1956 as discussed above. At the exterior, the building appears mostly unchanged since its 1956 addition, with historic features, including some windows, intact. At the interior, the building has been renovated to accommodate new uses after the departure of the telephone exchange in the 1970s. Most of those renovations include new mechanical and electrical equipment to serve the building, new partitions to subdivide the space, suspended acoustical ceilings and the insertion of an elevator and its associated shaft circa 1981. However, many historic features remain visible at the interior. The exposed masonry walls, stair structure, terrazzo floors, linoleum tile and door trim at the north and south stairs remain intact. In the east half of the building wood window trim, door trim and terrazzo floors also remain. At the west half of the building, exposed masonry walls, concrete encased steel columns with chamfered corners, exposed concrete or painted plaster ceilings and terrazzo floors are clearly visible.

#### **INTEGRITY**

The Council Bluffs Telephone Exchange retains sufficient integrity to illustrate its use as a telephone exchange between 1904 and 1971. Photographs of other similar telephone exchanges have been included in this document to illustrate the telephone company's typical use of space in facilities akin to the Council Bluffs location.

The building has not been moved and thus retains excellent integrity in terms of its *location*.

In terms of *design*, the building has good integrity at the exterior and fair integrity at the interior. At the exterior, the overall massing and detailing remains intact including decorative stone elements and brickwork. At the interior, the original configuration remains intact. This includes the stairways and the north and south side entry vestibules, all of which maintain their historic finishes. This also includes the open nature of the space and substantial building structure required to accommodate large telecommunications equipment, workspace to maintain and test the equipment and space for large operator boards and telephone operators. Both aspects reflect the building's historic use as a facility built to house the telecommunications equipment that connected a city.

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

The building retains fair integrity in terms of its *setting*. Portions of the commercial district that once thrived to its south and east have been demolished since the 1970s. However, four commercial bays dating from the turn of the twentieth century remain standing directly to the south. The residential buildings that once occupied the block to the north have given away to the expansion of West Kanesville Boulevard and new commercial buildings.

In terms of *materials*, the building retains very good integrity at the exterior and fair integrity at the interior. The brick exterior walls and stone detailing remains intact as does the existing concrete structure on the west section of the building. In addition, wood and steel windows remain in place in varying degrees of repair. Some wood window trim remains intact at windows where it would have existed historically. The terrazzo stair components and vestibules remain intact. Plaster ceilings in the east half of the building, above different suspended ceiling additions, remain intact in varying degrees of repair.

In terms of its *workmanship*, the building retains very good integrity at the exterior and fair integrity at the interior. The workmanship of the various craftsman and laborers who helped to construct the building is still visible at the exterior in the stone and brick detailing and wood windows. At the interior, it is most visible at the terrazzo floors, masonry walls, chamfered corners of the concrete encased steel columns, concrete floor/ceiling structure, plaster work, stairs, and the window trim.

The building retains much of its original design, materials, workmanship and setting at the exterior, and thus retains very good integrity in terms of conveying the *feeling* of a Council Bluffs telephone exchange that evolved during its early history to accommodate shifting needs and demands. It is the only dedicated telephone exchange dating from the early 1900s extant in Council Bluffs.

Although no longer a functioning telephone exchange, the building has fair integrity in terms of being able to convey its *association* as a telecommunication building constructed and altered to serve telephone communication as it evolved and matured over the course of the twentieth century. The number of building additions constructed to meet the growing needs of the community's customer base and advances in telephone technology and equipment are clearly visible on the exterior of the building since the brick color and window type vary from addition to addition. At the exterior, the primary façade of the building also embraced a classical architectural style, reflective of the era the original building was erected and perhaps to give greater legitimacy to the functions it housed within its walls.

Overall, the building has good integrity and can convey its historic significance throughout its period of significance.

The building is in good condition and retains good integrity, particularly at the exterior. It remains on the original site of construction and although alterations to design elements, setting, materials, and workmanship have occurred, it still reflects its historic appearance at the exterior and aspects of the historic use at the interior. Additionally, feeling and association are maintained through the building's architectural details that reflect the needs of the telephone company to expand space and the separate eras in which each part was constructed.

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

### 8. Statement of Significance

#### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

#### Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- A Owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years.

#### Areas of Significance

(Enter categories from instructions.)

##### Communications

#### Period of Significance

1904-1971

#### Significant Dates

1904

1912

1940

1947

1956

#### Significant Person

(Complete only if Criterion B is marked above.)

#### Cultural Affiliation (if applicable)

#### Architect/Builder

Cox and Schoentgen

F.E. Cox/Jensen Brothers

J. Chris Jensen/C.C. Larsen

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

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### Statement of Significance

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations).

As the headquarters of Council Bluff's telephone exchange for almost seventy years, the building at 12 Scott Street is locally significant under Criterion A as representative of Council Bluff's telephone communication history. The building's period of significance begins in 1904, the year of construction. To meet the growing demand for telephone service in Council Bluffs and the surrounding area, several additions were constructed, starting in 1912, again in 1940, 1947 and 1956. The building's period of significance ends in 1971, when the exchange equipment within its walls was phased out and a new company headquarters equipped with modern exchange equipment was constructed elsewhere in the city. Thereafter the building ceased serving as the telecommunication hub for Council Bluffs and the surrounding community.

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### Narrative Statement of Significance

 (Provide at least one paragraph for each area of significance.)

(Iowa SHPO Additional Instructions: For properties not nominated under Criterion D, include a statement about whether any archaeological remains within or beyond the footprint of the property were assessed as part of this nomination under the subheading **Archaeological Assessment**.)

#### *HISTORY OF COUNCIL BLUFFS*

Council Bluffs originated as a trading post, known as Traders Point, established by Francois Guittar in 1824. It was the first white settlement on the western boundary of Iowa Territory and was ideally located on the east bank of the Missouri River. Additionally, the post was known for having friendly relationships with local Native American tribes. These factors made it appealing to pioneers traveling west, including Mormon settlers who temporarily settled in the town from 1846 to 1852, before moving on to Utah. In 1846, Iowa achieved statehood and the town's name was changed to Kaneshville, after Thomas L. Kane.<sup>1</sup>

In 1852, the town received its present name, Council Bluffs, in honor of a nearby site along the Missouri River bluffs where members of the Lewis and Clark Expedition met with members of the Otoe Tribe. Over the next couple of decades, the town became well connected to the eastern United States via railroad networks but access to the west was limited to ferry service until 1873, when a railroad bridge allowed for a more convenient connection to Omaha, the town west of the Missouri. Omaha served as the western terminus of the Transcontinental Railroad, completed in 1869, and thus allowed Council Bluffs to thrive as a railroad hub in the middle of the country.<sup>2</sup> Due to potential flooding from the Missouri, Council Bluff's historic commercial and residential core arose approximately 5 miles east of the waterway. During the late nineteenth and early twentieth century, a central business district appeared in the several blocks east and west of where Broadway and Main Street intersect. It was at the northwest edge of this where enterprising professionals chose to build a telephone exchange in 1904.<sup>3</sup>

#### *THE TELEPHONE IN COUNCIL BLUFFS*

The history of the telephone in Council Bluffs follows the same trajectory as many other communities throughout the country. When Alexander Graham Bell, Gardiner Hubbard and Thomas Sanders officially organized the Bell Telephone Company in Boston, Massachusetts on July 9, 1877, they did not intend to build a national system of communication. Instead, the company was founded a little over a year after Alexander Graham Bell spoke into the "talking telegraph" instrument to protect the patents that would eventually change the lines of communication forever. Early in its history,

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<sup>1</sup> (Our History: 19th Century Council Bluffs History, 2021)

<sup>2</sup> Ibid.

<sup>3</sup> (Jennings, 1982)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

the company made the decision to sell service as opposed to just selling equipment, knowing the Bell Telephone patents would expire. The company began licensing local businessmen in cities across the country to sell telephone service using the patented Bell telephone, in effect creating telephone franchisees. A standard contract was worked out which gave the Bell Telephone Company, which was later reorganized as American Bell, a stock interest in each newly formed operating company. The contracts defined territories and set out the basic relationship between operating companies and American Bell.

During the first year, most telephone service throughout the country consisted of connecting two phones located in two different locations. In many cases, the phones were leased by the company to a telephone service subscriber in pairs. Telegraph contractors would then be hired to string the wires between the two locations. The same was true in Council Bluffs when a telephone was put up between Stewart Brothers packing house and wholesale grocery in mid-November of 1877.<sup>4</sup>The packing house and grocery were located approximately a mile and a quarter apart. The local newspaper, the Daily Nonpareil, also noted other phones were put up connecting two locations in the city the following year.

As the use of the telephone expanded, the viability of connecting pairs of phones by stringing individual telephone lines between two locations proved cumbersome, redundant, and economically draining. The invention of the telephone switchboard provided a phone connection to a centrally located panel instead of direct connection between individual phones. Subscribers would place a call to the central office where the switchboard and equipment were located, and an operator would then route their call to another phone using the switchboard. Each central office could have multiple switchboards depending on the number of subscribers it served. The central office often covered the telephone subscribers in a small geographic area, such as a city or town. This geographical service area was referred to as a telephone exchange.

*Competing Telephone Exchanges*

Plans to construct a telephone exchange in Council Bluffs became a reality in 1879. The Council Bluffs Electric Company was formed in September of 1879.<sup>5</sup> Half the stock of the company was owned by prominent Council Bluffs citizens while the other half was owned by the Omaha Electric Company.<sup>6</sup> The central office of the Council Bluffs exchange was located over Peregoy and Moore's tobacco store, located in the 400 block of West Broadway.<sup>7</sup> A November 11, 1879 newspaper article stated that the Council Bluffs Telephone Exchange had opened for business with a total of 75 subscribers.<sup>8</sup>

During the early 1880s the company continued improving the existing system with new equipment, adding additional branch lines throughout the city of Council Bluffs, and connecting to other communities throughout western Iowa and

<sup>4</sup> (A Successful Telephone, 1877)

<sup>5</sup> (Daily Nonpareil, 1879)

<sup>6</sup> The Omaha Electric Company was an entity organized to construct and operate a telephone exchange across the river in Omaha, Nebraska. The company began erecting telephone poles in Omaha in May of 1879.

<sup>7</sup> It is unclear whether the original building remains standing. The 1879 City Directory listed the address of Peregoy and Moore at 409 M (middle) Broadway. The 1885 Sanborn Map indicates a tobacco establishment existed at 419 West Broadway and the 1884-85 City directory listed the address of Peregoy and Moore at 419 Broadway. By 1888, the tobacco company was listed at 29 South Main Street. The building at 419 West Broadway is no longer extant and has been replaced by a five-story building constructed in 1968, identified currently as 421 West Broadway. The current building at 29 South Main Street was identified as a one-story building in an 1891 Sanborn Map. Today a two-story building stands at 29 South Main Street.

<sup>8</sup> (Telephone Taps, 1879)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

eastern Nebraska.<sup>9</sup> In 1883, the Nebraska Telephone Company, the successor of the Omaha Electric Company, took control of the Bluffs Exchange and by May of the same year had 323 subscribers and 160 miles of wire in Council Bluffs.<sup>10</sup>

By the mid-1880s city directories listed the address for Nebraska Telephone Company's Council Bluffs central office as 501 Broadway.<sup>11</sup> Continued growth required installation of additional poles and cable and in November of 1888, the interior of the telephone exchange was enlarged and remodeled.<sup>12</sup> Six years later, the telephone exchange office and new switch board moved to the Baldwin Block at 507 West Broadway.<sup>13</sup> The building, which is no longer extant, was a prominent five-story structure on the southeast corner of West Broadway and Pearl Streets.

Like its predecessors, the Nebraska Telephone Company operated under a Bell telephone franchise. The American Bell Company and their subsidiaries held a monopoly over the telephone industry while the telephone patents were in effect. An April 1881 newspaper article contributed Nebraska Telephone Company's increase in rates to "the Bell Telephone Company who requires us to pay them the rentals for their instruments in advance."<sup>14</sup> This type of relationship between Bell and each franchisee existed until the primary patents expired in 1893.

Nine years prior to the expiration of Bell's telephone patents, the national company determined the best way to ensure their success was to provide connection service between franchisees and eventually other independent companies. American Bell set up a brand-new subsidiary, The American Telephone and Telegraph Company (AT&T) whose mission was to build and operate the nation's first long distance network. When the Bell patents expired, other companies began to manufacture telephone and switchboards to directly compete with Bell. Independent telephone companies were organized in cities and towns throughout the country. Most of these independent companies were single exchange companies established in cities regardless of whether the Bell company already established an exchange.<sup>15</sup> The first independent Iowa exchange was built in Jefferson the early 1890s.<sup>16</sup> The competition between the independent companies and the Bell System was fierce.

Council Bluffs City Council meetings during this time periodically heard debates on whether independent telephone exchanges should be permitted within the city to encourage competition and provide the lowest price for telephone service possible. The local newspaper printed several different articles regarding potential entities, particularly in 1895 and again shortly after the turn of the twentieth century. In 1902 the right of the Nebraska Telephone Company to operate the only telephone exchange in Council Bluffs was called into legal question.<sup>17</sup> Three years later, the Iowa

<sup>9</sup> (Local Matters, 1880), (Inter-City Telephone Lines, 1882)

<sup>10</sup> (First CB-New York Phone Call Clear As A Bell--Mrs. Rosch, 1964), (Madden, 1931), 16.

<sup>11</sup> 501 Broadway was probably referring to 510 West Broadway located on the southwest corner of West Broadway and South Main (5th) Streets since this was traditionally near the commercial core of the city. All buildings along West Broadway between South Main and Pearl Streets are no longer extant. The area is currently the First Responders Memorial Plaza. If the address listed in the city directory was referring 501 East Broadway, the 1885 Sanborn map indicates a feed and sale building stood at the location. This building is also no longer extant.

<sup>12</sup> (Daily Nonpareil, 1888)

<sup>13</sup> (Will Change Quarters Today, 1894)

<sup>14</sup> (Council Bluffs Telephone Exchange Company, 1881)

<sup>15</sup> (Deering, 1942), 300.

<sup>16</sup> (Deering, 1942), 300.

<sup>17</sup> The county attorney argued that the original ordinance passed by the city council in 1888 for the telephone company's franchise agreement did not meet the requirements of the law. According to the county attorney, the member quorum was not met because the records indicate there is no roll call nor a roll call vote. (New Phone Move, 1902) If the county would have won the case, the Nebraska Telephone Company would have been required to negotiate a new franchise agreement, which would have been difficult given the anti-Bell sentiment of the time.

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

Supreme Court ruled in favor of the Nebraska Telephone Company.<sup>18</sup> The company's right to occupy the roads and streets of Council Bluffs and Pottawattamie County was upheld.

Despite the state ruling, on March 27, 1905 Council Bluffs residents voted to allow a second telephone franchise, the Independent Telephone Company of Council Bluffs, to exist within the city.<sup>19</sup> The independent company immediately began making arrangements to connect with fourteen other independent telephone companies from southwest Iowa along with initiating construction of the necessary utilities and exchange office.<sup>20</sup> Construction contracts for an exchange office at 37-39 Main Street (northeast corner of Main Street and 1st Avenue) were let to Wilkham Brothers and P.H. Wind with an estimated cost of \$14,000 to be completed by February of the following year.

*Construction of the 12 Scott Street Telephone Exchange*

The Nebraska Telephone Company continued expanding and improving their exchange to meet the growing demand for telephone service within the city limits and to expand service to rural areas throughout Pottawattamie County.<sup>21</sup> This work commenced despite the legal battle and prospects of an independent telephone company emerging within the city during the first decade of the twentieth century. In 1903 the company purchased property for a new central exchange office at 12 Scott Street just south of Indian Creek between Scott Street and North 6<sup>th</sup> Street. By July of the same year, the local architecture firm of Cox and Schoentgen began developing plans for the new building.<sup>22</sup> Excavation for the two-story building began in September and costs for the building project were estimated to be \$20,000.

In addition to constructing a new building, the Nebraska Telephone Company invested in new underground telephone wire conduit throughout the downtown business district, the result of an enacted city ordinance which prescribed moving all overhead wire below ground.<sup>23</sup> The company also purchased a new \$30,000 central energy switchboard which included a new type of circuit that did away with hand cranking to connect to the switch station.<sup>24</sup> On June 7, 1904, the new building was complete and the Nebraska Telephone Company moved from their central office on the fifth floor of the Baldwin Block to their new building at 12 Scott Street. Business offices, an inspection department, a terminal room, and batteries were located on the first floor of the new building. The central office, switchboard and employee break room were located on the second floor.<sup>25</sup>

Both the Independent Telephone Company of Council Bluffs and the Nebraska Telephone Company continued investment in their respective systems once construction was complete on their exchange buildings. Legal battles ensued like many other cities throughout the country with multiple telephone exchange companies competing for business. In Council Bluffs legal injunctions between the two companies over street right-of-way began as early as December of 1905.<sup>26</sup>

*Consolidation of the Telephone Exchanges*

Such battles continued until 1911 when the companies merged and retained the Independent Telephone Company of Council Bluffs name. This merger reflected a state-wide trend to consolidate exchanges within a city or town to unify service. The mergers enabled subscribers to obtain all service from one telephone company instead of multiple

<sup>18</sup> (Victory for Nebraska, 1905)

<sup>19</sup> (The Telephone Magazine, 1905)

<sup>20</sup> (Telephone Men in Session, 1905)

<sup>21</sup> (Running New Lines, 1903)

<sup>22</sup> (Building Progress, 1903)

<sup>23</sup> (Telephone Company Builds, 1903)

<sup>24</sup> (Call Central Without Bell, 1903), (Pushing Telephone Building, 1903).

<sup>25</sup> (Can't Ring Central, 1904)

<sup>26</sup> (Telephone War On, 1905)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

companies. Until this time businesses in Council Bluffs were obliged to have two telephones to reach all community residents, since one phone was connected to the subscribers of the Independent Telephone Company and the other to subscribers of the Nebraska Telephone Company.<sup>27</sup> Although the company retained the independent name, most of the company's stock was held by Bell telephone interests in Nebraska.<sup>28</sup>

With the merger, the consolidated company began construction on a building addition to the exchange at 12 Scott Street. The expansion was required to accommodate the exchange equipment for the consolidated system in one central location.<sup>29</sup> Previous construction of a closed culvert to control flooding at Indian Creek made the north side of the telephone company's property feasible. Designed by architect F.E. Cox and constructed by Jensen Brothers, a two-story addition extended the frontage on Scott Street to the north by forty-four feet and another addition along the alley to the west by forty-one feet, giving the entire building an "L" shaped footprint. An article from the Evening Nonpareil notes that the "front of the new structure will be an exact reproduction of the front of the present building."<sup>30</sup> In February of 1912 the addition was complete with additional business offices on the first floor along with more space for the switchboard, restrooms and a kitchen on the second floor. At this time, the consolidated company's exchange operated from the 12 Scott Street building and closed the exchange at 37-39 South Main Street.

The following year, the Independent Telephone Company of Council Bluffs leased the second floor of the 37-39 South Main Street to the Iowa Telephone Company. By 1914 the address was simplified to 39 South Main Street. The building would house the business office headquarters for the newly formed western district, which had been established after the state of Iowa was divided into eastern and western districts by the Iowa Telephone Company. Since the Independent Telephone Company of Council Bluffs and the Iowa Telephone Company were considered Bell organizations, the lease was mutually advantageous. The Iowa Telephone Company owned or controlled all Bell telephone exchanges in Iowa, except for the Independent Telephone Company of Council Bluffs in which the Nebraska Telephone Company was still the largest stockholder.

Four years prior, the Nebraska Telephone Company, the Iowa Telephone Company and the Northwestern Telephone Exchange became known as the Northwestern Group of Bell Telephone Companies with a general office established in Omaha. The company president, Casper Yost, had been serving as president for all three companies for many years prior. In December of 1920, the name of the Iowa Telephone Company was changed to Northwestern Bell Telephone Company and in January of 1921 the latter company acquired the Northwestern Telephone Exchange and the Nebraska Telephone Company.<sup>31</sup> During this time mergers and consolidations within the Bell system were very common. Northwestern Bell was one of many local operating companies, often referred to as Baby Bells, under the nation-wide Bell System umbrella.<sup>32</sup> Although the corporate office for Northwestern Bell was in Omaha, it was officially an Iowa corporation.

In 1924, Northwestern Bell Telephone Company officially acquired the holdings of the Independent Telephone Company of Council Bluffs. Since the Bell company already owned much of the stock in the local company, the change was primarily a name transfer that had little meaning to subscribers and a similar situation played out in other

<sup>27</sup> (Consolidation is Final Result, 1911)

<sup>28</sup> (Stock Exchange Plan at Council Bluffs, 1913)

<sup>29</sup> (Building Operations for Coming Season Will Be Very Extensive, 1911)

<sup>30</sup> (Telephone Company Begins Work, 1911)

<sup>31</sup> (U.S. House, 1935)

<sup>32</sup> By the 1940s the nation-wide Bell System network was composed of AT&T, Bell Telephone laboratories (established in 1925), Western Electric (1881) and 22 local operating companies (often referred to as Baby Bells).

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

exchanges throughout the region and country.<sup>33</sup> By 1925 there was no business listings in the city directory for 37-39 South Main Street.<sup>34</sup>

#### *Advances in Telephone Communication*

The company continued making improvements throughout the growth and prosperity of the 1920s to keep with rising demand. As the number of service subscribers increased, additional equipment was needed to serve new customers. This included additional switchboards, equipment, telephone line extensions, etc. Technology was constantly changing and included the continued mechanization and automation of the telephone system.

Although the advent of the rotary dial can be traced back to the late 1880s, it took decades to spread across the country and it was not until the 1950s that most of all telephones in the Bell system were dial operated.<sup>35</sup> In 1939, Northwestern Bell announced a plan to replace manual service with dial service in Council Bluffs. Manual service relied on operators to transfer calls from person to person. Rotary dial service allowed the calls to be made automatically without an operator. Instead of lifting the receiver from its cradle and speaking directly to an operator, callers would use a rotary dial telephone to dial the phone number of the person they wished to speak with. The dial on the rotary phone had ten holes, large enough for a fingertip, numbered 0 through 9. As the caller dialed each number and the dial rotated back to its starting position, electrical pulses were sent down the phone line to the exchange. The pulses in the current from the rotary dial activated step-by-step electromechanical switching equipment and automatically routed the call. The transition from manual service to dial service required additional space for the larger switching equipment. By the end of 1939 construction was underway for another two-story addition to the building at 12 Scott Street. The expansion filled the rest of the company owned lot to the north and west of the existing building. Designed by local architect J. Chris Jensen and constructed by local builder C.C. Larsen and Sons, the addition was part of the telephone company's \$700,000 program to bring dial service to Council Bluffs.<sup>36</sup> The work was completed the following year.

According to a newspaper article discussing the 1940 addition, "Floor space will be approximately doubled...Present space will be utilized for the business office and other office space as well as for long distance switchboards, information and dial service assistance switchboards." The addition would be "structurally much stronger than the ordinary two-story building because of the immense weight of the dial system equipment."<sup>37</sup>

#### *Post-War Growth of the Telephone System*

Nationally the telephone system expanded dramatically after the conclusion of World War II. The same trend was evident in Council Bluffs. When the 1940 addition was completed, approximately 8,800 telephones served the community. By 1947 the number exceeded 12,700 subscribers.<sup>38</sup> As a result, another addition was planned at 12 Scott Street to provide much needed space that could support the weight of additional equipment necessary to meet the growing demand. C.C. Larsen and Sons was again chosen as the contractor for Northwestern Bell's remodeling project. The 1947 addition was designed by local architect, G.B. Larson. A portion of the existing building along the south side,

<sup>33</sup> (Bell Company Buys the Local System, 1924)

<sup>34</sup> The history of the 37-39 South Main Street building in the early 1920s is unclear. Sanborn maps from 1928 indicate there was a filling station at 37-39 South Main Street. The west end of the two-story building was open to the street at the first story. A fire in early May of 1933 destroyed much of the neighboring building at 33-35 South Main Street. It notes there was also damage to the building at 39 South Main Street. The 1962 Sanborn indicates the first-floor level was no longer open on the west.

<sup>35</sup> By 1952, 80 percent of all telephones in the national Bell System were dial operated. (Pilliod J. J., 1952)

<sup>36</sup> (Jensen Awarded Phone Building, 1939), (Larsens Awarded Phone Contract, 1939)

<sup>37</sup> (Jensen Awarded Phone Building, 1939)

<sup>38</sup> (Phone Company to Build Addition, 1947)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

originally constructed in 1912, was torn down to accommodate the new addition.<sup>39</sup> The new addition was built using the same structural system implemented in the 1940 addition. The \$80,000 remodeling project was part of the company's \$270,000 program to improve telephone service in the community.<sup>40</sup>

Undertaking such renovation projects, instead of constructing a new, larger building, was typical to the Bell system during this time. Because the phone company was a government-regulated, corporate monopoly there was always concern regarding the balance between capital investment, required need and public perception. Therefore, it was company policy to construct only the amount of building necessary at the time.<sup>41</sup>

Such incremental growth was also reflected in the way existing space in the building was reallocated. As the 1947 addition was nearing completion, the district business offices were moved from 12 Scott Street to the second floor of the Council Bluffs Savings Bank.<sup>42</sup> Moving the district office provided more space for switchboard equipment on the second floor. When more switchboard space was needed in 1953, the local business office was moved into leased space across the street at 25 Scott Street.<sup>43</sup> With the growth of switchboard space, private offices were removed on the second floor to accommodate the equipment and additional operators. By this time, a clear delineation of space utilization was apparent. The west side of the building was used to house the telecommunications equipment including the switching equipment for both toll and central lines. There were open desk areas at the west half of the building for a few staff directly supporting the equipment on each floor. The east half of the building accommodated most of the system's support staff including the switchboard operators, engineers, repairmen, etc. Most of the space had been remodeled to accommodate the open work areas required for the switchboards, switchboard operators, engineers who tested the equipment and repairmen who made sure it remained in working order. The building truly became the heart of the city and surrounding area's communication system. All lines of communication came through 12 Scott Street.

The continued increase in telephone use persisted throughout the country in the 1950s and 1960s. By 1953, Northwestern Bell Telephone Company was serving 1,750,000 telephones throughout its region and was spending \$50 million in construction to satisfy the rising demand for service.<sup>44</sup> The exchange in Council Bluffs reached over 21,100 by 1956, more than twice as many phones as there were in the city at the end of World War II.<sup>45</sup> As the numbers continued to climb the necessity of enlarging and improving telephone infrastructure/equipment and constructing or renovating facilities increased. Between 1956 and 1957 a third level was constructed on the west portion of the building to accommodate more call handling equipment. When the 1940 and 1947 additions were constructed, future growth was anticipated, a standard approach employed by the Bell company. The roof of the second floor was built to support more than roof loads. It was structured to handle equipment loads if additional stories were constructed in the future. In addition, the steel I-beams encased in each concrete column were extended a foot or so above the roof of the second floor and capped for future use. When construction of the third floor commenced in 1956, the caps were removed, new steel I-beams were hoisted to the roof and bolted onto the exposed ends.<sup>46</sup> This method of construction

<sup>39</sup> Based on the shift in brick hues at the south facade, it appears that the southwest section of the 1912 addition was demolished and replaced with a 4-bay wide addition, situated between the extant 1912 addition and the 1940 addition, with brick cladding that matches the brick used for the 3<sup>rd</sup> floor.

<sup>40</sup> (Phone Co. Plans Remodeling Here, 1947)

<sup>41</sup> A 1952 Bell Magazine published that building space too far ahead of current needs ties up capital which could be used for other purposes. (Pilliod J. J., 1952) 182.

<sup>42</sup> (Phone Company to Build Addition, 1947)

<sup>43</sup> (Phone Co. To Move Business Offices, 1953)

<sup>44</sup> (Northwestern Bell Telephone Company Annual Report for the Year 1953, 1953), 10.

<sup>45</sup> (Telephone Co. to Expand Here, 1956)

<sup>46</sup> (Foresight Aids Bluffs Project, 1956)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

was used by the Bell companies to reduce the cost of incremental growth in their facilities and more importantly, avoid exposing the exchange equipment on lower levels which could cause telephone service outages during construction.

The expansion of rotary dial service continued as more and more businesses and households depended on the phone company to communicate. Those customers that wished to place long distance calls still did so by speaking to a switchboard operator who would route their call, but by 1961 customer long distance direct dialing was introduced in Council Bluffs which further improved the system.<sup>47</sup> Despite the connectivity it provided, dial service had its disadvantages. The electromechanical components in the switching system had a limited life and required constant upkeep. For the customer, the amount of time required to place a call was limited by the operating speed of the rotary dial and the electromechanical switches. By the mid-1960s AT&T began expanding an electronic switching system, referred to as ESS. This system used a telephone switch that was based on electronic instead of electromechanical components. The switches would magnetically store information to electronically route a call. The time required to make the connection over ESS was a fraction of the time required by a rotary dial. The new system also made touch-tone dialing, three-way calling, call transfer and speed dialing options available to the customer.

The small site at 12 Scott Street could not accommodate the continued growth of the telephone company in Council Bluffs or the transition to ESS. In 1969 the company was serving more the 35,000 telephones, approximately four times the number that existed in 1940. During the same year, Northwestern Bell announced plans for an eight-million-dollar service expansion and improvement program in the city. The program included a 2.7 million-dollar five-story communications center at the intersection of Oakland and Washington Avenue (now 310 West Kanesville Boulevard) to house a 5.3 million-dollar electronic switching system.<sup>48</sup> Building construction was completed, and personnel began to occupy the new space in October of 1970, although the new telephone exchange equipment was not placed into service until July of 1971.<sup>49</sup> The existing long-distance equipment remained in the 12 Scott Street building along with quarters for the telephone operators, but both were quickly phased out of the building. By 1976, the 12 Scott Street building was abandoned by Northwestern Bell and put up for sale. Since that time, the building has been occupied by the Iowa Department of Social Services and as additional office space for the Council Bluffs school district.

In conclusion, from 1904 to 1971 the building at 12 Scott Street was the heart of Council Bluffs' telecommunication history. The building is locally significant under Criterion A and representative of telephone history as the headquarters of Council Bluff's telephone exchange for almost seventy years. The construction of multiple building additions reflects the continued expansion of the community and continued growth of the telephone industry locally.

### Archaeology Statement

The potential for any prehistoric or historic archaeological remains within or beyond the footprint of the property was not assessed as part of the present National Register nomination.

If knowledge of prehistoric or historic archeological remains within or adjacent to the boundaries of this resource come to light, the owner should consider an archeological assessment before proceeding with any future development.

<sup>47</sup> (First CB-New York Phone Call Clear As A Bell--Mrs. Rosch, 1964)

<sup>48</sup> (Announce \$8,000,000 Bell Expansion Plan, 1969)

<sup>49</sup> (Bell Building All Lit Up, 1970) (New System Puts Damper On Intercoms, 1970)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

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Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

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**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_
- recorded by Historic American Landscape Survey # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other

Name of repository: Council Bluffs Public Library

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

**10. Geographical Data**

**Acreage of Property** less than one \_\_\_\_\_

(Do not include previously listed resource acreage; enter "Less than one" if the acreage is .99 or less)

**Latitude/Longitude Coordinates**

Datum if other than WGS84: \_\_\_\_\_  
(enter coordinates to 6 decimal places)

Council Bluffs Telephone Exchange

Pottawattamie County, Iowa

Name of Property

County and State

1	<u>41.261565</u>	<u>-95.850712</u>	3	<u></u>	<u></u>
	Latitude	Longitude		Latitude	Longitude
2	<u></u>	<u></u>	4	<u></u>	<u></u>
	Latitude	Longitude		Latitude	Longitude

**Verbal Boundary Description** (Describe the boundaries of the property.)

AS BLK 6 MYNSTER-BLK 2 BAYLISS LT N. It occupies the center portion of the east side of the block bound by West Broadway at the south, North 6<sup>th</sup> Street at the west, W. Kanesville Boulevard at the north, and Scott Street at the east.

**Boundary Justification** (Explain why the boundaries were selected.)

The boundary includes the lots associated with the telephone exchange property currently and during its period of significance.

**11. Form Prepared By**

name/title Christina Jansen, Cale Miller, and Caitlin Benton date December 2, 2020  
organization Alley Poyner Macchietto Architecture telephone 402-341-1544  
street & number 1516 Cuming Street email cjansen@alleypoyner.com  
city or town Omaha state NE zip code 68102

**Additional Documentation**

Submit the following items with the completed form:

- **GIS Location Map (Google Earth or BING)**
- **Local Location Map**
- **Site Plan**
- **Floor Plans (As Applicable)**
- **Photo Location Map** (Key all photographs to this map and insert immediately after the photo log and before the list of figures).

Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

**Photographs:**

Submit clear and descriptive photographs under separate cover. The size of each image must be 3000x2000 pixels, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and does not need to be labeled on every photograph.

**Photo Log**

**Name of Property:** Council Bluffs Telephone Exchange  
**City or Vicinity:** Council Bluffs  
**County:** Pottawattamie **State:** Iowa  
**Photographer:** Alley Poyner Macchietto Architecture  
**Date Photographed:** As noted

Description of Photograph(s) and number, include description of view indicating direction of camera:

- Photo 1 of 20: East elevation. Looking west. July 18, 2019.
- Photo 2 of 20: South elevation. Looking north. July 18, 2019.
- Photo 3 of 20: Southwest corner of the building. Looking northeast. July 18, 2019.
- Photo 4 of 20: West elevation. Looking east. July 18, 2019.
- Photo 5 of 20: Northwest corner of the building. Looking southeast. July 18, 2019.
- Photo 6 of 20: North elevation. Looking south. July 18, 2019.
- Photo 7 of 20: Northeast corner of the building. Looking southwest. July 18, 2019.
- Photo 8 of 20: Central Stair at 1<sup>st</sup> Floor. Looking north. September 16, 2020.
- Photo 9 of 20: Central Stair between 3<sup>rd</sup> Floor and rooftop penthouse. Looking south. September 16, 2020.
- Photo 10 of 20: West Stair at 2<sup>nd</sup> Floor. Looking west. September 16, 2020.
- Photo 11 of 20: Elevator Lobby at 2<sup>nd</sup> Floor. Looking north. September 16, 2020.
- Photo 12 of 20: 1<sup>st</sup> Floor. Stair to side entry within Central stairwell. Looking south. September 16, 2020.
- Photo 13 of 20: 1<sup>st</sup> Floor. Office at northeast corner. Looking northeast. September 16, 2020.
- Photo 14 of 20: 1<sup>st</sup> Floor. Restroom at southeast side. Terrazzo floor detail. September 16, 2020.
- Photo 15 of 20: 1<sup>st</sup> Floor. West side, open area. Looking north. September 16, 2020.
- Photo 16 of 20: 2<sup>nd</sup> Floor. Office at southeast corner. Looking east. September 16, 2020.
- Photo 17 of 20: 2<sup>nd</sup> Floor. Terrazzo stair to Central stairwell. Looking west. September 16, 2020.
- Photo 18 of 20: 3<sup>rd</sup> Floor. Hallway. Looking north. September 16, 2020.
- Photo 19 of 20: 1<sup>st</sup> Floor. Ceiling. Looking south. April 25, 2021.
- Photo 20 of 20: 2<sup>nd</sup> Floor. Ceiling. Looking southwest. April 25, 2021.

Council Bluffs Telephone Exchange

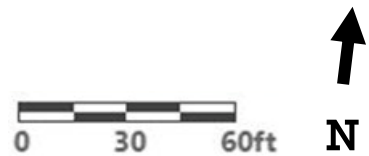
Name of Property

Pottawattamie, Iowa

County and State



Figure 2: Council Bluffs Telephone Exchange Site Plan. Source: Pottawattamie County GIS Map Viewer.



Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State

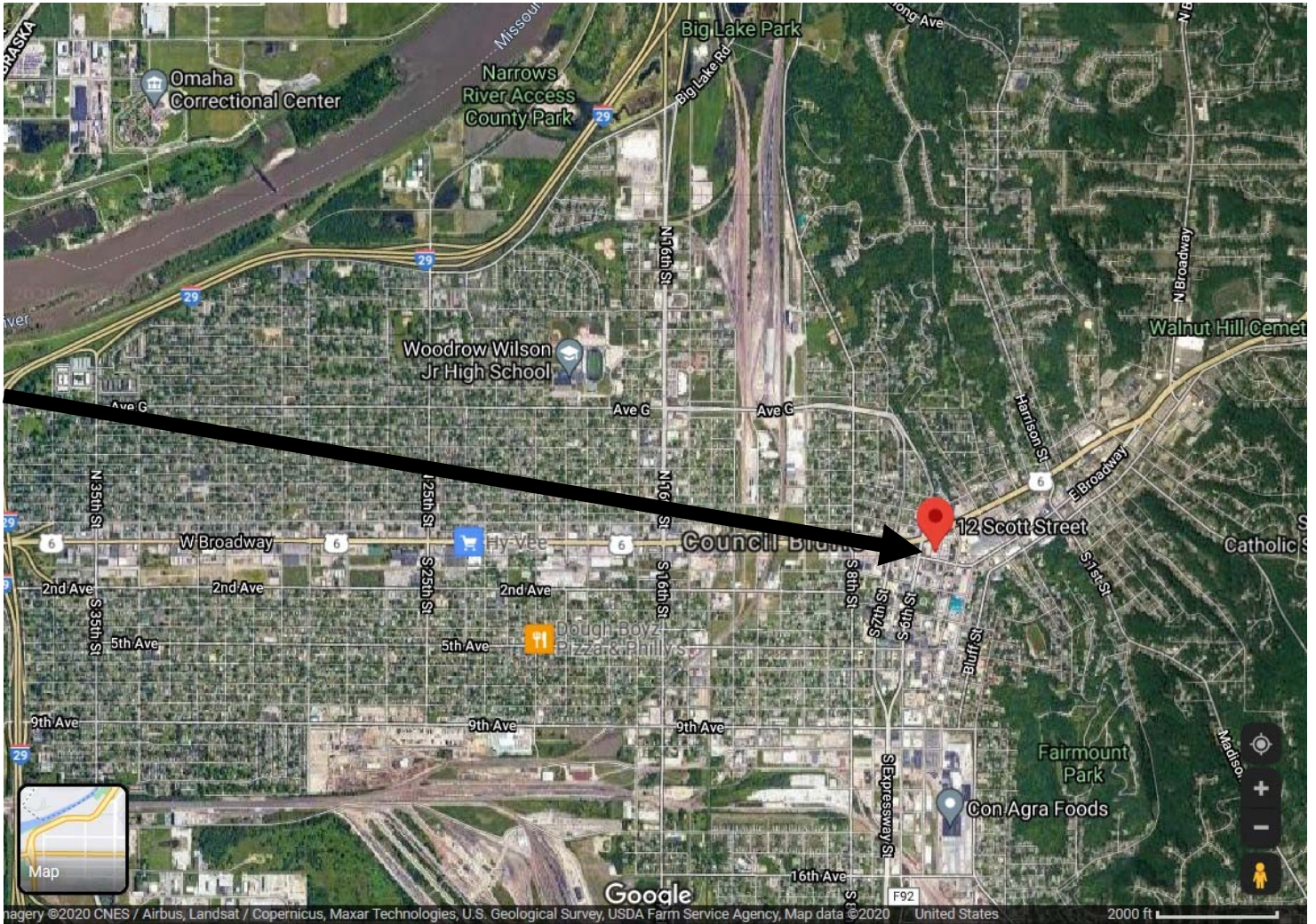


Figure 3: Council Bluffs Telephone Exchange Location Map. Source: Google Earth, 2020.



Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

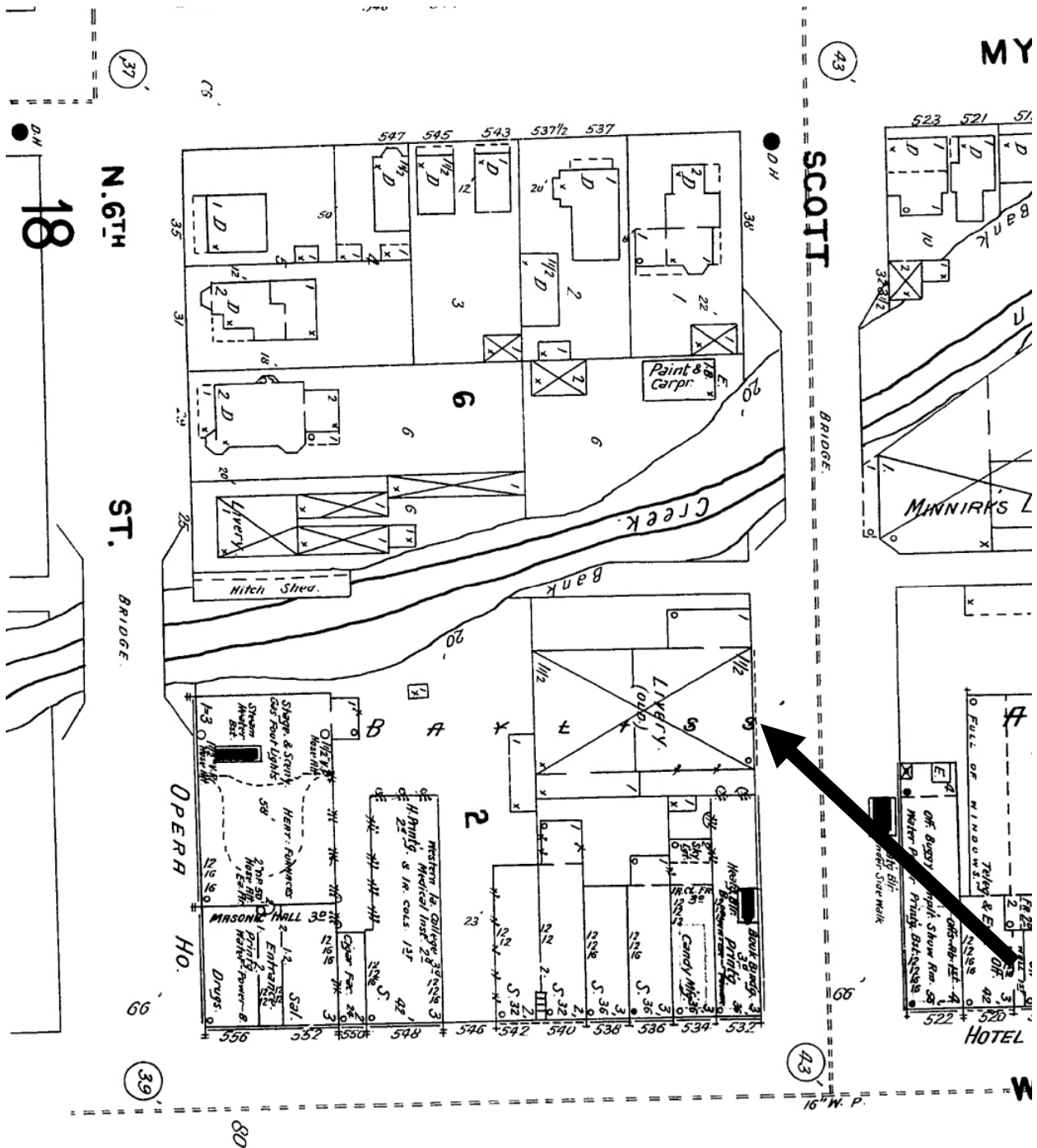


Figure 4: Sanborn Map Company, Insurance Maps of Council Bluffs, Iowa. New York: 1896. Digital. Council Bluffs Public Library. Council Bluffs, Iowa. Shaded area indicates location of Council Bluffs Telephone Exchange in 1896, prior to its construction.

Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

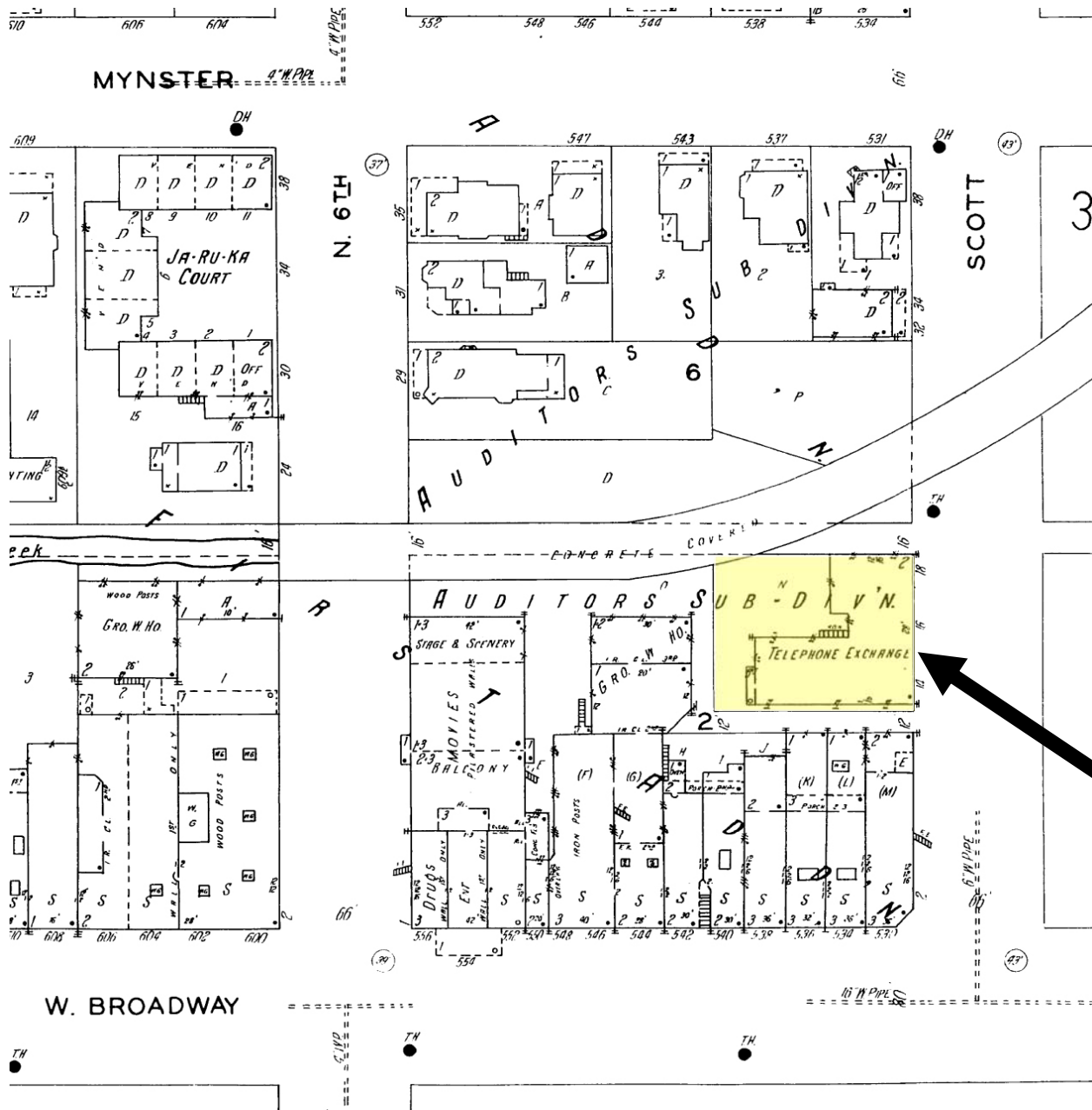


Figure 5: Sanborn Map Company, Insurance Maps of Council Bluffs, Iowa. New York: 1928. Digital. Council Bluffs Public Library. Council Bluffs, Iowa. Shaded area indicates location of Council Bluffs Telephone Exchange in 1928.

Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

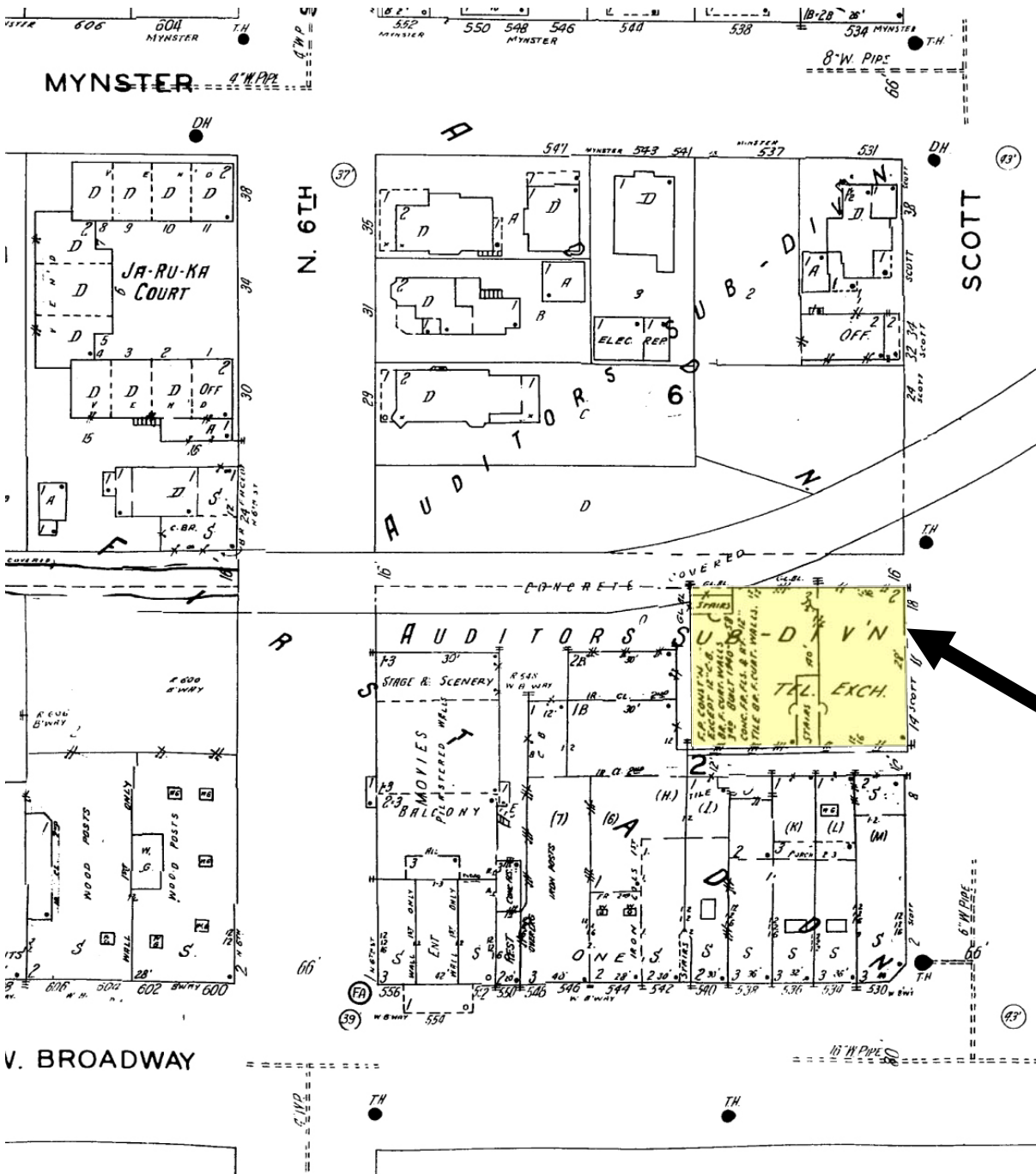


Figure 6: Sanborn Map Company, Insurance Maps of Council Bluffs, Iowa. New York: 1962. Digital. Council Bluffs Public Library. Council Bluffs, Iowa. Shaded area indicates location of Council Bluffs Telephone Exchange in 1962.

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State



Figure 7: This photograph, captioned "Staff at the Council Bluffs, Iowa office working at their desks Northwestern Bell Telephone Company," is a part of the Bostwick-Frohardt collection. Although labeled staff at the Council Bluffs office, it is unclear if this is the 12 Scott Street location. There are several differences between the photograph and the existing building. The window fenestration on the right-hand side of the photograph does not appear to match the existing building. There does not appear to be any visible scarring at the floor and ceiling of the existing building to reflect the location of the wall with the paneled door and transoms (shown in the background of this photograph). The wood trim on the columns in the photograph does not exist at the existing columns. The columns on first floor are currently wrapped in plaster. There are two door openings on the left-hand side of the photograph that appear to be in the area where two historic vaults are in the existing building. The sign above the door furthest to the background is labeled "Manager" instead of "Vault." Photographic source: Bostwick-Frohardt Collection, Owned by KM3TV and on permanent loan to The Durham Museum. Identifier BF92-1655. Dated 1912-04-05.

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State



Figure 8: This photograph is included as an example of what telephone exchanges generally looked like on the interior. The switchboard equipment and switchboard operators shown here would be an important part of a typical Northwestern Bell Telephone Company facility such as the exchange at 12 Scott Street. The photograph illustrates the types of interior finish materials used in rooms where the switchboard and switchboard operators were located. Equipment and staff like this occupied the second floor on the east half of the building at 12 Scott Street. The photograph is captioned "Telephone operators working the switchboard at the Council Bluffs, Iowa exchange," and is a part of the Bostwick-Frohardt collection. Although labeled as the Council Bluffs office, this is NOT the 12 Scott Street location. The window fenestration on the right-hand side and in the background of the photograph does not appear to match the existing building. In addition to spacing and lack of grouped window compositions, each of these openings appear to have a transom above. Photographic source: Bostwick-Frohardt Collection, Owned by KM3TV and on permanent loan to The Durham Museum. Identifier BF92-686. Dated 1921-12-18.

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State

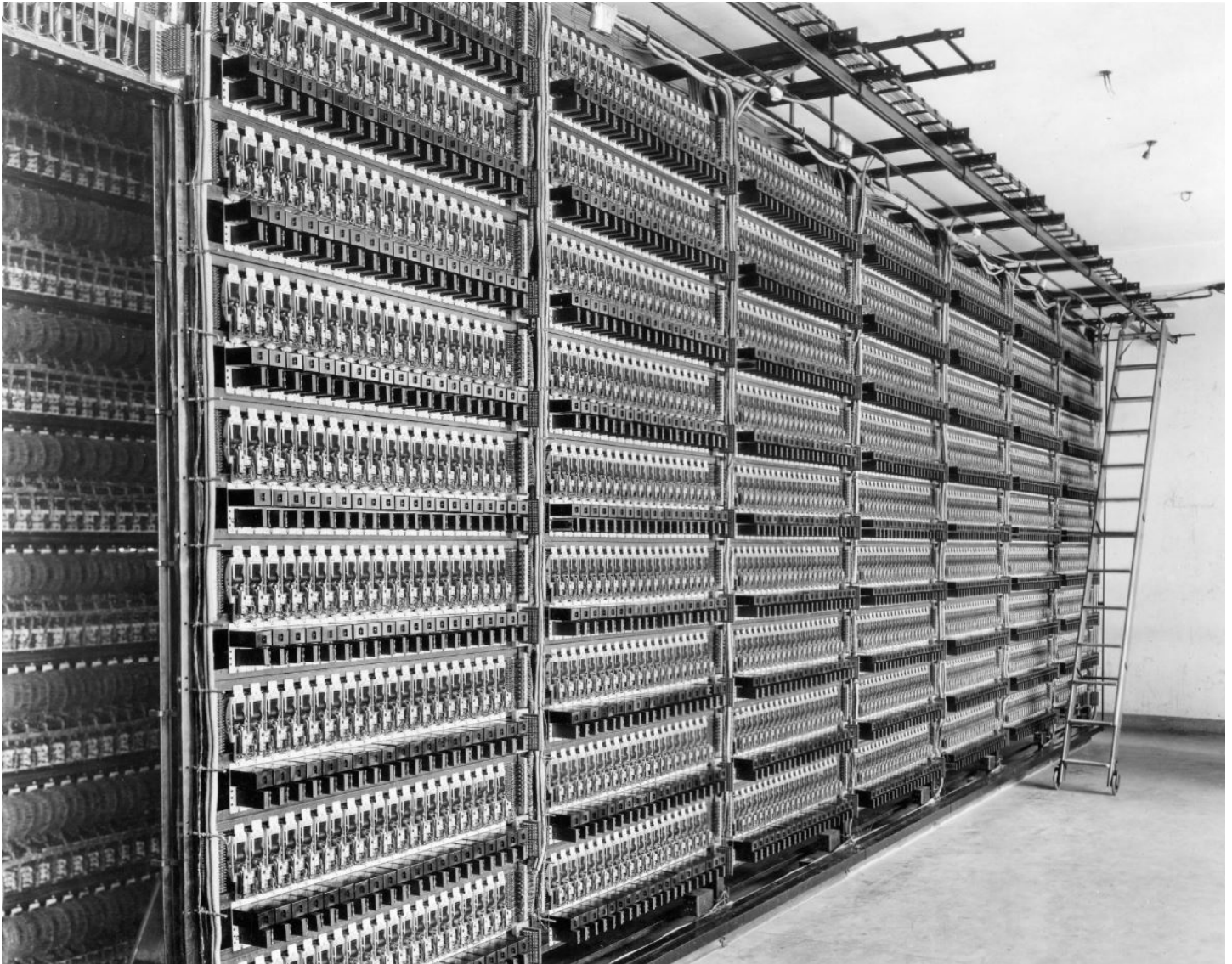


Figure 9: This photograph is included as an example of what telephone exchanges generally looked like on the interior. This photograph was NOT taken in the 12 Scott Street facility. It was taken at an unknown location and is titled, "An automatic switching board at Northwestern Bell Telephone Company." The automatic switching equipment illustrated was typically installed in a Northwestern Bell Telephone Company facility such as the exchange at 12 Scott Street. The photograph illustrates the types of interior finish materials used in rooms where the switching equipment was typically housed. Equipment like this could have been installed in the 1947 and 1956 additions. Photographic source: Bostwick-Frohardt Collection, Owned by KM3TV and on permanent loan to The Durham Museum. Identifier BF92-932. Dated 1929-07-20.

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State



Figure 10: This photograph is included as an example of what telephone exchanges generally looked like on the interior. This photograph was NOT taken in the 12 Scott Street facility. It was taken at an unknown location and is titled, "A man air hosing off a switching board at the phone company." The switching equipment illustrated was typically installed in a Northwestern Bell Telephone Company facility such as the exchange at 12 Scott Street. The photograph also illustrates the types of interior finish materials used in the rooms where the switching equipment was typically housed. Equipment like this could have been installed in the 1947 and 1956 additions. Photographic source: Bostwick-Frohardt Collection, Owned by KM3TV and on permanent loan to The Durham Museum. Identifier BF92-1405. Dated 1936-03-12.

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State



Figure 11: This photograph is included as an example of what telephone exchanges generally looked like on the interior. This photograph was NOT taken in the 12 Scott Street facility. It was taken at an unknown location and is titled, "A group of men working on some telephone equipment in a workshop." The photograph illustrates repair space at a typical Northwestern Bell Telephone Company facility and the finishes within the rooms where the engineers typically worked. A past employee of the Council Bluffs exchange at 12 Scott Street remembered the space on first floor being similar to this in the 1950s: open with work desks. Photographic source: Bostwick-Frohardt Collection, Owned by KM3TV and on permanent loan to The Durham Museum. Identifier BF92-1143. Dated 1931-04-29.

Council Bluffs Telephone Exchange  
Name of Property

Pottawattamie, Iowa  
County and State

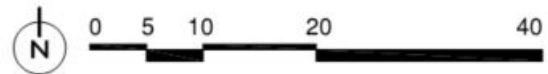
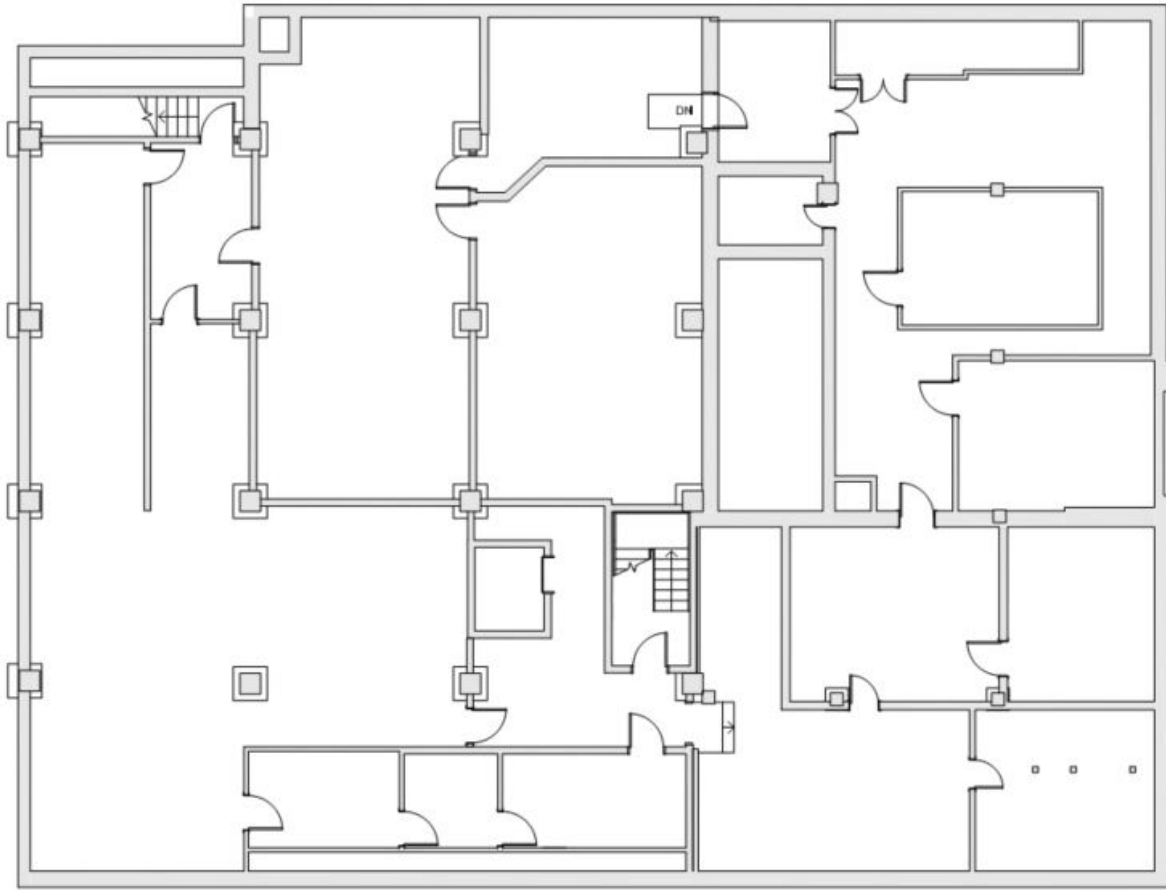


Figure 12: Basement Level Photographic Key Plan. Alley Poyner Macchietto Architecture, Omaha, Nebraska, 2021

Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

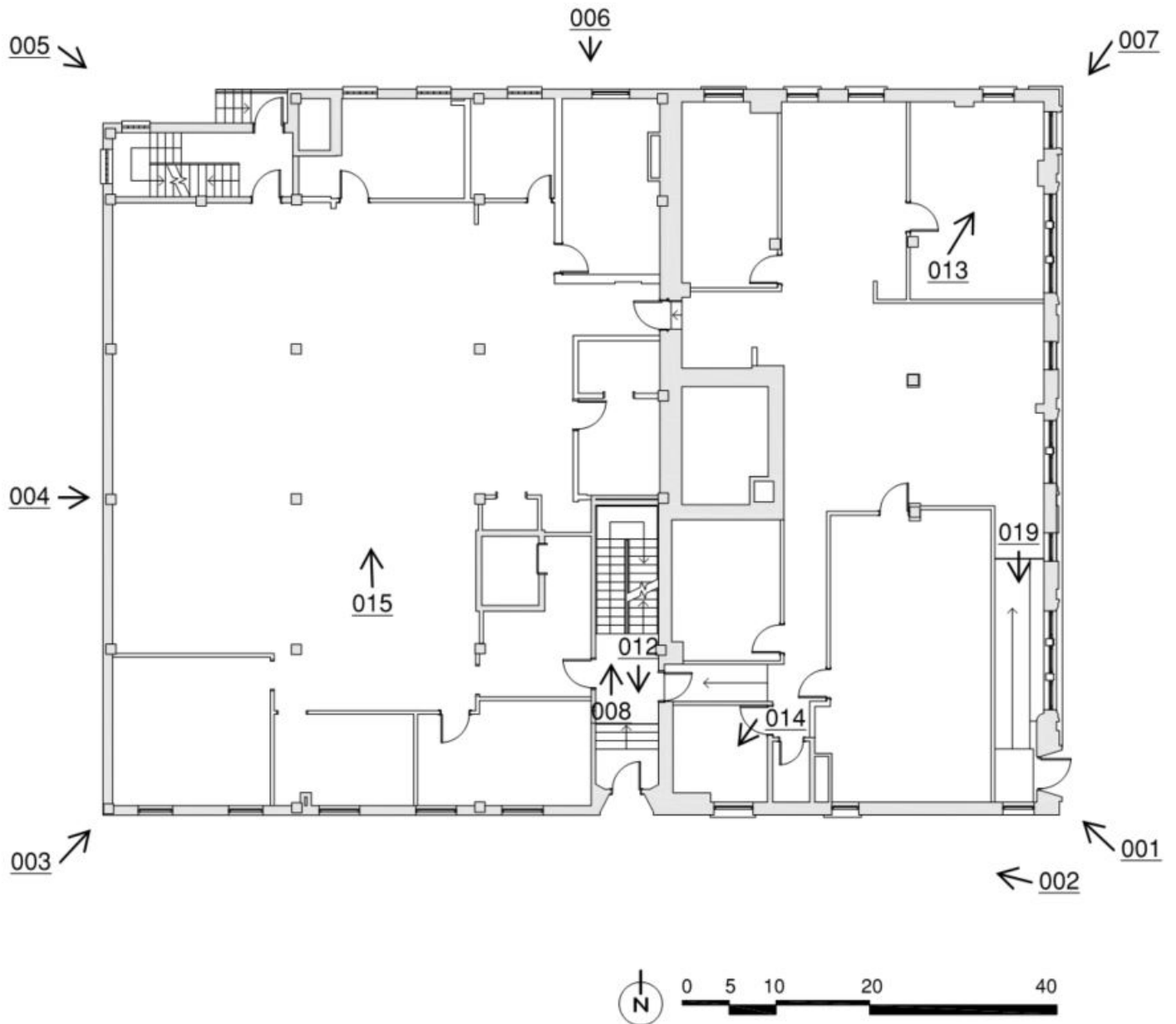


Figure 13: First Floor Photographic Key Plan. Alley Poyner Macchietto Architecture, Omaha, Nebraska, 2021

Council Bluffs Telephone Exchange

Name of Property

Pottawattamie, Iowa

County and State

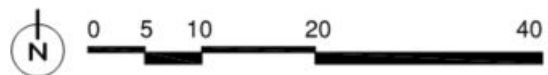
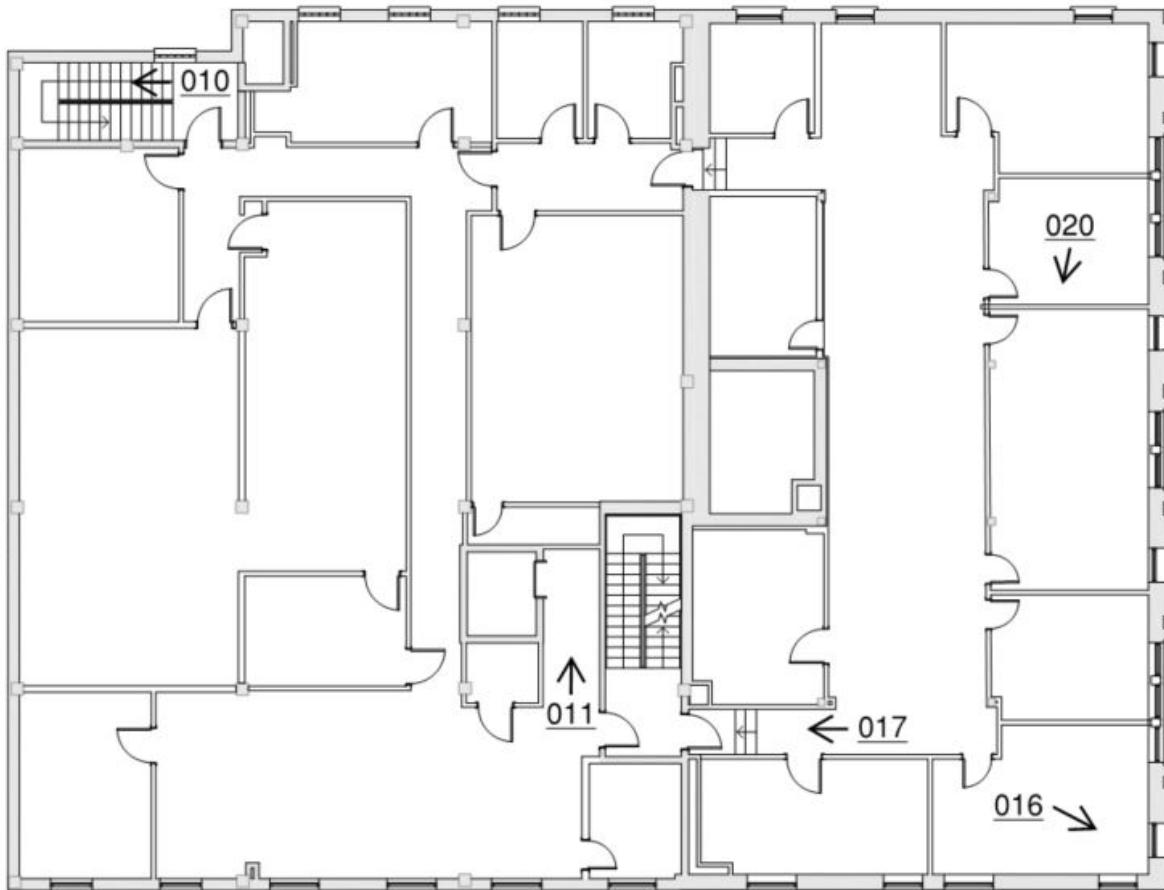


Figure 14: Second Floor Photographic Key Plan. Alley Poyner Macchietto Architecture, Omaha, Nebraska, 2021

Council Bluffs Telephone Exchange  
Name of Property

Pottawattamie, Iowa  
County and State

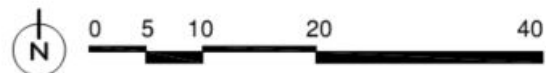
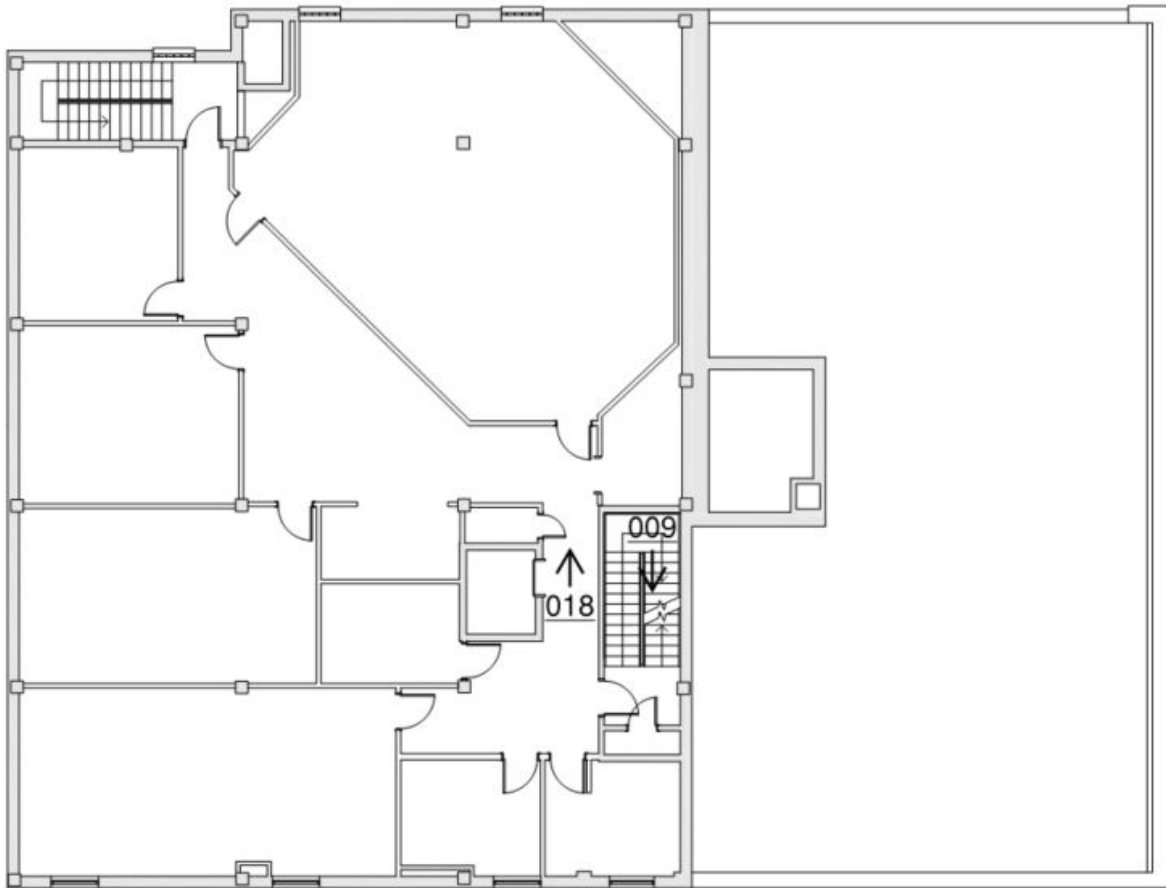


Figure 15: Third Floor Photographic Key Plan. Alley Poyner Macchietto Architecture, Omaha, Nebraska, 2021

Council Bluffs Telephone Exchange

Pottawattamie, Iowa

Name of Property

County and State

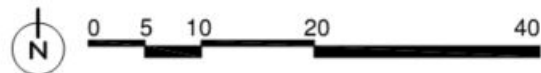
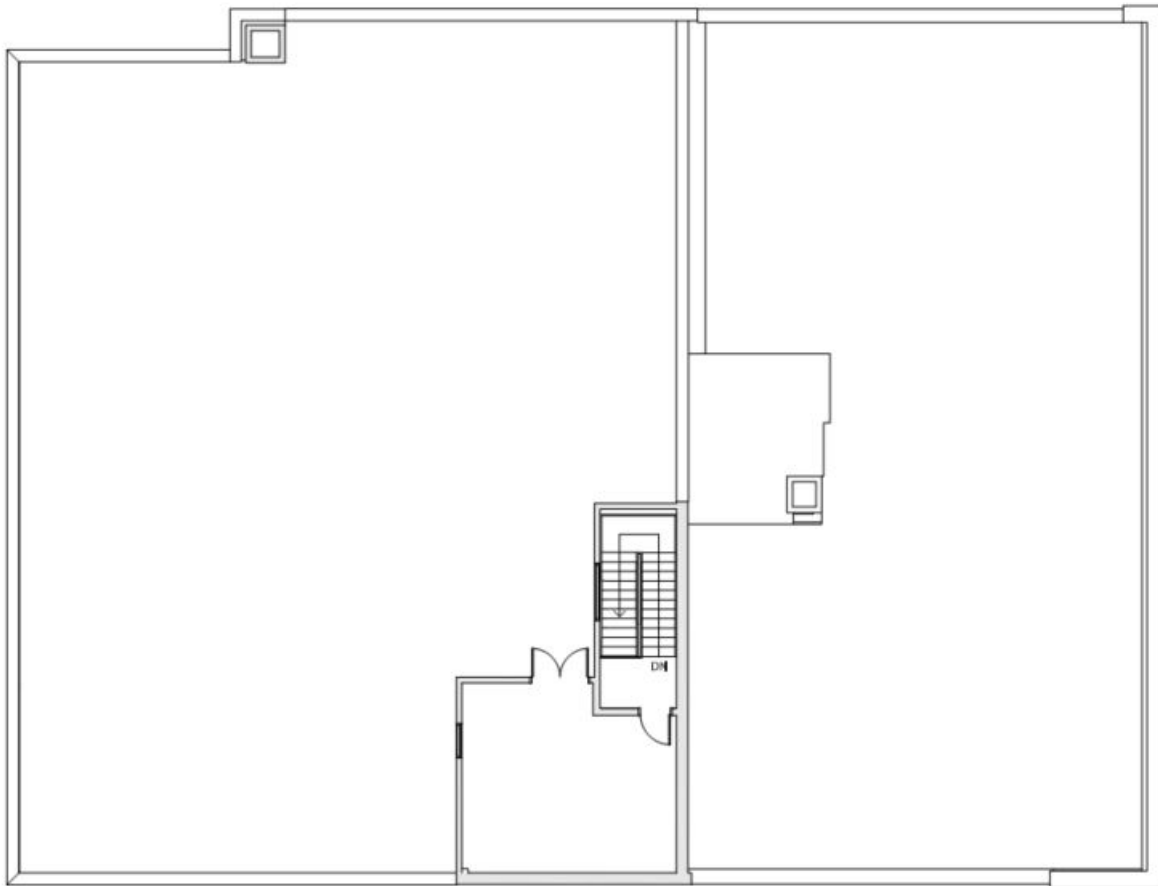


Figure 16: Roof Photographic Key Plan. Alley Poyner Macchietto Architecture, Omaha, Nebraska, 2021

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, D.C.



































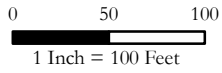






# CITY OF COUNCIL BLUFFS - HISTORIC PRESERVATION COMMISSION CASES #HP-21-010 LOCATION/ZONING MAP

12 Scott Street  
Parcels

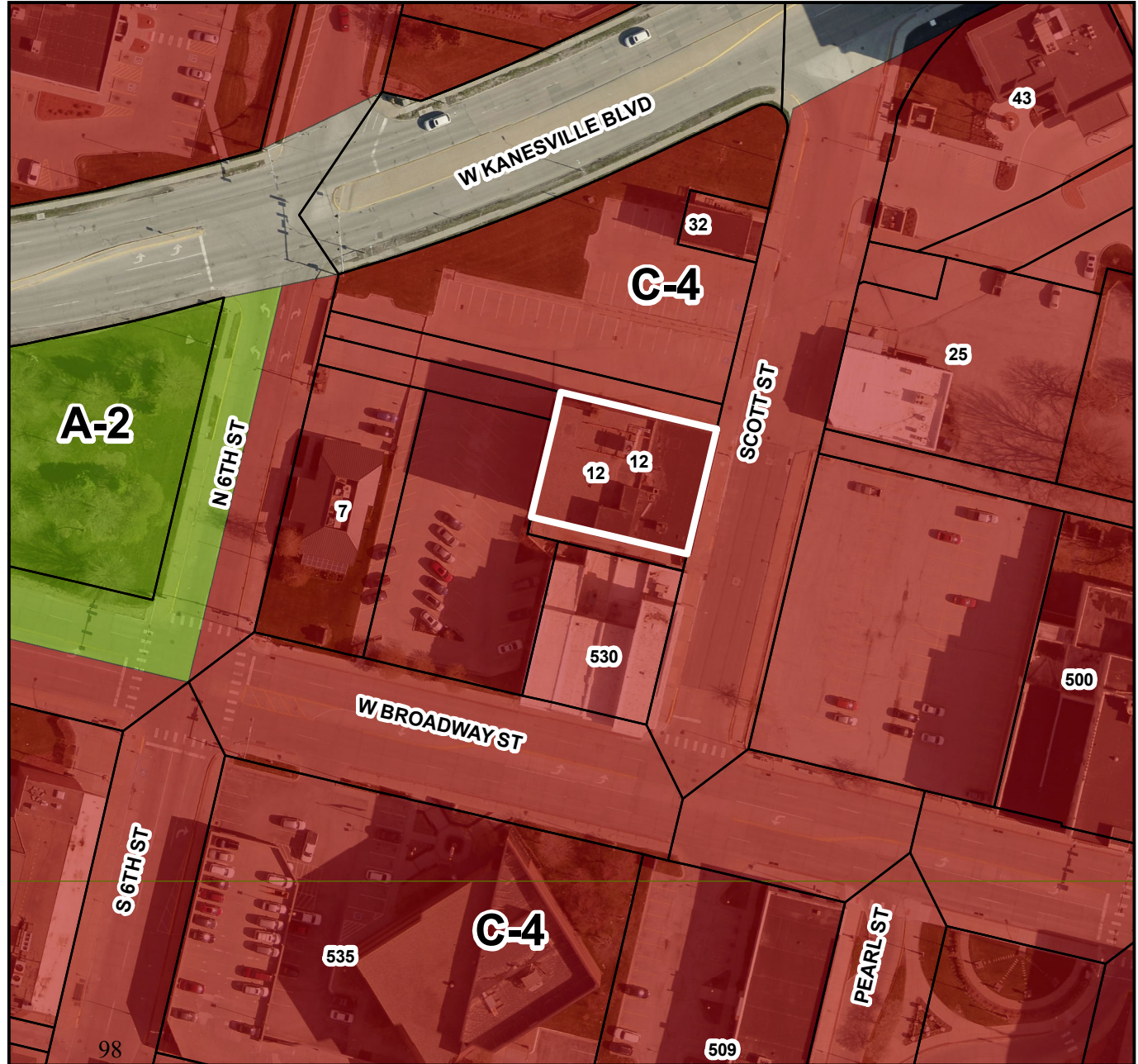


Last Amended: 8/13/2021



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, 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 D

The screenshot shows a Facebook post from 'The 712 Initiative'. The browser address bar indicates the URL is facebook.com/712initiative/photos/a.10150582434111707/10157820276511707. The browser tabs include 'United States Cen...', 'Phone', 'Office Supplies, Tec...', 'Mortgage Calculato...', 'Neighborhood Ho...', 'Reservations | Uncl...', 'Housing Committe...', 'Percentage Increat...', 'Log In - The 712 Ini...', 'https://docs.micros...', and 'Listing Search Form...'. The Facebook post features a large title 'Help Make 12 Scott Street a Historical Landmark' overlaid on a stone wall background. Below the title are three images: a large black and white photograph of a multi-story brick building with a snow-covered sidewalk; a smaller black and white photograph of an interior workshop with people working at tables; and another smaller black and white photograph of a public hearing with people seated at a long table. The post text reads: 'Our public hearing to make 12 Scott Street a Historical Landmark is tomorrow at 4:00 p.m. So if you'd like to still help preserve history and haven't yet, please sign our petition and share a story that you have about the building, we'd love to hear it! Help us preserve the old buildings in Council Bluffs and sign our petition now https://the712initiative.org/12-scott-street/'. The post is published by Krystal Johnson yesterday at 12:00 PM and has 5 likes. Interaction options include 'Like', 'Comment', and 'Share'. A comment from 'The 712 Initiative' is visible at the bottom.

Date of Entry	First Name	Last Name	Email Address	Address
Sep. 1, 9:52 a.m	Jim	Turner	jimturner4321@gmail.com	1533 4th avenue
Sep. 1, 5:28 am	Ben	Stots	Benstots@gmail.com	22249 Norman Dr
Aug. 31, 11:12 pm	Kristen	Blum	Kriegler22@gmail.com	20527 270th St
Aug. 31, 8:03 pm	Jonna	Dostal	DDostal@ourpocd.org	1411 Abercom Drive
Aug. 31	Helissa	Head	lssy1997@aol.com	211 Park Avenue
Aug. 31	Charles	Romero	402charles86@gmail.com	328 story st. #A
Aug. 30	Brigid	Christensen	Brigid.christensen@gmail.com	29 S Linden Ave
Aug. 30	Janet	Burkybile	jurkybile@cox.net	6 kirkpatrick Ct
Aug. 29, 9:37 pm	Therese	Hoff	hoff.therese@gmail.com THERYANGLLOBE@GMAIL.C	16889 Taylor Lane
Aug. 29, 3:20pm	Ryan	Globe	OM	1000 South Main Street
Aug. 28, 6:33 am	Khandis	Mutcher	Djimony@gmail.com	27 Dilman drive Apt 3A
Aug. 27, 5:50 pm	Carol	M Linarez	cedarqn@aol.com	55209 195th St
Aug. 27, 4:32 pm	Debbie	Hytrek	bhytrek@yahoo.com	42134 Elmtree Rd
Aug. 27, 12:09 pm	Karen	Price	Kukusue1@msn.com	103 Surrey Ave
Aug. 27, 12:09 pm	Dan	Ozaydin	danozaydin@heartlandproperties.com	2617 Eagle Ridge Dr
Aug. 27, 11:02 am	Kyle	McGlade	kmglade29@gmail.com	2732 Tara Hills Street
Aug. 27, 10:47 am	Kelly	Dix	Kellydix@cox.net	21 Gunn Ave
Aug. 27, 10:12 am	Carolyn	Robson	cprice7566@aol.com	10 E Ridge Dr
Aug. 27, 8:25 am	Marcia	Antworth	marciaantworth@gmail.com	213 Powells
Aug. 27, 7:00 am	Julie	Clark	jscgclark@yahoo.com	3500 6th Ave
Aug. 27, 6:18 am	Shirley	Ulrich	Ulrichsj@gmail.com	15797 Crystal Lane
Aug. 27, 6:01 am	Susan	Tierney	siltierney@cox.net	224 Antioch Drive
Aug. 27, 1:28 am	Emily	Globe	Eglobebear@gmail.com	1000 S Main St
Aug. 27, 12:23 am	Michael	Carthers	Mrcarthers@gmail.com	716 McKenzie Ave
Aug. 26, 11:33 pm	Michele	Mutcher-Burns	gopack8763@aol.com	407 Glen Ave
Aug. 26, 9:59 pm	Andy	Sand	Csandlake3@cox.net	13709 S 18th St
Aug. 26, 9:57 pm	Joni	Nevins	jinevins2@cox.net	14 Becky Ln
Aug. 26, 9:57 pm	Diane	Mckee	dsuemckee@cox.net	1026 Simms
Aug. 26, 9:55 pm	Teresa	Powers	Superpowers0912@gmail.com	309 Mt. Vernon Street
Aug. 26, 9:26 pm	Louann	Mayberry		3111 3rd Ave
Aug. 26, 8:54 pm	Trisha	Beccard	Tbeccard@gmail.com	15030 Hope Ln

**Do you have any memories of the building that you would like to share?**

I started working for Northwestern Bell in June of 1956 as an Operator at 12 Scott St. I worked in this building at several different jobs until we moved to the new building on Oakland Av. Many memories and great friends were made here. I definitely think it should be made into a Local Landmark. Other building of that era have been destroyed please preserve this one. Gone are the Wickham Bldg., Beno's, Iowa Clothes etc.

My mom worked there for a few years. When I was in 5th grade I had to take my Burger King breakfast to the basement because we had a tornado warning. The sky was green and then turned black. It's a very fun memory.

Went to school there when it was EQ. my olds got his 1st hair cut there from my friend.

WE moved to Council Bluffs back in 1976. Love the old building along Broadway back then, and all to quickly they were torn down. Lets save this one - its a beautiful building. Driving past today kept saying it should be saved!

Being a phone company retiree. I wish I did but it was before my time. I just remember it was just always there when I went with my parents downtown to shop. It's a historic building and needs the recognition!

I worked at the CB Chamber on N 6th and often had meetings at 12 Scott Street. Also had/ have many friends who have worked in 12 Scott Street. Lots of brain work done in that building.

I used to work in that building when it was the Department Of Human Services. We moved to the old Cogley Clinic in 1985

Aug. 26, 7:50 pm	✱ Miriam	Smith	MiriamRA67@gmail.com	101 Zenith Drive Apt 8
Aug. 26, 7:31 pm	✱ Elizabeth	Hunter	isufiredog@gmail.com	208 Antioch Drive
Aug. 26, 7:26 pm	✱ Nancy	Barron	Mbarron1979@yahoo.com	2512 Avenue A
Aug. 26, 7:24 pm	✱ Margaret	Dodson	bormanscott@earthlink.net	736 Forest Dr
Aug. 26, 7:17 pm	✱ Sara	Scott	Hjrnkenzie@cox.net	17805 Lochland Ridge
Aug. 26, 7:09 pm	✱ Colle	McKenzie	Strong40@aol.com	2808 Avenue E
Aug. 26, 7:02 pm	✱ Carolyn	Jones	denmertz1@yahoo.com	23010 Mudholow Road
Aug. 26, 6:10 pm	✱ Dennis	Wertz	Angstoufer@gmail.com	1439 McPherson Avenue
Aug. 26, 5:50 pm	✱ Angie	Stoufer	punkinchelle@aol.com	1430 Tanglewood dr
Aug. 26, 4:49 pm	✱ Michelle	Doner	bbknauss@yahoo.com	19503 Concord Loop
Aug. 26, 4:37 pm	✱ Tracey	Smith	randolphbob@gmail.com	31 Wenwood Circle
Aug. 26, 4:36 pm	✱ Robert	Randolph		800 N 35th St
Aug. 26, 4:23 pm	✱ Kathryn	Schlott	keschlott@aol.com	1019 Arbor Ridge CIR
Aug. 26, 4:19 pm	✱ Rosemary	Williams	rmy109@aol.com	4 Nonwood Court
Aug. 26, 3:57 pm	✱ Lucas	Opperman	lucas.opperman@gmail.com	331 S 8TH ST
Aug. 26, 3:51 pm	✱ Janelle	Lovercheck	Jannellove2662@gmail.com	2741 Ave I
Aug. 26, 3:39 pm	✱ Linda	Salvo	lindasalvo54@gmail.com	2828 Avenue D
Aug. 26, 3:32 pm	✱ Lisa	W/Hout	dog8bugs@yahoo.com	4 1/2 Nonwood Ct
Aug. 26, 3:15 pm	✱ Michelle	Shew	mls69@netzero.com	22400 Berry Lane

No memories but looking forward to seeing that area revitalized with the projects happening around this building.

Had many fun days there when I took Radio and TV Production classes there through the Tucker Center when the school district had offices there.  
 In high school in the 1960's students sold magazine subscriptions to fund activities. I went to the old telephone exchange at 12 Scott Street and was lucky enough to get the telephone company's magazine business. For their waiting rooms, perhaps?  
 Applied for a job there in 1952 and at the end of the interview when I stood up to leave, I fell flat on my face (my leg had gone to sleep). I was actually offered a job later.

I remember going there with my mom to pay the phone bill. I thought it was all shiny inside.  
 I remember going in there when I was very young, but don't remember much just that it was noisy with a lot of talking.

## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Pottawattamie County Development Corporation (PCDC) d/b/a The 712 Initiative to amend the zoning map as adopted by reference in Section 15.02.070, by designating property commonly known as the Council Bluffs Telephone Exchange Building, located at 12 Scott Street, and legally described as Lot 'N' of Auditor's Subdivision of Block 6, Mynster's Addition and Block 2, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa, as a local historic landmark.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11<sup>th</sup> day of October, 2021 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

---

Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6472**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY DESIGNATING THE PROPERTY COMMONLY KNOWN AS THE COUNCIL BLUFFS TELEPHONE EXCHANGE BUILDING AND LEGALLY DESCRIBED AS LOT ‘N’ OF AUDITOR’S SUBDIVISION OF BLOCK 6, MYNSTER’S ADDITION AND BLOCK 2, BAYLISS FIRST ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AS A LOCAL HISTORIC LANDMARK.**

**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 to designate the property commonly known as the Council Bluffs Telephone Exchange Building and legally described as Lot ‘N’ of Auditor’s Subdivision of Block 6, Mynster’s Addition and Block 2, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa, as a local historic landmark.

**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

October 25, 2021.

\_\_\_\_\_  
MATTHEW WALSH

\_\_\_\_\_  
Mayor

Attest:

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

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

First Consideration: 9-27-21  
Second Consideration: 10-11-21  
Public Hearing: 10-11-21  
Third Consideration: 10-25-21

## Council Communication

Department: City Clerk  
Case/Project No.: ZC-21-009  
Submitted by: Haley Weber,  
Planner

Ordinance 6473  
ITEM 3.F.

Council Action: 10/25/2021

### Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning approximately 63.1 acres of land generally located at the southeast corner of the intersection of College Road and East Kanesville Boulevard, more specifically described in the Council packet, from P-C/Planned Commercial District to P-I/Planned Industrial District as defined in Chapter 15.19. ZC-21-009

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Rezoning Legal Description	Legal Description	9/17/2021
Attachment B - Letter of Intent	Letter	9/17/2021
Attachment C - Preliminary Plans	Other	9/17/2021
Attachment D - Location and zoning map	Map	9/17/2021
Attachment E - Building Facades Subject to Design Standards	Other	9/17/2021
Attachment F - Required Landscaping Key	Other	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6473	Ordinance	10/19/2021

**City Council Communication**

<p>Department: Community Development</p> <p>CASES #SUB-21-011, #ZC-21-009, and #PI-21-001</p> <p>Applicant: Nestory Park 1 Belvedere Place Mill Valley, CA 94941</p> <p>Owner: Iowa Western Community College Foundation 2313 College Road Council Bluffs, IA 51503</p> <p>Engineer: The Schemmer Associates c/o Robert DuVall 1044 N. 115<sup>th</sup> Street, Suite 300 Omaha, NE 68154</p>	<p>Resolution No. _____</p> <p>Ordinance No. _____</p> <p>Resolution No. _____</p>	<p><b><u>CASE #ZC-21-009</u></b> 1<sup>st</sup> Consideration: 9/27/2021 2<sup>nd</sup> Consideration: 10/11/2021 3<sup>rd</sup> Consideration: 10/25/2021</p> <p><b><u>CASE #PI-21-001</u></b> 10/25/2021</p> <p><b><u>CASE #SUB-21-011</u></b> 10/25/2021</p> <p>Planning Commission: 9/14/21</p>
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**Subject/Title**

**Request:** Combined public hearings on the request of Nestory Park, represented by Robert DuVall of The Schemmer Associates, to rezone 63.1 acres of land (more/less) legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District; along with preliminary subdivision plan approval of a two-lot industrial subdivision to be known as Council Bluffs Industrial Park Subdivision on property legally described as part of the SE 1/4 of Section 21 and the NE 1/4 of Section 28, all in township 75 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, being a part of Auditors Subs NW SE Lot 5, NE SE Lot 4, SW SE Lots 1, 2 & 3, SE SE Lots 1 & 2 all in Section 21, Township 75 North, Range 43 West and Auditors Sub SW NE part of Lot 1 in Section 28, Township 75 North, Range 43 West and Part of the NE1/4 NE1/4 & NW1/4 NE1/4 all in Section 28, Township 75 North, Range 43 West, bounded northerly by U.S. Highway No. 6, easterly by Interstate Highway No. 80 and westerly by College Road; and to adopt a planned industrial development plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision, Council Bluffs, Pottawattamie County, Iowa.

**Location:** Generally located at the southeast corner of the intersection of College Road and East Kanesville Boulevard (U.S. Highway 6)

**Background/Discussion**

The Community Development Department has received applications from Nestory Park, represented by The Schemmer Associates, for 1) preliminary plan approval of a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision; 2) to rezone the northerly 63.1 acres (more/less) of the subject property from P-C/Planned Commercial to P-I/Planned Industrial; and 3) to adopt a P-I/Planned Industrial development plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision.

The applicant’s letter of intent is included with this report as Attachment ‘B’.

**CASE #SUB-21-011**

The proposed industrial subdivision is comprised of 94 acres, more or less, of land and will consist of two (2) lots. The applicant proposes to develop the northerly lot with three (3) logistics, trucking and distribution

buildings. These three (3) buildings will contain leasable tenant bays with a combined total of 973,500 square feet. The exact number of tenant bays is unknown at this time. The southerly lot will be retained by the adjacent Iowa Western Community College (IWCC) for a vocational training school in relation to the logistics campus. Both lots within the proposed subdivision will have access to existing public streets and will be fully served with utilities (e.g. sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to begin site improvements for the logistics campus in the spring of 2022 with a proposed completion date of fall of 2022. The preliminary plans are included with this report as Attachment ‘C.’

### Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, “but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance). A final plat application must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by City Planning Commission.
2. The proposed subdivision is consistent with the “Office/Industrial” designation of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).
3. The proposed subdivision is comprised of two (2) lots; proposed Lot 1 is 87.97 acres and proposed Lot 2 is 4.83 acres. Both lots within the proposed subdivision comply with Section 15.19.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The proposed logistics, trucking and distributing use on Lot 1, Council Bluffs Industrial Park Subdivision, would be classified as “warehousing and distribution, limited” which is an allowed principal use in the P-I/Planned Industrial District. The proposed IWCC training facility on proposed Lot 2 would be classified as a ‘school’, which a use that is not currently allowed in the P-I District. Concurrent with the subject requests, the Community Development Department is requesting to amend Section 15.19.020, *P-I/Planned Industrial District—Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I District (Case #ZT-21-004), which would allow the proposed IWCC training facility to be located on the southerly lot of the proposed subdivision.
5. The northerly 63.1 acres (more/less) of the proposed subdivision, legally described in Attachment ‘A,’ is currently zoned P-C/Planned Commercial District and is proposed to be rezoned P-I/Planned Industrial District (see Case #ZC-21-010). The remaining southerly 30.96 acres (more/less) of the proposed subdivision is already zoned P-I District. Adoption of a planned industrial development plan is also requested for proposed Lot 1 (Case #PI-21-001).
6. Both lots in the proposed subdivision have direct frontage to one or more public roadways—College Road and East Kaneshville Boulevard/Highway 6. For the purposes of this subdivision, that part of a property line abutting Interstate 80 right-of-way, including ramps, shall not be considered frontage. The submitted plans show Lot 1 will have two (2) access points off College Road to the west and one (1) access point off East Kaneshville Boulevard to the north. Black Hills Energy retains a 50-foot wide easement along the southernmost access point off College Road to maintain access to their facility located directly south of proposed Lot 2 (2287 College Road). This easement shall be notated on the final plat and shall allow Iowa Western Community College access to the existing drive off College Road.
7. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that 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.
8. Sidewalks shall be installed along College Road, and East Kaneshville Boulevard (Highway 6), if approved by the Iowa Department of Transportation (IDOT), as well as along all access drives. All sidewalks shall be built to City standards. The developer shall coordinate with the IDOT on sidewalk installation along East Kaneshville Boulevard (Highway 6).
9. The Council Bluffs Public Works Department provided the following comments:
  - (a) The Public Works Department has reviewed the draft traffic impact study and will work with the

- developer to finalize the study and recommendations to be implemented with the proposed development.
- (b) The implementation of the proposed improvements (i.e. traffic signs, turn lanes, etc.) to U.S. Highway 6/East Kaneshville Boulevard noted in the draft traffic impact study shall be coordinated with the Iowa Department of Transportation (IDOT) and the City.
  - (c) The Public Works Department noted the submitted geotechnical report.
  - (d) The Public Works Department noted the draft drainage analysis report and will work with the developer to finalize said report.
  - (e) The Public Works Department provided the following comments as it pertains to utilities:
    - i. The proposed storm sewer and stormwater management infrastructure concept is noted. The Public Works Department will work with the developer to finalize the construction plans.
    - ii. The capacity of the existing sanitary sewer system at the proposed connection shall be verified. The potential development of another sanitary sewer outfall will be explored with the developer.
    - iii. Water, power, and gas service shall be coordinated with the appropriate utility provider.
  - (f) The truck access road shall be permitted by IDOT.
10. Council Bluffs WaterWorks provided the following comments:
- (a) The public water main along College Road shall be extended to the northerly limits of the property. The developer shall work with Council Bluffs WaterWorks on incorporating the proposed public water main into an easement.
  - (b) There is an eighteen (18) foot water main easement along the western property line of Lot 1, Black Hills Subdivision located immediately south of the subject request. A portion of this easement extends onto proposed Lot 1, Council Bluffs Industrial Park Subdivision. This easement shall be noted on the final plat.
  - (c) The developer shall contact Council Bluffs WaterWorks in regards to public water main extension, water service, and metering requirements.
11. The subject request was routed to Scott Suhr, Iowa Department of Transportation (IDOT) District Transportation Planner, as a portion of the subject property is located within the IDOT Corridor Preservation Zone. As of the date of this report, no comments from Mr. Suhr or IDOT were received.

#### **CASE #ZC-21-009**

The northerly 63.1 acres (more/less), as legally described in Attachment 'A', of the subject property is currently zoned P-C/Planned Commercial District. The applicant intends to rezone this portion of the property to P-I/Planned Industrial District to accommodate the proposed two-lot industrial subdivision (Case #SUB-21-011). A P-I/Planned Industrial development plan is proposed to be adopted for the subject property along with the proposed rezoning (Case #PI-21-001).

Land Use and Zoning – The following zoning and land uses surround the subject property:

- *North* – East Kaneshville Boulevard and undeveloped land that is zoned C-2/Commercial District and R-3/Low-Density Multifamily District
- *South* - Black Hills Energy facility zoned P-I/Planned Industrial
- *East* - Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District
- *West* - IWCC College campus which is zoned A-2/Parks, Estates and Agricultural District, and housing associated with IWCC which is zoned R-3/Low Density Multifamily Residential.

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

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial.

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, no comments were received.

### Comments

1. Both Lots 1 and 2 in the proposed Council Bluffs Industrial Park Subdivision will be zoned P-I/Planned Industrial District (see Case #ZC-21-010).
2. A planned industrial development plan which establishes standards for site development, architecture, landscaping, parking, and signage will be adopted as part of this development (see Case #PI-21-001) for Lot 1 only.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Office/Industrial.’ The proposed rezoning is consistent with the Future Land Use Plan. The Bluffs Tomorrow: 2030 Comprehensive Plan also includes subarea plans for four specific areas of the Council Bluffs Community, one of which is the area identified as ‘I-80/Highway 6’. The plan states, “*This subarea represents the greatest opportunity for new development. Anchored by a freeway interchange and Iowa Western Community College, the subarea plan identified opportunities for new industry and distribution development that build off the college as a partner in education an innovation.*” Specifically, the subject property has the following designations: “*New Highway Commercial,*” “*New Office/Industrial Park,*” and “*New Research and Development.*” The proposed rezoning to Planned Industrial aligns with the intent for the I-80/Highway 6 area as stated in the subarea plan.
4. Adequate utilities (e.g. water, sanitary sewer, electric, etc.) are available or will be extended to accommodate the uses permitted in the P-I/Planned Industrial District.

### **CASE #PI-21-001**

Section 15.28.010, *State of Intent, P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) states that “*the P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage, and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the City Council, with extensive review by Planning Commission.*” The applicant proposes to adopt a planned industrial development plan for Lot 1 of the proposed Council Bluffs Industrial Park Subdivision in order to regulate the design and layout of the proposed logistics park. No site layout plans for Lot 2 were included with this applicant’s submittal. A planned industrial development plan shall be adopted for Lot 2 prior to development occurring on the subject property.

All City Departments and local utility providers were notified of the proposed development request. All comments received from City Departments and local utilities are incorporated into the development discussion below.

The following standards shall apply to the northerly lot of the proposed Council Bluffs Industrial Park Subdivision:

### **Site Development**

1. The minimum perimeter setback for all structures shall be twenty-five (25) feet.
2. The maximum height for all structures shall not exceed fifty (50) feet, as measured from finished grade to the peak of the roof.
3. The maximum lot coverage for all structures shall be sixty (60) percent of the total lot area.
4. Site access shall be limited to two (2) drives off College Road and one (1) drive off East Kaneshville Boulevard. The implementation of the proposed improvements to (i.e. traffic signs, turn lanes, etc.) U.S. Highway 6/East Kaneshville Boulevard noted in the draft traffic impact study shall be coordinated

with the Iowa Department of Transportation (IDOT) and the City.

5. Trash receptacles and/or dumpster locations are not shown on the submitted development plans. All visible trash receptacles/dumpsters shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
6. The submitted site plan does not show any outdoor storage areas. Outdoor storage of materials, products, equipment, or packaging is not permitted on the subject property.
7. Outdoor lighting plans were not submitted with the development plan proposal. Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. All outdoor lighting shall comply with standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Utilities**

1. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
2. Water, power, and gas service shall be coordinated with the appropriate utility provider.

### **Off-Street Parking**

1. The required number of off-street parking spaces for Lot 1, Council Bluffs Industrial Park Subdivision shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Municipal Code (Zoning Ordinance), as follows:
  - o Office or administrative activity – 1 space per 300 square feet of gross floor area
  - o Indoor or outdoor storage or warehousing – 1 space per 5,000 square feet of gross floor areaThe development plan shows 97,350 square feet of office space and 876,150 square feet of indoor storage/warehousing. Based on these square footage totals, a minimum of 501 off-street parking stalls shall be provided for Lot 1, Council Bluffs Industrial Park Subdivision. The submitted site plan shows 1,181 standard stalls and 130 trailer stalls; therefore, sufficient off-street parking will be provided for proposed Lot 1, Council Bluffs Industrial Park Subdivision.
2. All parking/loading areas, driveways, and drive aisles shall be hard-surfaced paved and shall be designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
3. All off-street parking areas shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
4. A parking lot permit shall be submitted with the building permit application for the proposed logistics, trucking, and distribution buildings. The plan shall clearly identify the number, location, and dimensions of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.

### **Architecture**

1. The submitted development plans show two (2) 330' x 800' buildings (264,000 square feet each) and one (1) 330' x 1,350' building (445,500 square feet) constructed primarily of pre-cast concrete panels to be utilized for logistics, trucking and distribution on Lot 1, Council Bluffs Industrial Park Subdivision. All buildings will be one-story in height.
2. The building renderings included in the submitted plans only show one building elevation; the elevation shown is the intended aesthetic for all exterior facing walls of all three (3) buildings and is generally acceptable in design and layout. Pre-cast concrete is the primary building material identified in the submitted building renderings. However, the north façade and northerly 1/3<sup>rd</sup> of the west façade of the most northerly 330' x 800' building and the north and east façades of the 330' x 1,350' building are highly visible from the adjacent public streets and Interstate 80, which are gateways into the Council Bluffs community. The Community Development Department recommends that the building elevations listed above and highlighted in Attachment 'E' shall be enhanced for visual interest purposes as follows:

- a) A minimum of ten (10) percent of the total square footage of each of the facades noted above shall be comprised of transparent windows and doors. Glass that counts towards this minimum transparency requirement shall be non-mirrored, non-tinted, and unobstructed.
  - b) A minimum of thirty (30) percent of the total square footage of each of the facades noted above shall incorporate the following architectural details:
    - Color changes;
    - Material changes comprised of a minimum of one (1) of the following building materials: brick, tile or stone masonry; glass; native stone or synthetic equivalent; pre-cast concrete or architectural (non-corrugated) metal;
    - Minor wall offsets/setbacks; and
    - Accent lines.
  - c) In instances where the above listed design standards are not feasible due to site development constraints, groupings of conical, evergreen foundation plantings may be spaced evenly across building facades to provide visual interest and breaks in the facade. All foundation plantings shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
  - d) In the case that the final site grading plan results in the western facades of the two westernmost buildings to be visible from College Road, the above stated architectural standards shall apply to the entirety of these facades.
3. No fencing is shown on the submitted development plan proposal. Any fencing installed on the subject property shall comply with Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Landscaping**

1. The submitted landscaping plan shows a mixture of deciduous tree species being planted along College Road and identified areas of the parking lot of Lot 1, Council Bluffs Industrial Park Subdivision. The Community Development Department recommends the following additional landscape plantings to effectively screen the proposed logistics park development from highly visible public rights-of-way and ensure adequate parking lot shading is provided (see Attachment 'F' for planting locations):
  - a) *Perimeter Landscaping.*
    - i. Tall, evergreen trees shall be planted every twenty-five (25) feet along the northerly property line for a total of sixty (60) trees. This area is identified in green in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center and shall equally spaced along the northerly property line, as practical. Tree groupings shall not be isolated to one specific area along the northern property line, but shall be clustered and dispersed evenly across the frontage.
    - ii. Tall, evergreen trees shall be planted every twenty-five (25) feet along the eastern property line abutting Interstate 80 for a total of sixty-six (66) trees. This area is identified in yellow in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center, and shall be equally spaced along the eastern property line, as practical. Tree groupings shall not be isolated to one specific area along the eastern property line, but shall be clustered and dispersed evenly across the frontage.
  - b) *Parking Lot Perimeter Landscaping.*
    - i. Parking lot perimeter landscaping shall consist of large, deciduous shade trees planted every thirty (30) feet, on center and shall have a minimum of two (2) inch caliper at the time of planting and a minimum mature canopy spread of at least twenty (20) feet. Plantings shall be installed as follows:

- A. Fifty-eight (58) large, deciduous, shade trees shall be planted, as stated above, along the western perimeter of the parking lot. This area is identified in red in Attachment 'F'.
  - B. Fifteen (15) large, deciduous, shade trees shall be planted, as stated above along the southern perimeter of the parking lot abutting proposed Lot 2, Council Bluffs Industrial Park Subdivision. This area is identified in blue in Attachment 'F'.
  - C. Sixteen (16) large, deciduous, shade trees shall be planted, as stated above, along the southeastern perimeter of the parking lot. This area is identified in orange Attachment 'F'.
  - D. Thirty (30) large, deciduous, shade trees shall be planted, as stated above, along the eastern perimeter of the parking lot. This area is identified in purple Attachment 'F'.
- ii. One (1) large, deciduous shade tree shall be planted for every twenty-five (25) parking stalls in the form of interior landscape islands or endcap islands/peninsulas. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree. All landscape islands/peninsulas shall include one large deciduous, shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Landscape islands/peninsulas shall be distributed throughout the parking lot in order to maximize shade for employee and customer parking areas. For the purposes of this requirement, truck parking stalls shall not be included in the overall parking stall count. All endcap islands shown on the submitted landscaping plan shall be planted with a large, deciduous shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Trees planted for this requirement may also count towards the required parking lot perimeter plantings listed above.
2. All disturbed areas not utilized for buildings, parking, or decorative landscaping shall be seeded with sod, turf, and/or prairie grass at a minimum.
  3. The detention pond located south of the northerly most access drive off College Road shall be designed and maintained as an amenity feature for the development. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of the detention pond at the time of construction.
  4. A landscape plan that addresses all comments stated above shall be submitted to the Community Development Department for review prior to installation. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.
  5. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
  6. Not more than ten (10) percent of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf.

### **Signage**

1. The submitted signage plan, shown in Attachment 'C,' identifies the following attached and detached signage for the proposed logistics park on Lot 1, Council Bluffs Logistics Park Subdivision as follows:  
Detached
  - o Six (6) 10' x 11'8" (116.67 square feet) monument signs. Per Section 15.33.080, *Exempt Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), "*Signs which are not visible from a public right-of-way or from a property other than that on which the sign is installed;*" are considered exempt sign types. Only four (4) of the monument signs shown are visible from public right-of-way or adjacent property, as per the submitted site layout plan. The proposed quantity and size of the monument signs are acceptable as shown.
  - o Three (3) 20' x 14'4" (286.67 square feet) center identification signs. There shall be a maximum of two (2) center identification signs, one (1) per frontage, rather than the three (3) shown on the submitted plans. The submitted signage plan shows multiple tenant names on the

center identification signs. The applicant shall leave signage space for the future IWCC training facility on the center identification signs as this future structure will be a part of the overall subdivision.

Attached

2. The submitted plans did not specify quantity or dimensions of attached signage at this time. The applicant has noted that the exact number of tenant bays is unknown at this time and will be based on leasing. Per Section 15.33.180, *Industrial District Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), attached signs in the P-I District shall be limited to 1.5 square feet per lineal foot of the building to which it is attached. All attached signage shall be designed to comply with the attached sign standard stated above.
3. No directional signage was included in the submitted signage plans. On-premises directional signage shall count towards the overall amount of signage permitted and shall be limited to a maximum height of six (6) feet as measured from the natural grade and shall be limited to a maximum of twelve (12) square feet per sign face, not to exceed a total of eight (8) square feet per sign.
4. All signage (detached and attached) shall comply with Section 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**Recommendation**

The Community Development Department recommends the following for the subject property legally described above:

1. Approval of the preliminary plan for a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision, subject to the comments above and the following conditions:
  - a) Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is “deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance).
  - b) 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 not the City.
2. Approval of the request to rezone property legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District, based on the reasons stated above.
3. Approval of the request to adopt a planned industrial development plan for Lot 1, Council Bluffs Industrial Park Subdivision, subject to the comments stated above and the following condition:
  - a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

**Public Hearing**

Staff speaker 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. Robert Duvall, The Schemmer Associates, 1044 N. 115<sup>th</sup> Street, Suite 300, Omaha, NE 68154
2. Dan Kinney, 2700 College Road, Council Bluffs, IA 51503

Speakers against: None

**Planning Commission Recommendation**

The City Planning Commission recommended:

1. Approval of the preliminary plan for a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision, subject to the comments above and the following conditions:
  - a) Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is “deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance).
  - b) 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 not the City.
2. Approval of the request to rezone property legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District, based on the reasons stated above.
3. Approval of the request to adopt a planned industrial development plan for Lot 1, Council Bluffs Industrial Park Subdivision, subject to the comments stated above and the following condition:
  - a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

VOTE: AYE - Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – Haner VACANT - None  
Motion: Carried.

**Attachments:**

- Attachment A: Rezoning Legal Description
- Attachment B: Letter of Intent
- Attachment C: Preliminary Plans
- Attachment D: Location/Zoning Map
- Attachment E: Building Facades Subject to Design Standards
- Attachment F: Required Landscaping Key

Prepared by: Haley Weber, Planner, Community Development Department

## Attachment A

### EXHIBIT "B" REZONING LEGAL DESCRIPTION

BEGINNING AT THE SW ¼ CORNER OF SAID SECTION 21. THENCE N1°44'24.97"E 908.80 FEET, THENCE S88°15'35.03"E 33.00 FEET. THENCE N8°18'14.97"E 104.12 FEET, THENCE N1°44'37.97"E 112.08 FEET. THENCE N17°11'38.97"E 83.30 FEET, THENCE N2°51'41.97"E 125.50 FEET. THENCE N43°00'25.97"E 142.03 FEET, THENCE S85°33'40.03"E 303.25 FEET, THENCE N88°22'31.97"E 201.15 FEET, THENCE S87°09'46.03"E 249.16 FEET, THENCE N81°48'54.97"E 252.04 FEET, THENCE S77°07'22.03"E 360.92 FEET, THENCE N71°27'57.97"E 368.96 FEET, THENCE N89°44'07.97"E 121.25 FEET, THENCE S49°57'05.03"E 124.55 FEET, THENCE S13°50'39.97"W 822.10 FEET, THENCE S20°26'38.97"W 553.16 FEET, THENCE S27°26'14.25"W 164.36 FEET, THENCE 87°39'03"W 1662.53 FEET TO THE POINT OF BEGINNING.



Design with Purpose. Build with Confidence.

August 19, 2021

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

Re: IWCC Logistics Facility  
Preliminary Plan Application Letter of Intent  
Schemmer Project No. 08292.001

To Whom It May Concern:

This letter is to inform you of the intentions of the proposed developer of Council Bluffs Industrial Park, located southeast of the intersection of Kaneshville Boulevard and College Road in Council Bluffs, IA.

The subject property is comprised of approximately 94 acres of undeveloped property zoned P-I and P-C. The owner is submitting a rezoning application, Preliminary Plan application, and a Development Plan application for this development. The rezoning application is to rezone the P-C area to P-I for the intended use.

The proposed development will consist of "warehousing and distribution, limited" buildings per the City of Council Bluffs zoning code and is a principal use in the P-I zoning district. The development would also include drives, parking lots, grading, and utilities to serve the proposed building. Please see the attached site plan for a graphical representation of the proposed improvements.

Construction of these improvements is proposed to begin in the spring of 2022, with a proposed completion date in the fall of 2022.

Given the attached application and documentation, the property owner respectfully requests the Preliminary Plan approval.

Please submit all questions and comments to my attention at [rduvall@schemmer.com](mailto:rduvall@schemmer.com) or by phone at 402-431-6369.

Sincerely,

THE SCHEMMER ASSOCIATES INC.

Robert DuVall, P.E.  
Senior Civil Engineer  
Shareholder

PHONE 712.329.0300  
FAX 712.329.9970

Valley View Village  
928 Valley View Drive, Suite 12  
Council Bluffs, Iowa 51503-5288

SCHEMMER.COM

# COUNCIL BLUFFS INDUSTRIAL PARK SUBDIVISION PRELIMINARY PLANS

## COUNCIL BLUFFS, IA

**LEGAL DESCRIPTION:**

PART OF THE SE 1/4 OF SECTION 21 AND THE NE 1/4 OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M. POTAWATOMIE COUNTY, IOWA, BEING A PART OF AUDITORS SUBS NW SE LOT 5, NE SE LOTS 1, 2 & 3, SE SE LOTS 1 & 2 ALL IN SECTION 21, TOWNSHIP 75 NORTH, RANGE 43 WEST AND AUDITORS SUB SW NE PART OF LOT 1 IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST AND PART OF THE NE 1/4 NE 1/4 & NW 1/4 NE 1/4 ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, BOUNDED NORTHERLY BY U.S. HIGHWAY NO. 6, EASTERLY BY INTERSTATE HIGHWAY NO. 80 AND WESTERLY BY A LOCAL ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW 1/4 CORNER OF SAID SECTION 21, THENCE N14°24'9"E 998.80 FEET, THENCE S88°15'35.03"E 33.00 FEET, THENCE N8°18'14.97"E 104.12 FEET, THENCE N14°43'37.97"E 112.08 FEET, THENCE N17°11'38.97"E 83.30 FEET, THENCE N2°51'41.97"E 125.50 FEET, THENCE N43°00'25.97"E 142.03 FEET, THENCE S85°33'40.03"E 303.25 FEET, THENCE N88°22'31.97"E 201.15 FEET, THENCE S87°09'46.03"E 249.16 FEET, THENCE N81°48'54.97"E 232.04 FEET, THENCE S77°07'22.03"E 360.92 FEET, THENCE N11°22'57.97"E 368.96 FEET, THENCE N89°44'07.97"E 121.25 FEET, THENCE S49°57'05.03"E 124.55 FEET, THENCE S13°50'39.97"W 822.10 FEET, THENCE S20°26'38.97"W 553.16 FEET, THENCE S27°26'14.25"W 164.36 FEET, THENCE S59°24'14.97"W 140.71 FEET, THENCE S31°48'22.97"W 154.13 FEET, THENCE S24°06'24.97"W 408.28 FEET, THENCE S22°26'37.97"W 67.52 FEET, THENCE S49°39'48.97"W 501.86 FEET, THENCE N89°01'45.58" 896.06 FEET, THENCE N1°59'20.97"E 1015.50 FEET TO THE POINT OF BEGINNING



1 LOCATION MAP  
1"=2000'



**DRAWING INDEX:**

<b>GENERAL</b>	
0	COVER SHEET
<b>CIVIL</b>	
C101	SITE LAYOUT & PAVING PLAN
C102	SITE GRADING & STORM SEWER PLAN
C105	SITE UTILITY PLAN
C106	SITE LANDSCAPE PLAN
C107	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN
<b>ARCHITECTURAL</b>	
A101	BUSINESS IDENTIFICATION SIGN DETAILS
A201	EXTERIOR BUILDING ELEVATIONS

**PROJECT INFORMATION:**

OWNER: IOWA WESTERN COMMUNITY COLLEGE FOUNDATION  
2313 COLLEGE ROAD  
COUNCIL BLUFFS, IA 51503

SUBDIVIDER: NESTORY PARK  
1 BELVEDERE DRIVE  
MILL VALLEY, CA 94941

ENGINEER: THE SCHEMMER ASSOCIATES, INC.  
1044 N. 115TH STREET, SUITE 300  
OMAHA, NE 68154

ZONING: ALL PROPERTY WITHIN THE SUBDIVISION BOUNDARY IS CURRENTLY ZONED P-C/P-1.

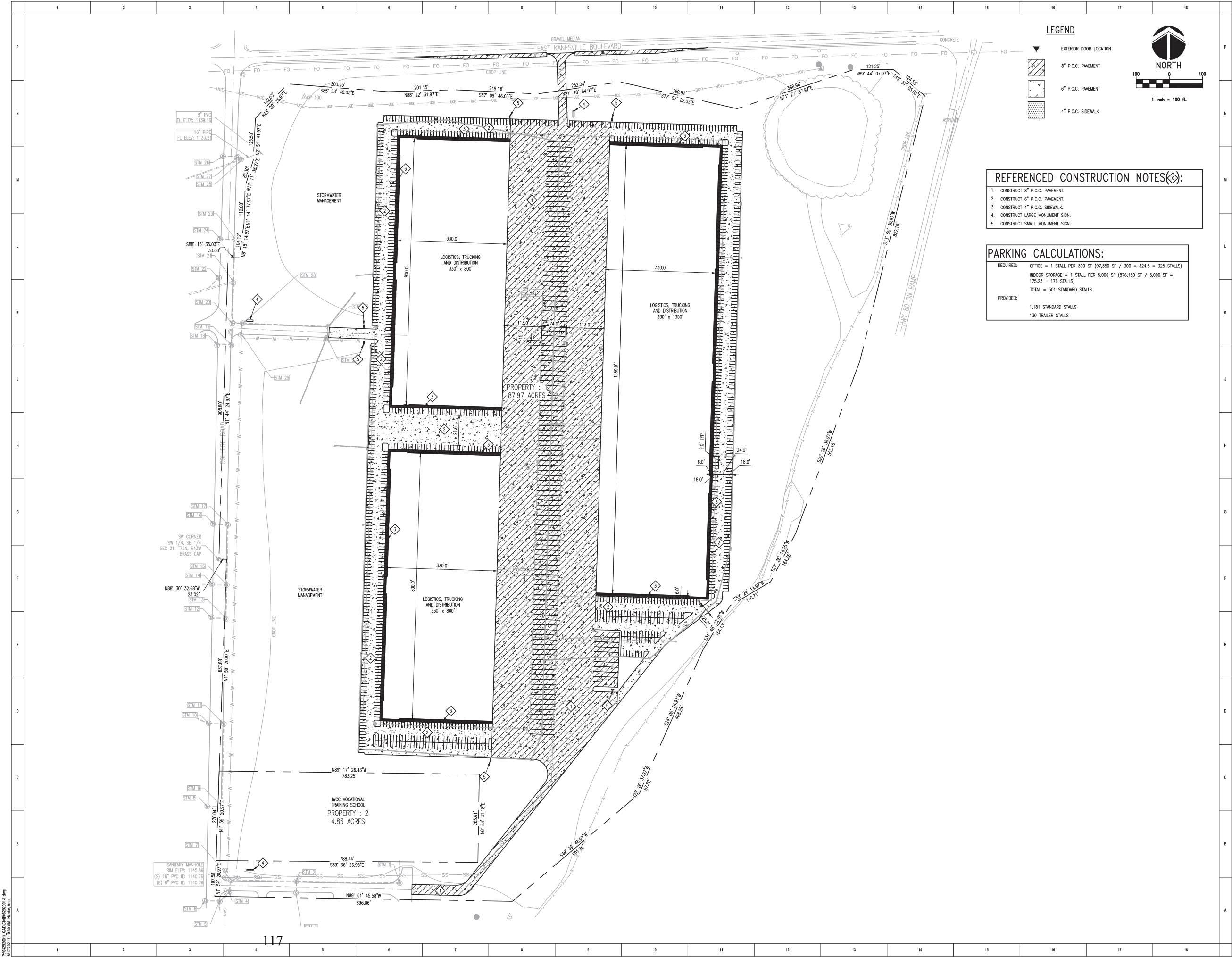
FLOODPLAIN: FEMA FLOOD ZONE X, AREA OF MINIMAL HAZARD. NO FLOODWAY OR FRINGE ENCROACHMENTS.

PRELIM - NOT FOR CONSTRUCTION



NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
COVER SHEET

PROJECT NO.: 08292.001



**LEGEND**

- EXTERIOR DOOR LOCATION
- 8" P.C.C. PAVEMENT
- 6" P.C.C. PAVEMENT
- 4" P.C.C. SIDEWALK

**NORTH**

1 inch = 100 ft.

- REFERENCED CONSTRUCTION NOTES:**
1. CONSTRUCT 8" P.C.C. PAVEMENT.
  2. CONSTRUCT 6" P.C.C. PAVEMENT.
  3. CONSTRUCT 4" P.C.C. SIDEWALK.
  4. CONSTRUCT LARGE MONUMENT SIGN.
  5. CONSTRUCT SMALL MONUMENT SIGN.

**PARKING CALCULATIONS:**

REQUIRED:	OFFICE = 1 STALL PER 300 SF (97,350 SF / 300 = 324.5 = 325 STALLS)
	INDOOR STORAGE = 1 STALL PER 5,000 SF (876,150 SF / 5,000 SF = 175.23 = 176 STALLS)
	TOTAL = 501 STANDARD STALLS
PROVIDED:	1,181 STANDARD STALLS
	130 TRAILER STALLS

**PRELIM - NOT FOR CONSTRUCTION**

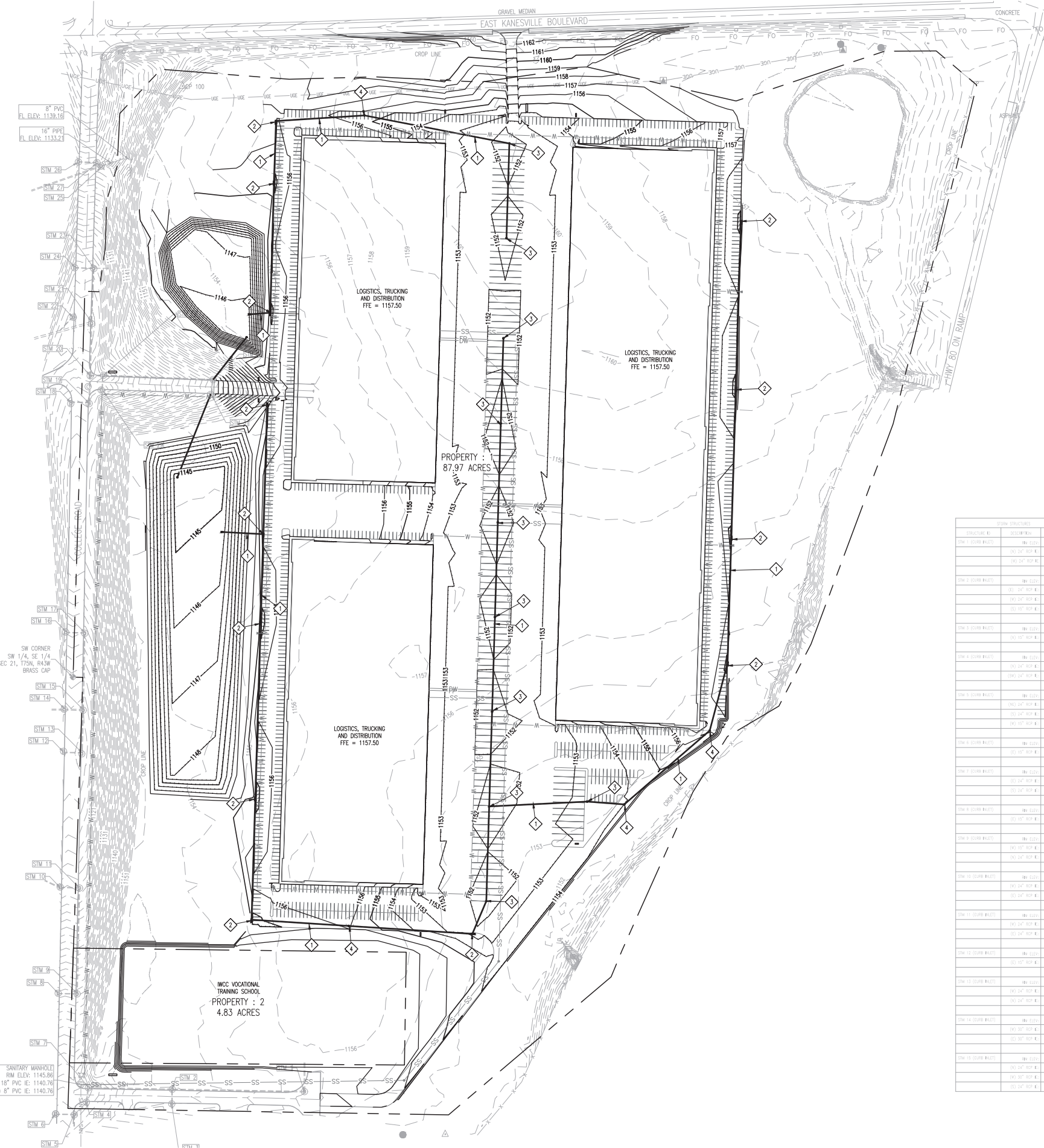


**NESTORY PARK**  
**IWCC LOGISTICS**  
**180 & HIGHWAY 6**  
**COUNCIL BLUFFS, IOWA**  
**SITE LAYOUT & PAVING PLAN**

PROJECT NO.: 08292.001

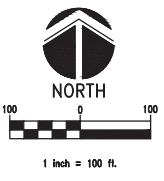
**C101**

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**LEGEND**

- XX — PROPOSED CONTOUR
- - - - EXISTING CONTOUR
- — — — PROPOSED STORM SEWER



**REFERENCED CONSTRUCTION NOTES**

1. CONSTRUCT STORM SEWER PIPE.
2. CONSTRUCT CURB INLET.
3. CONSTRUCT AREA INLET.
4. CONSTRUCT MANHOLE.

STRUCTURE NO.	DESCRIPTION	ELEVATION
STM 1	300 24" RCP M.	1148.00
STM 2	300 24" RCP M.	1148.00
STM 3	300 24" RCP M.	1148.00
STM 4	300 24" RCP M.	1148.00
STM 5	300 24" RCP M.	1148.00
STM 6	300 24" RCP M.	1148.00
STM 7	300 24" RCP M.	1148.00
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STM 14	300 24" RCP M.	1148.00
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STM 30	300 24" RCP M.	1148.00
STM 31	300 24" RCP M.	1148.00
STM 32	300 24" RCP M.	1148.00
STM 33	300 24" RCP M.	1148.00
STM 34	300 24" RCP M.	1148.00
STM 35	300 24" RCP M.	1148.00
STM 36	300 24" RCP M.	1148.00
STM 37	300 24" RCP M.	1148.00
STM 38	300 24" RCP M.	1148.00
STM 39	300 24" RCP M.	1148.00
STM 40	300 24" RCP M.	1148.00
STM 41	300 24" RCP M.	1148.00
STM 42	300 24" RCP M.	1148.00
STM 43	300 24" RCP M.	1148.00
STM 44	300 24" RCP M.	1148.00
STM 45	300 24" RCP M.	1148.00
STM 46	300 24" RCP M.	1148.00
STM 47	300 24" RCP M.	1148.00
STM 48	300 24" RCP M.	1148.00
STM 49	300 24" RCP M.	1148.00
STM 50	300 24" RCP M.	1148.00

STRUCTURE NO.	DESCRIPTION	ELEVATION
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STM 2	300 24" RCP M.	1148.00
STM 3	300 24" RCP M.	1148.00
STM 4	300 24" RCP M.	1148.00
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STM 11	300 24" RCP M.	1148.00
STM 12	300 24" RCP M.	1148.00
STM 13	300 24" RCP M.	1148.00
STM 14	300 24" RCP M.	1148.00
STM 15	300 24" RCP M.	1148.00
STM 16	300 24" RCP M.	1148.00
STM 17	300 24" RCP M.	1148.00
STM 18	300 24" RCP M.	1148.00
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STM 46	300 24" RCP M.	1148.00
STM 47	300 24" RCP M.	1148.00
STM 48	300 24" RCP M.	1148.00
STM 49	300 24" RCP M.	1148.00
STM 50	300 24" RCP M.	1148.00

8" PVC  
FL. ELEV. 1139.18

18" PVC  
FL. ELEV. 1133.2

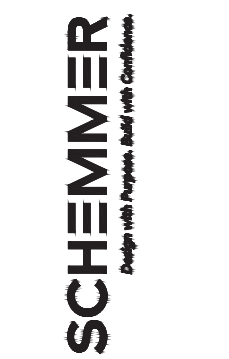
SW CORNER  
SW 1/4, SEC 17/4  
SEC 21, T75N, R45W  
BRASS CAP

SANITARY MANHOLE  
RIM ELEV. 1145.86  
(S) 18" PVC I.E. 1140.76  
(E) 8" PVC I.E. 1140.76

DESIGNED: RMD  
DRAWN: APH  
CHECKED:

ISSUE DATE: 08/17/2011  
REVISIONS: No. DATE DESCRIPTION:

**PRELIM - NOT FOR CONSTRUCTION**



**NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
SITE GRADING & DRAINAGE PLAN**

PROJECT NO.: 08292.001

**C102**

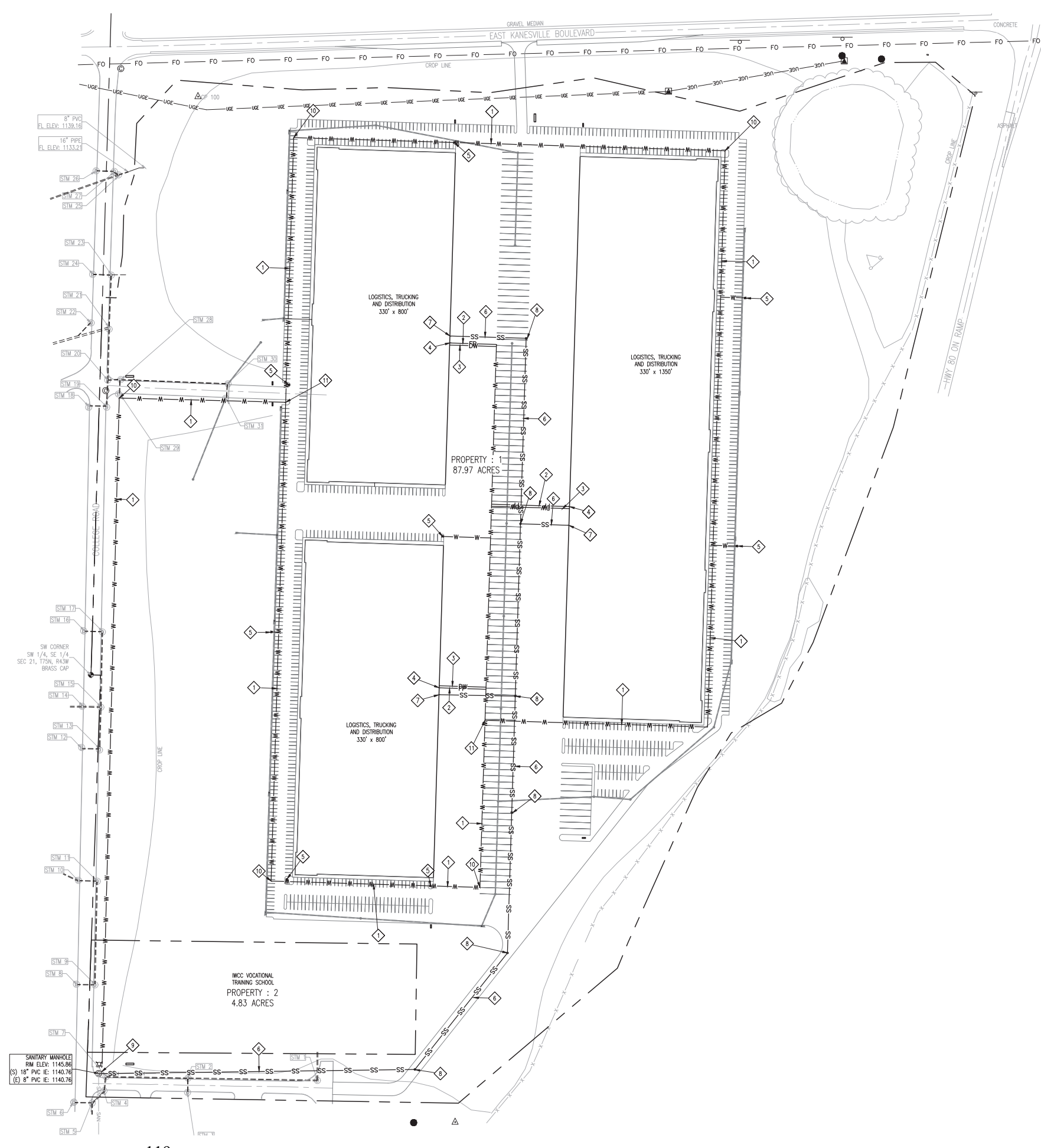
**LEGEND**

- DW — DOMESTIC WATER LINE
- FP — FIRE PROTECTION LINE
- W — WATER MAIN
- GAS — GAS LINE
- SS — SANITARY SEWER
- STORM SEWER

NORTH

1 inch = 20 ft.

- REFERENCED CONSTRUCTION NOTES (C):**
1. CONSTRUCT WATER LINE.
  2. CONSTRUCT FIRE PROTECTION LINE.
  3. CONSTRUCT DOMESTIC WATER LINE.
  4. CONSTRUCT PV ON BUILDING.
  5. CONSTRUCT FIRE HYDRANT.
  6. CONSTRUCT 6" SANITARY SEWER.
  7. CONSTRUCT DOUBLE CLEWOUT.
  8. CONSTRUCT SANITARY SEWER MANHOLE.
  9. TAP EXISTING SANITARY SEWER MANHOLE.
  10. CONSTRUCT ELBOW W/ BACKING BLOCK.
  11. CONSTRUCT TEE W/ BACKING BLOCK.



ISSUE DATE:	NO.	DESCRIPTION:
08/17/2011		

**PRELIM - NOT FOR CONSTRUCTION**

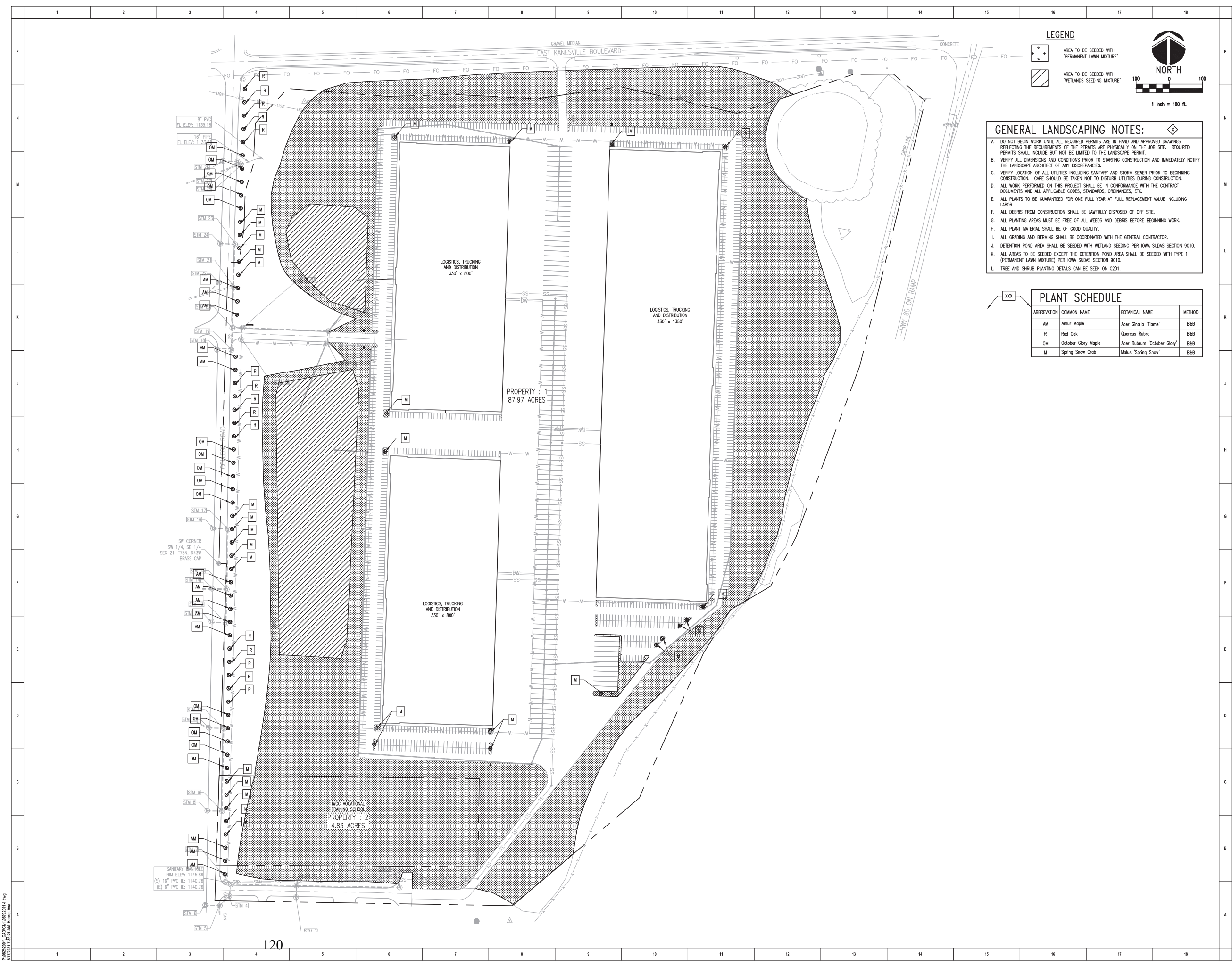
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NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**SITE UTILITY PLAN**

PROJECT NO.: 08292.001

**C105**

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**LEGEND**

- Area to be seeded with "PERMANENT LAWN MIXTURE"
- Area to be seeded with "WETLANDS SEEDING MIXTURE"

**NORTH**

100 0 100

1 inch = 100 ft.

- GENERAL LANDSCAPING NOTES:**
- DO NOT BEGIN WORK UNTIL ALL REQUIRED PERMITS ARE IN HAND AND APPROVED DRAWINGS REFLECTING THE REQUIREMENTS OF THE PERMITS ARE PHYSICALLY ON THE JOB SITE. REQUIRED PERMITS SHALL INCLUDE BUT NOT BE LIMITED TO THE LANDSCAPE PERMIT.
  - VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
  - VERIFY LOCATION OF ALL UTILITIES INCLUDING SANITARY AND STORM SEWER PRIOR TO BEGINNING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DISTURB UTILITIES DURING CONSTRUCTION.
  - ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL APPLICABLE CODES, STANDARDS, ORDINANCES, ETC.
  - ALL PLANTS TO BE GUARANTEED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.
  - ALL DEBRIS FROM CONSTRUCTION SHALL BE LAWFULLY DISPOSED OF OFF SITE.
  - ALL PLANTING AREAS MUST BE FREE OF ALL WEEDS AND DEBRIS BEFORE BEGINNING WORK.
  - ALL PLANTING MATERIAL SHALL BE OF GOOD QUALITY.
  - ALL GRADING AND BERING SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.
  - DETENTION POND AREA SHALL BE SEEDDED WITH WETLAND SEEDING PER IOWA SUDAS SECTION 9010.
  - ALL AREAS TO BE SEEDDED EXCEPT THE DETENTION POND AREA SHALL BE SEEDDED WITH TYPE 1 (PERMANENT LAWN MIXTURE) PER IOWA SUDAS SECTION 9010.
  - TREE AND SHRUB PLANTING DETAILS CAN BE SEEN ON C201.

**PLANT SCHEDULE**

ABBREVIATION	COMMON NAME	BOTANICAL NAME	METHOD
AM	Amur Maple	Acer Ginnola 'Home'	B&B
R	Red Oak	Quercus Rubra	B&B
OM	October Glory Maple	Acer Rubrum 'October Glory'	B&B
M	Spring Snow Crab	Malus 'Spring Snow'	B&B

ISSUE DATE:	NO.	DATE:	DESCRIPTION:
08/17/2011			

DESIGNED: RMD  
DRAWN: JPH  
CHECKED:

THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE DESIGNER. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS OR FOR THE ACTIONS OF ANY CONTRACTOR OR SUBCONTRACTOR. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACTIONS OF ANY CONTRACTOR OR SUBCONTRACTOR.

**PRELIM - NOT FOR CONSTRUCTION**

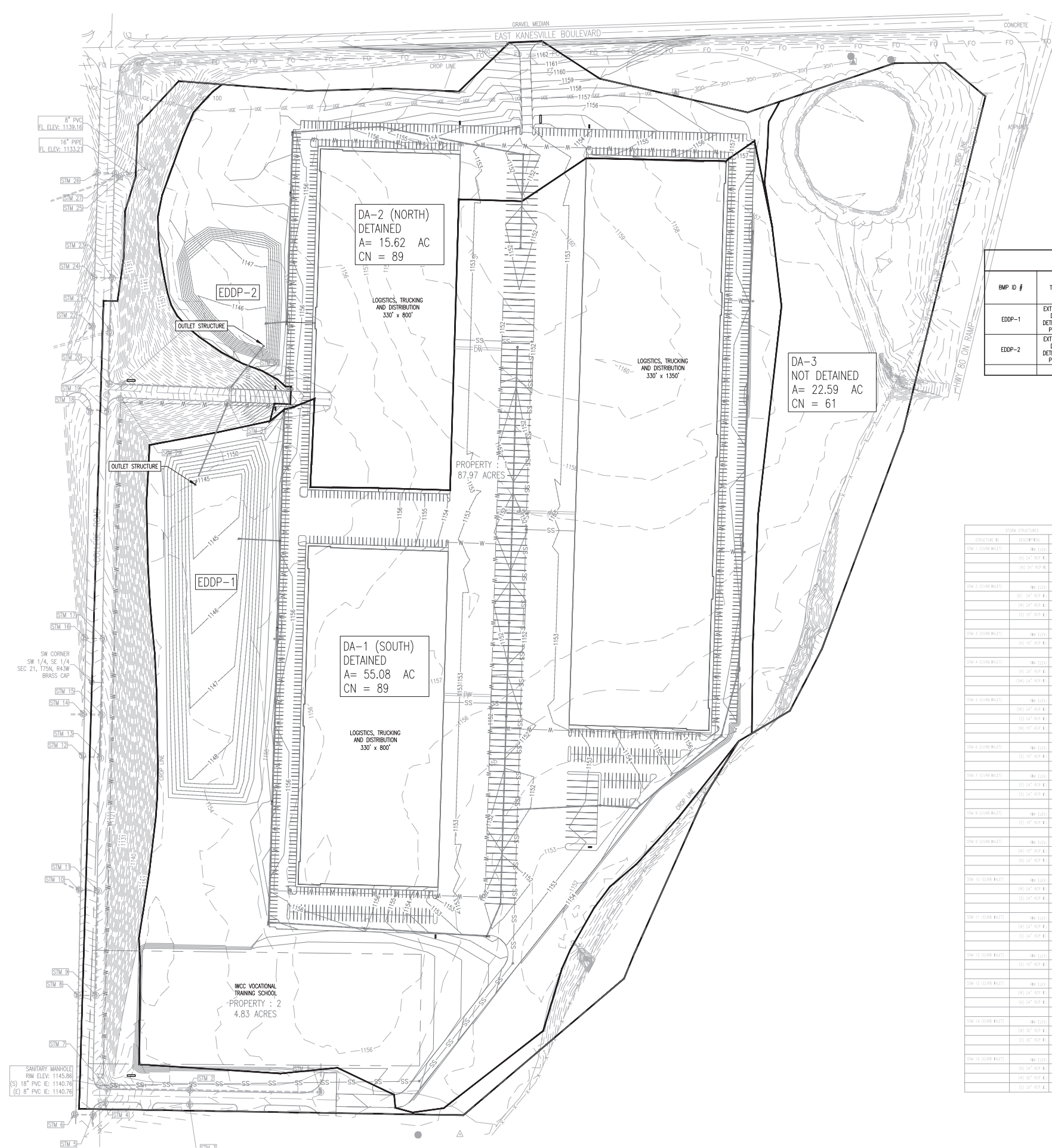
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**NESTORY PARK**  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**SITE LANDSCAPE PLAN**

PROJECT NO.: 08292.001

**C106**

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**LEGEND**

- XX — PROPOSED CONTOUR
- XX — EXISTING CONTOUR
- — PROPOSED STORM SEWER
- — DRAINAGE BOUNDARY

**NORTH**

100 0 100

1 inch = 100 ft.

**PCSMP NOTES:**

- THE OWNER SHALL CONTROL LITTER. THIS SHALL BE DONE BY HAVING THE ADEQUATE NUMBER OF TRASH RECEPTACLES LOCATED ON SITE. THE RECEPTACLES SHALL BE EMPTIED REGULARLY OR WHEN FULL. TRASH DUMPSTERS SHALL HAVE COVERS ON THEM, AND THE COVERS SHALL REMAIN CLOSED.
- STREETS, PARKING LOT, AND SIDEWALK SHALL BE SWEEPED WHEN DIRT OR DUST BECOMES PRESENT. POWER WASHING OR HOISING OFF WILL NOT BE ALLOWED.
- ALL INLETS IN THE PAVEMENT AREAS SHALL HAVE LABELS STATING, "NO DUMPING - DRAINS TO LIVE STREAM".
- PERIMETER OF SITE WILL BE OBSERVED REGULARLY TO PICK UP ANY LITTER ON OWNER'S PROPERTY.

**BMP CALCULATIONS**

BMP ID #	TYPE	DRAINAGE AREA (AC)	WQV (cf) or Equivalent Flow Rate (cfs)	Design Volume (cf) or Equivalent Treatment Flow Rate (cfs)	EXISTING 5-YEAR PEAK RUNOFF (CFS)	PROPOSED 100-YEAR PEAK RUNOFF (CFS)
EDDP-1	EXTENDED DRY DETENTION POND	55.08	203,689	203,689	280.13	13.49
EDDP-2	EXTENDED DRY DETENTION POND	15.62	57,764	57,764	280.13	12.29

STRUCTURE NO.	DESCRIPTION	ELEVATION	STRUCTURE NO.	DESCRIPTION	ELEVATION
STW 1	STORM WALLETS	1148.00	STW 16	STORM WALLETS	1148.00
STW 2	STORM WALLETS	1148.00	STW 17	STORM WALLETS	1148.00
STW 3	STORM WALLETS	1148.00	STW 18	STORM WALLETS	1148.00
STW 4	STORM WALLETS	1148.00	STW 19	STORM WALLETS	1148.00
STW 5	STORM WALLETS	1148.00	STW 20	STORM WALLETS	1148.00
STW 6	STORM WALLETS	1148.00	STW 21	STORM WALLETS	1148.00
STW 7	STORM WALLETS	1148.00	STW 22	STORM WALLETS	1148.00
STW 8	STORM WALLETS	1148.00	STW 23	STORM WALLETS	1148.00
STW 9	STORM WALLETS	1148.00	STW 24	STORM WALLETS	1148.00
STW 10	STORM WALLETS	1148.00	STW 25	STORM WALLETS	1148.00
STW 11	STORM WALLETS	1148.00	STW 26	STORM WALLETS	1148.00
STW 12	STORM WALLETS	1148.00	STW 27	STORM WALLETS	1148.00
STW 13	STORM WALLETS	1148.00	STW 28	STORM WALLETS	1148.00
STW 14	STORM WALLETS	1148.00	STW 29	STORM WALLETS	1148.00
STW 15	STORM WALLETS	1148.00	STW 30	STORM WALLETS	1148.00

8" PVC  
FL. ELEV. 1139.18

18" PVC  
FL. ELEV. 1133.2

SW CORNER  
SW 1/4, SE 1/4  
SEC 21, T75N, R45W  
BRASS CAP

SANITARY MANHOLE  
RIM ELEV: 1145.86  
(S) 18" PVC IE: 1140.76  
(E) 8" PVC IE: 1140.76

ISSUE DATE: 08/17/2011

REVISIONS:

No.	DATE	DESCRIPTION
XXX		
XXX		
XXX		

DESIGNED: XXX  
DRAWN: XXX  
CHECKED: XXX

THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE USER OF THIS DOCUMENT.

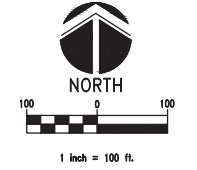
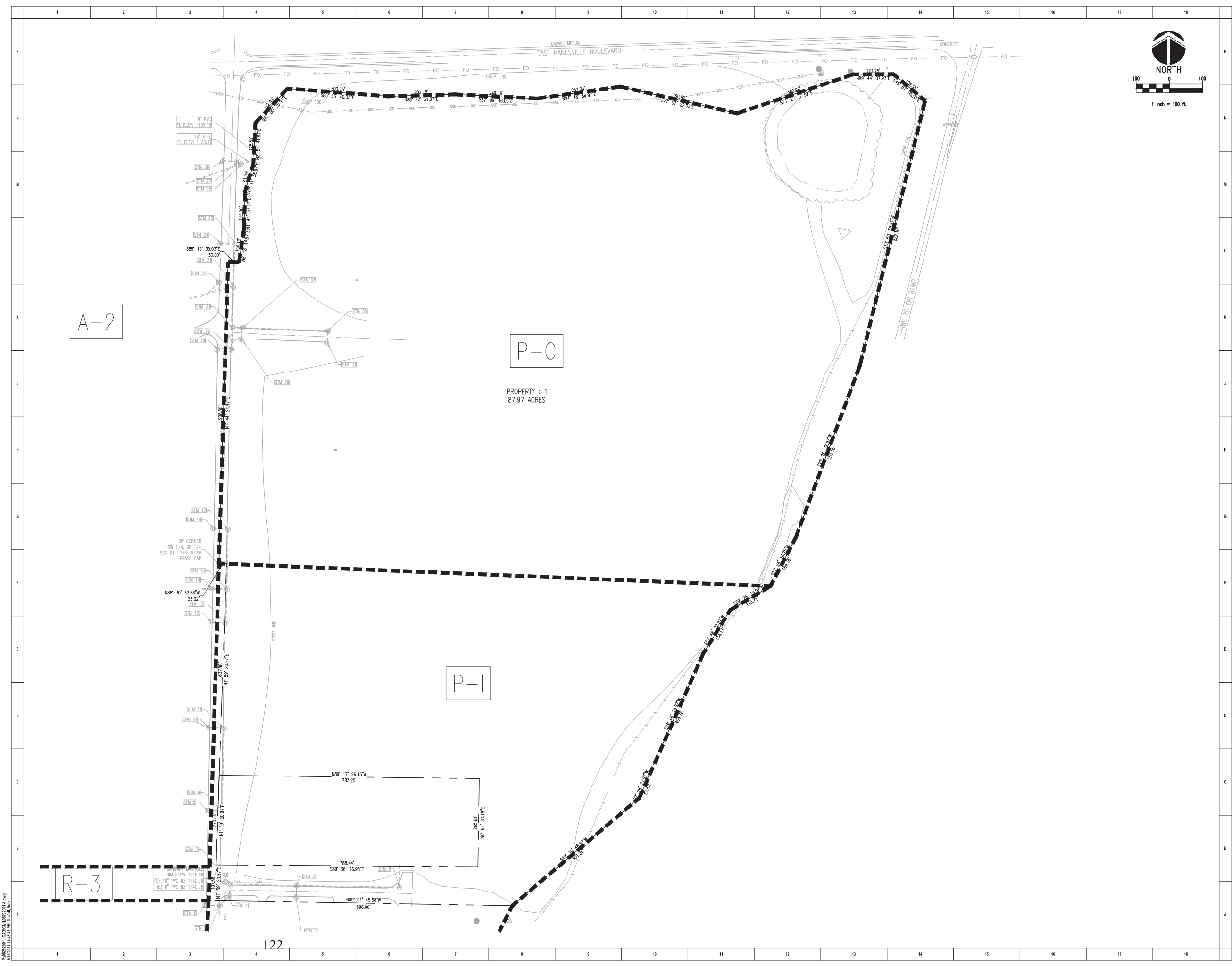
**PRELIM - NOT FOR CONSTRUCTION**



**NESTORY PARK**  
IWC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**POST CONSTRUCTION STORMWATER MANAGEMENT PLAN**

PROJECT NO.: 08292.001

**C107**



A-2

P-C

P-I

R-3

PROPERTY : 1  
87.97 ACRES

NO.	DATE	BY	DESCRIPTION

PRELIM - NOT FOR  
CONSTRUCTION

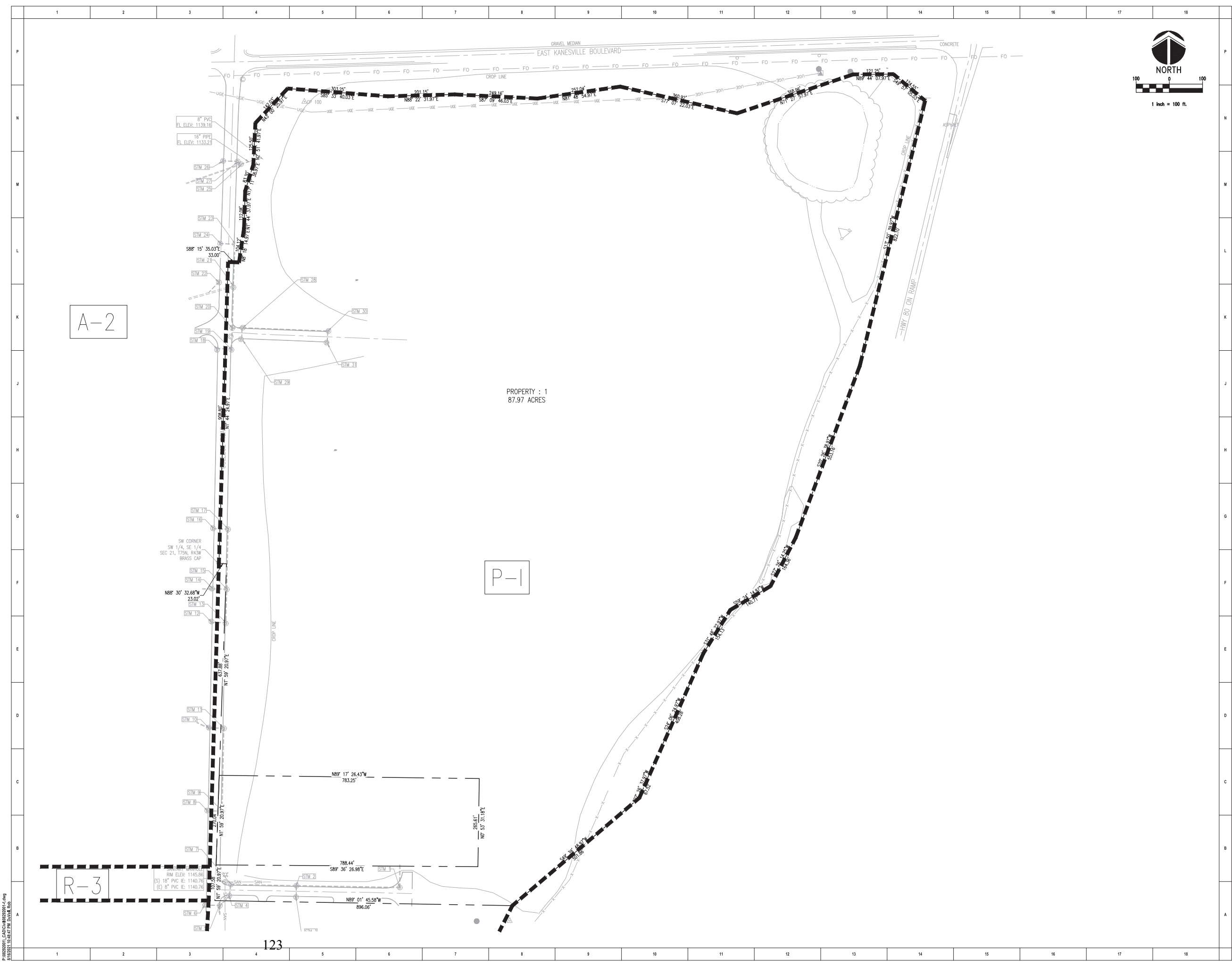
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NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
EXISTING ZONING

PROJECT NO.: 08292.001

**EXIST**

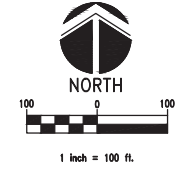
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A-2

P-1

R-3



DESIGNED:	RMD	ISSUE DATE:	08/17/2021
DRAWN:	AMH	REVISED:	
CHECKED:		DATE:	
		NO.:	
		BY:	
		DESCRIPTION:	

**PRELIM - NOT FOR CONSTRUCTION**

**SCHEMMER**  
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**NESTORY PARK**  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**PROPOSED ZONING**

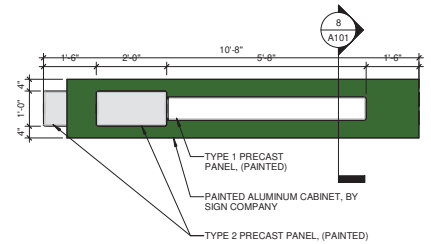
PROJECT NO.: 08292.001

**PROP**

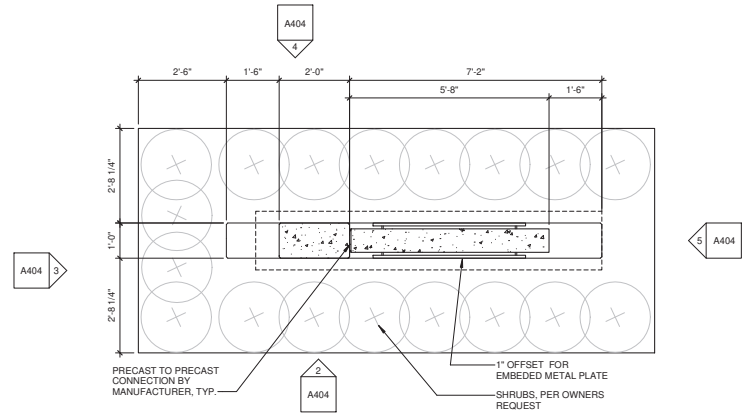
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8/18/2021 10:46:47 PM DWG.M. Rls



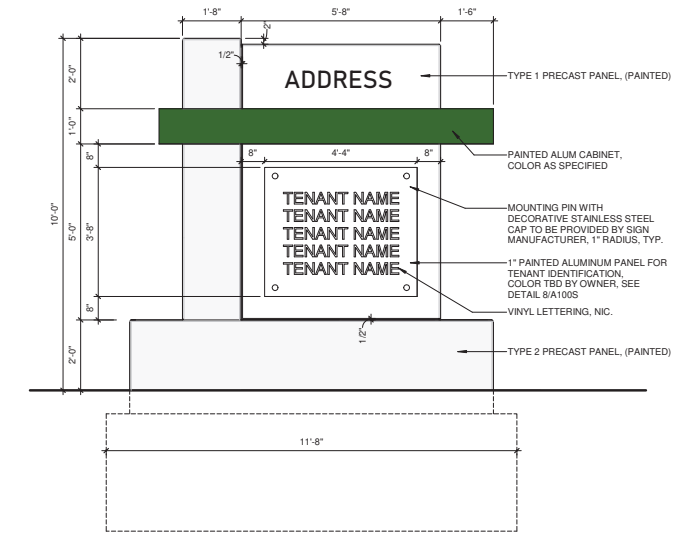
1 PERSPECTIVE VIEW



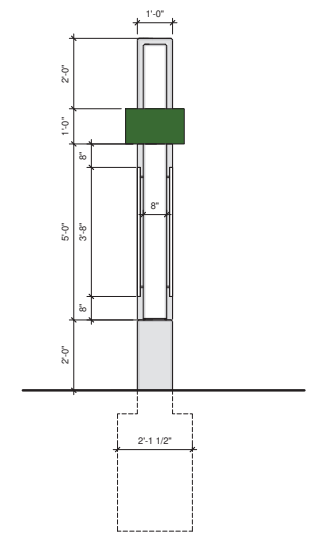
2 PLAN - PRECAST CAP  
SCALE: 1/2" = 1'-0"



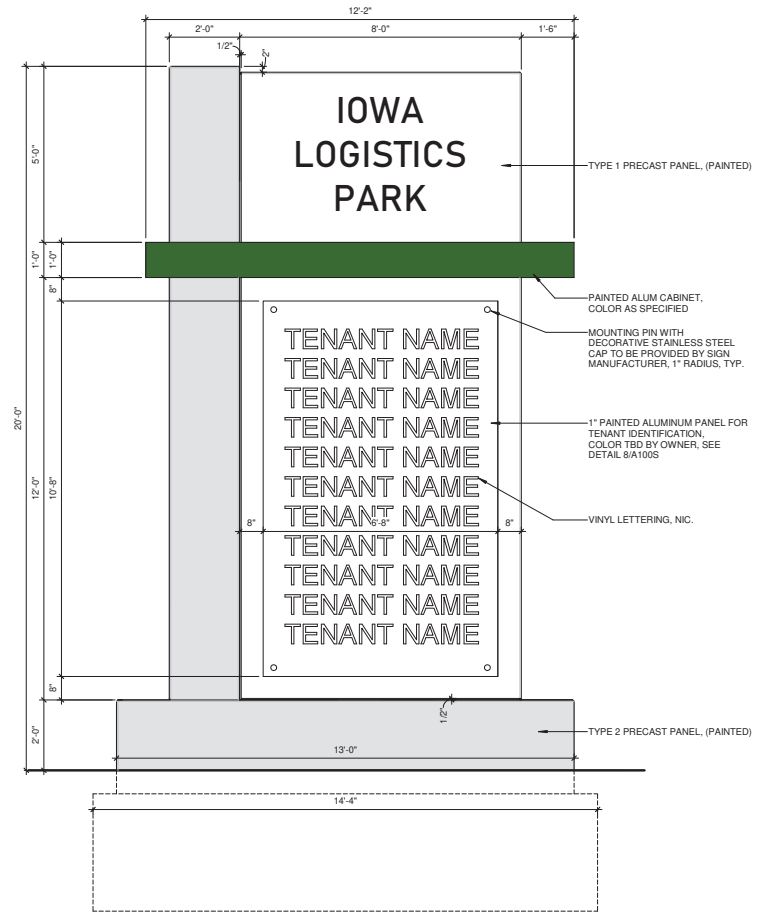
3 FLOOR PLAN - SIGNAGE  
SCALE: 1/2" = 1'-0"



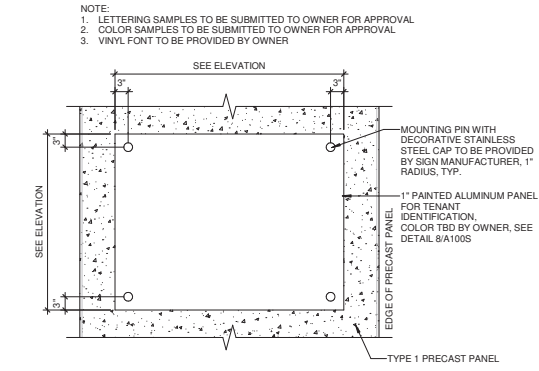
4 FRONT ELEVATION - SMALL MONUMENT SIGN  
SCALE: 1/2" = 1'-0"



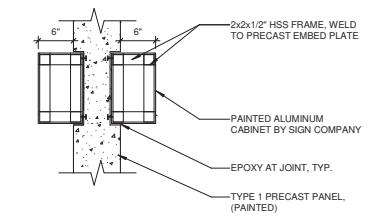
5 RIGHT ELEVATION - SMALL SIGN  
SCALE: 1/2" = 1'-0"



6 FRONT ELEVATION - LARGE MONUMENT SIGN  
SCALE: 1/2" = 1'-0"



7 ENLARGEMENT - TENANT NAME PANEL  
SCALE: 3/4" = 1'-0"



8 SECTION - PRECAST CAP  
SCALE: 1" = 1'-0"

ISSUE DATE: 08/17/2021

NO.	DATE	BY	DESCRIPTION
DESIGNED:	MCN		
DRAWN:	MCN		
CHECKED:	DK		

THE FORMING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY FOR CONSTRUCTION OF SIGNAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE IOWA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE IOWA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.

PRELIM - NOT FOR CONSTRUCTION

**SCHEMMER**  
Design with Purpose. Build with Confidence.

NESTORY PARK  
IOWA LOGISTICS FACILITY  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA 51501  
BUSINESS IDENTIFICATION SIGN DETAILS

PROJECT NO.: 08292.001

A101

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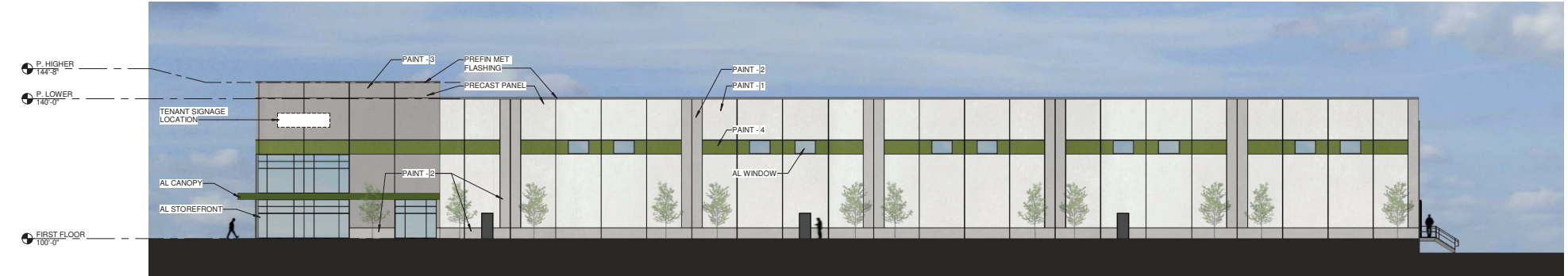
3 FRONT ELEVATION - AREA A  
SCALE: 1/16" = 1'-0"



6 FRONT ELEVATION - AREA B  
SCALE: 1/16" = 1'-0"



5 FRONT ELEVATION - AREA C  
SCALE: 1/16" = 1'-0"



2 SIDE ELEVATION (TYP)  
SCALE: 1/16" = 1'-0"

DESIGNED:	ISSUE DATE:	08/17/2021
DRAWN:	REVISIONS:	DATE:
CHECKED:	BY:	DESCRIPTION:
	NO.:	
	DATE:	

**PRELIM - NOT FOR CONSTRUCTION**

**SCHEMMER**  
Design with Purpose. Build with Confidence.

**NESTORY PARK  
IWCC LOGISTICS FACILITY  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA 51501  
EXTERIOR BUILDING ELEVATIONS**

PROJECT NO.: 08292.001

**A201**

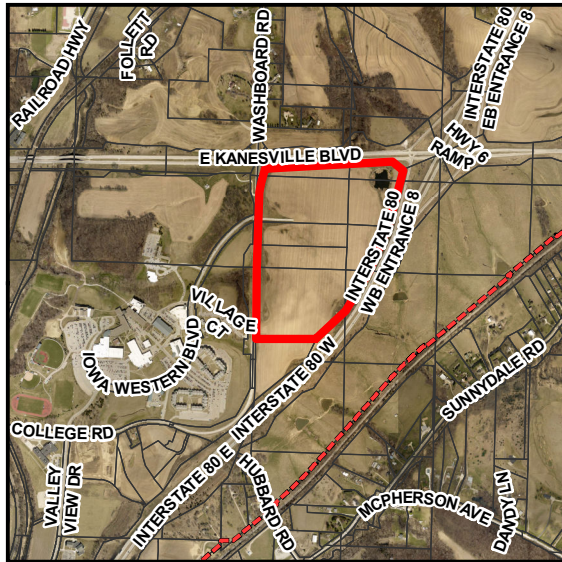
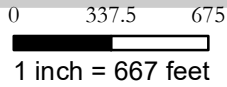
# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-21-010, SUB-21-011, & PI-21-001 LOCATION/ZONING MAP

Subject Property Case #SUB-21-011, Case #PI-21-001

Subject Properties for Case #ZC-21-010

Parcels

City of Council Bluffs Corporate Limits

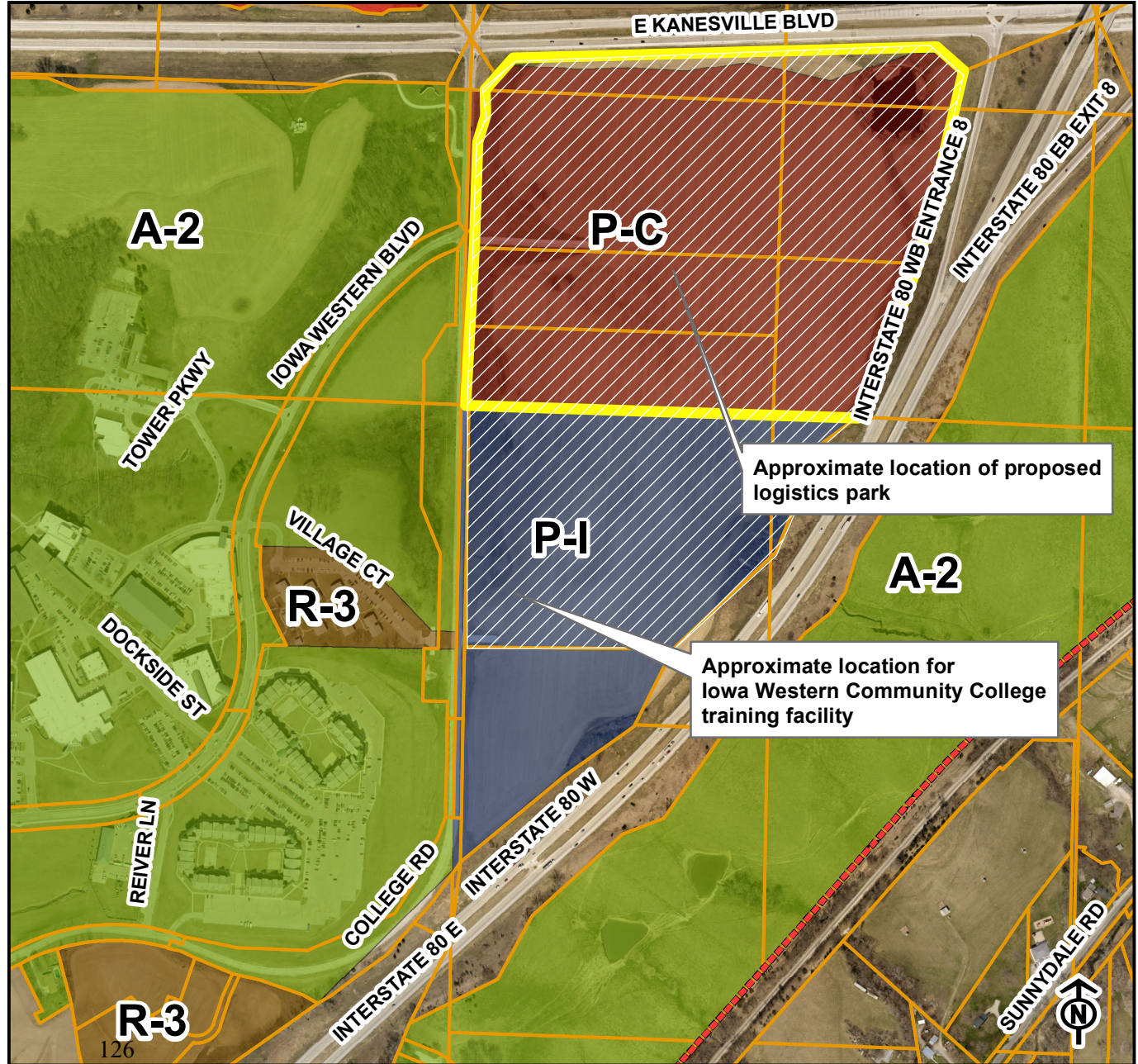


Last Amended: 8/23/2021



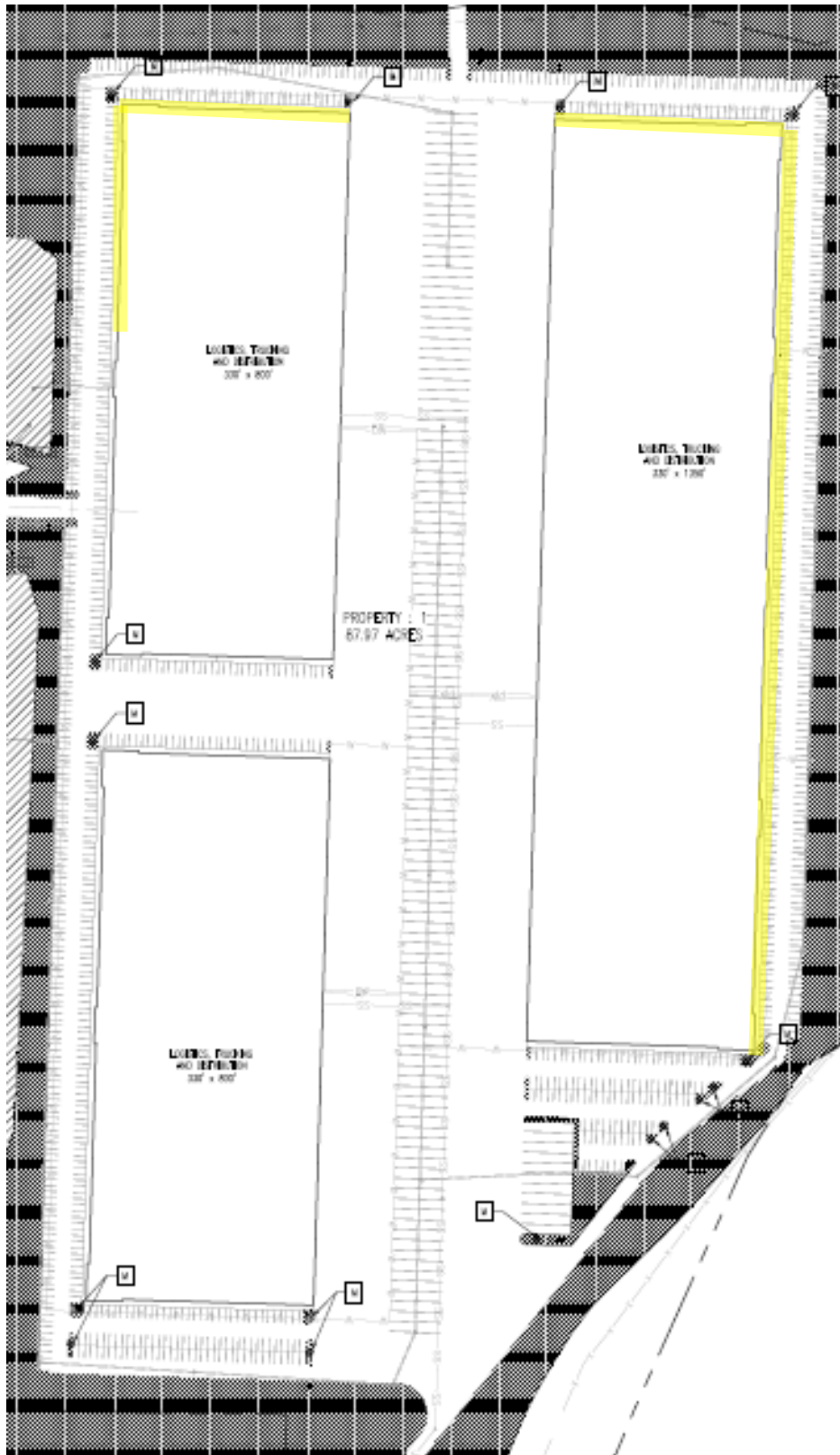
Council Bluffs Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**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.



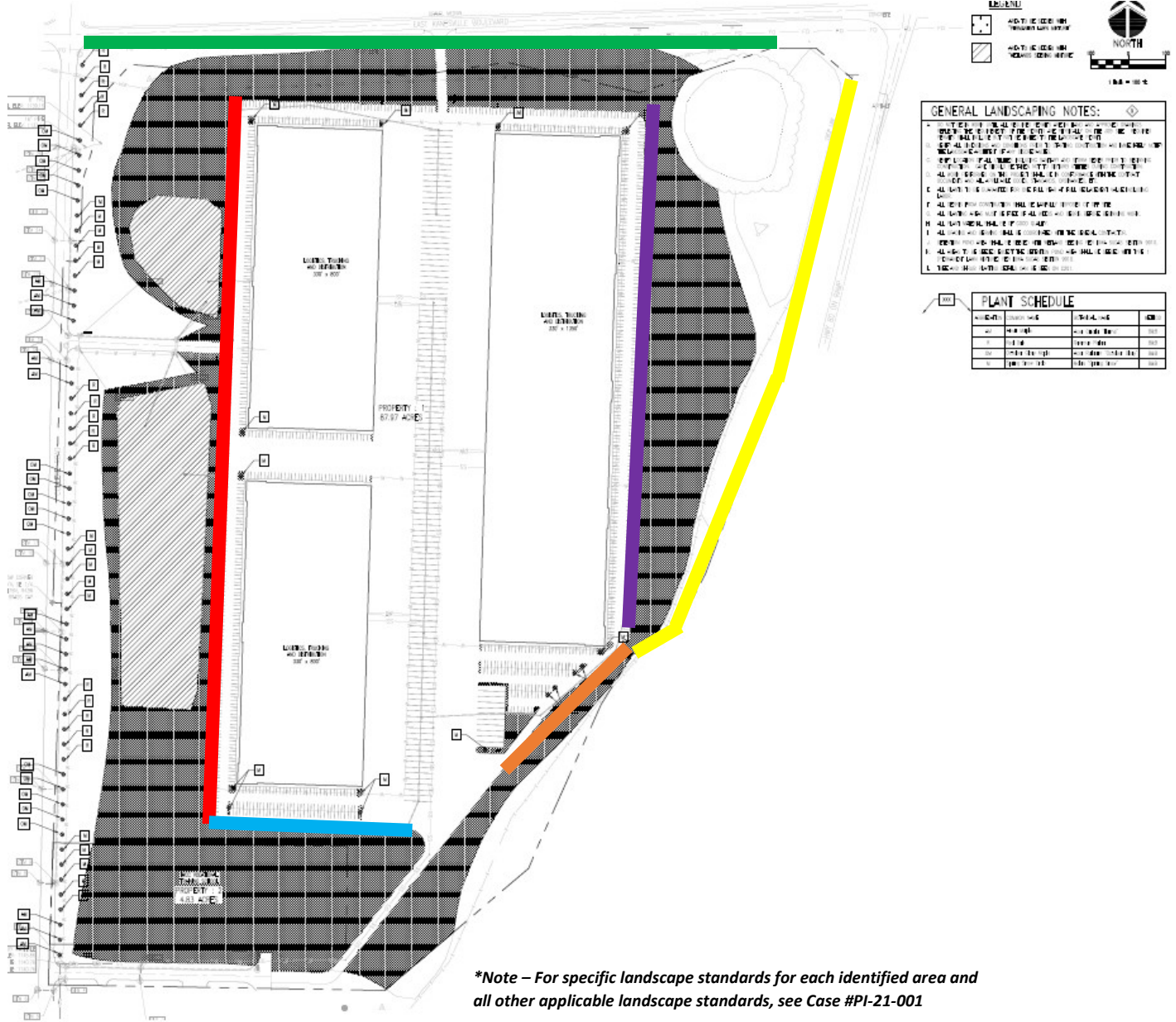
# Attachment E

Building facades subject to design standards listed in Case #PI-21-001 highlighted in yellow below:



# Attachment F

## Required Landscaping Key



Northern property line perimeter landscape area shown in green above

Easterly property line perimeter landscape area shown in yellow above

Western parking lot perimeter landscape area shown in red above

Southern parking lot perimeter landscape area shown in blue above

Southeastern parking lot perimeter landscape area shown in orange above

Eastern parking lot perimeter landscape area shown in purple above

## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Nestory Park, represented by Robert DuVall, of The Schemmer Associates, to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property legally described as BEGINNING AT THE SW ¼ CORNER OF SAID SECTION 21. THENCE N1°44'24.97"E 908.80 FEET, THENCE S88°15'35.03"E 33.00 FEET. THENCE N8°18'14.97"E 104.12 FEET, THENCE N1°44'37.97"E 112.08 FEET. THENCE N17°11'38.97"E 83.30 FEET, THENCE N2°51'41.97"E 125.50 FEET. THENCE N43°00'25.97"E 142.03 FEET, THENCE S85°33'40.03"E 303.25 FEET, THENCE N88°22'31.97"E 201.15 FEET, THENCE S87°09'46.03"E 249.16 FEET, THENCE N81°48'54.97"E 252.04 FEET, THENCE S77°07'22.03"E 360.92 FEET, THENCE N71°27'57.97"E 368.96 FEET, THENCE N89°44'07.97"E 121.25 FEET, THENCE S49°57'05.03"E 124.55 FEET, THENCE S13°50'39.97"W 822.10 FEET, THENCE S20°26'38.97"W 553.16 FEET, THENCE S27°26'14.25"W 164.36 FEET, THENCE 87°39'03"W 1662.53 FEET TO THE POINT OF BEGINNING from P-C/Planned Commercial District to P-I/Planned Industrial District, as defined in Chapter 15.19 of the Municipal Code of Council Bluffs, Iowa, and adopting a planned industrial development plan for said property, as per Chapter 15.19 of the Municipal Code of Council Bluffs, Iowa.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11<sup>th</sup> day of October, 2021 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

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Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6473**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING 63.1 ACRES OF LAND (MORE/LESS) GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF COLLEGE ROAD AND EAST KANESVILLE BOULEVARD AND LEGALLY DESCRIBED IN ATTACHMENT 'A' FROM P-C/PLANNED COMMERCIAL DISTRICT TO P-I/PLANNED INDUSTRIAL DISTRICT AS DEFINED IN CHAPTER 15.19 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 63.1 acres of land (more/less) generally located at the southeast corner of the intersection of College Road and East Kaneshville Boulevard and legally described in Attachment 'A' from P-C/Planned Commercial District to P-I/Planned Industrial District, as defined in Chapter 15.19 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED  
AND  
APPROVED

October 25, 2021.

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

Attest:

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

First Consideration: 9-27-21  
Second Consideration: 10-11-21  
Public Hearing: 10-11-21  
Third Consideration: 10-25-21

## Council Communication

Department: City Clerk  
Case/Project No.: ZC-21-008  
Submitted by: Brandon Siracuse,  
Planner

Ordinance 6474  
ITEM 3.G.

Council Action: 10/25/2021

### Description

Ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning property described as 4220 Gifford Road and City-owned property and right-of-way at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway, more specifically described in the Council packet, from A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to I-2/General Industrial District as defined in Chapter 15.21. ZC-21-008

### Background/Discussion

See attachments.

### Recommendation

#### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Letter of Intent	Letter	9/17/2021
Attachment B - Final Plat	Other	9/17/2021
Attachment C - Plat of Survey	Other	9/17/2021
Attachment D - Location and zoning map	Map	9/17/2021
Attachment E - Cox Communications facility map	Map	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6474	Ordinance	10/19/2021

**City Council Communication**

<p>Department: Community Development</p> <p>CASES #SUB-21-010, SAV-21-003, and ZC-21-008</p> <p>Applicant: Anderson Construction Company 3125 S. 11<sup>th</sup> Street Council Bluffs, IA 51501</p> <p>Property Owners: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503</p> <p>Twin Cities Christian Church 4220 Gifford Rd Council Bluffs, IA 51501</p> <p>Engineer/Surveyor: Snyder Engineering 1751 Madison Ave Council Bluffs, IA 51503</p>	<p>Resolution No. _____</p> <p>Resolution No. _____</p> <p>Ordinance No. _____</p>	<p><b><u>CASE #ZC-21-008</u></b> 1<sup>st</sup> Consideration: 9/27/2021 2<sup>nd</sup> Consideration: 10/11/2021 3<sup>rd</sup> Consideration: 10/25/2021</p> <p><b><u>CASE #SUB-21-010</u></b> Public Hearing: 10/11/2021</p> <p><b><u>CASE #SAV-21-003</u></b> Resolution of Intent: 9/27/2021 Resolution to Vacate: 10/11/2021</p> <p>Planning Commission: 9/14/2021</p>
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**Subject/Title**

**Requests:** Combined public hearing on the request of Andersen Construction Company, represented by Mark Andersen, for 1) final plat approval of a one-lot minor industrial subdivision, to be known as the Mark Andersen – Twin City Church Subdivision, on property legally described as part of the NE1/4 NE1/4, Section 15, and part of the NW1/4 NW1/4, Section 14, all in Township 74 North, Range 44 West of the 5<sup>th</sup> Principal Meridian, Council Bluffs, Pottawattamie County, Iowa; 2) vacate and dispose of former Gifford Road right-of-way located on the property legally described above; and 3) rezone the proposed subdivision from split zoning A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to entirely I-2/General Industrial District.

**Location:** 4220 Gifford Road and City-owned property and right-of-way at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway

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**Background**

In August 2021, Andersen Construction Company (referred to herein as “applicant” or “developer”), represented by Mark Andersen, submitted an application to the Community Development Department of the City of Council Bluffs for final plat approval of a one-lot minor industrial subdivision, to be known as the Mark Andersen – Twin City Church Subdivision, on the land legally described above. Along with this application, the applicant submitted requests to vacate a section of right-of-way formerly containing Gifford

Road and to rezone the property currently occupied by Twin Cities Christian Church to allow for industrial development on the site. Specifically, the applicant proposes the following:

- 1) Case #SUB-21-010: Final plat approval of a one-lot minor industrial subdivision to be known as Mark Andersen – Twin City Church Subdivision. The subject properties and right-of-way (see Case #SAV-21-003) together contain 7.37 acres (more/less) located southwest of the intersection of Gifford Road and US-275/Veterans Memorial Highway (see Attachment B). The applicant is the contract purchaser of the parcel of land currently occupied by Twin Cities Christian Church, which plans to move to a new location. The applicant also has made an offer to purchase the city-owned property located between the old Gifford Road right-of-way and the relocated section of Gifford Road. These two lots and the former Gifford Road right-of-way (to be vacated, see Case #SAV-21-003) will be replatted into a single lot that the applicant plans to develop with a new industrial and/or commercial use. The applicant intends to remove all existing buildings and trees on the property and raise the elevation to the street level of Gifford Road. The applicant will also propose to remove wetlands that exist within the proposed subdivision.
- 2) Case #SAV-21-003: Vacate and dispose of former Gifford Road right-of-way located immediately south of US-275/Veterans Memorial Highway and extending south to the relocated section of Gifford Road.
- 3) Case #ZC-21-008: Rezone the land within the proposed subdivision (see Case #SUB-21-010), legally described above, from a split zoning designation of A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to entirely I-2/General Industrial District.

The following attachments are included within this report for reference purposes:

Attachment A: Letter of intent

Attachment B: Final subdivision plat

Attachment C: Gifford Road right-of-way plat of survey

Attachment D: Location/zoning map

Attachment E: Cox Communications facility map

#### **CASE #SUB-21-010 (See Attachments B, C, and D)**

The proposed Mark Andersen – Twin City Church subdivision is comprised of 7.37 acres (more/less) of land and contains one buildable lot (see Attachment B). The applicant intends the lot within the subdivision to be used for an industrial and/or commercial use in the future, although the exact type of business that will occupy the site has not yet been determined.

#### **Comments**

1. The proposed subdivision is split zoned I-2/General Industrial District and A-2/Parks, Estates, and Agricultural District. The applicant proposes to rezone the subdivision (see Attachment B for legal description) from the current split zoning to entirely I-2/General Industrial District (see Case #ZC-21-008). This would make the zoning consistent across the entire subdivision, and it would be consistent with the zoning of surrounding properties (all zoned for industrial use, see Attachment D).
2. The land use plan in the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as “office/industrial,” a use intended for low-impact assembly or distribution activities complemented by employment-intensive, administrative, or professional office functions. The applicant’s suggestion that the land be redeveloped for a warehouse or similar industrial use is generally consistent with this intent. The subdivision proposal demonstrates consistency with the Bluffs Tomorrow: 2030 Comprehensive Plan, as well as with the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

3. The subdivision will consist of one lot, which will result from combining property currently occupied by Twin Cities Christian Church (4220 Gifford Road) with City-owned property (parcel # 744414101006) and right-of-way directly to the east. The land's intended use for an industrial and/or commercial use would be allowed in the I-2/General Industrial District.
4. Proposed Lot 1 will contain 7.37 acres, which exceeds the minimum lot size requirement set forth in CBMC Chapter 15.21 I-2/General Industrial District.
5. The applicant intends to raise the elevation of the lot to the level of Gifford Road and proposes to remove wetlands that exist on the lot in order to make development more feasible.
6. The subdivision is accessible via Gifford Road. An existing driveway provides access to 4220 Gifford Road, the property currently occupied by Twin Cities Christian Church. The same driveway and curb cut could be used to facilitate access to the new subdivision, or the developer could coordinate with Public Works to establish a new access point along Gifford Road.
7. Public water, sanitary sewer, and storm sewer facilities are available to service the proposed subdivision. All costs to construct, remove, and/or relocate any of these facilities for the proposed subdivision shall be the responsibility of the developer and not the City.
8. Utilities (electric, gas, cable and communication facilities, etc.) are available to service the subdivision. All costs to construct, remove, and/or relocate any utilities in the subdivision shall be the responsibility of the developer and not the City or utility providers.
9. Black Hills Energy stated that they have natural gas lines running through the former Gifford Road right-of-way and would need to retain an easement if the right-of-way is vacated and disposed of (see Case #SAV-21-003). Any cost to relocate these facilities shall be the responsibility of the developer and not the City or utility provider.
10. Cox Communications stated that they have cable lines attached to MidAmerican Energy poles that run through the property. These facilities will require an easement. Any cost to relocate or bury these facilities shall be the responsibility of the developer and not the City or utility providers.
11. The Permits and Inspections Division had no comments.
12. The Public Works Department stated that there is a sanitary sewer line stubbed into the old Gifford Road right-of-way from the north. This will require an easement, or the developer may remove or relocate it to the north property line at their own expense.
13. Council Bluffs Water Works (CBWW) stated that they have a substantial water transmission main in the old Gifford Road right-of-way and current City right-of-way. This transmission main is fed from the Council Point Purification Plant, and if it were to break it would need to be fixed quickly to ensure adequate fire protection and drinking water supply for the City. A main break in this location may also cause significant damage to any improvements made in the vacated right-of-way. Because of the crucial nature of this water main, CBWW has expressed a desire to enter into an agreement with the developer regarding specific access rights. Alternatively, CBWW would be open to having the water main moved to the current Gifford Road right-of-way at the applicant's cost. CBWW and the developer shall privately coordinate an agreement regarding CBWW facilities within the old Gifford Road right-of-way, and the final plat shall not be executed until the City has received a copy of this agreement signed by both parties. The book and page number of said agreement shall be noted on the final plat prior to execution.
14. CBWW stated furthermore that Echo Electric has a private water lateral line extending from the main in the old Gifford Road right-of-way east to Echo Electric's property, passing under the city-owned property that the applicant wishes to purchase and incorporate into the proposed subdivision. Access to this water line must be preserved, and as such, the developer shall reserve an easement and note this on the final plat or work with Echo Electric on a private agreement to maintain access, noting the book and page number of the recorded agreement on the final plat.
15. MidAmerican Energy stated they have "substantial electric transmission and distribution facilities" within the former Gifford Road right-of-way and existing City right-of-way at this location. MidAmerican Energy has requested an easement to access their facilities for maintenance. MidAmerican

Energy also stated the applicant should contact MidAmerican Energy directly to discuss the project timeline and identify any and all costs associated with relocating existing electric facilities and supplying new electrical service within the proposed subdivision. The cost of relocating, burying, or extending these facilities shall be the responsibility of the developer and not the City or utility provider.

16. The final plat shall only be executed if the City Council approves 1) the applicant's offer to buy City-owned property at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway, 2) the vacation of the former Gifford Road right-of-way (Case #SAV-1-003), and 3) the rezoning of the proposed subdivision (Case #ZC-21-008).
17. The following technical corrections shall be made to the final plat prior to the city executing the document:
  - a. Add the subdivision name at top center of the final plat
  - b. Add a section for Auditor Certificate of Recording
  - c. Add language describing the easement agreement between the applicant and CBWW, or the book and page number of such agreement recorded by the county recorder.
18. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

### **CASE #SAV-21-003**

The purpose of this request is to allow the applicant to acquire right-of-way that formerly contained a section of Gifford Road, on the land legally described above, and consolidate it with abutting property to the east and west (see Case #SUB-21-010). The applicant is the contract purchaser of the property to the west of the right-of-way, currently occupied by Twin Cities Christian Church (4220 Gifford Road), and has submitted an offer to buy city-owned property to the east of the right-of-way. See Attachment C for a plat of survey showing the right-of-way the applicant wishes to vacate and dispose of.

### **Comments**

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

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

East—Property owned by the City of Council Bluffs

West—Property owned by Twin Cities Christian Church (4220 Gifford Road)

The applicant is the contract purchaser of the land to the west, and the applicant has also submitted an offer to buy the City-owned property to the east. Once both properties are acquired by the applicant, they will be combined with the subject right-of-way to create a one-lot minor industrial subdivision (see Case #SUB-21-010).

The City of Council Bluffs is not interested in acquiring its respective portion of the right-of-way. As such, the applicant and property owner to the west were each mailed a petition asking whether they are in favor of/opposed to the vacation request and if the applicant is willing/not willing to acquire the entire section of former Gifford Road right-of-way, if vacated. Their responses can be found in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.*  
Both abutting properties and the right-of-way will be replatted into one lot as part of Case #SUB-21-010, and this lot will be accessible via the relocated Gifford Road. The right-of-way in question no longer contains a city street, so it is not needed for access to any properties.
3. *To reduce or eliminate hazardous or dangerous traffic conditions.*  
The portion of right-of-way to be vacated is currently unimproved and is not used for vehicular, pedestrian, or bicycle traffic.
4. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets, or other rights-of-way.*  
The proposed vacation will not create any dead end alleys, streets, or other rights-of-way.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*  
All City departments and utilities were notified of the request. The following responses were received:
  - The Permits and Inspections Division stated they have no comments on the request.
  - The Public Works Department stated that a sanitary sewer line is stubbed into the right-of-way from the north. This will require an easement, or the developer may remove or relocate the sanitary sewer line to the north property line at their own cost.
  - Cox Communications stated that they have cable facilities on MidAmerican power poles within the right-of-way (see Attachment E). These facilities will require an easement. Relocation or burial of these facilities shall be the responsibility of the developer and not the City or utility providers.
  - Council Bluffs Water Works has water mains that run under the right-of-way. CBWW stated that they will require an easement for these water mains. CBWW has also expressed a desire to enter into an agreement with the developer regarding specific access rights, as their infrastructure within the right-of-way is significant and would require quick maintenance in any instance of a main break. Alternatively, CBWW would be amenable to the water main being relocated to the current Gifford Road right-of-way at the developer's expense. The developer shall coordinate with CBWW on an agreement regarding access to or relocation of CBWW facilities, and the vacation shall not become effective until the City has received a copy of said agreement signed by both parties.
  - MidAmerican Energy stated that they have substantial electric transmission and distribution facilities within the right-of-way and will require an easement to access the facilities for maintenance. They also stated the applicant should contact MidAmerican Energy directly to discuss the project timeline and any costs for relocating the facilities and supplying the subdivision (see Case #SUB-21-010) with power. Any cost to relocate or extend MidAmerican facilities shall be the responsibility of the developer and not the City or utility provider.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.*  
Not applicable.
7. *To discourage the vacation of portions of an existing alley, street, or other right-of-way.*  
This proposal will vacate an entire segment of right-of-way between two existing streets (US-275/Veterans Memorial Highway and the relocated portion of Gifford Road).

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.*  
The request is consistent with the local access and circulation objectives stated in Chapter 6, *Transportation*, of the Bluffs Tomorrow: 2030 Comprehensive Plan.
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.*  
Not applicable.
10. *To establish an equitable price for surplus property.*  
The applicant and adjacent property owner were notified about this vacation request. Their responses are included below:

- Twin Cities Christian Church stated they are in favor of this request.
- The applicant, stated they are in favor of this request and are willing to acquire the entire right-of-way for a total sum of \$24,723.35, subject to final plat approval and purchase of adjacent parcels.

The City will vacate the former Gifford Road right-of-way upon full approval of this request, and the city shall dispose of the subject right-of-way to the applicant only after the applicant has purchased both abutting properties. The applicant will also need to purchase the subject right-of-way before the City executes the final subdivision plat (see Case #SUB-21-010).

#### **Case #ZC-21-008**

The proposed subdivision (Case #SUB-21-010) is split zoned A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District. The applicant has requested to rezone the land within proposed subdivision to I-2/General Industrial District to establish consistent zoning across the entire subdivision and enable the land within the subdivision to be used for an industrial and/or commercial business. Land subject to this rezoning is the same as the land legally described on the final subdivision plat (Attachment B).

Land Use and Zoning – The following zoning and land uses surround the property:

- North
  - Future Amazon warehouse – I-1/Light Industrial District
- South
  - Consolidated Concrete – I-2/General Industrial District
- East
  - City-owned property – I-2/General Industrial District
  - Echo Electric Supply – I-2/General Industrial District
  - Council Bluffs Recycling Center – I-2/General Industrial District
- West
  - Consolidated Concrete – I-2/General Industrial District

A location/zoning map has been included with this report (see Attachment D).

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as “Office/Industrial.”

Public notices were mailed to all property owners within 200 feet of the subject property. No comments have been received as of the date of this report.

### **Discussion**

1. The developer intends to use the single lot in the proposed subdivision (see Case #SUB-21-010) for an industrial and/or commercial use. This use can only occur if the entire newly created parcel is zoned for industrial use.
2. The single lot proposed within the subdivision will contain 7.37 acres (more/less), which exceeds the minimum lot area requirement for the I-2/General Industrial District.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property “Office/Industrial.” The proposed rezoning is therefore consistent with the Future Land Use Plan.
4. Adequate utilities (e.g. water, sanitary sewer, storm sewer, electric, etc.) are available to accommodate the uses permitted in the I-2/General Industrial District.
5. The subject property is located among other industrial property, thus the rezoning would be consistent with the existing development pattern.

### **Recommendations**

The Community Development Department recommends the following:

1. Approval of the proposed one-lot minor industrial subdivision to be known as Mark Andersen – Twin City Church Subdivision, as legally described in Attachment B, 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 Department director.
  - b. The subdivision shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works Standards for Public Improvements.
  - c. All comments and technical corrections stated in this staff report shall be addressed on the final plat prior to execution of the document.
  - d. All new utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the developer and not the City.
2. Approval of the request to vacate and dispose of the section of right-of-way formerly containing Gifford Road, as legally described in Attachment C, subject to the following conditions:
  - a. An easement shall be retained over the entirety of the subject right-of-way for utility access and maintenance purposes.
  - b. All portions of the subject right-of-way shall be disposed of and replatted with the other properties that make up the developer’s proposed subdivision (Case #SUB-21-010).
  - c. Vacation and disposal of the subject portion of right-of-way shall be contingent on simultaneous approval of the proposed subdivision (Case #SUB-21-010) and rezoning request (Case #ZC-21-008).
3. Approval of the request to rezone the land legally described in Attachment B based on the reasons stated above and subject to final plat approval of the Mark Andersen – Twin City Church Subdivision.

### **Public Hearing**

Staff speaker for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Mark Andersen, Andersen Construction, 3125 S. 11<sup>th</sup> Street, Council Bluffs, IA 51501

Speakers against: None

### **Planning Commission Recommendation**

The City Planning Commission recommended:

1. Approval of the proposed one-lot minor industrial subdivision to be known as Mark Andersen – Twin City Church Subdivision, as legally described in Attachment B, 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 Department director.
  - b. The subdivision shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works Standards for Public Improvements.
  - c. All comments and technical corrections stated in this staff report shall be addressed on the final plat prior to execution of the document.
  - d. All new utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the developer and not the City.
2. Approval of the request to vacate and dispose of the section of right-of-way formerly containing Gifford Road, as legally described in Attachment C, subject to the following conditions:
  - a. An easement shall be retained over the entirety of the subject right-of-way for utility access and maintenance purposes.
  - b. All portions of the subject right-of-way shall be disposed of and replatted with the other properties that make up the developer’s proposed subdivision (Case #SUB-21-010).
  - c. Vacation and disposal of the subject portion of right-of-way shall be contingent on simultaneous approval of the proposed subdivision (Case #SUB-21-010) and rezoning request (Case #ZC-21-008).
3. Approval of the request to rezone the land legally described in Attachment B based on the reasons stated above and subject to final plat approval of the Mark Andersen – Twin City Church Subdivision.

VOTE: AYE - Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – Haner VACANT - None Motion: Carried.

### **Attachments**

- Attachment A: Letter of intent
- Attachment B: Final subdivision plat
- Attachment C: Gifford Road right-of-way plat of survey
- Attachment D: Location/zoning map
- Attachment E: Cox Communications facility map

Prepared by: Brandon Siracuse, Planner, Community Development Department



**Letter of Intent for the property known as Twin City Church 4220 Gifford road**

Andersen Construction is purchasing the property known as 4220 Gifford Road and the vacated road that was the old Gifford Road and a lot that the City of Council Bluffs owns that is a little more than an acre. The lot was formed when the city bought land from ECHO company to adjust the new Gifford Road. It was the area between the two roads. The property is said to have wetlands.

The three properties will be combined to form one property that will be around 7.3 acres total. The 4220 land is currently a church and not being a taxable property.

Andersen Construction intends to remove all buildings and trees on the property and raise the elevation of the property to the street level of Gifford Road. We also plan to get any wetlands removed from all of the properties.

The property will be asked to become industrial for the zoning for the future.

Our intent is to use the property for a company who wants to use it for industrial use such as a warehouse.

A handwritten signature in blue ink that reads 'Mark Andersen'.

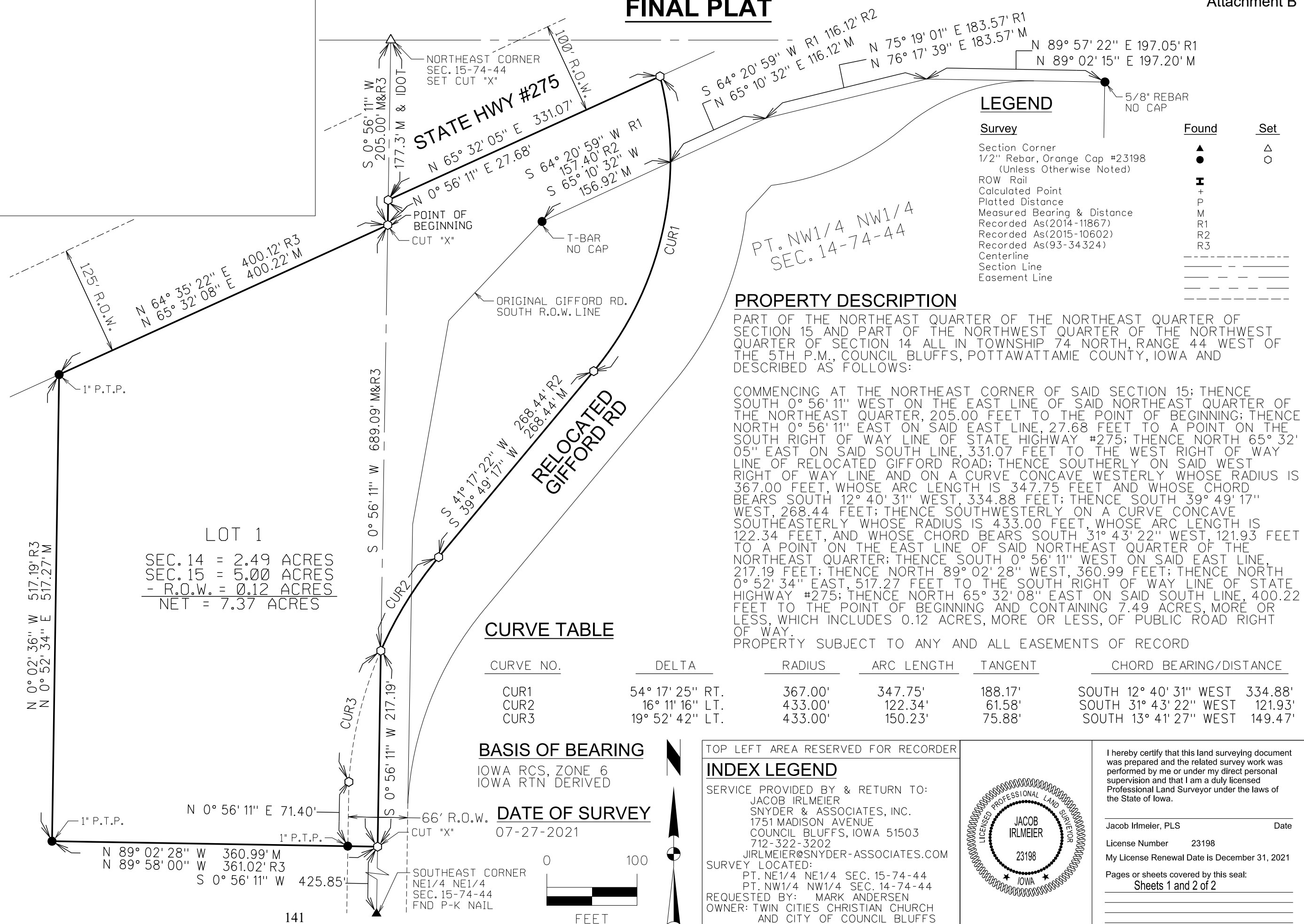
Sincerely, Mark Andersen

Andersen Construction

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# FINAL PLAT

Attachment B



### LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Orange Cap #23198 (Unless Otherwise Noted)	●	○
ROW Rail	≡	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As(2014-11867)	R1	
Recorded As(2015-10602)	R2	
Recorded As(93-34324)	R3	
Centerline	---	
Section Line	---	
Easement Line	---	

### CURVE TABLE

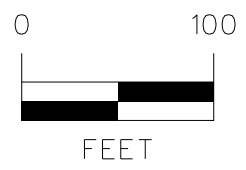
CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING/DISTANCE
CUR1	54° 17' 25" RT.	367.00'	347.75'	188.17'	SOUTH 12° 40' 31" WEST 334.88'
CUR2	16° 11' 16" LT.	433.00'	122.34'	61.58'	SOUTH 31° 43' 22" WEST 121.93'
CUR3	19° 52' 42" LT.	433.00'	150.23'	75.88'	SOUTH 13° 41' 27" WEST 149.47'

### BASIS OF BEARING

IOWA RCS, ZONE 6  
 IOWA RTN DERIVED

### DATE OF SURVEY

07-27-2021



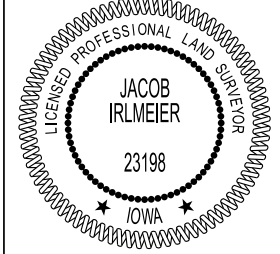
TOP LEFT AREA RESERVED FOR RECORDER

### INDEX LEGEND

SERVICE PROVIDED BY & RETURN TO:  
 JACOB IRLMEIER  
 SNYDER & ASSOCIATES, INC.  
 1751 MADISON AVENUE  
 COUNCIL BLUFFS, IOWA 51503  
 712-322-3202  
 JIRLMEIER@SNYDER-ASSOCIATES.COM

SURVEY LOCATED:  
 PT. NE1/4 NE1/4 SEC. 15-74-44  
 PT. NW1/4 NW1/4 SEC. 14-74-44

REQUESTED BY: MARK ANDERSEN  
 OWNER: TWIN CITIES CHRISTIAN CHURCH  
 AND CITY OF COUNCIL BLUFFS



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.

Jacob Irlmeier, PLS \_\_\_\_\_ Date \_\_\_\_\_  
 License Number 23198  
 My License Renewal Date is December 31, 2021  
 Pages or sheets covered by this seal:  
 Sheets 1 and 2 of 2

MARK	REVISION	DATE	BY
Engineer: JWI	Checked By: JWI	Scale: 1" = 1000'	
Technician: JWI	Date: 07/29/21	Field Bk:	
Project No:	1210751		Sheet 1 of 2

**FINAL PLAT**

**COUNCIL BLUFFS, IOWA**

**MARK ANDERSEN - TWIN CITIES CHURCH**

**SNYDER & ASSOCIATES, INC.**

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

**SNYDER & ASSOCIATES**

Project No: 1210751  
 Sheet 1 of 2

# FINAL PLAT

Attachment B

## NOTES

1. A 10-FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES AND A 10 FOOT WIDE PERMANENT EASMENT ALONG ALL REAR LOT LINES AND A 10 FOOT WIDE PERMANENT EASEMENT ALONG ALL SIDE LOT LINES ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES:
  - A. ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER, 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 AND 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.

## PROPRIETOR'S DEDICATION AND STATEMENT

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

- A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.
- B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAVING THE RIGHT TO REVIEW.
- C. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

KNOW ALL PERSONS BY THESE PRESENTS THAT MARK ANDERSEN BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED THE SAME TO BE SURVEYED.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
OWNER

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE } SS.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MARK ANDERSEN, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE THE EXECUTION OF THE INSTRUMENT TO BE HIS 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: BRANDON GARRETT DATE

## CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, DO HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

\_\_\_\_\_  
TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA VOSS DATE

MARK	REVISION	DATE	BY
Engineer: XXX	Checked By: JWI	Scale: 1"= 100'	
Technician: JWI	Date: 07/29/21	Field Bk:	Pg:
Project No: 1210751			Sheet 2 of 2

**MARK ANDERSEN - TWIN CITIES CHURCH**

**FINAL PLAT**

**COUNCIL BLUFFS, IOWA**

**SNYDER & ASSOCIATES, INC.**

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



**SNYDER & ASSOCIATES**

Project No: 1210751

Sheet 2 of 2

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# FINAL PLAT

Attachment C

## LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Orange Cap #23198 (Unless Otherwise Noted)	●	○
ROW Rail	≡	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As(2014-11867)	R1	
Recorded As(2015-10602)	R2	
Recorded As(93-34324)	R3	
Centerline	---	
Section Line	---	
Easement Line	---	

## PROPERTY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15 AND PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 0° 56' 11" WEST ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, 205.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0° 56' 11" EAST ON SAID EAST LINE, 27.68 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #275; THENCE NORTH 65° 32' 05" EAST ON SAID SOUTH LINE, 331.07 FEET TO THE WEST RIGHT OF WAY LINE OF RELOCATED GIFFORD ROAD; THENCE SOUTHERLY ON A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 367.00 FEET, WHOSE ARC LENGTH IS 96.06 FEET AND WHOSE CHORD BEARS SOUTH 6° 58' 20" EAST, 95.78 FEET; THENCE SOUTH 65° 10' 32" WEST, 156.92 FEET; THENCE SOUTH 43° 20' 03" WEST, 150.72 FEET; THENCE SOUTH 10° 02' 06" WEST, 229.50 FEET; THENCE SOUTH 1° 28' 47" WEST, 78.23 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RELOCATED GIFFORD ROAD; THENCE SOUTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE AND ON A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 433.00 FEET, WHOSE ARC LENGTH IS 220.53 FEET AND WHOSE CHORD BEARS SOUTH 18° 20' 31" WEST, 218.15 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF GIFFORD ROAD; THENCE NORTH 0° 56' 11" EAST ON SAID WEST RIGHT OF WAY LINE, 602.01 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY #275; THENCE NORTH 65° 32' 05" EAST ON SAID SOUTH LINE, 36.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 69,959 SQUARE FEET, MORE OR LESS.  
PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

## NOTE

THIS IS AN INTERIM SURVEY FOR THE GIFFORD RD. VACATE PROCESS THEREFORE PINS WERE NOT SET AT ALL POINTS

## CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING/DISTANCE
CUR1	14° 59' 48" RT.	367.00'	96.06'	48.31'	SOUTH 6° 58' 20" EAST 95.78'
CUR2	29° 10' 51" LT.	433.00'	220.53'	112.71'	SOUTH 18° 20' 31" WEST 218.15'

## BASIS OF BEARING

IOWA RCS, ZONE 6  
IOWA RTN DERIVED

## DATE OF SURVEY

07-27-2021

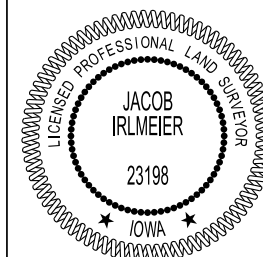
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FEET

TOP LEFT AREA RESERVED FOR RECORDER

## INDEX LEGEND

SERVICE PROVIDED BY & RETURN TO:  
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1751 MADISON AVENUE  
COUNCIL BLUFFS, IOWA 51503  
712-322-3202  
JIRLMEIER@SNYDER-ASSOCIATES.COM  
SURVEY LOCATED:  
PT. NE1/4 NE1/4 SEC. 15-74-44  
PT. NW1/4 NW1/4 SEC. 14-74-44  
REQUESTED BY: MARK ANDERSEN  
OWNER: TWIN CITIES CHRISTIAN CHURCH  
AND CITY OF COUNCIL BLUFFS



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.

Jacob Irlmeier, PLS Date

License Number 23198

My License Renewal Date is December 31, 2021

Pages or sheets covered by this seal:  
Sheets 1 and 2 of 2

MARK ANDERSEN - TWIN CITIES CHURCH

GIFFORD RD. RIGHT-OF-WAY VACATE

COUNCIL BLUFFS, IOWA

SNYDER & ASSOCIATES, INC.

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Project No: 1210751

Sheet 1 of 2

MARK	REVISION	DATE	BY
Engineer: XXX	Checked By: JWI	Scale: 1" = 100'	Field Bk:
Technician: JWI	Date: 07/29/21		Project No: 1210751
			Sheet 1 of 2

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PT. NE1/4 NE1/4 SEC. 15-74-44

PT. NW1/4 NW1/4 SEC. 14-74-44

EXISTING R.O.W. SEC. 15-74-44 (17,071 SF)

EXISTING R.O.W. SEC. 14-74-44 (52,888 SF)

RELOCATED GIFFORD RD

STATE HWY #275

NORTHEAST CORNER SEC. 15-74-44 SET CUT "X"

SOUTHEAST CORNER NE1/4 NE1/4 SEC. 15-74-44 FND P-K NAIL

5/8" REBAR NO CAP

T-BAR NO CAP

# FINAL PLAT

Attachment C

## NOTES

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  - 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.

## CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH

ATTESTED TO BY:

CITY CLERK: JODIQUAKENBUSH \_\_\_\_\_ DATE

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

## CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, DO HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA VOSS \_\_\_\_\_ DATE

## PROPRIETOR'S DEDICATION AND STATEMENT

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

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KNOW ALL PERSONS BY THESE PRESENTS THAT MARK ANDERSEN BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED THE SAME TO BE SURVEYED.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
OWNER

STATE OF IOWA }  
COUNTY OF POTTAWATTAMIE } SS.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MARK ANDERSEN, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE THE EXECUTION OF THE INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR SAID STATE

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




MARK	REVISION	DATE	BY
Engineer: XXX	Checked By: JWI	Scale: 1" = 100'	
Technician: JWI	Date: 07/29/21	Field Bk:	Pg:
Project No: 1210751			Sheet 2 of 2

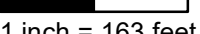
**MARK ANDERSEN - TWIN CITIES CHURCH**  
**GIFFORD RD. RIGHT-OF-WAY VACATE**  
**COUNCIL BLUFFS, IOWA**  
**SNYDER & ASSOCIATES, INC.**  
 1751 MADISON AVENUE  
 COUNCIL BLUFFS, IA 51503  
 712-322-3202 | www.snyder-associates.com



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# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #SUB-21-010, ZC-21-008, & SAV-21-003 ZONING/LOCATION MAP

 Cases #SUB-21-010, ZC-21-008, and SAV-21-003 Subject Property  
 City of Council Bluffs Corporate Limits  
 Parcels

0      80      160  
  
 1 inch = 163 feet



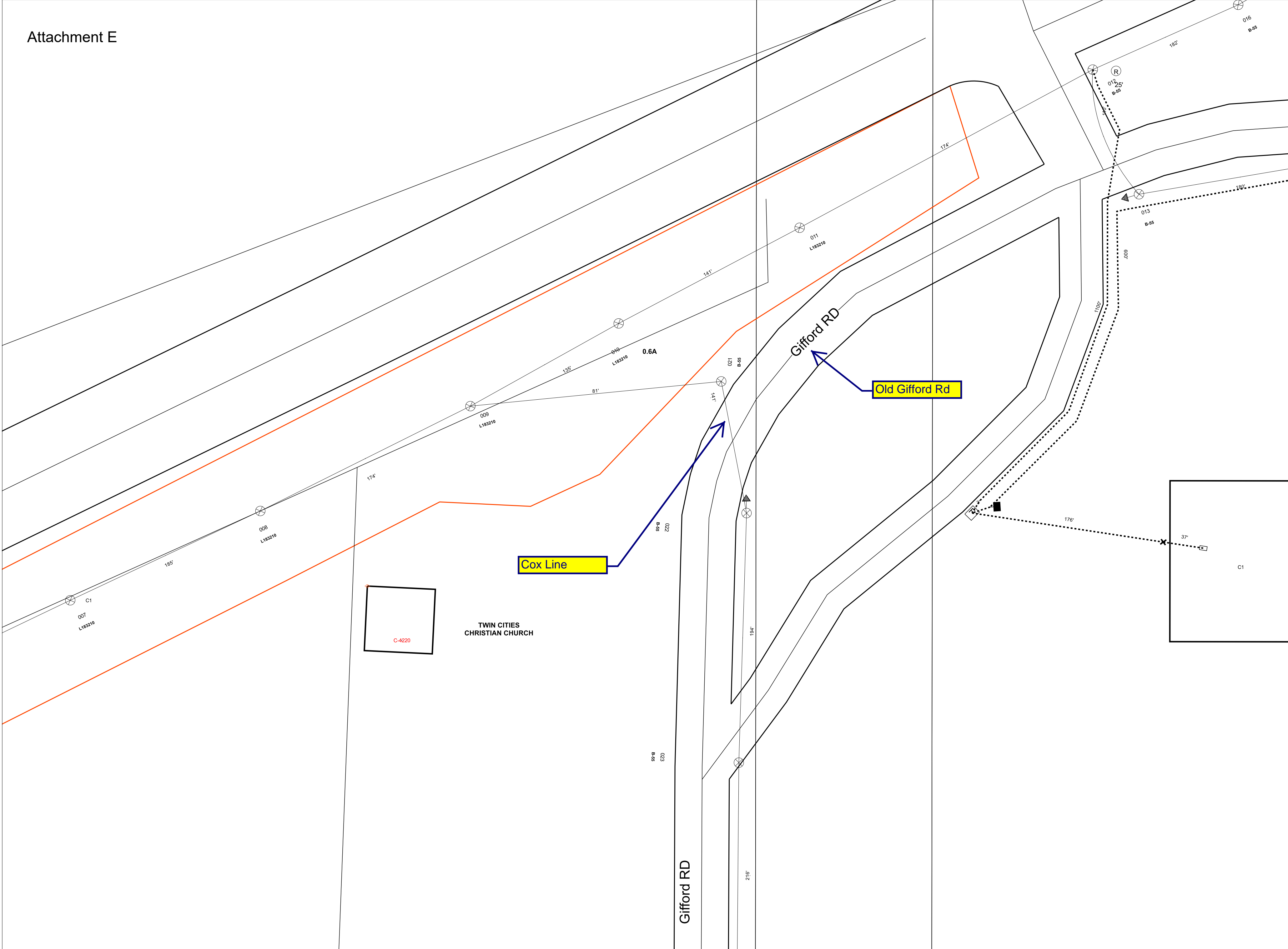
Last Amended: 8/13/2021



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; 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.





## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Andersen Construction Company, represented by Mark Andersen, to rezone 7.37 acres of land legally described as part of the NE1/4 NE1/4, Section 15, and part of the NW1/4 NW1/4, Section 14, all in Township 74 North, Range 44 West of the 5<sup>th</sup> P.M., City of Council Bluffs, Pottawattamie County, Iowa, and more particularly described in Attachment 'C' of the case staff report, from its current split zoning designation of A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to entirely I-2/General Industrial District, as defined in Chapter 15.21 of the Municipal Code of Council Bluffs, Iowa.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11th day of October, 2021 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

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Jodi Quakenbush, City Clerk

**ORDINANCE NO. 6474**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS: PART OF THE NE1/4 NE1/4, SECTION 15, AND PART OF THE NW1/4 NW1/4, SECTION 14, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM A-2/PARKS, ESTATES, AND AGRICULTURAL DISTRICT AND I-2/GENERAL INDUSTRIAL DISTRICT TO I-2/GENERAL INDUSTRIAL DISTRICT AS DEFINED IN CHAPTER 15.21 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: part of the NE1/4 NE1/4, Section 15, and part of the NW1/4 NW1/4, Section 14, all in Township 74 North, Range 44 West of the 5<sup>th</sup> Principal Meridian, Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment ‘B’, from A-2/Parks, Estates, and Agricultural District and I-2/General Industrial District to I-2/General Industrial District, as defined in Chapter 15.21 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 and subject to final plat approval of the Mark Andersen – Twin City Church Subdivision.

ADOPTED  
AND  
APPROVED

October 25, 2021.

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

Attest:

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

First Consideration: 9-27-21  
Second Consideration: 10-11-21  
Public Hearing: 10-11-21  
Third Consideration: 10-25-21

## Council Communication

Department: Community  
Development  
Case/Project No.: OTB-21-010  
Submitted by: Haley Weber,  
Planner

Resolution 21-302  
ITEM 3.H.

Council Action: 10/25/2021

### Description

Resolution of intent to dispose of and setting a Public Hearing for November 8, 2021 at 7:00 p.m. for City property described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition. Location: Property formerly addressed as 746 West Washington Avenue. OTB-21-010

### Background/Discussion

See attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	10/14/2021
Attachment A - Location and Zoning Map	Map	10/14/2021
Attachment B - Applicant Submittal	Other	10/14/2021
Public Hearing Notice	Notice	10/14/2021
Resolution 21-302	Resolution	10/19/2021

**Council Communication**

Department: Community Development  CASE #OTB-21-010  Applicant: MAC Investments C/O Meghann Youngblood 32 Scott Street Council Bluffs, IA 51503	Reso. of Intent No. _____  Reso. to Dispose No. _____	Set Public Hearing: 10/25/2021  Public Hearing: 11/8/2021
---	---	---

**Subject/Title**

Request of MAC Investments to purchase surplus City-owned property legally described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Property formerly addressed as 746 West Washington Avenue.

**Background/Discussion**

The Community Development Department has received an offer from MAC Investments to purchase surplus city-owned property legally described above. The subject property is classified as ‘transitional dispose’ and ‘buildable.’ The applicant proposes to acquire the subject property to provide a larger yard space for their residential property at 744 West Washington Avenue. According to the adopted *Inventory and Disposal Policy for Surplus City Property*, dated April 23, 2018, the subject property shall be priced at its most recent assessed land value, which is \$11,100.00. The applicant has offered \$2,000.00 to purchase the property, and has submitted the required 10% down payment (\$1,110.00) and \$50.00 application fee.

The subject property was acquired by the City of Council Bluffs on November 5, 2018 via a 657A Petition through the Iowa District Courts. As stated in the adopted *Inventory and Disposal Policy for Surplus City Property*, the property would be eligible for a forgivable mortgage as it is buildable and has been actively marketed on the Surplus Property list for more than the required 24 months. The applicant has requested the remaining land value (\$9,990.00) beyond the 10% down payment be waived using a forgivable mortgage.

The City has incurred a total of \$11,440.00 in Permits and Inspections Division costs for the subject property.

The subject property is zoned R-3/Low Density Multifamily Residential District and measures 47’ x 109’ (5,123 square feet), which exceeds the minimum lot size requirements for the R-3/Low Density Multifamily District. The subject property is located in an AH flood zone and therefore any structure that is built on the subject property in the future shall be required to comply with all applicable Federal, State and local flood plain regulations.

**Recommendation**

The Community Development Department recommends setting a public hearing on the disposal of the property legally described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa on the October 25, 2021 City Council Meeting.

**Attachments**



Attachment A: Location/Zoning Map

Attachment B: Applicant Submittal

Prepared by: Haley Weber, Planner, Community Development Department

# CITY OF COUNCIL BLUFFS - CITY-OWNED PROPERTY GROUP CASES #OTB-21-010 - LOCATION/ZONING MAP

### Legend

-  Subject Property Case #OTB-21-010
-  Parcels

0 30 60  
1 inch = 67 feet

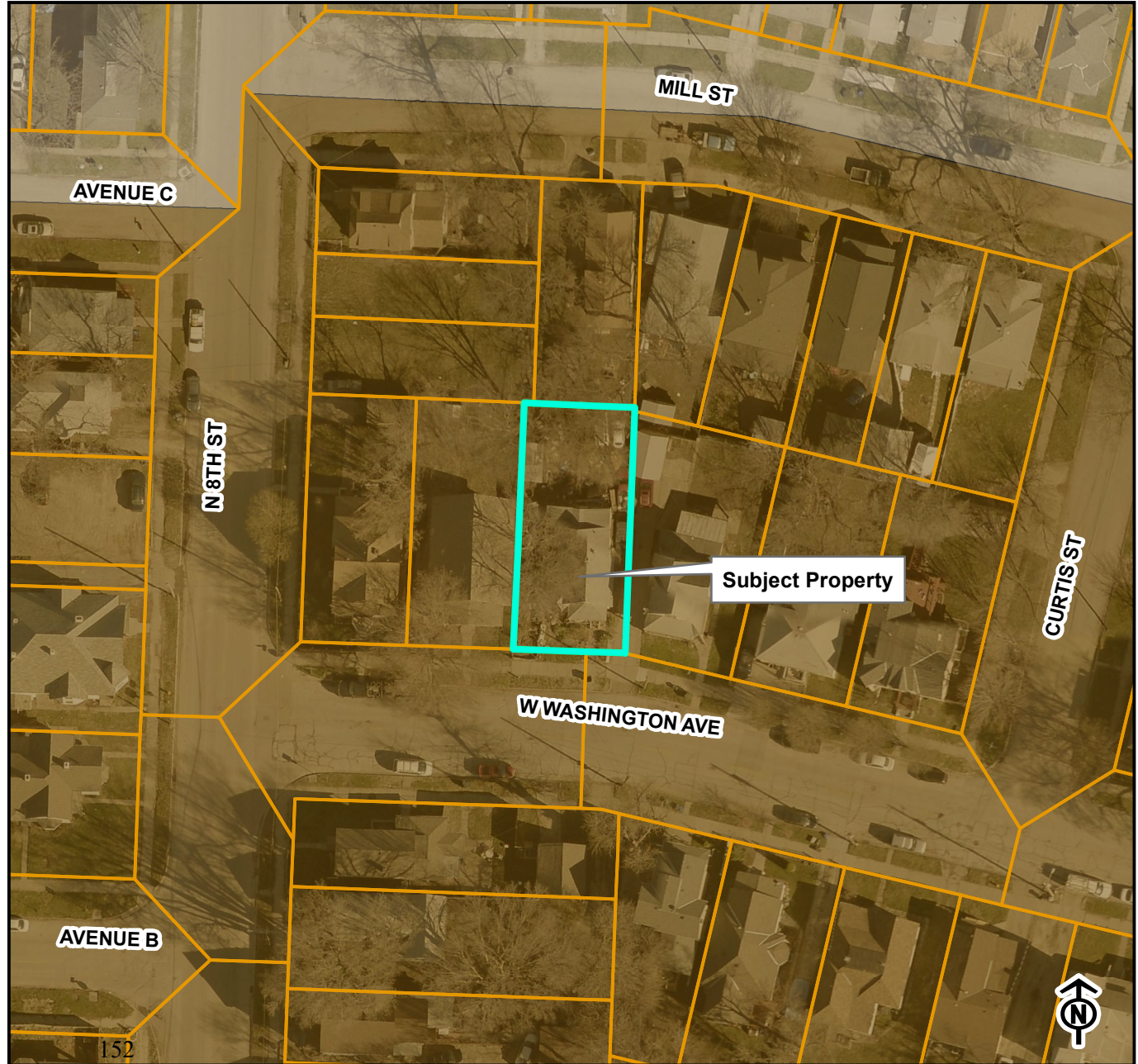


Last Amended: 9/28/2021



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

**DISCLAIMER**  
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**Attachment B**



*"Making the American Dream Come True."*

[www.thehomesteadsgroup.weebly.com](http://www.thehomesteadsgroup.weebly.com)

City of Council Bluffs  
Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Attn: Graham Jura City Attorney

September 23, 2021

RE: 746 W. Washington – Offer to Purchase Property

Mr. Jura;

We received an email from a Mr. Christopher Gibbons with the Planning Department. He had received our offer to purchase the empty land at 746 W. Washington in Council Bluffs. He let me know that that City needed a minimum down payment of at least 10% of the assessment, and that my initial down payment of \$1,000.00 was a bit short. Per his email, I needed to submit an additional \$110.00 to complete the initial offer.

Please find Check # 5316 in the amount of \$110.00. This should satisfy the minimum down payment for the offer from our company to purchase 746 W. Washington in Council Bluffs.

If anything else is needed to get our offer submitted, please feel free to contact me at either 712-329-0040 or by our company email at [midwesthomesteads@yahoo](mailto:midwesthomesteads@yahoo).

Most Sincerely,

Meghann Youngblood  
MAC Investments, INC.

*Cc:my/746/enc.*

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

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 8<sup>th</sup> Day of November, 2021, in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

---

Jodi Quakenbush

City Clerk

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 890-5350  
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 890-5261

**RESOLUTION NO. 21-302**

**A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS THE EAST 46 FEET OF LOTS 5 AND 6, BLOCK 3, GRIMES ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

WHEREAS, the City has received an offer from MAC Investments to purchase the City owned property described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa.

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

That the City does hereby express its intent to dispose of City owned property described as the east 46 feet of Lots 5 and 6, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

**BE IT FURTHER RESOLVED**

That a public hearing be scheduled for November 8, 2021.

ADOPTED  
AND  
APPROVED

October 25, 2021

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

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

## Council Communication

Department: Public Works Admin  
 Case/Project No.: PW21-12  
 Submitted by: Ann Grober

Resolution 21-303  
 ITEM 3.I.

Council Action: 10/25/2021

### Description

Resolution accepting the work of Carley Construction, LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the South 1st Street Neighborhood Rehab, Phase XI. Project # PW21-12

### Background/Discussion

- The South 1<sup>st</sup> Street neighborhood bounded by Pierce Street on the north, Palmer Avenue on the south, 1<sup>st</sup> Street on the west and Franklin Avenue on the east consists of some of the original town subdivision within the city.
- Records indicate that the infrastructure in this area dates back prior to the 1950's and is in need of replacement. Storm sewers are lacking or undersized, sanitary sewers are leaking and broken and the pavements are in poor condition. Improvement projects will be phased over several years to replace and upgrade the aged infrastructure.
- Phases I thru X are complete and included portions of Knepper Street, Damon Street, Hill Street, Stutsman Street, Langstrom Street, Franklin Avenue, Platner Street, Carson Avenue, Grace Street, Kappell Avenue, Charles Street, Garden Street, Bloomer Street, Clinton Street, Voorhis Street, Stahl Avenue and Grace Street, Iowa Avenue, Palmer Avenue, and Grove Street. Phase XI is now complete and included portions of Franklin Ave., Hazel Street and Charles Street.
- This project is included in the FY21 CIP with a budget of \$1,350,000 in Sales Tax Funds.

	Division I	Division II	Division III	Division IV	Division V	Total
	<u>General</u>	<u>Pavement</u>	<u>Storm Sewer</u>	<u>Sanitary Sewer</u>	<u>Water Main</u>	
Original Contract Amount	\$109,928.00	\$525,093.90	\$124,505.85	\$223,853.50	\$187,302.50	\$1,170,683.75
Change Orders (-6.2%)	(\$17,390.81)	(\$16,102.40)	(\$2,950.00)	(\$34,227.80)	(\$1,723.00)	(\$72,394.01)
Final Contract Amount	\$92,537.19	\$508,991.50	\$121,555.85	\$189,625.70	\$185,579.50	\$1,098,289.74
Less Previous Payments	\$87,910.33	\$483,541.93	\$115,478.06	\$180,144.41	\$176,300.52	\$1,043,375.25
Retainage Due Contractor	\$4,626.86	\$25,449.57	\$6,077.79	\$9,481.29	\$9,278.98	\$54,914.49

- The Contractor did not complete the project on time and received one non-compliance notice. Liquidated damages in the amount of \$7,500.00 were assessed.

### Recommendation

Approval of this resolution accepting the work of Carley Construction as complete and authorizing release of retainage after 30 days.

### ATTACHMENTS:

Description	Type	Upload Date
PW21-12 Final Acceptance	Resolution	10/15/2021

**RESOLUTION**  
**NO \_\_\_\_\_**

**RESOLUTION ACCEPTING THE WORK OF  
CARLEY CONSTRUCTION, LLC IN CONNECTION WITH  
THE SOUTH 1<sup>ST</sup> STREET NEIGHBORHOOD REHAB, PHASE XI  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$54,914.49  
PROJECT #PW21-12**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Carley Construction, LLC, Council Bluffs, IA for the South 1<sup>st</sup> Street Neighborhood Rehab, Phase XI; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$54,914.49 to Carley Construction, LLC, has been submitted to the city Council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$54,914.49 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$54,914.49 payable to Carley Construction, LLC from budget codes Division I, S36000-676000; Division II, S36000-676200; Division III, S36000-676500; Division IV, S36000-676700; Division V, S36000-678000 Project #2112X.

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 \_\_\_\_\_, 2021

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

ATTEST:

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

**Council Communication**

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

August FY22 Financial Reports  
ITEM 3.J.

Council Action: 10/25/2021

**Description**

**Background/Discussion**

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Expenditures by Vendor	Other	10/12/2021
Expenditures by Amount	Other	10/12/2021
Receipts and Expenditures by Fund	Other	10/12/2021

**CITY OF COUNCIL BLUFFS  
EXPENDITURES  
AUGUST FY22  
(\$'S)**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
A + UNITED RADIATOR REPAIR INC.	\$950.00	REPAIRS & MAINTENANCE
ABC ELECTRIC INC.	\$3,002.00	REPAIRS & MAINTENANCE
ABLE LOCKSMITHS	\$855.00	PROFESSIONAL SVCS
ACUSHNET COMPANY	\$2,876.76	DODGE OPERATING EXPENSE
ADASHI SYSTEMS LLC	\$7,289.00	HARDWARE/SOFTWARE
ADIDAS	\$842.31	DODGE OPERATING EXPENSE
ADVANCE SOUTHWEST IOWA	\$31,250.00	PROFESSIONAL SVCS
ADVANCED DATA PROCESSING, INC	\$7,151.59	AMBULANCE BILLING FEE
AG SOLUTIONS GROUP LLC	\$249.44	EQUIPMENT/PARTS
AGRILAND F S INC	\$408.90	SUPPLIES
AGRIVISION EQUIPMENT GROUP	\$745.90	EQUIPMENT/PARTS
AHLERS & COONEY P.C	\$1,472.00	LEGAL SERVICES
ALLIED OIL & TIRE COMPANY	\$671.90	SUPPLIES
ALVARADO UPHOLSTERING	\$295.00	REPAIRS & MAINTENANCE
ALVIN MAURER	\$12.00	REFUND
AMERICAN BOTTLING COMPANY	\$932.40	SUPPLIES
AMERICAN MESSAGING SERVICES LLC	\$14.34	PHONE/INTERNET SVC
AMERICAN NATIONAL BANK	\$110.00	BANK SERVICES
AMERICAN TRANSMEDIA LLC	\$918.00	PROFESSIONAL SVCS
AMERTIAS LIFE	\$45.29	DODGE OPERATING EXPENSE
AQSEPTENCE GROUP INC	\$10,078.03	EQUIPMENT/PARTS
AQUA-CHEM INCORPORATED	\$2,643.95	SUPPLIES
ARNOLD MOTOR SUPPLY, LLP	\$2,111.13	EQUIPMENT/PARTS
ARROW TOWING	\$4,825.00	TOWING/STORAGE/AUCTION
ASHLEY KRUSE	\$454.56	REIMB EMPLOYEE EXPENSE
ATHLETICO EXCEL NEBRASKA LLC	\$60.00	PROFESSIONAL SVCS
B & K MECHANICAL CONTRACTORS LLC	\$365.00	REPAIRS & MAINTENANCE
BAKER & TAYLOR INC	\$6,874.49	BOOKS/PERIODICALS/SUB
BARCO MUNICIPAL PRODUCTS INC	\$15,923.00	SUPPLIES
BENEVATE INC	\$29,700.00	HARDWARE/SOFTWARE
BENNETT REFRIGERATION INC	\$968.45	REPAIRS & MAINTENANCE
BERT GURNEY & ASSOCIATES INC	\$37,702.91	EQUIPMENT/PARTS
BGNE INC.	\$114.48	SUPPLIES
BILL'S WATER CONDITIONING	\$1,316.25	SUPPLIES
BLACK HILLS UTILITY HOLDINGS, INC.	\$12,327.52	NATURAL GAS
BLACKBURN MANUFACTURING COMPANY	\$380.85	SUPPLIES
BLACKSTONE AUDIO INC	\$893.39	BOOKS/PERIODICALS/SUB
BLUFFS ELECTRIC INC	\$13,653.93	ELECTRICAL REPAIR
BLUFFS TAXI & COURIER	\$525.50	TRANSIT SERVICES
BNSF RAILWAY COMPANY	\$633.00	INSURANCE
BOBCAT OF OMAHA	\$1,204.69	EQUIPMENT/PARTS
BOFA	\$33.55	MAC OPERATING EXPENSE
BOMGAARS SUPPLY INC	\$162.53	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	\$724.09	BOOKS/PERIODICALS/SUB
BRYAN PREGON	\$1,050.00	PROFESSIONAL SVCS
BUCK'S LLC	\$291.30	VEHICLE WASH
BURTON PLUMBING	\$7,250.89	PLUMBING NEW OR REPAIR
C & J INDUSTRIAL SUPPLY	\$411.50	JANITORIAL SERVICE

CAESARS ENTERTAINMENT	\$88,034.60	MAC OPERATING EXPENSE
CAHOY PUMP SERVICE INC.	\$480.00	DODGE OPERATING EXPENSE
CALLAWAY	\$995.96	DODGE OPERATING EXPENSE
CANON SOLUTIONS AMERICA INC	\$148.65	COPY/PRINTER MAINTANCE
CARLEY CONSTRUCTION LLC	\$181,995.72	CONSTRUCTION
CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY	\$5,500.00	EQUIPMENT/PARTS
CART TRAC LLC	\$4,531.10	DODGE OPERATING EXPENSE
CAVENDISH SQUARE PUBLISHING LLC	\$195.54	BOOKS/PERIODICALS/SUB
CENGAGE LEARNING INC	\$329.88	BOOKS/PERIODICALS/SUB
CENTER POINT LARGE PRINT	\$269.64	BOOKS/PERIODICALS/SUB
CENTRAL SALT LLC	\$108,193.69	STREET MAINTENANCE SUPLS
CENTURLINK	\$735.10	PHONE/INTERNET SVC
CERTIFIED TRANSMISSION	\$2,417.55	REPAIRS & MAINTENANCE
CFI TIRE SERVICE	\$655.50	TIRE REPLACEMENT/REPAIR
CHAD HANNAN	\$154.56	REIMBURSEMENT
CHAMPLIN TIRE RECYCLING INC	\$4,080.00	TIRE DISPOSAL
CHARLES BLUE	\$25.00	REFUND
CHEMSEARCH FE	\$514.72	SUPPLIES
CHERICE MAHAL	\$3,497.00	PROFESSIONAL SVCS
CHILD SUPPORT SERVICES DIVISION	\$514.32	PAYROLL RELATED
CHRONOGOLF BY LIGHTSPEED	\$1,565.14	DODGE OPERATING EXPENSE
CITY GLASS	\$2,598.58	REPAIRS & MAINTENANCE
CITY OF COUNCIL BLUFFS-DEPENDENT	\$3,920.28	PAYROLL RELATED
CITY OF COUNCIL BLUFFS-FLEX	\$10,337.66	PAYROLL RELATED
CITY OF PAPILLION	\$1,200.00	TRAINING
CITY TREASURER	\$8,580.47	DODGE OPERATING EXPENSE
CIVICPLUS	\$375.71	HARDWARE/SOFTWARE
CLEAR TITLE & ABSTRACT LLC	\$311,410.97	PROFESSIONAL SVCS
CLEVELAND GOLF	\$1,153.10	DODGE OPERATING EXPENSE
CMC RESCUE INC	\$3,747.00	TRAINING
COLLECTION SERVICES CENTER	\$9,752.32	PAYROLL RELATED
COMPASSCOM SOFTWARE CORPORATION	\$173.20	HARDWARE/SOFTWARE
CONCRETE HOLDINGS OMAHA, INC	\$668.00	STREET MAINTENANCE SUPLS
CONSOLIDATED ELECTRICAL DISTR, INC	\$4,348.93	SUPPLIES
CONTINENTAL ALARM & DETECTION CO	\$112.00	REPAIRS & MAINTENANCE
CORNHUSKER INTERNATIONAL TRUCKS	\$3,992.06	EQUIPMENT/PARTS
COUNCIL BLUFFS WATER WORKS	\$143,366.71	WATER
COUNCIL BLUFFS WINSUPPLY	\$1,381.59	SUPPLIES
COX BUSINESS SERVICES	\$126.18	DODGE OPERATING EXPENSE
COX BUSINESS SERVICES	\$275.92	RE PARKING GARAGE EXPENSE
COX COMMUNICATION INC	\$16,372.78	PHONE/INTERNET SVC
CSI/SSP INC	\$207.60	PRINTING/BINDING
CUMMINS CENTRAL POWER LLC	\$264.81	RE PARKING GARAGE EXPENSE
CUMMINS INC	\$1,221.04	EQUIPMENT/PARTS
CYBERGENETICS CORP	\$2,500.00	PROFESSIONAL SVCS
D&K PRODUCTS	\$2,211.25	DODGE OPERATING EXPENSE
DAILY NONPAREIL	\$2,504.63	ADVERTISEMENT
DALES TRASH SERVICE INC	\$9,310.00	RENTAL EXPS
DALTON PREGON	\$567.00	PROFESSIONAL SVCS
DATA POWER TECHNOLOGY LLC	\$412.00	REPAIRS & MAINTENANCE
DAVID AARON	\$282.00	PROFESSIONAL SVCS
DAVID C ANDERSEN	\$1,913.00	CONSTRUCTION
DAVID P THOMAS	\$160.00	PROFESSIONAL SVCS
DAVID W WOODY	\$182.35	SUPPLIES
DAVID'S ELECTRIC INC	\$3,850.00	ELECTRICAL REPAIR

DAVIS EQUIPMENT CORPORATION	\$122.47	EQUIPMENT/PARTS
DELMAR W THOMS	\$95.34	REFUND
DEMCO INC	\$408.46	SUPPLIES
DEX MEDIA, INC.	\$1,023.00	ADVERTISEMENT
DIAMOND MOWERS INC	\$498.18	REPAIRS & MAINTENANCE
DMG INC	\$517.18	ELECTRICAL REPAIR
DODGE BANK & CR CARD FEES	\$4,037.89	DODGE OPERATING EXPENSE
DODGE RIVERSIDE PAYROLL	\$56,952.64	DODGE OPERATING EXPENSE
DODGE RIVERSIDE SALES TAX	\$5,432.00	DODGE OPERATING EXPENSE
DOLL DISTRIBUTING	\$6,168.40	DODGE OPERATING EXPENSE
DONALD GILES	\$50.00	REFUND
DONALD W MATHEWS	\$2,610.45	VEHICLE REPAIR
DOUGLAS COUNTY COURT	\$4.00	PROFESSIONAL SVCS
DULTMEIER SALES LLC	\$386.97	SUPPLIES
DXP ENTERPRISES INC	\$1,105.10	EQUIPMENT/PARTS
ECHO GROUP	\$913.70	SUPPLIES
ECOSOLUTIONS INC	\$379.75	SUPPLIES
EDWARDS CHEVROLET-CADILLAC INC	\$988.66	EQUIPMENT/PARTS
EFTPS	\$564,625.28	PAYROLL RELATED
EHRHART GRIFFIN & ASSOCIATES INC	\$39,473.93	CONSULTANT
ELANA GRACE ZALAR	\$513.00	PROFESSIONAL SVCS
ELAVON INC	\$6,980.30	FEES
ELECTRIC PUMP	\$136.23	EQUIPMENT/PARTS
EMPLOYERS MUTUAL CASUALTY COMPANY	\$123,805.76	INSURANCE
ENNIS-FLINT, INC.	\$2,478.14	SUPPLIES
ENTERPRISE FM TRUST	\$699.88	RENTAL EXPS
ERRIN GUNDERSON	\$4,620.59	MOWING/GROUNDS MAINT
ESO SOLUTIONS INC	\$15,991.36	HARDWARE/SOFTWARE
EVAN WEINER	\$150.00	PROFESSIONAL SVCS
EVENT STRUCTURE SOLUTIONS LLC	\$3,933.82	PROFESSIONAL SVCS
EXCHANGE BANK	\$8,766.41	DODGE OPERATING EXPENSE
FACTORY MOTOR PARTS	\$1,186.16	EQUIPMENT/PARTS
FAIRBANKS SCALES INC	\$369.50	REPAIRS & MAINTENANCE
FAMILY HOUSING ADVISORY SERVICES, INC.	\$15,203.00	GRANT REIMBURSEMENT
FASTENAL COMPANY	\$55.34	SUPPLIES
FELD FIRE	\$7,135.30	EQUIPMENT/PARTS
FELSBURG HOLT & ULLEVIG INC	\$22,543.55	PROFESSIONAL SVCS
FEURING PROMOTIONS INC	\$350.00	UNIFORMS
FINTECH	\$366.00	MAC OPERATING EXPENSE
FIRESRING PRINT INC	\$626.00	PRINTING/BINDING
FIRST NATIONAL	\$8,351.99	DODGE OPERATING EXPENSE
FIRST RESPONDERS FOUNDATION	\$65.00	PROFESSIONAL SVCS
FLORIDA STATE DISBURSEMENT UNIT	\$1,015.38	PAYROLL RELATED
FORSTA FILTERS INC	\$1,172.00	EQUIPMENT/PARTS
FORTE PAYMENT SYSTEMS INC	\$1,423.02	EQUIPMENT/PARTS
FOSTERS INC	\$167.90	EQUIPMENT/PARTS
GALLS PARENT HOLDING, LLC	\$3,141.67	EQUIPMENT/PARTS
GC WEST BROADWAY LLC	\$8,474.18	GRANT REIMBURSEMENT
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	\$264.50	EQUIPMENT/PARTS
GENIE PEST CONTROL	\$35.00	DODGE OPERATING EXPENSE
GENIE SERVICES LLC	\$385.00	PEST CONTROL
GFSI	\$753.72	DODGE OPERATING EXPENSE
GIBBS RENTAL & SALES	\$599.18	BUSINESS ASSISTANCE PROGRAM
GOT LIVE ENTERTAINMENT LLC	\$30,000.00	GRANT REIMBURSEMENT
GRAHAM C JURA	\$174.91	REIMB EMPLOYEE EXPENSE

GREAT AMERICAN FINANCIAL	\$267.33	DODGE OPERATING EXPENSE
GREATAMERICA FINANCIAL SERVICES CORP	\$313.94	LEASE
GRP & ASSOCIATES	\$49.00	SUPPLIES
HAI HUYNH	\$612.00	REFUND
HARMS OIL COMPANY	\$37,618.53	FUEL
HART GOLF	\$406.00	DODGE OPERATING EXPENSE
HDR ENGINEERING INC	\$121,752.12	PROFESSIONAL SVCS
HEARTLAND CO-OP	\$361.00	FUEL
HEARTLAND DOCUMENT SERVICES INC.	\$1,289.00	JANITORIAL SERVICE
HEARTLAND TIRES & TREADS INC	\$2,785.90	TIRE REPLACEMENT/REPAIR
HEAVY DUTY SPECIALISTS	\$530.01	EQUIPMENT/PARTS
HGM ASSOCIATES INC	\$123,461.01	CONSULTANT
HISTORIC GENERAL DODGE HOUSE INC	\$18,750.00	CONTRIBUTIONS
HUBER CHEVROLET CO INC	\$117.01	EQUIPMENT/PARTS
HY VEE, INC.	\$3,850.00	PROPERTY ACQUISITION
I-80 LIQUOR & TOBACCO	\$1,598.89	DODGE OPERATING EXPENSE
ICMA RETIREMENT TRUST - 457	\$14,160.00	PAYROLL RELATED
IMPACT7G INC	\$26,135.28	PROFESSIONAL SVCS
INLAND TRUCK PARTS COMPANY INC	\$902.32	EQUIPMENT/PARTS
INRAEV ENTERPRISES INC	\$718.50	LEGAL SERVICES
INTERNATIONAL ASSOCIATION	\$1,225.00	DUES/MEMBERSHIP
IOWA DEPARTMENT OF REVENUE	\$524.98	PAYROLL RELATED
IOWA DEPT OF REVENUE	\$119,697.00	PAYROLL RELATED
IOWA DEPT OF REVENUE	\$2,699.00	MAC OPERATING EXPENSE
IOWA FENCE INC	\$2,004.00	REPAIRS & MAINTENANCE
IOWA GOLF ASSOCIATION	\$242.00	DODGE OPERATING EXPENSE
IOWA LAW ENFORCEMENT ACADEMY	\$175.00	TRAINING
IOWA SCHOOL FOR THE DEAF	\$45.00	BOOKS/PERIODICALS/SUB
IPERS	\$312,573.13	PAYROLL RELATED
J & J SMALL ENGINE SERVICE	\$233.60	EQUIPMENT/PARTS
J&M GOLF	\$856.18	DODGE OPERATING EXPENSE
JACK HYTREK CONSTRUCTION	\$37,851.00	CONSTRUCTION
JAMES PALMER	\$600.00	PROFESSIONAL SVCS
JEFFREY T KOUBA	\$127.40	PROFESSIONAL SVCS
JEO CONSULTING GROUP INC	\$64,657.80	CONSULTANT
JEREMY RYAN SMITH	\$37.50	PROFESSIONAL SVCS
JIM HAWK TRUCK TRAILERS INC.	\$2,720.70	EQUIPMENT/PARTS
JOHNSON CONTROLS INC.	\$444.82	EQUIPMENT/PARTS
JONES AUTOMOTIVE	\$1,058.17	EQUIPMENT/PARTS
JONES BARRELL CO.	\$593.50	SUPPLIES
KELTEK, INCORPORATED	\$172,569.75	EQUIPMENT/PARTS
KRIHA FLUID POWER COMPANY INC.	\$276.94	EQUIPMENT/PARTS
KRONOS INCORPORATED	\$2,000.00	HARDWARE/SOFTWARE
LANDSCAPES GOLF MANAGEMENT	\$53,900.95	DODGE OPERATING EXPENSE
LARSON BACKHOE SERVICES INC	\$475.00	CONSTRUCTION
LAWSON PRODUCTS INC	\$6,742.00	SUPPLIES
LINCOLN NATIONAL LIFE INS CO	\$97.00	DODGE OPERATING EXPENSE
LINDA M CONNER	\$240.00	CONSULTANT
LOCKTON CO LLC	\$4,323.81	DODGE OPERATING EXPENSE
LORETTA GOESCHEL	\$52.64	REIMB EMPLOYEE EXPENSE
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$3,960.00	PAYROLL RELATED
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$280.00	PAYROLL RELATED
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$4,400.00	PAYROLL RELATED
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$1,250.00	PAYROLL RELATED
LUND ROSS CONSTRUCTION INC	\$323,064.60	CONSTRUCTION

LYMAN RICHEY SAND & GRAVEL COMPANY	\$47,109.00	STREET MAINTENANCE SUPLS
M & R WELDING	\$35.00	WELDING SUPPLIES/SERVICE
MACQUEEN EQUIPMENT, INC.	\$664.20	EQUIPMENT/PARTS
MARCO HOLDINGS, LLC	\$4,110.27	COPY/PRINTER MAINTANCE
MARTIN RESOURCE MANAGEMENT	\$51.80	SUPPLIES
MATHESON TRI GAS INC.	\$1,194.50	SUPPLIES
MATTHEW PECKHAM	\$19,790.00	CONSTRUCTION
MATTHEW WULK	\$99.00	PROFESSIONAL SVCS
MAX I WALKER UNIFORM & APPAREL	\$719.02	UNIFORMS
MCMULLEN FORD INC	\$936.92	EQUIPMENT/PARTS
MECO-HENNE CONTRACTING INC	\$961,813.49	CONSTRUCTION
MELLEN & ASSOCIATES INC	\$10,743.00	EQUIPMENT/PARTS
MENARD INC.	\$331.77	SUPPLIES
METROLIUS LLC	\$835.00	DODGE OPERATING EXPENSE
MFPRSI	\$500,207.31	PAYROLL RELATED
MICHAEL M SALES	\$1,178.00	PRINTING/BINDING
MICHAEL O'BRADOVICH	\$2,400.00	PROFESSIONAL SVCS
MID IOWA SOLID WASTE EQUIPMENT CO INC	\$9,724.44	EQUIPMENT/PARTS
MID STATES BANK	\$160.28	MAC OPERATING EXPENSE
MIDAMERICAN ENERGY COMPANY	\$142,257.20	ELECTRICITY
MIDAMERICAN ENERGY COMPANY	\$973.58	RE PARKING GARAGE EXPENSE
MIDLANDS HUMANE SOCIETY	\$10,328.17	CONTRACT AGREEMENT
MIDSTATES BANK, NA	\$392.78	BANK SERVICES
MIDWEST BOX COMPANY	\$158.89	SUPPLIES
MIDWEST MEDICAL & SAFETY INC	\$147.80	MEDICAL SUPPLIES
MIDWEST TAPE, LLC	\$5,072.47	DVD/AUDIO/CD
MIDWEST TURF & IRRIGATION	\$1,129.17	EQUIPMENT/PARTS
MIDWEST TURF & IRRIGATION	\$1,008.95	DODGE OPERATING EXPENSE
MILLER ELECTRIC CO	\$1,030.00	RE PARKING GARAGE EXPENSE
MILLS COUNTY SHERIFF'S DEPARTMENT	\$1,674.45	GRANT REIMBURSEMENT
MINZUNO USA INC.	\$741.20	DODGE OPERATING EXPENSE
MIOVISION TECHNOLOGIES INCORPORATED	\$1,507.46	EQUIPMENT/PARTS
MIRACLE RECREATION EQUIPMENT CO INC	\$4,453.85	EQUIPMENT/PARTS
MOBOTREX INC	\$1,069.00	STREET MAINTENANCE SUPLS
MONROE TRUCK EQUIPMENT, INC.	\$1,663.00	EQUIPMENT/PARTS
MURPHY TRACTOR & EQUIPMENT CO CORP	\$6,057.50	EQUIPMENT/PARTS
MUTUAL OF OMAHA	\$54.88	DODGE OPERATING EXPENSE
MYRON WILDER	\$1,020.00	PROFESSIONAL SVCS
NAPA AUTO PARTS	\$3,759.41	EQUIPMENT/PARTS
NATIONAL CONCRETE CUTTING INC	\$1,792.62	REPAIRS & MAINTENANCE
NATIONWIDE RETIREMENT SOLUTIONS INC	\$70,284.56	PAYROLL RELATED
NEBRASKA AIR FILTER INC	\$377.52	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	\$496.62	PAYROLL RELATED
NEBRASKA GOLF & TURF	\$1,614.63	DODGE OPERATING EXPENSE
NEBRASKA METHODIST HEALTH SYSTEM INC	\$219.00	CONSULTANT
NEW VISIONS HOMELESS SERVICES	\$10,873.99	GRANT REIMBURSEMENT
NEWSBANK INC	\$11,777.00	HARDWARE/SOFTWARE
NO TECH ENTERPRISE INC	\$310.00	RE PARKING GARAGE EXPENSE
NO TECH ENTERPRISE INC	\$2,423.75	RE PARKING GARAGE EXPENSE
NOAH DAVIS	\$30.00	REIMB EMPLOYEE EXPENSE
NODDLE DEVELOPMENT CO.	\$2,820.62	RE PARKING GARAGE EXPENSE
NODDLE SERVICES LLC	\$526.55	RE PARKING GARAGE EXPENSE
OCLC INC	\$1,280.98	SUBSCRIPTION
OLSSON INC.	\$4,000.00	CONSULTANT
OMAHA DOOR & WINDOW CO INC	\$117.75	REPAIRS & MAINTENANCE

OMAHA TRUCK CENTER COMPANY INC.	\$292.83	EQUIPMENT/PARTS
OMNI ENGINEERING	\$34,245.56	STREET MAINTENANCE SUPLS
ONE SOURCE THE BACKGROUND CHECK COMPANY	\$102.30	CONSULTANT
O'REILLY AUTOMOTIVE INC	\$69.65	EQUIPMENT/PARTS
OVERDRIVE INC	\$1,811.82	BOOKS/PERIODICALS/SUB
PARAMOUNT LINEN & UNIFORMS	\$140.95	DODGE OPERATING EXPENSE
PASSPORT LABS INC	\$804.75	PARKING FEES
PAYROLL	\$2,027,360.57	CITY EMPLOYEE PAYROLL
PAYROLL	\$68,137.66	MAC OPERATING EXPENSE
PEPSI BEVERAGES CO	\$1,742.02	DODGE OPERATING EXPENSE
PETERSON CONTRACTORS INC	\$2,099,415.28	CONSTRUCTION
PITNEY BOWES INC.	\$3,000.00	POSTAGE & PRINTING
POTTAWATTAMIE COUNTY AUDITOR	\$1,477,889.11	FEES
POTTAWATTAMIE COUNTY SHERIFF	\$9,435.00	INMATE COST
PREMIER	\$212.90	MAC OPERATING EXPENSE
PREMIER GLAZER'S BEV	\$3,436.50	DODGE OPERATING EXPENSE
PRIME COMMUNICATIONS INC.	\$457.43	RE PARKING GARAGE EXPENSE
RASMUSSEN MECHANICAL SERVICES INC	\$1,046.58	EQUIPMENT/PARTS
REED INC	\$4,250.00	EQUIPMENT/PARTS
REHRIG PACIFIC COMPANY	\$22,815.00	SUPPLIES
RELIANCE STANDARD LIFE INSURANCE CO	\$21,572.98	PAYROLL RELATED
RELIANT FIRE APPARATUS INC	\$1,278.48	EQUIPMENT/PARTS
REPORTING SERVICES LLC	\$1,119.50	PROFESSIONAL SVCS
RICHARD BELT	\$335.00	PROFESSIONAL SVCS
RICOH USA INC	\$48.25	LEASE
RIVER'S EDGE BANK FEES	\$45.00	RE PARKING GARAGE EXPENSE
RLKM INC	\$355.00	REPAIRS & MAINTENANCE
ROBERT PRACHT	\$1,008.00	PROFESSIONAL SVCS
ROSANNA M THURMAN	\$1,100.00	CONSULTANT
RPL UTILITY LLC	\$725,428.15	CONSTRUCTION
RTG BUILDING SERVICES INC	\$19,157.33	JANITORIAL SERVICE
RUETER & ZENOR CO	\$63.64	EQUIPMENT/PARTS
SAFETY KLEEN SYSTEMS, INC	\$150.00	SERVICE LABOR
SANDAU BROS SIGN CO INC	\$688.00	SUPPLIES
SAPP BROTHERS INC	\$28,513.35	FUEL
SAVANT CORPORATION	\$29.00	EQUIPMENT/PARTS
SCHINDLER ELEVATOR CORPORATION	\$967.72	REPAIRS & MAINTENANCE
SECURITY EQUIPMENT INCORPORATED	\$2,260.45	ALARM SECURITY
SERVICE ONE INC	\$3,997.00	REFUND
SHERYL DALEY	\$25.00	REFUND
SHIRLEY HAYES	\$88.05	REFUND
SIEMENS INDUSTRY INC	\$1,612.04	EQUIPMENT/PARTS
SJ ELECTRO SYSTEMS INC	\$33,907.79	EQUIPMENT/PARTS
SLINGSHOT PROMOTIONS	\$699.40	PROFESSIONAL SVCS
SNYDER & ASSOCIATES INC	\$72,844.51	CONSULTANT
SOIL DYNAMICS COMPOSTING FARM INC	\$282.00	PROFESSIONAL SVCS
SOLARWINDS INC	\$7,138.00	HARDWARE/SOFTWARE
SOUTHWEST IOWA PLANNING COUNCIL	\$31,473.42	TRANSIT SERVICES
STAN BENIS	\$53.76	REIMB EMPLOYEE EXPENSE
STEPP MANUFACTURING CO INC	\$94.02	EQUIPMENT/PARTS
STUART TINLEY LAW FIRM LLP	\$1,000.00	PROFESSIONAL SVCS
SUSPENSION SHOP INC	\$2,349.56	EQUIPMENT/PARTS
SWAGIT PRODUCTIONS LLC	\$1,375.00	PROFESSIONAL SVCS
SYSCO	\$6,543.67	DODGE OPERATING EXPENSE
TECH INC	\$100.49	SUPPLIES

TED'S MOWER SALES & SERVICE INC	\$3,258.69	EQUIPMENT/PARTS
TERESA J NOONAN SOLE MBR	\$660.00	HARDWARE/SOFTWARE
TERRY L WEAVER	\$53.00	PROFESSIONAL SVCS
THE DAVEY TREE EXPERT COMPANY	\$31,000.00	TREE WORK
THE RETROFIT COMPANIES INC	\$1,691.25	SERVICE LABOR
THE SCHEMMER ASSOCIATES INC	\$2,747.50	CONSULTANT
THE SCOTTS MIRACLE-GRO COMPANY	\$6,669.37	SERVICE LABOR
THERMAL SERVICES	\$816.15	REPAIRS & MAINTENANCE
THOMAS FIDONE	\$30.00	REIMB EMPLOYEE EXPENSE
THYSSENKRUPP ELEVATOR CORPORATION	\$184.04	RE PARKING GARAGE EXPENSE
TK ELEVATOR CORPORATION	\$6,339.24	PROFESSIONAL SVCS
TODD VALLEY FARMS INC.	\$2,037.50	DODGE OPERATING EXPENSE
TOGETHER INC OF METROPOLITAN OMAHA	\$10,175.45	BUSINESS ASSISTANCE PROGRAM
TOYNE INC	\$846.07	EQUIPMENT/PARTS
TRAFFIC CONTROL CORP	\$4,330.00	EQUIPMENT/PARTS
TRANSIT AUTHORITY OF THE CITY OF OMAHA	\$190,515.00	BUS SERVICE
TREASURER STATE OF IOWA/SALES TAX	\$51,106.00	SALES TAX
TRU PRO CONSTRUCTION INC	\$37,100.00	CONSTRUCTION
TVH PARTS CO	\$348.34	SUPPLIES
TWO RIVERS INSURANCE COMPANY, INC.	\$964,291.16	EMPLOYEE INSURANCE
U.S. VENTURE, INC.	\$5,392.15	EQUIPMENT/PARTS
UMR	\$891.76	DODGE OPERATING EXPENSE
UNION BANK & TRUST/OMNIFY	\$7.00	DODGE OPERATING EXPENSE
UNITED PARCEL SERVICE	\$80.99	FREIGHT/POSTAGE
US BANK	\$86,833.99	CREDIT CARD PURCHASES
VANDER HAAG'S INCORPORATED	\$211.32	EQUIPMENT/PARTS
VERIZON WIRELESS SERVICES LLC	\$6,001.82	CELL PHONE
VERMEER SALES & SERVICE INC	\$1,948.01	EQUIPMENT/PARTS
VOGEL TRAFFIC SERVICES INC	\$419.22	EQUIPMENT/PARTS
VOICE & DATA SYSTEMS INC	\$228.00	PHONE/INTERNET SVC
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	\$8,590.00	PAYROLL RELATED
VULCAN INDUSTRIES INCORPORATED	\$1,070.00	SUPPLIES
W.W. GRAINGER, INC.	\$3,097.87	EQUIPMENT/PARTS
WASTE CONNECTIONS OF IOWA	\$310,102.79	HOUSEHOLD TRASH
WASTE CONNECTIONS OF IOWA	\$267.00	DODGE OPERATING EXPENSE
WATER ENGINEERING INC	\$254.57	MOWING/GROUNDS MAINT
WEST PUBLISHING CORPORATION	\$880.01	SUBSCRIPTION
WESTERN ENGINEERING COMPANY INC	\$100,290.29	CONSTRUCTION
WILLIAM E YOUNG JR	\$591.20	REFUND
WINDSTREAM CORPORATION	\$2,500.00	PHONE/INTERNET SVC
WOODHOUSE FORD CHRYSER INC	\$680.69	EQUIPMENT/PARTS
YAMAHA MOTOR FINANCE	\$652.24	DODGE OPERATING EXPENSE
YMCA OF GREATER OMAHA	\$540.00	DUES/MEMBERSHIP
Z5 INC	\$6,195.00	EQUIPMENT/PARTS
ZIMCO SUPPLY CO	\$4,817.75	DODGE OPERATING EXPENSE
<b>TOTAL</b>	<b><u>14,039,148.38</u></b>	

**CITY OF COUNCIL BLUFFS  
EXPENDITURES  
AUGUST FY22  
(\$'S)**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
PETERSON CONTRACTORS INC	\$2,099,415.28	CONSTRUCTION
PAYROLL	\$2,027,360.57	CITY EMPLOYEE PAYROLL
POTTAWATTAMIE COUNTY AUDITOR	\$1,477,889.11	FEES
TWO RIVERS INSURANCE COMPANY, INC.	\$964,291.16	EMPLOYEE INSURANCE
MECO-HENNE CONTRACTING INC	\$961,813.49	CONSTRUCTION
RPL UTILITY LLC	\$725,428.15	CONSTRUCTION
EFTPS	\$564,625.28	PAYROLL RELATED
MFPRSI	\$500,207.31	PAYROLL RELATED
LUND ROSS CONSTRUCTION INC	\$323,064.60	CONSTRUCTION
IPERS	\$312,573.13	PAYROLL RELATED
CLEAR TITLE & ABSTRACT LLC	\$311,410.97	PROFESSIONAL SVCS
WASTE CONNECTIONS OF IOWA	\$310,102.79	HOUSEHOLD TRASH
TRANSIT AUTHORITY OF THE CITY OF OMAHA	\$190,515.00	BUS SERVICE
CARLEY CONSTRUCTION LLC	\$181,995.72	CONSTRUCTION
KELTEK, INCORPORATED	\$172,569.75	EQUIPMENT/PARTS
COUNCIL BLUFFS WATER WORKS	\$143,366.71	WATER
MIDAMERICAN ENERGY COMPANY	\$142,257.20	ELECTRICITY
EMPLOYERS MUTUAL CASUALTY COMPANY	\$123,805.76	INSURANCE
HGM ASSOCIATES INC	\$123,461.01	CONSULTANT
HDR ENGINEERING INC	\$121,752.12	PROFESSIONAL SVCS
IOWA DEPT OF REVENUE	\$119,697.00	PAYROLL RELATED
CENTRAL SALT LLC	\$108,193.69	STREET MAINTENANCE SUPLS
WESTERN ENGINEERING COMPANY INC	\$100,290.29	CONSTRUCTION
CAESARS ENTERTAINMENT	\$88,034.60	MAC OPERATING EXPENSE
US BANK	\$86,833.99	CREDIT CARD PURCHASES
SNYDER & ASSOCIATES INC	\$72,844.51	CONSULTANT
NATIONWIDE RETIREMENT SOLUTIONS INC	\$70,284.56	PAYROLL RELATED
PAYROLL	\$68,137.66	MAC OPERATING EXPENSE
JEO CONSULTING GROUP INC	\$64,657.80	CONSULTANT
DODGE RIVERSIDE PAYROLL	\$56,952.64	DODGE OPERATING EXPENSE
LANDSCAPES GOLF MANAGEMENT	\$53,900.95	DODGE OPERATING EXPENSE
TREASURER STATE OF IOWA/SALES TAX	\$51,106.00	SALES TAX
LYMAN RICHEY SAND & GRAVEL COMPANY	\$47,109.00	STREET MAINTENANCE SUPLS
EHRHART GRIFFIN & ASSOCIATES INC	\$39,473.93	CONSULTANT
JACK HYTREK CONSTRUCTION	\$37,851.00	CONSTRUCTION
BERT GURNEY & ASSOCIATES INC	\$37,702.91	EQUIPMENT/PARTS
HARMS OIL COMPANY	\$37,618.53	FUEL
TRU PRO CONSTRUCTION INC	\$37,100.00	CONSTRUCTION
OMNI ENGINEERING	\$34,245.56	STREET MAINTENANCE SUPLS
SJ ELECTRO SYSTEMS INC	\$33,907.79	EQUIPMENT/PARTS
SOUTHWEST IOWA PLANNING COUNCIL	\$31,473.42	TRANSIT SERVICES
ADVANCE SOUTHWEST IOWA	\$31,250.00	PROFESSIONAL SVCS
THE DAVEY TREE EXPERT COMPANY	\$31,000.00	TREE WORK
GOT LIVE ENTERTAINMENT LLC	\$30,000.00	GRANT REIMBURSEMENT
BENEVATE INC	\$29,700.00	HARDWARE/SOFTWARE
SAPP BROTHERS INC	\$28,513.35	FUEL
IMPACT7G INC	\$26,135.28	PROFESSIONAL SVCS
REHRIG PACIFIC COMPANY	\$22,815.00	SUPPLIES

FELSBURG HOLT & ULLEVIG INC	\$22,543.55	PROFESSIONAL SVCS
RELIANCE STANDARD LIFE INSURANCE CO	\$21,572.98	PAYROLL RELATED
MATTHEW PECKHAM	\$19,790.00	CONSTRUCTION
RTG BUILDING SERVICES INC	\$19,157.33	JANITORIAL SERVICE
HISTORIC GENERAL DODGE HOUSE INC	\$18,750.00	CONTRIBUTIONS
COX COMMUNICATION INC	\$16,372.78	PHONE/INTERNET SVC
ESO SOLUTIONS INC	\$15,991.36	HARDWARE/SOFTWARE
BARCO MUNICIPAL PRODUCTS INC	\$15,923.00	SUPPLIES
FAMILY HOUSING ADVISORY SERVICES, INC.	\$15,203.00	GRANT REIMBURSEMENT
ICMA RETIREMENT TRUST - 457	\$14,160.00	PAYROLL RELATED
BLUFFS ELECTRIC INC	\$13,653.93	ELECTRICAL REPAIR
BLACK HILLS UTILITY HOLDINGS, INC.	\$12,327.52	NATURAL GAS
NEWSBANK INC	\$11,777.00	HARDWARE/SOFTWARE
NEW VISIONS HOMELESS SERVICES	\$10,873.99	GRANT REIMBURSEMENT
MELLEN & ASSOCIATES INC	\$10,743.00	EQUIPMENT/PARTS
CITY OF COUNCIL BLUFFS-FLEX	\$10,337.66	PAYROLL RELATED
MIDLANDS HUMANE SOCIETY	\$10,328.17	CONTRACT AGREEMENT
TOGETHER INC OF METROPOLITAN OMAHA	\$10,175.45	BUSINESS ASSISTANCE PROGRAM
AQSEPTENCE GROUP INC	\$10,078.03	EQUIPMENT/PARTS
COLLECTION SERVICES CENTER	\$9,752.32	PAYROLL RELATED
MID IOWA SOLID WASTE EQUIPMENT CO INC	\$9,724.44	EQUIPMENT/PARTS
POTTAWATTAMIE COUNTY SHERIFF	\$9,435.00	INMATE COST
DALES TRASH SERVICE INC	\$9,310.00	RENTAL EXPS
EXCHANGE BANK	\$8,766.41	DODGE OPERATING EXPENSE
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	\$8,590.00	PAYROLL RELATED
CITY TREASURER	\$8,580.47	DODGE OPERATING EXPENSE
GC WEST BROADWAY LLC	\$8,474.18	GRANT REIMBURSEMENT
FIRST NATIONAL	\$8,351.99	DODGE OPERATING EXPENSE
ADASHI SYSTEMS LLC	\$7,289.00	HARDWARE/SOFTWARE
BURTON PLUMBING	\$7,250.89	PLUMBING NEW OR REPAIR
ADVANCED DATA PROCESSING, INC	\$7,151.59	AMBULANCE BILLING FEE
SOLARWINDS INC	\$7,138.00	HARDWARE/SOFTWARE
FELD FIRE	\$7,135.30	EQUIPMENT/PARTS
ELAVON INC	\$6,980.30	FEES
BAKER & TAYLOR INC	\$6,874.49	BOOKS/PERIODICALS/SUB
LAWSON PRODUCTS INC	\$6,742.00	SUPPLIES
THE SCOTTS MIRACLE-GRO COMPANY	\$6,669.37	SERVICE LABOR
SYSCO	\$6,543.67	DODGE OPERATING EXPENSE
TK ELEVATOR CORPORATION	\$6,339.24	PROFESSIONAL SVCS
Z5 INC	\$6,195.00	EQUIPMENT/PARTS
DOLL DISTRIBURTING	\$6,168.40	DODGE OPERATING EXPENSE
MURPHY TRACTOR & EQUIPMENT CO CORP	\$6,057.50	EQUIPMENT/PARTS
VERIZON WIRELESS SERVICES LLC	\$6,001.82	CELL PHONE
CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY	\$5,500.00	EQUIPMENT/PARTS
DODGE RIVERSIDE SALES TAX	\$5,432.00	DODGE OPERATING EXPENSE
U.S. VENTURE, INC.	\$5,392.15	EQUIPMENT/PARTS
MIDWEST TAPE, LLC	\$5,072.47	DVD/AUDIO/CD
ARROW TOWING	\$4,825.00	TOWING/STORAGE/AUCTION
ZIMCO SUPPLY CO	\$4,817.75	DODGE OPERATING EXPENSE
ERRIN GUNDERSON	\$4,620.59	MOWING/GROUNDS MAINT
CART TRAC LLC	\$4,531.10	DODGE OPERATING EXPENSE
MIRACLE RECREATION EQUIPMENT CO INC	\$4,453.85	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$4,400.00	PAYROLL RELATED
CONSOLIDATED ELECTRICAL DISTR, INC	\$4,348.93	SUPPLIES
TRAFFIC CONTROL CORP	\$4,330.00	EQUIPMENT/PARTS

LOCKTON CO LLC	\$4,323.81	DODGE OPERATING EXPENSE
REED INC	\$4,250.00	EQUIPMENT/PARTS
MARCO HOLDINGS, LLC	\$4,110.27	COPY/PRINTER MAINTANCE
CHAMPLIN TIRE RECYCLING INC	\$4,080.00	TIRE DISPOSAL
DODGE BANK & CR CARD FEES	\$4,037.89	DODGE OPERATING EXPENSE
OLSSON INC.	\$4,000.00	CONSULTANT
SERVICE ONE INC	\$3,997.00	REFUND
CORNHUSKER INTERNATIONAL TRUCKS	\$3,992.06	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPY HLTH PLAN	\$3,960.00	PAYROLL RELATED
EVENT STRUCTURE SOLUTIONS LLC	\$3,933.82	PROFESSIONAL SVCS
CITY OF COUNCIL BLUFFS-DEPENDENT	\$3,920.28	PAYROLL RELATED
DAVID'S ELECTRIC INC	\$3,850.00	ELECTRICAL REPAIR
HY VEE, INC.	\$3,850.00	PROPERTY ACQUISITION
NAPA AUTO PARTS	\$3,759.41	EQUIPMENT/PARTS
CMC RESCUE INC	\$3,747.00	TRAINING
CHERICE MAHAL	\$3,497.00	PROFESSIONAL SVCS
PREMIER GLAZER'S BEV	\$3,436.50	DODGE OPERATING EXPENSE
TED'S MOWER SALES & SERVICE INC	\$3,258.69	EQUIPMENT/PARTS
GALLS PARENT HOLDING, LLC	\$3,141.67	EQUIPMENT/PARTS
W.W. GRAINGER, INC.	\$3,097.87	EQUIPMENT/PARTS
ABC ELECTRIC INC.	\$3,002.00	REPAIRS & MAINTENANCE
PITNEY BOWES INC.	\$3,000.00	POSTAGE & PRINTING
ACUSHNET COMPANY	\$2,876.76	DODGE OPERATING EXPENSE
NODDLE DEVELOPMENT CO.	\$2,820.62	RE PARKING GARAGE EXPENSE
HEARTLAND TIRES & TREADS INC	\$2,785.90	TIRE REPLACEMENT/REPAIR
THE SCHEMMER ASSOCIATES INC	\$2,747.50	CONSULTANT
JIM HAWK TRUCK TRAILERS INC.	\$2,720.70	EQUIPMENT/PARTS
IOWA DEPT OF REVENUE	\$2,699.00	MAC OPERATING EXPENSE
AQUA-CHEM INCORPORATED	\$2,643.95	SUPPLIES
DONALD W MATHEWS	\$2,610.45	VEHICLE REPAIR
CITY GLASS	\$2,598.58	REPAIRS & MAINTENANCE
DAILY NONPAREIL	\$2,504.63	ADVERTISEMENT
CYBERGENETICS CORP	\$2,500.00	PROFESSIONAL SVCS
WINDSTREAM CORPORATION	\$2,500.00	PHONE/INTERNET SVC
ENNIS-FLINT, INC.	\$2,478.14	SUPPLIES
NO TECH ENTERPRISE INC	\$2,423.75	RE PARKING GARAGE EXPENSE
CERTIFIED TRANSMISSION	\$2,417.55	REPAIRS & MAINTENANCE
MICHAEL O'BRADOVICH	\$2,400.00	PROFESSIONAL SVCS
SUSPENSION SHOP INC	\$2,349.56	EQUIPMENT/PARTS
SECURITY EQUIPMENT INCORPORATED	\$2,260.45	ALARM SECURITY
D&K PRODUCTS	\$2,211.25	DODGE OPERATING EXPENSE
ARNOLD MOTOR SUPPLY, LLP	\$2,111.13	EQUIPMENT/PARTS
TODD VALLEY FARMS INC.	\$2,037.50	DODGE OPERATING EXPENSE
IOWA FENCE INC	\$2,004.00	REPAIRS & MAINTENANCE
KRONOS INCORPORATED	\$2,000.00	HARDWARE/SOFTWARE
VERMEER SALES & SERVICE INC	\$1,948.01	EQUIPMENT/PARTS
DAVID C ANDERSEN	\$1,913.00	CONSTRUCTION
OVERDRIVE INC	\$1,811.82	BOOKS/PERIODICALS/SUB
NATIONAL CONCRETE CUTTING INC	\$1,792.62	REPAIRS & MAINTENANCE
PEPSI BEVERAGES CO	\$1,742.02	DODGE OPERATING EXPENSE
THE RETROFIT COMPANIES INC	\$1,691.25	SERVICE LABOR
MILLS COUNTY SHERIFF'S DEPARTMENT	\$1,674.45	GRANT REIMBURSEMENT
MONROE TRUCK EQUIPMENT, INC.	\$1,663.00	EQUIPMENT/PARTS
NEBRASKA GOLF & TURF	\$1,614.63	DODGE OPERATING EXPENSE
SIEMENS INDUSTRY INC	\$1,612.04	EQUIPMENT/PARTS

I-80 LIQUOR & TOBACCO	\$1,598.89	DODGE OPERATING EXPENSE
CHRONOGOLF BY LIGHTSPEED	\$1,565.14	DODGE OPERATING EXPENSE
MIOVISION TECHNOLOGIES INCORPORATED	\$1,507.46	EQUIPMENT/PARTS
AHLERS & COONEY P.C	\$1,472.00	LEGAL SERVICES
FORTE PAYMENT SYSTEMS INC	\$1,423.02	EQUIPMENT/PARTS
COUNCIL BLUFFS WINSUPPLY	\$1,381.59	SUPPLIES
SWAGIT PRODUCTIONS LLC	\$1,375.00	PROFESSIONAL SVCS
BILL'S WATER CONDITIONING	\$1,316.25	SUPPLIES
HEARTLAND DOCUMENT SERVICES INC.	\$1,289.00	JANITORIAL SERVICE
OCLC INC	\$1,280.98	SUBSCRIPTION
RELIANT FIRE APPARATUS INC	\$1,278.48	EQUIPMENT/PARTS
LSNB AS TRUSTEE FOR POST EMPY HLTH PLAN	\$1,250.00	PAYROLL RELATED
INTERNATIONAL ASSOCIATION	\$1,225.00	DUES/MEMBERSHIP
CUMMINS INC	\$1,221.04	EQUIPMENT/PARTS
BOBCAT OF OMAHA	\$1,204.69	EQUIPMENT/PARTS
CITY OF PAPILLION	\$1,200.00	TRAINING
MATHESON TRI GAS INC.	\$1,194.50	SUPPLIES
FACTORY MOTOR PARTS	\$1,186.16	EQUIPMENT/PARTS
MICHAEL M SALES	\$1,178.00	PRINTING/BINDING
FORSTA FILTERS INC	\$1,172.00	EQUIPMENT/PARTS
CLEVELAND GOLF	\$1,153.10	DODGE OPERATING EXPENSE
MIDWEST TURF & IRRIGATION	\$1,129.17	EQUIPMENT/PARTS
REPORTING SERVICES LLC	\$1,119.50	PROFESSIONAL SVCS
DXP ENTERPRISES INC	\$1,105.10	EQUIPMENT/PARTS
ROSANNA M THURMAN	\$1,100.00	CONSULTANT
VULCAN INDUSTRIES INCORPORATED	\$1,070.00	SUPPLIES
MOBOTREX INC	\$1,069.00	STREET MAINTENANCE SUPLS
JONES AUTOMOTIVE	\$1,058.17	EQUIPMENT/PARTS
BRYAN PREGON	\$1,050.00	PROFESSIONAL SVCS
RASMUSSEN MECHANICAL SERVICES INC	\$1,046.58	EQUIPMENT/PARTS
MILLER ELECTRIC CO	\$1,030.00	RE PARKING GARAGE EXPENSE
DEX MEDIA, INC.	\$1,023.00	ADVERTISEMENT
MYRON WILDER	\$1,020.00	PROFESSIONAL SVCS
FLORIDA STATE DISBURSEMENT UNIT	\$1,015.38	PAYROLL RELATED
MIDWEST TURF & IRRIGATION	\$1,008.95	DODGE OPERATING EXPENSE
ROBERT PRACHT	\$1,008.00	PROFESSIONAL SVCS
STUART TINLEY LAW FIRM LLP	\$1,000.00	PROFESSIONAL SVCS
CALLAWAY	\$995.96	DODGE OPERATING EXPENSE
EDWARDS CHEVROLET-CADILLAC INC	\$988.66	EQUIPMENT/PARTS
MIDAMERICAN ENERGY COMPANY	\$973.58	RE PARKING GARAGE EXPENSE
BENNETT REFRIGERATION INC	\$968.45	REPAIRS & MAINTENANCE
SCHINDLER ELEVATOR CORPORATION	\$967.72	REPAIRS & MAINTENANCE
A + UNITED RADIATOR REPAIR INC.	\$950.00	REPAIRS & MAINTENANCE
MCMULLEN FORD INC	\$936.92	EQUIPMENT/PARTS
AMERICAN BOTTLING COMPANY	\$932.40	SUPPLIES
AMERICAN TRANSMEDIA LLC	\$918.00	PROFESSIONAL SVCS
ECHO GROUP	\$913.70	SUPPLIES
INLAND TRUCK PARTS COMPANY INC	\$902.32	EQUIPMENT/PARTS
BLACKSTONE AUDIO INC	\$893.39	BOOKS/PERIODICALS/SUB
UMR	\$891.76	DODGE OPERATING EXPENSE
WEST PUBLISHING CORPORATION	\$880.01	SUBSCRIPTION
J&M GOLF	\$856.18	DODGE OPERATING EXPENSE
ABLE LOCKSMITHS	\$855.00	PROFESSIONAL SVCS
TOYNE INC	\$846.07	EQUIPMENT/PARTS
ADIDAS	\$842.31	DODGE OPERATING EXPENSE

METROLIUS LLC	\$835.00	DODGE OPERATING EXPENSE
THERMAL SERVICES	\$816.15	REPAIRS & MAINTENANCE
PASSPORT LABS INC	\$804.75	PARKING FEES
GFSI	\$753.72	DODGE OPERATING EXPENSE
AGRIVISION EQUIPMENT GROUP	\$745.90	EQUIPMENT/PARTS
MINZUNO USA INC.	\$741.20	DODGE OPERATING EXPENSE
CENTURYLINK	\$735.10	PHONE/INTERNET SVC
BOUND TO STAY BOUND BOOKS INC	\$724.09	BOOKS/PERIODICALS/SUB
MAX I WALKER UNIFORM & APPAREL	\$719.02	UNIFORMS
INRAEV ENTERPRISES INC	\$718.50	LEGAL SERVICES
ENTERPRISE FM TRUST	\$699.88	RENTAL EXPS
SLINGSHOT PROMOTIONS	\$699.40	PROFESSIONAL SVCS
SANDAU BROS SIGN CO INC	\$688.00	SUPPLIES
WOODHOUSE FORD CHRYSER INC	\$680.69	EQUIPMENT/PARTS
ALLIED OIL & TIRE COMPANY	\$671.90	SUPPLIES
CONCRETE HOLDINGS OMAHA, INC	\$668.00	STREET MAINTENANCE SUPLS
MACQUEEN EQUIPMENT, INC.	\$664.20	EQUIPMENT/PARTS
TERESA J NOONAN SOLE MBR	\$660.00	HARDWARE/SOFTWARE
CFI TIRE SERVICE	\$655.50	TIRE REPLACEMENT/REPAIR
YAMAHA MOTOR FINANCE	\$652.24	DODGE OPERATING EXPENSE
BNSF RAILWAY COMPANY	\$633.00	INSURANCE
FIRESRING PRINT INC	\$626.00	PRINTING/BINDING
HAI HUYNH	\$612.00	REFUND
JAMES PALMER	\$600.00	PROFESSIONAL SVCS
GIBBS RENTAL & SALES	\$599.18	BUSINESS ASSISTANCE PROGRAM
JONES BARRELL CO.	\$593.50	SUPPLIES
WILLIAM E YOUNG JR	\$591.20	REFUND
DALTON PREGON	\$567.00	PROFESSIONAL SVCS
YMCA OF GREATER OMAHA	\$540.00	DUES/MEMBERSHIP
HEAVY DUTY SPECIALISTS	\$530.01	EQUIPMENT/PARTS
NODDLE SERVICES LLC	\$526.55	RE PARKING GARAGE EXPENSE
BLUFFS TAXI & COURIER	\$525.50	TRANSIT SERVICES
IOWA DEPARTMENT OF REVENUE	\$524.98	PAYROLL RELATED
DMG INC	\$517.18	ELECTRICAL REPAIR
CHEMSEARCH FE	\$514.72	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	\$514.32	PAYROLL RELATED
ELANA GRACE ZALAR	\$513.00	PROFESSIONAL SVCS
DIAMOND MOWERS INC	\$498.18	REPAIRS & MAINTENANCE
NEBRASKA CHILD SUPPORT PAYMENT CTR	\$496.62	PAYROLL RELATED
CAHOY PUMP SERVICE INC.	\$480.00	DODGE OPERATING EXPENSE
LARSON BACKHOE SERVICES INC	\$475.00	CONSTRUCTION
PRIME COMMUNICATIONS INC.	\$457.43	RE PARKING GARAGE EXPENSE
ASHLEY KRUSE	\$454.56	REIMB EMPLOYEE EXPENSE
JOHNSON CONTROLS INC.	\$444.82	EQUIPMENT/PARTS
VOGEL TRAFFIC SERVICES INC	\$419.22	EQUIPMENT/PARTS
DATA POWER TECHNOLOGY LLC	\$412.00	REPAIRS & MAINTENANCE
C & J INDUSTRIAL SUPPLY	\$411.50	JANITORIAL SERVICE
AGRILAND F S INC	\$408.90	SUPPLIES
DEMCO INC	\$408.46	SUPPLIES
HART GOLF	\$406.00	DODGE OPERATING EXPENSE
MIDSTATES BANK, NA	\$392.78	BANK SERVICES
DULTMEIER SALES LLC	\$386.97	SUPPLIES
GENIE SERVICES LLC	\$385.00	PEST CONTROL
BLACKBURN MANUFACTURING COMPANY	\$380.85	SUPPLIES
ECOSOLUTIONS INC	\$379.75	SUPPLIES

NEBRASKA AIR FILTER INC	\$377.52	SUPPLIES
CIVICPLUS	\$375.71	HARDWARE/SOFTWARE
FAIRBANKS SCALES INC	\$369.50	REPAIRS & MAINTENANCE
FINTECH	\$366.00	MAC OPERATING EXPENSE
B & K MECHANICAL CONTRACTORS LLC	\$365.00	REPAIRS & MAINTENANCE
HEARTLAND CO-OP	\$361.00	FUEL
RLKM INC	\$355.00	REPAIRS & MAINTENANCE
FEURING PROMOTIONS INC	\$350.00	UNIFORMS
TVH PARTS CO	\$348.34	SUPPLIES
RICHARD BELT	\$335.00	PROFESSIONAL SVCS
MENARD INC.	\$331.77	SUPPLIES
CENGAGE LEARNING INC	\$329.88	BOOKS/PERIODICALS/SUB
GREATAMERICA FINANCIAL SERVICES CORP	\$313.94	LEASE
NO TECH ENTERPRISE INC	\$310.00	RE PARKING GARAGE EXPENSE
ALVARADO UPHOLSTERING	\$295.00	REPAIRS & MAINTENANCE
OMAHA TRUCK CENTER COMPANY INC.	\$292.83	EQUIPMENT/PARTS
BUCK'S LLC	\$291.30	VEHICLE WASH
DAVID AARON	\$282.00	PROFESSIONAL SVCS
SOIL DYNAMICS COMPOSTING FARM INC	\$282.00	PROFESSIONAL SVCS
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	\$280.00	PAYROLL RELATED
KRIHA FLUID POWER COMPANY INC.	\$276.94	EQUIPMENT/PARTS
COX BUSINESS SERVICES	\$275.92	RE PARKING GARAGE EXPENSE
CENTER POINT LARGE PRINT	\$269.64	BOOKS/PERIODICALS/SUB
GREAT AMERICAN FINANCIAL	\$267.33	DODGE OPERATING EXPENSE
WASTE CONNECTIONS OF IOWA	\$267.00	DODGE OPERATING EXPENSE
CUMMINS CENTRAL POWER LLC	\$264.81	RE PARKING GARAGE EXPENSE
GENERAL FIRE & SAFETY EQUIPMENT COMPANY OF	\$264.50	EQUIPMENT/PARTS
WATER ENGINEERING INC	\$254.57	MOWING/GROUNDS MAINT
AG SOLUTIONS GROUP LLC	\$249.44	EQUIPMENT/PARTS
IOWA GOLF ASSOCIATION	\$242.00	DODGE OPERATING EXPENSE
LINDA M CONNER	\$240.00	CONSULTANT
J & J SMALL ENGINE SERVICE	\$233.60	EQUIPMENT/PARTS
VOICE & DATA SYSTEMS INC	\$228.00	PHONE/INTERNET SVC
NEBRASKA METHODIST HEALTH SYSTEM INC	\$219.00	CONSULTANT
PREMIER	\$212.90	MAC OPERATING EXPENSE
VANDER HAAG'S INCORPORATED	\$211.32	EQUIPMENT/PARTS
CSI/SSP INC	\$207.60	PRINTING/BINDING
CAVENDISH SQUARE PUBLISHING LLC	\$195.54	BOOKS/PERIODICALS/SUB
THYSSENKRUPP ELEVATOR CORPORATION	\$184.04	RE PARKING GARAGE EXPENSE
DAVID W WOODY	\$182.35	SUPPLIES
IOWA LAW ENFORCEMENT ACADEMY	\$175.00	TRAINING
GRAHAM C JURA	\$174.91	REIMB EMPLOYEE EXPENSE
COMPASSCOM SOFTWARE CORPORATION	\$173.20	HARDWARE/SOFTWARE
FOSTERS INC	\$167.90	EQUIPMENT/PARTS
BOMGAARS SUPPLY INC	\$162.53	SUPPLIES
MID STATES BANK	\$160.28	MAC OPERATING EXPENSE
DAVID P THOMAS	\$160.00	PROFESSIONAL SVCS
MIDWEST BOX COMPANY	\$158.89	SUPPLIES
CHAD HANNAN	\$154.56	REIMBURSEMENT
EVAN WEINER	\$150.00	PROFESSIONAL SVCS
SAFETY KLEEN SYSTEMS, INC	\$150.00	SERVICE LABOR
CANON SOLUTIONS AMERICA INC	\$148.65	COPY/PRINTER MAINTANCE
MIDWEST MEDICAL & SAFETY INC	\$147.80	MEDICAL SUPPLIES
PARAMOUNT LINEN & UNIFORMS	\$140.95	DODGE OPERATING EXPENSE
ELECTRIC PUMP	\$136.23	EQUIPMENT/PARTS

JEFFREY T KOUBA	\$127.40	PROFESSIONAL SVCS
COX BUSINESS SERVICES	\$126.18	DODGE OPERATING EXPENSE
DAVIS EQUIPMENT CORPORATION	\$122.47	EQUIPMENT/PARTS
OMAHA DOOR & WINDOW CO INC	\$117.75	REPAIRS & MAINTENANCE
HUBER CHEVROLET CO INC	\$117.01	EQUIPMENT/PARTS
BGNE INC.	\$114.48	SUPPLIES
CONTINENTAL ALARM & DETECTION CO	\$112.00	REPAIRS & MAINTENANCE
AMERICAN NATIONAL BANK	\$110.00	BANK SERVICES
ONE SOURCE THE BACKGROUND CHECK COMPANY	\$102.30	CONSULTANT
TECH INC	\$100.49	SUPPLIES
MATTHEW WULK	\$99.00	PROFESSIONAL SVCS
LINCOLN NATIONAL LIFE INS CO	\$97.00	DODGE OPERATING EXPENSE
DELMAR W THOMS	\$95.34	REFUND
STEPP MANUFACTURING CO INC	\$94.02	EQUIPMENT/PARTS
SHIRLEY HAYES	\$88.05	REFUND
UNITED PARCEL SERVICE	\$80.99	FREIGHT/POSTAGE
O'REILLY AUTOMOTIVE INC	\$69.65	EQUIPMENT/PARTS
FIRST RESPONDERS FOUNDATION	\$65.00	PROFESSIONAL SVCS
RUETER & ZENOR CO	\$63.64	EQUIPMENT/PARTS
ATHLETICO EXCEL NEBRASKA LLC	\$60.00	PROFESSIONAL SVCS
FASTENAL COMPANY	\$55.34	SUPPLIES
MUTUAL OF OMAHA	\$54.88	DODGE OPERATING EXPENSE
STAN BENIS	\$53.76	REIMB EMPLOYEE EXPENSE
TERRY L WEAVER	\$53.00	PROFESSIONAL SVCS
LORETTA GOESCHEL	\$52.64	REIMB EMPLOYEE EXPENSE
MARTIN RESOURCE MANAGEMENT	\$51.80	SUPPLIES
DONALD GILES	\$50.00	REFUND
GRP & ASSOCIATES	\$49.00	SUPPLIES
RICOH USA INC	\$48.25	LEASE
AMERTIAS LIFE	\$45.29	DODGE OPERATING EXPENSE
IOWA SCHOOL FOR THE DEAF	\$45.00	BOOKS/PERIODICALS/SUB
RIVER'S EDGE BANK FEES	\$45.00	RE PARKING GARAGE EXPENSE
JEREMY RYAN SMITH	\$37.50	PROFESSIONAL SVCS
GENIE PEST CONTROL	\$35.00	DODGE OPERATING EXPENSE
M & R WELDING	\$35.00	WELDING SUPPLIES/SERVICE
BOFA	\$33.55	MAC OPERATING EXPENSE
NOAH DAVIS	\$30.00	REIMB EMPLOYEE EXPENSE
THOMAS FIDONE	\$30.00	REIMB EMPLOYEE EXPENSE
SAVANT CORPORATION	\$29.00	EQUIPMENT/PARTS
CHARLES BLUE	\$25.00	REFUND
SHERYL DALEY	\$25.00	REFUND
AMERICAN MESSAGING SERVICES LLC	\$14.34	PHONE/INTERNET SVC
ALVIN MAURER	\$12.00	REFUND
UNION BANK & TRUST/OMNIFY	\$7.00	DODGE OPERATING EXPENSE
DOUGLAS COUNTY COURT	\$4.00	PROFESSIONAL SVCS
<b>TOTAL</b>	<b><u>\$14,039,148.38</u></b>	

**City of Council Bluffs**

**Receipts by Fund  
For the Month of August FY22**

General Fund	2,561,063.31
Special Revenue	1,980,681.69
Debt Service	0.00
Capital Project	418,474.91
Enterprise	<u>2,036,917.09</u>
<b>Total Receipts</b>	<b><u><u>6,997,137.00</u></u></b>

**Expenditures by Fund  
For the Month of August FY22**

General Fund	6,283,342.53
Special Revenue	2,128,211.14
Debt Service	0.00
Capital Project	4,852,201.29
Enterprise	<u>775,393.42</u>
<b>Total Expenditures</b>	<b><u><u>14,039,148.38</u></u></b>

**Transfer from City Operating Accounts**

to Mid America Center	88,034.60
to Dodge Riverside	0.00
to RE Parking Garage	<u>0.00</u>
<b>Total Transfers</b>	<b><u><u>88,034.60</u></u></b>

VELA NETWORK WITH UNION BANK AS SECURED PARTY

'Keeping County Government Working for the Community'

405 N 115<sup>th</sup> St Ste 100

Omaha, NE 68154

Fax 402-399-5350

Dear Recipient of Notice of Expiration of Right of Redemption:

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

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

ALL THAT PART OF LAND IN POTTAWATTAMIE COUNTY, STATE OF IOWA, BEING KNOWN AND DESIGNATED AS PART OF LOT 29, KARGES ADDITION TO COUNCIL BLUFFS, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 29, AND RUNNING THENCE NORTHERLY ON THE WESTERLY LINE OF SAID LOT, 75 FEET, THENCE EASTERLY PARALLEL WITH MARION AVENUE, 50 FEET TO THE EASTERLY LINE OF LOT 29, IN SAID ADDITION, THENCE SOUTHWESTERLY 75 FEET TO THE SOUTHEAST CORNER OF SAID LOT, THENCE WESTERLY 50 FEET TO PLACE OF BEGINNING, SOUTHERLY 5 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: PART OF LOT 29, KARGES ADDITION TO COUNCIL BLUFFS, IOWA, DESCRIBED AS: COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 29 AND RUNNING THENCE SOUTHERLY ON THE WESTERLY LINE OF SAID LOT 29, 65 FEET; THENCE EASTERLY 45 FEET TO A POINT ON A LINE WHICH IF EXTENDED 44 FEET WOULD STRIKE 76.6 FEET SOUTH FROM THE NORTHEAST CORNER OF LOT 30, KARGES ADDITION, RUNNING THENCE FROM SAID 45 FOOT POINT NORTHERLY 65.8 FEET TO A POINT ON HELEN AVENUE, 24.3 FEET WESTERLY FROM THE NORTHEAST CORNER OF SAID LOT 29, THENCE WESTERLY ALONG SAID LINE 7.7 FEET TO ANGLE IN THE STREET, RUNNING WESTERLY ALONG THE STREET LINE 20.9 FEET TO PLACE OF BEGINNING, POTTAWATTAMIE COUNTY, IOWA. a/k/a PARCEL # 744401231013

We hope this information will assist you in determining if you will take action with regard to redemption and will make it unnecessary for you to call us. To find out the redemption amount for this parcel, please contact your county treasurer's office. However, if additional information is still needed, you may contact Emily at 402-399-9049 X 128 and **use reference**

**POTTAWATTAMIE 19-0008**. Thank you.



TO: PERSON IN POSSESSION, 211 MARIAN AVE COUNCIL BLUFFS IOWA 51503 - PERSON IN POSSESSION  
JOHN CROFTON, 211 MARIAN AVE COUNCIL BLUFFS IOWA 51503 - OWNER  
STATE OF IOWA C/O ATTY GENERAL, 1305 E WALNUT ST DES MOINES IOWA 50319 - JUDGMENT CREDITOR  
CITY OF COUNCIL BLUFFS C/O CITY ATTY, 209 PEARL ST COUNCIL BLUFFS IOWA 51503 - JUDGMENT CREDITOR  
CITY OF COUNCIL BLUFFS C/O CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IOWA 51503 - CITY LIMITS  
ANY OTHER UNKNOWN PERSONS WITH INTEREST

### NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

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

1. The property described in paragraph 2 of this Notice was sold at tax sale on  
the 17TH day of June, 2019. The purchaser at tax sale was VELA NETWORK WITH  
UNION BANK AS SECURED PARTY.

2. The legal description of the property sold is:

ALL THAT PART OF LAND IN POTTAWATTAMIE COUNTY, STATE OF IOWA, BEING  
KNOWN AND DESIGNATED AS PART OF LOT 29, KARGES ADDITION TO COUNCIL  
BLUFFS, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER  
OF LOT 29, AND RUNNING THENCE NORTHERLY ON THE WESTERLY LINE OF SAID LOT,  
75 FEET, THENCE EASTERLY PARALLEL WITH MARION AVENUE, 50 FEET TO THE  
EASTERLY LINE OF LOT 29, IN SAID ADDITION, THENCE SOUTHWESTERLY 75 FEET TO  
THE SOUTHEAST CORNER OF SAID LOT, THENCE WESTERLY 50 FEET TO PLACE OF  
BEGINNING, SOUTHERLY 5 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE, TO-  
WIT: PART OF LOT 29, KARGES ADDITION TO COUNCIL BLUFFS, IOWA, DESCRIBED AS:  
COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 29 AND RUNNING  
THENCE SOUTHERLY ON THE WESTERLY LINE OF SAID LOT 29, 65 FEET; THENCE  
EASTERLY 45 FEET TO A POINT ON A LINE WHICH IF EXTENDED 44 FEET WOULD  
STRIKE 76.6 FEET SOUTH FROM THE NORTHEAST CORNER OF LOT 30, KARGES  
ADDITION, RUNNING THENCE FROM SAID 45 FOOT POINT NORTHERLY 65.8 FEET TO A  
POINT ON HELEN AVENUE, 24.3 FEET WESTERLY FROM THE NORTHEAST CORNER OF  
SAID LOT 29, THENCE WESTERLY ALONG SAID LINE 7.7 FEET TO ANGLE IN THE  
STREET, RUNNING WESTERLY ALONG THE STREET LINE 20.9 FEET TO PLACE OF  
BEGINNING, POTTAWATTAMIE COUNTY, IOWA. a/k/a PARCEL # 744401231013

3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of  
the property is made within 90 days from the date of completed service of this Notice.

4. If the right of redemption is allowed to expire, a tax deed will be issued by the  
Treasurer of POTTAWATTAMIE County.

By   
Emily Gillispie, agent  
for VELA NETWORK WITH UNION BANK AS SECURED PARTY  
POTTAWATTAMIE 19-0008

DCDT PROPERTIES WITH UNION BANK AS SECURED PARTY

'Keeping County Government Working for the Community'

405 N 115<sup>th</sup> St Ste 100

Omaha, NE 68154

Fax 402-399-5350

Dear Recipient of Notice of Expiration of Right of Redemption:

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

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

BRYANT AND CLARKS ADDITION, LOT 2 BLOCK 18, 1/2 VAC ALLEY, COUNCIL BLUFFS, IOWA. a/k/a PARCEL # 754434105004

We hope this information will assist you in determining if you will take action with regard to redemption and will make it unnecessary for you to call us. To find out the redemption amount for this parcel, please contact your county treasurer's office. However, if additional information is still needed, you may contact Emily at 402-399-9049 X 128 and **use reference POTTAWATTAMIE 19-0079**. Thank you.

*Clerk Reid  
10.11.21*

TO: PERSON IN POSSESSION, 3307 2ND AVE COUNCIL BLUFFS IOWA 51501 - PERSON IN POSSESSION  
RICHARD MCKEEMAN, 3307 2ND AVE COUNCIL BLUFFS IOWA 51501 - OWNER  
WANDA MCKEEMAN, 3307 2ND AVE COUNCIL BLUFFS IOWA 51501 - OWNER  
HEIR AND DEVISEE OF RICHARD MCKEEMAN C/O AMBER MCKEEMAN, 3307 2ND AVE COUNCIL BLUFFS IOWA  
51501 - HEIR AND DEVISEE  
HEIR AND DEVISEE OF RICHARD MCKEEMAN C/O JEREMIAH MCKEEMAN, 3307 2ND AVE COUNCIL BLUFFS  
IOWA 51501 - HEIR AND DEVISEE  
CITY OF COUNCIL BLUFFS C/O CITY CLERK, 209 PEARL ST COUNCIL BLUFFS IOWA 51503 - CITY LIMITS  
ABA RECOVERY SERVICE INC C/O DAVID POOLE, REGISTERED AGENT, 421 W BROADWAY, STE 306 COUNCIL  
BLUFFS IOWA 51503 - JUDGEMENT CREDITOR  
ABA RECOVERY SERVICE INC, 821 WEST OKLAHOMA AVE, STE 2 GRAND ISLAND NE 68801 - JUDGMENT  
CREDITOR  
ANY OTHER UNKNOWN PERSONS WITH INTEREST

### NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

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

1. The property described in paragraph 2 of this Notice was sold at tax sale on  
the 17TH day of June, 2019. The purchaser at tax sale was DCDT PROPERTIES WITH  
UNION BANK AS SECURED PARTY.
2. The legal description of the property sold is:  
BRYANT AND CLARKS ADDITION, LOT 2 BLOCK 18, 1/2 VAC ALLEY, COUNCIL BLUFFS,  
IOWA. a/k/a PARCEL # 754434105004
3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of  
the property is made within 90 days from the date of completed service of this Notice.
4. If the right of redemption is allowed to expire, a tax deed will be issued by the  
Treasurer of POTTAWATTAMIE County.

By 

Emily Gillispie, agent

for DCDT PROPERTIES WITH UNION BANK AS SECURED PARTY

POTTAWATTAMIE 19-0079

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

CITY CLAIM NO. 21-PD-2136

**NOTICE OF CLAIM/LOSS**

NAME OF CLAIMANT: Brandon Diederich DAY PHONE: \_\_\_\_\_

ADDRESS: 108 Crogans Way Circle DOB: \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: 9-22-21 11:00 A.M.

LOCATION OF LOSS/ACCIDENT: 2501 West Broadway (TJHS)

DESCRIPTION OF LOSS/ACCIDENT: Student at school had a behavior crisis and while in the parking lot used a paper clip to scratch my personal vehicle. Scratch is about 15 inches long. Had to drive personal vehicle to school (I am an SRO at TJHS) because no cruisers were available (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 603.<sup>91</sup>/<sub>100</sub>

WITNESS(ES) (Name(s), Address(es), Phone No(s)): Ryan Miller, TJHS staff. 712 328 6493

WAS POLICE REPORT FILED  YES  NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES?  YES  NO

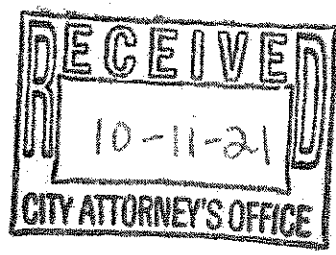
IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: Police CSI have photos in the case file. Child is an autistic child who was having an issue. School staff tried to interview without success. I take a carver everyday to school when available (99% of the time I take one)

LIST INSURANCE PROVIDER AND COVERAGE: American Family

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

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

DATE 10-11-21



CLAIMANT'S SIGNATURE BTD 693

CLERK RVD  
11 OCT 21  
AM 11:54

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

CITY CLAIM NO. 21-PK-2135

**NOTICE OF CLAIM/LOSS**

NAME OF CLAIMANT: Arbutus Walker DAY PHONE: \_\_\_\_\_  
ADDRESS: 928-3<sup>RD</sup> AVE DOB: \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: during Saturday Night Storm Aug 7-'21  
LOCATION OF LOSS/ACCIDENT: 928-3<sup>RD</sup> AVE  
DESCRIPTION OF LOSS/ACCIDENT: Vehicle damage - back passenger door  
and window - dents on back panels

TOTAL DAMAGES CLAIMED: \$ 1965<sup>00</sup>/<sub>100</sub> - \$2268.<sup>72</sup>/<sub>100</sub> + \$500 deductible (USE BACK OF FORM, IF NECESSARY)

WITNESS(ES) (Name(s), Address(es), Phone No(s)) John Henry - 928-3<sup>RD</sup> AVE  
Neighbors (don't know names)  
Roger King - Regal Towers

WAS POLICE REPORT FILED  YES  NO Don't Remember

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

HAVE YOU RESUMED NORMAL ACTIVITIES?  YES  NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: due to dead TREE  
Removal of tree branches \$75<sup>00</sup>/<sub>100</sub>

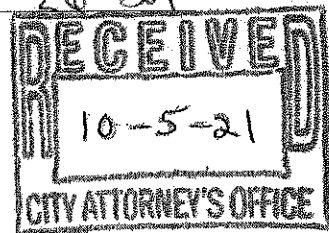
LIST INSURANCE PROVIDER AND COVERAGE: State Farm Nathan Hall

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

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

DATE 9-26-'21

Arbutus Walker  
CLAIMANT'S SIGNATURE



CLERK RCVD  
5 OCT 21

PH1:42

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

CITY CLAIM NO. 21-PW-2137

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: David Valdez DAY PHONE: \_\_\_\_\_  
ADDRESS: 112 Franklin Ave, Council Bluffs, IA 51503 DOB: \_\_\_\_\_  
DATE & TIME OF LOSS/ACCIDENT: 8/12/2021 5:55 am  
LOCATION OF LOSS/ACCIDENT: N 17<sup>th</sup> St and US6/W Broadway, Council Bluffs  
DESCRIPTION OF LOSS/ACCIDENT: Front end and windshield  
damage to my 2003 Ford Focus due to  
concrete barrier blocking the roadway  
(USE BACK OF FORM, IF NECESSARY)  
TOTAL DAMAGES CLAIMED: \$ 5,882.39  
WITNESS(ES) (Name(s), Address(es), Phone No(s)) \_\_\_\_\_

WAS POLICE REPORT FILED  YES  NO  
IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:  
\_\_\_\_\_  
\_\_\_\_\_

HAVE YOU RESUMED NORMAL ACTIVITIES?  YES  NO  
IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY  
OTHER RELEVANT INFORMATION: See attached estimate from Auto  
Body Concepts.

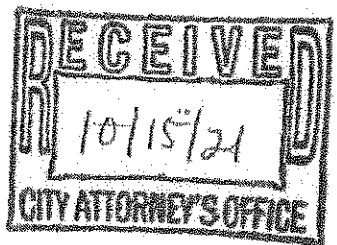
LIST INSURANCE PROVIDER AND COVERAGE: State Farm Insurance / Liability coverage

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

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

10/15/21  
DATE

David Valdez  
CLAIMANT'S SIGNATURE



CLERK RCUD

18 OCT '21

AM11:31

# City of Council Bluffs Iowa

## Office of the Mayor PROCLAMATION

**WHEREAS**, lead exposure to children can result from multiple sources and can cause irreversible and life-long health effects; and

**WHEREAS**, seven percent of all children have been/are lead poisoned in Iowa with over 1,000 children newly poisoned each year; and

**WHEREAS**, lead is especially dangerous to children under the age of six and women who are pregnant; and

**WHEREAS**, lead products were used in homes constructed before 1978; and

**WHEREAS**, nearly 70% of the Council Bluffs housing stock was constructed before 1978; and

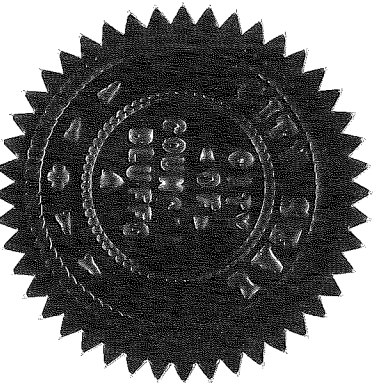
**WHEREAS**, lead poisoning is preventable and through education and awareness of the dangers of lead we can help protect the lives of children living in Council Bluffs.

**NOW, THEREFORE**, I, Matthew J. Walsh, Mayor of the City of Council Bluffs, Iowa do hereby proclaim October 24th - October 30th, 2021 as

### **NATIONAL LEAD POISONING PREVENTION WEEK**

in the City of Council Bluffs, Iowa, and urge all citizens to learn about lead poisoning and available resources to protect children from further lead poisoning.

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 25th day of October, in the year Two Thousand Twenty One.



  
Matthew J. Walsh, Mayor

# City of Council Bluffs Iowa

## Office of the Mayor PROCLAMATION

*WHEREAS*, Council Bluffs, Iowa is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

*WHEREAS*, Council Bluffs, Iowa is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

*WHEREAS*, Council Bluffs, Iowa is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

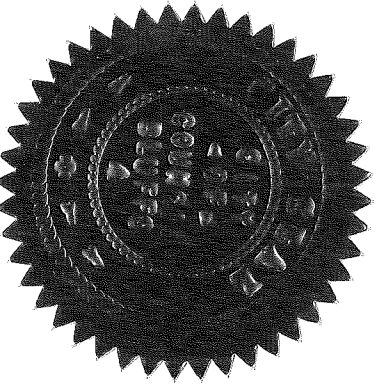
*WHEREAS*, Council Bluffs, Iowa acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day”.

**NOW, THEREFORE**, I Matthew J. Walsh, Mayor of the City of Council Bluffs, Iowa do hereby proclaim November 1, 2021 as

### **“EXTRA MILE DAY”**

in the City of Council Bluffs, Iowa and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

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 25th day of October, in the year Two Thousand Twenty One.



  
Matthew J. Walsh, Mayor

## Council Communication

Department: Community  
Development  
Case/Project No.: OTB-21-009  
Submitted by: Brandon Siracuse,  
Planner

Resolution 21-304  
ITEM 5.A.

Council Action: 10/25/2021

### Description

Resolution to dispose of City property legally described as being part of the NW1/4 NW1/4 of Section 14-74-44, more specifically described in the Council packet. Location: vacant land lying southwest of the intersection of 42nd Avenue and Gifford Road (approx. 4205 Gifford Road). OTB-21-009

### Background/Discussion

See attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	10/14/2021
Attachment A - Location and Zoning Map	Map	10/14/2021
Attachment B - Letter of Intent	Letter	10/14/2021
Attachment C - Application Submittal	Other	10/14/2021
Attachment D - Real Estate Market Analysis	Other	10/14/2021
Resolution 21-304	Resolution	10/19/2021

### Council Communication

<p>Department: Community Development</p> <p>CASE # OTB-21-009</p> <p>Applicant: Mark Andersen Andersen Construction Co. 3125 S. 11<sup>th</sup> Street Council Bluffs, IA 51501</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>Set Public Hearing: 10/11/21</p> <p>Public Hearing: 10/25/21</p>
---	--	---

#### Subject/Title

Request by Andersen Construction, represented by Mark Andersen, to dispose of the property, legally described as Section 14-74-44 PT NW NW comm 614.52'S 32.19'E NW COR TH NELY615.9' SWLY572.17' to POB, City of Council Bluffs, Pottawattamie County, Iowa, to Andersen Construction Company (Mark Andersen) for the purpose of replatting with adjacent land to the west to create a new one-lot minor industrial subdivision as described in Case #SUB-21-010.

Location: property lying southwest of the intersection of 42<sup>nd</sup> Avenue and Gifford Road (approx.. 4205 Gifford Road).

#### Background/Discussion

The Community Development Department has received an offer from Andersen Construction Company (Mark Andersen) to purchase surplus city-owned property (legally described above). The subject property is zoned I-2/General Industrial District and is classified as “transitional preserve” with a sub-classification of “future private use.”

The applicant proposes to acquire the subject property to replat it with adjacent land to the west to form a new one-lot minor industrial subdivision, as described in Case #SUB-21-010. According to the adopted *Inventory and Disposal Policy for Surplus City Property*, dated April 23, 2018, the subject property shall be priced at its most recent appraised land value, which is \$27,878.00. The applicant has offered \$27,878.00 to purchase the property and has submitted the required 10% down payment (\$2,788.00) and \$50.00 application fee.

The City of Council Bluffs acquired the subject property on July 30, 2015, after purchasing part of the land located at 4325 Gifford Road for the purpose of relocating a section of Gifford Road right-of-way lying immediately south of US-275/Veterans Memorial Highway. The subject property has been classified as “transitional preserve” with the intention that the land could be replatted with surrounding land in the future.

The City has incurred a total cost of \$0.00 for the subject property.

The subject property is currently zoned I-2/General Industrial District. The subject property is an irregularly shaped lot with a total of 55,756 square feet, which exceeds the minimum lot size requirements for the I-2 District. The subject property may contain wetlands, which could limit the ability to build upon the land. However, the applicant has also submitted a request for approval of a one-lot minor industrial subdivision (Case #SUB-21-010) that will replat the subject property into one

lot along with adjacent land to the west. This newly created lot will be buildable under current site development standards for the I-2 District.

**Recommendation**

The Community Development Department recommends disposing of the property legally described as Section 14-74-44 NW NW comm 614.52'S 32.19'E NW COR TH NELY615.9' SWLY572.17' to POB, City of Council Bluffs, Pottawattamie County, Iowa, to Andersen Construction (Mark Andersen), subject to the following conditions:

1. The total purchase price shall be \$27,878.00.




**Attachment A:** Location Map

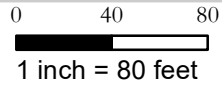
**Prepared By:** Brandon Siracuse, Planner, Community Development Department

# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

## CASES #OTB-21-009

### ZONING/LOCATION MAP

 Case #OTB-21-009 Subject Property  
 City of Council Bluffs Corporate Limits  
 Parcels



Last Amended: 9/10/2021



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; 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.

**Letter of Intent for the property known as Twin City Church 4220 Gifford road**

Andersen Construction is purchasing the property known as 4220 Gifford Road and the vacated road that was the old Gifford Road and a lot that the City of Council Bluffs owns that is a little more than an acre. The lot was formed when the city bought land from ECHO company to adjust the new Gifford Road. It was the area between the two roads. The property is said to have wetlands.

The three properties will be combined to form one property that will be around 7.3 acres total. The 4220 land is currently a church and not being a taxable property.

Andersen Construction intends to remove all buildings and trees on the property and raise the elevation of the property to the street level of Gifford Road. We also plan to get any wetlands removed from all of the properties.

The property will be asked to become industrial for the zoning for the future.

Our intent is to use the property for a company who wants to use it for industrial use such as a warehouse.



Sincerely, Mark Andersen

Andersen Construction

**APPLICATION TO PURCHASE CITY PROPERTY**

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

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, generally described as follows:  
Parcel 7444 14 101 006 Section 14-74-44 PT NW NW comm 614.52'S 32.19'E NW COR TH NELY615.9' SWLY572.17'  
to POB - 1.28 or 55756 sq.ft. Acres between New Gifford road and vacated Gifford road

Buyers are applying to purchase this property for the following purpose(s):  
Turn the land into industrial land.

Buyers offer a total sum of \$ 27,878 .

Buyers submit a down payment in the sum of \$ 2,788 + \$50 Non-refundable Administrative Fee.

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

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

Mark Andersen 8/6/21  
 Buyer Signature Date  
 Andersen Construction - Mark Andersen  
 Print Name  
 Address 3125 South 11th Street  
 Phone 402 490 3743  
 Email Mark@Andersenconst.com

\_\_\_\_\_  
 Buyer Signature Date  
 \_\_\_\_\_  
 Print Name  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Email \_\_\_\_\_

Internal Use Only

\_\_\_\_ Buildable Lot \_\_\_\_\_ Date Received \_\_\_\_\_ Offer Sufficient for Review  
 \_\_\_\_ Remnant Parcel \_\_\_\_\_ Case #Assigned  
 \_\_\_\_ Previously Vacated ROW \_\_\_\_\_ Payment with Offer Approved for Processing: \_\_\_\_\_



**HEARTLAND  
PROPERTIES, INC.**

HeartlandProperties.com

712.325.0445

535 W Broadway, Suite 100  
Council Bluffs, IA 51503

July 28, 2021

Mr. Richard Wade  
Council Bluffs City Attorney  
209 Pearl Street  
Council Bluffs, Iowa 51503

Dear Mr. Wade,

As per your request, I have created a Real Estate Broker's Opinion on the market value of the public right-of-way located adjacent and east of **4220 Gifford Road, Council Bluffs, Iowa, 51501** (currently known as Twin Cities Christian Church).

**Taxes:** None as it is public right-of-way.

**Utilities:** Electricity, gas, city water and city sewer serve the property.

**Land Size:** 1.28 Acres m/l (55,756 sq. ft.)

**Location:** Good. The property is in an area where there is a lot of industrial development occurring.

**Site Improvements:** None. The site is encumbered with utility easements and a driveway entrance crossing the right-of-way as the primary access to the church. It also has a wetlands designation on a majority of the property which will have to be delineated by the Rock Island Corp of Engineers to allow any construction of any type to occur.

The site would need 1.5 to 2 feet of dirt fill to blend into the existing church property, which sits much higher. That cost would run approximately \$50,000.00 to complete.

**Zoning:** R-2. Churches are allowed to go into about any zoning that is allowed in Council Bluffs.

**Highest and Best Use:** I-2 Industrial and potentially I-1 Industrial. We would need to go through rezoning to allow the property to be sold.

**Determination of Value:** There are three approaches to determine market value. They are as follows: cost approach, income approach and sales comparison approach. I recommend we use the sales comparison approach and incorporate development costs that would be required to do to it to make it a marketable property and use it for its highest and best use.



**Assessed Valuation:** The property is currently not on the tax rolls but is assessed as a non-taxable entity at \$114,000.00.

**Site Discussion:** In order to make this site developable, it would require somewhere to \$1.00 to as much as \$1.50 per sq. ft. to get it site ready. There is a fill issue, utility easements, driveway easement and it is a designated wetlands area. Remember, I am valuating the site that contains 1.28 acres only. The analysis must contain that site only and it alone is probably not developable unless joined with the site abutting to the west which includes the current church property. You cannot compare it to a site ready parcel and the configuration and easements make it alone non developable.

An important factor to acknowledge is that none of the properties, including the City of Council Bluffs and Twin City Christian Church are on the property tax rolls paying property taxes. You should look at this as an opportunity to take three parcels, of which two you own and one owned by the church and are putting it back on the tax rolls. It will eventually be a minimum of \$2,000,000 to \$5,000,000 development on assessed valuation basis. This will generate on the low end of \$72,666.00 per year to as high or higher potentially \$181,665.00 per year in property taxes. You are currently receiving zero dollars in property taxes on all three of these parcels. In the big picture, the development will create jobs also.

In summary, the property is not a site ready building pad and has numerous issues. The fact alone, it is not buildable in its current state and that is legally how you appraise a parcel is how it sits alone and what is worth today.

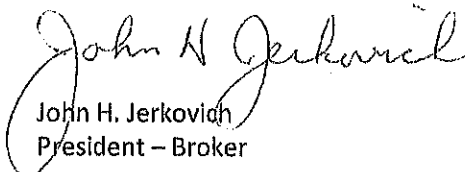
I am happy to present my analysis and verbally explain before the Planning Commission and City Council, as on paper alone it is hard to paint the actual picture. I would prefer to do that as I really pride myself in being knowledgeable and fair to all.

Therefore, subject to the above analysis and attached sales, I find **Fair Market Value of the subject property to be \$27,878.40 per acre to no higher than \$30,665.80 per acre.** That is range of \$0.50 to \$0.55 cents per sq. ft. I believe this is as fair as one can be if you look at the entire picture and unfortunately, a lot of people do not.

Please see attached comparable properties that are currently pending with closing soon to occur, sold properties and active listings all in the general area of the subject property. They all have the same intended use.

This is not intended to be a Certified Appraisal as I am not a certified appraiser. This is an opinion of value only by a licensed Real Estate Broker.

Sincerely,

  
John H. Jerkovich  
President – Broker

Qualifications: I, John H. Jerkovich, have been actively involved in listing and selling real estate since 1984.

Attachments: Comparable properties and assessor cards.

*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. 21-304**

**A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS BEING PART OF THE NW1/4 NW1/4 OF SECTION 14-74-44, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING 614.52 FEET SOUTH AND 32.19 FEET EAST OF THE NW CORNER OF SAID SECTION 14, THENCE NORTHEASTERLY 615.9 FEET, THENCE SOUTHWESTERLY 572.17 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** the City has previously expressed its intent to dispose of City owned property legally described as being part of the NW1/4 NW1/4 of Section 14-74-44, and being more particularly described as commencing 614.52 feet south and 32.19 feet east of the NW corner of said Section 14, thence northeasterly 615.9 feet, thence southwesterly 572.17 feet to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa.

**WHEREAS,** a public hearing has been held in this matter on October 25, 2021, 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:

Andersen Construction Company, and all successors in interest: Property legally described as being part of the NW1/4 NW1/4 of Section 14-74-44, and being more particularly described as commencing 614.52 feet south and 32.19 feet east of the NW corner of said Section 14, thence northeasterly 615.9 feet, thence southwesterly 572.17 feet to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa.; and

**BE IT FURTHER RESOLVED**

That the purchase price be \$27,878.00 with the remaining balance beyond the \$2,788.00 down payment being due at closing. Closing on the property shall occur within 60 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:                      October 25, 2021.

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

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

## Council Communication

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

Ordinance 6475  
ITEM 6.A.

Council Action: 10/25/2021

### Description

Ordinance to amend Chapter 1.40 Council Bluffs Civil Rights Commission of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Section 1.40.030 “Definitions-Civil Rights Commission”; Section 1.40.080 “Unfair Employment Practices”; Section 1.40.100 “Unfair Or Discriminatory Practices-Housing”; Section 1.40.110 “Unfair Credit Practices”; Section 1.40.120 “Unfair Or Discriminatory Practices-Education” and Section 1.40.140 “Retaliation”.

### Background/Discussion

The Council Bluffs Municipal Code relating to the Council Bluffs Civil Rights Commission has always been modeled, essentially word for word, from the Iowa Code. It has been some time since City’s code has been reviewed for and updated with respect to the Iowa Code. While there have not been many substantive changes, there have been some additions and clarifications in the Iowa Code that merit an update of our Municipal Code. These changes are designed to accomplish that, and they are taken verbatim from the Iowa Code in order to avoid inconsistency or confusion.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
Red line version/changes	Other	9/24/2021
Ordinance 6475	Ordinance	10/5/2021

### **1.40.030 Definitions - Civil Rights Commission**

For the purposes of this chapter, the following words, terms and phrases are defined as follows:

**Affirmative action:** A plan whereby a set of specific result-oriented procedures are established and to which a "person" commits himself or herself to apply every good faith effort to achieve. The objective of those procedures is to ensure equal opportunity in public and private employment, housing, public accommodation, credit transactions and city contracts.

**Bona fide occupational qualification (BFOQ):** A job-related requirement which bears a demonstrable relationship to the successful performance of the job for which it is used.

**Commission:** The civil rights commission created by this chapter.

**Commissioner:** A member of the local civil rights commission.

**Complainant:** Any person filing a complaint with the commission.

**Contract:** Any agreement that is awarded, let, procured or entered into with, or on behalf of, the city or any awarding authority thereof.

**Contracting authority:** Any city department, agency, commission, board or any authorized employee, including any purchasing agent of the city, who makes or enters into any contract agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the city.

**Court:** The district court in and for the judicial district of the state of Iowa in which the alleged unfair or discriminatory practice occurred, or any judge of the court if the court is not in session at the time.

**Director:** The city attorney or his or her designee.

**Disability:** The physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases."Disability" does not include current, illegal use of or addiction to a controlled substance.

**Employee:** Any person employed by an employer.

**Employer:** The city of Council Bluffs or any board, commission or department thereof, and every other person or entity employing employees within the state of Iowa.

**Employment agency:** Any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

**Familial status:** One or more individuals under the age of eighteen (18) domiciled with one of the following:

- A. A parent or another person having legal custody of the individual or individuals.

- B. The designee of the parent or other person having custody of the individual or individuals, with the written permission of the parent or other person.
- C. A person who is pregnant or is in the process of securing legal custody of the individual or individuals.
- D. A person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen (18) years.

Gender identity: A gender-related identity of a person, regardless of the person's assigned sex at birth.

Housing for older persons: Any of the following:

- A. Housing intended and operated for ninety (90) percent occupancy by at least one person fifty-five (55) years of age or older per unit, and providing significant facilities specifically designed to meet the physical or social needs of such person.
- B. Housing intended for and occupied solely by persons sixty-two (62) years of age or older.
- C. Housing provided under any state or federal program specifically designated and operated to assist elderly persons (as defined in the state or federal program).

Individual: Any natural person.

Labor organization: Any organization that exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

Person: One or more individuals, partnerships associates, corporations legal representatives, trustees, receivers, employees or agents, and the city and all of this boards and commissions.

Public accommodation: each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy. .

- A. "Public accommodation" does not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private, except when a distinctly private place, establishment or facility caters or offers services, facilities, or goods to the nonmembers for a fee or charge, or gratuitously, it shall be deemed a public accommodation during such period of use.
- B. "Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants, or goods to the public, gratuitously or otherwise. This definition shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation."

Referral: The process by which the Iowa Civil Rights Commission notifies the local commission that a complainant has been filed with the state commission, and that the same is postponing its

investigative activities for a period of sixty (60) days while the local commission investigates and attempts to resolve the matter.

Respondent: That person against whom a complaint has been filed with the commission.

Retaliation: Any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his or her formal or informal efforts to secure or aid in securing compliance with this chapter.

Sexual orientation: Actual or perceived heterosexuality, homosexuality, or bisexuality.

Unfair practice or discriminatory practice: Those practices specified as unfair or discriminatory in this chapter or Chapter 216 of the Iowa Code.

(Ord. 5971 § 1, 2008)

### **1.40.080 Unfair Employment Practices**

A. It shall be an unfair or discriminatory practice for any:

1. Person to refuse to hire, accept, register, classify or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.;
2. Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights or benefits of such membership because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or member;
3. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability are unwelcome, objectionable, not acceptable or not solicited for employment or membership unless based on the nature of the occupation.
  - a. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.

- b. An employer, employment agency or their employees, servants or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

4. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

- B. Employment policies relating to pregnancy and childbirth shall be governed by the following:
1. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
  2. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
  3. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of

extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

4. d. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
  5. e. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.
- C. This section shall not apply to:
1. Any employer who regularly employs less than four individuals. For the purpose of this paragraph, individuals who are members of the employer's family shall not be counted as employees;
  2. The employment of individuals for work within the home of the employer, if the employer or a member of his or her family reside therein during such employment;
  3. The employment of individuals to render personal service to the person of the employer or members of his or her family;
  4. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based upon religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification;
  5. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen (18) years, unless the person is considered by law to be an adult;
  6. This section shall not apply to age discrimination in a bona fide apprenticeship employment program if the employee is over forty-five (45) years of age;
  7. After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement.

(Ord. 5973 § 1, 2008)

**1.40.100 Unfair Or Discriminatory Practices - Housing**

It is an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or rental property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representative by power of attorney or appointment, or any person acting under court order, deed or trust, or will:

- A. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion or interest therein to any individual because of the race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability or familial status of such individual;
- B. To discriminate against any individual because of his or her race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability or familial status, in the terms, conditions, and privileges of the sale, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.;
- C. To directly or indirectly advertise, or in any other manner indicate or publicize, that the purchase, rental, lease, assignment or sublease of any real property or housing accommodations or any part, portion or interest therein by individuals of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability or familial status is unwelcome, objectionable, not acceptable or not solicited;
- D. To discriminate against the lessee or purchaser of any real property or housing accommodation, or part, portion or interest in real property or housing accommodation, or against any prospective lessee or purchaser of the property for accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, or familial status, age or national origin of individuals who may, from time to time, be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity;
- E. The provisions of paragraphs A through B of this section shall not apply to the following:
  - 1. The rental, leasing or occupancy of dwellings owned or operated by a religious organization, association, or society, or any nonprofit institution operated, supervised, or controlled by a religious organization, association or society, where preference in rental, leasing, or occupancy is given to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin,
  - 2. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or member of the owner's family reside in one of the accommodations,
  - 3. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resident in one of the housing accommodations for which the owner qualifies for the homestead tax credit under Iowa Code § 425.1,

4. The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if the occupant or owner or members of that person's family reside there,
  5. Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporation,
  6. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor, of the building;
- F. The provisions of this section relating to "familial status" shall not apply to housing for older persons, as defined in CBMC 1.40.030 definition Respondent;
- G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction on the maximum number of occupants permitted to occupy a dwelling.

(Ord. 5975 § 1, 2008)

**1.40.110 Unfair Credit Practices**

- A. It is an unfair or discriminatory practice for any:
1. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, or physical disability or familial status;
  2. Person authorized or licensed to do business in this state pursuant to Iowa Code Chapters 524, 533, 536, or 536A, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to individuals of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity or physical disability;
  3. Creditor to refuse to offer credit, life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability or sex, sexual orientation, gender identity or familial status. Refusal by a creditor to offer credit, life or health accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, subtitle 1.
- B. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

(Ord. 5976 § 1, 2008)

**1.40.120 Unfair Or Discriminatory Practices - Education**

- A. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices::

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
  2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
  3. Discrimination among persons in employment and the conditions of employment;
  4. On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.
- B. For the purpose of this section, "educational institution" includes any preschool, elementary or secondary school, community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

(Ord. 5655 § 1 (part), 2001)

#### **1.40.140 Retaliation**

It is an unfair or discriminatory practice for any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

(Ord. 5977 § 1, 2008)

**ORDINANCE NO. 6475**

**AN ORDINANCE TO AMEND CHAPTER 1.40 COUNCIL BLUFFS CIVIL RIGHTS COMMISSION OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 1.40.030 “DEFINITIONS-CIVIL RIGHTS COMMISSION”; SECTION 1.40.080 “UNFAIR EMPLOYMENT PRACTICES”; SECTION 1.40.100 “UNFAIR OR DISCRIMINATORY PRACTICES-HOUSING”; SECTION 1.40.110 “UNFAIR CREDIT PRACTICES”; SECTION 1.40.120 “UNFAIR OR DISCRIMINATORY PRACTICES-EDUCATION” AND SECTION 1.40.140 “RETALIATION”.**

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

**SECTION 1.** That Chapter 1.40 Council Bluffs Civil Rights Commission of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 1.40.030 “Definitions-Civil Rights Commission”; Section 1.40.080 “Unfair Employment Practices”; Section 1.40.100 “Unfair Or Discriminatory Practices-Housing”; Section 1.40.110 “Unfair Credit Practices”; Section 1.40.120 “Unfair Or Discriminatory Practices-Education” and Section 1.40.140 “Retaliation” as follows:

**1.40.030 Definitions - Civil Rights Commission**

For the purposes of this chapter, the following words, terms and phrases are defined as follows:

**Affirmative action:** A plan whereby a set of specific result-oriented procedures are established and to which a "person" commits himself or herself to apply every good faith effort to achieve. The objective of those procedures is to ensure equal opportunity in public and private employment, housing, public accommodation, credit transactions and city contracts.

**Bona fide occupational qualification (BFOQ):** A job-related requirement which bears a demonstrable relationship to the successful performance of the job for which it is used.

**Commission:** The civil rights commission created by this chapter.

**Commissioner:** A member of the local civil rights commission.

**Complainant:** Any person filing a complaint with the commission.

**Contract:** Any agreement that is awarded, let, procured or entered into with, or on behalf of, the city or any awarding authority thereof.

**Contracting authority:** Any city department, agency, commission, board or any authorized employee, including any purchasing agent of the city, who makes or enters into any contract agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the city.

**Court:** The district court in and for the judicial district of the state of Iowa in which the alleged unfair or discriminatory practice occurred, or any judge of the court if the court is not in session at the time.

**Director:** The city attorney or his or her designee.

**Disability:** The physical or mental condition of a person which constitutes a substantial disability, and the condition of a person with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome, a diagnosis of acquired immune deficiency syndrome-related

complex, or any other condition related to acquired immune deficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of “disability” under the provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases. “Disability” does not include current, illegal use of or addiction to a controlled substance.

Employee: Any person employed by an employer.

Employer: The city of Council Bluffs or any board, commission or department thereof, and every other person or entity employing employees within the state of Iowa.

Employment agency: Any person undertaking to procure employees or opportunities to work for any other person or any person holding itself to be equipped to do so.

Familial status: One or more individuals under the age of eighteen (18) domiciled with one of the following:

- A. A parent or another person having legal custody of the individual or individuals.
- B. The designee of the parent or other person having custody of the individual or individuals, with the written permission of the parent or other person.
- C. A person who is pregnant or is in the process of securing legal custody of the individual or individuals.
- D. A person who is pregnant or who is in the process of securing legal custody of an individual who has not attained the age of eighteen (18) years.

Gender identity: A gender-related identity of a person, regardless of the person's assigned sex at birth.

Housing for older persons: Any of the following:

- A. Housing intended and operated for ninety (90) percent occupancy by at least one person fifty-five (55) years of age or older per unit, and providing significant facilities specifically designed to meet the physical or social needs of such person.
- B. Housing intended for and occupied solely by persons sixty-two (62) years of age or older.
- C. Housing provided under any state or federal program specifically designated and operated to assist elderly persons (as defined in the state or federal program).

Individual: Any natural person.

Labor organization: Any organization that exists for the purpose, in whole or in part, of collective bargaining, of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

Person: One or more individuals, partnerships associates, corporations legal representatives, trustees, receivers, employees or agents, and the city and all of this boards and commissions.

Public accommodation: each and every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility, provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives governmental support or subsidy.

- A. "Public accommodation" does not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private, except when a distinctly private place, establishment or facility caters or offers services, facilities, or goods to the nonmembers for a fee or charge, or gratuitously, it shall be deemed a public accommodation during such period of use.
- B. "Public accommodation" includes each state and local government unit or tax-supported district of whatever kind, nature, or class that offers services, facilities, benefits, grants, or goods to the public, gratuitously or otherwise. This definition shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation."

Referral: The process by which the Iowa Civil Rights Commission notifies the local commission that a complainant has been filed with the state commission, and that the same is postponing its investigative activities for a period of sixty (60) days while the local commission investigates and attempts to resolve the matter.

Respondent: That person against whom a complaint has been filed with the commission.

Retaliation: Any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his or her formal or informal efforts to secure or aid in securing compliance with this chapter.

Sexual orientation: Actual or perceived heterosexuality, homosexuality, or bisexuality.

Unfair practice or discriminatory practice: Those practices specified as unfair or discriminatory in this chapter or Chapter 216 of the Iowa Code.

(Ord. 5971 § 1, 2008)

#### **1.40.080 Unfair Employment Practices**

- A. It shall be an unfair or discriminatory practice for any:
  - 1. Person to refuse to hire, accept, register, classify or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.;
  - 2. Labor organization or the employees, agents or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights or benefits of such membership because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of such applicant or member;
  - 3. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability are unwelcome, objectionable, not acceptable or not solicited for employment or membership unless based on the nature of the occupation.

- a. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminatory practices prohibited by this subsection.
  - b. An employer, employment agency or their employees, servants or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.
4. Person to solicit or require as a condition of employment of any employee or prospective employee a test for the presence of the antibody to the human immunodeficiency virus or to affect the terms, conditions, or privileges of employment or terminate the employment of any employee solely as a result of the employee obtaining a test for the presence of the antibody to the human immunodeficiency virus. An agreement between an employer, employment agency, labor organization, or their employees, agents, or members and an employee or prospective employee concerning employment, pay, or benefits to an employee or prospective employee in return for taking a test for the presence of the antibody to the human immunodeficiency virus, is prohibited. The prohibitions of this paragraph do not apply if the state epidemiologist determines and the director of public health declares through the utilization of guidelines established by the center for disease control of the United States department of health and human services, that a person with a condition related to acquired immune deficiency syndrome poses a significant risk of transmission of the human immunodeficiency virus to other persons in a specific occupation.

B. Employment policies relating to pregnancy and childbirth shall be governed by the following:

1. A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
2. Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
3. Disabilities caused or contributed to by legal abortion and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any

temporary disability or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority, and other benefits and privileges, reinstatement, and payment under any temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to legal abortion on the same terms and conditions as they are applied to other temporary disabilities. The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.

4. An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
5. Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.

C. This section shall not apply to:

1. Any employer who regularly employs less than four individuals. For the purpose of this paragraph, individuals who are members of the employer's family shall not be counted as employees;
2. The employment of individuals for work within the home of the employer, if the employer or a member of his or her family reside therein during such employment;
3. The employment of individuals to render personal service to the person of the employer or members of his or her family;
4. Any bona fide religious institution or its educational facility, association, corporation or society with respect to any qualifications for employment based upon religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification;
5. This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen (18) years, unless the person is considered by law to be an adult;
6. This section shall not apply to age discrimination in a bona fide apprenticeship employment program if the employee is over forty-five (45) years of age;
7. After a handicapped individual is employed, the employer shall not be required under this chapter to promote or transfer such handicapped person to another job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as a part of such agreement.

(Ord. 5973 § 1, 2008)

**1.40.100 Unfair Or Discriminatory Practices - Housing**

It is an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or rental property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representative by power of attorney or appointment, or any person acting under court order, deed or trust, or will:

- A. To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion or interest therein to any individual because of the race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability or familial status of such individual;
- B. To discriminate against any individual because of his or her race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability or familial status, in the terms, conditions, and privileges of the sale, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.;
- C. To directly or indirectly advertise, or in any other manner indicate or publicize, that the purchase, rental, lease, assignment or sublease of any real property or housing accommodations or any part, portion or interest therein by individuals of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability or familial status is unwelcome, objectionable, not acceptable or not solicited;
- D. To discriminate against the lessee or purchaser of any real property or housing accommodation, or part, portion or interest in real property or housing accommodation, or against any prospective lessee or purchaser of the property for accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, or familial status, age or national origin of individuals who may, from time to time, be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives or in any similar capacity;
- E. The provisions of paragraphs A through B of this section shall not apply to the following:
  - 1. The rental, leasing or occupancy of dwellings owned or operated by a religious organization, association, or society, or any nonprofit institution operated, supervised, or controlled by a religious organization, association or society, where preference in rental, leasing, or occupancy is given to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin,
  - 2. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or member of the owner's family reside in one of the accommodations,
  - 3. The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resident in one of the housing accommodations for which the owner qualifies for the homestead tax credit under Iowa Code § 425.1,
  - 4. The rental or leasing of less than six rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if the occupant or owner or members of that person's family reside there,
  - 5. Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporation,

- 6. The rental or leasing of a housing accommodation within which residents of both sexes must share a common bathroom facility on the same floor, of the building;
- F. The provisions of this section relating to "familial status" shall not apply to housing for older persons, as defined in CBMC 1.40.030 definition Respondent;
- G. Nothing in this chapter limits the applicability of any reasonable local, state or federal restriction on the maximum number of occupants permitted to occupy a dwelling.

(Ord. 5975 § 1, 2008)

**1.40.110 Unfair Credit Practices**

- A. It is an unfair or discriminatory practice for any:
  - 1. Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, or physical disability or familial status;
  - 2. Person authorized or licensed to do business in this state pursuant to Iowa Code Chapters 524, 533, 536, or 536A, to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to individuals of similar economic backgrounds, because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity or physical disability;
  - 3. Creditor to refuse to offer credit, life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability or sex, sexual orientation, gender identity or familial status. Refusal by a creditor to offer credit, life or health accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, subtitle 1.
- B. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.

(Ord. 5976 § 1, 2008)

**1.40.120 Unfair Or Discriminatory Practices - Education**

- A. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:
  - 1. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
  - 2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
  - 3. Discrimination among persons in employment and the conditions of employment;
  - 4. On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or

activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

- B. For the purpose of this section, "educational institution" includes any preschool, elementary or secondary school, community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

(Ord. 5655 § 1 (part), 2001)

**1.40.140 Retaliation**

It is an unfair or discriminatory practice for any person to discriminate or retaliate against another person in any of the rights protected against discrimination by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

(Ord. 5977 § 1, 2008)

**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

October 25, 2021.

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

Mayor

Attest:

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

City Clerk

First Consideration: 10-11-21  
Second Consideration: 10-25-21  
Public Hearing: n/a  
Third Consideration: \_\_\_\_\_

## Council Communication

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

Resolution 21-305  
ITEM 7.A.

Council Action: 10/25/2021

### Description

Resolution setting the Mayor's spending authority in relation to the use of American Rescue Plan Act funds

### Background/Discussion

- The City has been awarded approximately \$24.8 million in American Rescue Plan Act (ARPA) funds.
- It has been determined that best practice is to have ARPA expenditures approved by Council.
- In daily business practice, expenditures will arise that are inconsequential to the overall program.
- The City's bid threshold for goods and general services is \$25,000.00. This request is to allow the mayor to approve ARPA funding requests up to that \$25,000.00 threshold without the need for Council approval.

### Recommendation

Approval of this Resolution

### ATTACHMENTS:

Description	Type	Upload Date
Resolution 21-305	Resolution	10/19/2021

**RESOLUTION NO. 21-305**

**RESOLUTION SETTING THE MAYOR’S SPENDING AUTHORITY IN RELATION  
TO THE USE OF AMERICAN RESCUE PLAN ACT FUNDS**

- WHEREAS, the City has been awarded approximately \$24.8 million in American Rescue Plan Act (ARPA) funds;
- WHEREAS, it has been determined that best practice is to have ARPA expenditures approved by Council;
- WHEREAS, in daily business practice, expenditures will arise that are inconsequential to the overall program;
- WHEREAS, The City's bid threshold for goods and general services is \$25,000.00.

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

That the Mayor is hereby authorized to approve ARPA funding requests up to \$25,000.00 without the need for Council approval.

**ADOPTED  
AND  
APPROVED**

October 25, 2021

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

ATTEST:

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

## Council Communication

Department: Police  
Case/Project No.: PD-23-01  
Submitted by: Chief Tim Carmody

Resolution 21-306  
ITEM 7.B.

Council Action: 10/25/2021

### Description

Resolution authorizing the Mayor to execute an agreement with Motorola Solutions, Inc. to provide radio equipment and services for the City of Council Bluffs.

### Background/Discussion

- Radio communication is a critical part of life-safety and the wide variety of services that we provide to the citizens of Council Bluffs. A system with broken or substandard equipment is a disservice and a potential life-safety threat for our first responders and our citizens. Our system is outdated, radios are reaching the end of their serviceable life and are substandard.
- Our partner agencies in the Orion group (Dodge, Douglas, Sarpy, Washington Counties in Nebraska, and the Omaha Public Power District (OPPD) are all TDMA and encryption capable. Our Iowa partners (Iowa State Patrol, surrounding county sheriff's departments, and others in Iowa) that are operating within the Iowa State-wide Interoperable Communications System (ISICS) require users to be TDMA (Time Division Multiple Access) compliant to use the system. Our current equipment is not TDMA compliant.
- Chief Justin James, Project Manager, Ms. Kim Riebe, and I, Chief Tim Carmody, have been working in partnership with the Pottawattamie County Sheriff's Department to correct these issues, to define the scope of a portable and mobile radio replacement for the City of Council Bluffs, and to bring the system and equipment to the current accepted standards.
- Each department in the City was asked to review their current hardware and use to confirm the needs of the respective departments.
- In partnership with the Pottawattamie County Sheriff's Department, based on the feedback and needs of each department, we are working with Motorola Solutions, Inc. to define the scope and costs for updates to our equipment. We are currently working with the City Attorney, County Attorney, and Motorola representatives to define the details of the agreement.
- Our request includes using American Rescue Plan Act (ARPA) funding to fortify and enhance the public safety radio system within the City and in Pottawattamie County. Use of these funds for this project will enhance our efforts in the prevention, mitigation, and in response to Covid-19 and future pandemic events. It will also augment our capability to prevent, mitigate, and respond to incidents of gun and other types of violence resulting from the impacts of the pandemic.
- The total cost of the City's portion of the project is \$2,175,001. This includes the known costs and a 5% contingency - \$108,750 for a project total of \$2,283,751 to be spent by November 19, 2022. Hardware prices were derived from the Iowa Department of Administrative Services' (DAS) contract with Motorola Solutions, Inc.'s. DAS has verified this contract was solicited in compliance with 2 CFR 200, making it eligible for the use of ARPA funds.

### Recommendation

I recommend that the City Council approve this resolution.

### ATTACHMENTS:

Description

Type

Upload Date

Radio Upgrade Project  
Resolution 21-306

Other 10/18/2021  
Resolution 10/19/2021

# 911 RADIO UPGRADE PROJECT



## COUNCIL BLUFFS CITY COUNCIL

### PROJECT GOALS

- PROVIDE RADIO-BASED COMMUNICATIONS WITHIN OUR AGENCIES AND PUBLIC SAFETY PARTNERS - TDMA & ENCRYPTION
- REPLACE RADIO HARDWARE THAT HAS REACHED THE END OF ITS SERVICEABLE LIFE
- USE AVAILABLE ARPA FUNDING TO:
  - BRING FEDERAL TAX \$\$ BACK TO LOCAL COMMUNITIES
  - AVOID BONDING OR TAX HIKEs TO PAY FOR THE UPGRADES
- RIGHT-SIZED THE HARDWARE NEEDS FOR EACH AGENCY



## HISTORY

- ORION PARTNERSHIP – (NE) DODGE, DOUGLAS, WASHINGTON, SARPY, OPPD, (IA) POTT COUNTY
- POTT COUNTY JOINS ORION (OMAHA METRO RADIO SYSTEM) IN 2009-2010
  - AN ADVANCED 700/800 MHZ SYSTEM
  - OMAHA METRO IS OUR BIGGEST INTEROPERABLE PARTNER
- RADIOS NO LONGER SUPPORTED!



## HISTORY CONTINUED

- ISICS – \*IOWA STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM\*
- ORION (METRO) VS. ISICS STATE OF IOWA SYSTEM
- ORION STILL BEST OPTION - PROVIDES THE METRO AREA WITH SUPERIOR INTEROPERABILITY
- ISICS ALLOWS US TO JOIN AS A LEVEL II USER – THE BEST OF BOTH WORLDS



## IT'S THE RIGHT CHOICE

- SERVICE TO OUR CITIZENS
- SAFETY OF FIRST RESPONDERS
- PRE-PLANNED AND UNFOLDING
  - 2011 FLOOD
  - MULTIPLE JOINT VENTURES LIKE THE 2020 CIVIL UNREST



## TECHNOLOGY

- TDMA – EFFICIENT USE OF CURRENT BANDS
- FIRST RESPONDER SAFETY – LOCATION
- APCO (911 TRADE GROUP) RECOMMENDED
- POTTAWATTAMIE COUNTY – LAST TO CONVERT TO TDMA
- ISICS REQUIRES TDMA –
  - WE HAVE TO BE TDMA COMPLIANT TO COMMUNICATE WITH STATE PARTNERS ON ISICS
- ORION IS READY – COULD MANDATE AT ANY TIME



## TECHNOLOGY - ENCRYPTION

- PROTECTS CITIZENS AND FIRST RESPONDERS
- WE HAVE MULTIPLE INCIDENTS OF CRIMINALS USING SCANNER APPS TO EVADE THE POLICE
- ANTICIPATE OMAHA ENCRYPTING IN 2022
- ENCRYPTION KEYS – REQUIRED TO SEND/RECEIVE INCLUDING ON OUR CONSOLES



## BOTTOM LINE

- CRITICAL REPLACEMENT & UPGRADE
- ENHANCE SERVICE COUNTY-WIDE
- TIMELY - APRA FUNDING –
  - PREVENTS THE NEED TO BOND
  - ALLOWS US TO BRING FEDERAL TAX DOLLARS BACK TO LOCAL LEVEL
  - PREVENTS THE NEED FOR A TAX INCREASE



## COST

- TOTAL SYSTEM UPGRADE COST – \$1,716,625 PAID BY 911 SURCHARGE BOARD
- CITY OF COUNCIL BLUFFS TOTAL COST – \$2,283,751
- POTTAWATTAMIE COUNTY COST - \$3,230,656  
Total Cost: \$7,234,656
- USING THE BEST GOVERNMENT CONTRACT PRICING WITH MOTOROLA THE STATE OF IOWA DAS CONTRACT



### **AMERICAN RECOVERY PLAN**

- PROJECT WILL FORTIFY AND ENHANCE THE PUBLIC SAFETY RADIO SYSTEM IN POTTAWATTAMIE COUNTY
- AUGMENTS OUR RESPONSE TO GUN AND OTHER TYPES OF VIOLENT CRIMES
- THE DAS CONTRACT IS 2 CFR 200 COMPLIANT - ALLOWING US TO UTILIZE ARPA FUNDS



### **RECOMMENDATIONS**

- TO TAKE ADVANTAGE OF THE MOTOROLA CONTRACT WE NEED SIGNATURES BY NOVEMBER 19, 2021
- ROLL-OUT WOULD BE APPROX MARCH-APRIL
- WE HAVE ADDED 5% CONTINGENCY - NOVEL USE
- COUNTYWIDE EFFORT TO FORTIFY PUBLIC SAFETY COMMUNICATION - TRULY AN INTERGOVERNMENTAL PROJECT
- WE RECOMMEND APPROVAL OF THE RESOLUTION FOR THIS PROJECT



**RESOLUTION NO. 21-306**

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC. TO PROVIDE RADIO EQUIPMENT AND SERVICES TO THE CITY OF COUNCIL BLUFFS.**

- WHEREAS, Radio communications is a critical part of life-safety and the wide variety of services we provide to the citizens of Council Bluffs. Our system is outdated, radios are reaching the end of their serviceable life, and are substandard; and
- WHEREAS, In partnership with Pottawattamie County, Chief Justin James, Project Manager, Kim Riebe, and Chief Tim Carmody have worked to defined the need and scope of updating our current system and equipment; and
- WHEREAS, Based upon the needs assessment, the planning team has been working with a team with the Pottawattamie County Sheriff’s Department, and Motorola Solutions, Inc. to define the costs for equipment and system upgrades utilizing the Iowa Department of Administrative Services agreement with Motorola Solutions, Inc. That agreement is in compliance with 2 CFR 200 – a requirement to use American Rescue Plan Act funding for the project; and
- WHEREAS, The cost of the agreement with Motorola Systems, Inc. will not exceed \$2,175,001. We also request to include a 5% contingency (\$108,750) for the project – bringing the total to \$2,283,751; and
- WHEREAS, This project and the upgrades will fortify and enhance the public safety radio system within the City and Pottawattamie County. Funds used for this project will enhance our efforts in the prevention, mitigation, and in response to Covid-19 and future pandemic events. It will also augment our capacity to prevent, mitigate, and respond to incidents of gun and other types of violence resulting from the impacts of the pandemic; and
- WHEREAS, That the project costs be paid for with ARPA funds awarded to the City.

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

That the Mayor is hereby authorized, empowered, and directed to execute an agreement with Motorola Solutions, Inc. for and on behalf of the City of Council Bluffs for the purchase of radio equipment and services.

ADOPTED  
AND  
APPROVED

October 25, 2021

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

ATTEST:

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

## Council Communication

Department: Community  
Development

Case/Project No.: SUB-21-011 and Resolutions 21-307 and 21-308  
PI-21-001 ITEM 7.C.

Council Action: 10/25/2021

Submitted by: Haley Weber,  
Planner

### Description

Resolution 21-307 granting Preliminary Subdivision Plan Approval of a two-lot industrial subdivision to be known as Council Bluffs Industrial Park Subdivision on property legally described as part of the SE1/4 of Section 21 and the NE1/4 of Section 28, all in Township 75 North, Range 43 West, more specifically described in the Council packet. Location: Generally located at the southeast corner of the intersection of College Road and East Kaneshville Boulevard (U.S. Highway 6.) SUB-21-011

Resolution 21-308 adopting the Planned Industrial Development Plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision. PI-21-001

### Background/Discussion

See attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	10/14/2021
Attachment A - Rezoning Legal Description	Legal Description	10/14/2021
Attachment B - Letter of Intent	Letter	10/14/2021
Attachment C - Preliminary Plans	Other	10/14/2021
Attachment D - Location and zoning map	Map	10/14/2021
Attachment E - Building Facades Subject to Design Standards	Other	10/14/2021
Attachment F - Required Landscaping Key	Other	10/14/2021
Resolution 21-307	Resolution	10/19/2021
Resolution 21-308	Resolution	10/19/2021

**City Council Communication**

<p>Department: Community Development</p> <p>CASES #SUB-21-011, #ZC-21-009, and #PI-21-001</p> <p>Applicant: Nestory Park 1 Belvedere Place Mill Valley, CA 94941</p> <p>Owner: Iowa Western Community College Foundation 2313 College Road Council Bluffs, IA 51503</p> <p>Engineer: The Schemmer Associates c/o Robert DuVall 1044 N. 115<sup>th</sup> Street, Suite 300 Omaha, NE 68154</p>	<p>Resolution No. _____</p> <p>Ordinance No. _____</p> <p>Resolution No. _____</p>	<p><b><u>CASE #ZC-21-009</u></b> 1<sup>st</sup> Consideration: 9/27/2021 2<sup>nd</sup> Consideration: 10/11/2021 3<sup>rd</sup> Consideration: 10/25/2021</p> <p><b><u>CASE #PI-21-001</u></b> 10/25/2021</p> <p><b><u>CASE #SUB-21-011</u></b> 10/25/2021</p> <p>Planning Commission: 9/14/21</p>
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**Subject/Title**

**Request:** Combined public hearings on the request of Nestory Park, represented by Robert DuVall of The Schemmer Associates, to rezone 63.1 acres of land (more/less) legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District; along with preliminary subdivision plan approval of a two-lot industrial subdivision to be known as Council Bluffs Industrial Park Subdivision on property legally described as part of the SE 1/4 of Section 21 and the NE 1/4 of Section 28, all in township 75 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, being a part of Auditors Subs NW SE Lot 5, NE SE Lot 4, SW SE Lots 1, 2 & 3, SE SE Lots 1 & 2 all in Section 21, Township 75 North, Range 43 West and Auditors Sub SW NE part of Lot 1 in Section 28, Township 75 North, Range 43 West and Part of the NE1/4 NE1/4 & NW1/4 NE1/4 all in Section 28, Township 75 North, Range 43 West, bounded northerly by U.S. Highway No. 6, easterly by Interstate Highway No. 80 and westerly by College Road; and to adopt a planned industrial development plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision, Council Bluffs, Pottawattamie County, Iowa.

**Location:** Generally located at the southeast corner of the intersection of College Road and East Kanesville Boulevard (U.S. Highway 6)

**Background/Discussion**

The Community Development Department has received applications from Nestory Park, represented by The Schemmer Associates, for 1) preliminary plan approval of a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision; 2) to rezone the northerly 63.1 acres (more/less) of the subject property from P-C/Planned Commercial to P-I/Planned Industrial; and 3) to adopt a P-I/Planned Industrial development plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision.

The applicant’s letter of intent is included with this report as Attachment ‘B’.

**CASE #SUB-21-011**

The proposed industrial subdivision is comprised of 94 acres, more or less, of land and will consist of two (2) lots. The applicant proposes to develop the northerly lot with three (3) logistics, trucking and distribution

buildings. These three (3) buildings will contain leasable tenant bays with a combined total of 973,500 square feet. The exact number of tenant bays is unknown at this time. The southerly lot will be retained by the adjacent Iowa Western Community College (IWCC) for a vocational training school in relation to the logistics campus. Both lots within the proposed subdivision will have access to existing public streets and will be fully served with utilities (e.g. sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to begin site improvements for the logistics campus in the spring of 2022 with a proposed completion date of fall of 2022. The preliminary plans are included with this report as Attachment ‘C.’

### Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, “but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance). A final plat application must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by City Planning Commission.
2. The proposed subdivision is consistent with the “Office/Industrial” designation of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).
3. The proposed subdivision is comprised of two (2) lots; proposed Lot 1 is 87.97 acres and proposed Lot 2 is 4.83 acres. Both lots within the proposed subdivision comply with Section 15.19.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The proposed logistics, trucking and distributing use on Lot 1, Council Bluffs Industrial Park Subdivision, would be classified as “warehousing and distribution, limited” which is an allowed principal use in the P-I/Planned Industrial District. The proposed IWCC training facility on proposed Lot 2 would be classified as a ‘school’, which a use that is not currently allowed in the P-I District. Concurrent with the subject requests, the Community Development Department is requesting to amend Section 15.19.020, *P-I/Planned Industrial District—Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I District (Case #ZT-21-004), which would allow the proposed IWCC training facility to be located on the southerly lot of the proposed subdivision.
5. The northerly 63.1 acres (more/less) of the proposed subdivision, legally described in Attachment ‘A,’ is currently zoned P-C/Planned Commercial District and is proposed to be rezoned P-I/Planned Industrial District (see Case #ZC-21-010). The remaining southerly 30.96 acres (more/less) of the proposed subdivision is already zoned P-I District. Adoption of a planned industrial development plan is also requested for proposed Lot 1 (Case #PI-21-001).
6. Both lots in the proposed subdivision have direct frontage to one or more public roadways—College Road and East Kaneshville Boulevard/Highway 6. For the purposes of this subdivision, that part of a property line abutting Interstate 80 right-of-way, including ramps, shall not be considered frontage. The submitted plans show Lot 1 will have two (2) access points off College Road to the west and one (1) access point off East Kaneshville Boulevard to the north. Black Hills Energy retains a 50-foot wide easement along the southernmost access point off College Road to maintain access to their facility located directly south of proposed Lot 2 (2287 College Road). This easement shall be notated on the final plat and shall allow Iowa Western Community College access to the existing drive off College Road.
7. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that 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.
8. Sidewalks shall be installed along College Road, and East Kaneshville Boulevard (Highway 6), if approved by the Iowa Department of Transportation (IDOT), as well as along all access drives. All sidewalks shall be built to City standards. The developer shall coordinate with the IDOT on sidewalk installation along East Kaneshville Boulevard (Highway 6).
9. The Council Bluffs Public Works Department provided the following comments:
  - (a) The Public Works Department has reviewed the draft traffic impact study and will work with the

- developer to finalize the study and recommendations to be implemented with the proposed development.
- (b) The implementation of the proposed improvements (i.e. traffic signs, turn lanes, etc.) to U.S. Highway 6/East Kaneshville Boulevard noted in the draft traffic impact study shall be coordinated with the Iowa Department of Transportation (IDOT) and the City.
  - (c) The Public Works Department noted the submitted geotechnical report.
  - (d) The Public Works Department noted the draft drainage analysis report and will work with the developer to finalize said report.
  - (e) The Public Works Department provided the following comments as it pertains to utilities:
    - i. The proposed storm sewer and stormwater management infrastructure concept is noted. The Public Works Department will work with the developer to finalize the construction plans.
    - ii. The capacity of the existing sanitary sewer system at the proposed connection shall be verified. The potential development of another sanitary sewer outfall will be explored with the developer.
    - iii. Water, power, and gas service shall be coordinated with the appropriate utility provider.
  - (f) The truck access road shall be permitted by IDOT.
10. Council Bluffs WaterWorks provided the following comments:
- (a) The public water main along College Road shall be extended to the northerly limits of the property. The developer shall work with Council Bluffs WaterWorks on incorporating the proposed public water main into an easement.
  - (b) There is an eighteen (18) foot water main easement along the western property line of Lot 1, Black Hills Subdivision located immediately south of the subject request. A portion of this easement extends onto proposed Lot 1, Council Bluffs Industrial Park Subdivision. This easement shall be noted on the final plat.
  - (c) The developer shall contact Council Bluffs WaterWorks in regards to public water main extension, water service, and metering requirements.
11. The subject request was routed to Scott Suhr, Iowa Department of Transportation (IDOT) District Transportation Planner, as a portion of the subject property is located within the IDOT Corridor Preservation Zone. As of the date of this report, no comments from Mr. Suhr or IDOT were received.

#### **CASE #ZC-21-009**

The northerly 63.1 acres (more/less), as legally described in Attachment 'A', of the subject property is currently zoned P-C/Planned Commercial District. The applicant intends to rezone this portion of the property to P-I/Planned Industrial District to accommodate the proposed two-lot industrial subdivision (Case #SUB-21-011). A P-I/Planned Industrial development plan is proposed to be adopted for the subject property along with the proposed rezoning (Case #PI-21-001).

Land Use and Zoning – The following zoning and land uses surround the subject property:

- *North* – East Kaneshville Boulevard and undeveloped land that is zoned C-2/Commercial District and R-3/Low-Density Multifamily District
- *South* - Black Hills Energy facility zoned P-I/Planned Industrial
- *East* - Interstate 80, and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District
- *West* - IWCC College campus which is zoned A-2/Parks, Estates and Agricultural District, and housing associated with IWCC which is zoned R-3/Low Density Multifamily Residential.

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

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Office/Industrial.

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, no comments were received.

### Comments

1. Both Lots 1 and 2 in the proposed Council Bluffs Industrial Park Subdivision will be zoned P-I/Planned Industrial District (see Case #ZC-21-010).
2. A planned industrial development plan which establishes standards for site development, architecture, landscaping, parking, and signage will be adopted as part of this development (see Case #PI-21-001) for Lot 1 only.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Office/Industrial.’ The proposed rezoning is consistent with the Future Land Use Plan. The Bluffs Tomorrow: 2030 Comprehensive Plan also includes subarea plans for four specific areas of the Council Bluffs Community, one of which is the area identified as ‘I-80/Highway 6’. The plan states, “*This subarea represents the greatest opportunity for new development. Anchored by a freeway interchange and Iowa Western Community College, the subarea plan identified opportunities for new industry and distribution development that build off the college as a partner in education an innovation.*” Specifically, the subject property has the following designations: “*New Highway Commercial,*” “*New Office/Industrial Park,*” and “*New Research and Development.*” The proposed rezoning to Planned Industrial aligns with the intent for the I-80/Highway 6 area as stated in the subarea plan.
4. Adequate utilities (e.g. water, sanitary sewer, electric, etc.) are available or will be extended to accommodate the uses permitted in the P-I/Planned Industrial District.

### **CASE #PI-21-001**

Section 15.28.010, *State of Intent, P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) states that “*the P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage, and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the City Council, with extensive review by Planning Commission.*” The applicant proposes to adopt a planned industrial development plan for Lot 1 of the proposed Council Bluffs Industrial Park Subdivision in order to regulate the design and layout of the proposed logistics park. No site layout plans for Lot 2 were included with this applicant’s submittal. A planned industrial development plan shall be adopted for Lot 2 prior to development occurring on the subject property.

All City Departments and local utility providers were notified of the proposed development request. All comments received from City Departments and local utilities are incorporated into the development discussion below.

The following standards shall apply to the northerly lot of the proposed Council Bluffs Industrial Park Subdivision:

### **Site Development**

1. The minimum perimeter setback for all structures shall be twenty-five (25) feet.
2. The maximum height for all structures shall not exceed fifty (50) feet, as measured from finished grade to the peak of the roof.
3. The maximum lot coverage for all structures shall be sixty (60) percent of the total lot area.
4. Site access shall be limited to two (2) drives off College Road and one (1) drive off East Kaneshville Boulevard. The implementation of the proposed improvements to (i.e. traffic signs, turn lanes, etc.) U.S. Highway 6/East Kaneshville Boulevard noted in the draft traffic impact study shall be coordinated

with the Iowa Department of Transportation (IDOT) and the City.

5. Trash receptacles and/or dumpster locations are not shown on the submitted development plans. All visible trash receptacles/dumpsters shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
6. The submitted site plan does not show any outdoor storage areas. Outdoor storage of materials, products, equipment, or packaging is not permitted on the subject property.
7. Outdoor lighting plans were not submitted with the development plan proposal. Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. All outdoor lighting shall comply with standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Utilities**

1. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
2. Water, power, and gas service shall be coordinated with the appropriate utility provider.

### **Off-Street Parking**

1. The required number of off-street parking spaces for Lot 1, Council Bluffs Industrial Park Subdivision shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Municipal Code (Zoning Ordinance), as follows:
  - o Office or administrative activity – 1 space per 300 square feet of gross floor area
  - o Indoor or outdoor storage or warehousing – 1 space per 5,000 square feet of gross floor areaThe development plan shows 97,350 square feet of office space and 876,150 square feet of indoor storage/warehousing. Based on these square footage totals, a minimum of 501 off-street parking stalls shall be provided for Lot 1, Council Bluffs Industrial Park Subdivision. The submitted site plan shows 1,181 standard stalls and 130 trailer stalls; therefore, sufficient off-street parking will be provided for proposed Lot 1, Council Bluffs Industrial Park Subdivision.
2. All parking/loading areas, driveways, and drive aisles shall be hard-surfaced paved and shall be designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
3. All off-street parking areas shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
4. A parking lot permit shall be submitted with the building permit application for the proposed logistics, trucking, and distribution buildings. The plan shall clearly identify the number, location, and dimensions of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.

### **Architecture**

1. The submitted development plans show two (2) 330' x 800' buildings (264,000 square feet each) and one (1) 330' x 1,350' building (445,500 square feet) constructed primarily of pre-cast concrete panels to be utilized for logistics, trucking and distribution on Lot 1, Council Bluffs Industrial Park Subdivision. All buildings will be one-story in height.
2. The building renderings included in the submitted plans only show one building elevation; the elevation shown is the intended aesthetic for all exterior facing walls of all three (3) buildings and is generally acceptable in design and layout. Pre-cast concrete is the primary building material identified in the submitted building renderings. However, the north façade and northerly 1/3<sup>rd</sup> of the west façade of the most northerly 330' x 800' building and the north and east façades of the 330' x 1,350' building are highly visible from the adjacent public streets and Interstate 80, which are gateways into the Council Bluffs community. The Community Development Department recommends that the building elevations listed above and highlighted in Attachment 'E' shall be enhanced for visual interest purposes as follows:

- a) A minimum of ten (10) percent of the total square footage of each of the facades noted above shall be comprised of transparent windows and doors. Glass that counts towards this minimum transparency requirement shall be non-mirrored, non-tinted, and unobstructed.
  - b) A minimum of thirty (30) percent of the total square footage of each of the facades noted above shall incorporate the following architectural details:
    - Color changes;
    - Material changes comprised of a minimum of one (1) of the following building materials: brick, tile or stone masonry; glass; native stone or synthetic equivalent; pre-cast concrete or architectural (non-corrugated) metal;
    - Minor wall offsets/setbacks; and
    - Accent lines.
  - c) In instances where the above listed design standards are not feasible due to site development constraints, groupings of conical, evergreen foundation plantings may be spaced evenly across building facades to provide visual interest and breaks in the facade. All foundation plantings shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
  - d) In the case that the final site grading plan results in the western facades of the two westernmost buildings to be visible from College Road, the above stated architectural standards shall apply to the entirety of these facades.
3. No fencing is shown on the submitted development plan proposal. Any fencing installed on the subject property shall comply with Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Landscaping**

1. The submitted landscaping plan shows a mixture of deciduous tree species being planted along College Road and identified areas of the parking lot of Lot 1, Council Bluffs Industrial Park Subdivision. The Community Development Department recommends the following additional landscape plantings to effectively screen the proposed logistics park development from highly visible public rights-of-way and ensure adequate parking lot shading is provided (see Attachment 'F' for planting locations):
  - a) *Perimeter Landscaping.*
    - i. Tall, evergreen trees shall be planted every twenty-five (25) feet along the northerly property line for a total of sixty (60) trees. This area is identified in green in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center and shall equally spaced along the northerly property line, as practical. Tree groupings shall not be isolated to one specific area along the northern property line, but shall be clustered and dispersed evenly across the frontage.
    - ii. Tall, evergreen trees shall be planted every twenty-five (25) feet along the eastern property line abutting Interstate 80 for a total of sixty-six (66) trees. This area is identified in yellow in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center, and shall be equally spaced along the eastern property line, as practical. Tree groupings shall not be isolated to one specific area along the eastern property line, but shall be clustered and dispersed evenly across the frontage.
  - b) *Parking Lot Perimeter Landscaping.*
    - i. Parking lot perimeter landscaping shall consist of large, deciduous shade trees planted every thirty (30) feet, on center and shall have a minimum of two (2) inch caliper at the time of planting and a minimum mature canopy spread of at least twenty (20) feet. Plantings shall be installed as follows:

- A. Fifty-eight (58) large, deciduous, shade trees shall be planted, as stated above, along the western perimeter of the parking lot. This area is identified in red in Attachment 'F'.
  - B. Fifteen (15) large, deciduous, shade trees shall be planted, as stated above along the southern perimeter of the parking lot abutting proposed Lot 2, Council Bluffs Industrial Park Subdivision. This area is identified in blue in Attachment 'F'.
  - C. Sixteen (16) large, deciduous, shade trees shall be planted, as stated above, along the southeastern perimeter of the parking lot. This area is identified in orange Attachment 'F'.
  - D. Thirty (30) large, deciduous, shade trees shall be planted, as stated above, along the eastern perimeter of the parking lot. This area is identified in purple Attachment 'F'.
- ii. One (1) large, deciduous shade tree shall be planted for every twenty-five (25) parking stalls in the form of interior landscape islands or endcap islands/peninsulas. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree. All landscape islands/peninsulas shall include one large deciduous, shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Landscape islands/peninsulas shall be distributed throughout the parking lot in order to maximize shade for employee and customer parking areas. For the purposes of this requirement, truck parking stalls shall not be included in the overall parking stall count. All endcap islands shown on the submitted landscaping plan shall be planted with a large, deciduous shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Trees planted for this requirement may also count towards the required parking lot perimeter plantings listed above.
2. All disturbed areas not utilized for buildings, parking, or decorative landscaping shall be seeded with sod, turf, and/or prairie grass at a minimum.
  3. The detention pond located south of the northerly most access drive off College Road shall be designed and maintained as an amenity feature for the development. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of the detention pond at the time of construction.
  4. A landscape plan that addresses all comments stated above shall be submitted to the Community Development Department for review prior to installation. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.
  5. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
  6. Not more than ten (10) percent of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf.

### **Signage**

1. The submitted signage plan, shown in Attachment 'C,' identifies the following attached and detached signage for the proposed logistics park on Lot 1, Council Bluffs Logistics Park Subdivision as follows:  
Detached
  - o Six (6) 10' x 11'8" (116.67 square feet) monument signs. Per Section 15.33.080, *Exempt Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), "*Signs which are not visible from a public right-of-way or from a property other than that on which the sign is installed;*" are considered exempt sign types. Only four (4) of the monument signs shown are visible from public right-of-way or adjacent property, as per the submitted site layout plan. The proposed quantity and size of the monument signs are acceptable as shown.
  - o Three (3) 20' x 14'4" (286.67 square feet) center identification signs. There shall be a maximum of two (2) center identification signs, one (1) per frontage, rather than the three (3) shown on the submitted plans. The submitted signage plan shows multiple tenant names on the

center identification signs. The applicant shall leave signage space for the future IWCC training facility on the center identification signs as this future structure will be a part of the overall subdivision.

Attached

2. The submitted plans did not specify quantity or dimensions of attached signage at this time. The applicant has noted that the exact number of tenant bays is unknown at this time and will be based on leasing. Per Section 15.33.180, *Industrial District Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), attached signs in the P-I District shall be limited to 1.5 square feet per lineal foot of the building to which it is attached. All attached signage shall be designed to comply with the attached sign standard stated above.
3. No directional signage was included in the submitted signage plans. On-premises directional signage shall count towards the overall amount of signage permitted and shall be limited to a maximum height of six (6) feet as measured from the natural grade and shall be limited to a maximum of twelve (12) square feet per sign face, not to exceed a total of eight (8) square feet per sign.
4. All signage (detached and attached) shall comply with Section 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**Recommendation**

The Community Development Department recommends the following for the subject property legally described above:

1. Approval of the preliminary plan for a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision, subject to the comments above and the following conditions:
  - a) Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is “deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance).
  - b) 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 not the City.
2. Approval of the request to rezone property legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District, based on the reasons stated above.
3. Approval of the request to adopt a planned industrial development plan for Lot 1, Council Bluffs Industrial Park Subdivision, subject to the comments stated above and the following condition:
  - a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

**Public Hearing**

Staff speaker 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. Robert Duvall, The Schemmer Associates, 1044 N. 115<sup>th</sup> Street, Suite 300, Omaha, NE 68154
2. Dan Kinney, 2700 College Road, Council Bluffs, IA 51503

Speakers against: None

**Planning Commission Recommendation**

The City Planning Commission recommended:

1. Approval of the preliminary plan for a two-lot subdivision to be known as Council Bluffs Industrial Park Subdivision, subject to the comments above and the following conditions:
  - a) Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is “deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance).
  - b) 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 not the City.
2. Approval of the request to rezone property legally described in Attachment ‘A’ from P-C/Planned Commercial District to P-I/Planned Industrial District, based on the reasons stated above.
3. Approval of the request to adopt a planned industrial development plan for Lot 1, Council Bluffs Industrial Park Subdivision, subject to the comments stated above and the following condition:
  - a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

VOTE: AYE - Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – Haner VACANT - None  
Motion: Carried.

**Attachments:**

- Attachment A: Rezoning Legal Description
- Attachment B: Letter of Intent
- Attachment C: Preliminary Plans
- Attachment D: Location/Zoning Map
- Attachment E: Building Facades Subject to Design Standards
- Attachment F: Required Landscaping Key

Prepared by: Haley Weber, Planner, Community Development Department

## Attachment A

### EXHIBIT "B" REZONING LEGAL DESCRIPTION

BEGINNING AT THE SW  $\frac{1}{4}$  CORNER OF SAID SECTION 21. THENCE N1°44'24.97"E 908.80 FEET, THENCE S88°15'35.03"E 33.00 FEET. THENCE N8°18'14.97"E 104.12 FEET, THENCE N1°44'37.97"E 112.08 FEET. THENCE N17°11'38.97"E 83.30 FEET, THENCE N2°51'41.97"E 125.50 FEET. THENCE N43°00'25.97"E 142.03 FEET, THENCE S85°33'40.03"E 303.25 FEET, THENCE N88°22'31.97"E 201.15 FEET, THENCE S87°09'46.03"E 249.16 FEET, THENCE N81°48'54.97"E 252.04 FEET, THENCE S77°07'22.03"E 360.92 FEET, THENCE N71°27'57.97"E 368.96 FEET, THENCE N89°44'07.97"E 121.25 FEET, THENCE S49°57'05.03"E 124.55 FEET, THENCE S13°50'39.97"W 822.10 FEET, THENCE S20°26'38.97"W 553.16 FEET, THENCE S27°26'14.25"W 164.36 FEET, THENCE 87°39'03"W 1662.53 FEET TO THE POINT OF BEGINNING.



Design with Purpose. Build with Confidence.

August 19, 2021

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

Re: IWCC Logistics Facility  
Preliminary Plan Application Letter of Intent  
Schemmer Project No. 08292.001

To Whom It May Concern:

This letter is to inform you of the intentions of the proposed developer of Council Bluffs Industrial Park, located southeast of the intersection of Kaneshville Boulevard and College Road in Council Bluffs, IA.

The subject property is comprised of approximately 94 acres of undeveloped property zoned P-I and P-C. The owner is submitting a rezoning application, Preliminary Plan application, and a Development Plan application for this development. The rezoning application is to rezone the P-C area to P-I for the intended use.

The proposed development will consist of "warehousing and distribution, limited" buildings per the City of Council Bluffs zoning code and is a principal use in the P-I zoning district. The development would also include drives, parking lots, grading, and utilities to serve the proposed building. Please see the attached site plan for a graphical representation of the proposed improvements.

Construction of these improvements is proposed to begin in the spring of 2022, with a proposed completion date in the fall of 2022.

Given the attached application and documentation, the property owner respectfully requests the Preliminary Plan approval.

Please submit all questions and comments to my attention at [rduvall@schemmer.com](mailto:rduvall@schemmer.com) or by phone at 402-431-6369.

Sincerely,

THE SCHEMMER ASSOCIATES INC.

Robert DuVall, P.E.  
Senior Civil Engineer  
Shareholder

PHONE 712.329.0300  
FAX 712.329.9970

Valley View Village  
928 Valley View Drive, Suite 12  
Council Bluffs, Iowa 51503-5288

SCHEMMER.COM

# COUNCIL BLUFFS INDUSTRIAL PARK SUBDIVISION PRELIMINARY PLANS

## COUNCIL BLUFFS, IA

**LEGAL DESCRIPTION:**

PART OF THE SE 1/4 OF SECTION 21 AND THE NE 1/4 OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M. POTAWATOMIE COUNTY, IOWA, BEING A PART OF AUDITORS SUBS NW SE LOT 5, NE SE LOTS 1, 2 & 3, SE SE LOTS 1 & 2 ALL IN SECTION 21, TOWNSHIP 75 NORTH, RANGE 43 WEST AND AUDITORS SUB SW NE PART OF LOT 1 IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST AND PART OF THE NE 1/4 NE 1/4 & NW 1/4 NE 1/4 ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, BOUNDED NORTHERLY BY U.S. HIGHWAY NO. 6, EASTERLY BY INTERSTATE HIGHWAY NO. 80 AND WESTERLY BY A LOCAL ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW 1/4 CORNER OF SAID SECTION 21, THENCE N14°24'9"E 998.80 FEET, THENCE S88°15'35.03"E 33.00 FEET, THENCE N8°18'14.97"E 104.12 FEET, THENCE N14°43'37.97"E 112.08 FEET, THENCE N17°11'38.97"E 83.30 FEET, THENCE N2°51'41.97"E 125.50 FEET, THENCE N43°00'25.97"E 142.03 FEET, THENCE S85°33'40.03"E 303.25 FEET, THENCE N88°22'31.97"E 201.15 FEET, THENCE S87°09'46.03"E 249.16 FEET, THENCE N81°48'54.97"E 232.04 FEET, THENCE S77°07'22.03"E 360.92 FEET, THENCE N17°22'57.97"E 368.96 FEET, THENCE N89°44'07.97"E 121.25 FEET, THENCE S49°57'05.03"E 124.55 FEET, THENCE S13°50'39.97"W 822.10 FEET, THENCE S20°26'38.97"W 553.16 FEET, THENCE S27°26'14.25"W 164.36 FEET, THENCE S59°24'14.97"W 140.71 FEET, THENCE S31°48'22.97"W 154.13 FEET, THENCE S24°06'24.97"W 408.28 FEET, THENCE S22°26'37.97"W 67.52 FEET, THENCE S49°39'48.97"W 501.86 FEET, THENCE N89°01'45.58" 896.06 FEET, THENCE N1°59'20.97"E 1015.50 FEET TO THE POINT OF BEGINNING



1 LOCATION MAP  
1"=2000'



**DRAWING INDEX:**

<b>GENERAL</b>	
0	COVER SHEET
<b>CIVIL</b>	
C101	SITE LAYOUT & PAVING PLAN
C102	SITE GRADING & STORM SEWER PLAN
C105	SITE UTILITY PLAN
C106	SITE LANDSCAPE PLAN
C107	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN
<b>ARCHITECTURAL</b>	
A101	BUSINESS IDENTIFICATION SIGN DETAILS
A201	EXTERIOR BUILDING ELEVATIONS

**PROJECT INFORMATION:**

OWNER: IOWA WESTERN COMMUNITY COLLEGE FOUNDATION  
2313 COLLEGE ROAD  
COUNCIL BLUFFS, IA 51503

SUBDIVIDER: NESTORY PARK  
1 BELVEDERE DRIVE  
MILL VALLEY, CA 94941

ENGINEER: THE SCHEMMER ASSOCIATES, INC.  
1044 N. 115TH STREET, SUITE 300  
OMAHA, NE 68154

ZONING: ALL PROPERTY WITHIN THE SUBDIVISION BOUNDARY IS CURRENTLY ZONED P-C/P-1.

FLOODPLAIN: FEMA FLOOD ZONE X, AREA OF MINIMAL HAZARD. NO FLOODWAY OR FRINGE ENCROACHMENTS.

DESIGNED: BMD	ISSUE DATE: 08/17/2021
DRAWN: APH	REVISIONS: No.
CHECKED:	DATE: BY: DESCRIPTION:

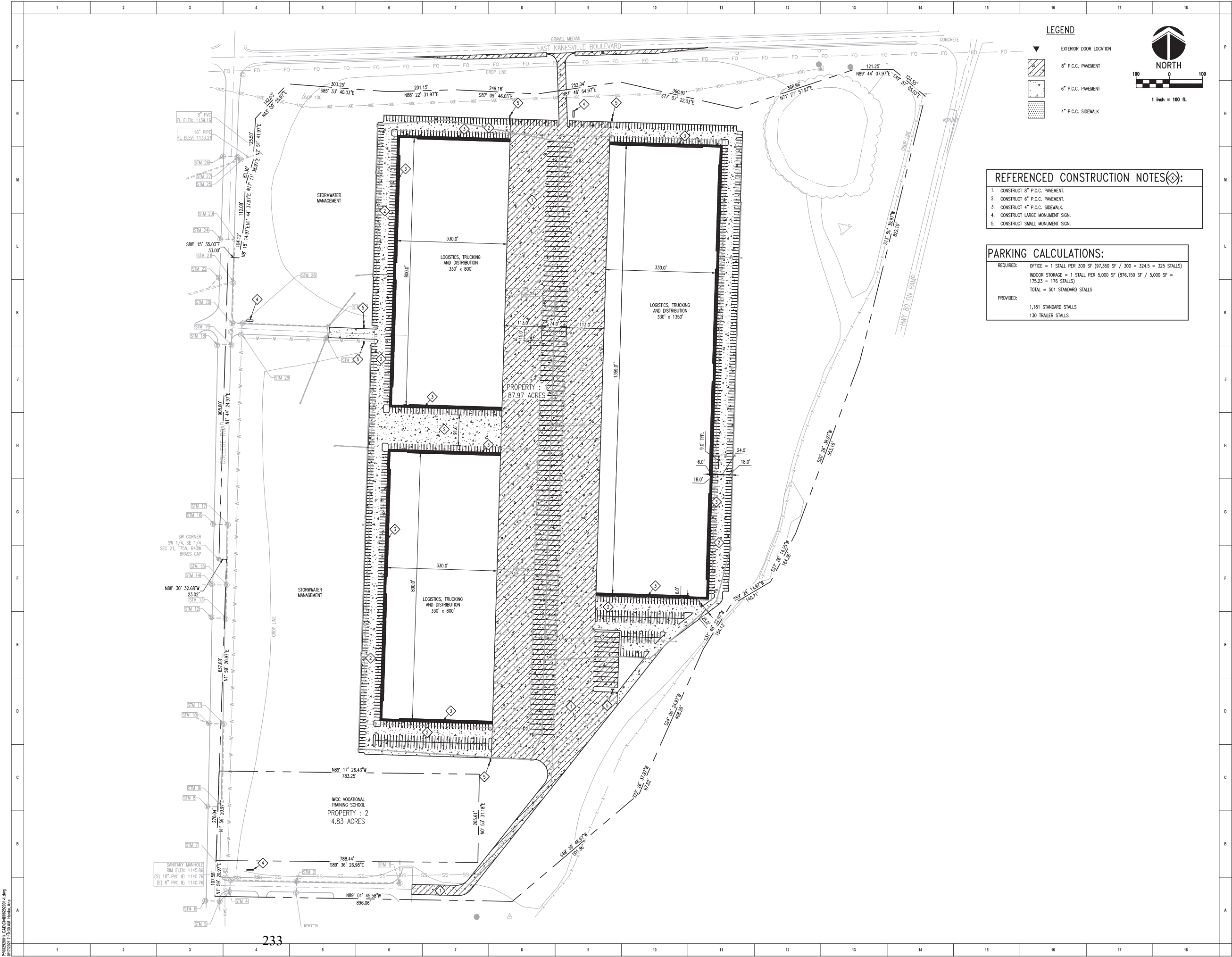
**PRELIM - NOT FOR CONSTRUCTION**



NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
COVER SHEET

PROJECT NO.: 08292.001

0



**LEGEND**

- EXTERIOR DOOR LOCATION
- 8" P.C.C. PAVEMENT
- 6" P.C.C. PAVEMENT
- 4" P.C.C. SIDEWALK

**NORTH**

1 inch = 100 ft.

- REFERENCED CONSTRUCTION NOTES:**
1. CONSTRUCT 8" P.C.C. PAVEMENT.
  2. CONSTRUCT 6" P.C.C. PAVEMENT.
  3. CONSTRUCT 4" P.C.C. SIDEWALK.
  4. CONSTRUCT LARGE MONUMENT SIGN.
  5. CONSTRUCT SMALL MONUMENT SIGN.

**PARKING CALCULATIONS:**

REQUIRED:	OFFICE = 1 STALL PER 300 SF (97,350 SF / 300 = 324.5 = 325 STALLS)
	INDOOR STORAGE = 1 STALL PER 5,000 SF (876,150 SF / 5,000 SF = 175.23 = 176 STALLS)
	TOTAL = 501 STANDARD STALLS
PROVIDED:	1,181 STANDARD STALLS
	130 TRAILER STALLS

**PRELIM - NOT FOR CONSTRUCTION**

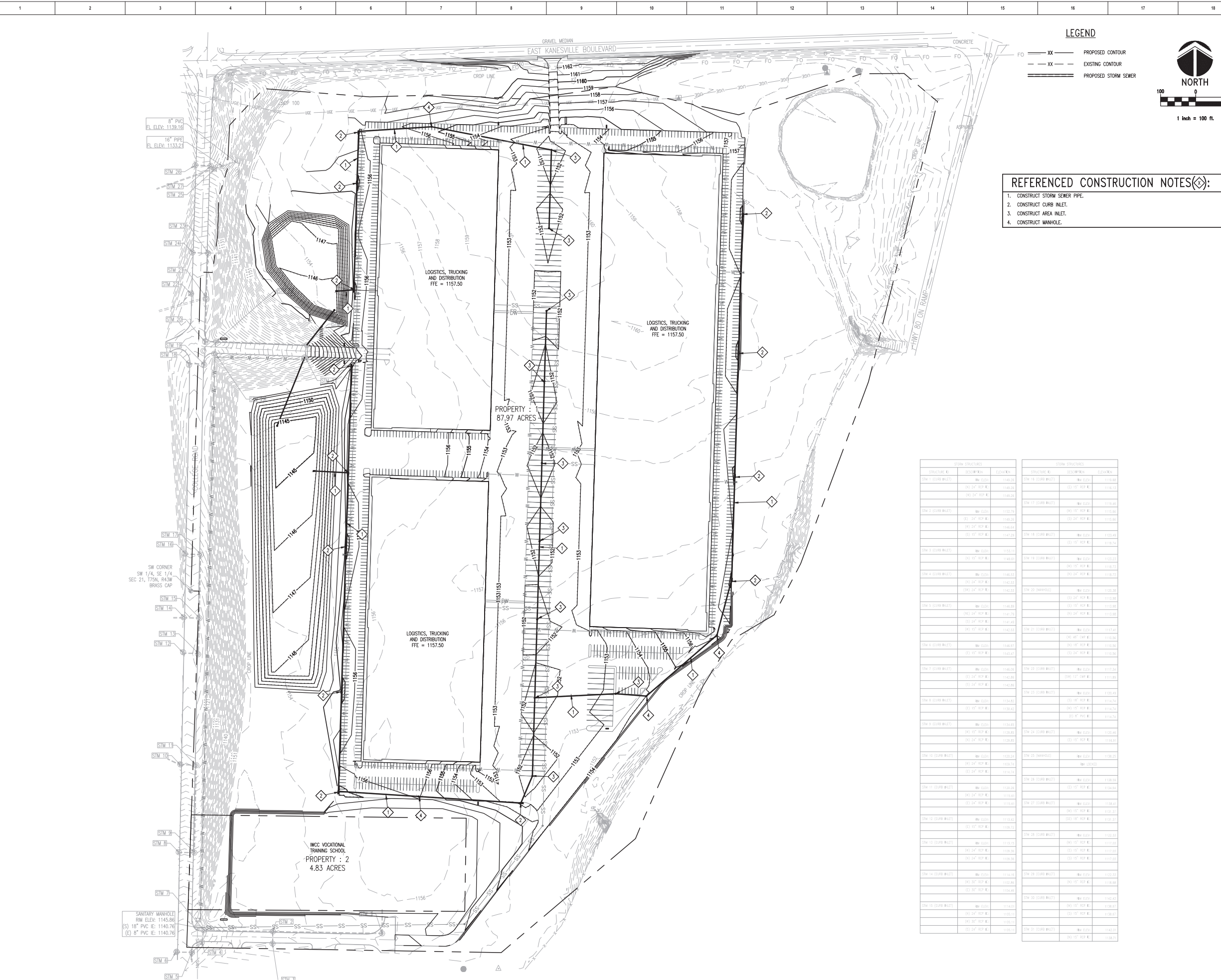


**NESTORY PARK**  
 IWCC LOGISTICS  
 I80 & HIGHWAY 6  
 COUNCIL BLUFFS, IOWA  
**SITE LAYOUT & PAVING PLAN**

PROJECT NO.: 08292.001

**C101**

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**LEGEND**

— XX — PROPOSED CONTOUR  
 - - - - - EXISTING CONTOUR  
 ——— PROPOSED STORM SEWER

**NORTH**

100 0 100  
 1 inch = 100 ft.

- REFERENCED CONSTRUCTION NOTES**
1. CONSTRUCT STORM SEWER PIPE.
  2. CONSTRUCT CURB INLET.
  3. CONSTRUCT AREA INLET.
  4. CONSTRUCT MANHOLE.

STRUCTURE NO.	DESCRIPTION	ELEVATION	STRUCTURE NO.	DESCRIPTION	ELEVATION
SS 1	24" ST. PIPE	1148.00	SS 16	24" ST. PIPE	1158.00
SS 2	24" ST. PIPE	1148.00	SS 17	24" ST. PIPE	1158.00
SS 3	24" ST. PIPE	1148.00	SS 18	24" ST. PIPE	1158.00
SS 4	24" ST. PIPE	1148.00	SS 19	24" ST. PIPE	1158.00
SS 5	24" ST. PIPE	1148.00	SS 20	24" ST. PIPE	1158.00
SS 6	24" ST. PIPE	1148.00	SS 21	24" ST. PIPE	1158.00
SS 7	24" ST. PIPE	1148.00	SS 22	24" ST. PIPE	1158.00
SS 8	24" ST. PIPE	1148.00	SS 23	24" ST. PIPE	1158.00
SS 9	24" ST. PIPE	1148.00	SS 24	24" ST. PIPE	1158.00
SS 10	24" ST. PIPE	1148.00	SS 25	24" ST. PIPE	1158.00
SS 11	24" ST. PIPE	1148.00	SS 26	24" ST. PIPE	1158.00
SS 12	24" ST. PIPE	1148.00	SS 27	24" ST. PIPE	1158.00
SS 13	24" ST. PIPE	1148.00	SS 28	24" ST. PIPE	1158.00
SS 14	24" ST. PIPE	1148.00	SS 29	24" ST. PIPE	1158.00
SS 15	24" ST. PIPE	1148.00	SS 30	24" ST. PIPE	1158.00

8" PVC  
 FL ELEV. 1139.18

18" PVC  
 FL ELEV. 1133.2

SW CORNER  
 SW 1/4, SEC 17/4  
 SEC 21, T75N, R14W  
 BRASS CAP

SANITARY MANHOLE  
 RIM ELEV: 1145.86  
 (S) 18" PVC IE: 1140.76  
 (E) 8" PVC IE: 1140.76

DESIGNED: RMD	ISSUE DATE: 08/17/2011
DRAWN: APH	REVISIONS:
CHECKED:	NO. DATE DESCRIPTION:

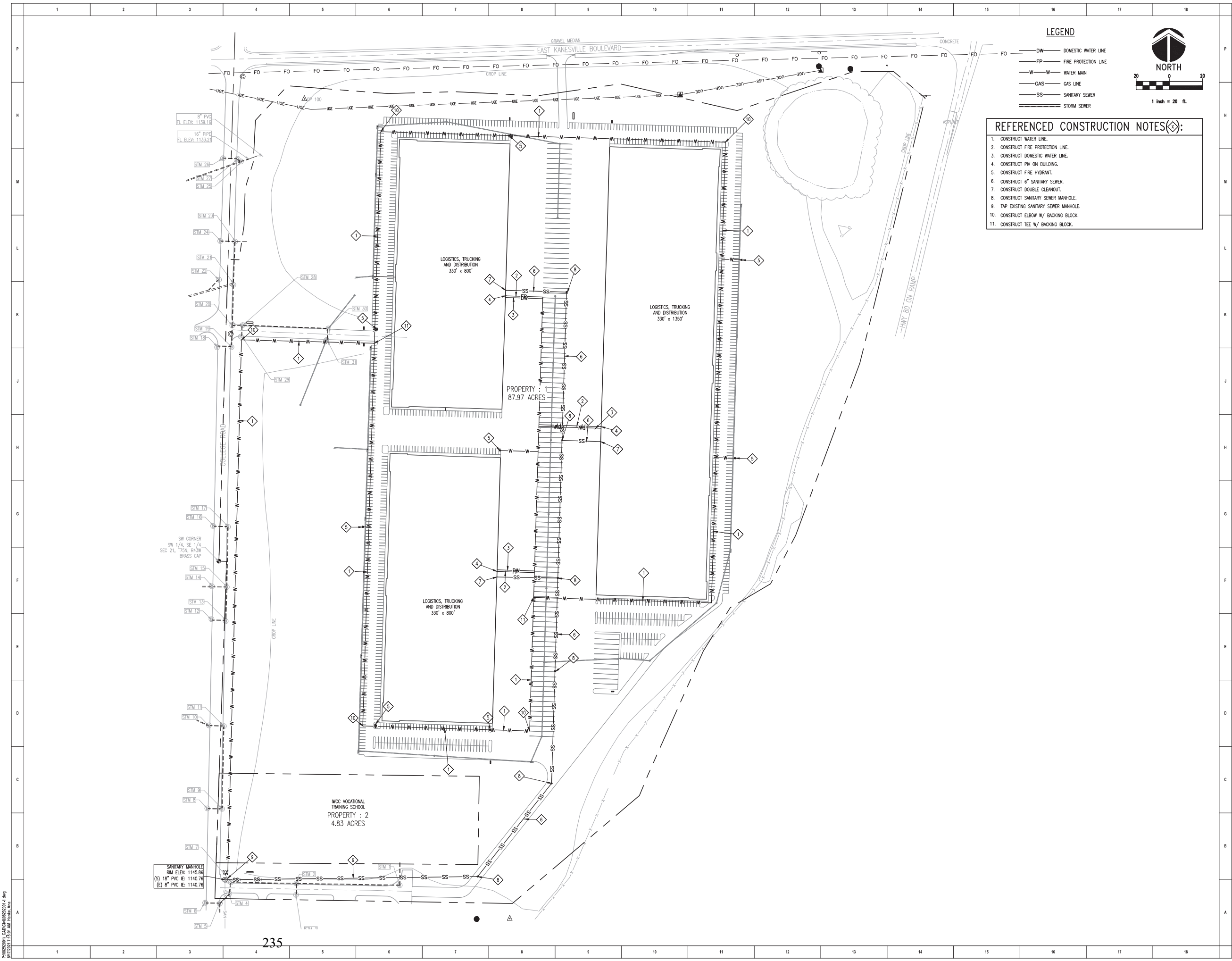
**PRELIM - NOT FOR CONSTRUCTION**

**SCHEMMER**  
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**NESTORY PARK  
 IWCC LOGISTICS  
 180 & HIGHWAY 6  
 COUNCIL BLUFFS, IOWA  
 SITE GRADING & DRAINAGE PLAN**

PROJECT NO.: 08292.001

**C102**



**LEGEND**

- DW — DOMESTIC WATER LINE
- FP — FIRE PROTECTION LINE
- W — WATER MAIN
- GAS — GAS LINE
- SS — SANITARY SEWER
- STORM SEWER

**NORTH**  
 20 0 20  
 1 inch = 20 ft.

- REFERENCED CONSTRUCTION NOTES**
1. CONSTRUCT WATER LINE.
  2. CONSTRUCT FIRE PROTECTION LINE.
  3. CONSTRUCT DOMESTIC WATER LINE.
  4. CONSTRUCT PV ON BUILDING.
  5. CONSTRUCT FIRE HYDRANT.
  6. CONSTRUCT 6" SANITARY SEWER.
  7. CONSTRUCT DOUBLE CLEWOUT.
  8. CONSTRUCT SANITARY SEWER MANHOLE.
  9. TAP EXISTING SANITARY SEWER MANHOLE.
  10. CONSTRUCT ELBOW W/ BACKING BLOCK.
  11. CONSTRUCT TEE W/ BACKING BLOCK.

ISSUE DATE:	NO.	DESCRIPTION:
08/17/2011	1	
	2	
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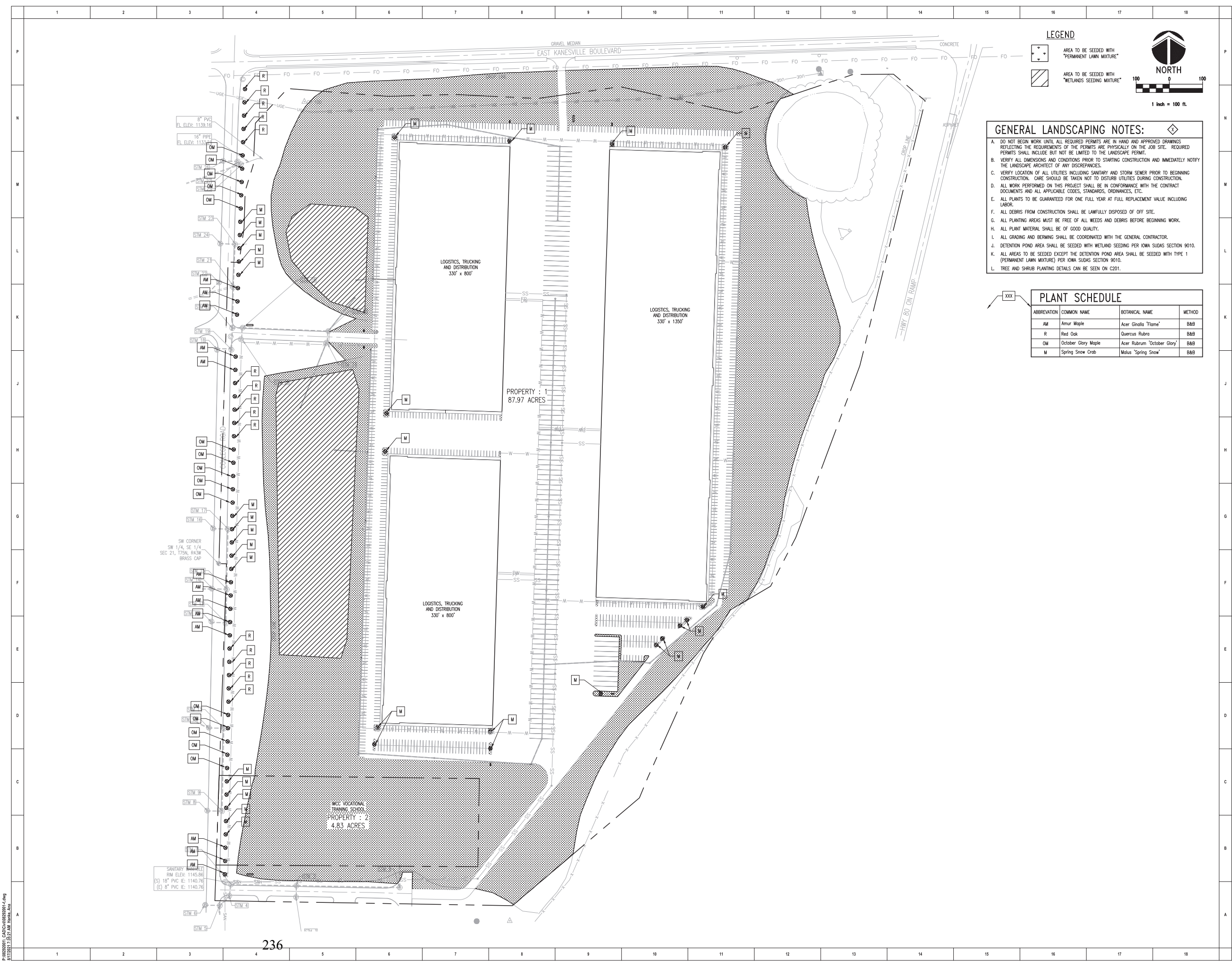


**NESTORY PARK**  
 IWCC LOGISTICS  
 180 & HIGHWAY 6  
 COUNCIL BLUFFS, IOWA  
**SITE UTILITY PLAN**

PROJECT NO.: 08292.001

**C105**

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**LEGEND**

- ☒ AREA TO BE SEEDDED WITH "PERMANENT LAWN MIXTURE"
- ▨ AREA TO BE SEEDDED WITH "WETLANDS SEEDING MIXTURE"

**NORTH**

100 0 100

1 inch = 100 ft.

- GENERAL LANDSCAPING NOTES:**
- DO NOT BEGIN WORK UNTIL ALL REQUIRED PERMITS ARE IN HAND AND APPROVED DRAWINGS REFLECTING THE REQUIREMENTS OF THE PERMITS ARE PHYSICALLY ON THE JOB SITE. REQUIRED PERMITS SHALL INCLUDE BUT NOT BE LIMITED TO THE LANDSCAPE PERMIT.
  - VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
  - VERIFY LOCATION OF ALL UTILITIES INCLUDING SANITARY AND STORM SEWER PRIOR TO BEGINNING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DISTURB UTILITIES DURING CONSTRUCTION.
  - ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL APPLICABLE CODES, STANDARDS, ORDINANCES, ETC.
  - ALL PLANTS TO BE GUARANTEED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.
  - ALL DEBRIS FROM CONSTRUCTION SHALL BE LAWFULLY DISPOSED OF OFF SITE.
  - ALL PLANTING AREAS MUST BE FREE OF ALL WEEDS AND DEBRIS BEFORE BEGINNING WORK.
  - ALL PLANTING MATERIAL SHALL BE OF GOOD QUALITY.
  - ALL GRADING AND BERING SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.
  - DETENTION POND AREA SHALL BE SEEDDED WITH WETLAND SEEDING PER IOWA SUDAS SECTION 9010.
  - ALL AREAS TO BE SEEDDED EXCEPT THE DETENTION POND AREA SHALL BE SEEDDED WITH TYPE 1 (PERMANENT LAWN MIXTURE) PER IOWA SUDAS SECTION 9010.
  - TREE AND SHRUB PLANTING DETAILS CAN BE SEEN ON C201.

**PLANT SCHEDULE**

ABBREVIATION	COMMON NAME	BOTANICAL NAME	METHOD
AM	Amur Maple	Acer Ginnola 'Home'	B&B
R	Red Oak	Quercus Rubra	B&B
OM	October Glory Maple	Acer Rubrum 'October Glory'	B&B
M	Spring Snow Crab	Malus 'Spring Snow'	B&B

DESIGNED: RMD	ISSUE DATE: 08/17/2011
DRAWN: JPH	REVISIONS: No.
CHECKED:	DATE:
	BY: DESCRIPTION:

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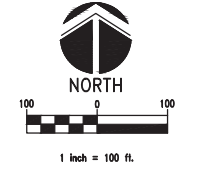
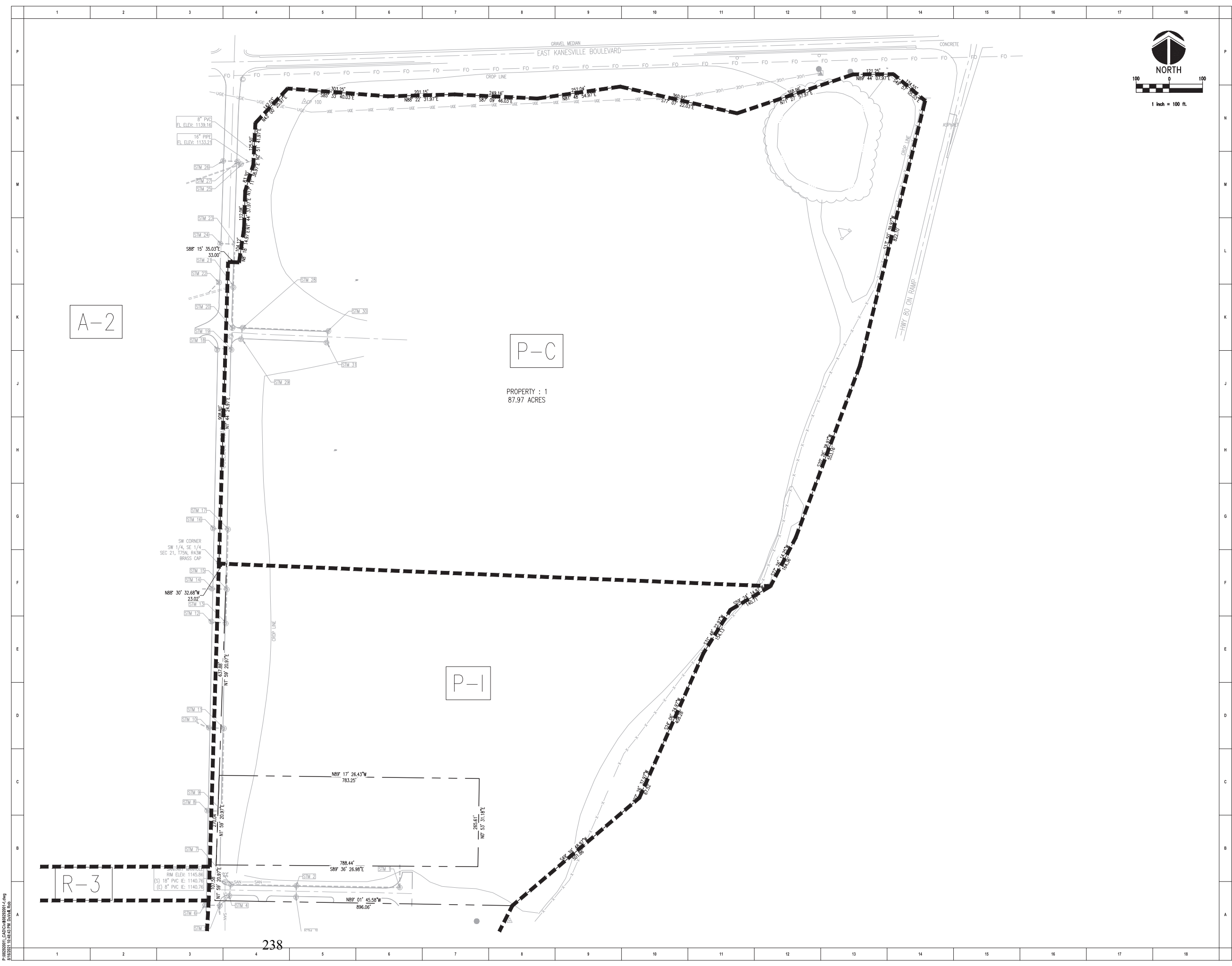
**NESTORY PARK**  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**SITE LANDSCAPE PLAN**

PROJECT NO.: 08292.001

**C106**

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A-2

P-C

P-I

R-3

PROPERTY : 1  
87.97 ACRES

NO.	DATE	BY	DESCRIPTION

PRELIM - NOT FOR  
CONSTRUCTION

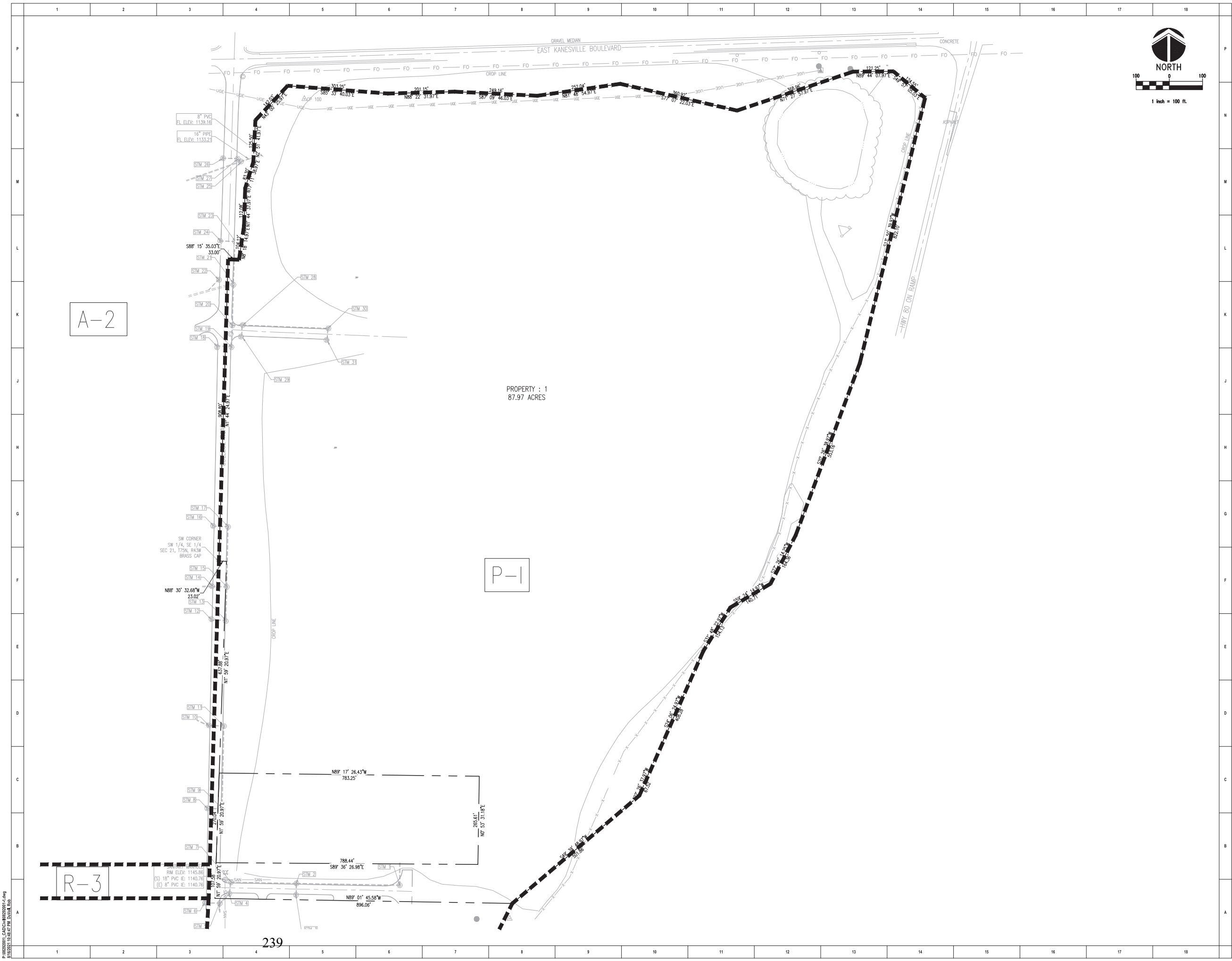
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NESTORY PARK  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
EXISTING ZONING

PROJECT NO.: 08292.001

**EXIST**

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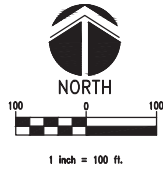


A-2

P-1

R-3

PROPERTY : 1  
87.97 ACRES



DESIGNED:	RMD	ISSUE DATE:	08/17/2021
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		BY:	
		DESCRIPTION:	

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**NESTORY PARK**  
IWCC LOGISTICS  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA  
**PROPOSED ZONING**

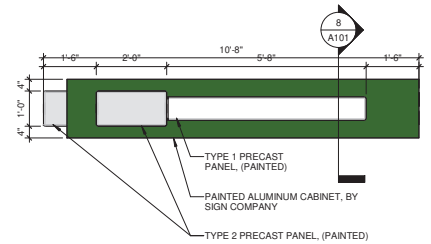
PROJECT NO.: 08292.001

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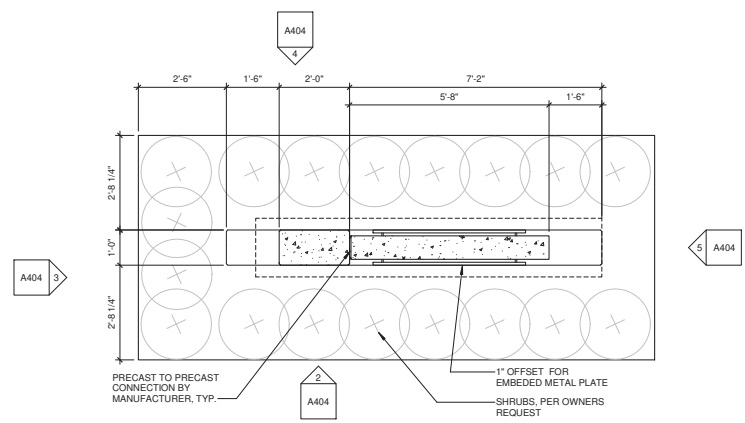
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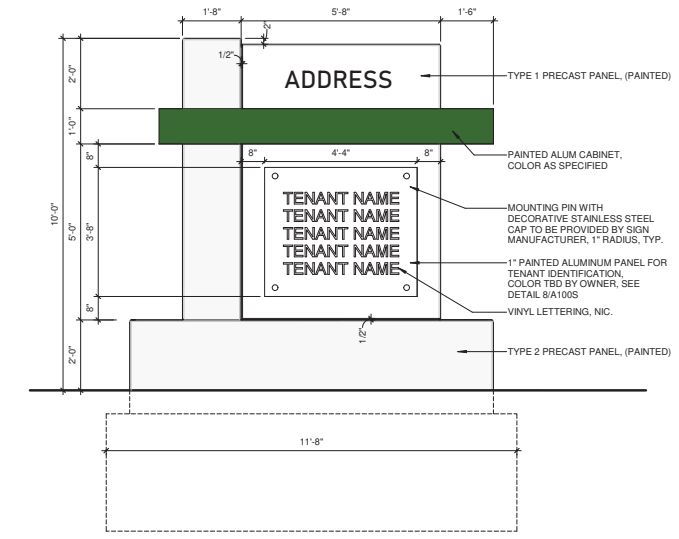
1 PERSPECTIVE VIEW



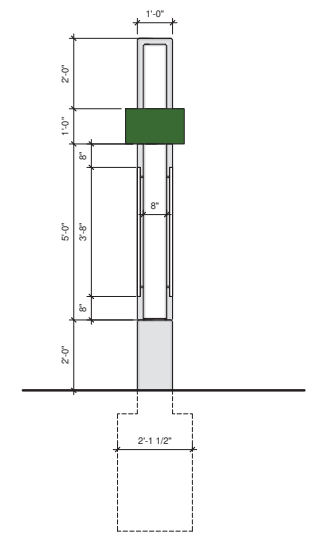
2 PLAN - PRECAST CAP  
SCALE: 1/2" = 1'-0"



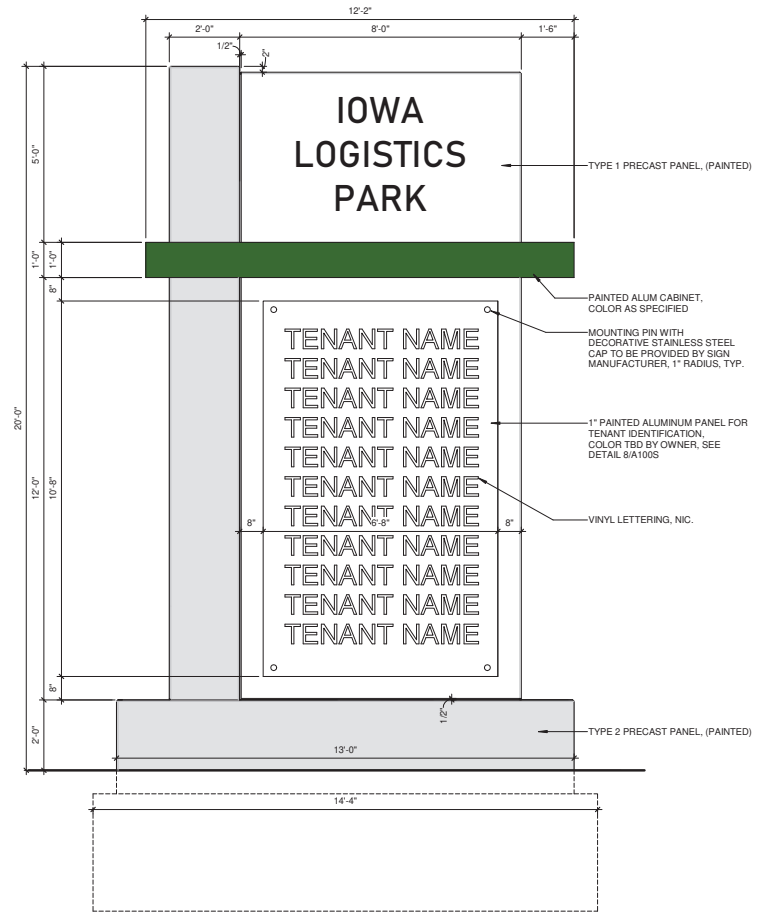
3 FLOOR PLAN - SIGNAGE  
SCALE: 1/2" = 1'-0"



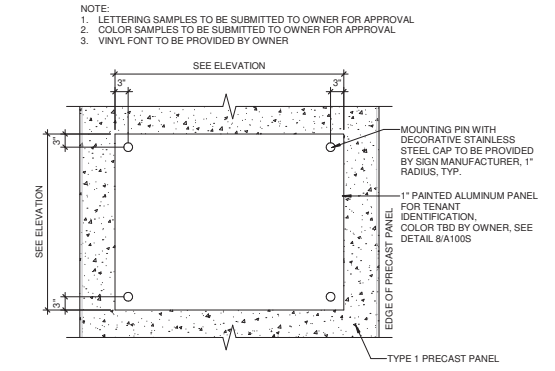
4 FRONT ELEVATION - SMALL MONUMENT SIGN  
SCALE: 1/2" = 1'-0"



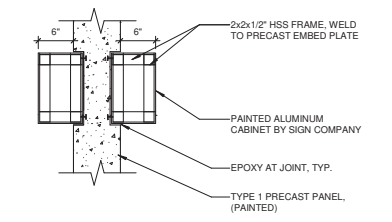
5 RIGHT ELEVATION - SMALL SIGN  
SCALE: 1/2" = 1'-0"



6 FRONT ELEVATION - LARGE MONUMENT SIGN  
SCALE: 1/2" = 1'-0"



7 ENLARGEMENT - TENANT NAME PANEL  
SCALE: 3/4" = 1'-0"



8 SECTION - PRECAST CAP  
SCALE: 1" = 1'-0"

DESIGNED:	MCN	ISSUE DATE:	08/17/2021
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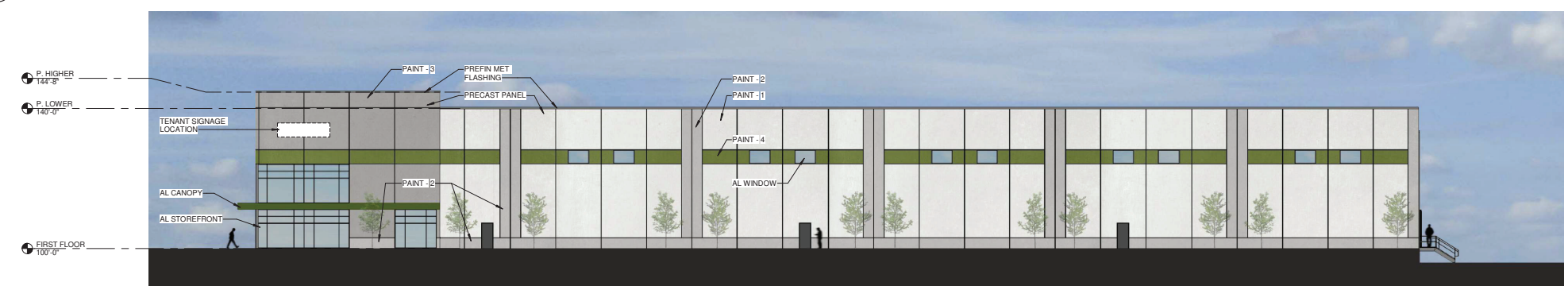
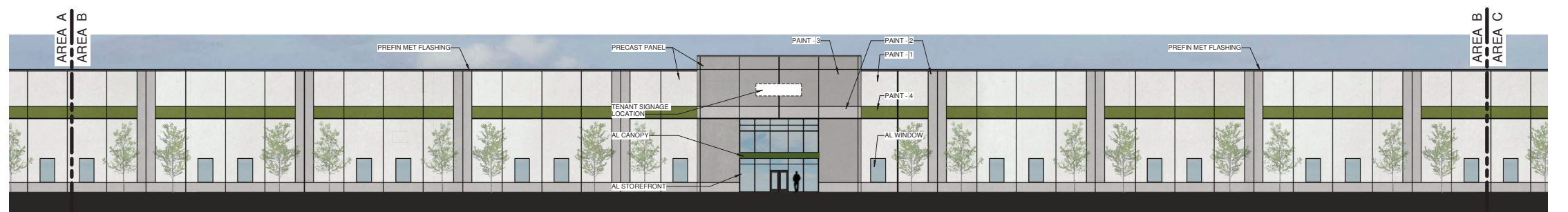
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NESTORY PARK  
IOWA LOGISTICS FACILITY  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA 51501  
BUSINESS IDENTIFICATION SIGN DETAILS

PROJECT NO.: 08292.001

A101

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DESIGNED:	ISSUE DATE:	08/17/2021
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Autor:	DATE:	
Checker:	BY:	
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**NESTORY PARK  
IWCC LOGISTICS FACILITY  
180 & HIGHWAY 6  
COUNCIL BLUFFS, IOWA 51501  
EXTERIOR BUILDING ELEVATIONS**

PROJECT NO.: 08292.001

**A201**

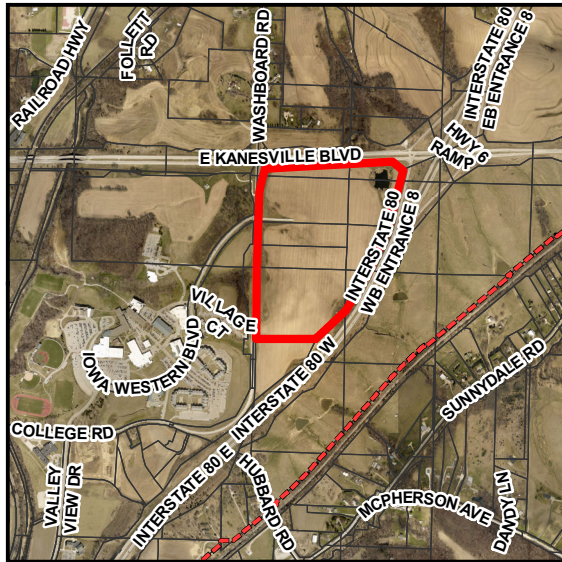
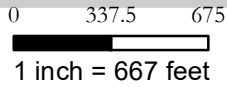
# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-21-010, SUB-21-011, & PI-21-001 LOCATION/ZONING MAP

Subject Property Case #SUB-21-011, Case #PI-21-001

Subject Properties for Case #ZC-21-010

Parcels

City of Council Bluffs Corporate Limits

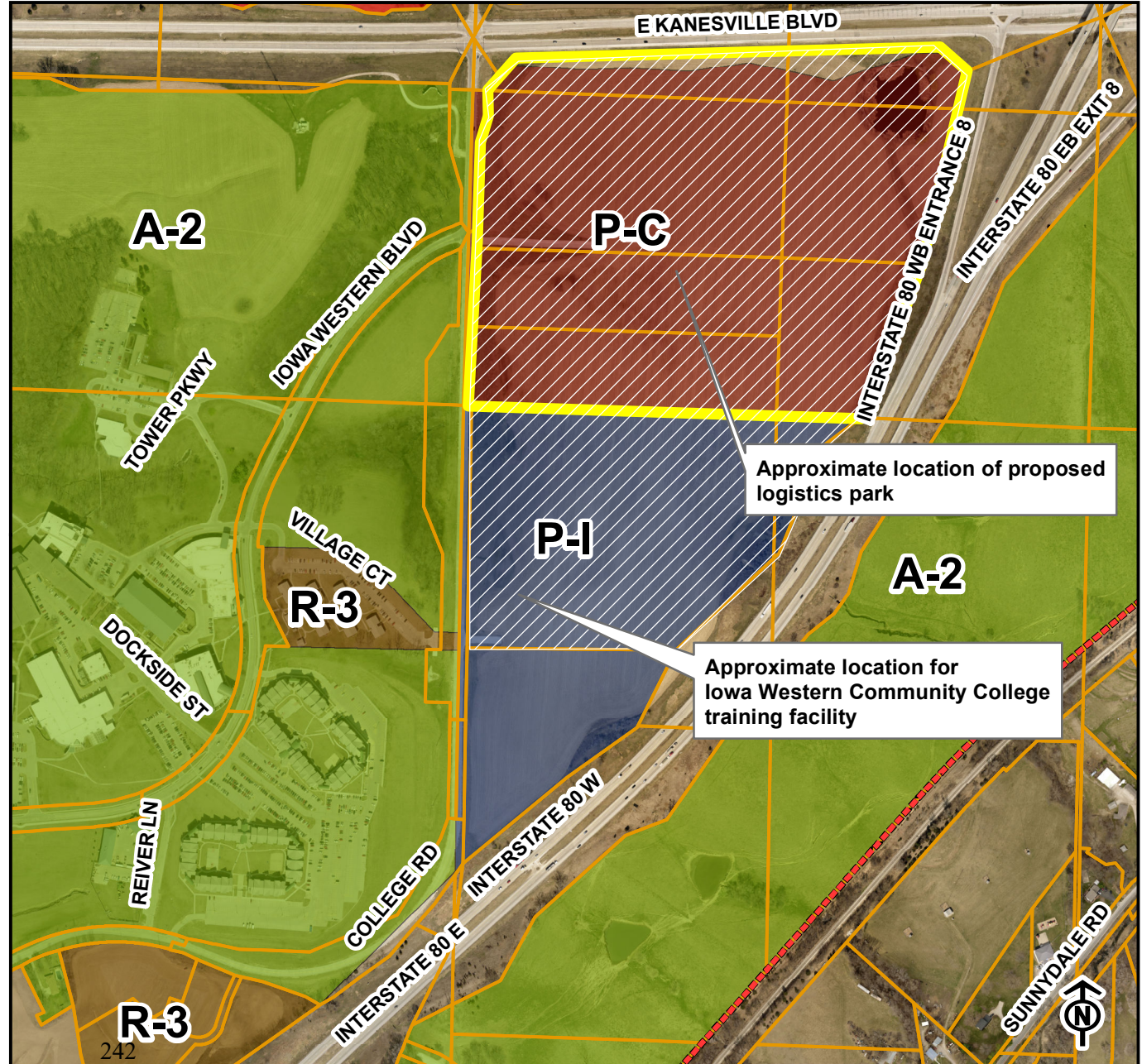


Last Amended: 8/23/2021



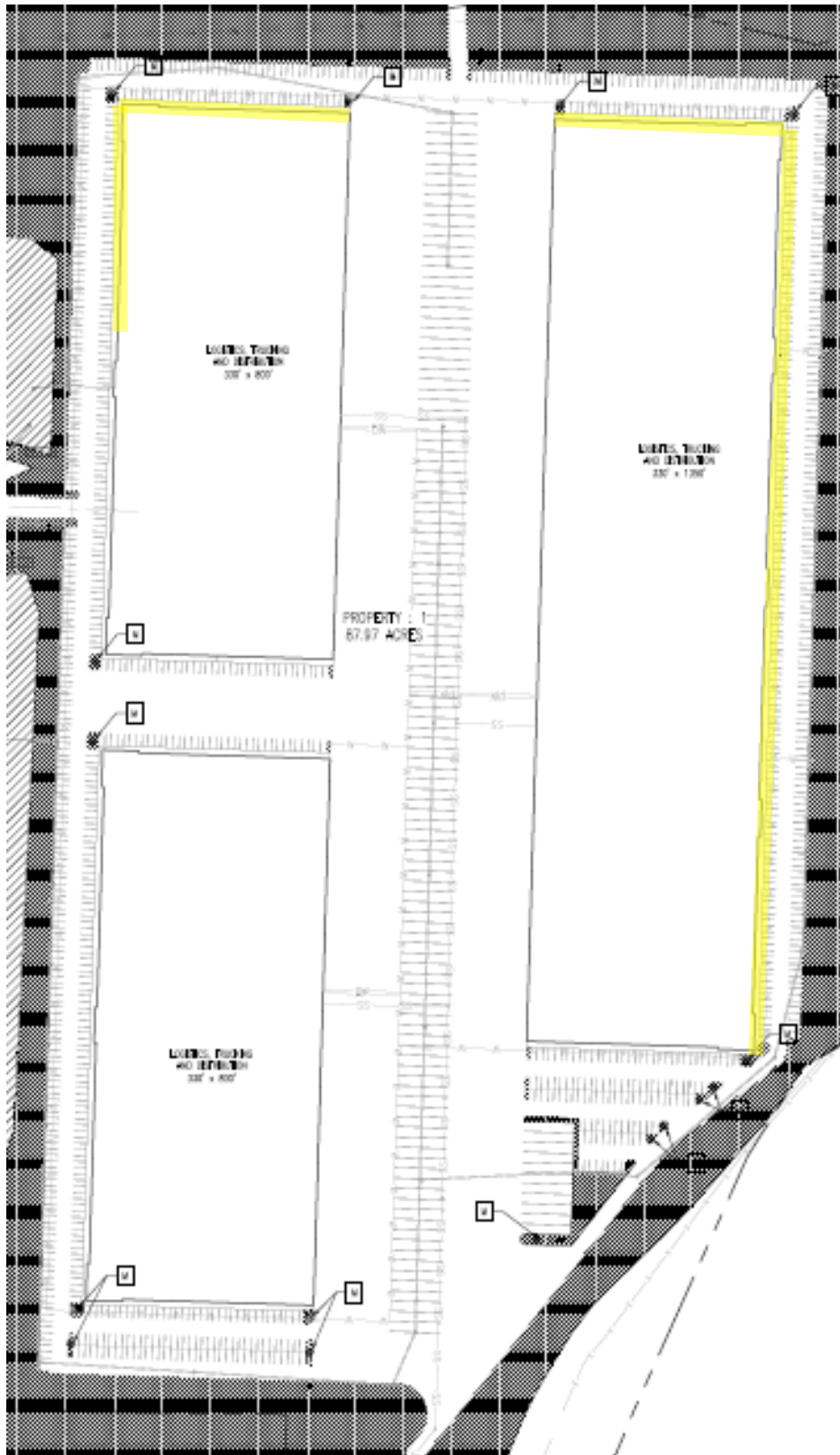
Council Bluffs Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**DISCLAIMER**  
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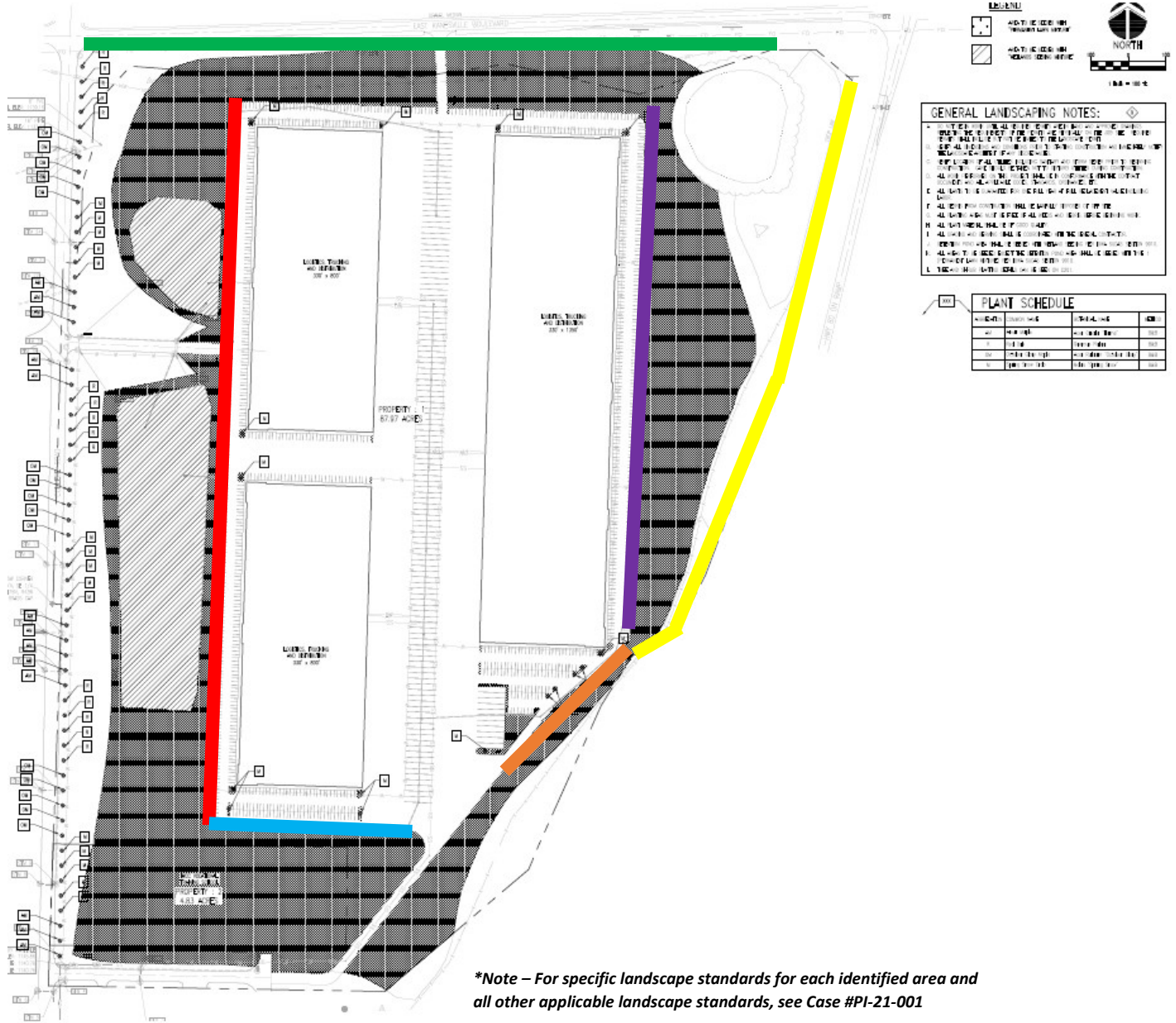
# Attachment E

Building facades subject to design standards listed in Case #PI-21-001 highlighted in yellow below:



# Attachment F

## Required Landscaping Key



Northern property line perimeter landscape area shown in green above

Easterly property line perimeter landscape area shown in yellow above

Western parking lot perimeter landscape area shown in red above

Southern parking lot perimeter landscape area shown in blue above

Southeastern parking lot perimeter landscape area shown in orange above

Eastern parking lot perimeter landscape area shown in purple above

**RESOLUTION NO. 21-307**

**A RESOLUTION GRANTING PRELIMINARY SUBDIVISION PLAN APPROVAL OF A TWO-LOT INDUSTRIAL SUBDIVISION TO BE KNOWN AS COUNCIL BLUFFS INDUSTRIAL PARK SUBDIVISION ON PROPERTY LEGALLY DESCRIBED AS PART OF THE SE 1/4 OF SECTION 21 AND THE NE 1/4 OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, BEING A PART OF AUDITORS SUBS NW SE LOT 5, NE SE LOT 4, SW SE LOTS 1, 2 & 3, SE SE LOTS 1 & 2 ALL IN SECTION 21, TOWNSHIP 75 NORTH, RANGE 43 WEST AND AUDITORS SUB SW NE PART OF LOT 1 IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST AND PART OF THE NE1/4 NE1/4 & NW1/4 NE1/4 ALL IN SECTION 28, TOWNSHIP 75 NORTH, RANGE 43 WEST, BOUNDED NORTHERLY BY U.S. HIGHWAY NO. 6, EASTERLY BY INTERSTATE HIGHWAY NO. 80 AND WESTERLY BY COLLEGE ROAD.**

**WHEREAS**, Nestory Park has submitted a proposal for a two-lot preliminary industrial subdivision plan to be known as Council Bluffs Industrial Park Subdivision comprised of 94 acres, more or less, of land and will consist of two (2) lots. A copy of the preliminary plan is attached hereto as Attachment ‘C’; and

**WHEREAS**, The applicant proposes to develop Lot 1, Council Bluffs Industrial Park Subdivision with three (3) logistics, trucking and distribution buildings that will contain leasable tenant bays with a combined total of 973,500 square feet. The exact number of tenant bays is unknown at this time. Proposed Lot 2, Council Bluffs Industrial Park will be retained by the adjacent Iowa Western Community College (IWCC) for a vocational training school in relation to the logistics campus and both lots within the proposed subdivision will have access to existing public streets and will be fully served with utilities (e.g. sanitary/storm sewers, water, gas, electric, etc.); and

**WHEREAS** The applicant intends to begin site improvements for the logistics campus in the spring of 2022 with a proposed completion date of fall of 2022; and

**WHEREAS**, A request to rezone and adopt a planned industrial development plan for this area have also been submitted and are being considered at this time; and

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

- A. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, “but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat” (§14.11.060(D)—Subdivision Ordinance). A final plat application must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by City Planning Commission.
- B. The proposed subdivision is consistent with the “Office/Industrial” designation of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).
- C. The proposed subdivision is comprised of two (2) lots; proposed Lot 1 is 87.97 acres and proposed Lot 2 is 4.83 acres. Both lots within the proposed

- subdivision comply with Section 15.19.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- D. The proposed logistics, trucking and distributing use on Lot 1, Council Bluffs Industrial Park Subdivision, would be classified as “warehousing and distribution, limited” which is an allowed principal use in the P-I/Planned Industrial District. The proposed IWCC training facility on proposed Lot 2 would be classified as a ‘school’, which a use that is not currently allowed in the P-I District. Concurrent with the subject requests, the Community Development Department is requesting to amend Section 15.19.020, *P-I/Planned Industrial District—Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I District (Case #ZT-21-004), which would allow the proposed IWCC training facility to be located on the southerly lot of the proposed subdivision.
- E. The northerly 63.1 acres (more/less) of the proposed subdivision, legally described in Attachment ‘A,’ is currently zoned P-C/Planned Commercial District and is proposed to be rezoned P-I/Planned Industrial District (see Case #ZC-21-010). The remaining southerly 30.96 acres (more/less) of the proposed subdivision is already zoned P-I District. Adoption of a planned industrial development plan is also requested for proposed Lot 1 (Case #PI-21-001).
- F. Both lots in the proposed subdivision have direct frontage to one or more public roadways—College Road and East Kaneshville Boulevard/Highway 6. For the purposes of this subdivision, that part of a property line abutting Interstate 80 right-of-way, including ramps, shall not be considered frontage. The submitted plans show Lot 1 will have two (2) access points off College Road to the west and one (1) access point off East Kaneshville Boulevard to the north. Black Hills Energy retains a 50-foot wide easement along the southernmost access point off College Road to maintain access to their facility located directly south of proposed Lot 2 (2287 College Road). This easement shall be notated on the final plat and shall allow Iowa Western Community College access to the existing drive off College Road.
- G. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that 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.
- H. Sidewalks shall be installed along College Road, and East Kaneshville Boulevard (Highway 6), if approved by the Iowa Department of Transportation (IDOT), as well as along all access drives. All sidewalks shall be built to City standards. The developer shall coordinate with the IDOT on sidewalk installation along East Kaneshville Boulevard (Highway 6).

- I. The Council Bluffs Public Works Department provided the following comments:
  1. The Public Works Department has reviewed the draft traffic impact study and will work with the developer to finalize the study and recommendations to be implemented with the proposed development.
  2. The implementation of the proposed improvements (i.e. traffic signs, turn lanes, etc.) to U.S. Highway 6/East Kanesville Boulevard noted in the draft traffic impact study shall be coordinated with the Iowa Department of Transportation (IDOT) and the City.
  3. The Public Works Department noted the submitted geotechnical report.
  4. The Public Works Department noted the draft drainage analysis report and will work with the developer to finalize said report.
  5. The Public Works Department provided the following comments as it pertains to utilities:
    - a. The proposed storm sewer and stormwater management infrastructure concept is noted. The Public Works Department will work with the developer to finalize the construction plans.
    - b. The capacity of the existing sanitary sewer system at the proposed connection shall be verified. The potential development of another sanitary sewer outfall will be explored with the developer.
    - c. Water, power, and gas service shall be coordinated with the appropriate utility provider.
  6. The truck access road shall be permitted by IDOT.
- J. Council Bluffs WaterWorks provided the following comments:
  1. The public water main along College Road shall be extended to the northerly limits of the property. The developer shall work with Council Bluffs WaterWorks on incorporating the proposed public water main into an easement.
  2. There is an eighteen (18) foot water main easement along the western property line of Lot 1, Black Hills Subdivision located immediately south of the subject request. A portion of this easement extends onto proposed Lot 1, Council Bluffs Industrial Park Subdivision. This easement shall be noted on the final plat.
  3. The developer shall contact Council Bluffs WaterWorks in regards to public water main extension, water service, and metering requirements.



**RESOLUTION NO. 21-308**

**A RESOLUTION ADOPTING THE PLANNED INDUSTRIAL DEVELOPMENT PLAN FOR PROPOSED LOT 1, COUNCIL BLUFFS INDUSTRIAL PARK SUBDIVISION, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Nestory Park has submitted an application to adopt a Planned Industrial Development Plan on Lot 1 of the proposed Council Bluffs Industrial Park Subdivision, Council Bluffs, Pottawattamie County, Iowa, in order to regulate the design and layout of the proposed logistics park; and

**WHEREAS,** No site layout plans for Lot 2 were included with this applicant's submittal planned industrial development plan shall be adopted for Lot 2 prior to development occurring on the subject property; and

**WHEREAS,** A request to rezone and a preliminary subdivision plan for this area have also been submitted and are being considered at this time; and

**WHEREAS,** The following standards shall apply to proposed Lot 1, Council Bluffs Industrial Park Subdivision:

**Site Development**

- A. The minimum perimeter setback for all structures shall be twenty-five (25) feet.
- B. The maximum height for all structures shall not exceed fifty (50) feet, as measured from finished grade to the peak of the roof.
- C. The maximum lot coverage for all structures shall be sixty (60) percent of the total lot area.
- D. Site access shall be limited to two (2) drives off College Road and one (1) drive off East Kaneshville Boulevard. The implementation of the proposed improvements to (i.e. traffic signs, turn lanes, etc.) U.S. Highway 6/East Kaneshville Boulevard noted in the draft traffic impact study shall be coordinated with the Iowa Department of Transportation (IDOT) and the City.
- E. Trash receptacles and/or dumpster locations are not shown on the submitted development plans. All visible trash receptacles/dumpsters shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
- F. The submitted site plan does not show any outdoor storage areas. Outdoor storage of materials, products, equipment, or packaging is not permitted on the subject property.
- G. Outdoor lighting plans were not submitted with the development plan proposal. Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be

accepted. All outdoor lighting shall comply with standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Utilities**

- A. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
- B. Water, power, and gas service shall be coordinated with the appropriate utility provider.

### **Off-Street Parking**

- A. The required number of off-street parking spaces for Lot 1, Council Bluffs Industrial Park Subdivision shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Municipal Code (Zoning Ordinance), as follows:
  - Office or administrative activity – 1 space per 300 square feet Of gross floor area
  - Indoor or outdoor storage or warehousing – 1 space per 5,000 square feet of gross floor areaThe development plan shows 97,350 square feet of office space and 876,150 square feet of indoor storage/warehousing. Based on these square footage totals, a minimum of 501 off-street parking stalls shall be provided for Lot 1, Council Bluffs Industrial Park Subdivision. The submitted site plan shows 1,181 standard stalls and 130 trailer stalls; therefore, sufficient off-street parking will be provided for proposed Lot 1, Council Bluffs Industrial Park Subdivision.
- B. All parking/loading areas, driveways, and drive aisles shall be hard-surfaced paved and shall be designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- C. All off-street parking areas shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
- D. A parking lot permit shall be submitted with the building permit application for the proposed logistics, trucking, and distribution buildings. The plan shall clearly identify the number, location, and dimensions of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.

**Architecture**

- A. The submitted development plans show two (2) 330' x 800' buildings (264,000 square feet each) and one (1) 330' x 1,350' building (445,500 square feet) constructed primarily of pre-cast concrete panels to be utilized for logistics, trucking and distribution on Lot 1, Council Bluffs Industrial Park Subdivision. All buildings will be one-story in height.
- B. The building renderings included in the submitted plans only show one building elevation; the elevation shown is the intended aesthetic for all exterior facing walls of all three (3) buildings and is generally acceptable in design and layout. Pre-cast concrete is the primary building material identified in the submitted building renderings. However, the north façade and northerly 1/3<sup>rd</sup> of the west façade of the most northerly 330' x 800' building and the north and east façades of the 330' x 1,350' building are highly visible from the adjacent public streets and Interstate 80, which are gateways into the Council Bluffs community. The Community Development Department recommends that the building elevations listed above and highlighted in Attachment 'E' shall be enhanced for visual interest purposes as follows:
1. A minimum of ten (10) percent of the total square footage of each of the facades noted above shall be comprised of transparent windows and doors. Glass that counts towards this minimum transparency requirement shall be non-mirrored, non-tinted, and unobstructed.
  2. A minimum of thirty (30) percent of the total square footage of each of the facades noted above shall incorporate the following architectural details:
    - a. Color changes;
    - b. Material changes comprised of a minimum of one (1) of the following building materials: brick, tile or stone masonry; glass; native stone or synthetic equivalent; pre-cast concrete, or architectural (non-corrugated) metal; The use of a formliner in the pre-cast concrete to achieve the appearance of brick, stone masonry, or architectural (non-corrugated) metal shall be considered an acceptable method for achieving a material change;
    - c. Minor wall offsets/setbacks; and
    - d. Accent lines.
  3. In instances where the above listed design standards are not feasible due to site development constraints, groupings of

conical, evergreen foundation plantings may be spaced evenly across building facades to provide visual interest and breaks in the facade. All foundation plantings shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.

4. In the case that the final site grading plan results in the western facades of the two westernmost buildings to be visible from College Road, the above stated architectural standards shall apply to the entirety of these facades.
- C. No fencing is shown on the submitted development plan proposal. Any fencing installed on the subject property shall comply with Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

### **Landscaping**

- A. The submitted landscaping plan shows a mixture of deciduous tree species being planted along College Road and identified areas of the parking lot of Lot 1, Council Bluffs Industrial Park Subdivision. The Community Development Department recommends the following additional landscape plantings to effectively screen the proposed logistics park development from highly visible public rights-of-way and ensure adequate parking lot shading is provided (see Attachment 'F' for planting locations):
1. *Perimeter Landscaping.*
    - a. Tall, evergreen trees shall be planted every twenty-five (25) feet along the northerly property line for a total of sixty (60) trees. This area is identified in green in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center and shall equally spaced along the northerly property line, as practical. Tree groupings shall not be isolated to one specific area along the northern property line, but shall be clustered and dispersed evenly across the frontage.
    - b. Tall, evergreen trees shall be planted every twenty-five (25) feet along the eastern property line abutting Interstate 80 for a total of sixty-six (66) trees. This area is identified in yellow in Attachment 'F'. Each tree shall reach a minimum of six (6) feet in height

within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. Tree plantings can be planted in groupings or on-center, and shall be equally spaced along the eastern property line, as practical. Tree groupings shall not be isolated to one specific area along the eastern property line, but shall be clustered and dispersed evenly across the frontage.

2. *Parking Lot Perimeter Landscaping.*

- a. Parking lot perimeter landscaping shall consist of large, deciduous shade trees planted every thirty (30) feet, on center and shall have a minimum of two (2) inch caliper at the time of planting and a minimum mature canopy spread of at least twenty (20) feet. Plantings shall be installed as follows:
  - Fifty-eight (58) large, deciduous, shade trees shall be planted, as stated above, along the western perimeter of the parking lot. This area is identified in red in Attachment 'F'.
  - Fifteen (15) large, deciduous, shade trees shall be planted, as stated above along the southern perimeter of the parking lot abutting proposed Lot 2, Council Bluffs Industrial Park Subdivision. This area is identified in blue in Attachment 'F'.
  - Sixteen (16) large, deciduous, shade trees shall be planted, as stated above, along the southeastern perimeter of the parking lot. This area is identified in orange Attachment 'F'.
  - Thirty (30) large, deciduous, shade trees shall be planted, as stated above, along the eastern perimeter of the parking lot. This area is identified in purple Attachment 'F'.
- b. One (1) large, deciduous shade tree shall be planted for every twenty-five (25) parking stalls in the form of interior landscape islands or endcap islands/peninsulas. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree. All landscape islands/peninsulas shall include one large deciduous, shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Landscape islands/peninsulas shall be distributed

throughout the parking lot in order to maximize shade for employee and customer parking areas. For the purposes of this requirement, truck parking stalls shall not be included in the overall parking stall count. All endcap islands shown on the submitted landscaping plan shall be planted with a large, deciduous shade tree and ground cover, comprised of mulch, grass, gravel and/or river rock. Trees planted for this requirement may also count towards the required parking lot perimeter plantings listed above.

- B. All disturbed areas not utilized for buildings, parking, or decorative landscaping shall be seeded with sod, turf, and/or prairie grass at a minimum.
- C. The detention pond located south of the northerly most access drive off College Road shall be designed and maintained as an amenity feature for the development. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of the detention pond at the time of construction.
- D. A landscape plan that addresses all comments stated above shall be submitted to the Community Development Department for review prior to installation. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.
- E. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
- F. Not more than ten (10) percent of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf.

#### **Signage**

- A. The submitted signage plan, shown in Attachment 'C,' identifies the following attached and detached signage for the proposed logistics park on Lot 1, Council Bluffs Logistics Park Subdivision as follows:

#### **Detached**

- Six (6) 10' x 11'8" (116.67 square feet) monument signs. Per Section 15.33.080, *Exempt Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), "*Signs which are not visible from a public right-of-way or from a property other than that on which the sign is installed;*" are considered exempt sign types. Only four (4) of the monument signs shown are visible from public right-of-way or adjacent

property, as per the submitted site layout plan. The proposed quantity and size of the monument signs are acceptable as shown.

- Three (3) 20' x 14'4" (286.67 square feet) center identification signs. There shall be a maximum of two (2) center identification signs, one (1) per frontage, rather than the three (3) shown on the submitted plans. The submitted signage plan shows multiple tenant names on the center identification signs. The applicant shall leave signage space for the future IWCC training facility on the center identification signs as this future structure will be a part of the overall subdivision.

Attached

- The submitted plans did not specify quantity or dimensions of attached signage at this time. The applicant has noted that the exact number of tenant bays is unknown at this time and will be based on leasing. Per Section 15.33.180, *Industrial District Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance), attached signs in the P-I District shall be limited to 1.5 square feet per lineal foot of the building to which it is attached. All attached signage shall be designed to comply with the attached sign standard stated above.
- B. No directional signage was included in the submitted signage plans. On-premises directional signage shall count towards the overall amount of signage permitted and shall be limited to a maximum height of six (6) feet as measured from the natural grade and shall be limited to a maximum of twelve (12) square feet per sign face, not to exceed a total of eight (8) square feet per sign.
- C. All signage (detached and attached) shall comply with Section 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**WHEREAS,**

The Community Development Department recommends Approval of the request to adopt a planned industrial development plan for Lot 1, Council Bluffs Industrial Park Subdivision, subject to the comments stated above and the following condition:

- A. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

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

That the Planned Industrial Development Plan for proposed Lot 1, Council Bluffs Industrial Park Subdivision, Council Bluffs, Pottawattamie County, Iowa, as shown in Attachment "C", is hereby approved, subject to all comments and conditions stated above.

ADOPTED  
AND  
APPROVED

October 25, 2021.

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

\_\_\_\_\_  
Mayor

Attest:

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

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: BM22-05  
Submitted by: Ann Grober

Resolution 21-309  
ITEM 7.D.

Council Action: 10/25/2021

### Description

Resolution accepting the bid of Carley Construction, LLC in the amount of \$94,466.75 for the Dodge Park Clubhouse Pavement Improvement Project. Project # BM22-05

### Background/Discussion

On October 14, 2021, bids were received through the City bidding software, Ion Wave, as follows:

Carley Construction, LLC, CB, IA	\$ 94,466.75
Bluffs Paving & Utility, Crescent, IA	\$ 103,960.49
Engineer's Estimate (HGM)	\$ 83,328.00

The Dodge Park Clubhouse opened in 2002. In recent years, several concrete repairs have been required to eliminate tripping hazards. The lower level apron outside the golf cart storage area has now become increasingly unsafe due to cracked and uneven concrete. In addition, water will not drain to the existing storm water inlets causing winter ice buildup and preventing doors from opening. Changing the grade in this area and replacing the storm water inlets will eliminate these issues.

The concrete stairs on the north side of the clubhouse have deteriorated and sections are no longer safe to use. The rise and run of this stairway is steep. The proposed project will remove the old steps and the new stairs will have landings and tiered steps. The new stairway will be lengthened to reduce the number of steps which will provide safer access to and from the golf course patio area.

The project is included in the FY22 CIP with a budget of \$130,000 from General Fund - Gaming.

The project is scheduled to be complete by April 29, 2022. The Contractor will have the option to schedule the work for this fall, or in the spring of 2022, depending on weather and material availability. Coordination will occur with golf course operations prior to the start of work.

### Recommendation

Approval to accept the bid of Carley Construction, LLC in the amount of \$94,466.75. This project will address safety and drainage issues at the golf cart storage area and clubhouse.

### ATTACHMENTS:

Description	Type	Upload Date
Resolution 21-309	Resolution	10/19/2021

**RESOLUTION NO. 21-309**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
CARLEY CONSTRUCTION, LLC FOR THE  
DODGE PARK CLUBHOUSE PAVEMENT IMPROVEMENT PROJECT  
PROJECT #BM22-05**

WHEREAS, the plans, specifications, and form of contract for the Dodge Park Clubhouse Pavement Improvement Project are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on September 27, 2021, and the plans, specifications, form of contract, and cost estimate were approved; and

WHEREAS, Carley Construction, LLC has submitted a low bid in the amount of \$94,466.75 for this contract.

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

That the bid of Carley Construction, LLC in the amount of \$94,466.75 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Dodge Park Clubhouse Pavement Improvement Project; and

BE IT FURTHER RESOLVED

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

ADOPTED  
AND  
APPROVED

October 25, 2021

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

ATTEST:

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

## Council Communication

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

Resolution 21-310  
ITEM 7.E.

Council Action: 10/25/2021

### Description

Resolution authorizing Mayor to execute the Assignment and Assumption and Bifurcation of Agreement for Private Development and the Certificates of Completions on Lot 1, Block 2 of River's Edge Subdivision Replat Two and Block 6 of River's Edge Subdivision by and between River's Edge Apartments, L.L.C.; River's Edge Apartments I, L.L.C.; River's Edge Apartments II, L.L.C. and the City of Council Bluffs.

### Background/Discussion

Broadmoor Development Company is requesting that the City sign-off on the Assignment, Assumption and Bifurcation and Subordination of Agreement for Private Development as well as a Certification of Completion on their projects in the River's Edge Development to accommodate their refinancing of the projects with Freddie Mac. This action will have no impact on the City but will facilitate Broadmoor with their continuing construction in the River's Edge Development.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	10/18/2021
Cert of Completion	Other	10/18/2021
Cert of Completion	Other	10/18/2021
Resolution 21-310	Resolution	10/19/2021

**RECORDING REQUESTED BY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHEN RECORDED MAIL THIS INSTRUMENT TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**SPACE ABOVE THIS LINE FOR  
RECORDER'S USE**

**ASSIGNMENT AND ASSUMPTION AND BIFURCATION AND SUBORDINATION OF  
AGREEMENT FOR PRIVATE DEVELOPMENT**

This ASSIGNMENT AND ASSUMPTION AND BIFURCATION AND SUBORDINATION OF AGREEMENT FOR PRIVATE DEVELOPMENT (this "Agreement"), is made as of this \_\_\_ day of \_\_\_\_\_, 2021, by and among the City of Council Bluffs, Iowa ("City"), River's Edge Apartments, L.L.C., an Iowa limited liability company ("Assignor"), River's Edge Apartments I, L.L.C., an Iowa limited liability company ("River's Edge I") and River's Edge Apartments II, L.L.C., an Iowa limited liability company ("River's Edge II") and acknowledged, agreed and consent to by NorthMarq Capital, LLC, a Minnesota limited liability company, its successors and assigns ("Lender").

WHEREAS, the City and Assignor, did on or about the 20th day of December, 2016, make, execute and deliver each to the other, an Agreement for Private Development (the "TIF Agreement"), a Memorandum of which was recorded December 22, 2016, as Instrument No. 2016-17746 of the Records of Pottawattamie County, Iowa, wherein and whereby Assignor agreed, in accordance with the terms of the Agreement, to develop and maintain certain real property located within the City and as more particularly described as follows:

Lot 1, Block 2 of River's Edge Subdivision Replat Two in the City of Council Bluffs, Pottawattamie County, Iowa, further described as Parcel Number 7544 28 358 001 ("Parcel 1");

Block 6 of River's Edge Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, further described as Parcel Number 7544 28 356 006 ("Parcel 2");

and

Lot 1, Block 3 of River's Edge Subdivision Replat Two, in the City of Council Bluffs, Pottawattamie County, Iowa, further described as Parcel Number 7544 28 358 002 ("Parcel 3")

WHEREAS, contemporaneously with the execution and delivery hereof Assignor is transferring Parcels 1 and 2 to River's Edge I and in connection with such transfer, Assignor has agreed to partially assign the TIF Agreement affecting the Parcels 1 and 2 to River's Edge I and River's Edge I has agreed to assume such TIF Agreement to the extent the Agreement affects Parcels 1 and 2;

WHEREAS, contemporaneously with the execution and delivery hereof, the City will execute and deliver to Assignor certain Certificates of Completions with respect to Parcels 1 and 2 wherein and whereby the City will certify that all covenants and conditions of the TIF Agreement with respect to the obligations of Assignor and its successors and assigns, to construct the Minimum Improvements (as that term is defined in the TIF Agreement) on Parcel 1 and Parcel 2 have been completed and performed by Assignor and are thereby released absolutely and forever terminated;

WHEREAS, contemporaneously with the execution and delivery hereof Assignor is transferring Parcel 3 to River's Edge II and in connection with such transfer, Assignor has agreed to partially assign the TIF Agreement affecting Parcel 3 to River's Edge II and River's Edge II has agreed to assume such TIF Agreement to the extent the TIF Agreement affects Parcel 3; and

WHEREAS, simultaneously herewith River's Edge I is refinancing a loan secured by Parcel 1 and Parcel 2.

WHEREAS, in connection with the refinancing of the loan secured by Parcel 1 and Parcel 2 by River's Edge I, Lender is making a loan to River's Edge I in the original principal amount of \$\_\_\_\_\_ ("Loan") pursuant to a Multifamily Loan and Security Agreement between Lender and River's Edge I (as supplemented or amended from time to time, the "Loan Agreement") and evidenced by a Multifamily Note by River's Edge I to Lender (as supplemented or amended from time to time, the "Note"). The Loan is to be secured by a Multifamily Mortgage, Assignment of Rents and Security Agreement that will be recorded among the official records of Pottawattamie County, Iowa (as supplemented or amended from time to time, the "Mortgage") (the Loan Agreement, the Note and the Mortgage, together with all other documents executed with respect to the Loan, are hereinafter collectively referred to as the "Loan Documents").

WHEREAS, as a condition to making the Loan, Lender requires that the Loan Documents be a lien on Parcel 1 and Parcel 2 superior to the lien of the TIF Agreement and that the rights of Lender under the Loan Documents be superior to the rights of the City and River's Edge I under

the TIF Agreement. Lender will not make the Loan unless the City and River's Edge I agree to subordinate their rights and obligations under the TIF Agreement.

WHEREAS, River's Edge I and City hereby agree to subordinate the TIF Agreement on and subject to the terms, conditions and requirements set forth herein.

WHEREAS, the City consents to the partial assignments of the TIF Agreement and the bifurcation of the TIF Agreement as between Parcels 1 and 2 and Parcel 3, as herein provided.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the sufficiency and receipt whereof hereby is acknowledged, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. **Partial Assignments.**

- (a) Assignor hereby conveys, assigns, transfers and sets over unto River's Edge I all of its right, title and interest in, under and to the TIF Agreement affecting the Parcels 1 and 2, together with all of the right, title and interest of the Assignor, as Developer, in, under and to the Agreement in respect of Parcels 1 and 2 created thereby. From and after the date hereof, any Economic Development Grants (as that term is defined in the Agreement) due or payable by the City under the TIF Agreement with respect to Parcels 1 and 2 shall be paid to River's Edge I.
- b) Assignor hereby conveys, assigns, transfers and sets over unto River's Edge II all of its right, title and interest in, under and to the TIF Agreement affecting the Parcel 3, together with all of the right, title and interest of the Assignor, as Developer, in, under and to the Agreement in respect of Parcel 3 created thereby. From and after the date hereof, any Economic Development Grants due or payable by the City under the TIF Agreement with respect to Parcel 3 shall be paid to River's Edge II.

2. **Partial Assumptions.**

- (a) River's Edge I hereby accepts the partial conveyance, transfer and assignment of the TIF Agreement and assumes, from and after the date hereof, the obligations of Assignor arising and accruing on or after the date of this Agreement with respect to Parcels 1 and 2.
- (b) River's Edge II hereby accepts the partial conveyance, transfer and assignment of the Agreement and assumes, from and after the date hereof, the obligations of Assignor arising and accruing on or after the date of this Agreement with respect to Parcel 3.

3. **Indemnification by Assignor.** Assignor hereby indemnifies and agrees to hold harmless River's Edge I and River's Edge II, respectively, from and against any and all liabilities,

claims, demands, obligations, assessments, losses, costs, damages and expenses of any nature whatsoever (including, without limiting the generality of the foregoing, attorney's fees and court costs) which River's Edge I or River's Edge II may respectively incur, sustain or suffer, or which may be asserted or charged against River's Edge I or River's Edge II, arising out of, pertaining to, or in any way connected with Assignor's obligations, duties and liabilities under the TIF Agreement first arising or accruing prior to the date hereof.

4. **Consent.** The City hereby consents to the partial assignments of the TIF Agreement by Assignor to River's Edge I and River's Edge II, respectively, as herein provided.
5. **Bifurcation of the Agreement.** The parties hereby acknowledge and agree to bifurcate and divide the TIF Agreement, and the rights and obligations thereunder, with respect to the Parcels 1 and 2 and with respect to Parcel 3. As of the date hereof:
  - (a) River's Edge I shall be solely and exclusively responsible with respect to any remaining obligations of the Developer under the TIF Agreement with respect to Parcels 1 and 2, and River's Edge I shall be solely and exclusively entitled to enforce to the terms of the TIF Agreement with respect to Parcels 1 and 2;
  - (b) River's Edge II shall be solely and exclusively responsible with respect to any remaining obligations of the Developer under the TIF Agreement with respect to Parcel 3 and River's Edge II shall be solely and exclusively entitled to enforce to the terms of the TIF Agreement with respect to Parcel 3;
  - (c) the City hereby releases River's Edge I with respect to any obligations under the TIF Agreement with respect to Parcel 3 and shall not to seek to enforce the terms of the TIF Agreement with respect to Parcel 3 against River's Edge I;
  - (d) the City hereby releases River's Edge II with respect to any obligations under the TIF Agreement with respect to Parcels 1 and 2 and shall not to seek to enforce the terms of the TIF Agreement with respect to Parcels 1 and 2 against River's Edge II;
  - (e) no Event of Default (as that term is defined in the TIF Agreement) with respect to Parcel 3 shall constitute an Event of Default with respect to Parcels 1 and 2 and, similarly, no Event of Default with respect to Parcel 3 shall constitute an event of default with respect to Parcels 1 and 2.

For the avoidance of doubt, the parties acknowledge and agree that, notwithstanding anything to the contrary in the TIF Agreement, from and after the date hereof the obligations of the River's Edge I and Parcels 1 and 2, and the obligations of the River's Edge II and Parcel 3, under the TIF Agreement shall be several and separate and distinct from each other, and shall be expressly limited to the obligations of each such party. In furtherance of the foregoing, each of the parties acknowledges and agrees that the liability of River's Edge I and River's Edge II, respectively,

for the payment and performance of their respective covenants, representations and warranties set forth in the TIF Agreement shall be several from but not joint with the obligations of each other and each of River's Edge I and River's Edge II, respectively, is exclusively liable for its own obligations under the TIF Agreement.

6. **Estoppel.** The City hereby certifies and confirms as follows:

- (a) The TIF Agreement has not been modified, changed, altered, supplemented or amended in any respect, nor have any provisions thereof been waived.
- (b) The TIF Agreement is valid and in full force and effect on the date hereof. The TIF Agreement represents the entire agreement between the City and Assignor with respect to Parcels 1 and 2 and Parcel 3.
- (c) No event has occurred and no condition exists that constitutes, or that with the giving of notice or the lapse of time or both, would constitute, a default by the City or Assignor under the TIF Agreement. Neither the City nor the Assignor have received any notices of defaults and are not aware of any default notices having been issued. The City has no existing defenses or offsets against the enforcement of the TIF Agreement.
- (d) Any and all notice and consent requirements under the TIF Agreement for purposes of assigning, bifurcating and subordinating the TIF Agreement shall be deemed satisfied.
- (e) There are no outstanding obligations with the TIF Agreement with respect to Parcel 1 and Parcel 2 including, without limitation, payment of any and all fees related to the TIF Agreement have been paid with respect to Parcel 1 and Parcel 2.
- (f) Other than a loan in favor of First National Bank of Omaha (which is being paid off in connection with Loan), the TIF Agreement has not been pledged as collateral for any other obligation by the Assignor or the City.
- (g) Ad Valorem Property Taxes for 2020 are \$\_\_\_\_\_ for Parcel 1 and are due and payable \_\_\_\_\_. Ad Valorem Property Taxes for 2020 are \$\_\_\_\_\_ for Parcel 2 and are due and payable \_\_\_\_\_. These taxes are not reduced or abated pursuant to the TIF Agreement and are the full assessed property taxes due for Parcel 1 and Parcel 2 respectively.
- (h) There is no subordinate indebtedness or other obligations due and owing by the Assignor or as required by the TIF Agreement with respect to Parcel 1 and Parcel 2.

7. **No Right of Reversion.** All covenants and conditions of the TIF Agreement with respect to the obligations of Assignor and its successors and assigns, to construct the Minimum

Improvements on Parcel 1 and Parcel 2 have been completed and performed by Assignor and are hereby released absolutely and forever terminated, and that any right of reversion is terminated for Parcel 1 and Parcel 2 as further evidenced by the Certificate of Completions for Parcel 1 and Parcel 2 which are to be recorded simultaneously with this Agreement.

8. **Subordination.** The City hereby covenants and agrees that the TIF Agreement is and will at all times continue to be, subordinate, subject and inferior to the rights of Lender under the Loan Documents and that the liens, rights (including approval and consent rights), remedies, payment interests, priority interests, and security interests, if any, granted to City pursuant to or in connection with the TIF Agreement with respect to Parcel 1 and Parcel 2 are hereby expressly acknowledged to be in all respects and at all times, subject, subordinate and inferior in all respects to the liens, rights (including approval and consent rights), remedies, payment, priority and security interests granted to Lender pursuant to the Loan Documents and the terms, covenants, conditions, operations and effects thereof. Notwithstanding the above, the City may exercise the remedies of specific performance or injunctive relief.
9. **Financing, Encumbrance and Transfer Approval.** The City hereby approves the transfer of the Parcel 1 and Parcel 2 to River's Edge I and the financing evidenced by the Mortgage. The City further agrees that any transfer of the Property in connection with foreclosure or deed in lieu thereof will not require City's consent. Further, the City hereby approves the transfer of the Parcel 3 to River's Edge II and the refinancing of Parcel 3.
10. **Lender Notice of Default.** In consideration of the City's agreements contained in this Agreement, Lender agrees that in the event of any default by River's Edge I under the Loan Documents, the City will be entitled to receive a copy of any notice of default given by Lender to River's Edge under the Loan Documents. Neither the giving nor the failure to give a notice to the City pursuant to this Section 10 will affect the validity of any notice given by Lender to River Edge's I.
11. **City Notice of Default.** The City must give Lender a concurrent copy of each material notice (including without limitation each notice of default) given by the City under or with respect to the TIF Agreement, and agrees that Lender, at Lender's sole election, will have the right (but not the obligation) to cure any default by River's Edge I under the TIF Agreement on its and/or River Edge's I's behalf.
12. **City's Rights.** Except as set forth in Sections 8 and 13 of this Agreement, nothing in this Agreement is intended to abridge or adversely affect any right or obligation of River's Edge I and/or the City, respectively, under the TIF Agreement; provided that, (A) the TIF Agreement may not be modified, amended, changed or altered without the prior written consent of Lender so long as the Loan is secured by Parcel 1 and Parcel 2 and (B) for so long as the Loan is secured by Parcel 1 and Parcel 2, notwithstanding the terms of the TIF Agreement to the contrary, neither River's Edge I nor the City will, without Lender's prior written consent, exercise or seek any right or remedy under the TIF Agreement or available at law or in equity which will or could result in (i) a transfer of possession of

the Parcel 1 and Parcel 2 or the control, operations or management thereof, (ii) collection or possession of rents or revenues from or with respect to Parcel 1 and Parcel 2 by any party other than River's Edge I or Lender; (iii) appointment of a receiver for Parcel 1 and Parcel 2; (iv) application of insurance or condemnation proceeds other than as approved by Lender pursuant to the Loan Documents; (v) removal or replacement of the existing property manager of Parcel 1 and Parcel 2; or (vi) a material adverse effect on Lender's security for the Loan.

13. **Foreclosure by Lender.** In the event of foreclosure, deed in lieu of foreclosure, or similar disposition of Parcel 1 and Parcel 2 by Lender, no consent will be required from the City and Lender will have no indemnification obligations to the City for any period during which Lender does not own or is not in possession of the Property.
14. **Refinancing.** The City agrees that its agreement to subordinate hereunder will extend to any new mortgage debt which is for the purpose of refinancing all or any part of the indebtedness evidenced by the Loan Documents (including reasonable and necessary costs associated with the closing and/or the refinancing, and any reasonable increase in proceeds for rehabilitation in the context of a preservation transaction). All terms and covenants of this Agreement will inure to the benefit of any holder of any such refinanced debt, and all references to the Loan Documents and Lender will mean, respectively, the refinance loan documents and the holder of such refinanced debt.
15. **Miscellaneous Provisions.**
  - (a) This Agreement represents the entire understanding and agreement between the parties with regard to the matters addressed herein, and will supersede and cancel any prior agreements with regard to such matters.
  - (b) If there is any conflict or inconsistency between the terms of the TIF Agreement and the terms of this Agreement, then the terms of this Agreement will control.
  - (c) This Agreement will be binding upon and will inure to the benefit of the respective legal successors and permitted assigns of the parties to this Agreement, which will include with regard to the City any permitted successor or assign of the City under or pursuant to the terms of the TIF Agreement and, with regard to Lender, any subsequent holder of the Note. No other party will be entitled to any benefits hereunder, whether as a third-party beneficiary or otherwise.
  - (d) If any one or more of the provisions contained in this Agreement, or any application of any such provisions, is invalid, illegal, or unenforceable in any respect, the validity, legality, enforceability, and application of the remaining provisions contained in this Agreement will not in any way be affected or impaired.
  - (e) Each notice, request, demand, consent, approval or other communication (collectively, "Notices," and singly, a "Notice") which is required or permitted to

be given pursuant to this Agreement will be in writing and will be deemed to have been duly and sufficiently given if (i) personally delivered with proof of delivery (any Notice so delivered will be deemed to have been received at the time so delivered), or (ii) sent by a national overnight courier service (such as FedEx) designating earliest available delivery (any Notice so delivered will be deemed to have been received on the next Business Day following receipt by the courier), or (iii) sent by United States registered or certified mail, return receipt requested, postage prepaid, at a post office regularly maintained by the United States Postal Service (any Notice so sent will be deemed to have been received on the date of delivery as confirmed by the return receipt), addressed to the respective parties as follows:

**If to the Assignor:**

River's Edge Apartments, L.L.C.  
c/o Broadmoor Development  
809 N. 96<sup>th</sup> Street  
Omaha, NE 68114  
Attention: Howard M. Kooper  
Email: [thkoopster@yahoo.com](mailto:thkoopster@yahoo.com) and [LKelberg@broadmoor.cc](mailto:LKelberg@broadmoor.cc)

**If to the City:**

City of Council Bluffs  
209 Pearl Street  
Council Bluffs, IA 51503  
Attention: Richard Wade, City Attorney  
Telephone: (712) 890-5317  
Email: [rwade@councilbluffs-ia.gov](mailto:rwade@councilbluffs-ia.gov)

**If to River's Edge I:**

River's Edge Apartments I, L.L.C.  
c/o Broadmoor Development  
809 N. 96<sup>th</sup> Street  
Omaha, NE 68114  
Attention: Howard M. Kooper  
Email: [thkoopster@yahoo.com](mailto:thkoopster@yahoo.com) and [LKelberg@broadmoor.cc](mailto:LKelberg@broadmoor.cc)

**If to River's Edge II:**

River's Edge Apartments II, L.L.C.  
c/o Broadmoor Development  
809 N. 96<sup>th</sup> Street  
Omaha, NE 68114  
Attention: Howard M. Kooper  
Email: [thkoopster@yahoo.com](mailto:thkoopster@yahoo.com) and [LKelberg@broadmoor.cc](mailto:LKelberg@broadmoor.cc)

**If to Lender:**

NorthMarq Capital, LLC  
3500 American Boulevard West, Suite 500  
Bloomington, MN 55431  
Attention: Servicing Dept.  
Email: \_\_\_\_\_

Any party, by Notice given pursuant to this Section, may change the person or persons and/or address or addresses, or designate an additional person or persons or an additional address or addresses, for its Notices, but Notice of a change of address will only be effective upon receipt. Neither party will refuse or reject delivery of any Notice given in accordance with this Section.

- (f) Each of the parties will, whenever and as often as they are requested to do so by the other, execute, acknowledge and deliver, or cause to be executed, acknowledged or delivered, any and all such further instruments and documents as may be reasonably necessary to carry out the intent and purpose of this Agreement, and to do any and all further acts reasonably necessary to carry out the intent and purpose of this Agreement.
- (g) This Agreement will be governed by the laws of the State of Iowa.
- (h) Each person executing this Agreement on behalf of a party hereto represents and warrants that such person is duly and validly authorized to do so on behalf of such party with full right and authority to execute this Agreement and to bind such party with respect to all of its obligations under this Agreement.
- (i) No failure or delay on the part of any party to this Agreement in exercising any right, power, or remedy under this Agreement will operate as a waiver of such right, power, or remedy, nor will any single or partial exercise of any such right, power or remedy preclude any other or further exercise of such right, power, or remedy or the exercise of any other right, power or remedy under this Agreement.
- (j) Each party to this Agreement acknowledges that if any party fails to comply with its obligations under this Agreement, the other parties will have all rights available at law and in equity, including the right to obtain specific performance of the obligations of such defaulting party and injunctive relief.
- (k) This Agreement may be assigned at any time by Lender to any subsequent holder of the Note.
- (l) This Agreement may be amended, changed, modified, altered or terminated only by a written instrument signed by the parties to this Agreement or their successors or assigns.

- (m) This Agreement may be executed in two or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

(Signatures on following pages.)



**RIVER'S EDGE I**

**River's Edge Apartments I, L.L.C.**

By: BRE Manager, Inc., a Nebraska corporation  
Its: Manager

By: \_\_\_\_\_  
Howard Kooper, Secretary

STATE OF NEBRASKA                    )  
  ) ss  
COUNTY OF DOUGLAS                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared Howard Kooper, to me personally known, who being duly sworn, did say that he is the Secretary of BRE Manager, Inc., a Nebraska corporation, the Manager of River's Edge Apartments I, L.L.C., an Iowa limited liability company, and that this instrument was signed behalf of said company and acknowledged said instrument to be the free act and deed of said company by it voluntarily executed.

\_\_\_\_\_  
Notary Public



**CITY**

**CITY OF COUNCIL BLUFFS, IOWA**

By: \_\_\_\_\_  
Matt Walsh, Mayor

ATTEST:

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

STATE OF IOWA )  
 ) ss  
COUNTY OF POTTAWATTAMIE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared Matt Walsh and Jodi Quakenbush, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**LENDER**

ACKNOWLEDGED, AGREED AND CONSENTED TO:

**NORTHMARQ CAPITAL, LLC**  
A Minnesota Limited Liability Company

By: \_\_\_\_\_  
Name: Paul W. Cairns  
Title: Senior Vice President

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

On \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public in and for the State of Minnesota, duly commissioned and sworn, personally appeared Paul W. Cairns, to me known to be the Senior Vice President of NorthMarq Capital, LLC, a Minnesota limited liability company, and acknowledged the foregoing instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

\_\_\_\_\_  
Notary Public in and for Minnesota

My Commission Expires: \_\_\_\_\_

## CERTIFICATE OF COMPLETION

WHEREAS, the City of Council Bluffs, Iowa (The “City”) and River’s Edge Apartments, L.L.C. (the “Developer”), did on or about the 20<sup>th</sup> day of December, 2016, make, execute and deliver, each to the other, an Agreement for Private Development (the “Agreement”), a Memorandum of which was recorded December 22, 2016, as Instrument No. 2016-17746 of the Records of Pottawattamie County, Iowa, wherein and whereby Developer agreed, in accordance with the terms of the Agreement, to develop and maintain certain real property located within the City and as more particularly described as follows:

Lot 1, Block 2 of River’s Edge Subdivision Replat Two, further described as:

Parcel Number (7544 28 358 001)(Pottawattamie County)(the “Development Property”);  
and

WHEREAS, the Agreement incorporated and contained certain covenants and restrictions with respect to the development of the Development Property, and obligated Developer to construct certain Minimum Improvements (as defined therein) in accordance with the Agreement; and

WHEREAS, Developer has to the present date performed said covenants and conditions insofar as they relate to the construction of said Minimum Improvements in a manner deemed by the City to be in conformance with the Agreement to permit the execution and recording of this certification as to Parcel 7544 28 358 001.

NOW, THEREFORE, this is to certify that all covenants and conditions of the Agreement with respect to the obligations of Developer and its successors and assigns, to construct the Minimum Improvements on Parcel 7544 28 358 001 have been completed and performed by Developer and are hereby released absolutely and forever terminated, and that any right of reversion is terminated insofar as they apply to Parcel 7544 28 358 001. The County Recorder of Pottawattamie County is hereby authorized to accept for recording and to record the filing of this instrument, to be a conclusive determination of the satisfactory termination of the covenants and conditions of said Agreement with respect to the construction of the Minimum Improvements on Parcel 7544 28 358 001.

All other provisions of the Agreement shall otherwise remain in full force and effect until termination as provided therein.

*[Remainder of page intentionally blank; Signature page follows.]*

IN WITNESS WHEREOF, the Members have executed this Agreement as of the \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF COUNCIL BLUFFS, IOWA

By: \_\_\_\_\_  
Matt Walsh, Mayor

ATTEST:

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

STATE OF IOWA )  
 ) ss  
COUNTY OF POTTAWATTAMIE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared Matt Walsh and Jodi Quakenbush, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

## CERTIFICATE OF COMPLETION

WHEREAS, the City of Council Bluffs, Iowa (The “City”) and River’s Edge Apartments, L.L.C. (the “Developer”), did on or about the 20<sup>th</sup> day of December, 2016, make, execute and deliver each to the other, an Agreement for Private Development (the “Agreement”), a Memorandum of which was recorded December 22, 2016, as Instrument No. 2016-17746 of the Records of Pottawattamie County, Iowa, wherein and whereby Developer agreed, in accordance with the terms of the Agreement, to develop and maintain certain real property located within the City and as more particularly described as follows:

Block 6 of River’s Edge Subdivision further described as:

Parcel Number (7544 28 356 006)(Pottawattamie County)(the “Development Property”);  
and

WHEREAS, the Agreement incorporated and contained certain covenants and restrictions with respect to the development of the Development Property, and obligated Developer to construct certain Minimum Improvements (as defined therein) in accordance with the Agreement; and

WHEREAS, Developer has to the present date performed said covenants and conditions insofar as they relate to the construction of said Minimum Improvements in a manner deemed by the City to be in conformance with the Agreement to permit the execution and recording of this certification as to Parcel 7544 28 356 006.

NOW, THEREFORE, this is to certify that all covenants and conditions of the Agreement with respect to the obligations of Developer and its successors and assigns, to construct the Minimum Improvements on Parcel 7544 28 356 006 have been completed and performed by Developer and are hereby released absolutely and forever terminated, and that any right of reversion is terminated insofar as they apply to Parcel 7544 28 356 006. The County Recorder of Pottawattamie County is hereby authorized to accept for recording and to record the filing of this instrument, to be a conclusive determination of the satisfactory termination of the covenants and conditions of said Agreement with respect to the construction of the Minimum Improvements on Parcel 7544 28 356 00.

All other provisions of the Agreement shall otherwise remain in full force and effect until termination as provided therein.

*[Remainder of page intentionally blank; Signature page follows.]*

IN WITNESS WHEREOF, the Members have executed this Agreement as of the \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF COUNCIL BLUFFS, IOWA

By: \_\_\_\_\_  
Matt Walsh, Mayor

ATTEST:

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

STATE OF IOWA )  
 ) ss  
COUNTY OF POTTAWATTAMIE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared Matt Walsh and Jodi Quakenbush, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**RESOLUTION NO. 21-310**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT AND ASSUMPTION AND BIFURCATION AND SUBORDINATION OF AGREEMENT FOR PRIVATE DEVELOPMENT AND THE CERTIFICATES OF COMPLETION FOR LOT 1, BLOCK 2 OF RIVER’S EDGE SUBDIVISION REPLAT TWO AND FOR BLOCK 6 OF RIVER’S EDGE SUBDIVISION BY AND BETWEEN RIVER’S EDGE APARTMENTS, L.L.C.; RIVER’S EDGE APARTMENTS I, L.L.C.; RIVER’S EDGE APARTMENTS II, L.L.C. AND THE CITY OF COUNCIL BLUFFS, IOWA.**

**WHEREAS,** On December 20, 2016, the City of Council Bluffs, Iowa and River’s Edge Apartments, L.L.C. entered into an Agreement for Private Development for this area; and

**WHEREAS,** The Minimum Improvements have been completed and performed on two of the parcels and Certificates of Completion need to be executed; and

**WHEREAS,** In addition, an Assignment and Assumption and Bifurcation and Subordination of Agreement for Private Development needs to be executed; and

**WHEREAS,** It is in the best interest of the City of Council Bluffs to execute the Assignment and Assumption and Bifurcation of Agreement for Private Development and the Certificates of Completions on the above described parcels.

**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 Assignment and Assumption and Bifurcation of Agreement for Private Development and the Certificates of Completions on Lot 1, Block 2 of River’s Edge Subdivision Replat Two and Block 6 of River’s Edge Subdivision on behalf of the City of Council Bluffs, Iowa.

ADOPTED  
AND  
APPROVED

October 25, 2021.

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

Mayor

Attest:

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

City Clerk

## Council Communication

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

Liquor Licenses  
ITEM 8.A.

Council Action: 10/25/2021

### Description

1. Bluffs Lodge No 531 BPO Elks, 380 McKenzie Ave
2. Goldmine Bar & Grill, 1601 Harry Langdon Blvd
3. LPL's, 1707 Harry Langdon Blvd
4. Mo Fish, 2403 Nash Blvd
5. Rustic Cuts, 501 Veterans Memorial Hwy

### Background/Discussion

There were no alcohol related incidents or arrests at any of the listed businesses this licensing period.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Liquor Licenses, 10.25.21	Other	10/19/2021

Class C Liquor License

Application Type Renewal	Tentative Effective Date 2021-10-03	Tentative Expiration Date 2022-10-02	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Bluffs Elks Lodge No 531
Privileges and Sub Permits			

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CM</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>SC</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>10-25-21</u>	

Goldmine Bar & Grill- LC0034932  
Premise Street : 1601 Harry Langdon Blvd.

Application Number : App-148851

Class C Liquor License

Application Type Renewal	Tentative Effective Date 2021-11-01	Tentative Expiration Date 2022-10-31	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Goldmine Grill, LLC
Privileges and Sub Permits			

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CM</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
BUILDING <u>SC</u>	Issued	
ZONING <u>[Signature]</u>	Expires	
	Council	<u>10-25-21</u>

LPL's- LC0037930

Premise Street : 1707 Harry Langdon Blvd

Application Number : App-148623

Class C Liquor License

Application Type Renewal	Tentative Effective Date 2021-10-10	Tentative Expiration Date 2022-10-09	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Tri-Ten LLC

Privileges and Sub Permits

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>OM</u>	Local Amt	
FIRE <u>AP</u>	Endorsed	
BUILDING <u>SC</u>	Issued	
ZONING <u>SC</u>	Expires	
	Council	<u>10-25-21</u>

Mo Fish- BB0029805  
Premise Street : 2403 Nash Blvd

Application Number : App-148778

Class B Beer Permit

Application Type: Renewal  
Tentative Effective Date: 2021-10-13  
Tentative Expiration Date: 2022-10-12  
Application Status: Submitted to Local Authority

License Length: 12 Month  
Local Authority: City of Council Bluffs  
Dramshop  
Corporation Name: Mo Fish, LLC

Privileges and Sub Permits

<input checked="" type="checkbox"/>	RENEWAL	<input type="checkbox"/>	NEW	<input type="checkbox"/>	SPECIAL EVENT
POLICE	CM	Local Amt			
FIRE	AE	Endorsed			
BUILDING	SC	Issued			
ZONING	CS	Expires			
		Council			10-25-21

Rustic Cuts LLC- BC0030787  
Premise Street : 501 Veterans Memorial Hwy

Application Number : App-149002

Class C Beer Permit

Application Type Renewal	Tentative Effective Date 2021-10-15	Tentative Expiration Date 2022-10-14	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Rustic Cuts LLC
Privileges and Sub Permits Sunday Service			

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CM</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>SC</u>	Issued _____	
ZONING <u>AS</u>	Expires _____	
	Council <u>10.25.21</u>	