



**Study Session Agenda  
City of Council Bluffs, Iowa  
November 22, 2021, 3:45 PM  
Council Chambers, 2nd Floor, City Hall  
209 Pearl Street  
VIDEO**

**STUDY SESSION AGENDA**

- A. NeighborWorks Home Solutions - David Hazlewood
- B. IWF Grant Awards - Brenda Mainwaring
- C. Proposed Outdoor Lighting Amendments - Community Development
- D. Review Agenda



**Council Agenda, City of Council Bluffs, Iowa  
Regular Meeting November 22, 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 November 4, 2021, November 8, 2021 and November 15, 2021 City Council Meeting Minutes.
- C. Ordinance 6477  
Ordinance to amended Title 1 "Administration and Personnel" of the 2020 Municipal Code, by repealing Chapter 1.90 "Election Precincts" and enacting a new Chapter 1.90 "election Precincts" and setting a public hearing for December 13, 2021.
- D. Resolution 21-328  
Resolution of necessity and intent, setting a Public Hearing for January 10, 2022 at 7:00 p.m. to establish the 16th Avenue Urban Revitalization Area, generally located on approximately 34 acres of land along 16th Avenue between S 17th Street and S 20th Street, commonly known as 1700 16th Avenue. URV-21-011
- E. Resolution 21-329  
Resolution accepting the work of Hawkins Construction Co. as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road. Projects  
#PW18-16B & #PW19-16A
- F. Resolution 21-330  
Resolution to set a public hearing for December 13, 2021 at 7:00 p.m. for the Fall Color Corridor project.
- G. Resolution 21-331  
Resolution setting a public hearing for 7:00 p.m. on December 13, 2021 for right-of-way authorization in connection with Steven Road West, Norwood Drive to State Orchard Road. Project #PW22-16

- H. Resolution 21-332  
Resolution setting a public hearing for December 13, 2021 at 7:00 p.m. for the FY23-FY27 Capital Improvement Program (CIP).
- I. Resolution 21-333  
Resolution of intent to dispose of and setting a Public Hearing for December 13, 2021 at 7:00 p.m. for City property described as Lot 1, Block 10, McMahon, Cooper, and Jefferis Addition. Location: Property formerly addressed as 1103 7th Avenue. OTB-21-013
- J. Resolution 21-334  
Resolution of intent to dispose of and setting a Public Hearing for December 13, 2021 at 7:00 p.m. for City property legally described as the north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman's First Addition. Location: property formerly addressed as 110 Stutsman Street. OTB-21-014
- K. Resolution 21-335  
Resolution accepting the work of Action Target, Inc. as complete and authorizing payment in the amount \$451,491.23 and the release of retainage for the Police Department 100-Yard Range Project. Project# PD 21-01.
- L. Resolution 21-336  
Resolution setting a public hearing for 7:00 p.m. on December 13, 2021, for the Recycling Center Scale Purchase and Installation Project Phase I A. Project # 2021-168
- M. Resolution 21-337  
Resolution setting a public hearing for 7:00 p.m. on December 13, 2021, for the Recycling Center Entrance Drainage and Paving Project Phase I B. Project # 2021-169
- N. September 2021 Financial Reports
- O. Right of Redemption
- P. Claims

#### **4. MAYORS PROCLAMATIONS**

- A. Small Business Saturday Proclamation
- B. #GivingTuesday712

#### **5. PUBLIC HEARINGS**

- A. Resolution 21-338  
Resolution approving and authorizing the Mayor to execute a Parking Rights and Agreement regarding Mid-America Center and 20 Arena Way by and between the City of Council Bluffs, Iowa and Cave Industries, LLC.

- B. Public Hearing (No Council Action)  
Status of funded activities for the Council Bluffs Covid-19 assistance programs.

**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”.
- B. Ordinance 6476  
Ordinance establishing the American Games Urban Revitalization Area within the City of Council Bluffs at 504 34th Avenue. URV-21-007

**7. RESOLUTIONS**

- A. Resolution 21-339  
Resolution authorizing a \$10,000 signing bonus to any certified police officer that is hired.
- B. Resolution 21-340  
Resolution increasing the authorized strength of the Finance Department by 1 to add an additional Account Clerk II position to the Treasury Team to fill by January 2022.
- C. Resolution 21-341  
Resolution approving and authorizing the Mayor to execute the Second Addendum to the Employment Agreement between the City of Council Bluffs and City Attorney, Richard Wade.
- D. Resolution 21-342  
Resolution authorizing the Finance Director to classify American Rescue Plan Act funds as Revenue Loss and use a portion of those funds to replace revenue lost between March and December of 2020.
- E. Resolution 21-343  
Resolution abolishing the part-time Account Clerk II position effective February 10, 2022 and creating a part-time Account Clerk I position effective immediately within the Finance department.
- F. Resolution 21-344  
Resolution authorizing the Mayor and City Clerk to execute an agreement with James Hall dba Jim's Hauling for the 29 South 35th Street Demolition Project.

G. Resolution 21-345

Resolution granting approval of a Temporary Use Permit to allow a concrete batch plant from April 1, 2022 until October 1, 2022, on property zoned I-2/Industrial District, and being legally described as part of Lots 1, 2, and 3, Auditor's Subdivision. Location: 8.43 acres of undeveloped land lying immediately east of 2445 N 25th Street. TU-21-007

H. Resolutions 21-346 & 21-347

Resolution 21-346, granting approval of a six-lot preliminary subdivision plan to be known as Mall of the Bluffs, Replat 1, at 1751 Madison Avenue, more specifically described in the Council packet. SUB-21-001

Resolution 21-347, adopting the planned commercial development plan on properties generally located at 1751 Madison Avenue, more specifically described in the Council packet. PC-21-001

**8. APPLICATIONS FOR PERMITS AND CANCELLATIONS**

A. Liquor Licenses

1. Hard Luck Saloon, 626 16th Avenue
2. Hy-Vee #2, 1745 Madison Avenue
3. La Mesa Mexican Restaurant, 3036 S Expressway
4. Oskies for Sports, 1851 Madison Avenue, Ste 724

**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 Special Meeting Minutes November 4, 2021**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 10:45 am on Thursday November 4, 2021.

Council Member present: Chad Hannan.

Council Members present via telephone: Joe Disalvo, Melissa Head, Roger Sandau and Mike Wolf.

Staff Present: Jodi Quakenbush and Richard Wade.

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

Veteran's Day Parade, November 6, 2021 at 10:00 am

Chad Hannan and Roger Sandau moved and seconded approval of Applications for permits and cancellations, Item 2A. Unanimous, 5-0 vote.

### **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 10:46 am

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

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk



## **City Council Meeting Minutes November 8, 2021**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 7:00 pm on Monday November 8, 2021.

Council Members present: Joe Disalvo, Melissa Head, Roger Sandau and Mike Wolf.

Council Member present via Zoom: Chad Hannan.

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

### **CONSENT AGENDA**

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

Reading, correction and approval of the October 25, 2021 City Council Meeting Minutes.

Mayor's Appointments

Municipal Housing Agency and Citizen/Police Advisory Board  
City Street Financial Report, Right of Redemption and Claims

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

### **PUBLIC HEARINGS**

Resolution 21-311

Resolution to dispose of 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

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 21-311. Unanimous, 5-0 vote.

Resolution 21-312

Resolution approving the Urban Revitalization Plan for the American Games Urban Revitalization Area at 504 34th Avenue. URV-21-007

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 21-312. Unanimous, 5-0 vote.

## **ORDINANCES ON 1ST READING**

### Ordinance 6476

Ordinance establishing the American Games Urban Revitalization Area within the City of Council Bluffs at 504 34th Avenue. URV-21-007

Roger Sandau and Mike Wolf moved and seconded approval of First consideration of Ordinance 6476. Second consideration to be held November 22, 2021 at 7:00 p.m.. Unanimous, 5-0 vote.

## **RESOLUTIONS**

### Resolution 21-313

Resolution rejecting the bid for Cochran Park Playground Upgrade, Project 22-5

Mike Wolf and Melissa Head moved and seconded approval of Resolution 21-313. Unanimous, 5-0 vote.

### Resolution 21-314

Resolution authorizing staff to rebid the Cochran Park Playground Upgrade, Project R22-05.

Melissa Head and Joe Disalvo moved and seconded approval of Resolution 21-314. Unanimous, 5-0 vote.

### Resolution 21-315

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

Mike Wolf and Joe Disalvo moved and seconded approval of Resolution 21-315. Unanimous, 5-0 vote.

### Resolution 21-316

Resolution accepting the bid of Midwest Mechanical Industrial in the amount of \$361,900.00 for the Southwest Pumping Station Control Replacement and Generator Set Infrastructure project. Project # PW21-14B

Melissa Head and Mike Wolf moved and seconded approval of Resolution 21-316. Unanimous, 5-0 vote.

Resolution 21-317

Resolution abolishing one Street and Sewer Supervisor II position and creating one new Street and Sewer Supervisor position within the Public Works Department.

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 21-317. Unanimous, 5-0 vote.

Resolution 21-318 and 21-319

Resolution 21-318, endorsing an application to the Iowa Department of Transportation by the City of Council Bluffs and TSL Company Holdings, Ltd. for grant funding under the Linking Iowa's Freight Transportation Systems (LIFTS) Program.

Resolution 21-319, authorizing the Mayor to execute the Development Agreement with TSL Company Holdings, Ltd. for the Construction of an Intermodal Container Freight Station in Council Bluffs.

Mike Wolf and Roger Sandau moved and seconded approval of Resolutions 21-318 and 21-319. Unanimous, 5-0 vote.

Resolutions 21-320, 21-321 and 21-322

Resolutions 21-320, 21-321 and 21-322 authorizing Interfund Loan approval for FY23 TIF Certifications

Mike Wolf and Joe Disalvo moved and seconded approval of Resolutions 21-320, 21-321 and 21-322. Unanimous, 5-0 vote.

Resolution 21-323

Resolution authorizing for annual certification for Tax Increment Financing Indebtedness.

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 21-323. Unanimous, 5-0 vote.

Resolution 21-324

Resolution accepting the bid of Judds Bros. Construction Co. for the N. 28th Street Storm Sewer Rehab, Phase II. Project # PW20-11

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 21-324. Unanimous, 5-0 vote.

Resolution 21-325

Resolution authorizing the City to submit an U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant application.

Roger Sandau and Mike Wolf moved and seconded approval of Resolution 21-325. Unanimous, 5-0 vote.

Resolution 21-326

Resolution amending the City Personnel Policy by Creating a New Policy No. 215 "Residency Requirement".

Roger Sandau and Chad Hannan moved and seconded approval of Resolution 21-326. Unanimous, 5-0 vote.

## **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

Liquor Licenses

1. Council Bluffs Sinclair, 1305 N 25th Street
2. Texas Roadhouse, 3231 S 24th Street

Melissa Head and Joe Disalvo moved and seconded approval of Applications for permits and cancellations, Item 7A, Liquor Licenses 1-2. Unanimous, 5-0 vote.

## **CITIZENS REQUEST TO BE HEARD**

## **OTHER BUSINESS**

## **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:09 p.m.

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Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk



## **City Council Special Meeting Minutes November 15, 2021**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 1:00 p.m. on Monday November 15, 2021.

Council Members present via phone: Chad Hannan, Melissa Head, Roger Sandau and Mike Wolf.

Council Member absent: Joe Disalvo.

Staff present: Jodi Quakenbush and Richard Wade.

### **RESOLUTIONS**

Resolution 21-327

Resolution of Intent to enter into a Parking Rights Agreement regarding Mid-America Center and 20 Arena Way with CAVE Industries, LLC, and setting a Public Hearing for Monday November 22, 2021 at 7:00 p.m.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 21-327. Unanimous, 4-0 vote.

(Absent: Disalvo)

### **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 1:05 p.m.

(Absent: Disalvo)

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Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

## Council Communication

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

Ordinance 6477  
ITEM 3.C.

Council Action: 11/22/2021

### Description

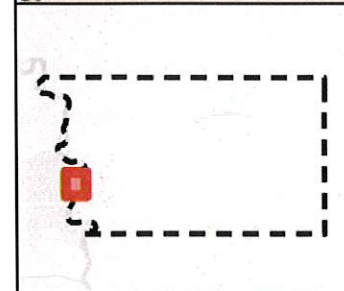
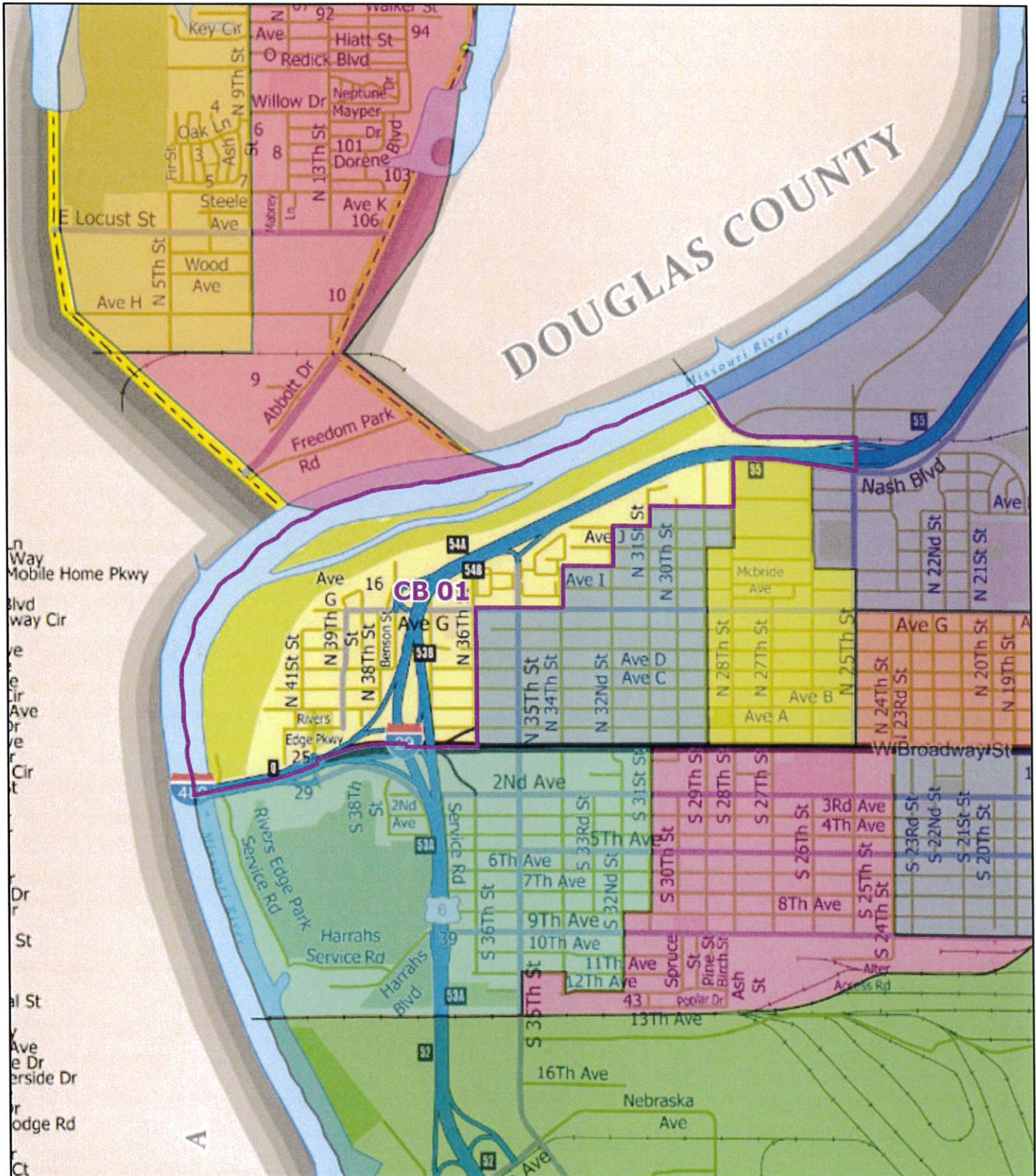
Ordinance to amended Title 1 "Administration and Personnel" of the 2020 Municipal Code, by repealing Chapter 1.90 "Election Precincts" and enacting a new Chapter 1.90 "election Precincts" and setting a public hearing for December 13, 2021.

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Exhibit A	Map	11/17/2021
Ordinance 6477	Ordinance	11/17/2021




## Precinct Name: CB 01

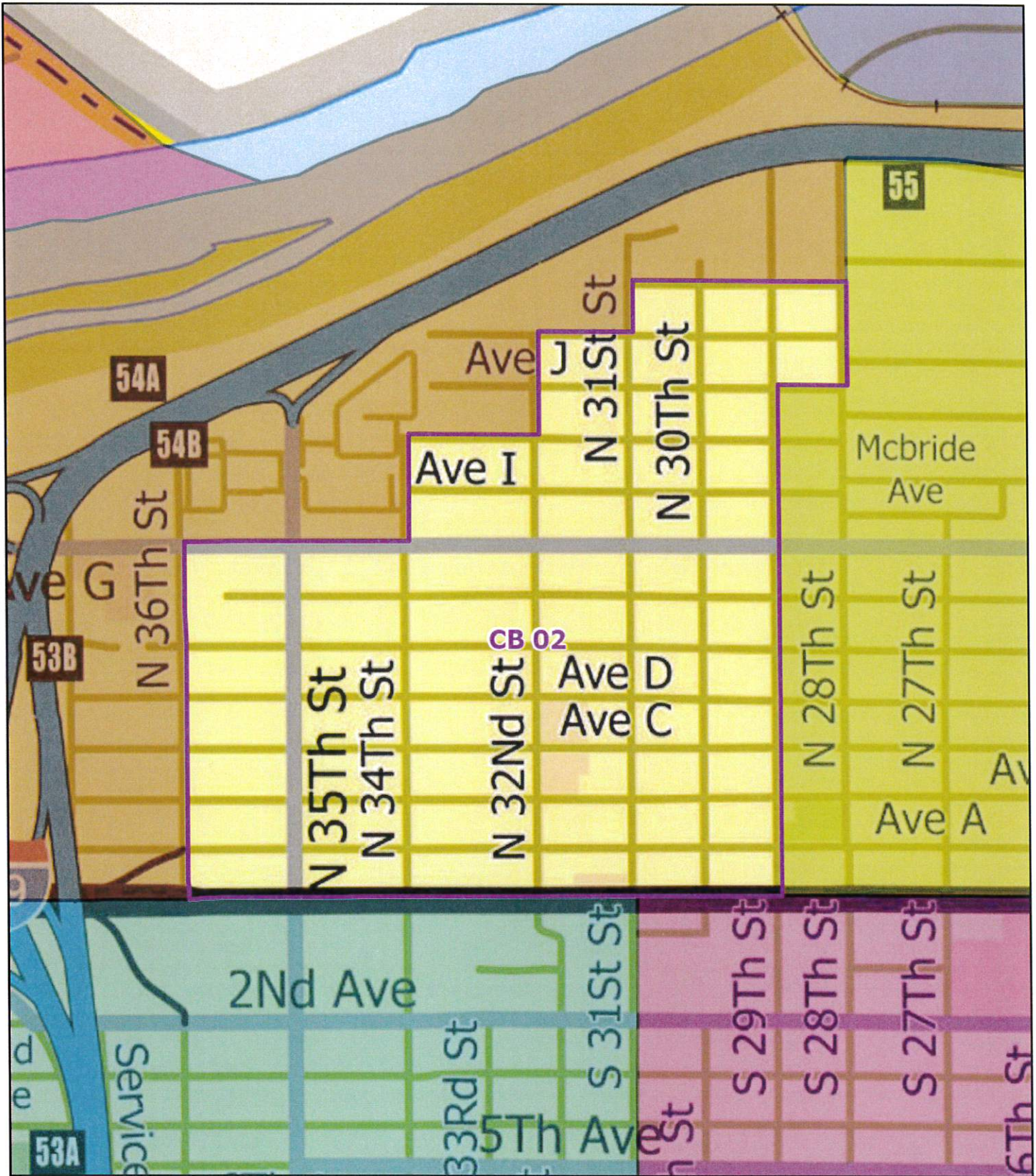


GIS Department  
 225 S 6 St  
 Council Bluffs, IA 51501  
 712.325.4855  
[gis@pottawatomie.gov](mailto:gis@pottawatomie.gov)  
[www.pottawatomie.gov](http://www.pottawatomie.gov)  
 Map Software: ArcGIS  
 Aerial Photography:  
 Google Earth/Mapbox

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### Legend

 2020 Census Voting Precincts



55

54A

54B

53B

CB 02

53A


## Precinct Name: CB 02

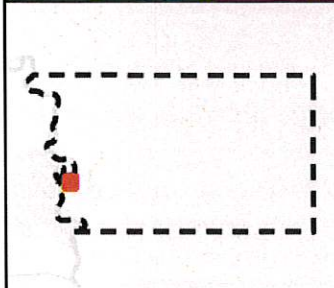
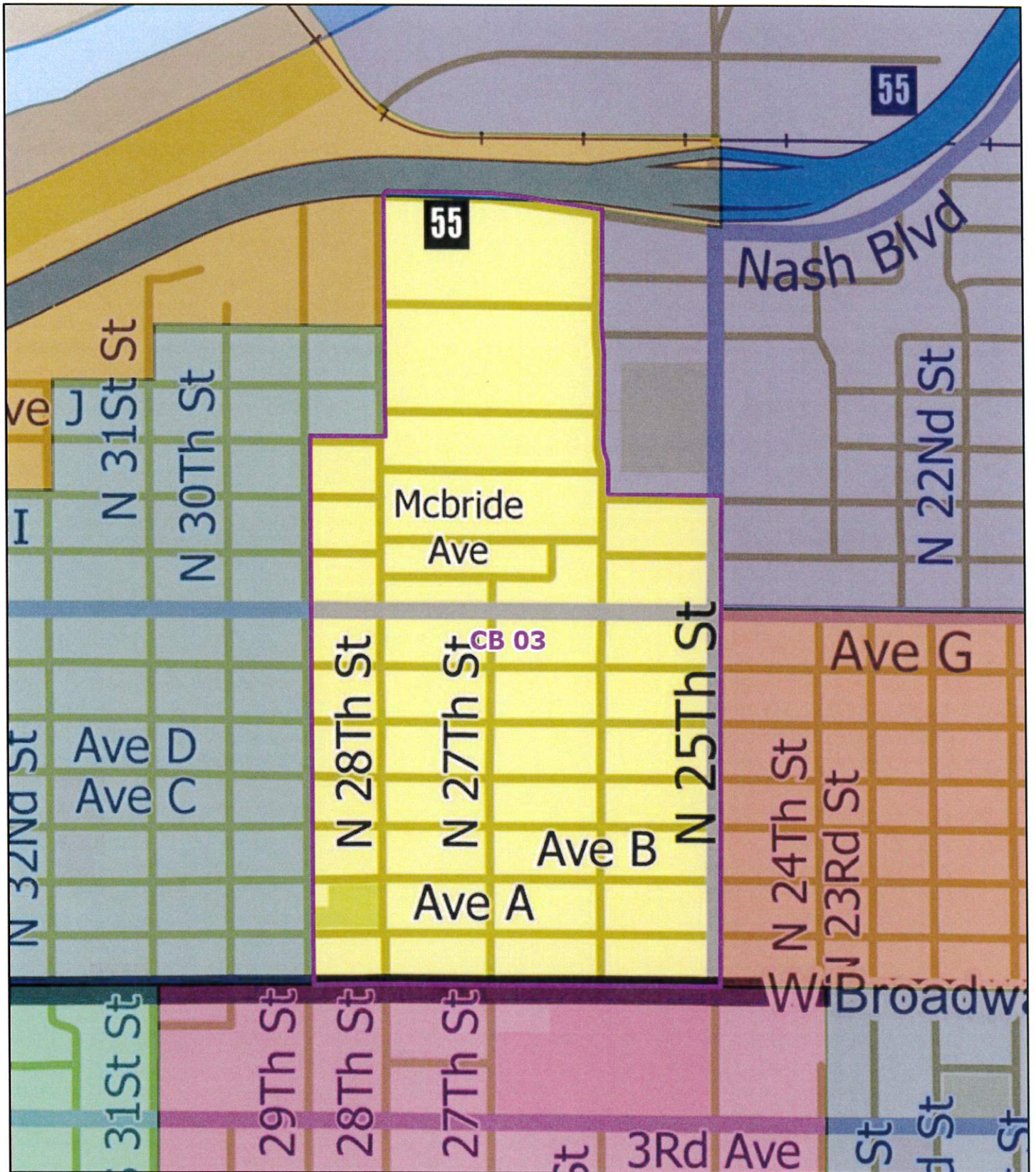


GIS Department  
 225 S 8 St  
 Council Bluffs, IA 51501  
 712.328.4881  
[gis@postcountyle.gov](mailto:gis@postcountyle.gov)  
[www.gis.postcountyle.gov](http://www.gis.postcountyle.gov)  
 Map updated: 11/17/2017  
 Jerald Pratsigapap  
 Director, Information Systems

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### Legend

 2020 Census Voting Precincts




## Precinct Name: CB 03



GIS Department  
 225 S B St  
 Portland, OR 97201  
 503.944.2000  
[gis@portlandoregon.gov](mailto:gis@portlandoregon.gov)  
[www.portlandoregon.gov](http://www.portlandoregon.gov)  
 Map Applications: 503.944.2000  
 Aerial Photography:  
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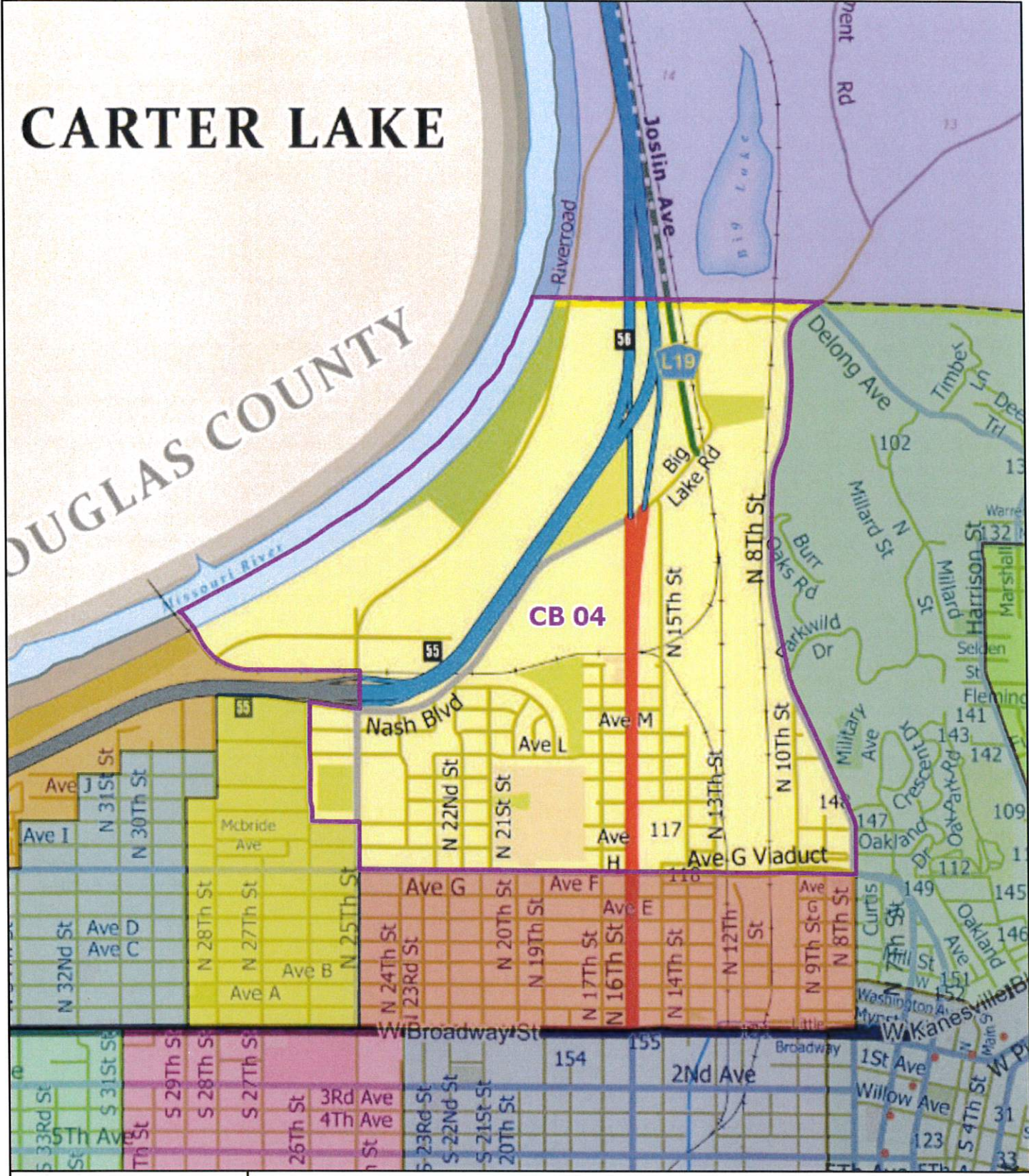
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### Legend

 2020 Census Voting Precincts

# CARTER LAKE

DOUGLAS COUNTY



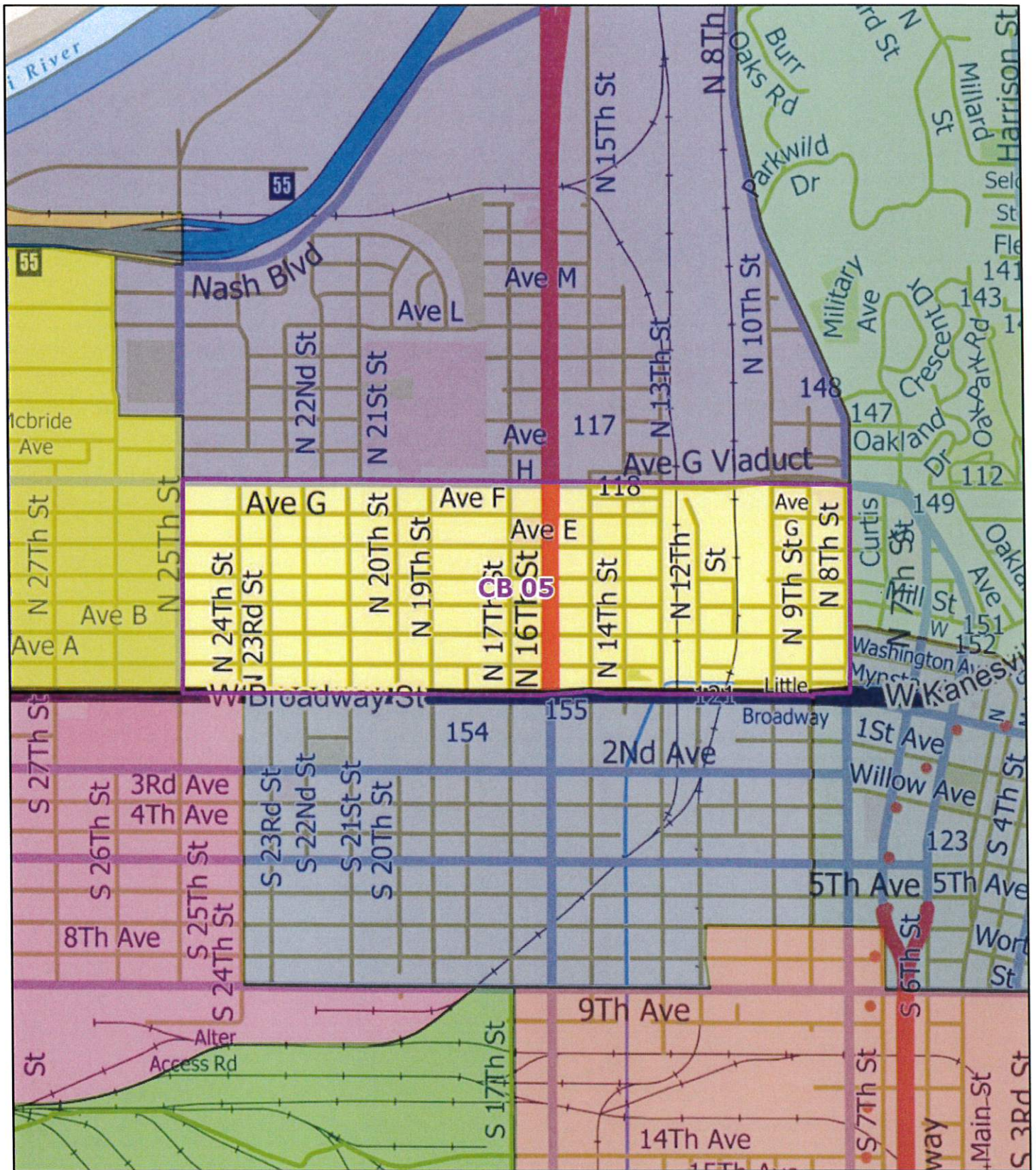
Precinct Name: **CB 04**



GIS Department  
 223 S E St  
 Council Bluffs, IA 51501  
 712.226.4221  
 gis@postoffice.gov  
 www.gis.postoffice.gov  
 Map updated: 11/17/2021  
 GIS Department

**Legend**  
 2020 Census Voting Precincts

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# Precinct Name: CB 05

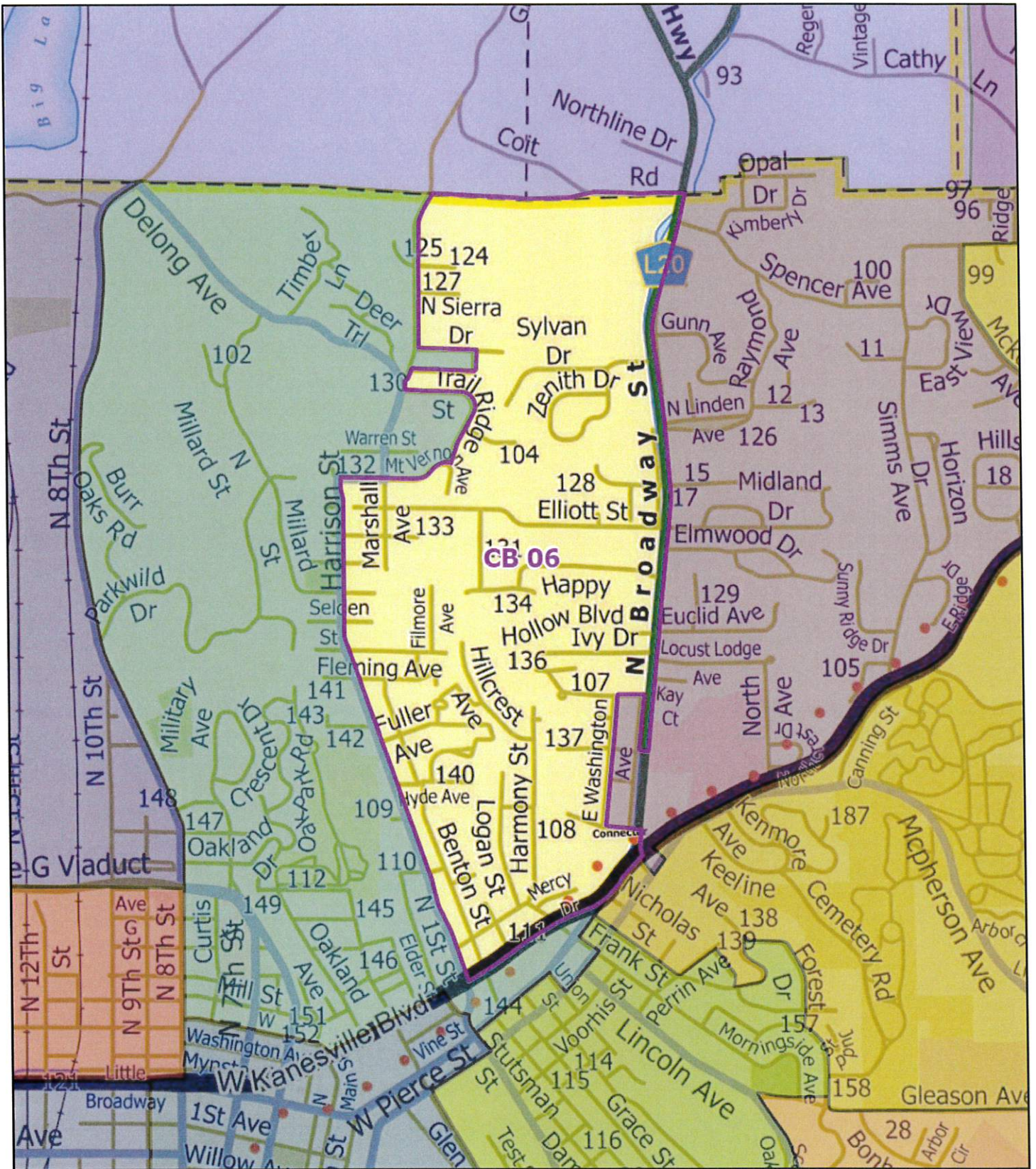


GIS Department  
 223 S 8 St  
 Council Bluffs, IA 51501  
 712.225.4822  
[gis.pottawattami-ia.gov](http://gis.pottawattami-ia.gov)  
[www.gis.pottawattami-ia.gov](http://www.gis.pottawattami-ia.gov)  
 Map File ID: 42-707732  
 Date of Publication: 1/1/2020  
 Author: Pottawattami GIS


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## Legend

 2020 Census Voting Precincts



# Precinct Name: CB 06

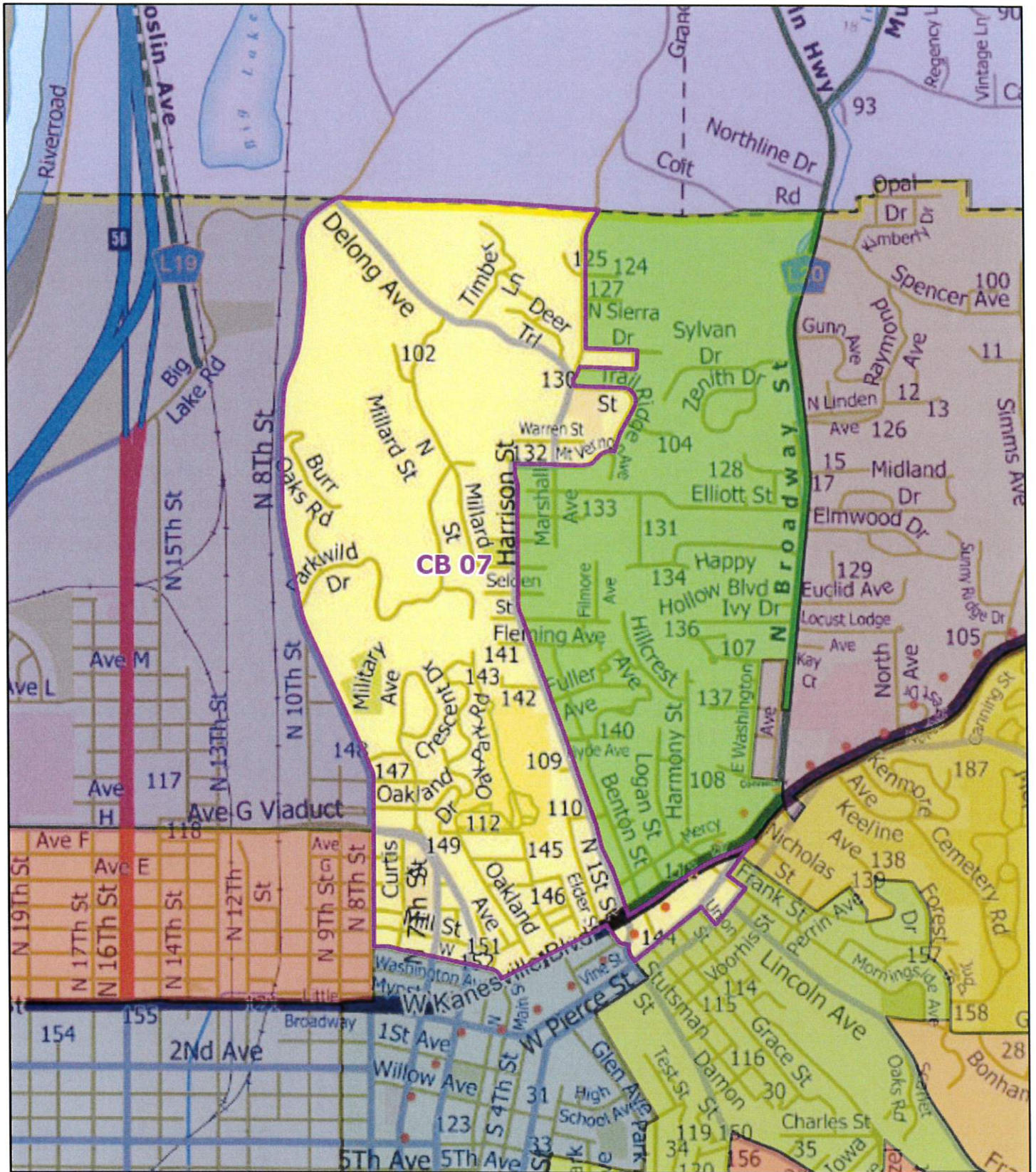
**Legend**  
 2020 Census Voting Precincts



GIS Department  
 225 S St  
 Columbus, GA 31901  
 706.225.4555  
[gis@pattersoncounty-ia.gov](mailto:gis@pattersoncounty-ia.gov)  
[www.gis.pattersoncounty-ia.gov](http://www.gis.pattersoncounty-ia.gov)  
 Map Date: 11/17/2022  
 Author: GIS Department


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## Precinct Name: CB 07

### Legend

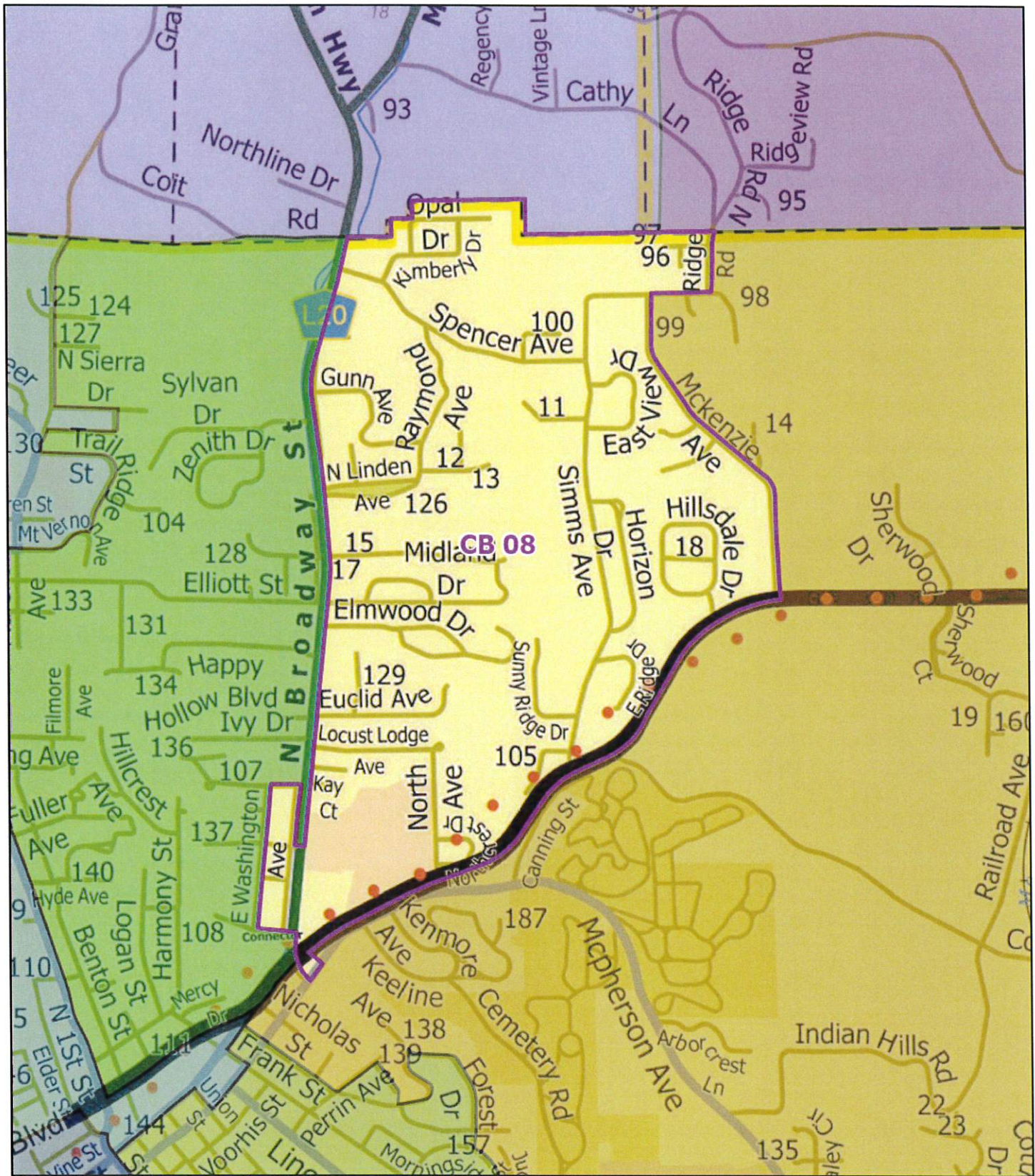
 2020 Census Voting Precincts



GIST Department  
 205 S B St  
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 Max Koblanski, GIS Director  
 Jarral Khatyapov, GIS Analyst  
 Jessica Williams, GIS Analyst

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## Precinct Name: CB 08

### Legend

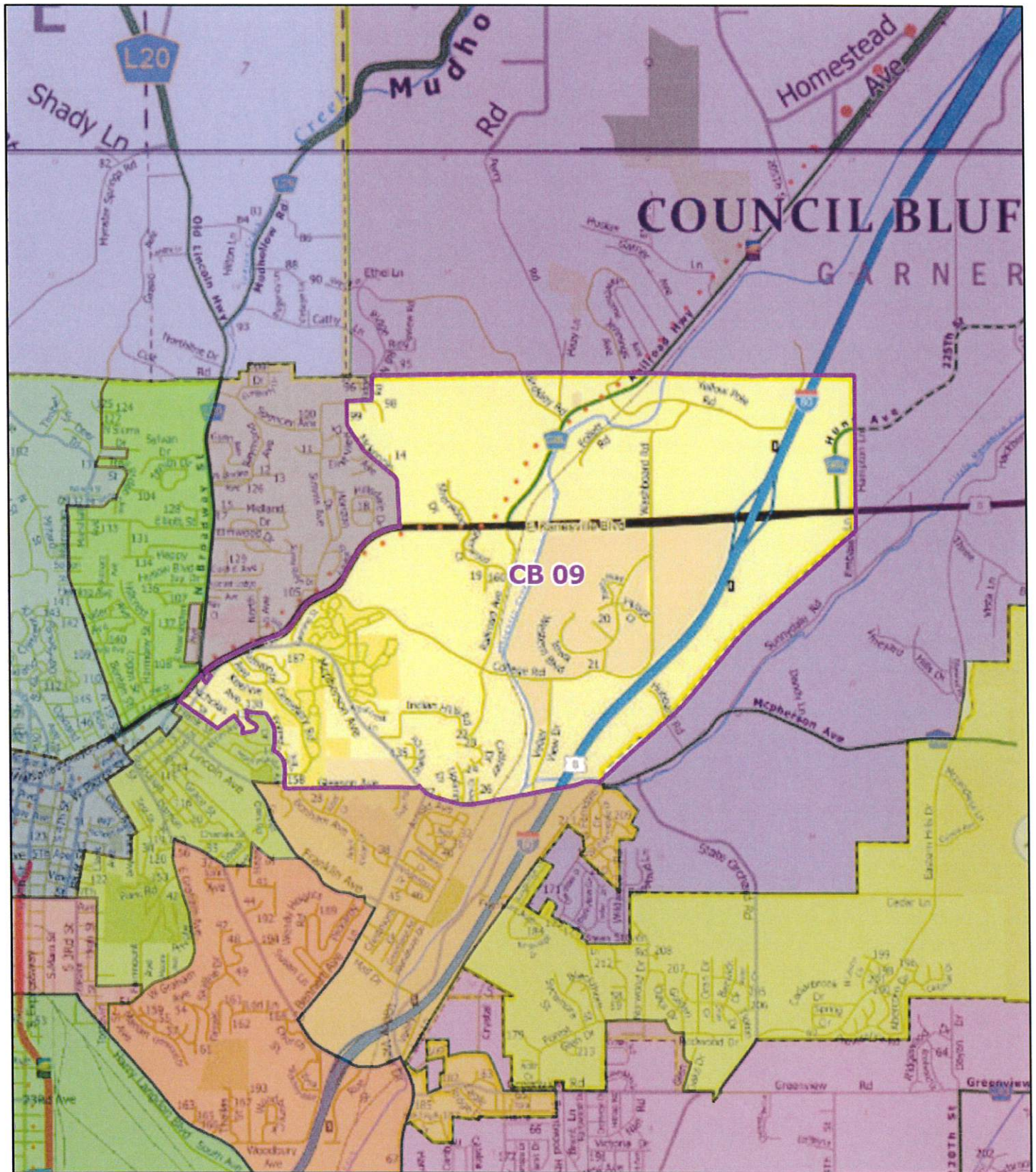
 2020 Census Voting Precincts



City Department  
 223 S 5 St  
 Council Bluffs, IA 51501  
 712.224.4331  
[www.portersville-ia.gov](http://www.portersville-ia.gov)  
 Map Updated: 11/27/2021  
 Aerial Photo: 2018


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## Precinct Name: CB 09

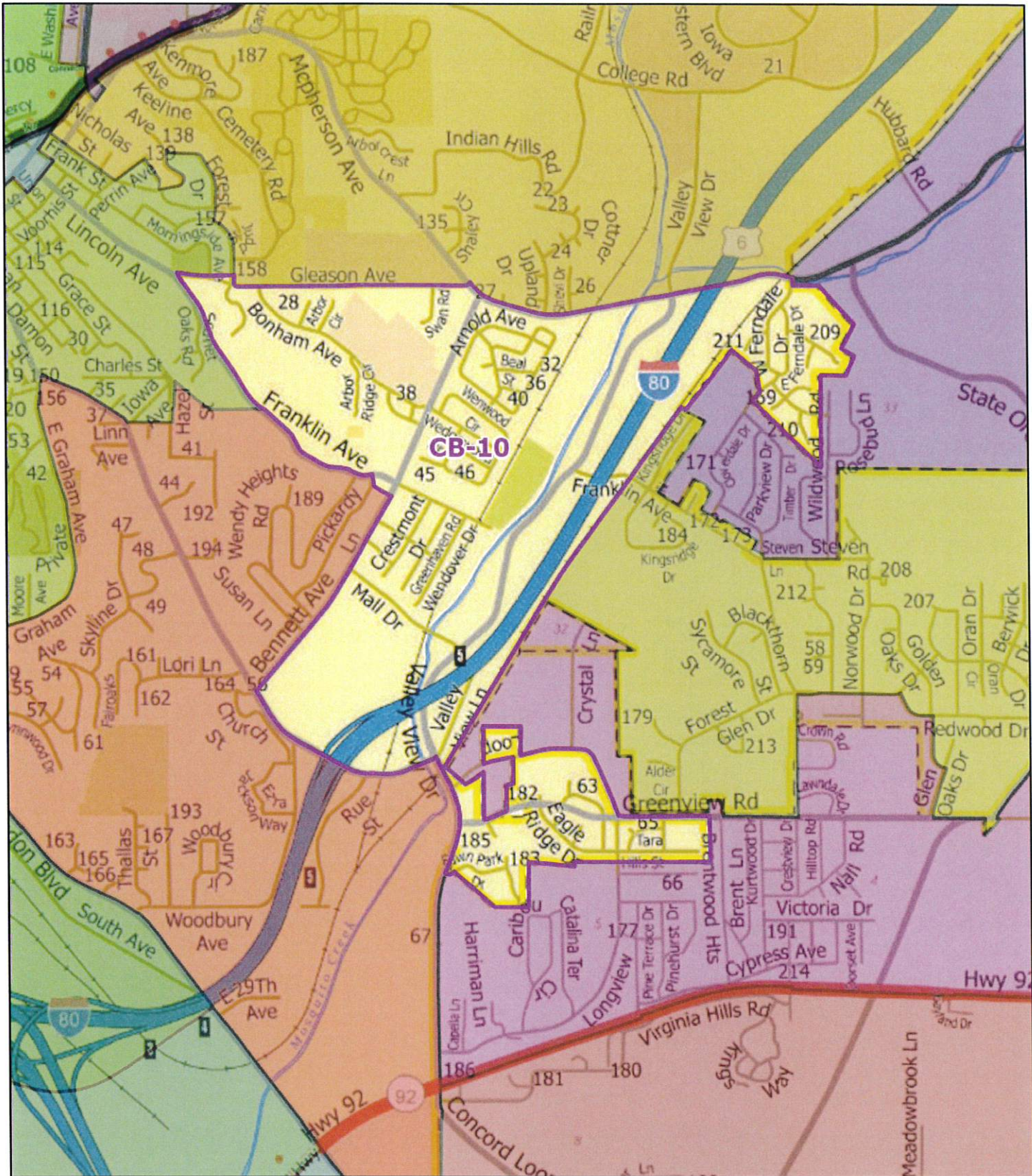
### Legend

 2020 Census Voting Precincts



GIS Department  
 225 S St  
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 712.224.4333  
 gis@polkcounty-ia.gov  
 www.gis.polkcounty-ia.gov  
 Map Produced: 11/17/2021  
 Janel Hinkle@gis.gov

Information on this map was derived from the 2020 Census of Population and Housing, Census of Iowa, and the 2020 Census of Population and Housing, Census of Iowa. The information on this map was derived from the 2020 Census of Population and Housing, Census of Iowa, and the 2020 Census of Population and Housing, Census of Iowa. The information on this map was derived from the 2020 Census of Population and Housing, Census of Iowa, and the 2020 Census of Population and Housing, Census of Iowa.



**CB-10**

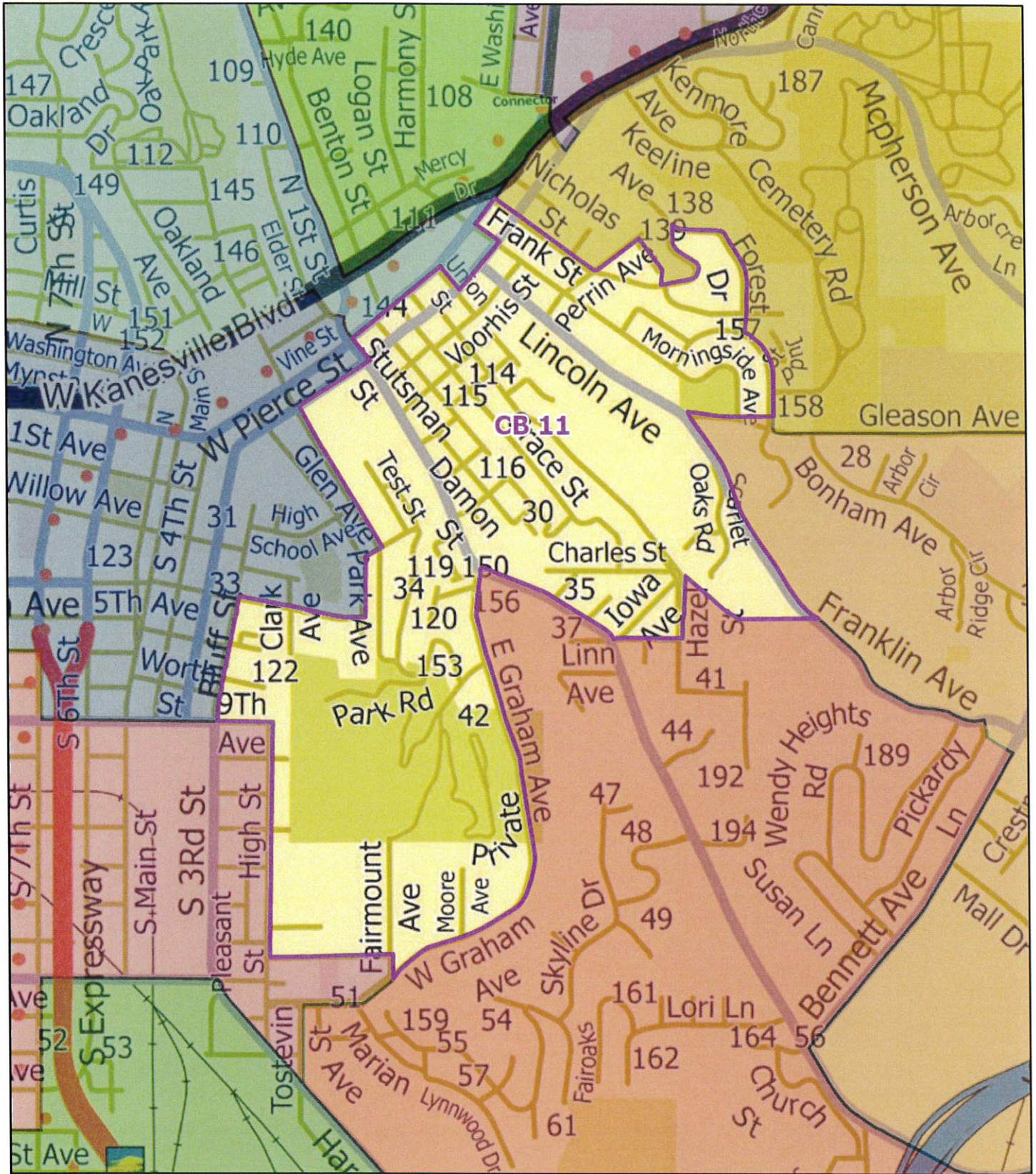
## Precinct Name: CB-10

**Legend**  
 2020 Census Voting Precincts



GIS Department  
 223 S E St  
 Council Bluffs, LA 70801  
 713-333-4333  
 gis@cityofbatonrouge.gov  
 www.cityofbatonrouge.gov  
 Map Produced: 11/17/2021  
 Sarah H. Hightower  
 Director, Information Systems

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## Precinct Name: CB 11

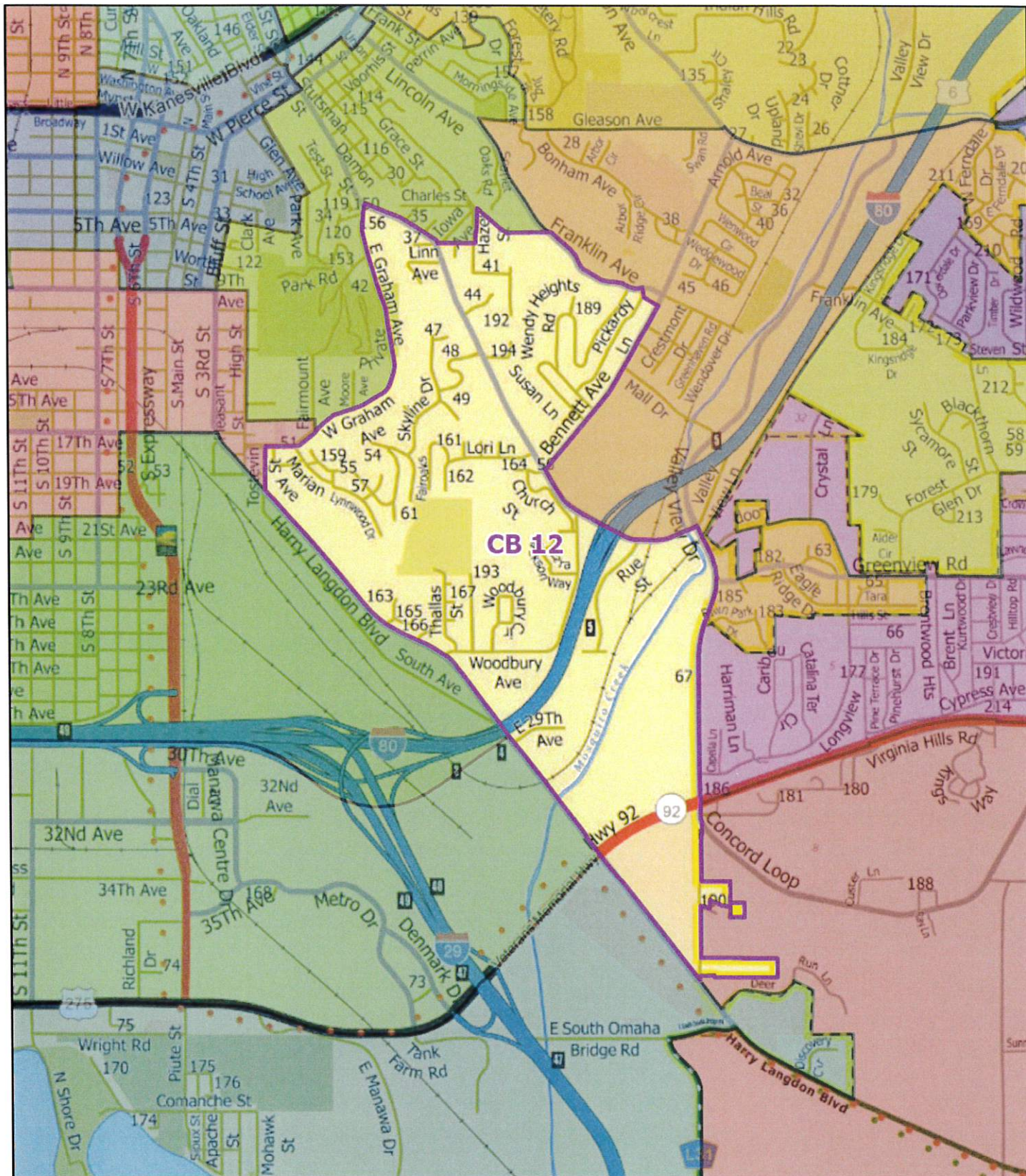


GIS Department  
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 Map Data by Esri, DeLorme, Garmin, and other sources.  
 Base Map: Bing

Representative Districts made in representation of citizens as in the territory of this state and in the territory of the United States. They shall not have special legislative powers or be subject to special laws. They shall not have the right to originate bills or resolutions, nor shall they have the right to originate or amend bills or resolutions, nor shall they have the right to originate or amend bills or resolutions, nor shall they have the right to originate or amend bills or resolutions.

### Legend


 2020 Census Voting Precincts

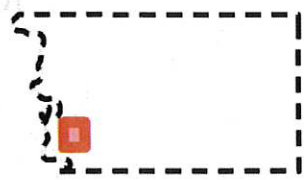


**CB 12**

# Precinct Name: CB 12

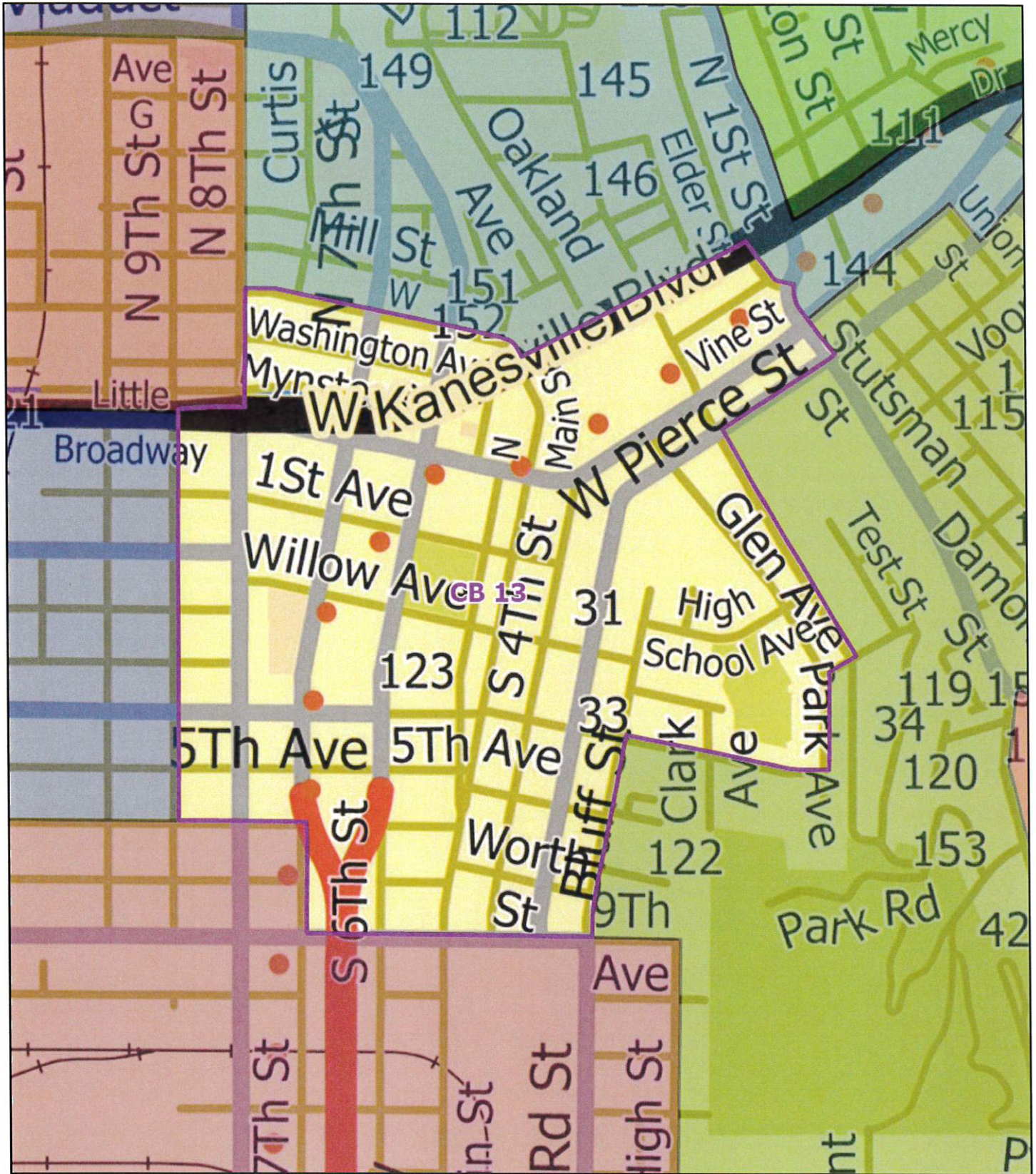
## Legend

 2020 Census Voting Precincts



GIS Department  
 222 S S St  
 Council Bluffs, IA 51501  
 712.224.4311  
 gis@pataskala-ia.gov  
 www.pataskala-ia.gov  
 Map Produced: 11/17/2021  
 Date of Data: 06/01/2021  
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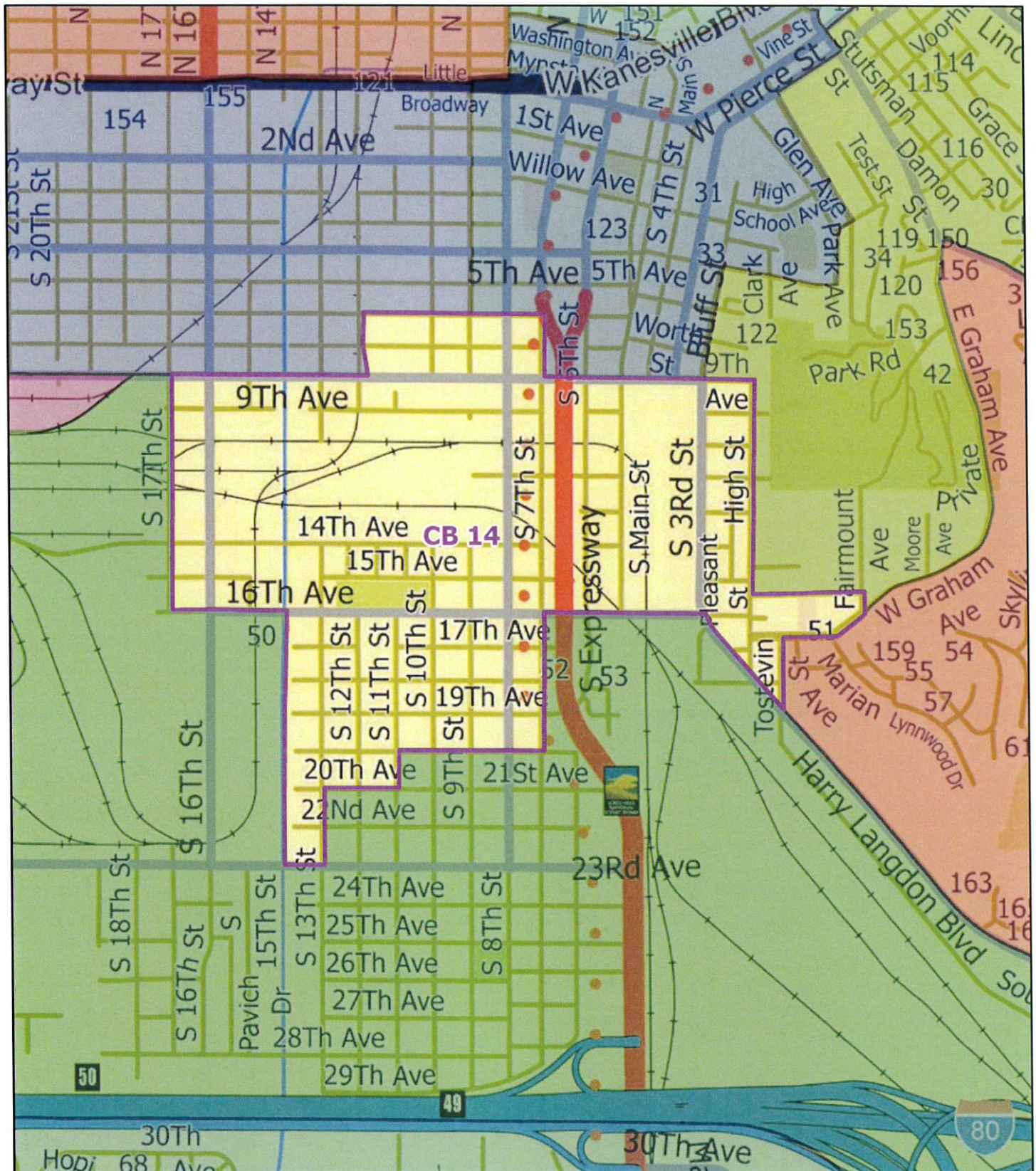
# Precinct Name: CB 13

Legend  
 2020 Census Voting Precincts

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[gis.ci.pottawattami-ia.gov](http://gis.ci.pottawattami-ia.gov)  
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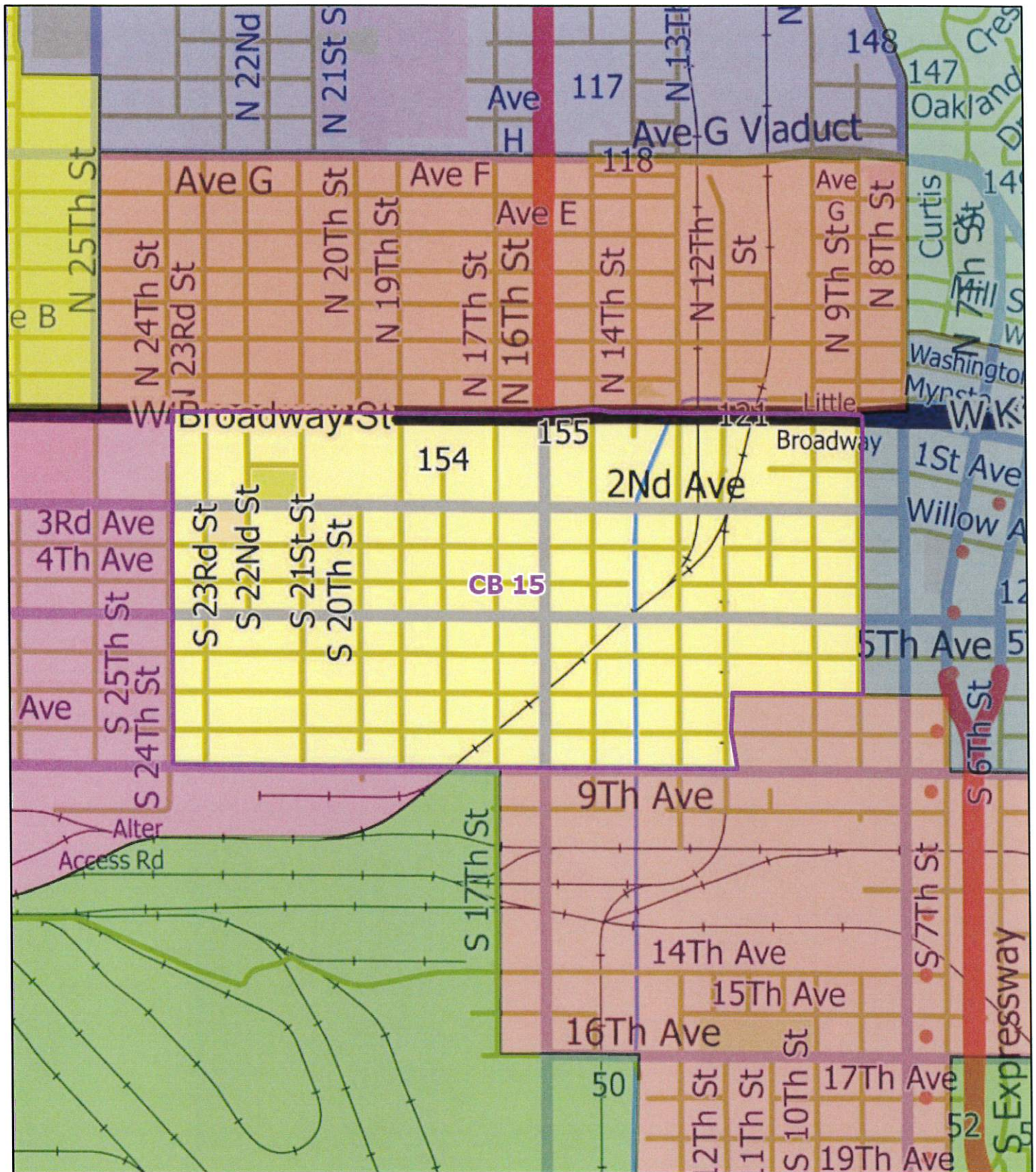


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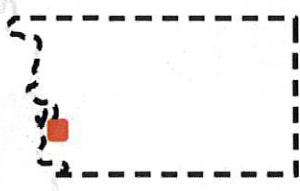
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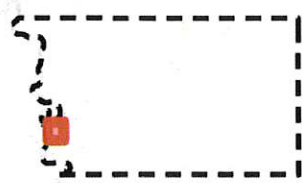
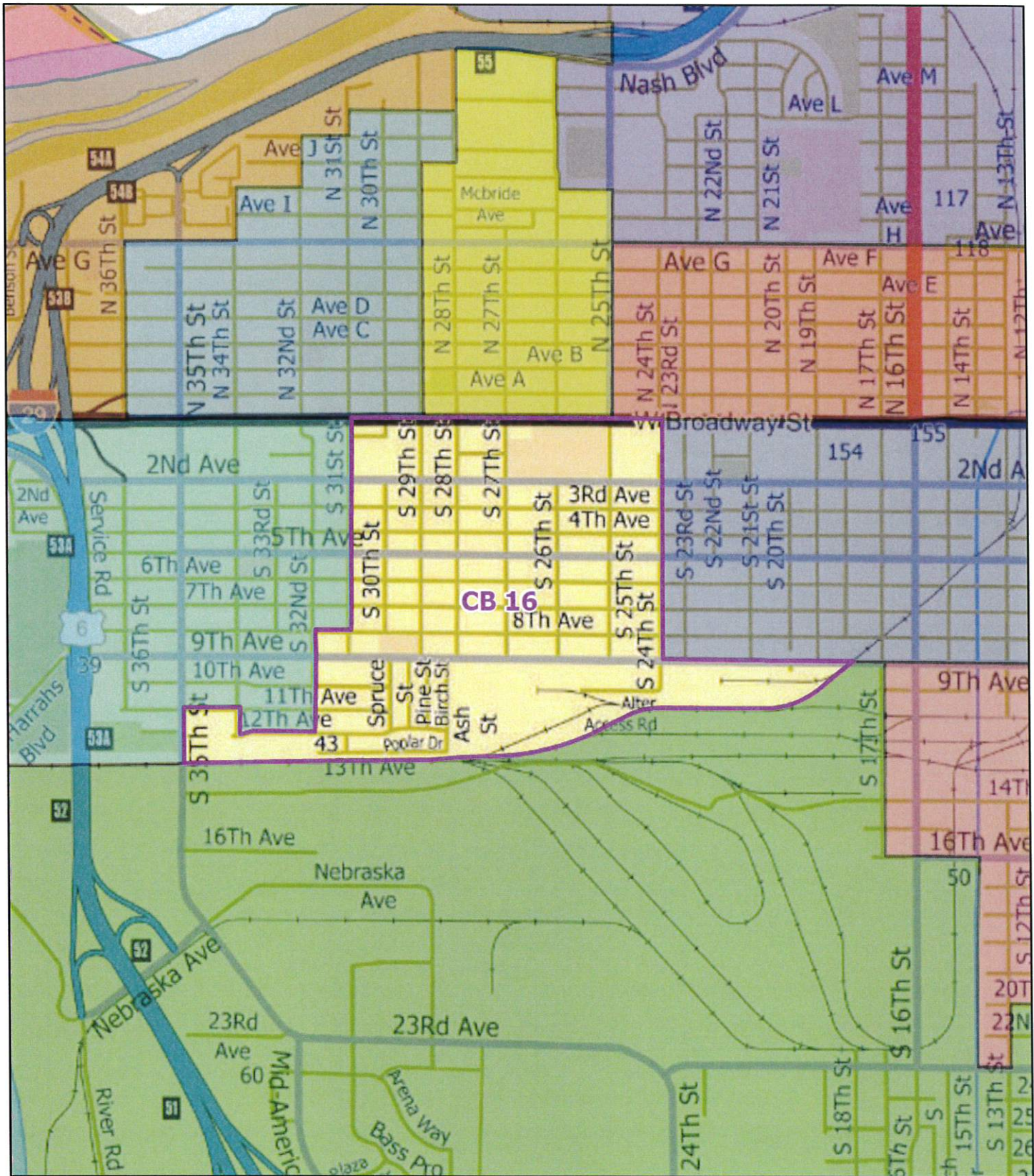
 2020 Census Voting Precincts



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 Council Bluffs, IA 51501  
 712.225.4255  
[gis@patrickcounty-ia.gov](http://gis.patrickcounty-ia.gov)  
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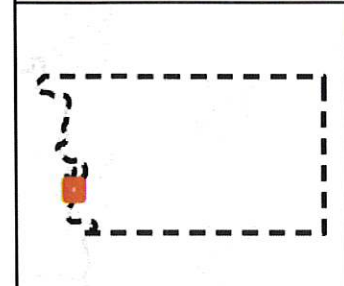
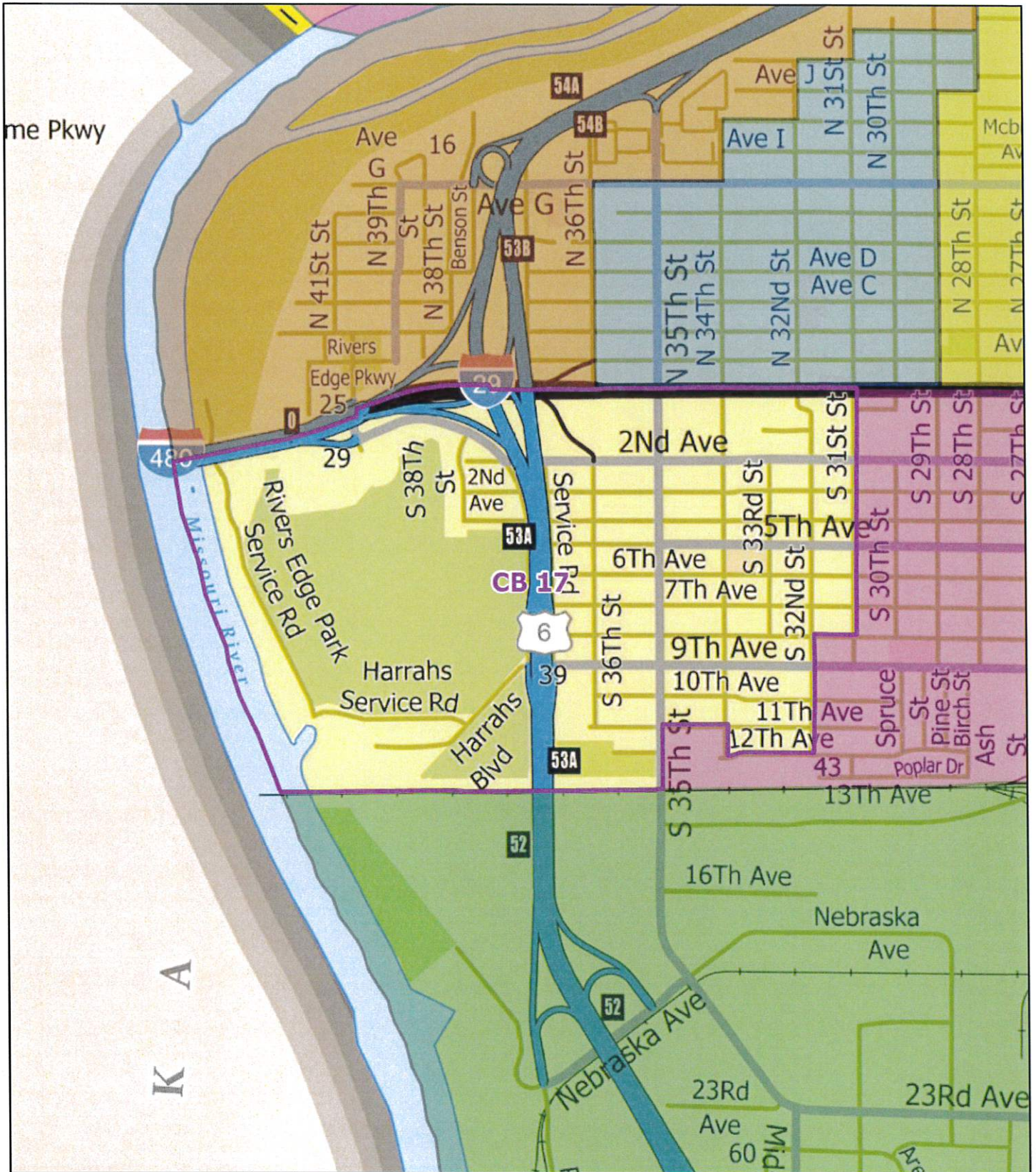


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[www.gis.polkcountyia.gov](http://www.gis.polkcountyia.gov)  
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### Legend

 2020 Census Voting Precincts



# Precinct Name: CB 17



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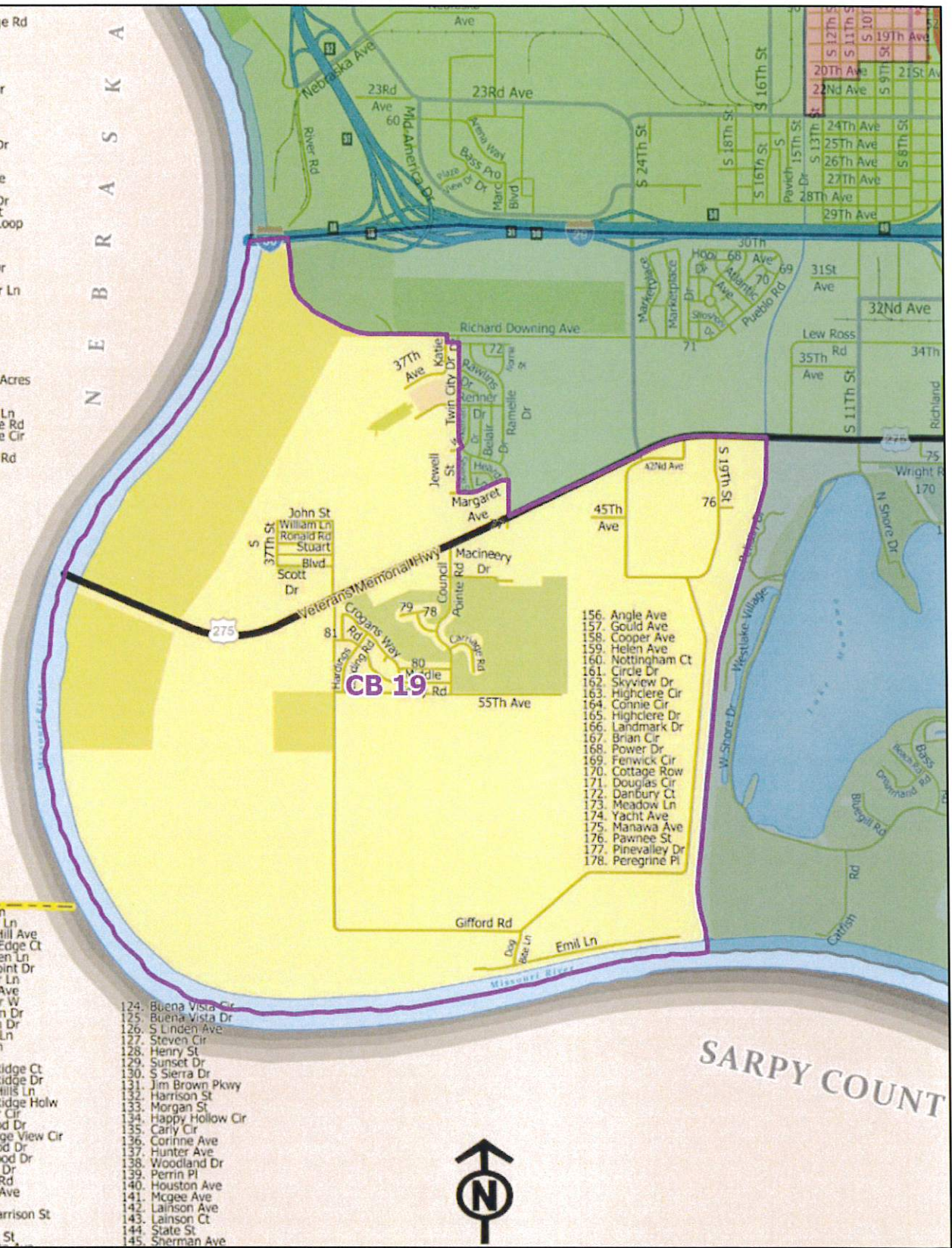
## Legend

2020 Census Voting Precincts



- 41. Lindberg Dr
- 42. Fairmont Lodge Rd
- 43. Maple St
- 44. Autumn Cir
- 45. Wenwood Ct
- 46. Windsor Ave
- 47. Hawthorne Ct
- 48. Timbercrest Dr
- 49. Ironwood Ct
- 50. S 14Th St
- 51. Jane St
- 52. 18Th Ave
- 53. Fred Galvani Dr
- 54. Royal Rd
- 55. Lee St
- 56. W Bennett Ave
- 57. Becky Ln
- 58. Charles Park Dr
- 59. Seven Oaks St
- 60. Mid-America Loop
- 61. Bonneville Ln
- 62. Oneida Cir
- 63. Delmar Cir
- 64. Devonwood Dr
- 65. Melanie Cir
- 66. Beverly Manor Ln
- 67. Conifer Ln
- 68. Cheyenne Ln
- 69. Onawa Ave
- 70. Wyandot Rd
- 71. Pueblo Rd Ln
- 72. Summer Dr
- 73. McDermott St
- 74. Country Club Acres
- 75. Lakeshore Ct
- 76. 44Th Ave
- 77. Chapel Ridge Ln
- 78. Traders Pointe Rd
- 79. Traders Pointe Cir
- 80. Gold Rush Rd
- 81. Wagons Way Rd

N E B R A S K A



CB 19

- 156. Angle Ave
- 157. Gould Ave
- 158. Cooper Ave
- 159. Helen Ave
- 160. Nottingham Ct
- 161. Circle Dr
- 162. Skyview Dr
- 163. Highclere Cir
- 164. Connie Cir
- 165. Highclere Dr
- 166. Landmark Dr
- 167. Brian Cir
- 168. Power Dr
- 169. Fenwick Cir
- 170. Cottage Row
- 171. Douglas Cir
- 172. Danbury Ct
- 173. Meadow Ln
- 174. Yacht Ave
- 175. Manawa Ave
- 176. Pawnee St
- 177. Pinevalley Dr
- 178. Peregrine Pl

- 82. Shady Ln
- 83. Memory Ln
- 84. School Hill Ave
- 85. Waters Edge Ct
- 86. Evergreen Ln
- 87. Shoal Point Dr
- 88. Hanover Ln
- 89. Murray Ave
- 90. Ridge Dr W
- 91. Hessman Dr
- 92. Cachelin Dr
- 93. Council Ln
- 94. Silver Ln
- 95. Alta Ln
- 96. Tower Ridge Ct
- 97. Tower Ridge Dr
- 98. Prairie Hills Ln
- 99. Tower Ridge Holw
- 100. Spencer Cir
- 101. Surfwood Dr
- 102. Oak Ridge View Cir
- 103. Lindwood Dr
- 104. Crestwood Dr
- 105. Dillman Dr
- 106. Airport Rd
- 107. Norton Ave
- 108. Oak St
- 109. Little Harrison St
- 110. Hall St
- 111. Baughn St

- 124. Buena Vista Cir
- 125. Buena Vista Dr
- 126. S Linden Ave
- 127. Steven Cir
- 128. Henry St
- 129. Sunset Dr
- 130. S Sierra Dr
- 131. Jim Brown Pkwy
- 132. Harrison St
- 133. Morgan St
- 134. Happy Hollow Cir
- 135. Carly Cir
- 136. Corinne Ave
- 137. Hunter Ave
- 138. Woodland Dr
- 139. Perrin Pl
- 140. Houston Ave
- 141. Mcgee Ave
- 142. Lainson Ave
- 143. Lainson Ct
- 144. State St
- 145. Sherman Ave

SARPY COUNTY



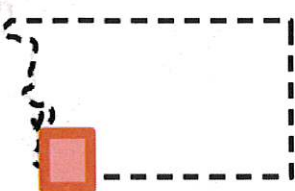
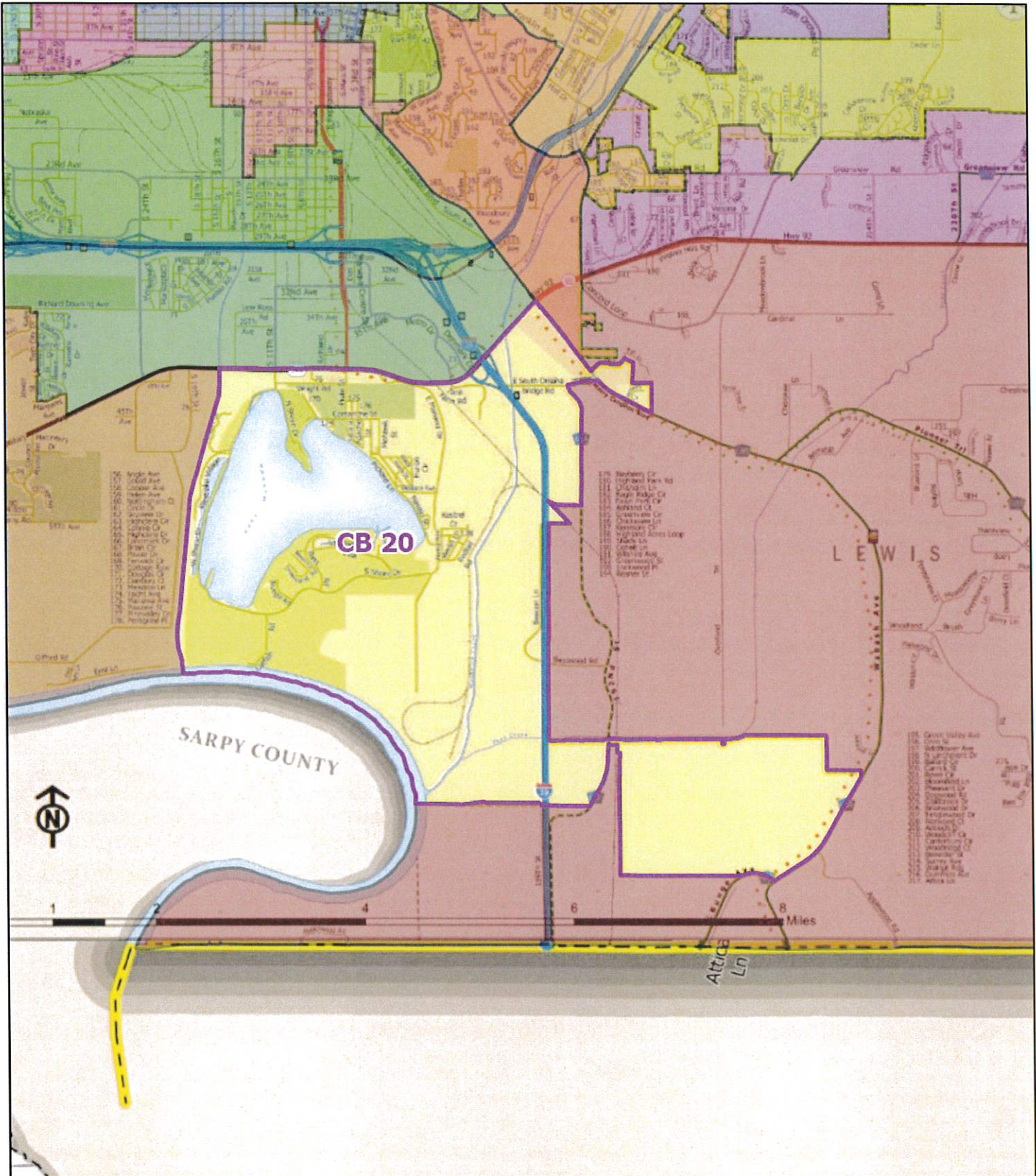
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**Legend**  
 2020 Census Voting Precincts



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 Sarah K. Gapp  
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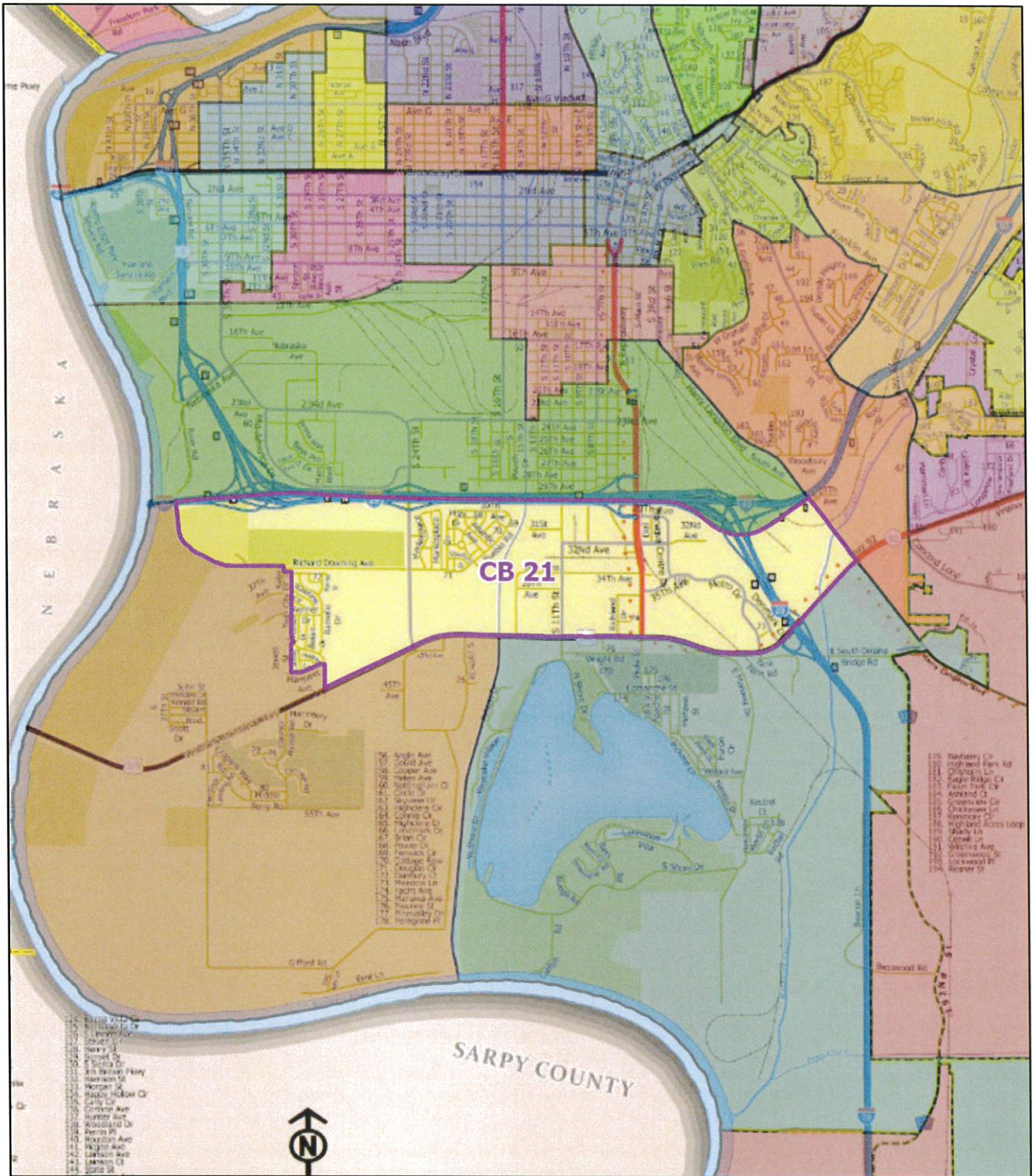


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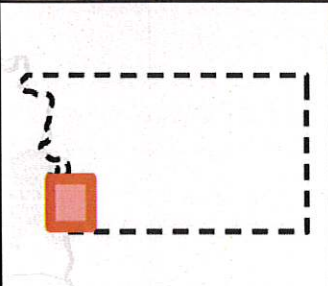
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 712.325.4885  
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 Map File Name: 10-17-2020  
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**CB 21**

SARPY COUNTY



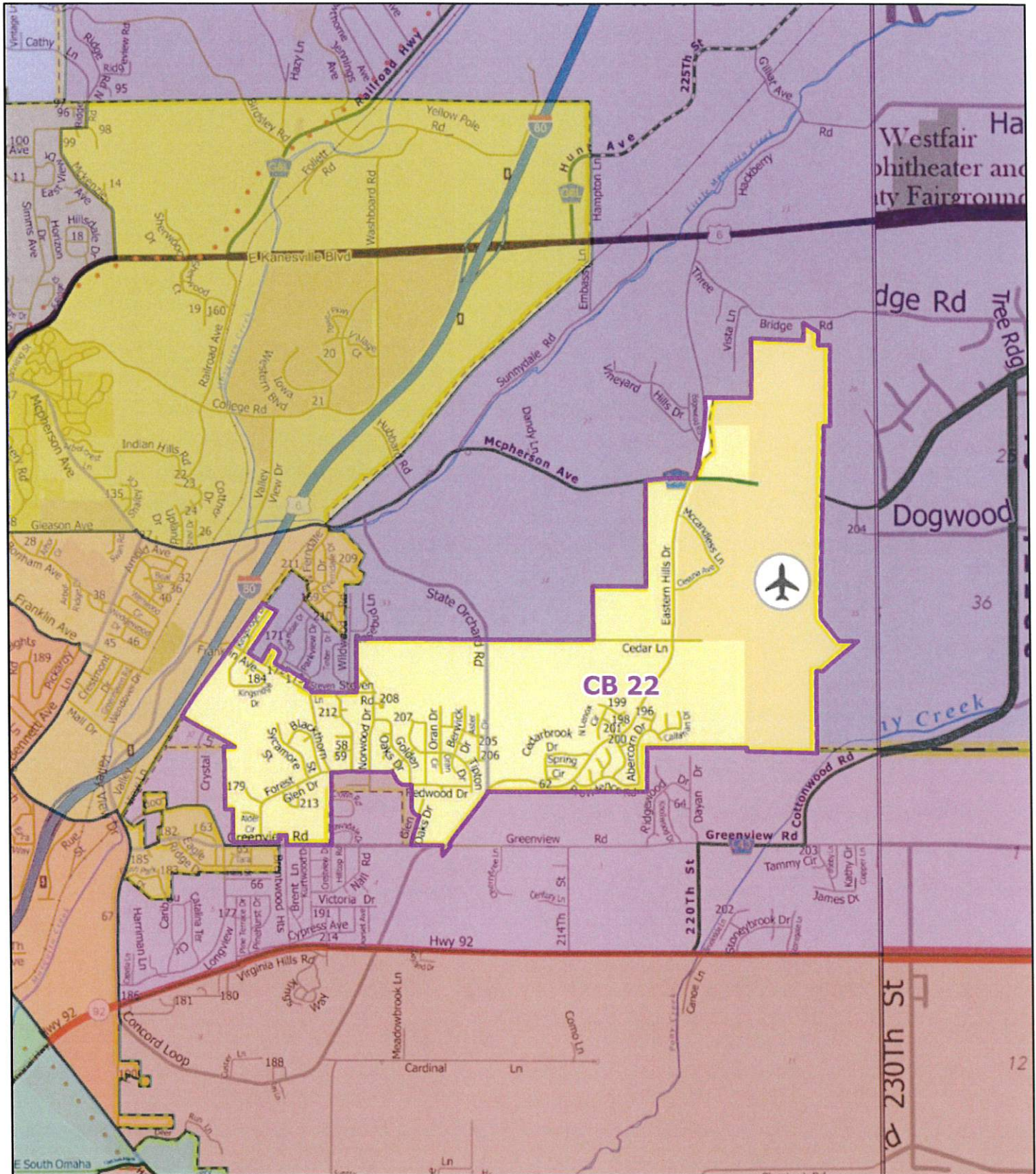
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## Legend

 2020 Census Voting Precincts

ORDINANCE NO. 6477

AN ORDINANCE to amend Title 1 “Administration and Personnel” of the 2020 Municipal Code of Council Bluffs, Iowa, by repealing Chapter 1.90 “Election Precincts” and enacting a new Chapter 1.90 “Election Precincts”.

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

**SECTION 1.** That Title 1 “Administration and Personnel” of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Chapter 1.90 “Election Precincts” in its entirety.

**SECTION 2.** That Title 1 “Administration and Personnel” of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting a new Chapter 1.90 “Election Precincts”, to read as follows:

CHAPTER 1.90  
“ELECTION PRECINCTS”

Section:

1.90.010 Precincts established.

**1.90.010 Precincts established.** The City of Council Bluffs, Iowa, shall be divided into 22 precincts. The boundaries and precinct numbers thereof shall be as set forth in Exhibit “A” attached hereto.

**SECTION 3. Repealer.** All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. (Ordinance No. 5664, 2001 – Ordinance No. 6138, 2011)

**SECTION 4. 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 5. Effective Date.** This ordinance shall be in full force and effect from and after January 15, 2022.

PASSED AND APPROVED

December 13, 2021

ATTEST:

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

\_\_\_\_\_  
Mayor

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

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

First Consideration: November 22, 2021  
Second Consideration: December 13, 2021  
Public Hearing: December 13, 2021  
Third Consideration: Request to waive

## Council Communication

Department: Community  
Development  
Case/Project No.: URV-21-011  
Submitted by: Housing &  
Economic Development

Resolution 21-328  
ITEM 3.D.

Council Action: 11/22/2021

### Description

Resolution of necessity and intent, setting a Public Hearing for January 10, 2022 at 7:00 p.m. to establish the 16th Avenue Urban Revitalization Area, generally located on approximately 34 acres of land along 16th Avenue between S 17th Street and S 20th Street, commonly known as 1700 16th Avenue. URV-21-011

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/9/2021
Attachment A - Boundary Map	Map	11/9/2021
Attachment B - Draft Urban Revitalization Plan	Other	11/9/2021
Exhibit A - Legal Description	Legal Description	11/9/2021
Resolution 21-328	Resolution	11/17/2021

Council Communication

<p>Department: Community Development</p> <p>Case No.: URV-21-011</p> <p>Submitted by: Housing &amp; Economic Development</p>	<p>Resolution No.: 21-</p>	<p>Resolution of Intent: 11/22/2021</p> <p>Planning Commission: 12/14/2021</p> <p>Public Hearing &amp; First Reading: 1/10/2022</p> <p>Second Reading: 1/24/2022</p> <p>Third Reading: Request to Waive</p>
<p><b>Subject/Title</b></p> <p>Resolution of necessity and intent establishing the 16th Avenue Urban Revitalization Area.</p>		
<p><b>Location</b></p> <p>Generally located on approximately 34 acres of undeveloped land located along 16<sup>th</sup> Avenue, west of S 17<sup>th</sup> Street and east of the Union Pacific railyard, and commonly known as 1700 16<sup>th</sup> Avenue.</p>		
<p><b>Background/Discussion</b></p> <p><u>Background</u></p> <p>A development proposal has been submitted to Community Development for the construction of a new cold storage facility to be built on the property, which is currently owned by 1700 16th Ave LLC and Union Pacific Railroad.</p> <p><u>Discussion</u></p> <p>Iowa Code permits the City to establish urban revitalization areas which satisfy one of the five conditions outlined in Section 404.1. Staff believes this project meets the criteria under 404.1.4. Section 404.1.4 discusses an area, which is appropriate as an economic development area as defined in section 403.17. Section 403.17 states an economic development area means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises.</p> <p>Staff has prepared a resolution of intent to establish this project area as an urban revitalization area. The resolution directs staff to develop an urban revitalization plan as required by the Iowa Code, notify property owners and occupants and set January 10, 2022 as a public hearing date. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area, the City is permitted to grant tax abatement to qualified projects.</p> <p>If approved, the project as proposed could be eligible for either full exemption from taxation for three years or a ten year declining property tax abatement.</p>		
<p><b>Recommendation</b></p> <p>The Community Development Department recommends City Council adopt a resolution of necessity and intent establishing the 16th Avenue Urban Revitalization Area.</p>		
<p><b>Attachments</b></p> <p>Attachment A - Boundary Map</p> <p>Attachment B - Draft of the 16th Avenue Urban Revitalization Plan</p>		

Prepared by: Tiffany Schmitt, Community Development Technician, Community Development Department  
 Submitted by: Courtney Harter, Housing & Economic Development Manager, Community Development Department

**16<sup>th</sup> Avenue Urban Revitalization Area - Boundary Map**



# 16th Avenue Urban Revitalization Plan



Prepared by

Community Development Department  
City of Council Bluffs, Iowa

Adopted by

City Council on [REDACTED], 2021

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## **INTRODUCTION**

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate the renovation or construction of new commercial structures resulting in additional employment in the community. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.
3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.
4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

The City of Council Bluffs concluded that the 16th Avenue Urban Revitalization Area meets the criteria of element 4. Consequently, on November 22, 2021, the City Council adopted Resolution No. 21-          , which directed staff to prepare a plan for the proposed revitalization area. Illustration 1 is the City Council Resolution.

**16th Avenue Urban Revitalization Area**  
**Illustration 1 – Resolution**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE 16TH AVENUE URBAN REVITALIZATION AREA GENERALLY LOCATED ON APPROXIMATELY 34 ACRES OF LAND ALONG 16<sup>TH</sup> AVENUE BETWEEN S 17<sup>TH</sup> STREET AND S 20<sup>TH</sup> STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

WHEREAS, the subject area is appropriate as an economic development area as defined in Sections 404.1.4 of the Iowa Code; and

WHEREAS, a proposal has been submitted for the construction of a cold storage facility; and

WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

WHEREAS, a legal description of this area is attached as Exhibit A.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.

**BE IT FURTHER RESOLVED**

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than December 10, 2021.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on January 10, 2022.

**ADOPTED  
AND  
APPROVED:** \_\_\_\_\_, 2021

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

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

URV-21-011

## LEGAL DESCRIPTION

The 16th Avenue Urban Revitalization Area is a tract of land consisting of three parcels legally described as:

A parcel of land situated in the North Half (N1/2) of Section 2, Township 74 North, Range 44 West and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 35, Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, State of Iowa, according to an official plat of said land filed in the District Land Office, bounded and described as follows: Beginning at a point on the North-South centerline of said Section 2, from which point the center of said section bears South, 264.98 feet; thence North 89 degrees 50 minutes 17 seconds East, 200.00 feet; thence North 00 degrees 00 minutes 17 sections East, 2150.79 feet to the south line of 16th Avenue; thence along said south line South 89 degrees 30 minutes 12 seconds West, 200.0 feet to a point on said North-South centerline of said Section 2; thence along said North-South centerline North 20.90 feet to the north quarter corner of said Section 2; thence along the North-South centerline of said Section 35, North 00 degrees 21 minutes 09 seconds West, 60.0 feet to a point on the north line of 16th Avenue, said point also being the southwest corner of Lot 12, Block 36, Fleming and Davis addition; thence South 89 degrees 38 minutes 51 seconds West, 16.0 feet; thence North 00 degrees 21 minutes 09 seconds West, 646.37 feet to a point on the south line of 14th Avenue prolonged, said point being South 89 degrees 38 minutes 53 seconds West, 16.0 feet from the northwest corner of Lot 1, Block 29, Fleming and Davis Addition; thence South 89 degrees 38 minutes 53 seconds West, 379.00 feet; thence South 75 degrees 42 minutes 26 seconds West, 399.46 feet; thence South 82 degrees 12 minutes 26 seconds West, 126.58 feet; thence South 21 degrees 28 minutes 31 seconds East, 2490.70 feet to a point on the North-South centerline of said Section 2; thence along said North-South centerline, South 441.28 feet to the Point of Beginning. Containing an area of 1,548,471 square feet, more or less, or 35.548 acres, more or less.

### **AND**

A parcel of land legally described as being the East 16 feet of the South 686 feet, except the South 178 feet of the North 323 feet, all in the SE1/4 SW1/4 of Section 35-75-44, City of Council Bluffs, Pottawattamie County, Iowa. Said parcel of land contains an area of 8,276 square feet more or less, or .19 acres, more or less.

Illustration 2 shows the location and the boundary of the 16th Avenue Urban Revitalization Area, which consists of 34.18 acres.

16th Avenue Urban Revitalization Area  
Illustration 2 – Boundary



## PROPERTY OWNERS AND ASSESSED VALUATIONS

The 16th Avenue Urban Revitalization Area will be comprised of approximately 34.18 acres on three undeveloped parcels of land. The total valuation (\$) for all land, dwellings, and buildings in this urban revitalization area are as follows:

Parcel Number	Owner Address	Land Valuation	Dwelling Valuation	Improvement Valuation	Total Valuation	Acres
754435376001	1700 16TH AVE LLC 129 N 10TH ST LINCOLN, NE 68508	\$12,300	\$0	\$0	\$12,300	11.11
744402100003	1700 16TH AVE LLC 129 N 10TH ST LINCOLN, NE 68508	\$28,000	\$0	\$0	\$28,000	22.88
754435376002	UP LAND RESOURCES CORP C/O UNION PACIFIC RAILROAD CO 1400 DOUGLAS ST STOP 1640 OMAHA, NE 68179-1640	\$900	\$0	\$0	\$900	0.19
<b>Total:</b>		<b>\$41,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,200</b>	<b>34.18</b>

Valuation was obtained from the records of the Pottawattamie County Assessor. Land valuation for the area is estimated at \$41,200.

## EXISTING ZONING AND PROPOSED LAND USE

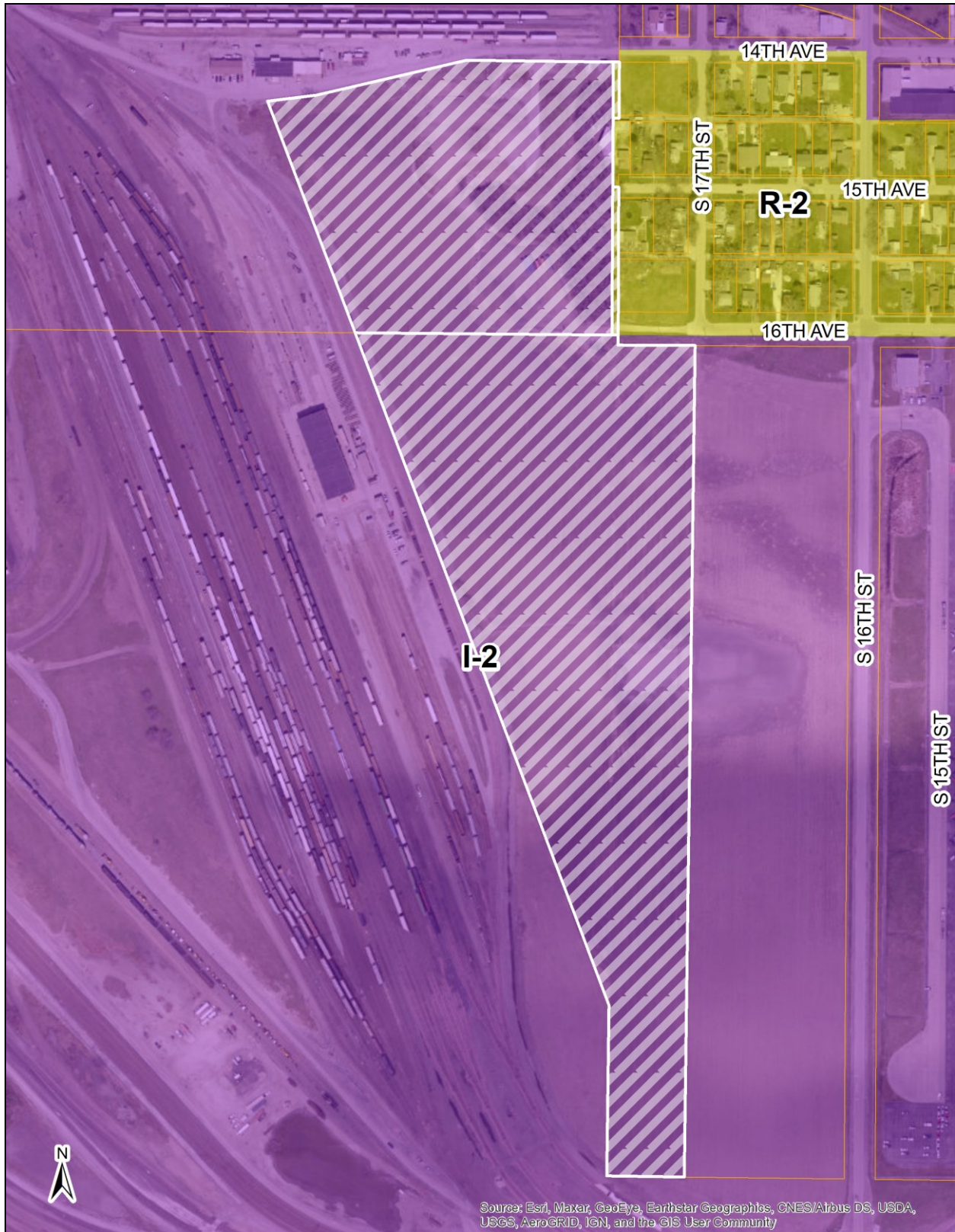
The 16th Avenue Urban Revitalization Area is currently zoned I-2. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects. The proposed principal use of the 16th Avenue Urban Revitalization Area is commercial storage, which is a permitted use in an I-2/General Industrial District.

Surrounding properties to the north, southeast, south, and west are also zoned I-2. Properties east of the subject property on the northerly side are zoned R-2/Two-Family Residential District. Illustration 3 depicts the existing on-site and surrounding zoning.

A railyard borders the property to the north, west, and south. Existing land uses in the general vicinity include a neighborhood, which borders the parcels to the northeast. Other land east of the area on the southerly side is also utilized by the railroad.

The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the proposed 16<sup>th</sup> Avenue Urban Revitalization Area as "Light Industrial." According to the plan, light industrial development includes those areas used for industrial purposes that create minimal impacts on surrounding uses. Activities tend to occur inside structures, with outdoor areas limited to storage or distribution.

16th Avenue Urban Revitalization Area  
Illustration 3 – Zoning



## **PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES**

The developer of the 16th Avenue Urban Revitalization Area will need to work with Public Works and Council Bluffs Water Works to determine if any services need to be improved or expanded. The project area can be accessed by 16th Avenue or 14th Avenue, which are adequate to handle the additional traffic generated by this proposed project.

### **RELOCATION PROVISIONS**

The proposed 16th Avenue Urban Revitalization Area includes two vacant parcels currently owned by 1700 16<sup>th</sup> Ave LLC and one vacant parcel currently owned by Union Pacific Railroad. There are no tenants at the location; therefore, the City will not displace any residential or non-residential tenants as a result of proposed improvements in the urban revitalization area.

### **OTHER PUBLIC ASSISTANCE**

The developer is requesting property tax exemption. The developer has not requested any additional public assistance.

### **APPLICABILITY AND TAX EXEMPTION SCHEDULE**

1. Eligibility – The 16th Avenue Urban Revitalization Plan will apply to commercial and industrial land uses.

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion.

2. Term - The term of this Plan shall be until December 31, 2031 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.
- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.
- If no structures were located on the property prior to the improvements, any improvements may qualify.

5. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

## **APPLICATION AND REVIEW PROCESS**

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.
2. The applicant completes the required forms and submits them along with all required data by February 1<sup>st</sup> to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.
3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.

4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.
5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.
6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1<sup>st</sup> as required by Chapter 404 of the Iowa Code.

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

7544 35 376 001

--- Permanent Property Address ---	----- Mailing Address -----
1700 16TH AVE LLC	1700 16TH AVE LLC
	129 N 10TH ST
	LINCOLN, NE 68508

District: 001 CO BLUFFS AG/CO BLUFFS SC

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435376001>

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

\* Not to be used on legal documents

CO BLUFFS AGRICULTURE SELY11.36 AC S & E OF RR S1/2 SW 35-75-44 EXC E16' S686' SE SW

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

\* Class is for Assessment purposes only - Not Zoning

		Current Value			Total	Ag Acres	Class
2021	Agri. Land	Dwelling	Improvement				
Full Value	\$12,300	\$0	\$0	\$12,300	11.11	A	
Exempt	\$0	\$0	\$0	\$0	0	A	
Net Total	\$12,300	\$0	\$0	\$12,300	11.11	A	

		Prior Year Value			Total	Ag Acres	Class
2020	Agri. Land	Dwelling	Improvement				
Full Value	\$12,300	\$0	\$0	\$12,300	11.11	A	
Exempt	\$0	\$0	\$0	\$0	0	A	
Net Total	\$12,300	\$0	\$0	\$12,300	11.11	A	

===== EXEMPTIONS/CREDITS APPLIED =====

2020 AGLAND

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D 1700 16TH AVE LLC      book/page: [2021/17957](#) D

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

Sale Date	Amount	Code	Book/Page	
04/26/2013	200000	<a href="#">D34</a>	<a href="#">2013/07039</a>	<a href="#">multiple parcel sale</a>
08/09/2007	0	<a href="#">D050</a>	<a href="#">2007/13653</a>	<a href="#">multiple parcel sale</a>
08/31/1982	356148	<a href="#">D043</a>	0083/03100	<a href="#">multiple parcel sale</a>
06/30/1980	356500	<a href="#">D000</a>	0081/00121	<a href="#">multiple parcel sale</a>
01/01/1977	0	<a href="#">D003</a>	0077/08713	<a href="#">multiple parcel sale</a>

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

PDF: 23    MAP: 19

Date Reviewed: 09/13/07 SLW

LAND.....483950 sqFt      11.11 acres

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



1200ft x 1200ft

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

As of:

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

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

7444 02 100 003

--- Permanent Property Address ---	----- Mailing Address -----
1700 16TH AVE LLC	1700 16TH AVE LLC
	129 N 10TH ST
	LINCOLN, NE 68508

District: 001 CO BLUFFS AG/CO BLUFFS SC

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744402100003>

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

\* Not to be used on legal documents

CO BLUFFS AGRI 2-74-44 PT E1/2 NW LYING E OF UP ROW & W200' W1/2 NE LYING S OF 16TH AVE & N OFUP ROW

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

\* Class is for Assessment purposes only - Not Zoning

2021	Current Value			Total	Ag Acres	Class
	Agri. Land	Dwelling	Improvement			
Full Value	\$28,000	\$0	\$0	\$28,000	22.88	A
Exempt	\$0	\$0	\$0	\$0	0	A
Net Total	\$28,000	\$0	\$0	\$28,000	22.88	A

2020	Prior Year Value			Total	Ag Acres	Class
	Agri. Land	Dwelling	Improvement			
Full Value	\$28,000	\$0	\$0	\$28,000	22.88	A
Exempt	\$0	\$0	\$0	\$0	0	A
Net Total	\$28,000	\$0	\$0	\$28,000	22.88	A

===== EXEMPTIONS/CREDITS APPLIED =====

2020 AGLAND

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D 1700 16TH AVE LLC      book/page: [2021/17957](#) D

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08/31/1982	356148	<a href="#">D043</a>	0083/03100	<a href="#">multiple parcel sale</a>
06/30/1980	356500	<a href="#">D000</a>	0081/00121	<a href="#">multiple parcel sale</a>
01/01/1977	0	<a href="#">D003</a>	0077/08713	<a href="#">multiple parcel sale</a>

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

PDF: 23    MAP: 19

Date Reviewed: 09/13/07 SLW

LAND.....996652 sqFt      22.88 acres

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



2400ft x 2400ft

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

As of:

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

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

7544 35 376 002

--- Permanent Property Address ---  
UP LAND RESOURCES CORP

----- Mailing Address -----  
UP LAND RESOURCES CORP  
C/O UNION PACIFIC RAILROAD CO  
1400 DOUGLAS ST STOP 1640  
OMAHA, NE 68179-1640

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

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754435376002>

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

\* Not to be used on legal documents

CO BLUFFS E16' S686' SE SW 35-75-44 EXC S178' N323'

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

\* Class is for Assessment purposes only - Not Zoning

		Current Value			
2021	Res. Land	Dwelling	Total	Class	
Full Value	\$900	\$0	\$900	R	
Exempt	\$0	\$0	\$0	R	
Net Total	\$900	\$0	\$900	R	

		Prior Year Value			
2020	Res. Land	Dwelling	Total	Class	
Full Value	\$900	\$0	\$900	R	
Exempt	\$0	\$0	\$0	R	
Net Total	\$900	\$0	\$900	R	

===== EXEMPTIONS/CREDITS APPLIED =====

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D UP LAND RESOURCES CORP      book/page: 77/8713 D

Date Reviewed: 09/03/19 KK

LAND.....8276 sqFt      .19 acres

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



1200ft x 1200ft

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

As of:

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

### **Exhibit A – Legal Description**

A parcel of land situated in the North Half (N1/2) of Section 2, Township 74 North, Range 44 West and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 35, Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, State of Iowa, according to an official plat of said land filed in the District Land Office, bounded and described as follows: Beginning at a point on the North-South centerline of said Section 2, from which point the center of said section bears South, 264.98 feet; thence North 89 degrees 50 minutes 17 seconds East, 200.00 feet; thence North 00 degrees 00 minutes 17 sections East, 2150.79 feet to the south line of 16<sup>th</sup> Avenue; thence along said south line South 89 degrees 30 minutes 12 seconds West, 200.0 feet to a point on said North-South centerline of said Section 2; thence along said North-South centerline North 20.90 feet to the north quarter corner of said Section 2; thence along the North-South centerline of said Section 35, North 00 degrees 21 minutes 09 seconds West, 60.0 feet to a point on the north line of 16<sup>th</sup> Avenue, said point also being the southwest corner of Lot 12, Block 36, Fleming and Davis addition; thence South 89 degrees 38 minutes 51 seconds West, 16.0 feet; thence North 00 degrees 21 minutes 09 seconds West, 646.37 feet to a point on the south line of 14<sup>th</sup> Avenue prolonged, said point being South 89 degrees 38 minutes 53 seconds West, 16.0 feet from the northwest corner of Lot 1, Block 29, Fleming and Davis Addition; thence South 89 degrees 38 minutes 53 seconds West, 379.00 feet; thence South 75 degrees 42 minutes 26 seconds West, 399.46 feet; thence South 82 degrees 12 minutes 26 seconds West, 126.58 feet; thence South 21 degrees 28 minutes 31 seconds East, 2490.70 feet to a point on the North-South centerline of said Section 2; thence along said North-South centerline, South 441.28 feet to the Point of Beginning. Containing an area of 1,548,471 square feet, more or less, or 35.548 acres, more or less.

### **AND**

A parcel of land legally described as being the East 16 feet of the South 686 feet, except the South 178 feet of the North 323 feet, all in the SE1/4 SW1/4 of Section 35-75-44, City of Council Bluffs, Pottawattamie County, Iowa. Said parcel of land contains an area of 8,276 square feet more or less, or .19 acres, more or less.

**RESOLUTION NO. 21-328**

**A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE 16TH AVENUE URBAN REVITALIZATION AREA GENERALLY LOCATED ON APPROXIMATELY 34 ACRES OF LAND ALONG 16<sup>TH</sup> AVENUE BETWEEN S 17<sup>TH</sup> STREET AND S 20<sup>TH</sup> STREET, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

- WHEREAS, the subject area is appropriate as an economic development area as defined in Sections 404.1.4 of the Iowa Code; and
- WHEREAS, a proposal has been submitted for the construction of a cold storage facility; and
- WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.
- WHEREAS, a legal description of this area is attached as Exhibit A.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.

**BE IT FURTHER RESOLVED**

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than December 10, 2021.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on January 10, 2022.

**ADOPTED  
AND  
APPROVED:**

November 22, 2021

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

**ATTEST:**

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW18-16B &  
PW19-16A  
Submitted by: Matthew Cox, Public  
Works Director

Resolution 21-329  
ITEM 3.E.

Council Action: 11/22/2021

### Description

Resolution accepting the work of Hawkins Construction Co. as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road. Projects #PW18-16B & #PW19-16A

### Background/Discussion

The Eastern Hills Drive, Segment D project included a new roadway constructed on new alignment from Highway 92 to State Orchard Road and on the existing State Orchard Road alignment from Greenview Road to the Intersection of Eastern Hills Drive and State Orchard Road. A round-a-bout was constructed at the intersection of Greenview and State Orchard and new traffic signals were installed on Highway 92. A 10-foot wide concrete trail was constructed on the north side of the new roadway. The project required the construction of two concrete box culverts in Little Pony Creek. The roadway portion of this project is identified as PW19-16A and the box culverts are identified as PW18-16B.

The two projects were tied and constructed as one project.

The project improves the transportation network in eastern Council Bluffs by completing Eastern Hills Drive between US Highway 6 and Iowa Highway 92, while providing improved connections to developments along Greenview Road, Steven Road, and Cottonwood Road.

Federal funding through earmarks and STBG funds were used for 80% of the construction costs. The remaining 20% was shared by the City of Council Bluffs and Pottawattamie County. The City's match was paid using sales tax funds.

	<u>Box Culverts</u>	<u>Roadway</u>	<u>Total</u>
Original Contract Amount	\$3,048,977.94	\$4,758,577.57	\$7,807,555.51
Change Orders (-0.88%)	\$2,219.99	(\$70,904.71)	(\$68,684.72)
Final Contract Amount	\$3,051,197.93	\$4,687,672.86	\$7,738,870.79
Less Previous Payments	\$3,027,877.41	\$4,680,993.38	\$7,708,870.79
Retainage Due Contractor	\$23,320.52	\$6,679.48	\$30,000.00

The Contractor completed the project on time and received three non-compliance notices.

### Recommendation

Approval of this resolution accepting the work of Hawkins Construction Co. for the Eastern Hills Drive Segment D, Highway 92 to the intersection of Eastern Hills Drive and State Orchard Road.

**ATTACHMENTS:**

Description	Type	Upload Date
Resolution 21-329	Resolution	11/17/2021

**RESOLUTION**  
**NO 21-329**

**RESOLUTION ACCEPTING THE WORK OF  
HAWKINS CONSTRUCTION CO. IN CONNECTION WITH  
THE EASTERN HILLS DRIVE SEGMENT D, HIGHWAY 92 TO THE  
INTERSECTION OF EASTERN HILLS DRIVE AND STATE ORCHARD ROAD  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$30,000.00  
PROJECT #PW18-16B & #PW19-16A**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Hawkins Construction Co. Omaha, NE for the Eastern Hills Drive Segment D, Highway 92 to the Intersection of Eastern Hills Drive and State Orchard Road; 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 \$30,000.00 to Hawkins Construction Co. 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 \$30,000.00 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 \$30,000.00 payable to Hawkins Construction Co. from budget codes Division I, Z10000-676000; Project #18-16B & #1916A.

AND BE IT FURTHER RESOLVED

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

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

Department: Parks and Recreation  
Case/Project No.: Fall Color  
Corridor, Phase II - Project R22-10  
Submitted by: Vincent M  
Martorello

Resolution 21-330  
ITEM 3.F.

Council Action: 11/22/2021

### Description

Resolution to set a public hearing for December 13, 2021 at 7:00 p.m. for the Fall Color Corridor project.

### Background/Discussion

The Fall Color Corridor was approved in FY 21. Phase I was completed in 2021 with the installation of over 100 trees. The Council approved Phase II in the FY 22 Capital Improvement Program for \$100,000.00. Phase II will include the planting of the remaining deciduous trees, evergreen trees and constructing gravel paths. Also included are educational signs and tree species signs.

### Recommendation

Approve the resolution to set a public hearing for this project.

### ATTACHMENTS:

Description	Type	Upload Date
DESIGN SET	Other	11/10/2021
EXHIBIT SIGN	Other	11/10/2021
TREE SPECIES ID SIGN	Other	11/10/2021
Resolution 21-330	Resolution	11/17/2021



# Fall Color Corridor Plantings PHASE 2 - Fall 2021

City of Council Bluffs, Iowa  
Department of Parks, Recreation, and Public Property

- THE FOLLOWING SPECIFICATIONS SHALL APPLY TO THIS PROJECT:  
THE IOWA STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS) FOR PUBLIC IMPROVEMENTS 2019, AND CITY OF COUNCIL BLUFFS SUPPLEMENTAL SPECIFICATIONS 2019. COPIES OF THE URBAN STANDARDS MAY BE OBTAINED FROM: CTRE PAUL WIEGAND, P.E. DIRECTOR ISU RESEARCH PARK 2901 S. LOOP DRIVE, SUITE 3100 AMES, IA. 50010-8632 (515)-294-5542 OR THE DOCUMENTS CAN BE REVIEWED AT <http://councilbluffs-ia.gov/index.aspx?nid=372>.
- THE UTILITIES SHOWN ARE FROM LOCATES OR DRAWINGS PROVIDED TO THE ENGINEER BY THE UTILITY COMPANIES. THE ENGINEER MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE ENGINEER FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.  
  
THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES (PUBLIC AND PRIVATE) AT LEAST 48 HOURS IN ADVANCE OF THE ACTUAL START DATE OF CONSTRUCTION. THE CONTRACTOR IS TO DETERMINE ACTUAL LOCATIONS OF ALL UTILITIES IN THE FIELD. THE CONTRACTOR IS TO USE DUE CAUTION IN WORKING OVER AND AROUND ALL UTILITY LINES. BREAKS IN UTILITIES DUE TO THE CONTRACTOR'S ACTIONS, LABOR, AND EQUIPMENT ARE TO BE REPAIRED OR REPLACED BY THE CONTRACTOR WITHOUT COST TO THE OWNER OR ENGINEER.  
  
OTHER EXISTING UNDERGROUND INSTALLATIONS AND STRUCTURES ARE INDICATED ON THE DRAWINGS ACCORDING TO THE INFORMATION FURNISHED TO THE ENGINEER BY OTHERS. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. THE CONTRACTOR SHALL MAKE EVERY EFFORT TO LOCATE ALL EXISTING UNDERGROUND INSTALLATIONS AND STRUCTURES IN THE VICINITY OF THE WORK TO BE DONE BY PROSPECTING IN ADVANCE OF EXCAVATIONS.  
  
FOR YOUR INFORMATION, THE FOLLOWING TELEPHONE NUMBER CAN BE USED WHEN REQUESTING LOCATIONS FOR UTILITIES THAT ARE MEMBERS OF THE IOWA ONE CALL SYSTEM 1-800-292-8989.
- THE CONTRACTOR SHALL FIELD VERIFY THE DEPTH AND LOCATION OF EXISTING UNDERGROUND UTILITIES. FIELD VERIFICATION FOR ALL UTILITIES IS REQUIRED AND SHALL BE INCIDENTAL TO THE PROJECT.  
  
CONTRACTOR SHALL NOT DISTURB THE EXISTING UNDERGROUND UTILITIES DURING CONSTRUCTION. IF A DIRECT CONFLICT EXISTS AFTER FIELD VERIFICATION, THE ENGINEER RESERVES THE RIGHT TO REVISE THE PLAN TO ELIMINATE THE CONFLICT WITH THE EXISTING UTILITIES WITHOUT ADJUSTMENTS TO THE CONTRACT.
- THE GENERAL CONTRACTOR SHALL PROVIDE THE OWNER WITH A CONSTRUCTION RECORD DRAWING INDICATING ALL CHANGES IN GEOMETRY, GRADES, ELEVATIONS OR MATERIAL ON THE PROJECT PRIOR TO FINAL ACCEPTANCE.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED TO COMPLETE THIS PROJECT AND IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES ASSOCIATED WITH THESE PERMITS.
- THE CONTRACTOR SHALL REMOVE ALL ABANDONED UTILITIES ON SITE THAT CONFLICT WITH THE PROPOSED SITE CONSTRUCTION.
- ALL CONCRETE, GRAVEL, AND RUBBLE REMOVED AS PART OF THIS PROJECT, SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS. ALL REMOVED ITEMS SHALL BE DISPOSED OF BY THE CONTRACTOR OFF SITE AND SHALL NOT BE INCORPORATED INTO THE WORK.
- THE CONTRACTOR SHALL KEEP CULVERTS, STORM SEWER LINES AND STRUCTURES CLEAN AND FREE OF ANY DEBRIS THAT IS A RESULT OF CONSTRUCTION OPERATIONS. ANY CLEANING OR REMOVAL OF CONSTRUCTION DEBRIS THAT ENTERS AS A RESULT OF CONSTRUCTION OPERATIONS, SHALL BE COMPLETED AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR SHALL TAKE STEPS TO CONTROL SOIL EROSION AND FUGITIVE DUST DURING CONSTRUCTION. IF NECESSARY, CHECK DAMS, SEDIMENT TRAPS OR ADDITIONAL INLET PROTECTION (NOT INDICATED ON THE PLANS) SHALL BE USED TO RETAIN SILT AND PREVENT SILT FROM ENTERING THE SEWER SYSTEM OR LEAVING THE SITE.
- THE CONTRACTOR SHALL ADEQUATELY BARRICADE WORK AREAS DURING CONSTRUCTION TO INSURE PUBLIC SAFETY.
- THE CONTRACTOR SHALL CONTROL CONSTRUCTION DEBRIS, HAZARDOUS WASTE SPILLS, AND CONCRETE TRUCK WASHOUT AREA(S). THE CONTRACTOR SHALL CLEAN-UP AND DISPOSE OF ALL WASTE PROPERLY OFF-SITE AT AN APPROVED DISPOSAL FACILITY. NO CONSTRUCTION MATERIAL WASTES OR UNUSED MATERIALS SHALL BE BURIED, DUMPED, BURNED, OR DISCHARGED WITHIN THE PROJECT LIMITS.
- PROTECT ALL BUILDINGS, STRUCTURES, DRIVES, SIDEWALKS, STREETS, POLES, FENCES, SHRUBS, TREES, SIGNS, UTILITY BOXES, ETC. THAT ARE NOT DESIGNATED FOR REMOVAL. ANY DAMAGE CAUSED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- IT IS THE INTENT OF THIS CONTRACT THAT ALL AREAS AFFECTED BY CONSTRUCTION BE A FINISHED AND COMPLETE PRODUCT. THEREFORE, CONTRACTOR SHALL PATCH, REPAIR, AND ADJUST AS REQUIRED TO ACHIEVE THIS FINISHED PRODUCT. CONTRACTOR SHALL PATCH AND REPAIR ALL EXISTING WORK AFFECTED OR DAMAGED BY DEMOLITION TO MATCH NEW CONSTRUCTION.

### PLANTING NOTES:

- ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
- LOCATE AND FLAG ALL UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION. ANY DAMAGE TO UTILITIES OR OTHER SITE IMPROVEMENTS CAUSED BY CONTRACTOR SHALL BE REPAIRED AT NO COST TO THE OWNER.
- ALL PLANT MATERIALS MUST CONFORM TO AMERICAN STANDARDS FOR NURSERY STOCK (A.S.N.S.), LATEST EDITION PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, WASHINGTON D.C.
- LARGER SIZED PLANT MATERIALS OF THE SPECIES LISTED MAY BE USED IF THE STOCK CONFORMS TO THE A.S.N.S. ALL SPECIES SUBSTITUTIONS MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.
- THE LOCATIONS OF PLANT MATERIAL IS CRITICAL AND SHALL BE INSTALLED AS INDICATED ON THE DRAWINGS. STAKE LOCATION OF PLANT MATERIALS AND OBTAIN APPROVAL OF LANDSCAPE ARCHITECT OR OWNER PRIOR TO INSTALLATION.
- THE LANDSCAPE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AND MATERIALS INJURIOUS TO PLANT GROWTH FROM PLANTING PITS AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
- PROVIDE SHREDDED HARDWOOD MULCH IN ALL PLANT SAUCERS AND PLANTING BEDS TO A 4-INCH MINIMUM DEPTH. APPLY PRE-EMERGENT TO ALL PLANTING BEDS PRIOR TO MULCHING.
- OWNER RESERVES THE RIGHT TO SUBSTITUTE PLANT MATERIAL TYPE, SIZE, AND/OR QUANTITY.
- FIELD ADJUSTMENTS MAY BE NECESSARY BASED UPON FIELD CONDITIONS (I.E. ROOT BALL AND DROP INLET CONFLICT). ALL ADJUSTMENTS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT.
- ALL DEMOLISHED AND/OR REMOVED ITEMS SHALL BE HAULED COMPLETELY AWAY FROM THE SITE BY THE CONTRACTOR.
- AS PREVIOUSLY NOTED, ANY DAMAGE TO EXISTING CONCRETE TRAIL OR TURF AREAS SHALL BE REPAIRED TO MATCH SURROUNDING AREAS OR NEW CONCRETE TRAIL AS DEFINED BY CITY STANDARDS. ANY RUTS IN TURF SHALL BE FILLED WITH GOOD CLEAN TOPSOIL AND SEEDED WITH FESCUE SEED BLEND THAT MATCHES EXISTING (CONTACT CITY TO DETERMINE SEED MIX).

### WATERING REQUIREMENTS NOTES:

- LANDSCAPE CONTRACTOR SHALL PROVIDE THOROUGH WATERING AT TIME OF PLANTING AND MAINTAIN WATERING UNTIL FINAL ACCEPTANCE.

### CONCRETE & PATH INSTALLATION

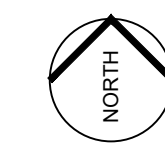
- CONTRACTOR SHALL PLAN TO USE "BUGGY" TO GET CONCRETE TO PAD LOCATIONS. CONCRETE TRUCKS WILL NOT BE ALLOWED ON TRAIL.
- CONTRACTOR SHALL ALSO COORDINATE WITH OWNER ON VEHICLES TO BRING IN MATERIAL FOR GRANULAR PATHS. DO NOT DISTURBED TURF OR EXISTING TRAIL. SEE NOTES REGARDING REPAIRING DAMAGE TO EXISTING AREAS.

### PROJECT COMPLETION

- PROJECT TO BE COMPLETED BY JUNE 15, 2022.

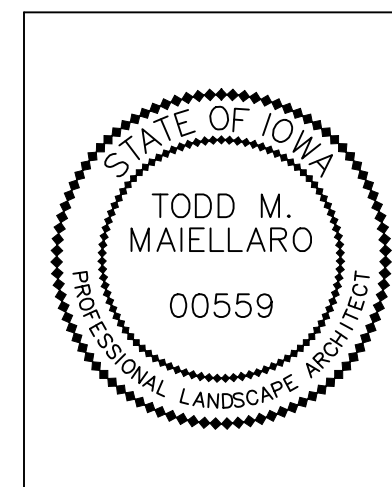
### SCHEDULE OF SHEETS

SHEET FC0.0 COVER SHEET, NOTES  
SHEET FC1.0 OVERALL PROJECT LIMITS, SCHEDULE  
SHEET FC1.1 ENLARGED LANDSCAPE PLANS



VICINITY MAP

NO SCALE



I hereby certify that this document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Landscape Architect under the laws of the State of Iowa.  
*Todd M. Maiellaro* 11/03/21  
TODD M. MAIELLARO DATE  
LICENSE NO. 00559  
My license renewal date is JUNE 30, 2023.  
Pages or sheets covered by this seal:  
ALL SHEETS

11"x17" SHEET REDUCED TO HALF SCALE

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

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

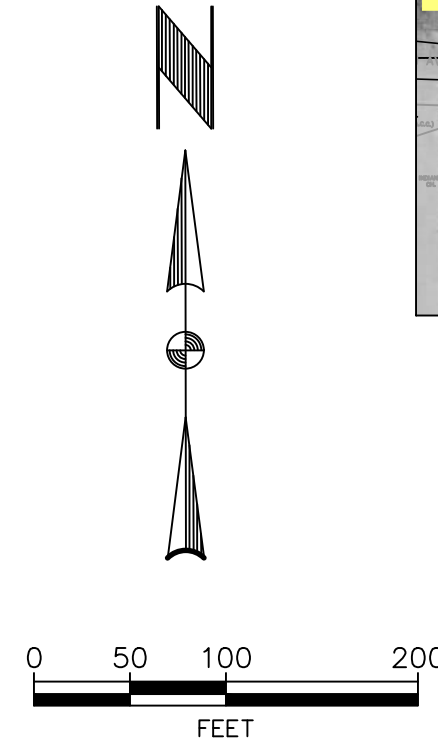
drawn	date
designed	revision
approved	date
NOV 2021	date

FALL COLOR CORRIDOR PLANTINGS - PHASE 2  
PHASE TWO PLANTINGS - SPRING 2020  
CITY OF COUNCIL BLUFFS, IOWA  
DEPARTMENT OF PARKS, RECREATION, AND PUBLIC PROPERTY  
COVER SHEET & GENERAL NOTES

project no. 150919A  
sheet FC0.0

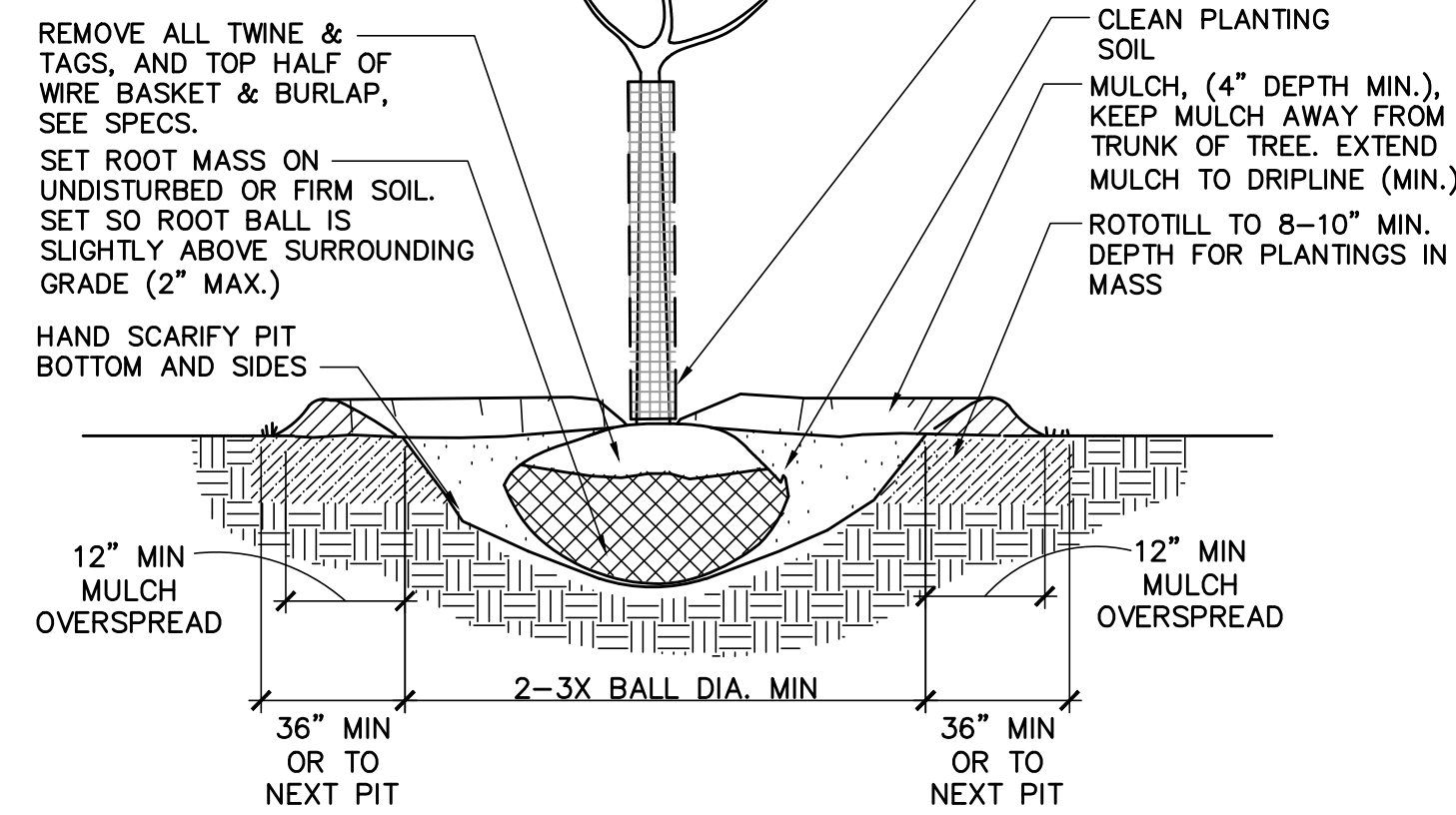


**1 OVERALL PROJECT LIMITS**  
SCALE: 1" = 100'-0"



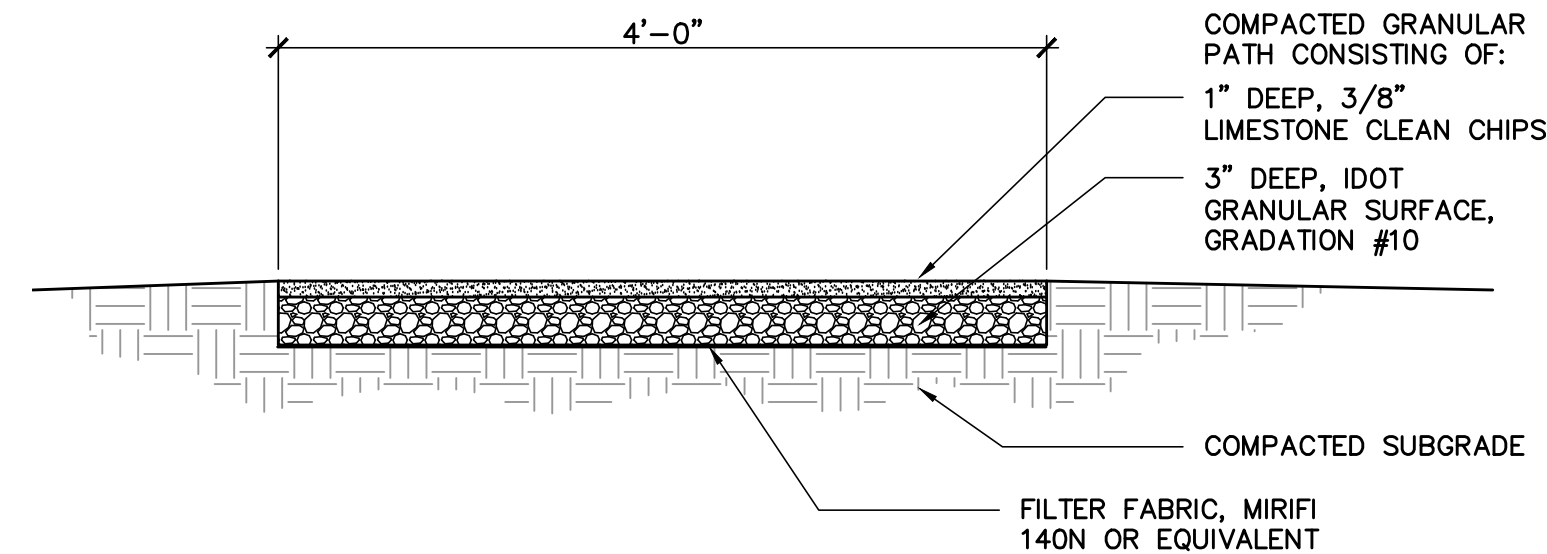
PLANTING SCHEDULE						
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	DESCRIPTION	COLOR
<b>CONIFER TREES</b>						
CS	3	<i>Picea pungens</i>	Colorado Spruce	6' HEIGHT	B&B	
CBS	6	<i>Picea pungens glauca</i>	Colorado Blue Spruce	6' HEIGHT	B&B	
WF	4	<i>Abies concolor</i>	White Fir	6' HEIGHT	B&B	
DF	7	<i>Pseudotsuga menziesii</i>	Douglas Fir	6' HEIGHT	B&B	
LC	7	<i>Cupressus x leylandii</i>	Leyland Cypress	6' HEIGHT	B&B	
EL	4	<i>Larix decidua</i>	European Larch	6' HEIGHT	B&B	
<b>ORNAMENTAL TREES</b>						
RB	1	<i>Cercis canadensis</i>	Eastern Redbud	2" CAL.	B&B	
RBC	1	<i>Malus 'Red Baron'</i>	Red Baron Crabapple	2" CAL.	B&B	
JTL	3	<i>Syringa reticulata</i>	Japanese Tree Lilac	2" CAL.	B&B	

**NOTES:**  
PRUNE ALL DEAD, BROKEN, DISEASED, AND WEAK BRANCHES.  
TREE GUARD TO BE WHITE CORRUGATED PIPE THAT SHOULD EXTEND UP TO LOWER BRANCHES, TYP.



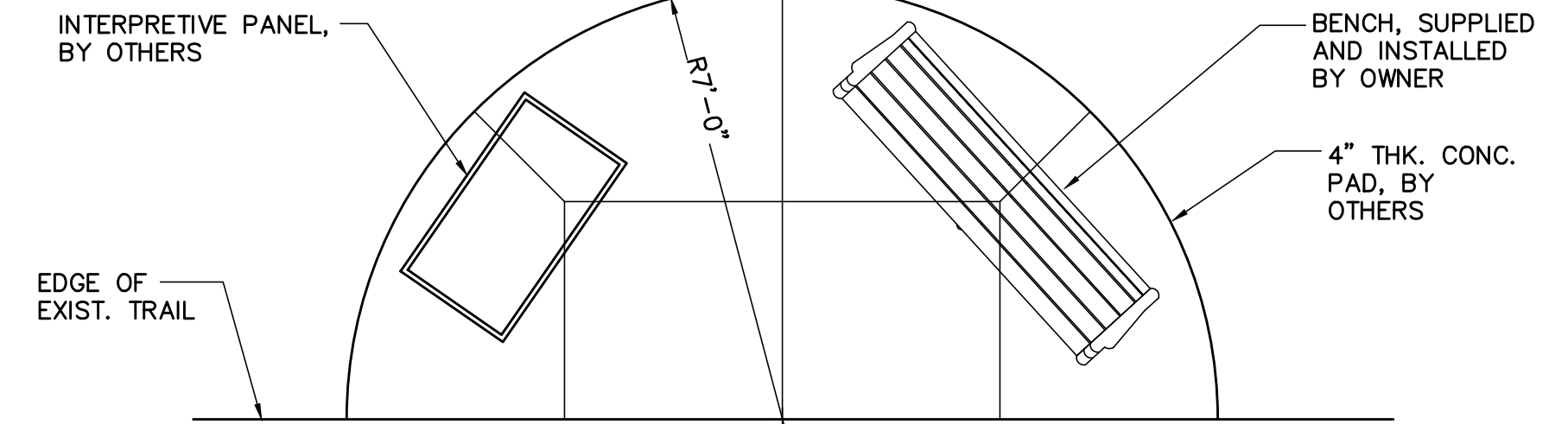
**2 TREE PLANTING DETAIL**  
NO SCALE

**NOTES:**  
-CONTRACTOR TO STAKE CENTERLINE OF PATH FOR APPROVAL PRIOR TO CONSTRUCTING.  
-APPROX. LENGTHS OF EACH PATH SEGMENT IS SHOWN FOR REFERENCE ONLY. BASE BID PRICE IS BASED ON PATHS IN GENERAL LOCATION AS SHOWN ON PLANS. ANY ADDITIONAL PATH SEGMENTS, IF ADDED WILL BE BASED ON LF COST PROVIDED.



**3 GRAVEL PATH DTL.**  
NO SCALE

**NOTE:** CONTRACTOR TO STAKE LOCATION IN FIELD FOR APPROVAL PRIOR TO CONSTRUCTING, (3) LOCATIONS.



**ALTERNATE 1**  
**4 INTERPRETIVE REST AREA**  
NO SCALE

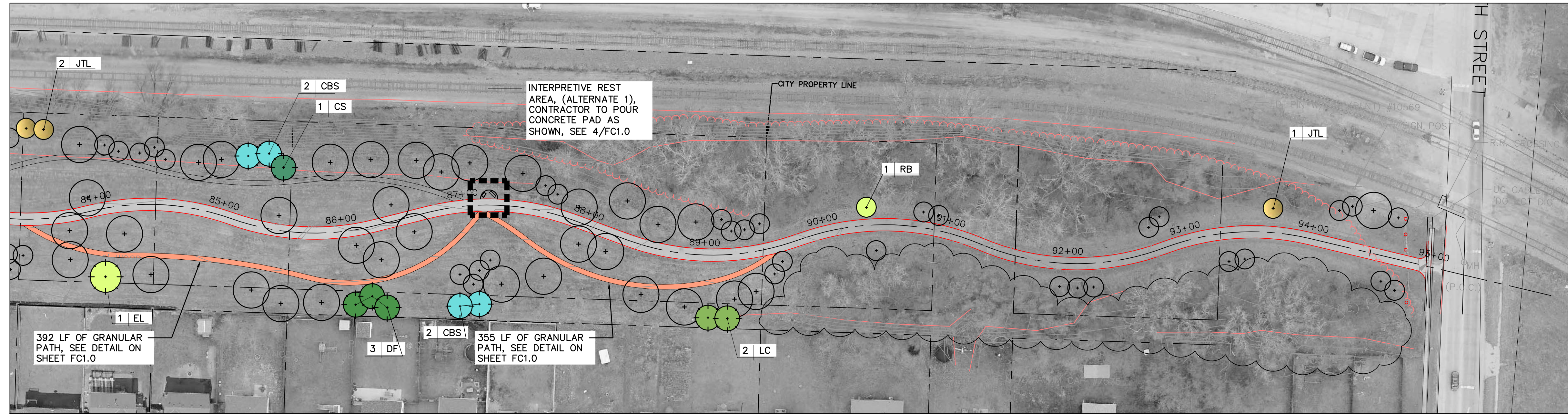
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**hngm ASSOCIATES INC.**  
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PHONE: (712) 323-0530

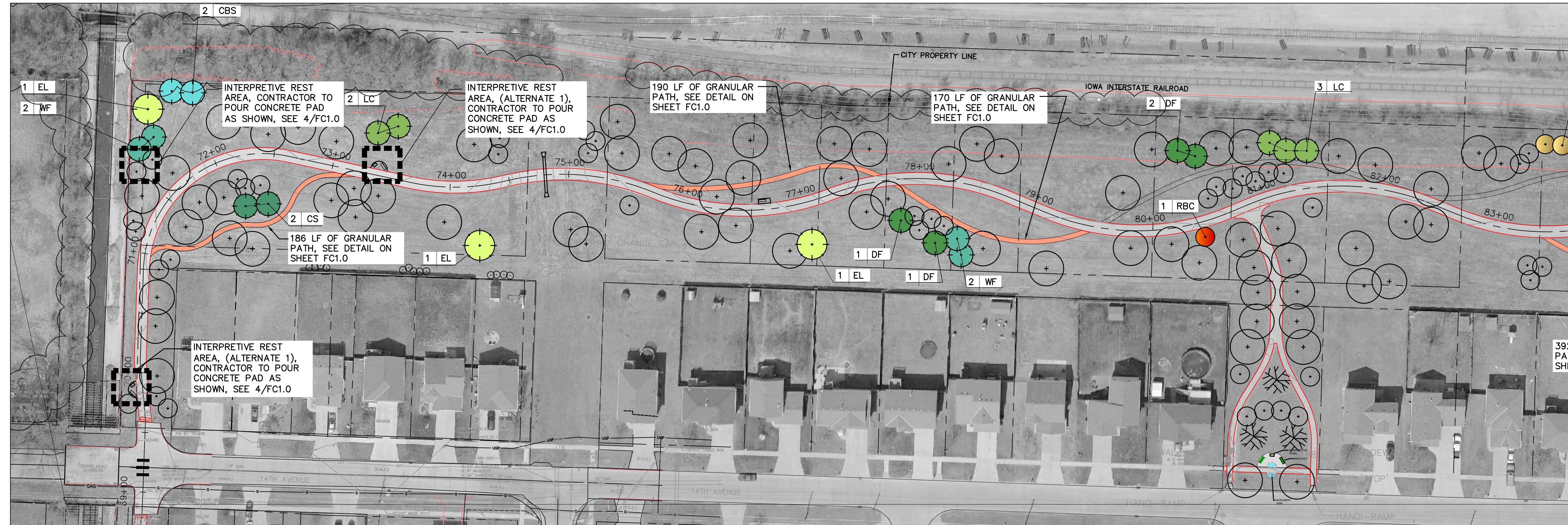
drawn	date
designed	revision
approved	date
NOV 2021	date

project: FALL COLOR CORRIDOR PLANTINGS - PHASE 2  
PHASE TWO PLANTINGS - SPRING 2020  
client: CITY OF COUNCIL BLUFFS, IOWA  
DEPARTMENT OF PARKS, RECREATION, AND PUBLIC PROPERTY  
sheet: OVERALL PROJECT LIMITS

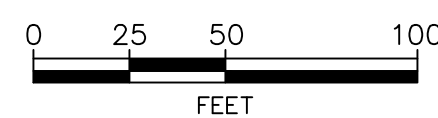
project no. 150919A  
sheet  
**FC1.0**



**1 LANDSCAPE PLAN - AREA A**  
SCALE: 1" = 50'-0"



**2 LANDSCAPE PLAN - AREA B**  
SCALE: 1" = 50'-0"



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

drawn	date
designed	date
approved	date
NOV 2021	date
revision	date

project **FALL COLOR CORRIDOR PLANTINGS - PHASE 2**  
PHASE TWO PLANTINGS - SPRING 2020  
client **CITY OF COUNCIL BLUFFS, IOWA**  
DEPARTMENT OF PARKS, RECREATION, AND PUBLIC PROPERTY  
sheet **LANDSCAPE PLAN**

project no. **150919A**  
sheet **FC1.1**

11'x17" SHEET REDUCED TO HALF SCALE

# The Trees Around You

Look around the area you are standing and see if you can identify the different trees based on their different characteristics. Though it may not appear like it at first glance, each tree species is uniquely different. One of the easiest way to begin to see the differences is the leaf. Examine several leaves or needles from the same tree, and try to choose a typical one to identify comparing it with ones shown here. Other identifying characteristics can be the bark, fruit, seeds, and flowers.

**TAKE A LOOK AROUND**

**SEE IF YOU CAN FIND THESE**

**TREE FACTS**



The Larch tree is the only coniferous tree to drop its needles every fall

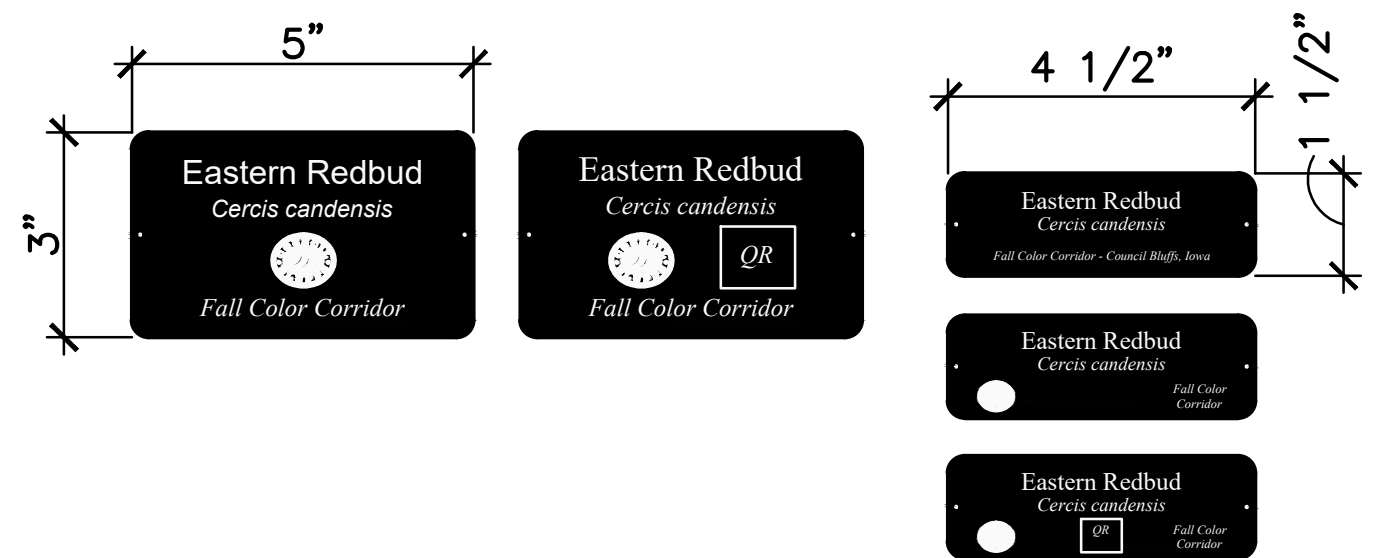
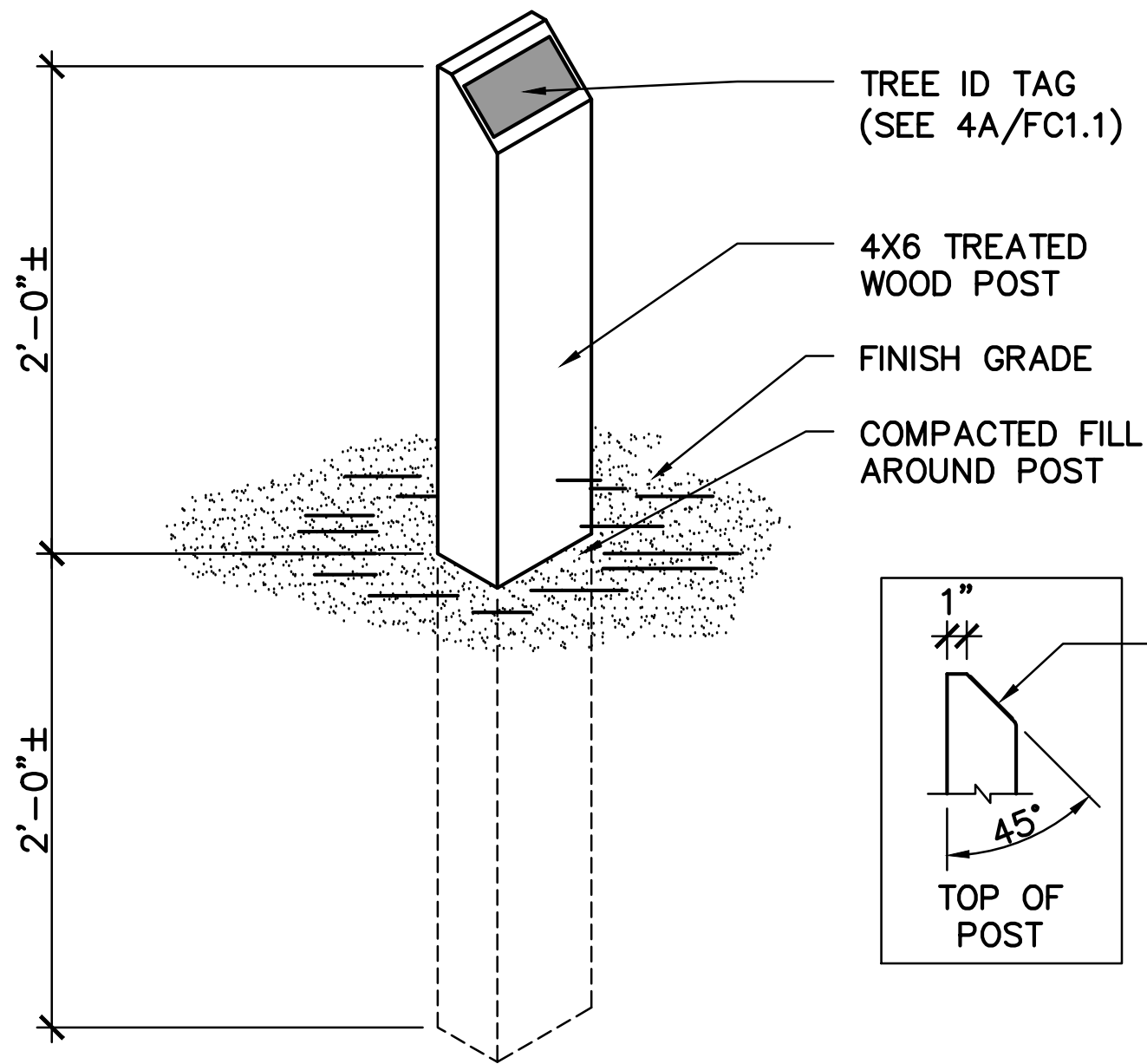
The oldest living tree is a bristlecone pine that is estimated at over 4,850 years old

A shade tree can cool your house as much as 20 degrees, thus saving on energy expenses

Iowa's state tree is the Bur Oak



*Fall Color Corridor*  
Council Bluffs Parks & Recreation



### TREE TAGS:

1. TREE TAGS SHALL BE BLACK 0.04 THK. UV STABLE ALUMINUM. THE TAGS SHALL BE 3"x 5" OR 1.5"x 4.5" IN SIZE.
2. THE FOLLOWING ARE A COUPLE OF SIGN FABRICATORS:  
  
NATIONAL BAND & TAG COMPANY  
[www.nationalband.com](http://www.nationalband.com)

## 4 TREE ID. SIGN POST DTL. NO SCALE

## 4A TREE ID. TAGS NO SCALE

**RESOLUTION**  
**NO 21-330**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING FOR  
THE FALL COLOR CORRIDOR, PHASE II – PROJECT R22-10**

- WHEREAS, the Council approved \$100,000.00 in funding for Phase II of the Fall Color Corridor in the FY22 Capital Improvement Program, and
- WHEREAS, the Fall Color Corridor is located along the South Side Trail, west of S 8th Street and north of 14th Ave, and
- WHEREAS, the design has been completed and includes deciduous trees, evergreen trees, compacted gravel paths, and signage; and
- WHEREAS, the City Clerk shall publish Notice of Public Hearing as required by law, to be held on December 13, 2021, and
- WHEREAS, the city council deems approval of said improvements to be in the best interest of the City of Council Bluffs.

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

That the City Clerk is hereby ordered to set a public hearing for the Fall Color Corridor, Phase II – Project R22-10 December 13, at 7:00 p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED November 22, 2021

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

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW22-16  
Submitted by: Matthew Cox, Public  
Works Director

Resolution 21-331  
ITEM 3.G.

Council Action: 11/22/2021

### Description

Resolution setting a public hearing for 7:00 p.m. on December 13, 2021 for right-of-way authorization in connection with Steven Road West, Norwood Drive to State Orchard Road. Project #PW22-16

### Background/Discussion

This project is the final segment associated with the East Beltway project.

The East Beltway project has improved the transportation network in eastern Council Bluffs by completing Eastern Hills Drive between US Highway 6 and Iowa Highway 92, while providing improved connections to developments along Greenview Road, Steven Road, and Cottonwood Road.

The Steven Road West project will construct a new Steven Road segment from Norwood Drive to State Orchard Road. The continuity for the local transportation system will support future land development, increases the capacity of existing roads to accommodate traffic demands and improves emergency access.

The project is eligible for Federal funding from remaining earmarks of \$1.2M and the City's allocation of STBG funds. Federal funds will support 80% of the improvement costs, and the remaining 20% of construction costs will be paid by the City using sales tax funds.

New right-of-way will be required for the roadway. There are nine total parcels impacted by the project. Five parcels will require partial acquisitions, six parcels will require permanent easements, and nine parcels will require temporary construction easements.

### Recommendation

Approval of this resolution to authorize right-of-way acquisition for Steven Road West. This project will complete the final segment of the East Beltway.

### ATTACHMENTS:


Description	Type	Upload Date
Map	Map	11/10/2021
Notice of Public Hearing	Notice	11/10/2021
Resolution 21-331	Resolution	11/17/2021

PW 22-16  
STEVEN ROAD WEST  
NORWOOD DR TO STATE ORCHARD ROAD



PROJECT LOCATION

**Legend**

 PW22-16

Notice of Public Hearing

for

Right-of-way Authorization

for

Steven Road West, Norwood Drive to State Orchard Road

Project #PW22-16

A public hearing will be held on December 13, 2021, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, for right-of-way authorization for the Steven Road West, Norwood Drive to State Orchard Road Project. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

**RESOLUTION  
NO 21-331**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING FOR  
AUTHORIZING THE RIGHT-OF-WAY PROCESS  
IN CONNECTION WITH  
STEVEN ROAD WEST, NORWOOD DRIVE TO STATE ORCHARD ROAD  
PROJECT #PW22-16**

WHEREAS, the city wishes to make improvements known as the Steven Road West, Norwood Drive to State Orchard Road Project within the city, as therein described; and

WHEREAS, Right-of-way acquisition is required for the construction and maintenance of said improvements; and

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

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

That the City Clerk is hereby ordered to set a public hearing authorizing the right-of-way process to commence for the Steven Road West, Norwood Drive to State Orchard Road project setting December 13, 2021 at 7:00 p.m. as the date and time of said hearing.

AND BE IT FURTHER RESOLVED

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

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

Department: Finance

Case/Project No.:

Submitted by: Finance Department /  
Kristi Meckna

Resolution 21-332  
ITEM 3.H.

Council Action: 11/22/2021

### Description

Resolution setting a public hearing for December 13, 2021 at 7:00 p.m. for the FY23-FY27 Capital Improvement Program (CIP).

### Background/Discussion

It is requested the Council set a public hearing for persons to comment and discuss the proposed FY23-FY27 Capital Improvement Program for the City of Council Bluffs.

Staff will be requesting approval to adopt the FY23-FY27 CIP schedule at the December 13, 2021 meeting.

### Recommendation

In order for staff to move forward with presenting the FY23-FY27 CIP schedule to Council and citizens, Council must approve to set the public hearing for December 13, 2021.

### ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing for FY23-FY27 CIP	Notice	11/12/2021
Resolution 21-332	Resolution	11/17/2021

NOTICE OF MEETING OF THE CITY COUNCIL OF THE  
CITY OF COUNCIL BLUFFS, IOWA, ON THE MATTER OF  
THE PROPOSED CAPITAL IMPROVEMENT PROGRAM  
FY23-FY27 OF SAID CITY, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Council of the City of Council Bluffs, Iowa, will hold a public hearing on the 13<sup>th</sup> day of December, 2021, at 7 o'clock P.M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to approve the proposed FY23-FY27 Capital Improvement Program.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the above action. After all objections have been received and considered, the Council will, at this meeting or an any adjournment thereof, take additional action to approve the proposed FY23-FY27 Capital Improvement Program, or will abandon the proposal.

This notice is given by order of the Council of Council Bluffs, Iowa, as provided by Section 384.25 of the City Code of Iowa.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

City Clerk of Council Bluffs, Iowa

**Resolution 21-332**

Resolution directing the City Clerk to publish notice and setting a Public Hearing to approve the FY23-FY27 Capital Improvement Program.

WHEREAS, the Capital Improvement Program (CIP) provides the City Council with a framework upon which to base improvement decisions, provides the City staff with direction as to its work effort, and provides the citizens with information about the City's future intentions.

WHEREAS, the City of Council Bluffs is required to hold a public hearing on the proposed FY23-FY27 Capital Improvement Program (CIP) prior to adoption of the CIP schedule,

WHEREAS, the City is required to publish and post the proposed FY23-FY27 CIP at least ten and no more than twenty days from the public hearing,

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

That the City Clerk is hereby directed to set a public hearing to approve the FY23-FY27 Capital Improvement Program on December 13, 2021 at 7:00 p.m. in Council Chambers at City Hall, 209 Pearl Street in Council Bluffs, Iowa.

Adopted and Approved: November 22, 2021

---

Matthew J. Walsh, Mayor

---

Jodi Quakenbush, City Clerk

## Council Communication

Department: Community  
Development  
Case/Project No.: OTB-21-013  
Submitted by: Haley Weber,  
Planner

Resolution 21-333  
ITEM 3.I.

Council Action: 11/22/2021

### Description

Resolution of intent to dispose of and setting a Public Hearing for December 13, 2021 at 7:00 p.m. for City property described as Lot 1, Block 10, McMahan, Cooper, and Jefferis Addition. Location: Property formerly addressed as 1103 7th Avenue. OTB-21-013

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/12/2021
Attachment A - Location and Zoning Map	Map	11/12/2021
Attachment B - Applicant Submittal	Other	11/12/2021
Public Hearing Notice	Notice	11/12/2021
Resolution 21-333	Resolution	11/17/2021

**Council Communication**

<p>Department: Community Development</p> <p>CASE #OTB-21-013</p> <p>Applicant: Avalos Construction LLC 1622 Avenue F Council Bluffs, IA 51501</p>	<p>Reso. of Intent No. _____</p> <p>Reso. to Dispose No. _____</p>	<p>Set Public Hearing: 11/22/2021</p> <p>Public Hearing: 12/13/2021</p>
---	--	---

**Subject/Title**

Request of Avalos Construction LLC to purchase property legally described as Lot 1, Block 10, McMahon, Cooper, and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Property formerly addressed as 1103 7<sup>th</sup> Avenue.

**Background/Discussion**

The Community Development Department has received an offer from Avalos Construction LLC to purchase surplus City-owned property legally described as Lot 1, Block 10, McMahon, Cooper, and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa. The subject property is zoned R-3/Low-Density Multifamily Residential District and is classified as ‘transitional dispose’ and ‘buildable’. The subject property is not located within a flood zone.

The applicant proposes to acquire the subject property to build a single-family dwelling. 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 \$12,900.00. The applicant has offered \$12,900.00 to purchase the property, and has submitted the required 10% down payment (\$1,290.00) and \$50.00 application fee.

The subject property was acquired by the City of Council Bluffs on November 17, 2020 via 657A. As stated in the adopted *Inventory and Disposal Policy for Surplus City Property*, the property would not be eligible for a forgivable mortgage as it has not been actively marketed on the Surplus Property list for more than the required 24 months.

The City has incurred a total of \$16,044.98 in Permits and Inspection Division costs for the subject property.

The subject property is currently zoned R-3/Low Density Multifamily Residential District and measures 41’ x 130’ (5,330 square feet), which exceeds the minimum lot size requirements for the R-3/Low Density Multifamily Residential District. The applicant has not submitted any conceptual house plans to the City for review at this time. However, based on the size of the parcel, the applicant shall be able to construct a new single-family residential dwelling on the subject property that meets or exceeds the City’s minimum single-family residential dwelling size requirements (20 feet wide with a minimum 500 square feet ground floor area).

**Recommendation**



The Community Development Department recommends setting a public hearing on the disposal of the property legally described as Lot 1, Block 10, McMahon, Cooper, and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa on the December 13, 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-21-013 - LOCATION/ZONING MAP

-  Subject Property Case #OTB-21-013
-  Parcels

0 20 40  
  
1 inch = 42 feet

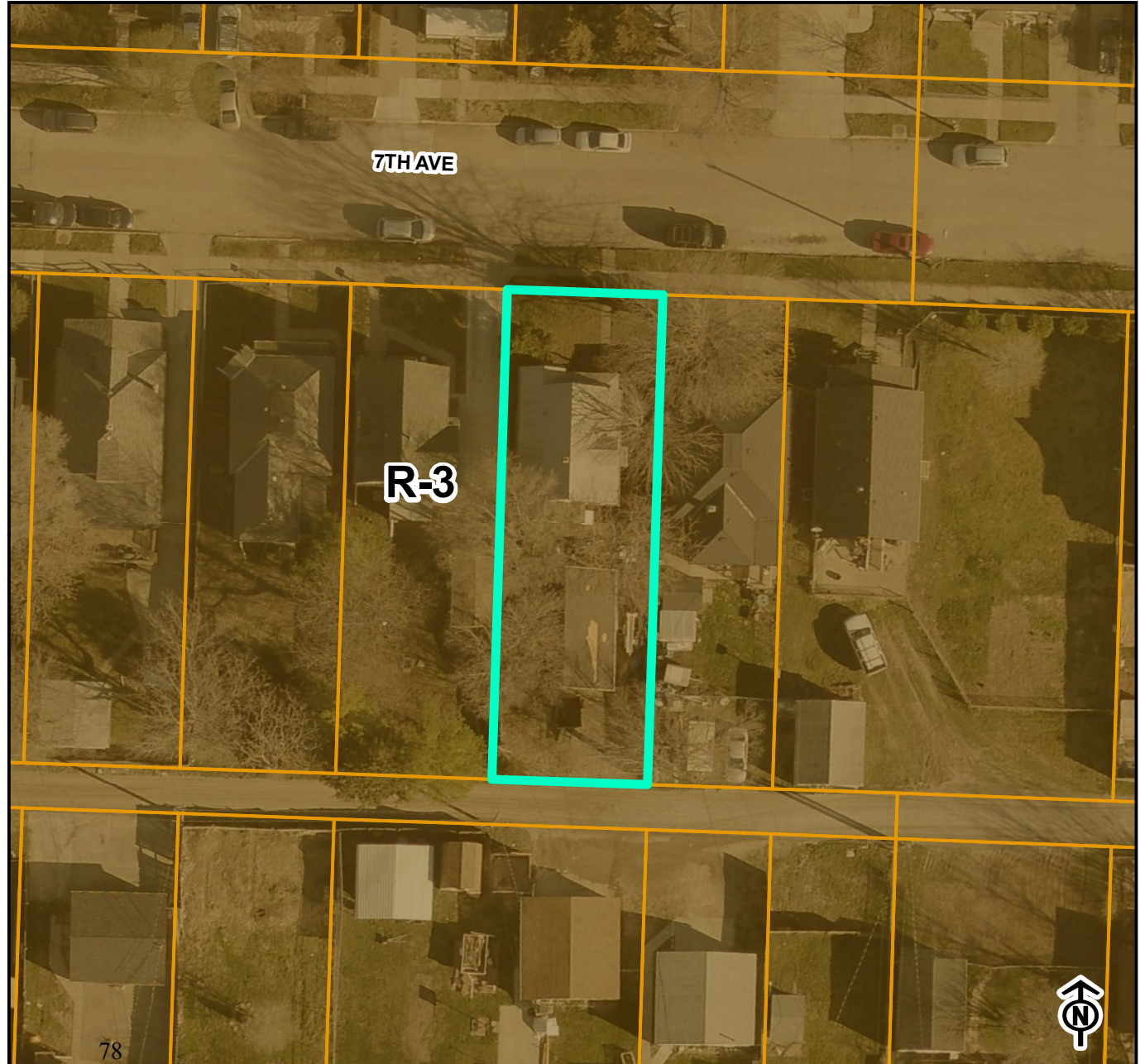


Last Amended: 10/21/2021



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

**DISCLAIMER**  
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Attachment B

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:

1103 7th Ave.

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

Build a single family home

Buyers offer a total sum of \$ 12,900.00

Buyers submit a down payment in the sum of \$ 1,290.00 + \$50 Non-refundable Administrative Fee.

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

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

Adalberto Avalos 10-21-21
Buyer Signature Date

Buyer Signature Date

Avalos Construction LLC
Print Name

Print Name

Address 1622 Ave F.C. Bluff, Ia. 51501

Address

Phone (712) 326-8314

Phone

Email

Email

Internal Use Only

- X Buildable Lot
Remnant Parcel
Previously Vacated ROW

10-21-21 Date Received
Case #Assigned OTB-21-013
Payment with Offer

Offer Sufficient for Review
Approved for Processing:

**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 of Avalos Construction LLC to dispose of city-owned property legally described as Lot 1, Block 10, McMahan, Cooper, and Jefferis 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 13<sup>th</sup> day of December, 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

HPW

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. 21-333**

**A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS LOT 1, BLOCK 10, MCMAHON, COOPER AND JEFFERIS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

WHEREAS, the City has received an offer from Avalos Construction, LLC to purchase the City owned property described as Lot 1, Block 10, McMahan, Cooper, and Jefferis 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 Lot 1, Block 10, McMahan, Cooper, and Jefferis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

**BE IT FURTHER RESOLVED**

That a public hearing be scheduled for December 13, 2021.

ADOPTED  
AND  
APPROVED: November 22, 2021

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

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

## Council Communication

Department: Community  
Development  
Case/Project No.: OTB-21-014  
Submitted by: Brandon Siracuse,  
Planner

Resolution 21-334  
ITEM 3.J.

Council Action: 11/22/2021

### Description

Resolution of intent to dispose of and setting a Public Hearing for December 13, 2021 at 7:00 p.m. for City property legally described as the north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman's First Addition. Location: property formerly addressed as 110 Stutsman Street. OTB-21-014

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:



Description	Type	Upload Date
Staff Report	Staff Report	11/12/2021
Attachment A - Location and Zoning Map	Map	11/12/2021
Attachment B - Applicant Submittal	Other	11/12/2021
Public Hearing Notice	Notice	11/12/2021
Resolution 21-334	Resolution	11/17/2021

**Council Communication**

<p>Department: Community Development</p> <p>CASE #OTB-21-014</p> <p>Applicant: Miguel and Jamie Torres 3418 3<sup>rd</sup> Avenue Council Bluffs, IA 51501</p>	<p>Reso. of Intent No. _____</p> <p>Reso. to Dispose No. _____</p>	<p>Set Public Hearing: 11/22/2021</p> <p>Public Hearing: 12/13/2021</p>
<p align="center"><b>Subject/Title</b></p> <p>Request of Miguel and Jamie Torres to purchase surplus City-owned property legally described as the north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman’s First Addition, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: Property formerly addressed as 110 Stutsman Street</p>		
<p align="center"><b>Background/Discussion</b></p> <p>The Community Development Department has received an offer from Miguel and Jamie Torres to purchase surplus city-owned property legally described above. The subject property is classified as ‘transitional dispose’ and ‘non-buildable.’ The applicants propose to acquire the subject property to provide space to build a garage for the adjacent residential property they recently purchased at 112 Stutsman Street. According to the adopted <i>Inventory and Disposal Policy for Surplus City Property</i>, dated April 23, 2018, the subject property shall be priced at a value established by the most recent fee schedule for street/alley vacations, which is \$306.00. The applicant has offered \$306 and has submitted a down payment of \$45 plus a \$50 nonrefundable administrative fee.</p> <p>The City has incurred a total of \$11,930.00 in Building Division costs for the subject property.</p> <p>The subject property is zoned R-3/Low Density Multifamily Residential District and measures 20’ x 92’ (1,840 square feet), which does not meet the minimum lot size requirements for the R-3/Low Density Multifamily District. Because the subject property is only 20 feet wide, it is considered non-buildable as a standalone lot. The applicant owns the property at 112 Stutsman Street and plans to combine the lots under common ownership. The two properties combined measure 50’ X 92’ (4,600 square feet). This still does not meet minimum lot size requirements for the R-3/Multifamily Residential District, but the combined properties would be buildable under common ownership, as per CBMC 15.26.020 “Nonconforming Lots.”</p>		
<p align="center"><b>Recommendation</b></p> <p>The Community Development Department recommends setting a public hearing on the disposal of the property legally described as the north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman’s First Addition, City of Council Bluffs, Pottawattamie County, Iowa on the December 13, 2021 City Council Meeting.</p>		
<p align="center"><b>Attachments</b></p> <p>Attachment A: Location/Zoning Map Attachment B: Applicant Submittal</p>		

Prepared by: Brandon Siracuse, Planner, Community Development Department

# CITY OF COUNCIL BLUFFS - CITY-OWNED PROPERTY GROUP CASES #OTB-21-013 - LOCATION/ZONING MAP

-  OTB-21-014 Subject Property
-  Parcels

0 40 80  
1 inch = 83 feet

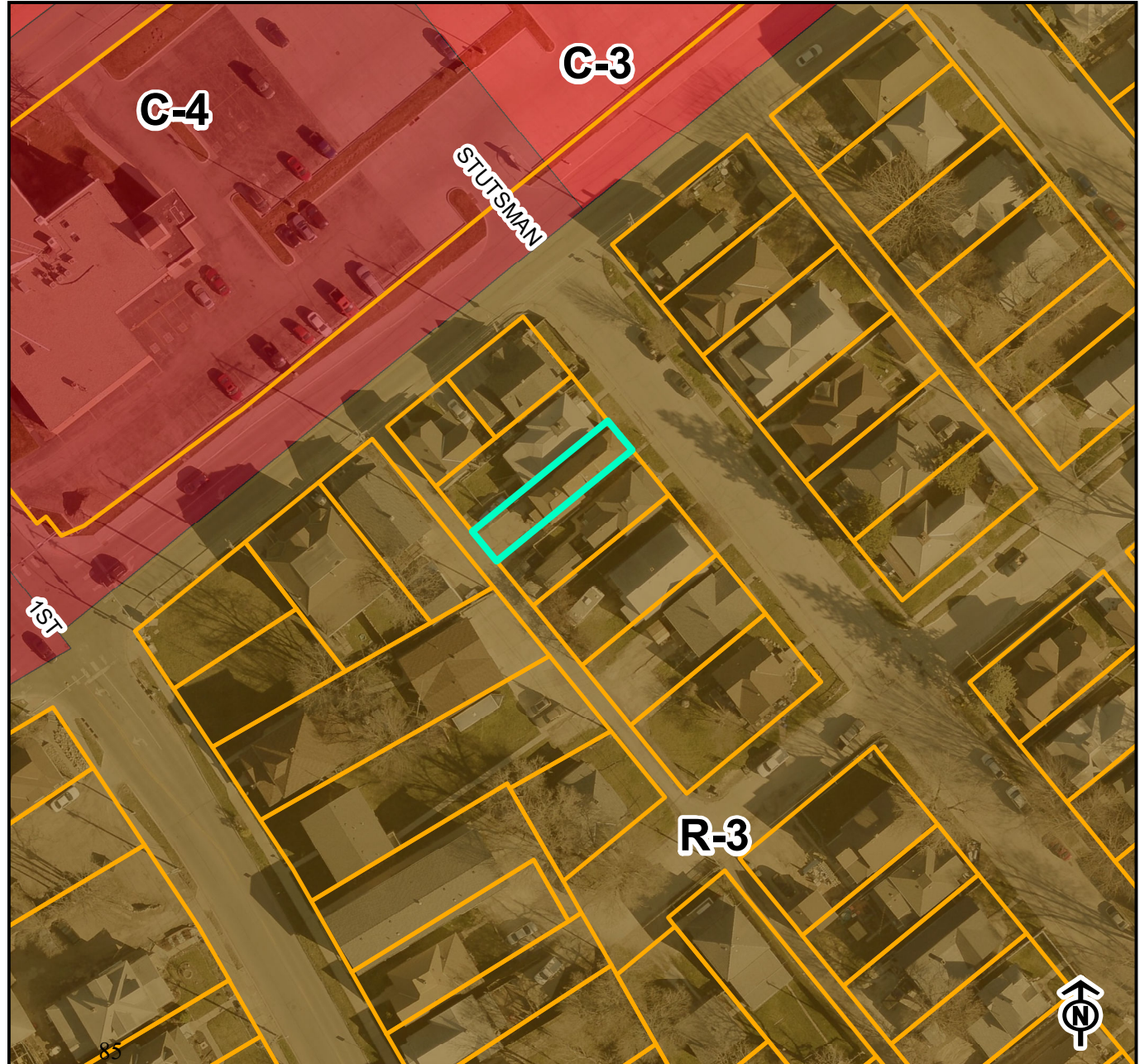


Last Amended: 11/3/2021



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 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.



110 Stutsman Street

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:

N 10', Lot 6 Block 3, and S 10', Lot 7 Block 3, Stutsman's 1st Addition, lying NW of 112' Stutsman St (generally)

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

EXPLAINED PROPERTY MAKE GARAGE

Buyers offer a total sum of \$ 450.00 306.00

Buyers submit a down payment in the sum of \$ 450.00 45 + \$50 Non-refundable Administrative Fee.

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

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

Buyer Signature: [Signature] Date: 10-27-2021
Print Name: JUMIE TORRES
Address: 3418 3rd AVE
Phone: 402-201-0171
Email: jumie.smith206@hotmail.com

Buyer Signature: [Signature] Date: 10-27-2021
Print Name: MIGUEL TORRES
Address: 3418 3rd AVE
Phone: 402-850-4402
Email: mt9577@gmail.com

Internal Use Only

Buildable Lot 10/28/21 Date Received
Remnant Parcel 0TB-21-014 Case #Assigned
Previously Vacated ROW 10/28/21 Payment with Offer

Offer Sufficient for Review
Approved for Processing: 10/28/21



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. 21-334**

**A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE NORTH 10 FEET OF LOT 6 AND THE SOUTH 10 FEET OF LOT 7, BLOCK 3, STUTSMAN’S FIRST ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

WHEREAS, the City has received an offer from Miguel and Jamie Torres to purchase the City owned property described as the north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman’s First 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 north 10 feet of Lot 6 and the south 10 feet of Lot 7, Block 3, Stutsman’s First Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

**BE IT FURTHER RESOLVED**

That a public hearing be scheduled for December 13, 2021.

ADOPTED  
AND  
APPROVED: November 22, 2021

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

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

## Council Communication

Department: Police  
Case/Project No.: PD 21--01  
Submitted by: Chief Tim Carmody

Resolution 21-335  
ITEM 3.K.

Council Action: 11/22/2021

### Description

Resolution accepting the work of Action Target, Inc. as complete and authorizing payment in the amount \$451,491.23 and the release of retainage for the Police Department 100-Yard Range Project. Project# PD 21-01.

### Background/Discussion

- September 28, 2020 Council authorized Mayor Walsh to enter into an agreement with Action Target, Inc. to design and construct an outdoor 100-yard firearms range and control systems.
- The projected total cost of this portion of the project was \$1.62 million.
- Action Target, Inc. worked diligently with the City and other partners to complete the manufacturing, construction, and installation of the new 100-yard range project.
- On November 8, 2021 HGM Associates, Inc. representative Dana M. Blaschko issued a Statement of Final Acceptance for Action Target, Inc.'s work on the project.
- Based upon the final acceptance, all work has been completed, including those items on the punch list.
- City Attorney Richard Wade indicated that language in the agreement between Action Target, Inc. and the City allowed the City to release the final payment and retainage since all the work had been completed.
- As a result of their work and the final acceptance of the project, the City accepts their work and requests the Finance Director release the payment and retainage in the amount of \$451,491.23.
- Total expenses for this portion of the project were \$1,181,930.00 – including the retainage.

### Recommendation

The Police Department recommends approval of this resolution.

### ATTACHMENTS:

Description	Type	Upload Date
HGM Letter of Final Acceptance for Action Target, Inc.	Resolution	11/15/2021
Resolution 21-335	Resolution	11/17/2021



## STATEMENT OF FINAL ACCEPTANCE

TO: City of Council Bluffs, Iowa  
209 Pearl Street  
Council Bluffs, IA 51503

DATE: November 8, 2021

RE: HGM #110520 (CB #PD-21-01)  
Southwest Iowa 100-Yard Shooting Range Addition  
ACTION TARGET

I hereby state that the work of the Addition of the SWIA 100-Yard Shooting Range located at 10073 192<sup>nd</sup> Street, Council Bluffs, Iowa, is complete according to the plans and specifications entitled, "**Southwest Iowa 100-Yard Shooting Range**" under contract by and between the City of Council Bluffs, Iowa and **Action Target** has been completed, including all punch list items as of November 5, 2021, and that the work as completed is in compliance with the plans and specifications for said work. Final acceptance of the project is recommended to and by the City of Council Bluffs, Iowa.

HGM Associates Inc.

A handwritten signature in blue ink that reads "Dana M. Blaschko".

Dana M. Blaschko, NCARB, LEED AP BD+C, NCIDQ  
Project Manager

**RESOLUTION**  
**NO 21-335**

**RESOLUTION ACCEPTING THE WORK OF ACTION TARGET, INC. IN CONNECTION  
WITH THE POLICE DEPARTMENT 100-YARD RANGE PROJECT #PD 21-01 AND  
AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CHECK IN THE AMOUNT OF  
\$455,491.23**

- WHEREAS, the City of Council Bluffs, Iowa entered into an agreement with Action Target, Inc. for the construction of their portion of the 100-Yard Range Project; and
- WHEREAS, said contractor has fully completed the construction of said facility in accordance with the terms and conditions of said contract; and
- WHEREAS, A request for final payment in the amount of \$455,491.23 to Action Target, Inc., has been submitted to the City Council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the City Attorney has advised and does believe that said \$455,491.23 constitutes a valid obligation of the City and should, in its best interest paid.

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

Said construction is hereby accepted as having been fully completed in accordance with plans and specifications.

BE IT FURTHER RESOLVED

That the Finance Director is hereby authorized and directed to issue a city check in the amount of \$451,491.23 payable to Action Target, Inc. from the budget code S35700-44500-P2101.

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: 2021-168  
Submitted by: Tony Fiala, Solid  
Waste Management Superintendent

Resolution 21-336  
ITEM 3.L.

Council Action: 11/22/2021

### Description

Resolution setting a public hearing for 7:00 p.m. on December 13, 2021, for the Recycling Center Scale Purchase and Installation Project Phase I A. Project # 2021-168

### Background/Discussion

The current scale was installed in 1997, the year the Recycling Center was opened. It is near the end of its useful life.

In the first few years of operation, annual traffic averaged 16,000 vehicles. In 2020, nearly 54,000 vehicles utilized the facility.

The purchase and installation of this scale will allow for the redesign of the facility entrance. The redesign will open both gates for separate inbound and outbound traffic through each gate. This new scale will function as the inbound traffic scale while utilizing existing scale for outbound traffic.

Phase two of the project is the removal of the old 1997 scale and replacement with a new outbound scale.

These two projects will enhance safety by eliminating issues caused by crossing traffic patterns and reduce bottlenecks at the entrance of the facility.

The estimated construction cost for this project is \$139,000. The project is included in the Recycling Center Operating Budget.

The project schedule is as follows:	Set Public Hearing	November 22, 2021
	Hold Public Hearing	December 13, 2021
	Bid Letting	January 12, 2022
	Award	January 24, 2022
	Construction End	June 24, 2022

### Recommendation

Approval of this resolution. This project will enhance safety by eliminating issues caused by crossing traffic patterns and reduce bottlenecks at the entrance of the facility.

### ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Notice	11/15/2021
Resolution 21-336	Resolution	11/17/2021

Notice of Public Hearing

on the

Plans, Specifications, Form of Contract, and Cost Estimate

for the

Recycling Center Scale Purchase and Installation Project Phase I A

Project # 2021-168

A Public Hearing will be held on December 13, 2021 at 7:00 P.M., in the Council Chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract, and cost estimate for the Recycling Center Scale Improvement Project Phase I A. The project will include demolition of existing concrete. It will include the installation of one 70' x 11', 120 ton truck scale and appurtenances. At said hearing any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

**RESOLUTION NO. 21-336**

**RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND COST ESTIMATE  
FOR THE RECYCLING CENTER  
SCALE PURCHASE AND INSTALLATION PROJECT PHASE 1A  
PROJECT #2021-168**

WHEREAS, the City of Council Bluffs desires to install a new scale at the recycling center; and

WHEREAS, funding for this project will be provided by Recycling Center Operating Budget; and

WHEREAS, the plans, specifications, form of contract, and cost estimate as prepared by HGM Associates Inc. are on file in the office of the city clerk.

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

That the City Clerk is hereby directed to set a public hearing on the plans, specifications, form of contract, and cost estimate for the Recycling Center Scale Improvement Purchase and Installation Project Phase I A for December 13, 2021.

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

Department: Public Works Admin  
Case/Project No.: 2021-169  
Submitted by: Tony Fiala, Solid  
Waste Management Superintendent

Resolution 21-337  
ITEM 3.M.

Council Action: 11/22/2021

### Description

Resolution setting a public hearing for 7:00 p.m. on December 13, 2021, for the Recycling Center Entrance Drainage and Paving Project Phase I B. Project # 2021-169

### Background/Discussion

Currently stormwater at the entrance to the facility flows underneath the existing scale. This drainage is detrimental to the life of the current scale foundation and other structures that would be placed in the area.

In conjunction with the purchase and installation of a new second scale, it is necessary to improve stormwater drainage and paving at the entrance of the facility. These improvements will provide adequate drainage for the scale in this phase and future phases of the project. The additional paving will provide access to the new scale ramps and approaches.

Phase two of the project is the removal of the old 1997 scale and replacement with a new outbound scale and associated paving.

These two projects will enhance safety by eliminating issues caused by crossing traffic patterns and reduce bottlenecks at the entrance of the facility.

The estimated construction cost for this project is \$69,460. The project is included in the Recycling Center Operating Budget.

The project schedule is as follows:	Set Public Hearing	November 22, 2021
	Hold Public Hearing	December 13, 2021
	Bid Letting	January 12, 2022
	Award	January 24, 2022
	Construction End	June 24, 2022

### Recommendation

Approval of this resolution. This project will address stormwater drainage issues at the Recycling Center.

### ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Notice	11/15/2021
Resolution 21-337	Resolution	11/17/2021

Notice of Public Hearing

on the

Plans, Specifications, Form of Contract, and Cost Estimate

for the

Recycling Center Entrance Drainage and Paving Project Phase I B

Project # 2021-169

A Public Hearing will be held on December 13, 2021 at 7:00 P.M., in the Council Chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract, and cost estimate for the Recycling Center Scale Improvement Project Phase I B. The project will include demolition of existing concrete. It will include the installation of 840 LF of 12" HDPE Storm Sewer; 7 Storm Sewer Intakes; 148 SY of 8" PCC Pavement with CD Joints; and 800 LF of directionally bored 2-Inch HDPE Conduit.

At said hearing any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

**RESOLUTION NO. 21-337**

**RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND COST ESTIMATE  
FOR THE RECYCLING CENTER ENTRANCE  
DRAINAGE AND PAVING PROJECT PHASE I B  
PROJECT #2021-169**

- WHEREAS, the City of Council Bluffs desires to improve stormwater drainage and add paving at the recycling center; and
- WHEREAS, funding for this project will be provided by Recycling Center Operating Budget; and
- WHEREAS, the plans, specifications, form of contract, and cost estimate as prepared by HGM Associates are on file in the office of the city clerk.

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

That the City Clerk is hereby directed to set a public hearing on the plans, specifications, form of contract, and cost estimate for the Recycling Center Scale Entrance Drainage and Paving Project Phase I B for December 13, 2021.

ADOPTED  
AND  
APPROVED

November 22, 2021

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Matthew J. Walsh, Mayor

ATTEST:

---

Jodi Quakenbush, City Clerk

**Council Communication**

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

September 2021 Financial Reports  
ITEM 3.N.

Council Action: 11/22/2021

**Description**

**Background/Discussion**

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Expenditures by Amount	Other	11/4/2021
Expenditures by Vendor	Other	11/4/2021
Receipts & Expenditures by Fund	Other	11/4/2021

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

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
PAYROLL, CITY	1,988,274.51	NET PAYROLL
RPL UTILITY LLC	1,895,621.76	CONSTRUCTION
MECO-HENNE CONTRACTING INC	1,039,169.87	CONSTRUCTION
PETERSON CONTRACTORS INC	1,021,409.59	CONSTRUCTION
TWO RIVERS INSURANCE COMPANY, INC.	972,302.06	EMPLOYEE INSURANCE
CARLEY CONSTRUCTION LLC	634,536.97	CONSTRUCTION
COMPASS UTILITY LLC	593,862.85	CONSTRUCTION
EFTPS	553,297.37	PAYROLL RELATED
MFPRSI	507,197.58	PAYROLL RELATED
WASTE CONNECTIONS OF IOWA	308,020.87	HOUSEHOLD TRASH
IPERS	212,313.59	PAYROLL RELATED
VALLEY CORPORATION	191,250.00	CONSTRUCTION
HGM ASSOCIATES INC	167,055.01	CONSULTANT
MIDAMERICAN ENERGY COMPANY	145,228.47	ELECTRICITY
US BANK	134,045.37	CREDIT CARD PURCHASES
IOWA DEPT OF REVENUE	119,362.00	PAYROLL RELATED
DIXON CONSTRUCTION CO.	113,250.00	CONSTRUCTION
INFOR (US) INC	105,610.11	HARDWARE/SOFTWARE
EMPLOYERS MUTUAL CASUALTY COMPANY	100,885.31	INSURANCE
OLSON BROTHERS CONSTRUCTION	76,931.00	CONSTRUCTION
POTTAWATTAMIE COUNTY TREASURER	71,516.25	FEES
NATIONWIDE RETIREMENT SOLUTIONS INC	70,634.56	PAYROLL RELATED
IOWA WEST FOUNDATION	70,384.79	DEVLPMT CONTRACT
CUSTOM TREE CARE INC	65,790.00	TREE WORK
HARMS OIL COMPANY	61,848.75	FUEL
WESTERN ENGINEERING COMPANY INC	59,903.98	CONSTRUCTION
PAYROLL, MAC	58,186.14	MAC OPERATING EXPENSE
PAYROLL, DODGE	51,084.69	DODGE OPERATING EXPENSE
COUNCIL BLUFFS AIRPORT AUTHORITY	49,597.12	AIRPORT AUTH TAX
LYMAN RICHEY SAND & GRAVEL COMPANY	43,538.68	STREET MAINTENANCE SUPLS
N P DODGE REAL ESTATE	41,900.00	PROFESSIONAL SVCS
IP PATHWAYS LLC	41,687.00	HARDWARE/SOFTWARE
IOWA WASTE SERVICES HOLDINGS INC	38,448.28	SOLID WASTE DISPOSAL
MICAH HOUSE CORP	37,000.00	CONTRACT AGREEMENT
HARBIN CONSTRUCTION INC	29,721.80	CONSTRUCTION
LINHART CONSTRUCTION INC	29,605.61	CONTRACT AGREEMENT
THE DAVEY TREE EXPERT COMPANY	27,712.50	TREE WORK
HDR ENGINEERING INC	22,018.61	PROFESSIONAL SVCS
RELIANCE STANDARD LIFE INSURANCE CO	21,596.68	PAYROLL RELATED
COUNCIL BLUFFS WATER WORKS	19,898.96	WATER
BRYAN ROCK PRODUCTS INC	18,117.68	SUPPLIES
TJ CABLE & UNDERGROUND SERVICES LLC	17,092.00	CONSTRUCTION
RTG BUILDING SERVICES INC	16,220.33	JANITORIAL SERVICE
COX COMMUNICATION INC	15,473.42	PHONE/INTERNET SVC
RYNE JEFFRIES	14,895.00	CONSTRUCTION
DIAMOND MARKETING SOLUTIONS GROUP, INC.	14,622.15	POSTAGE & PRINTING
IOWA LAW ENFORCEMENT ACADEMY	14,407.00	TRAINING
ICMA RETIREMENT TRUST - 457	14,160.00	PAYROLL RELATED
BLACK STRAP INC	13,270.80	STREET MAINTENANCE SUPLS
OVERDRIVE INC	13,226.29	BOOKS/PERIODICALS/SUB

B G PETERSON COMPANY	12,946.00	SUPPLIES
ZIMCO SUPPLY COMPANY	12,900.00	SUPPLIES
PENGUIN RANDOM HOUSE LLC	12,500.00	PROFESSIONAL SVCS
MOBOTREX INC	11,504.00	STREET MAINTENANCE SUPLS
POTTAWATTAMIE COUNTY SHERIFF	10,880.00	INMATE COST
CITY OF COUNCIL BLUFFS-FLEX	10,337.66	PAYROLL RELATED
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACT AGREEMENT
PRIME COMMUNICATIONS INC	10,261.27	HARDWARE/SOFTWARE
JEO CONSULTING GROUP INC	10,217.50	CONSULTANT
PRIME COMMUNICATIONS INC.	10,117.22	RE PARKING GARAGE EXPENSE
COLLECTION SERVICES CENTER	9,752.32	PAYROLL RELATED
YANT EQUIPMENT	9,623.73	REPAIRS & MAINTENANCE
SNYDER & ASSOCIATES INC	9,246.74	CONSULTANT
MACONN ENTERPRISES LLC	9,211.80	MOWING/GROUNDS MAINT
ADVANCED DATA PROCESSING, INC	9,104.95	AMBULANCE BILLING FEE
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	8,590.00	PAYROLL RELATED
ECHO GROUP	8,530.14	SUPPLIES
EHRHART GRIFFIN & ASSOCIATES INC	8,397.54	CONSULTANT
IMPACT7G INC	8,222.75	PROFESSIONAL SVCS
MACQUEEN EQUIPMENT, INC.	8,127.93	EQUIPMENT/PARTS
ELAVON INC	8,041.35	FEES
DRIVER SEWER & WATER INC	7,930.00	CONTRACT AGREEMENT
SAPP BROTHERS INC	7,814.40	FUEL
VERIZON WIRELESS SERVICES LLC	7,793.45	CELL PHONE
VERTIV CORPORATION	7,665.01	REPAIRS & MAINTENANCE
CITY TREASURER	7,615.25	DODGE OPERATING EXPENSE
CONSOLIDATED ELECTRICAL DISTR, INC	7,328.50	SUPPLIES
BLACK HILLS UTILITY HOLDINGS, INC.	7,285.41	NATURAL GAS
ARROW TOWING	6,932.00	TOWING/STORAGE/AUCTION
TOGETHER INC OF METROPOLITAN OMAHA	6,838.23	BUSINESS ASSISTANCE PROGRAM
D & K PRODUCTS	6,750.00	SUPPLIES
LAWSON PRODUCTS INC	6,674.05	SUPPLIES
SECURITY FENCE INC	6,450.00	REPAIRS & MAINTENANCE
SALES TAX, DODGE	6,431.00	DODGE OPERATING EXPENSE
HEARTLAND BUSINESS SYSTEMS LLC	6,343.16	HARDWARE/SOFTWARE
BAKER & TAYLOR INC	6,287.59	BOOKS/PERIODICALS/SUB
SYSCO - LINCOLN	6,269.69	DODGE OPERATING EXPENSE
THE SCOTTS MIRACLE-GRO COMPANY	6,244.23	SERVICE LABOR
GALLS PARENT HOLDING, LLC	6,131.76	EQUIPMENT/PARTS
BOUND TREE MEDICAL LLC	6,130.16	MEDICAL SUPPLIES
ERRIN GUNDERSON	6,028.74	MOWING/GROUNDS MAINT
IOWA SFK LEASING INC	5,879.68	EQUIPMENT/PARTS
JONES AUTOMOTIVE	5,634.98	EQUIPMENT/PARTS
ALLIED OIL & TIRE COMPANY	5,477.55	SUPPLIES
R J THOMAS MANUFACTURING COMPANY INC	5,449.60	EQUIPMENT/PARTS
RYAN ROBERT ADKINS	5,434.60	MOWING/GROUNDS MAINT
ARNOLD MOTOR SUPPLY, LLP	5,364.05	EQUIPMENT/PARTS
MCINTOSH PLUMBING INC	5,250.00	PLUMBING NEW OR REPAIR
RSM US LLP	5,250.00	AUDIT
HWI CUSTOM INTERIORS	5,178.99	DODGE OPERATING EXPENSE
MIDWEST TAPE, LLC	5,082.96	DVD/AUDIO/CD
THE CHARLES MACHINE WORKS INC	4,928.47	EQUIPMENT/PARTS
ZIMCO SUPPLY CO.	4,850.00	DODGE OPERATING EXPENSE
IOWA DEPT OF TRANSPORTATION	4,827.50	CONSULTANT
BOLTON & MENK	4,634.00	CONSULTANT
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	4,500.00	PAYROLL RELATED
BERT GURNEY & ASSOCIATES INC	4,496.99	EQUIPMENT/PARTS

CHRISTINA A. HARRIS	4,404.90	DECEASED EMPLOYEE WAGES
LANDSCAPES GOLF MANAGEMENT LLC	4,389.61	DODGE OPERATING EXPENSE
FOUNDERS SERIES LOCKTON CO LLC	4,323.81	DODGE OPERATING EXPENSE
BARTON SOLVENTS INC	4,276.56	SUPPLIES
CLEVELAND GOLF	4,232.40	DODGE OPERATING EXPENSE
CHAMPLIN TIRE RECYCLING INC	4,200.00	TIRE DISPOSAL
DRAKE-WILLIAMS STEEL INC	4,195.00	REPAIRS & MAINTENANCE
FIRST NATIONAL BANK PCARDS	4,162.70	DODGE OPERATING EXPENSE
DALES TRASH SERVICE INC	4,153.00	RENTAL EXPS
HEARTLAND TIRES & TREADS INC	4,075.03	TIRE REPLACEMENT/REPAIR
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	3,960.00	PAYROLL RELATED
CITY OF COUNCIL BLUFFS-DEPENDENT	3,920.28	PAYROLL RELATED
MARCO HOLDINGS, LLC	3,700.74	COPY/PRINTER MAINTANCE
PURITAN MANUFACTURING INCORPORATED	3,545.00	SUPPLIES
RIFE CONSTRUCTION INC	3,446.65	CONSTRUCTION
VERMEER SALES & SERVICE INC	3,419.53	EQUIPMENT/PARTS
MILLS COUNTY SHERIFF'S DEPARTMENT	3,348.90	GRANT REIMBURSEMENT
CAESARS ENTERTAINMENT	3,251.52	MAC OPERATING EXPENSE
DOLL DISTRIBUTING LLC	3,148.60	DODGE OPERATING EXPENSE
ADIDAS	2,996.02	DODGE OPERATING EXPENSE
BARKER LEMAR AND ASSOCIATES INC	2,982.50	CONSULTANT
KRONOS INCORPORATED	2,966.31	HARDWARE/SOFTWARE
CREDIT CARD FEES, DODGE	2,941.73	DODGE OPERATING EXPENSE
MCKINNIS ROOFING & SHEET METAL LLC	2,925.11	REPAIRS & MAINTENANCE
RDG PLANNING & DESIGN	2,860.00	REFUND
ROGERS SERVICES LLC	2,825.00	SERVICE LABOR
LARSON BACKHOE SERVICES INC	2,707.30	CONSTRUCTION
CREDIT MANAGEMENT, LP	2,636.56	COLLECTION FEE
TOYNE INC	2,575.54	EQUIPMENT/PARTS
THE RETROFIT COMPANIES INC	2,513.75	SERVICE LABOR
NODDLE DEVELOPMENT CO	2,459.00	RE PARKING GARAGE EXPENSE
MICHAEL O'BRADOVICH	2,400.00	PROFESSIONAL SVCS
SWING KING/DIGITAL GOLF TECHNO	2,391.00	DODGE OPERATING EXPENSE
U.S. VENTURE, INC.	2,354.04	EQUIPMENT/PARTS
KELLY SUPPLY COMPANY	2,131.19	EQUIPMENT/PARTS
HUBER CHEVROLET CO INC	2,115.01	EQUIPMENT/PARTS
OMNI ENGINEERING	2,096.34	STREET MAINTENANCE SUPLS
CORNHUSKER INTERNATIONAL TRUCKS	2,043.95	EQUIPMENT/PARTS
NEW VISIONS HOMELESS SERVICES	2,037.41	GRANT REIMBURSEMENT
PITNEY BOWES INC.	2,000.00	POSTAGE & PRINTING
NAPA AUTO PARTS	1,885.19	EQUIPMENT/PARTS
FEURING PROMOTIONS INC	1,880.00	UNIFORMS
GM DODGE CHARITABLE TRUST	1,878.26	DODGE TRUST REIMBURSEMENT
DAILY NONPAREIL	1,854.74	ADVERTISEMENT
OMAHA NEON SIGN CO INC	1,800.00	CONTRACT LABOR
AHLERS & COONEY P.C	1,791.12	LEGAL SERVICES
NMC INC.	1,773.99	EQUIPMENT/PARTS
COUNCIL BLUFFS WINSUPPLY	1,769.86	SUPPLIES
DMG INC	1,599.98	ELECTRICAL REPAIR
IOWA PRISON INDUSTRIES	1,575.75	SUPPLIES
BOMGAARS SUPPLY INC	1,572.23	SUPPLIES
CHRONOGOLF BY LIGHTSPEED	1,565.14	DODGE OPERATING EXPENSE
DAVIS EQUIPMENT CORPORATION	1,533.43	EQUIPMENT/PARTS
IOWA DEPARTMENT OF REVENUE	1,515.00	MAC OPERATING EXPENSE
DONNA L TROUT	1,500.00	PROFESSIONAL SVCS
FACTORY MOTOR PARTS	1,471.83	EQUIPMENT/PARTS
STYKER SALES CORPORATION	1,416.62	EQUIPMENT/PARTS

FORTE PAYMENT SYSTEMS INC	1,393.84	EQUIPMENT/PARTS
DAVID C ANDERSEN	1,386.00	CONSTRUCTION
COMPUTER CABLE CONNECTION	1,378.00	HARDWARE/SOFTWARE
THE SCHEMMER ASSOCIATES INC	1,373.75	CONSULTANT
PEPSI BEVERAGES CO	1,367.96	DODGE OPERATING EXPENSE
FLOTEC INC	1,345.32	SAFETY EQUIP & MAINTENANCE
MIDWEST TURF & IRRIGATION	1,337.25	EQUIPMENT/PARTS
W.W. GRAINGER, INC.	1,319.91	EQUIPMENT/PARTS
WINSTON COLLECTION	1,299.97	DODGE OPERATING EXPENSE
1-80 LIQUOR & TOBACCO	1,291.07	DODGE OPERATING EXPENSE
HEARTLAND DOCUMENT SERVICES INC.	1,289.00	JANITORIAL SERVICE
OCLC INC	1,280.98	SUBSCRIPTION
HAWKINS CONSTRUCTION COMPANY	1,267.31	CONSTRUCTION
UNDERGROUND LOCATION COMPANY	1,264.50	PROFESSIONAL SVCS
EDWARDS CHEVROLET-CADILLAC INC	1,264.17	EQUIPMENT/PARTS
BLUFFS ELECTRIC INC	1,254.04	ELECTRICAL REPAIR
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,250.00	PAYROLL RELATED
BOBCAT OF OMAHA	1,223.49	EQUIPMENT/PARTS
JORIE L SCHEELE	1,220.00	PROFESSIONAL SVCS
IPFS CORPORATION	1,216.22	DODGE OPERATING EXPENSE
AG SOLUTIONS GROUP LLC	1,191.60	EQUIPMENT/PARTS
PREMIER GLAZER'S BEV'S	1,163.90	DODGE OPERATING EXPENSE
CFI TIRE SERVICE	1,154.14	TIRE REPLACEMENT/REPAIR
CSI/SSP INC	1,127.22	PRINTING/BINDING
J & J SMALL ENGINE SERVICE	1,105.19	EQUIPMENT/PARTS
UNIVERSITY OF NEBRASKA AT OMAHA	1,075.00	TRAINING
MIDWEST TURF & IRRIGATION	1,053.58	DODGE OPERATING EXPENSE
ABC ELECTRIC INC.	1,035.28	REPAIRS & MAINTENANCE
NEBRASKA AIR FILTER INC	1,031.52	SUPPLIES
FLORIDA STATE DISBURSEMENT UNIT	1,015.38	PAYROLL RELATED
CABANA COFFEE	998.71	MAC OPERATING EXPENSE
PASSPORT LABS INC	973.00	PARKING FEES
REVOLUTION WRAPS LLC	948.84	ADVERTISEMENT
PARAMOUNT GAS PRODUCTS LLC	935.00	SAFETY EQUIP & MAINTENANCE
UTILITY EQUIPMENT COMPANY	929.65	EQUIPMENT/PARTS
DIAMOND MOWERS INC	924.18	REPAIRS & MAINTENANCE
ENTERPRISE FM TRUST	920.79	RENTAL EXPS
MIDAMERICAN	896.89	RE PARKING GARAGE EXPENSE
UMR	891.76	DODGE OPERATING EXPENSE
TRAFFIC CONTROL CORP	885.00	EQUIPMENT/PARTS
WEST PUBLISHING CORPORATION	880.01	SUBSCRIPTION
WOODHOUSE FORD CHRYLSEY INC	877.63	EQUIPMENT/PARTS
SIEMENS INDUSTRY INC	856.25	EQUIPMENT/PARTS
ANGELA GRINER	850.00	REFUND
ECOSOLUTIONS INC	813.75	SUPPLIES
ENGINEERED CONTROLS	812.00	RE PARKING GARAGE EXPENSE
FORSTA FILTERS INC	810.00	EQUIPMENT/PARTS
ACUSHNET COMPANY	780.04	DODGE OPERATING EXPENSE
MIZUNO USA INC.	754.62	DODGE OPERATING EXPENSE
CARTRAC	730.00	DODGE OPERATING EXPENSE
TRANE U.S. INC	714.73	REPAIRS & MAINTENANCE
GENIE SERVICES LLC	695.00	PEST CONTROL
ARR ROOFING, LLC	693.00	REPAIRS & MAINTENANCE
NEBRASKA GOLF AND TURF	687.41	DODGE OPERATING EXPENSE
CENTURYLINK	662.13	PHONE/INTERNET SVC
YAMAHA MOTOR FINANCE	652.24	DODGE OPERATING EXPENSE
RASMUSSEN MECHANICAL SERVICES INC	651.00	EQUIPMENT/PARTS

EMERGENCY APPARATUS MAINTENANCE	646.92	EQUIPMENT/PARTS
CANON SOLUTIONS AMERICA INC	628.86	COPY/PRINTER MAINTANCE
IOWA LEAGUE OF CITIES	624.00	FEES
USAA	613.00	REFUND
MCMULLEN FORD INC	611.42	EQUIPMENT/PARTS
IOWA DEPARTMENT OF PUBLIC SAFETY	600.00	TRAINING
MIDWEST RESEARCH & SETTLEMENT SERVICES, INC.	600.00	PROFESSIONAL SVCS
ODEYS INC	594.00	EQUIPMENT/PARTS
PROMOTION, INC.	588.00	SUBSCRIPTION
TERRACON CONSULTANTS INC	575.00	PROFESSIONAL SVCS
BLACKSTONE AUDIO INC	568.64	BOOKS/PERIODICALS/SUB
AGRILAND F S INC	557.20	SUPPLIES
D&K PRODUCTS	554.58	DODGE OPERATING EXPENSE
REPORTING SERVICES LLC	554.20	PROFESSIONAL SVCS
IOWA DEPARTMENT OF REVENUE	536.98	PAYROLL RELATED
HEARTLAND TOXICOLOGY	535.00	PROFESSIONAL SVCS
YMCA OF GREATER OMAHA	520.00	DUES/MEMBERSHIP
TRIGON CORPORATION	519.99	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	514.32	PAYROLL RELATED
STANARD & ASSOCIATES INC	509.50	SUPPLIES
CARMELA CRUELL	500.00	PROFESSIONAL SVCS
JASON CONRAD REGAN	500.00	PROFESSIONAL SVCS
K9 BED BUG DETECTION OF NEBRASKA LLC	500.00	PROFESSIONAL SVCS
OMAHA CHILDREN'S MUSEUM	500.00	CONTRACT AGREEMENT
RACHEL GUERICKE	500.00	PROFESSIONAL SVCS
ZACHARY PETERSON	500.00	PROFESSIONAL SVCS
BGNE INC.	498.75	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	496.62	PAYROLL RELATED
AQUA-CHEM INCORPORATED	484.20	SUPPLIES
SIOUX CITY TRUCK SALES INC	477.00	EQUIPMENT/PARTS
DULTMEIER SALES LLC	475.90	SUPPLIES
INLAND TRUCK PARTS COMPANY INC	471.51	EQUIPMENT/PARTS
C & J INDUSTRIAL SUPPLY	467.50	JANITORIAL SERVICE
2ND WIND EXERCISE EQUIPMENT INC	455.00	EQUIPMENT/PARTS
O'REILLY AUTOMOTIVE INC	454.75	EQUIPMENT/PARTS
BEHRENS APPRAISAL SERVICES LLC	450.00	CONSULTANT
CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY	434.89	EQUIPMENT/PARTS
RIEKES EQUIPMENT COMPANY	422.76	EQUIPMENT/PARTS
OMAHA WORLD HERALD	420.99	ADVERTISEMENT
NODDLE SERVICES LLC	403.71	RE PARKING GARAGE EXPENSE
PROACTIVE SPORTS GROUP	402.00	DODGE OPERATING EXPENSE
KERRY NORTHWAY	394.00	EQUIPMENT/PARTS
OPTIMUM DATA INC	390.00	HARDWARE/SOFTWARE
MAX I WALKER UNIFORM & APPAREL	377.47	UNIFORMS
OMAHA DOOR & WINDOW CO INC	366.51	REPAIRS & MAINTENANCE
ONE SOURCE THE BACKGROUND CHECK COMPANY	362.30	CONSULTANT
SCHINDLER ELEVATOR CORPORATION	361.48	REPAIRS & MAINTENANCE
MIDWEST MEDICAL & SAFETY INC	356.85	MEDICAL SUPPLIES
TED'S MOWER SALES & SERVICE INC	354.32	EQUIPMENT/PARTS
POTTAWATTAMIE ARTS, CULTURE, & ENTERTAINMENT	350.00	CONTRACT AGREEMENT
TRAFFIC & PARKING CONTROL CO	349.30	HARDWARE/SOFTWARE
BUCK'S LLC	343.75	VEHICLE WASH
AA WHEEL & TRUCK SUPPLY LLC	335.60	SUPPLIES
SAFETY KLEEN SYSTEMS, INC	323.57	SERVICE LABOR
AMERICAN BOTTLING COMPANY	323.40	SUPPLIES
CIVICPLUS	309.08	HARDWARE/SOFTWARE
GREATAMERICA FINANCIAL SERVICES CORP	303.39	LEASE

MIDWEST BOX COMPANY	302.78	SUPPLIES
LINDA M CONNER	300.00	CONSULTANT
SCOTT L WHITE	300.00	PROFESSIONAL SVCS
CENTER POINT LARGE PRINT	291.81	BOOKS/PERIODICALS/SUB
EDWARD JAMES BREWSTER JR	285.00	PROFESSIONAL SVCS
RAILROAD MANAGEMENT COMPANY III LLC	284.85	LEASE
ELM USA INC	281.49	SUPPLIES
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	280.00	PAYROLL RELATED
COX BUSINESS SERVICES	275.92	RE PARKING GARAGE EXPENSE
ATHLETICO EXCEL NEBRASKA LLC	275.00	PROFESSIONAL SVCS
PEERLESS WIPING CLOTH CO	271.50	SUPPLIES
FINTECH	268.28	MAC OPERATING EXPENSE
INTERNATIONAL CODE COUNCIL INC.	265.00	SUPPLIES
KATHY WILSON	260.00	CONTRACT AGREEMENT
STUART TINLEY LAW FIRM LLP	260.00	PROFESSIONAL SVCS
CHAVIS MICHAEL WISE	256.00	SUPPLIES
WATER ENGINEERING INC	254.57	MOWING/GROUNDS MAINT
DANIEL FOGEL	250.00	PROFESSIONAL SVCS
JAMES PALMER	250.00	PROFESSIONAL SVCS
RLKM INC	246.50	REPAIRS & MAINTENANCE
ROSE EQUIPMENT, LLC	239.48	EQUIPMENT/PARTS
ELBA E CERA	225.00	PROFESSIONAL SVCS
FELD FIRE	221.22	EQUIPMENT/PARTS
PREMIER	220.20	MAC OPERATING EXPENSE
J&M GOLF	220.08	DODGE OPERATING EXPENSE
COLIN J KITSON	215.38	DODGE OPERATING EXPENSE
WASTE CONNECTIONS OF IOWA	203.00	DODGE OPERATING EXPENSE
DYLAN ROHDE	200.00	PROFESSIONAL SVCS
IOWA WORKERS COMPENSATION ADVISORY COMMITTEE, INC.	200.00	TRAINING
CLEAR TITLE & ABSTRACT LLC	195.00	PROFESSIONAL SVCS
JOHNNY FORD	187.50	REFUND
THYSSENKRUPP ELEVATOR CORPORATION	184.04	RE PARKING GARAGE EXPENSE
MID STATES BANK	182.25	MAC OPERATING EXPENSE
MARTIN RESOURCE MANAGEMENT	181.30	SUPPLIES
GLAZERS	177.02	MAC OPERATING EXPENSE
METRO PLUMBING	175.60	REFUND
GENIE PEST CONTROL	174.10	DODGE OPERATING EXPENSE
HEARTLAND CO-OP	171.00	FUEL
IOWA WATER ENVIRONMENT ASSOCIATION	170.00	TRAINING
ROBERT SCHOENING	169.92	PROPERTY ACQUISITION
SECURITY EQUIPMENT INCORPORATED	169.00	ALARM SECURITY
ACCENT PACKAGING INC	164.94	SUPPLIES
SOIL DYNAMICS COMPOSTING FARM INC	164.50	PROFESSIONAL SVCS
ELEDGE PLUMBING INC	157.65	REPAIRS & MAINTENANCE
RDO TRUCK CENTER CO	153.51	EQUIPMENT/PARTS
GREAT AMERICA FINANCIAL SERVICES	153.45	DODGE OPERATING EXPENSE
CENGAGE LEARNING INC	150.70	BOOKS/PERIODICALS/SUB
DRIVER PLUMBING LTD.	150.00	REPAIRS & MAINTENANCE
WATERMAN, JON	150.00	LIBRARY PERFORMANCES
TIFOSI OPTICS INC	150.00	DODGE OPERATING EXPENSE
CONTINENTAL ALARM & DETECTION CO	128.00	REPAIRS & MAINTENANCE
JOE INNIS	124.75	REFUND
MICHAEL TODD AND COMPANY INC	122.86	EQUIPMENT/PARTS
POTTAWATTAMIE COUNTY CLERK OF COURT	120.00	COURT COSTS
KRIHA FLUID POWER COMPANY INC.	119.58	EQUIPMENT/PARTS
COX BUSINESS	117.72	DODGE OPERATING EXPENSE

MATHESON TRI GAS INC.	117.07	SUPPLIES
IOWA DEPT OF AGRICULTURE & LAND STEWARDSHIP	117.00	CONTRACT AGREEMENT
LOGAN CONTRACTORS SUPPLY INC	117.00	SUPPLIES
FASTENAL COMPANY	104.80	SUPPLIES
LINCOLN NATIONAL LIFE INS CO	97.00	DODGE OPERATING EXPENSE
CUMMINS INC	92.12	EQUIPMENT/PARTS
RICOH USA INC	90.35	LEASE
M & R WELDING	90.00	WELDING SUPPLIES/SERVICE
HEIMAN INC.	89.04	SAFETY EQUIP & MAINTENANCE
BILL'S WATER CONDITIONING	88.78	SUPPLIES
TK ELEVATOR CORPORATION	88.50	PROFESSIONAL SVCS
NEBRAKSA TOTAL CARE	86.92	REFUND
ELECTRIC PUMP	85.86	EQUIPMENT/PARTS
FIRESPRING PRINT INC	80.81	PRINTING/BINDING
ASI SYSTEMS INC	80.25	RE PARKING GARAGE EXPENSE
PROPERTY ACQUISITION & RELOCATION SERVICES INC	75.00	PROFESSIONAL SVCS
OSAGE INDUSTRIES INC	71.19	EQUIPMENT/PARTS
NATIONAL CONCRETE CUTTING INC	67.84	REPAIRS & MAINTENANCE
BOUND TO STAY BOUND BOOKS INC	61.39	BOOKS/PERIODICALS/SUB
SPRINT SOLUTIONS INC	57.66	CELL PHONE
MUTUAL OF OMAHA	54.88	DODGE OPERATING EXPENSE
AGRIVISION EQUIPMENT GROUP	54.51	EQUIPMENT/PARTS
FUNNEL CAKE	53.37	MAC OPERATING EXPENSE
BANK FEES, RIVER'S EDGE PARKING	50.40	RE PARKING GARAGE EXPENSE
HARREL KAREN	50.00	REFUND
SHARON HUDSON	50.00	REFUND
GRP & ASSOCIATES	49.00	SUPPLIES
BOFA	47.32	MAC OPERATING EXPENSE
AMERITAS LIFE INS CORP	45.29	DODGE OPERATING EXPENSE
DEX MEDIA, INC.	44.50	ADVERTISEMENT
UNITED PARCEL SERVICE	42.49	FREIGHT/POSTAGE
JEFFREY T KOUBA	41.00	PROFESSIONAL SVCS
THE ABY MANUFACTURING GROUP INC	40.50	SUPPLIES
POWERTECH	38.48	REFUND
GREAT PLAINS UNIFORMS	27.50	UNIFORMS
EDWARD R CARLSON	25.01	REIMB EMPLOYEE EXPENSE
AMERICAN MESSAGING SERVICES LLC	14.34	PHONE/INTERNET SVC
UNITED TACTICAL SYSTEMS LLC	9.57	EQUIPMENT/PARTS
UNION BANK & TRUST/OMNIFY	7.00	DODGE OPERATING EXPENSE
UNION BANK & TRUST/OMNIFY	4.00	DODGE OPERATING EXPENSE
<b>Total</b>	<b><u>12,626,944.18</u></b>	

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

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
1-80 LIQUOR & TOBACCO	1,291.07	DODGE OPERATING EXPENSE
2ND WIND EXERCISE EQUIPMENT INC	455.00	EQUIPMENT/PARTS
AA WHEEL & TRUCK SUPPLY LLC	335.60	SUPPLIES
ABC ELECTRIC INC.	1,035.28	REPAIRS & MAINTENANCE
ACCENT PACKAGING INC	164.94	SUPPLIES
ACUSHNET COMPANY	780.04	DODGE OPERATING EXPENSE
ADIDAS	2,996.02	DODGE OPERATING EXPENSE
ADVANCED DATA PROCESSING, INC	9,104.95	AMBULANCE BILLING FEE
AG SOLUTIONS GROUP LLC	1,191.60	EQUIPMENT/PARTS
AGRILAND F S INC	557.20	SUPPLIES
AGRIVISION EQUIPMENT GROUP	54.51	EQUIPMENT/PARTS
AHLERS & COONEY P.C	1,791.12	LEGAL SERVICES
ALLIED OIL & TIRE COMPANY	5,477.55	SUPPLIES
AMERICAN BOTTLING COMPANY	323.40	SUPPLIES
AMERICAN MESSAGING SERVICES LLC	14.34	PHONE/INTERNET SVC
AMERITAS LIFE INS CORP	45.29	DODGE OPERATING EXPENSE
ANGELA GRINER	850.00	REFUND
AQUA-CHEM INCORPORATED	484.20	SUPPLIES
ARNOLD MOTOR SUPPLY, LLP	5,364.05	EQUIPMENT/PARTS
ARR ROOFING, LLC	693.00	REPAIRS & MAINTENANCE
ARROW TOWING	6,932.00	TOWING/STORAGE/AUCTION
ASI SYSTEMS INC	80.25	RE PARKING GARAGE EXPENSE
ATHLETICO EXCEL NEBRASKA LLC	275.00	PROFESSIONAL SVCS
B G PETERSON COMPANY	12,946.00	SUPPLIES
BAKER & TAYLOR INC	6,287.59	BOOKS/PERIODICALS/SUB
BANK FEES, RIVER'S EDGE PARKING	50.40	RE PARKING GARAGE EXPENSE
BARKER LEMAR AND ASSOCIATES INC	2,982.50	CONSULTANT
BARTON SOLVENTS INC	4,276.56	SUPPLIES
BEHRENS APPRAISAL SERVICES LLC	450.00	CONSULTANT
BERT GURNEY & ASSOCIATES INC	4,496.99	EQUIPMENT/PARTS
BGNE INC.	498.75	SUPPLIES
BILL'S WATER CONDITIONING	88.78	SUPPLIES
BLACK HILLS UTILITY HOLDINGS, INC.	7,285.41	NATURAL GAS
BLACK STRAP INC	13,270.80	STREET MAINTENANCE SUPLS
BLACKSTONE AUDIO INC	568.64	BOOKS/PERIODICALS/SUB
BLUFFS ELECTRIC INC	1,254.04	ELECTRICAL REPAIR
BOBCAT OF OMAHA	1,223.49	EQUIPMENT/PARTS
BOFA	47.32	MAC OPERATING EXPENSE
BOLTON & MENK	4,634.00	CONSULTANT
BOMGAARS SUPPLY INC	1,572.23	SUPPLIES
BOUND TO STAY BOUND BOOKS INC	61.39	BOOKS/PERIODICALS/SUB
BOUND TREE MEDICAL LLC	6,130.16	MEDICAL SUPPLIES
BRYAN ROCK PRODUCTS INC	18,117.68	SUPPLIES
BUCK'S LLC	343.75	VEHICLE WASH
C & J INDUSTRIAL SUPPLY	467.50	JANITORIAL SERVICE
CABANA COFFEE	998.71	MAC OPERATING EXPENSE
CAESARS ENTERTAINMENT	3,251.52	MAC OPERATING EXPENSE
CANON SOLUTIONS AMERICA INC	628.86	COPY/PRINTER MAINTANCE
CARLEY CONSTRUCTION LLC	634,536.97	CONSTRUCTION
CARMELA CRUELL	500.00	PROFESSIONAL SVCS

CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY	434.89	EQUIPMENT/PARTS
CARTRAC	730.00	DODGE OPERATING EXPENSE
CENGAGE LEARNING INC	150.70	BOOKS/PERIODICALS/SUB
CENTER POINT LARGE PRINT	291.81	BOOKS/PERIODICALS/SUB
CENTURYLINK	662.13	PHONE/INTERNET SVC
CFI TIRE SERVICE	1,154.14	TIRE REPLACEMENT/REPAIR
CHAMPLIN TIRE RECYCLING INC	4,200.00	TIRE DISPOSAL
CHAVIS MICHAEL WISE	256.00	SUPPLIES
CHILD SUPPORT SERVICES DIVISION	514.32	PAYROLL RELATED
CHRISTINA A. HARRIS	4,404.90	DECEASED EMPLOYEE WAGES
CHRONOGOLF BY LIGHTSPEED	1,565.14	DODGE OPERATING EXPENSE
CITY OF COUNCIL BLUFFS-DEPENDENT	3,920.28	PAYROLL RELATED
CITY OF COUNCIL BLUFFS-FLEX	10,337.66	PAYROLL RELATED
CITY TREASURER	7,615.25	DODGE OPERATING EXPENSE
CIVICPLUS	309.08	HARDWARE/SOFTWARE
CLEAR TITLE & ABSTRACT LLC	195.00	PROFESSIONAL SVCS
CLEVELAND GOLF	4,232.40	DODGE OPERATING EXPENSE
COLIN J KITSON	215.38	DODGE OPERATING EXPENSE
COLLECTION SERVICES CENTER	9,752.32	PAYROLL RELATED
COMPASS UTILITY LLC	593,862.85	CONSTRUCTION
COMPUTER CABLE CONNECTION	1,378.00	HARDWARE/SOFTWARE
CONSOLIDATED ELECTRICAL DISTR, INC	7,328.50	SUPPLIES
CONTINENTAL ALARM & DETECTION CO	128.00	REPAIRS & MAINTENANCE
CORNHUSKER INTERNATIONAL TRUCKS	2,043.95	EQUIPMENT/PARTS
COUNCIL BLUFFS AIRPORT AUTHORITY	49,597.12	AIRPORT AUTH TAX
COUNCIL BLUFFS WATER WORKS	19,898.96	WATER
COUNCIL BLUFFS WINSUPPLY	1,769.86	SUPPLIES
COX BUSINESS	117.72	DODGE OPERATING EXPENSE
COX BUSINESS SERVICES	275.92	RE PARKING GARAGE EXPENSE
COX COMMUNICATION INC	15,473.42	PHONE/INTERNET SVC
CREDIT CARD FEES, DODGE	2,941.73	DODGE OPERATING EXPENSE
CREDIT MANAGEMENT, LP	2,636.56	COLLECTION FEE
CSI/SSP INC	1,127.22	PRINTING/BINDING
CUMMINS INC	92.12	EQUIPMENT/PARTS
CUSTOM TREE CARE INC	65,790.00	TREE WORK
D & K PRODUCTS	6,750.00	SUPPLIES
D&K PRODUCTS	554.58	DODGE OPERATING EXPENSE
DAILY NONPAREIL	1,854.74	ADVERTISEMENT
DALES TRASH SERVICE INC	4,153.00	RENTAL EXPS
DANIEL FOGEL	250.00	PROFESSIONAL SVCS
DAVID C ANDERSEN	1,386.00	CONSTRUCTION
DAVIS EQUIPMENT CORPORATION	1,533.43	EQUIPMENT/PARTS
DEX MEDIA, INC.	44.50	ADVERTISEMENT
DIAMOND MARKETING SOLUTIONS GROUP, INC.	14,622.15	POSTAGE & PRINTING
DIAMOND MOWERS INC	924.18	REPAIRS & MAINTENANCE
DIXON CONSTRUCTION CO.	113,250.00	CONSTRUCTION
DMG INC	1,599.98	ELECTRICAL REPAIR
DOLL DISTRIBUTING LLC	3,148.60	DODGE OPERATING EXPENSE
DONNA L TROUT	1,500.00	PROFESSIONAL SVCS
DRAKE-WILLIAMS STEEL INC	4,195.00	REPAIRS & MAINTENANCE
DRIVER PLUMBING LTD.	150.00	REPAIRS & MAINTENANCE
DRIVER SEWER & WATER INC	7,930.00	CONTRACT AGREEMENT
DULTMEIER SALES LLC	475.90	SUPPLIES
DYLAN ROHDE	200.00	PROFESSIONAL SVCS
ECHO GROUP	8,530.14	SUPPLIES
ECOSOLUTIONS INC	813.75	SUPPLIES
EDWARD JAMES BREWSTER JR	285.00	PROFESSIONAL SVCS

EDWARD R CARLSON	25.01	REIMB EMPLOYEE EXPENSE
EDWARDS CHEVROLET-CADILLAC INC	1,264.17	EQUIPMENT/PARTS
EFTPS	553,297.37	PAYROLL RELATED
EHRHART GRIFFIN & ASSOCIATES INC	8,397.54	CONSULTANT
ELAVON INC	8,041.35	FEES
ELBA E CERA	225.00	PROFESSIONAL SVCS
ELECTRIC PUMP	85.86	EQUIPMENT/PARTS
ELEDGE PLUMBING INC	157.65	REPAIRS & MAINTENANCE
ELM USA INC	281.49	SUPPLIES
EMERGENCY APPARATUS MAINTENANCE	646.92	EQUIPMENT/PARTS
EMPLOYERS MUTUAL CASUALTY COMPANY	100,885.31	INSURANCE
ENGINEERED CONTROLS	812.00	RE PARKING GARAGE EXPENSE
ENTERPRISE FM TRUST	920.79	RENTAL EXPS
ERRIN GUNDERSON	6,028.74	MOWING/GROUNDS MAINT
FACTORY MOTOR PARTS	1,471.83	EQUIPMENT/PARTS
FASTENAL COMPANY	104.80	SUPPLIES
FELD FIRE	221.22	EQUIPMENT/PARTS
FEURING PROMOTIONS INC	1,880.00	UNIFORMS
FINTECH	268.28	MAC OPERATING EXPENSE
FIRESRING PRINT INC	80.81	PRINTING/BINDING
FIRST NATIONAL BANK PCARDS	4,162.70	DODGE OPERATING EXPENSE
FLORIDA STATE DISBURSEMENT UNIT	1,015.38	PAYROLL RELATED
FLOTEC INC	1,345.32	SAFETY EQUIP & MAINTENANCE
FORSTA FILTERS INC	810.00	EQUIPMENT/PARTS
FORTE PAYMENT SYSTEMS INC	1,393.84	EQUIPMENT/PARTS
FOUNDERS SERIES LOCKTON CO LLC	4,323.81	DODGE OPERATING EXPENSE
FUNNEL CAKE	53.37	MAC OPERATING EXPENSE
GALLS PARENT HOLDING, LLC	6,131.76	EQUIPMENT/PARTS
GENIE PEST CONTROL	174.10	DODGE OPERATING EXPENSE
GENIE SERVICES LLC	695.00	PEST CONTROL
GLAZERS	177.02	MAC OPERATING EXPENSE
GM DODGE CHARITABLE TRUST	1,878.26	DODGE TRUST REIMBURSEMENT
GREAT AMERICA FINANCIAL SERVICES	153.45	DODGE OPERATING EXPENSE
GREAT PLAINS UNIFORMS	27.50	UNIFORMS
GREATAMERICA FINANCIAL SERVICES CORP	303.39	LEASE
GRP & ASSOCIATES	49.00	SUPPLIES
HARBIN CONSTRUCTION INC	29,721.80	CONSTRUCTION
HARMS OIL COMPANY	61,848.75	FUEL
HARREL KAREN	50.00	REFUND
HAWKINS CONSTRUCTION COMPANY	1,267.31	CONSTRUCTION
HDR ENGINEERING INC	22,018.61	PROFESSIONAL SVCS
HEARTLAND BUSINESS SYSTEMS LLC	6,343.16	HARDWARE/SOFTWARE
HEARTLAND CO-OP	171.00	FUEL
HEARTLAND DOCUMENT SERVICES INC.	1,289.00	JANITORIAL SERVICE
HEARTLAND TIRES & TREADS INC	4,075.03	TIRE REPLACEMENT/REPAIR
HEARTLAND TOXICOLOGY	535.00	PROFESSIONAL SVCS
HEIMAN INC.	89.04	SAFETY EQUIP & MAINTENANCE
HGM ASSOCIATES INC	167,055.01	CONSULTANT
HUBER CHEVROLET CO INC	2,115.01	EQUIPMENT/PARTS
HWI CUSTOM INTERIORS	5,178.99	DODGE OPERATING EXPENSE
ICMA RETIREMENT TRUST - 457	14,160.00	PAYROLL RELATED
IMPACT7G INC	8,222.75	PROFESSIONAL SVCS
INFOR (US) INC	105,610.11	HARDWARE/SOFTWARE
INLAND TRUCK PARTS COMPANY INC	471.51	EQUIPMENT/PARTS
INTERNATIONAL CODE COUNCIL INC.	265.00	SUPPLIES
IOWA DEPARTMENT OF PUBLIC SAFETY	600.00	TRAINING
IOWA DEPARTMENT OF REVENUE	536.98	PAYROLL RELATED

IOWA DEPARTMENT OF REVENUE	1,515.00	MAC OPERATING EXPENSE
IOWA DEPT OF AGRICULTURE & LAND STEWARDSHIP	117.00	CONTRACT AGREEMENT
IOWA DEPT OF REVENUE	119,362.00	PAYROLL RELATED
IOWA DEPT OF TRANSPORTATION	4,827.50	CONSULTANT
IOWA LAW ENFORCEMENT ACADEMY	14,407.00	TRAINING
IOWA LEAGUE OF CITIES	624.00	FEES
IOWA PRISON INDUSTRIES	1,575.75	SUPPLIES
IOWA SFK LEASING INC	5,879.68	EQUIPMENT/PARTS
IOWA WASTE SERVICES HOLDINGS INC	38,448.28	SOLID WASTE DISPOSAL
IOWA WATER ENVIRONMENT ASSOCIATION	170.00	TRAINING
IOWA WEST FOUNDATION	70,384.79	DEVLPMNT CONTRACT
IOWA WORKERS COMPENSATION ADVISORY COMMITTEE, INC.	200.00	TRAINING
IP PATHWAYS LLC	41,687.00	HARDWARE/SOFTWARE
IPERS	212,313.59	PAYROLL RELATED
IPFS CORPORATION	1,216.22	DODGE OPERATING EXPENSE
J & J SMALL ENGINE SERVICE	1,105.19	EQUIPMENT/PARTS
J&M GOLF	220.08	DODGE OPERATING EXPENSE
JAMES PALMER	250.00	PROFESSIONAL SVCS
JASON CONRAD REGAN	500.00	PROFESSIONAL SVCS
JEFFREY T KOUBA	41.00	PROFESSIONAL SVCS
JEO CONSULTING GROUP INC	10,217.50	CONSULTANT
JOE INNIS	124.75	REFUND
JOHNNY FORD	187.50	REFUND
JONES AUTOMOTIVE	5,634.98	EQUIPMENT/PARTS
JORIE L SCHEELE	1,220.00	PROFESSIONAL SVCS
K9 BED BUG DETECTION OF NEBRASKA LLC	500.00	PROFESSIONAL SVCS
KATHY WILSON	260.00	CONTRACT AGREEMENT
KELLY SUPPLY COMPANY	2,131.19	EQUIPMENT/PARTS
KERRY NORTHWAY	394.00	EQUIPMENT/PARTS
KRIHA FLUID POWER COMPANY INC.	119.58	EQUIPMENT/PARTS
KRONOS INCORPORATED	2,966.31	HARDWARE/SOFTWARE
LANDSCAPES GOLF MANAGEMENT LLC	4,389.61	DODGE OPERATING EXPENSE
LARSON BACKHOE SERVICES INC	2,707.30	CONSTRUCTION
LAWSON PRODUCTS INC	6,674.05	SUPPLIES
LINCOLN NATIONAL LIFE INS CO	97.00	DODGE OPERATING EXPENSE
LINDA M CONNER	300.00	CONSULTANT
LINHART CONSTRUCTION INC	29,605.61	CONTRACT AGREEMENT
LOGAN CONTRACTORS SUPPLY INC	117.00	SUPPLIES
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	4,500.00	PAYROLL RELATED
LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN	1,250.00	PAYROLL RELATED
LYMAN RICHEY SAND & GRAVEL COMPANY	43,538.68	STREET MAINTENANCE SUPPLS
M & R WELDING	90.00	WELDING SUPPLIES/SERVICE
MACONN ENTERPRISES LLC	9,211.80	MOWING/GROUNDS MAINT
MACQUEEN EQUIPMENT, INC.	8,127.93	EQUIPMENT/PARTS
MARCO HOLDINGS, LLC	3,700.74	COPY/PRINTER MAINTANCE
MARTIN RESOURCE MANAGEMENT	181.30	SUPPLIES
MATHESON TRI GAS INC.	117.07	SUPPLIES
MAX I WALKER UNIFORM & APPAREL	377.47	UNIFORMS
MCINTOSH PLUMBING INC	5,250.00	PLUMBING NEW OR REPAIR
MCKINNIS ROOFING & SHEET METAL LLC	2,925.11	REPAIRS & MAINTENANCE
MCMULLEN FORD INC	611.42	EQUIPMENT/PARTS
MECO-HENNE CONTRACTING INC	1,039,169.87	CONSTRUCTION
METRO PLUMBING	175.60	REFUND
MFPRSI	507,197.58	PAYROLL RELATED

MICAH HOUSE CORP	37,000.00	CONTRACT AGREEMENT
MICHAEL O'BRADOVICH	2,400.00	PROFESSIONAL SVCS
MICHAEL TODD AND COMPANY INC	122.86	EQUIPMENT/PARTS
MID STATES BANK	182.25	MAC OPERATING EXPENSE
MIDAMERICAN	896.89	RE PARKING GARAGE EXPENSE
MIDAMERICAN ENERGY COMPANY	145,228.47	ELECTRICITY
MIDLANDS HUMANE SOCIETY	10,328.17	CONTRACT AGREEMENT
MIDWEST BOX COMPANY	302.78	SUPPLIES
MIDWEST MEDICAL & SAFETY INC	356.85	MEDICAL SUPPLIES
MIDWEST RESEARCH & SETTLEMENT SERVICES, INC.	600.00	PROFESSIONAL SVCS
MIDWEST TAPE, LLC	5,082.96	DVD/AUDIO/CD
MIDWEST TURF & IRRIGATION	1,337.25	EQUIPMENT/PARTS
MIDWEST TURF & IRRIGATION	1,053.58	DODGE OPERATING EXPENSE
MILLS COUNTY SHERIFF'S DEPARTMENT	3,348.90	GRANT REIMBURSEMENT
MIZUNO USA INC.	754.62	DODGE OPERATING EXPENSE
MOBOTREX INC	11,504.00	STREET MAINTENANCE SUPLS
MUTUAL OF OMAHA	54.88	DODGE OPERATING EXPENSE
N P DODGE REAL ESTATE	41,900.00	PROFESSIONAL SVCS
NAPA AUTO PARTS	1,885.19	EQUIPMENT/PARTS
NATIONAL CONCRETE CUTTING INC	67.84	REPAIRS & MAINTENANCE
NATIONWIDE RETIREMENT SOLUTIONS INC	70,634.56	PAYROLL RELATED
NEBRAKSA TOTAL CARE	86.92	REFUND
NEBRASKA AIR FILTER INC	1,031.52	SUPPLIES
NEBRASKA CHILD SUPPORT PAYMENT CTR	496.62	PAYROLL RELATED
NEBRASKA GOLF AND TURF	687.41	DODGE OPERATING EXPENSE
NEW VISIONS HOMELESS SERVICES	2,037.41	GRANT REIMBURSEMENT
NMC INC.	1,773.99	EQUIPMENT/PARTS
NODDLE DEVELOPMENT CO	2,459.00	RE PARKING GARAGE EXPENSE
NODDLE SERVICES LLC	403.71	RE PARKING GARAGE EXPENSE
OCLC INC	1,280.98	SUBSCRIPTION
ODEYS INC	594.00	EQUIPMENT/PARTS
OLSON BROTHERS CONSTRUCTION	76,931.00	CONSTRUCTION
OMAHA CHILDREN'S MUSEUM	500.00	CONTRACT AGREEMENT
OMAHA DOOR & WINDOW CO INC	366.51	REPAIRS & MAINTENANCE
OMAHA NEON SIGN CO INC	1,800.00	CONTRACT LABOR
OMAHA WORLD HERALD	420.99	ADVERTISEMENT
OMNI ENGINEERING	2,096.34	STREET MAINTENANCE SUPLS
ONE SOURCE THE BACKGROUND CHECK COMPANY	362.30	CONSULTANT
OPTIMUM DATA INC	390.00	HARDWARE/SOFTWARE
O'REILLY AUTOMOTIVE INC	454.75	EQUIPMENT/PARTS
OSAGE INDUSTRIES INC	71.19	EQUIPMENT/PARTS
OVERDRIVE INC	13,226.29	BOOKS/PERIODICALS/SUB
PARAMOUNT GAS PRODUCTS LLC	935.00	SAFETY EQUIP & MAINTENANCE
PASSPORT LABS INC	973.00	PARKING FEES
PAYROLL, CITY	1,988,274.51	NET PAYROLL
PAYROLL, DODGE	51,084.69	DODGE OPERATING EXPENSE
PAYROLL, MAC	58,186.14	MAC OPERATING EXPENSE
PEERLESS WIPING CLOTH CO	271.50	SUPPLIES
PENGUIN RANDOM HOUSE LLC	12,500.00	PROFESSIONAL SVCS
PEPSI BEVERAGES CO	1,367.96	DODGE OPERATING EXPENSE
PETERSON CONTRACTORS INC	1,021,409.59	CONSTRUCTION
PITNEY BOWES INC.	2,000.00	POSTAGE & PRINTING
POTTAWATTAMIE ARTS, CULTURE, & ENTERTAINMENT	350.00	CONTRACT AGREEMENT
POTTAWATTAMIE COUNTY CLERK OF COURT	120.00	COURT COSTS
POTTAWATTAMIE COUNTY SHERIFF	10,880.00	INMATE COST
POTTAWATTAMIE COUNTY TREASURER	71,516.25	FEES
POWERTECH	38.48	REFUND

PREMIER	220.20	MAC OPERATING EXPENSE
PREMIER GLAZER'S BEV'S	1,163.90	DODGE OPERATING EXPENSE
PRIME COMMUNICATIONS INC	10,261.27	HARDWARE/SOFTWARE
PRIME COMMUNICATIONS INC.	10,117.22	RE PARKING GARAGE EXPENSE
PROACTIVE SPORTS GROUP	402.00	DODGE OPERATING EXPENSE
PROMOTION, INC.	588.00	SUBSCRIPTION
PROPERTY ACQUISITION & RELOCATION SERVICES INC	75.00	PROFESSIONAL SVCS
PURITAN MANUFACTURING INCORPORATED	3,545.00	SUPPLIES
R J THOMAS MANUFACTURING COMPANY INC	5,449.60	EQUIPMENT/PARTS
RACHEL GUERICKE	500.00	PROFESSIONAL SVCS
RAILROAD MANAGEMENT COMPANY III LLC	284.85	LEASE
RASMUSSEN MECHANICAL SERVICES INC	651.00	EQUIPMENT/PARTS
RDG PLANNING & DESIGN	2,860.00	REFUND
RDO TRUCK CENTER CO	153.51	EQUIPMENT/PARTS
RELIANCE STANDARD LIFE INSURANCE CO	21,596.68	PAYROLL RELATED
REPORTING SERVICES LLC	554.20	PROFESSIONAL SVCS
REVOLUTION WRAPS LLC	948.84	ADVERTISEMENT
RICOH USA INC	90.35	LEASE
RIEKES EQUIPMENT COMPANY	422.76	EQUIPMENT/PARTS
RIFE CONSTRUCTION INC	3,446.65	CONSTRUCTION
RLKM INC	246.50	REPAIRS & MAINTENANCE
ROBERT SCHOENING	169.92	PROPERTY ACQUISITION
ROGERS SERVICES LLC	2,825.00	SERVICE LABOR
ROSE EQUIPMENT, LLC	239.48	EQUIPMENT/PARTS
RPL UTILITY LLC	1,895,621.76	CONSTRUCTION
RSM US LLP	5,250.00	AUDIT
RTG BUILDING SERVICES INC	16,220.33	JANITORIAL SERVICE
RYAN ROBERT ADKINS	5,434.60	MOWING/GROUNDS MAINT
RYNE JEFFRIES	14,895.00	CONSTRUCTION
SAFETY KLEEN SYSTEMS, INC	323.57	SERVICE LABOR
SALES TAX, DODGE	6,431.00	DODGE OPERATING EXPENSE
SAPP BROTHERS INC	7,814.40	FUEL
SCHINDLER ELEVATOR CORPORATION	361.48	REPAIRS & MAINTENANCE
SCOTT L WHITE	300.00	PROFESSIONAL SVCS
SECURITY EQUIPMENT INCORPORATED	169.00	ALARM SECURITY
SECURITY FENCE INC	6,450.00	REPAIRS & MAINTENANCE
SHARON HUDSON	50.00	REFUND
SIEMENS INDUSTRY INC	856.25	EQUIPMENT/PARTS
SIOUX CITY TRUCK SALES INC	477.00	EQUIPMENT/PARTS
SNYDER & ASSOCIATES INC	9,246.74	CONSULTANT
SOIL DYNAMICS COMPOSTING FARM INC	164.50	PROFESSIONAL SVCS
SPRINT SOLUTIONS INC	57.66	CELL PHONE
STANARD & ASSOCIATES INC	509.50	SUPPLIES
STUART TINLEY LAW FIRM LLP	260.00	PROFESSIONAL SVCS
STYKER SALES CORPORATION	1,416.62	EQUIPMENT/PARTS
SWING KING/DIGITAL GOLF TECHNO	2,391.00	DODGE OPERATING EXPENSE
SYSCO - LINCOLN	6,269.69	DODGE OPERATING EXPENSE
TED'S MOWER SALES & SERVICE INC	354.32	EQUIPMENT/PARTS
TERRACON CONSULTANTS INC	575.00	PROFESSIONAL SVCS
THE ABY MANUFACTURING GROUP INC	40.50	SUPPLIES
THE CHARLES MACHINE WORKS INC	4,928.47	EQUIPMENT/PARTS
THE DAVEY TREE EXPERT COMPANY	27,712.50	TREE WORK
THE RETROFIT COMPANIES INC	2,513.75	SERVICE LABOR
THE SCHEMMER ASSOCIATES INC	1,373.75	CONSULTANT
THE SCOTTS MIRACLE-GRO COMPANY	6,244.23	SERVICE LABOR
THYSSENKRUPP ELEVATOR CORPORATION	184.04	RE PARKING GARAGE EXPENSE
TIFOSI OPTICS INC	150.00	DODGE OPERATING EXPENSE

TJ CABLE & UNDERGROUND SERVICES LLC	17,092.00	CONSTRUCTION
TK ELEVATOR CORPORATION	88.50	PROFESSIONAL SVCS
TOGETHER INC OF METROPOLITAN OMAHA	6,838.23	BUSINESS ASSISTANCE PROGRAM
TOYNE INC	2,575.54	EQUIPMENT/PARTS
TRAFFIC & PARKING CONTROL CO	349.30	HARDWARE/SOFTWARE
TRAFFIC CONTROL CORP	885.00	EQUIPMENT/PARTS
TRANE U.S. INC	714.73	REPAIRS & MAINTENANCE
TRIGON CORPORATION	519.99	SUPPLIES
TWO RIVERS INSURANCE COMPANY, INC.	972,302.06	EMPLOYEE INSURANCE
U.S. VENTURE, INC.	2,354.04	EQUIPMENT/PARTS
UMR	891.76	DODGE OPERATING EXPENSE
UNDERGROUND LOCATION COMPANY	1,264.50	PROFESSIONAL SVCS
UNION BANK & TRUST/OMNIFY	7.00	DODGE OPERATING EXPENSE
UNION BANK & TRUST/OMNIFY	4.00	DODGE OPERATING EXPENSE
UNITED PARCEL SERVICE	42.49	FREIGHT/POSTAGE
UNITED TACTICAL SYSTEMS LLC	9.57	EQUIPMENT/PARTS
UNIVERSITY OF NEBRASKA AT OMAHA	1,075.00	TRAINING
US BANK	134,045.37	CREDIT CARD PURCHASES
USAA	613.00	REFUND
UTILITY EQUIPMENT COMPANY	929.65	EQUIPMENT/PARTS
VALLEY CORPORATION	191,250.00	CONSTRUCTION
VERIZON WIRELESS SERVICES LLC	7,793.45	CELL PHONE
VERMEER SALES & SERVICE INC	3,419.53	EQUIPMENT/PARTS
VERTIV CORPORATION	7,665.01	REPAIRS & MAINTENANCE
VOYA RETIREMENT INSURANCE & ANNUITY COMPANY	8,590.00	PAYROLL RELATED
W.W. GRAINGER, INC.	1,319.91	EQUIPMENT/PARTS
WASTE CONNECTIONS OF IOWA	308,020.87	HOUSEHOLD TRASH
WASTE CONNECTIONS OF IOWA	203.00	DODGE OPERATING EXPENSE
WATER ENGINEERING INC	254.57	MOWING/GROUNDS MAINT
WATERMAN, JON	150.00	LIBRARY PREFORMANCES
WEST PUBLISHING CORPORATION	880.01	SUBSCRIPTION
WESTERN ENGINEERING COMPANY INC	59,903.98	CONSTRUCTION
WINSTON COLLECTION	1,299.97	DODGE OPERATING EXPENSE
WOODHOUSE FORD CHRYLSEY INC	877.63	EQUIPMENT/PARTS
YAMAHA MOTOR FINANCE	652.24	DODGE OPERATING EXPENSE
YANT EQUIPMENT	9,623.73	REPAIRS & MAINTENANCE
YMCA OF GREATER OMAHA	520.00	DUES/MEMBERSHIP
ZACHARY PETERSON	500.00	PROFESSIONAL SVCS
ZIMCO SUPPLY CO.	4,850.00	DODGE OPERATING EXPENSE
ZIMCO SUPPLY COMPANY	12,900.00	SUPPLIES
<b>Total</b>	<b><u>12,626,944.18</u></b>	

**City of Council Bluffs**

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

General Fund	4,392,263.46
Special Revenue	2,332,603.40
Debt Service	581,786.66
Capital Project	1,727,494.30
Enterprise	1,386,541.19
<b>Total Receipts</b>	<b><u>10,420,689.01</u></b>

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

General Fund	5,557,820.30
Special Revenue	514,260.95
Debt Service	0.00
Capital Project	5,818,112.46
Enterprise	735,955.23
<b>Total Expenditures</b>	<b><u>12,626,148.94</u></b>

**Transfer from City Operating Accounts**

to Mid America Center	0.00
to Dodge Riverside	0.00
to RE Parking Garage	14,000.00
<b>Total Transfers</b>	<b><u>14,000.00</u></b>

**NOTICE TO REDEEM FROM TAX SALE**

TO: Paul M. Dreher a/k/a Paul Martin Dreher and any unknown heirs, devisees, grantees, assignees, successors in interest, and claimants  
1217 5<sup>th</sup> Avenue  
Council Bluffs, IA 51501

Unknown Spouse of Paul M. Dreher a/k/a Paul Martin Dreher, if any  
1217 5<sup>th</sup> Avenue  
Council Bluffs, IA 51501

Parties in Possession of  
1217 5<sup>th</sup> Avenue  
Council Bluffs, IA 51501

Paul M. Dreher a/k/a Paul Martin Dreher and any unknown heirs, devisees, grantees, assignees, successors in interest, and claimants  
PO Box 1741  
Council Bluffs, IA 51502

Unknown Spouse of Paul M. Dreher a/k/a Paul Martin Dreher, if any  
PO Box 1741  
Council Bluffs, IA 51502

Paul M. Dreher a/k/a Paul Martin Dreher and any unknown heirs, devisees, grantees, assignees, successors in interest, and claimants  
1217 4<sup>th</sup> Avenue  
Council Bluffs, IA 51501

Unknown Spouse of Paul M. Dreher a/k/a Paul Martin Dreher, if any  
1217 4<sup>th</sup> Avenue  
Council Bluffs, IA 51501

Gloria Diane Rickersten Dreher a/k/a Gloria Diane Dreher a/k/a Gloria D. Dreher  
PO Box 1741  
Council Bluffs, IA 51502

RE: Iowa District Court in and for Pottawattamie County, Case No.CBCIMG149861, judgement filed November 24, 2014 vs. Paul Martin Dreher.

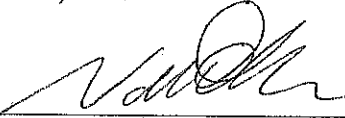
CLERK OF  
COURT  
POTTAWATTAMIE COUNTY  
IOWA

Action by Council:  
Receive & File:

Date: 11.22.21

Dated this 9<sup>th</sup> day of November, 20 21

ACC163, LLC

By: 

Nathan D. Runde-AT009759

Of

Clemens, Walters, Conlon

Runde & Hiatt, L.L.P.

2080 Southpark Court

Dubuque, IA 52003

Tel: (563)582-2926

Fax: (563)582-2998

Email: [nrunde@cwcmllaw.com](mailto:nrunde@cwcmllaw.com)

**NOTE:** Do not contact the purchaser at the tax sale or his attorney in order to arrange for payment of the amounts necessary to redeem this property. The only means by which you may redeem this property is through payment of the amounts due through the Pottawattamie County Treasurer, Pottawattamie County Courthouse, Council Bluffs, Iowa, (712) 328-5627.

ADAIR 0303 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:

A TRACT OF LAND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 8-73-43; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 1,321.64 FEET TO THE CENTER LINE OF VALLEY VIEW DRIVE, THENCE SOUTHERLY ALONG SAID CENTER LINE OF VALLEY VIEW DRIVE AT RIGHT ANGLES TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 374 FEET; THENCE EASTERLY AT RIGHT ANGLES TO SAID CENTER LINE OF VALLEY VIEW DRIVE, ALONG A LINE 370 FEET SOUTHERLY OF AND PARALLEL TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 175.5 FEET, THENCE SOUTHERLY ALONG A LINE 208.5 FEET EASTERLY OF AND PARALLEL TO SAID CENTER LINE OF VALLEY VIEW DRIVE, A DISTANCE OF 76 FEET; THENCE WESTERLY ALONG A LINE 450 FEET SOUTHERLY OF AND PARALLEL TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 175.5 FEET; THENCE NORTHERLY ALONG A LINE 33 FEET EASTERLY OF AND PARALLEL TO SAID CENTER LINE OF VALLEY VIEW DRIVE, A DISTANCE OF 76 FEET TO THE POINT OF BEGINNING. a/k/a PARCEL # 744308126005

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 19-0166**. Thank you.

Action by Council:

Receive & File:

Date: 11.22.21

TO: PERSON IN POSSESSION, 14927 VALLEY VIEW DR COUNCIL BLUFFS IOWA 51503 - PERSON IN POSSESSION  
SCOTT PRICE, 14927 VALLEY VIEW DR COUNCIL BLUFFS IOWA 51503 - OWNER  
POTTAWATTAMIE COUNTY AUDITOR, 227 S 6TH ST COUNCIL BLUFFS IOWA 51501 - COUNTY AUDITOR  
CITY OF COUNCIL BLUFFS C/O CITY CLERK, 209 PEARL ST #103 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 ADAIR 0303 WITH UNION BANK AS SECURED PARTY.

2. The legal description of the property sold is:

A TRACT OF LAND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 8-73-43; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 1,321.64 FEET TO THE CENTER LINE OF VALLEY VIEW DRIVE, THENCE SOUTHERLY ALONG SAID CENTER LINE OF VALLEY VIEW DRIVE AT RIGHT ANGLES TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 374 FEET; THENCE EASTERLY AT RIGHT ANGLES TO SAID CENTER LINE OF VALLEY VIEW DRIVE, ALONG A LINE 370 FEET SOUTHERLY OF AND PARALLEL TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 175.5 FEET, THENCE SOUTHERLY ALONG A LINE 208.5 FEET EASTERLY OF AND PARALLEL TO SAID CENTER LINE OF VALLEY VIEW DRIVE, A DISTANCE OF 76 FEET; THENCE WESTERLY ALONG A LINE 450 FEET SOUTHERLY OF AND PARALLEL TO SAID NORTH LINE OF SECTION 8, TOWNSHIP 74, RANGE 43, A DISTANCE OF 175.5 FEET; THENCE NORTHERLY ALONG A LINE 33 FEET EASTERLY OF AND PARALLEL TO SAID CENTER LINE OF VALLEY VIEW DRIVE, A DISTANCE OF 76 FEET TO THE POINT OF BEGINNING.  
a/k/a PARCEL # 744308126005

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 ADAIR 0303 WITH UNION BANK AS SECURED PARTY

POTTAWATTAMIE 19-0166

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51501

CITY CLAIM NO. 21-PD-2141

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Jack Duyssen DAY PHONE: \_\_\_\_\_

ADDRESS: 22008 Chestnut Rd, CB IA 51503 DOB: \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: 10-27-21 13:10

LOCATION OF LOSS/ACCIDENT: Hwy 92 + Denmark, CB, IA

DESCRIPTION OF LOSS/ACCIDENT: See Attached report from Police, CB Police Officer Deana Roth rear-ended Jack Duyssen. Officer was in patrol car.

TOTAL DAMAGES CLAIMED: 2237 + car rental during repair (USE BACK OF FORM, IF NECESSARY)

WITNESSES (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: Vehicle damage described. Estimates attached.

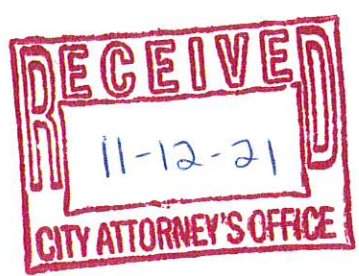
LIST INSURANCE PROVIDER AND COVERAGE: Farm Bureau - Comprehensive.

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 714.2(3) CODE OF IOWA)

11-9-21  
DATE

Jack Duyssen  
CLAIMANT SIGNATURE



CLERK RCVD  
12 NOV 21  
AM 9:53

Action by Council:  
Receive & File:  
Date: 11-22-21

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-2140

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Carol Allmon DAY PHONE:                     

ADDRESS: 1403 AVE. K Apt 4 Co. Bluffs, IA DOB:                     

DATE & TIME OF LOSS/ACCIDENT: 9/25/2021 14:07

LOCATION OF LOSS/ACCIDENT: 100 Block W. Broadway in front of Lincoln Pub

DESCRIPTION OF LOSS/ACCIDENT: rear ended by police car while stopped.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$                     

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

WAS POLICE REPORT FILED  YES  NO Report 21-010620

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:                     

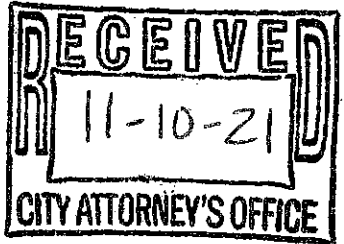
CLERK ROND  
10 NOV 21

LIST INSURANCE PROVIDER AND COVERAGE: Auto-owners liability Only PM2:25

**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)**

11/5/2021  
DATE



Carol L Allmon  
CLAIMANT'S SIGNATURE

Action by Council:  
Receive & File:

Date: 11.22.21

# City of Council Bluffs Iowa

## Office of the Mayor PROCLAMATION

**Whereas,** the government of Council Bluffs, Iowa celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 65.1% of net new jobs created from 2000 to 2019; and

**Whereas,** small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

**Whereas,** 97% of Small Business Saturday® shoppers recognize the impact they can make by shopping small, 85% of them also encouraged friends and family to do so, too; and

**Whereas,** 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

**Whereas,** Council Bluffs, Iowa supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

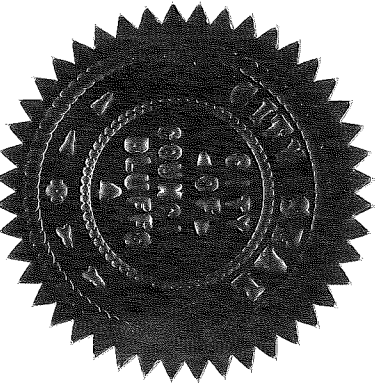
**Whereas,** advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**Now, Therefore,** I, Matthew J. Walsh, Mayor of Council Bluffs, Iowa do hereby proclaim, November 27, 2021, as

## **SMALL BUSINESS SATURDAY**

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

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the official seal of the City of Council Bluffs,  
Iowa to be affixed this 22nd day of November, in the year  
Two Thousand Twenty One.



  
Matthew J. Walsh, Mayor

**Council Communication**

Department: Mayor  
Case/Project No.:  
#GivingTuesday712  
Submitted by: Matt Walsh

#GivingTuesday712  
ITEM 4.B.

Council Action: 11/22/2021

**Description**

**Background/Discussion**

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
#GivingTuesday712	Proclamation	11/8/2021

# City of Council Bluffs Iowa

## Office of the Mayor PROCLAMATION

**WHEREAS,** #GivingTuesday712 is Southwest Iowa's local celebration of the global Giving Tuesday, established as a national day of giving on the Tuesday following Thanksgiving; and

**WHEREAS,** #GivingTuesday712 is an opportunity to give back to dozens of local causes who choose our city to call home; and

**WHEREAS,** #GivingTuesday712 is a day to show the positive influence our community can make by giving back to others; and

**WHEREAS,** #GivingTuesday712 reminds us to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Council Bluffs; and

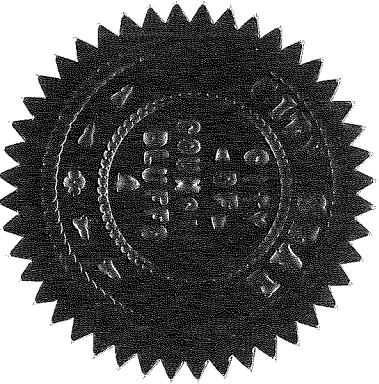
**WHEREAS,** #GivingTuesday712 is an opportunity to encourage citizens to give not only monetarily, but by the acts of service of everyday life. Every act of generosity is powerful.

**NOW, THEREFORE, I,** Matthew J. Walsh, Mayor of the City of Council Bluffs, Iowa do hereby proclaim November 30, 2021 as

**#GivingTuesday712**

in the City of Council Bluffs, Iowa and encourage all citizens to join together to give back to the community in any way that is personally meaningful.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 22<sup>nd</sup> day of November, in the year Two Thousand Twenty One.



  
Matthew J. Walsh, Mayor

## Council Communication

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

Resolution 21-338  
ITEM 5.A.

Council Action: 11/22/2021

### Description

Resolution approving and authorizing the Mayor to execute a Parking Rights and Agreement regarding Mid-America Center and 20 Arena Way by and between the City of Council Bluffs, Iowa and Cave Industries, LLC.

### Background/Discussion

The parties have negotiated terms and conditions of a Parking Rights and Agreement regarding the parking lots surrounding and serving the Mid-America Center, Fieldhouse, Retail Spine and Hotel for twenty (20) years. A Special Council Meeting was held on November 15, 2021 regarding the intent to enter into this Agreement and a Public Hearing was held on November 22, 2021. The Parking Rights and Agreement is attached as part of the record herein for review.

### Recommendation

Approval and authorization is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	11/16/2021
Resolution 21-338	Resolution	11/17/2021

**PARKING RIGHTS AND AGREEMENT  
REGARDING  
MID-AMERICA CENTER AND 20 ARENA WAY**

This agreement (“Agreement”) is entered into between the City of Council Bluffs, Iowa, a municipality (“City”) and CAVE Industries, LLC, an Iowa limited liability company (“Owner”) on this \_\_\_ day of \_\_\_\_\_, 2021 and assign its rights and obligations under this Agreement to accommodate such transactions, as approved by City Council Resolution No. 16-82 on April 25, 2016.

**PARKING LOT USAGE**

The drive aisle surrounding the Mid-America Center and three additional parcels described in attached “Exhibit A” make up what will referred to as the Common Access and Parking Areas for The “Mid-America Center”, The “Fieldhouse”, The “Retail Spine” and the “Hotel”, as those terms are used in this Agreement.

City, as owner of the Mid-America Center and the Common Access and Parking Areas, hereby grants to Owner, for the benefit of its owners, tenants, customers and invitees, the non-exclusive rights of pedestrian and vehicular ingress and egress (including for emergency vehicles) in, on and over The Common Access and Parking Areas, together with parking in all parking lots of the Mid-America Center, as those terms are used in this agreement and described in “Exhibit A” hereto. These rights of ingress, egress and parking do not apply to the parking lot of the Hotel, which sits on privately owned ground under the exclusive control of the owner of the Hotel.

The owners are aware that the above rights to use such parking lots are not exclusive and that from time to time when events are occurring at the Mid-America Center or at the other facilities, parking for their customers will be as available on a first come first served basis.

**TERM**

The term of this Agreement shall commence on the date of this Agreement and continue for a period of twenty (20) years thereafter. Following such twenty (20) year initial term, Owner may extend the term for two (2) five (5) year option periods on the same terms and conditions set forth herein by delivering written notice of such election to City at least sixty (60) days prior to the expiration of the initial twenty (20) year term or first such five (5) year option period, subject to further extension as set forth in the last paragraph of the section titled “CONSIDERATION FOR PARKING LOT USAGE.”

**PARKING LOT MAINTENANCE**

It shall be the responsibility of City to maintain the parking lots identified above surrounding and serving the Mid-America Center, Fieldhouse, Retail Spine and Hotel. Parking lot maintenance shall include proper marking, repair and replacement as needed, including repaving and restriping and to keep it free of snow and treated for ice in a manner that is consistent with other commercial parking areas utilized by retail establishments. These functions will be performed by City, its employee’s agents and assigns with the management company of the Mid-America Center being

responsible for the day-to-day operations and maintenance of the parking lots but with the ultimate responsibility resting with City.

### **CONSIDERATION FOR PARKING LOT USAGE**

Owner or its assigns shall pay to City \$500.00 monthly when fully occupied. This amount is based upon the size and proposed uses of the property, which would create a demand for approximately 175 stalls; provided, however, that Owner shall be permitted to utilize additional parking stalls based upon additional occupancy by Owner or its tenants.

- The Fee is of \$13.90 for every 1,000 sq. ft. of occupied space.
- Owner shall provide to City no later than December 15, 2021, a list of all tenants and the amount of enclosed square feet that they occupy.
- City shall start billing Owner based upon the above stated fee for the occupied space effective January 1, 2022.
- This fee shall remain in place through the term of this Agreement, unless otherwise expressly modified pursuant to the terms of this Agreement.

City, at its discretion may give notice of its' intent to renegotiate the Fee set forth in this Agreement at least three months prior to the conclusion of every fifth (5<sup>th</sup>) year of the initial twenty (20) year term and both five (5) year option periods; provided, however, in no event shall the Fee ever be increased by more than ten percent (10%) as part of any such renegotiation. If City fails to give notice of its intent to renegotiate the consideration aspect of this Agreement in a timely manner or simply elects not to give notice, the terms and conditions shall continue and to the extent this Agreement will otherwise expire at the end of such five (5) year period, an additional 5-year term shall be granted under the terms and conditions set out above. This same process will be repeated at the conclusion of all subsequent 5-year terms.

### **LIGHTING**

City has installed and will maintain artificial lighting for the parking area. The Developer shall not be responsible to pay for or reimburse City for such expense. Such lighting shall remain on while a majority of the businesses in the Retail Spine are open for business. If artificial lighting for a time later than the foregoing ("After Hours Lighting") is needed by an owner or a tenant then such artificial lighting to service such owner or tenant shall be separately metered and all expenses thereof shall be paid by such retail spine owner or tenant.

### **INSURANCE**

City will be responsible for maintaining a commercially reasonable and adequate amount of general liability insurance to cover claims that might arise wherein it is alleged that the basis for the claim is related to City's responsibilities for maintaining and lighting the parking lot as set out herein. City will indemnify defend and hold harmless the owners/operators of the different facilities identified herein for any and all claims and or lawsuits that may arise wherein these allegation are specifically made.

Exception. The above obligation of City to indemnify defend and hold harmless in instances wherein it is also alleged that an owner/operator their agents and or employees of one of the different facilities is also alleged to have contributed to the claim of the injured party.

City's obligation to maintain insurance may be met by City directly obtaining a policy or having a policy maintained by the management company at the Mid-America Center.

**NOTICES**

Unless otherwise specified in the Agreement all notices required shall be in writing and delivered to:

In case of City:

To the attention of the City Clerk  
209 Pearl Street  
Council Bluffs, Iowa 51503

In the case of Owner:

To the attention of Vice President  
Ashley Jankowski  
20 Arena Way #2  
Council Bluffs, Iowa 51501

**MISCELLANEOUS**

As assignments of the facilities occur, it shall be the responsibility of Owner to notify City of the notice information of each Assignee. This Agreement shall be recorded. All the terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the owners of the Mid-America Center, Fieldhouse, Retail Spine and Hotel and their respective successors and assigns. This Agreement amends any and all prior documents related to parking or egress, or both, in, on or over Outlot A, the Common Access and Parking Areas, the Mid-America Center, the Fieldhouse, the Retail Spine and the Hotel, or any of them, including Plat and Dedication of Plaza at the M.A.R.C.C., with restrictions and easements, filed March 27, 2002 in Book 102, Page 75013.

CITY OF COUNCIL BLUFFS, IOWA

CAVE INDUSTRIES, LLC

By: \_\_\_\_\_  
MATTHEW J. WALSH  
Mayor  
209 Pearl Street  
Council Bluffs, Iowa 51503

By \_\_\_\_\_  
ASHLEY JANKOWSKI  
Vice President  
20 Arena Way #2  
Council Bluffs, Iowa 51501

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

On this \_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public in and for said State, personally appeared Matthew J. Walsh, to me personally known, who being duly sworn, did say that he is the Mayor 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 on April 25, 2016 by Resolution 16-82, and said Mayor acknowledged said instrument to be the free act and deed of said Municipality by its voluntarily executed.

\_\_\_\_\_  
Notary Public

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

On this \_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public in and for said State, personally appeared Ashley Jankowski, to me personally known, who being duly sworn, did say that she is the Vice President of CAVE Industries, LLC and that said instrument was signed on behalf of said CAVE Industries, LLC. and that the said Vice President as such officer, acknowledged said instrument to be the voluntary act and deed of CAVE Industries, LLC, by them voluntarily executed.

\_\_\_\_\_  
Notary Public

**“EXHIBIT A”**

**Legal Description of The Common Access and Parking Areas, Mid-America Center, Fieldhouse, Retail Spine and Hotel**

**“Common Access and Parking Areas”:** LOTS 1, 4 AND 5 AND OULOT A (Arena Way), HOTEL PLAZA AT THE M.A.C. REPLAT ONE, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

**“Mid-America Center”:** LOT 6, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

**“Fieldhouse”:** LOT 2, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

**“Retail Spine”:** LOTS 1 AND 2 AND OUTLOT 1, PLAZA AT THE M.A.R.C.C., AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA.

**“Hotel”:**

LOT 3, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, ALONG WITH A PORTION OF OUTLOT 1, PLAZA AT THE M.A.R.C.C. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EASTERNMOST CORNER ON THE SOUTHERNMOST BOUNDARY LINE OF SAID LOT 3, SAID CORNER ALSO LYING ON THE WESTERLY BOUNDARY LINE OF SAID OUTLOT 1, PLAZA AT THE M.A.R.C.C.; THENCE NORTH 00°20'04” EAST ALONG THE OUTER BOUNDARY LINE OF SAID OUT LOT 1, A DISTANCE OF 57.25 FEET; THENCE NORTH 89°39'56” WEST ALONG THE OUTER BOUNDARY LINE OF SAID OUT LOT 1, A DISTANCE OF 12.00 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE OUTER BOUNDARY LINE OF SAID OUT LOT 1 BEING CURVED TO THE RIGHT AND HAVING A RADIUS OF 6.00 FEET AND A CENTRAL ANGLE OF 90°00'00”, AN ARC DISTANCE OF 9.42 FEET (CHORD=8.49', CHORD BEARING=N44°39'56”W) TO A POINT OF TANGENCY; THENCE NORTH 00°20'04” EAST ALONG THE OUTER BOUNDARY LINE OF SAID OUT LOT 1, A DISTANCE OF 35.75 FEET TO THE POINT OF BEGINNING THENCE CONTINUE NORTH 00°20'04” EAST ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1, A DISTANCE OF 74.61 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1 BEING CURVED TO THE RIGHT AND HAVING A RADIUS OF 18.00 FEET AND A CENTRAL ANGLE OF 80°22'23”, AN ARC DISTANCE OF 25.25 FEET (CHORD=23.23',

CHORD BEARING= $N40^{\circ}31'50''E$ ) TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1 BEING CURVED TO THE LEFT AND HAVING A RADIUS OF 262.00 FEET AND A CENTRAL ANGLE OF  $5^{\circ}40'06''$ , AN ARC DISTANCE OF 25.92 FEET (CHORD= $25.91'$ , CHORD BEARING= $N77^{\circ}53'32''E$ ) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1 BEING CURVED TO THE RIGHT AND HAVING A RADIUS OF 18.00 FEET AND A CENTRAL ANGLE OF  $80^{\circ}49'56''$ , AN ARC DISTANCE OF 25.39 FEET (CHORD= $23.34'$ , CHORD BEARING= $S64^{\circ}31'58''E$ ) TO A POINT OF TANGENCY; THENCE SOUTH  $24^{\circ}07'25''$  EAST ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1, A DISTANCE OF 32.08 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ORIGINAL OUTER BOUNDARY LINE OF SAID OUT LOT 1 BEING CURVED TO THE LEFT AND HAVING A RADIUS OF 913.00 FEET AND A CENTRAL ANGLE OF  $4^{\circ}10'10''$ , AN ARC DISTANCE OF 66.44 FEET (CHORD= $66.42'$ , CHORD BEARING= $S26^{\circ}12'08''E$ ); THENCE NORTH  $89^{\circ}20'01''$  WEST, A DISTANCE OF 104.38 FEET TO THE POINT OF BEGINNING.

**RESOLUTION NO. 21-338**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PARKING RIGHTS AND AGREEMENT REGARDING MID-AMERICA CENTER AND 20 ARENA WAY BY AND BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA AND CAVE INDUSTRIES, LLC.**

**WHEREAS,** The parties have negotiated terms and conditions of a Parking Rights and Agreement regarding the parking lots surrounding and serving the Mid-America Center, Fieldhouse, Retail Spine and Hotel for twenty (20) years; and

**WHEREAS,** a Public Hearing was held on this matter on the 22<sup>nd</sup> day of November, 2021; and

**WHEREAS,** It is in the best interest of the City of Council Bluffs to approve this Agreement and authorize the Mayor to execute it on behalf of the City of Council Bluffs, Iowa.

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

That the Parking Rights and Agreement between the City of Council Bluffs, Iowa and CAVE Industries, LLC is hereby approved; and

**BE IT FURTHER RESOLVED**

That the Mayor is hereby authorized to execute the Parking Rights and Agreement, on behalf of the City of Council Bluffs, Iowa.

ADOPTED  
AND  
APPROVED

November 22, 2021.

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

Mayor

Attest:

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

City Clerk

**Council Communication**

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

Public Hearing (No Council Action)  
ITEM 5.B.

Council Action: 11/22/2021

**Description**

Status of funded activities for the Council Bluffs Covid-19 assistance programs.

**Background/Discussion**

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	11/17/2021

**Council Communication  
November 22, 2021**

Department:  Community Development	Resolution No. 21-N/A	Public Hearing: 11-22-2021
<b>Subject/Title</b>		
Status of funded activities for the City of Council Bluffs Community Development Block Grant COVID-19 Assistance Programs		
<b>Background/Discussion</b>		
<p>In 2020, the City of Council Bluffs was awarded Community Development Block Grant (CDBG) funding to assist in the response to the coronavirus (COVID-19) pandemic. A total of \$1,509,076 was awarded through the US Department of Housing and Urban Development (HUD) as part of the City's entitlement grant and Iowa Economic Development Authority to prevent, prepare and respond to ensure sustainability during the nationwide pandemic. Funds were allocated to the City of Council Bluffs as follows:</p>		
CDBG Entitlement grant	\$580,840	
CDBG Entitlement grant (2)	366,447	
<u>CDBG IEDA</u>	<u>561,789</u>	
<b>TOTAL</b>	<b>\$1,509,076</b>	
<p>Funds were allocated to the following activities to meet the greatest need for Council Bluffs:</p>		
<ol style="list-style-type: none"> <li>1. Extension of the BLink Community-Wide WiFi to the Longfellow and Rue Elementary areas to assist in broadband access during school closures and quarantines.</li> <li>2. Food Security to provide pantry and meals for families impacted by COVID-19.</li> <li>3. Business Assistance Grants to local businesses that were financially impacted by COVID-19.</li> <li>4. Direct Financial Assistance to households that had a loss of income directly attributed to COVID-19.</li> <li>5. Administration of the program by City staff.</li> </ol>		
<p>To date, the City has committed \$915,269.23 and spent \$661,193.21. This amount includes \$399,654.21 in entitlement grant fund and \$261,539.00 in IEDA funds.</p>		
<p>The City has six (6) years to spend its entitlement allocation. Funds from IEDA must be spent within three (3) years. Requests for assistance have significantly declined in the last four months. In the coming year, Staff shall evaluate the allocations and determine if funds need reprogrammed to properly respond to the pandemic and the needs of residents.</p>		
<b>Attachments</b>		
Funding summary		

## Community Development Block Grant COVID-19 Assistance Programs

**Funding**

CDBG-CV Entitlement	\$580,840
CDBG-CV Entitlement 2	366,447
<u>CDBG-CV IEDA</u>	<u>561,789</u>
<b>TOTAL</b>	<b>\$1,509,076</b>

**Administration** – 20% of CV Entitlement Grants **\$214,200.00**

**BLink Extension** - \$200,000 programmed  
 Design of BLink network in Longfellow and Rue Elementary areas **\$200,000.00**

**Food Security** - \$400,000 programmed  
 New Visions Homeless Services Pantry and Meal Site **\$150,000.00**  
 Together, Inc Food Pantry **\$150,000.00**

**Business Assistance** - \$319,906.00 programmed

- Received 41 inquiries and 36 applications
- Funded 23 applications
- Average amount of assistance \$9,6100 **\$201,069.23**

**Direct Financial Assistance** - \$400,000 programmed

- Received over 700 inquiries 65 applications
- Assisted 54 households since July 1, 2020 **\$120,356.09**  
 Average amount of assistance: \$2,314.54/ household

**Total Committed to Date** **\$915,269.23**

**Remaining Available** **\$593,806.77**

\*The City has 6 years to spend CDBG-CV dollars.

## Council Communication

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

Ordinance 6475  
ITEM 6.A.

Council Action: 11/22/2021

### 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

Since first reading October 25, an updated Ordinance and redline is attached. Since changes were made after first reading, third reading can NOT be waive, Ordinance must continue on to the third reading.

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
Redline Version	Code Section	11/16/2021
Ordinance 6475	Ordinance	11/16/2021

### **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

December 13, 2021.

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

Mayor

Attest:

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

City Clerk

First Consideration: 10-25-21  
Second Consideration: 11-22-21  
Public Hearing: N/A  
Third Consideration: 12-13-21

## Council Communication

Department: City Clerk  
Case/Project No.: URV-21-007  
Submitted by: Housing &  
Economic Development

Ordinance 6476  
ITEM 6.B.

Council Action: 11/22/2021

### Description

Ordinance establishing the American Games Urban Revitalization Area within the City of Council Bluffs at 504 34th Avenue. URV-21-007

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	10/29/2021
Attachment A - Boundary Map	Map	10/29/2021
Attachment B - Urban Revitalization Plan	Other	10/29/2021
Ordinance 6476	Ordinance	11/3/2021

## Council Communication

Department: Community Development  Case No.: URV-21-007  Submitted by: Housing & Economic Development	Ordinance No.:	Resolution of Intent: 9/27/2021 Planning Commission: 10/12/2021 Public Hearing & First Reading: 11/8/2021 Second Reading: 11/22/2021 Third Reading: Request to Waive
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### Subject/Title

Establishment of the American Games Urban Revitalization Area at 504 34<sup>th</sup> Avenue.

### Background/Discussion

#### Background

Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property.

Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.

The Community Development Department wishes to create the Urban Revitalization Area consisting of one parcel for the expansion of the existing Pollard Games, Inc. dba American Games and International Gamco facility located at 504 34<sup>th</sup> Avenue. Final plat approval of a new three-lot minor subdivision known as Pollard Games Addition which includes this parcel was approved by City Council on 10/12/2020. The Pollard Games Addition final plat was recorded on 8/27/2021. The new tax parcel information is pending an update from the Pottawattamie County Assessor.

Staff has prepared an Urban Revitalization Plan in accordance with Section 404.2 of the Iowa Code and has scheduled the matter for City Council consideration. The American Games Urban Revitalization Area will consist of approximately 7.6 acres.

#### Discussion

Iowa Code permits the City to establish urban revitalization areas which satisfy one of the five conditions outlined in Section 404.1. Staff believes this project meets the criteria under 404.1.4. Section 404.1.4 discusses an area which is appropriate as an economic development area as defined in section 403.17. Section 403.17 states an economic development area means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises.

On September 27, 2021, City Council approved Resolution 21-273, which directed staff to initiate the process of creating the American Games Urban Revitalization Plan and Area. This resolution set November 8, 2021 as the date of the public hearing.

This matter was brought before the City Planning Commission at their October 12, 2021 meeting. The Commission found the following: 1) That the proposed American Games Urban Revitalization Plan furthers the goals of the City's *Bluffs Tomorrow: 2030 Plan*, which is the general plan for the development of the City of Council Bluffs; and 2) That the American Games

## Council Communication

Urban Revitalization Area is an area appropriate for urban revitalization as specified in Section 404.1.4 which discusses areas that are appropriate for economic development as defined by Section 403.17.

Property owners were notified and no written correspondence was received by the Community Development Department either in support or against the proposed plan. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area and approval of an ordinance, the City is permitted to grant tax abatement to qualified projects.

### Staff Recommendation

The Community Development Department recommends approval of the American Games Urban Revitalization Plan and Area and 1<sup>st</sup> consideration of the ordinance.

### Planning Commission Public Hearing

Staff speakers for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs

Speakers in favor: None

Speakers in opposition: None

### Planning Commission Recommendation

The Planning Commission recommended approval of the American Games Urban Revitalization Plan and Area.

Vote: 10-0 (1 absent)

AYE – Bass, Danielsen, Halm, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele and Van Houten

NAY – None

ABSTAIN – None

ABSENT – Haner

Motion: Carried

### Attachments

A) Boundary Map

B) American Games Urban Revitalization Plan

Prepared by: Tiffany Schmitt, Community Development Technician, Community Development Department

Approved by: Courtney Harter, Housing & Economic Development Manager, Community Development Department

**American Games Urban Revitalization Area - Boundary Map**



# American Games Urban Revitalization Plan



Prepared by

Community Development Department  
City of Council Bluffs, Iowa

Adopted by

City Council on [REDACTED], 2021

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## INTRODUCTION

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate the renovation or construction of new commercial structures resulting in additional employment in the community. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.
3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.
4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

The City of Council Bluffs concluded that the American Games Urban Revitalization Area meets the criteria of element 4. Consequently, on 9/27/2021, the City Council adopted Resolution No. 21-273, which directed staff to prepare a plan for the proposed revitalization area. Illustration 1 is the City Council Resolution.

**American Games Urban Revitalization Area**  
**Illustration 1 – Resolution**

**RESOLUTION NO. 21-273**

**A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE AMERICAN GAMES URBAN REVITALIZATION AREA LEGALLY DESCRIBED AS LOT 3, POLLARD GAMES ADDITION.**

WHEREAS, the subject area is an appropriate area as defined in Sections 404.1.4 of the Iowa Code; and

WHEREAS, a proposal has been submitted for the expansion of existing commercial structures; and

WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.


**BE IT FURTHER RESOLVED**


That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than October 8, 2021.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on November 8, 2021.

**ADOPTED  
AND  
APPROVED:** September 27, 2021

  
Matthew J. Walsh Mayor

**ATTEST:**   
Jodi Quakenbush City Clerk

## LEGAL DESCRIPTION

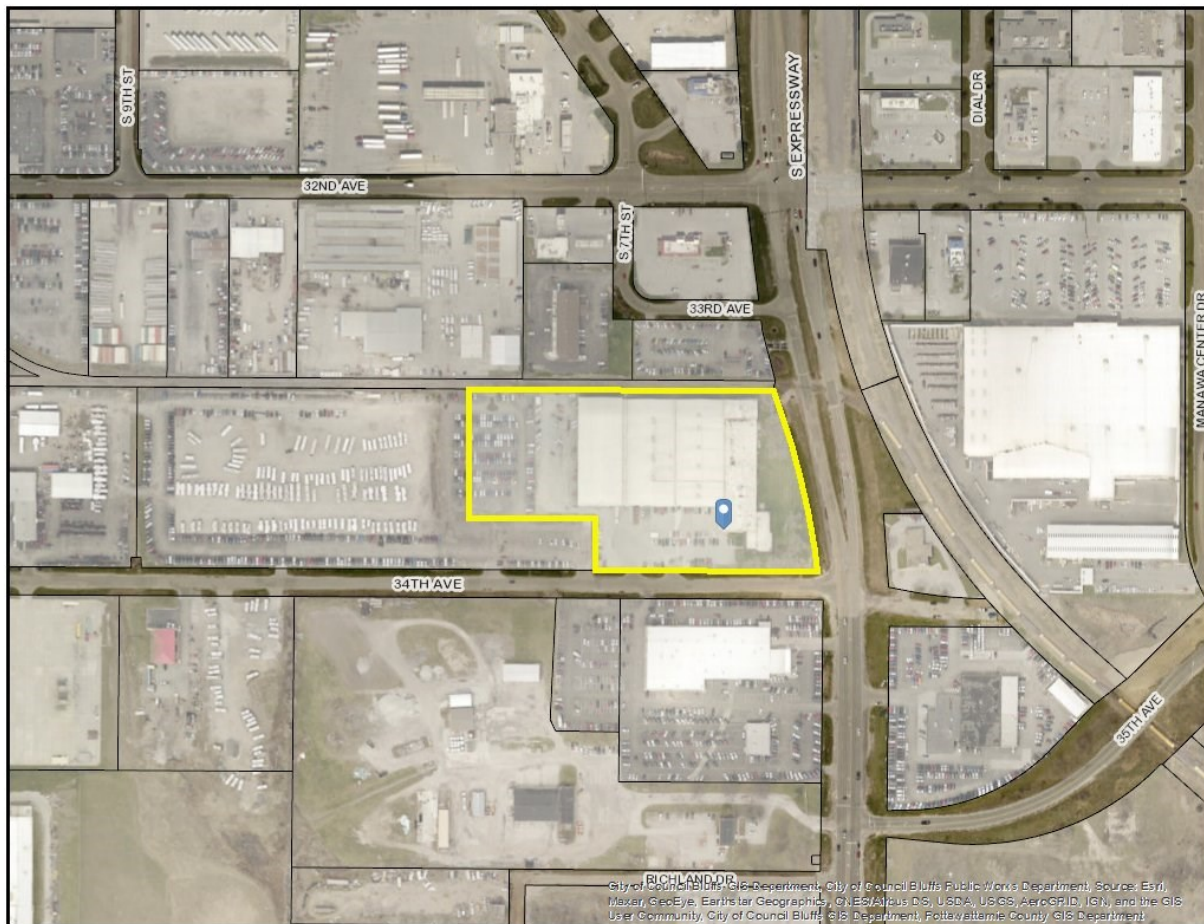
The American Games Urban Revitalization Area is a tract of land containing one parcel legally described as: Lot 3, Pollard Games Addition.

Illustration 2 shows the location and the boundary of the American Games Urban Revitalization Area, which is approximately 7.6 acres.

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### American Games Urban Revitalization Area Illustration 2 – Boundary

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## PROPERTY OWNERS AND ASSESSED VALUATIONS

The American Games Urban Revitalization Area will be comprised of approximately 7.6 acres on one parcel of land owned by Pollard Realty (U S) LTD. Pollard Realty seeks to expand the manufacturing and warehouse facility for American Games.

Valuation was obtained from the records of the Pottawattamie County Assessor.

Parcel Number	Zoning	Permanent Property Address	Owner Mailing Address	Land Valuation	Building Valuation	Parcel Total Valuation
Pending	I-2/General Industrial District	Pollard Realty (U S) LTD 504 34th Ave Council Bluffs, IA 51501	Pollard Realty (U S) LTD 504 34th Ave Council Bluffs, IA 51501	Pending	Pending	Pending

## EXISTING ZONING AND PROPOSED LAND USE

The American Games Urban Revitalization Area is currently zoned I-2. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects. The current and proposed principal uses of the American Games Urban Revitalization Area are manufacturing and warehousing and distribution, which are permitted uses in an I-2/General Industrial District.

Surrounding properties to the north, south, and west are also zoned I-2. Properties east of the subject property (across South Expressway) are zoned C-2/Commercial District and P-C/Planned Commercial District. Illustration 3 depicts the existing on-site and surrounding zoning.

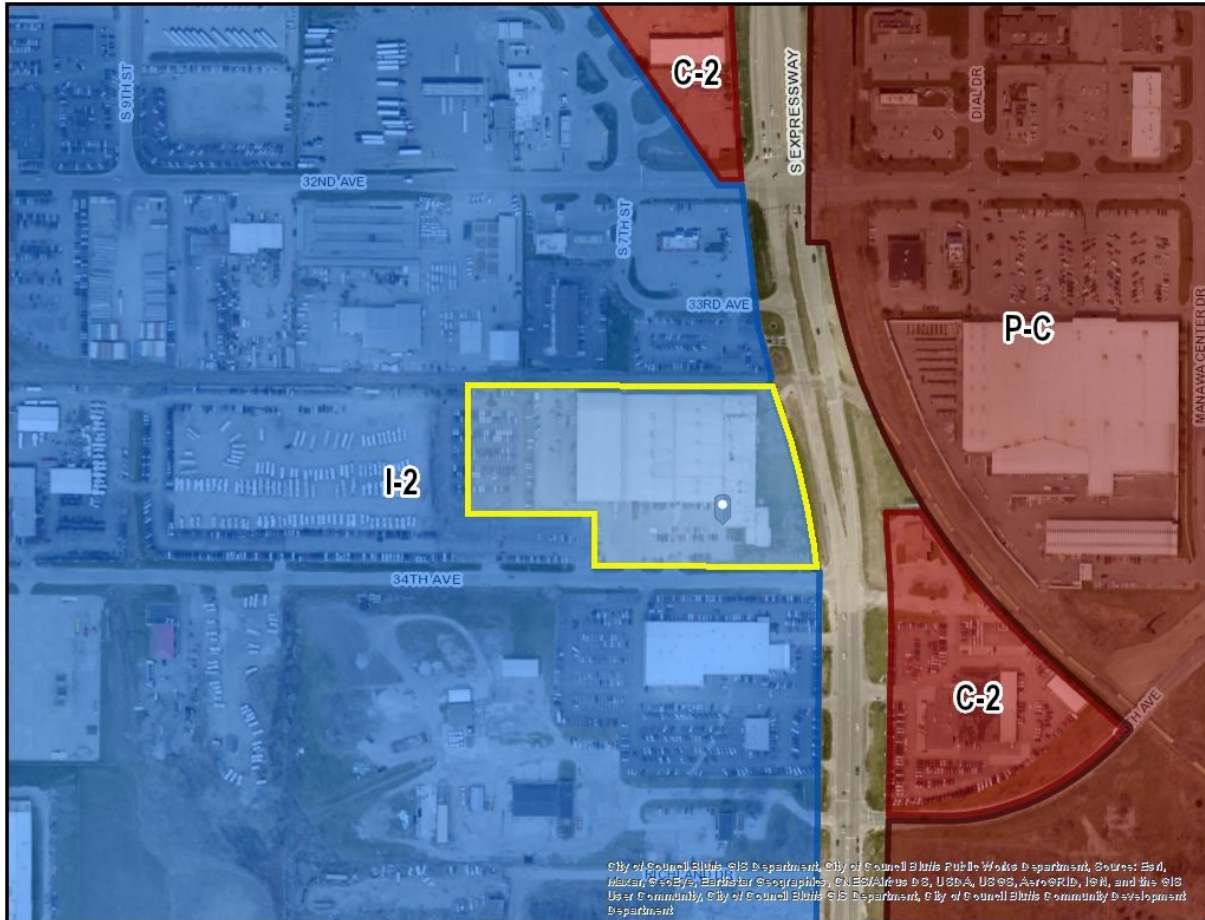
Existing land uses in the general vicinity include: automobile sales and rental, a hotel, and commercial storage to the north; automobile sales to the west; and warehousing and automobile sales to the south. To the east across South Expressway are a bank and retail shopping establishments.

The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the current parcel addressed as 504 34th Avenue as “Local Commercial” and the remainder of the area as “Light Industrial.” According to the plan, local commercial areas include uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots. Light industrial development includes those areas used for industrial purposes that create minimal impacts on surrounding uses. Activities tend to occur inside structures, with outdoor areas limited to storage or distribution.

Final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition which includes this parcel was approved by City Council on 10/12/2020. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances. The Pollard Games Addition final plat was recorded on 8/27/2021 in Book 2021, Page 13933.

With the purchase of land from an adjacent property owner, Pollard Games will complete a 40,000 SF expansion to their existing American Games facility at 504 34th Avenue.

**American Games Urban Revitalization Area**  
**Illustration 3 – Zoning**





## **PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES**

The proposed American Games Urban Revitalization Area is currently served with all municipal services (sanitary sewer, water and storm sewer) and can be accessed by a dedicated roadway. Electricity and gas service are also available to the project. The project is located along South 34<sup>th</sup> Avenue, which is adequate to handle the additional traffic generated by this proposed project.

### **RELOCATION PROVISIONS**

The proposed American Games Urban Revitalization Area has one commercial entity operated by the current owner at the 504 34<sup>th</sup> Avenue location. There are no other tenants at the location; therefore, the City will not displace any residential or non-residential tenants as a result of proposed improvements in the urban revitalization area.

### **OTHER PUBLIC ASSISTANCE**

The developer is requesting property tax exemption. Tax abatement will be used as the local match required for the Targeted Jobs Withholding Tax Credit. The developer has not requested any additional public assistance.

## **APPLICABILITY AND TAX EXEMPTION SCHEDULE**

1. Eligibility – The American Games Urban Revitalization Plan will apply to commercial and industrial land uses.

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion.

2. Term - The term of this Plan shall be until December 31, 2041 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.

- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.
- If no structures were located on the property prior to the improvements, any improvements may qualify.

5. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

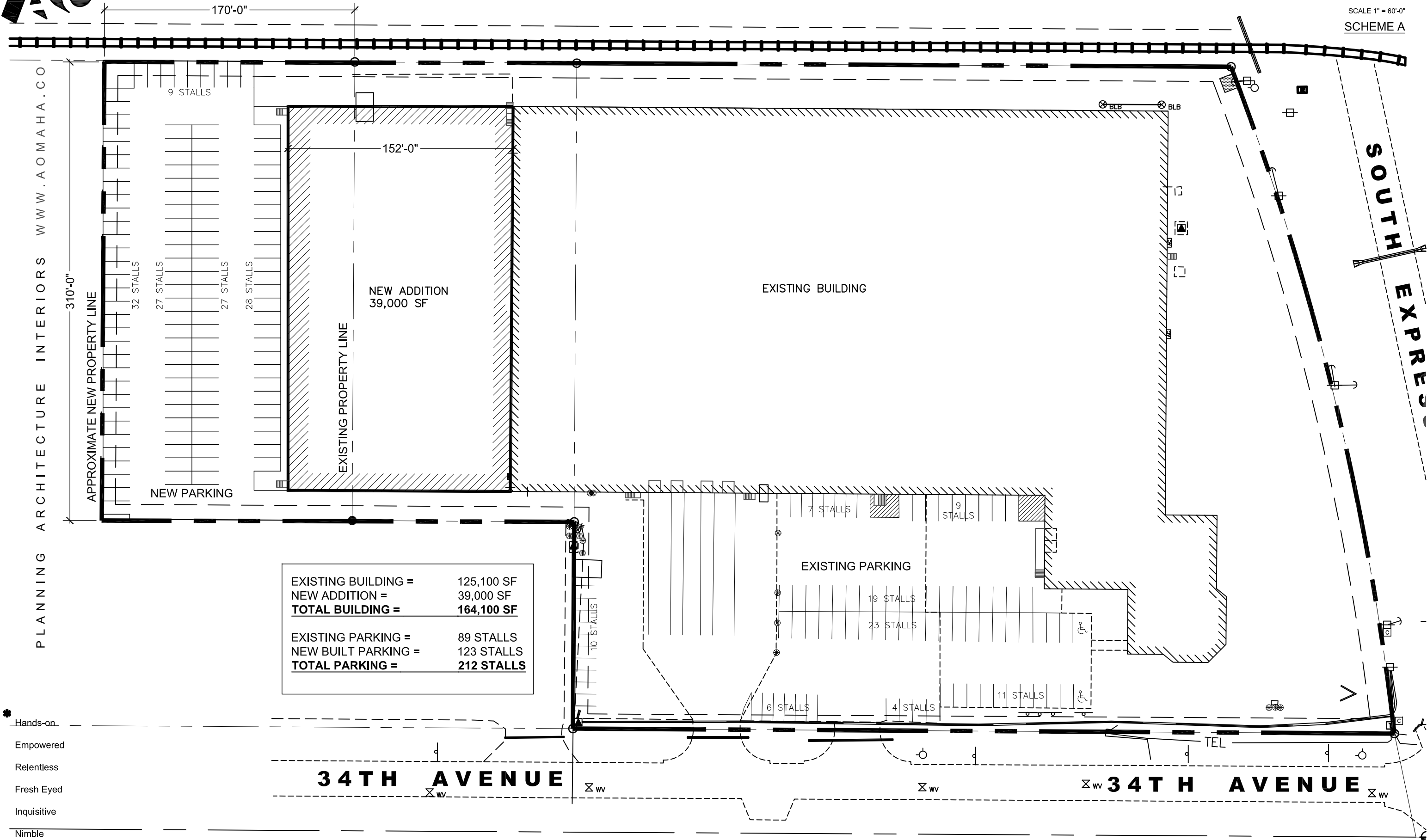
## **APPLICATION AND REVIEW PROCESS**

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.
2. The applicant completes the required forms and submits them along with all required data by February 1<sup>st</sup> to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.
3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time

required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.

4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.
5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.
6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1<sup>st</sup> as required by Chapter 404 of the Iowa Code.



EXISTING BUILDING =	125,100 SF
NEW ADDITION =	39,000 SF
<b>TOTAL BUILDING =</b>	<b>164,100 SF</b>
EXISTING PARKING =	89 STALLS
NEW BUILT PARKING =	123 STALLS
<b>TOTAL PARKING =</b>	<b>212 STALLS</b>

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 PLANNING ARCHITECTURE INTERIORS

- \* Hands-on
- Empowered
- Relentless
- Fresh Eyed
- Inquisitive
- Nimble
- Style Agnostic

**34TH AVENUE**

**34TH AVENUE**

APPENDIX B

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

7444 12 180 003 INACTIVE

--- Permanent Property Address --- Mailing Address ---  
POLLARD REALTY (U S) LTD POLLARD REALTY (U S) LTD  
504 34TH AVE  
COUNCIL BLUFFS, IA 51501

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744412180003>

===== TAX DESCRIPTION\* =====  
\* Not to be used on legal documents

CO BLUFFS LEWIS 12-74-44 PT SE NW COMM 7.4'W & 70.39'NLY CENTER OF SECTION TH W555.92'N139.72'  
W150' N310'E592.15' SLY465.22'ALONG ROW TO POB

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

\* Class is for Assessment purposes only - Not Zoning

Current Value				
2021	Land	Improvement	Total	Class
Full Value	\$632,700	\$2,951,700	\$3,584,400	I
Exempt	\$0	\$0	\$0	I
Net Total	\$632,700	\$2,951,700	\$3,584,400	I

Prior Year Value				
2020	Land	Improvement	Total	Class
Full Value	\$632,700	\$2,951,700	\$3,584,400	I
Exempt	\$0	\$0	\$0	I
Net Total	\$632,700	\$2,951,700	\$3,584,400	I

===== EXEMPTIONS/CREDITS APPLIED =====

2020 BPTC

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D POLLARD REALTY (U S) LTD book/page: [2008/17794](#) D

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

Sale Date	Amount	Code	Book/Page
12/31/2008	3300000	<a href="#">D017</a>	<a href="#">2008/17794</a>
02/18/2008	3300000	<a href="#">D000</a>	<a href="#">2008/03236</a>
12/22/1989	10	<a href="#">D000</a>	0090/13787
12/20/1989	720000	<a href="#">D049</a>	0090/13789
11/30/1989	500	<a href="#">C049</a>	0090/11897

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

PDF: 8 MAP: 21-8 C.B COMMERCIAL

Date Reviewed: 10/23/19 GMS

LAND.....275734 sqFt 6.33 acres

Commercial Building 1 of 2 -- Manufacturing (Heavy) (727)

DBA: AMERICAN GAMES INC

STRUCTURE....1 story 13284 base SF 0 bsmt SF 125179 gross SF  
Year Built: 1963 Eff Year: 1963 Condition: Normal

VERTICALS....Ext Wall: Brick on Block - 8"

Int Wall: Unfinished

Front/Doors: Incl. w / Base

Windows: Incl. w / Base

HORIZONTALS..Roof: Rubber Membrane/Stl

Ceiling: Unfinished

Struc Floor: Dock Level R'Conc

Partitions: Incl. w / Base

Framing: Steel - Average

HVAC: Make-up Air Unit(Heat&AC,MultiZone)

Sprinklers: Exposed Wet

ADJUSTMENTS..Sprinkler - exposed wet (13284)

Floor - dock level adjustment (13284)

Office-internal with Heat & A/C (5998)

Partition - Drywall/Stud - (PSFSA) (620)

Interior - finish (780)

Office-internal with Heat & A/C (1176)

Loading Dock (156)

Canopy - Metal (464)

BLDG EXTRAS..4 Door: O.H. Door - Manual, 10 Ft Wide, 10 Ft High

1 Dock Leveler Edge: Mechanical

1 Door: Sliding, 6 Ft Wide, 7 Ft High

Commercial Building 1 of 2 Addition 1 -- Manufacturing (Heavy) (727)

DBA: AMERICAN GAMES INC

STRUCTURE....1 story 9512 base SF 0 bsmt SF  
Year Built: 1966 Eff Year: 1966 Condition: Normal

VERTICALS....Ext Wall: Brick on Block - 8"

Int Wall: Unfinished

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Rubber Membrane/Stl

Ceiling: Unfinished

Struc Floor: Dock Level R'Conc  
 Partitions: Incl. w / Base  
 Framing: Steel - Average  
 HVAC: Make-up Air Unit(Heat&AC,MultiZone)  
       Suspended Unit Heater (Gas)  
 Sprinklers: Exposed Wet  
 PLUMBING....Toilet Room (2)  
           36" Circ. Wash -Fiberglass (2)  
           Water Closet (6)  
           Urinal - Wall (2)  
 ADJUSTMENTS..Sprinkler - exposed wet (9512)  
           Floor - dock level adjustment (9512)  
           Office-internal with Heat & A/C (221)  
           Partition - Drywall/Stud - (PSFSA) (2272)  
           A/C - Add (8072)  
           Office-internal with Heat & A/C (588)  
 BLDG EXTRAS..1 Door: Steel Roll - Manual, 8 Ft Wide, 8 Ft High  
           1 Door: Steel Roll - Manual, 6 Ft Wide, 8 Ft High  
  
 Commercial Building 1 of 2 Addition 2 -- Manufacturing (Heavy) (727)  
 DBA: AMERICAN GAMES INC  
 STRUCTURE....1 story 3690 base SF 0 bsmt SF  
           Year Built: 1966 Eff Year: 1966 Condition: Normal  
 VERTICALS....Ext Wall: Brick on Block - 8"  
           Int Wall: Unfinished  
           Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Rubber Membrane/Stl  
           Ceiling: Unfinished  
           Struc Floor: Dock Level R'Conc  
           Partitions: Incl. w / Base  
           Framing: Steel - Average  
           HVAC: Vacuum Gas (Radiant)  
           Central AC  
           Sprinklers: Exposed Wet  
 ADJUSTMENTS..Sprinkler - exposed wet (3690)  
           Floor - dock level adjustment (3690)  
           Office - internal w/heat only (144)  
           Mezzanine - open storage/Whse/wd (144)  
           Interior - finish (100)  
 BLDG EXTRAS..1 Door: O.H. Door - Manual, 6 Ft Wide, 8 Ft High  
  
 Commercial Building 1 of 2 Addition 3 -- Manufacturing (Heavy) (727)  
 DBA: AMERICAN GAMES INC  
 STRUCTURE....1 story 31200 base SF 0 bsmt SF  
           Year Built: 1970 Eff Year: 1970 Condition: Normal  
 VERTICALS....Ext Wall: C'Blk or Tile - 8"  
           Mtl/ Stl/ Insul (=>100' Wide)  
           Int Wall: Unfinished  
           Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Rubber Membrane/Stl  
           Ceiling: Unfinished  
           Struc Floor: Dock Level R'Conc  
           Partitions: Incl. w / Base  
           Framing: Steel - Heavy  
           HVAC: Make-up Air Unit(Heat&AC,MultiZone)  
           Sprinklers: Exposed Wet  
 ADJUSTMENTS..Sprinkler - exposed wet (32296)  
           Floor - dock level adjustment (31200)  
           Office-internal with Heat & A/C (840)  
           Mezzanine - open storage/Whse/wd (840)  
           Mezzanine - whse-office (256)  
  
 Commercial Building 1 of 2 Addition 4 -- Manufacturing (Heavy) (727)  
 DBA: AMERICAN GAMES INC  
 STRUCTURE....1 story 31460 base SF 0 bsmt SF  
           Year Built: 1974 Eff Year: 1974 Condition: Normal  
 VERTICALS....Ext Wall: C'Blk or Tile - 8"  
           Mtl/ Stl/ Insul (=>100' Wide)  
           Int Wall: Unfinished  
           Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Rubber Membrane/Stl  
           Ceiling: Unfinished  
           Struc Floor: Dock Level R'Conc  
           Partitions: Incl. w / Base  
           Framing: Steel - Heavy  
           HVAC: Make-up Air Unit(Heat&AC,MultiZone)  
           Suspended Unit Heater (Gas)  
           Sprinklers: Exposed Wet  
 PLUMBING....Toilet Room (2)  
           Sink-Kitchen (1)  
           Water Closet (3)  
           Urinal - Wall (2)  
 ADJUSTMENTS..Sprinkler - exposed wet (32560)  
           Floor - dock level adjustment (31460)  
           Interior - finish (880)  
           Mezzanine - whse-office w/ AC (220)  
           Mezzanine - open storage/Whse/wd (660)  
           Partition - Drywall/Stud - (PSFSA) (2080)  
           A/C - Add (28792)

BLDG EXTRAS..2 Door: O.H. Door w/Seal - Manual, 10 Ft Wide, 10 Ft High  
 2 Dock Leveler: 6' x 8' Dock Size, Electric, 20,000 Lbs  
 1 Door: O.H. Door - Power, 10 Ft Wide, 10 Ft High  
 2 Door: Steel Roll - Manual, 8 Ft Wide, 8 Ft High  
 2 Door: Plastic Roll-Ind, 8 Ft Wide, 8 Ft High

Commercial Building 1 of 2 Addition 5 -- Office - General (501)

DBA: AMERICAN GAMES INC

STRUCTURE....1 story 4833 base SF 0 bsmt SF  
 Year Built: 1989 Eff Year: 1989 Condition: Normal

VERTICALS....Ext Wall: Brick Veneer  
 Int Wall: Drywall or Equiv.  
 Front/Doors: Incl. w / Base  
 Windows: Incl. w / Base

HORIZONTALS..Roof: Rubber Membrane/Stl  
 Ceiling: Suspended Blk-Mineral  
 Suspended Blk-Fiber

Struc Floor: 4" R'Concrete  
 Floor Cover: Carpet

Quarry Tile  
 Partitions: Office Buildings  
 Framing: Steel - Average  
 HVAC: Combination FHA - AC  
 Sprinklers: Exposed Wet

PLUMBING.....Toilet Room (2)

Lavatory (1)  
 Water Closet (1)  
 Urinal - Wall (1)

ADJUSTMENTS..Sprinkler - exposed wet (4833)

BLDG EXTRAS..1 Porches,Decks,Patios,etc.: 72 SF, Porch

Commercial Building 1 of 2 Addition 6 -- Metal Light Mfg - Steel (608)

DBA: AMERICAN GAMES INC

STRUCTURE....1 story 28080 base SF 0 bsmt SF  
 Year Built: 1998 Eff Year: 1998 Condition: Normal

VERTICALS....Ext Wall: Mtl/ Stl/ Insul (=>100' Wide)  
 Mtl/ Stl/ Insul (=>100' Wide)

Int Wall: Unfinished  
 Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Rubber Membrane/Stl

Ceiling: Unfinished  
 Struc Floor: Dock Level R'Conc  
 Partitions: Incl. w / Base  
 Framing: Steel - Heavy  
 HVAC: Vacuum Gas (Radiant)  
 Sprinklers: Exposed Wet

ADJUSTMENTS..Sprinkler - exposed wet (28658)

Office - internal w/heat only (340)  
 Mezzanine - open storage/Whse/wd (240)  
 Interior - finish (238)

BLDG EXTRAS..1 Door: O.H. Door w/Seal - Power, 8 Ft Wide, 9 Ft High  
 1 Dock Leveler: 6' x 8' Dock Size, Electric, 20,000 Lbs

Commercial Building 1 of 2 Addition 7 -- Metal Warehouse - Steel Frame (601)

DBA: AMERICAN GAMES INC

STRUCTURE....1 story 3120 base SF 0 bsmt SF  
 Year Built: 1998 Eff Year: 1998 Condition: Normal

VERTICALS....Ext Wall: Metal/ Stl/ Insul (<50' Wide)  
 Int Wall: Unfinished

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Rubber Membrane/Stl

Ceiling: Unfinished  
 Struc Floor: Dock Level R'Conc  
 Framing: Steel - Average  
 HVAC: Vacuum Gas (Radiant)  
 Sprinklers: Exposed Wet

ADJUSTMENTS..Sprinkler - exposed wet (3120)

BLDG EXTRAS..1 Door: O.H. Door w/Seal - Power, 8 Ft Wide, 9 Ft High  
 1 Dock Leveler: 6' x 8' Dock Size, Electric, 20,000 Lbs

Commercial Building 2 of 2 -- Billboard (819) 576 SFSA/Face

DBA: AMERICAN GAMES INC

STRUCTURE....0 story 0 base SF 0 bsmt SF 0 gross SF  
 Year Built: 1966 Eff Year: 1966 Condition: Normal

YARD EXTRAS..Paving - Asphalt 41,500 SF, Asphalt Parking  
 Paving - Concrete 13,000 SF, Concrete Parking  
 Paving - Asphalt 12,900 SF, Asphalt Parking  
 Paving - Concrete 3,600 SF, Concrete Parking  
 Paving - Concrete 12,600 SF, Concrete Parking  
 Fencing - Chain 3 Strand Barb, 6 Ft-Hgh, 108 LF, 22 LF-Gates  
 Porches,Decks,Patios,etc. 144 SF, Patio - Conc / Brick  
 2 1S MTL/LGT STL SMOKE HOUSE Quantity=216.00 Square Feet, Height=8





POLLARD REALTY (U S) LTD, 1 10/23/2019

As of:

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

7444 12 181 003

--- Permanent Property Address ---	----- Mailing Address -----
POLLARD REALTY (U S) LTD	POLLARD REALTY (U S) LTD
504 34TH AVE	504 34TH AVE
COUNCIL BLUFFS, IA 51501	COUNCIL BLUFFS, IA 51501

=====  
District: 002 CO BLUFFS CITY/LC SCHOOL

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

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744412181003>

=====  
TAX DESCRIPTION\*

\* Not to be used on legal documents

POLLARD GAMES ADD LT 3

=====  
ASSESSED VALUE

\* Class is for Assessment purposes only - Not Zoning

=====  
EXEMPTIONS/CREDITS APPLIED

=====  
OWNERS

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D POLLARD REALTY (U S) LTD book/page: [2021/13933](#) D

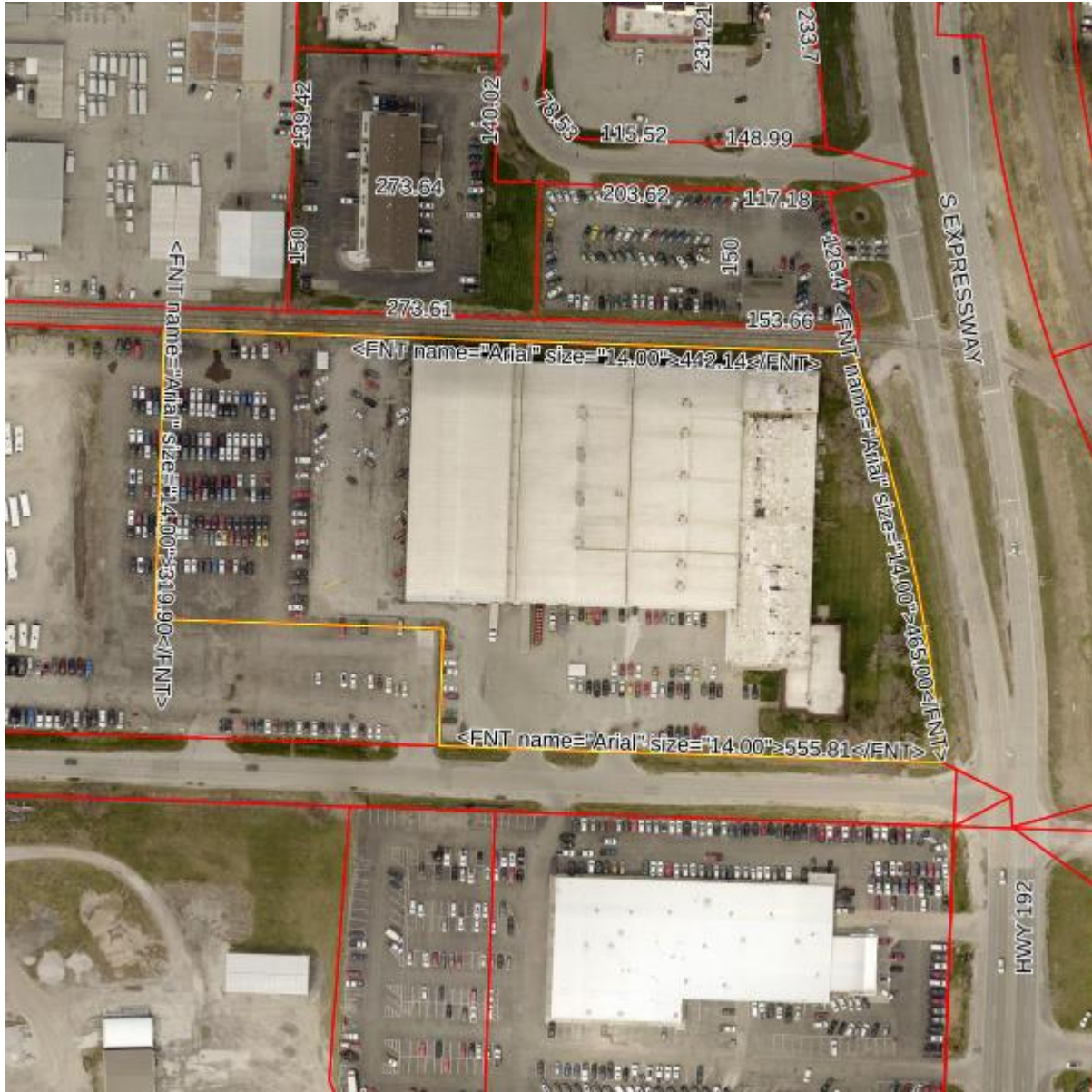
2 D 3400 SOUTH EXPRESSWAY LLC

=====  
SALES HISTORY

Sale Date	Amount	Code	Book/Page
10/20/2020	0	<a href="#">D26</a>	<a href="#">2021/13933</a> <a href="#">multiple parcel sale</a>

=====  
ASSESSMENT DATA

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



1200ft x 1200ft

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

As of:

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

**ORDINANCE NO. 6476**

**AN ORDINANCE ESTABLISHING THE AMERICAN GAMES URBAN REVITALIZATION AREA WITHIN THE CITY OF COUNCIL BLUFFS.**

**WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Code of Iowa to declare an area as an urban revitalization area to be known as the “American Games Urban Revitalization Area;” and

**WHEREAS,** the City of Council Bluffs is contemplating exercising said authority by designating an area legally described as Lot 3, Pollard Games Addition, City of Council Bluffs, Pottawattamie County, Iowa, as an urban revitalization area, thus allowing tax abatement for qualified projects; and

**WHEREAS,** this City Council of the City of Council Bluffs, Iowa, finds that the subject area is appropriate as an urban revitalization area as outlined in Sections 404.1(4) of the Iowa Code; and

**WHEREAS,** on September 27, 2021, the City Council passed a Resolution of Necessity and Intent to establish an urban revitalization area for the American Games Urban Revitalization Area, directing staff to prepare the required revitalization plan and a public hearing was set for November 8, 2021; and

**WHEREAS,** the Revitalization Plan has been written and packaged, notification sent to all the property owners and tenants affected and published notification has appeared in the daily newspaper; and

**WHEREAS,** at its October 12, 2021 meeting, the City Planning Commission reviewed the plan for the American Games Urban Revitalization Area and has forwarded its recommendation to this City Council.

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

**SECTION 1.** That the urban revitalization plan for the American Games Urban Revitalization Area, known as the "American Games Urban Revitalization Plan," attached hereto and made a part hereof, is hereby approved as to form and content.

**SECTION 2.** That the proposed American Games Urban Revitalization Area be and the same is hereby approved, pursuant to the proposed plan attached hereto and incorporated herein by this reference.

**SECTION 3.** EFFECTIVE DATE. That this ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

ADOPTED  
AND  
APPROVED

November 8, 2021

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

Mayor

ATTEST:

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

City Clerk

PUBLIC HEARING: 11/8/2021

FIRST CONSIDERATION: 11/8/2021

SECOND CONSIDERATION: 11/22/2021

THIRD CONSIDERATION: REQUEST TO WAIVE

## Council Communication

Department: Police  
Case/Project No.: Council Bluffs  
Police Department  
Submitted by: Captain Scott  
Milner

Resolution 21-339  
ITEM 7.A.

Council Action: 11/22/2021

### Description

Resolution authorizing a \$10,000 signing bonus to any certified police officer that is hired.

### Background/Discussion

The police department will be testing for new officers in the next 3 months. During our last testing in August of 2021 we had over 90 people apply, 33 showed up and we finished with a hiring list of 5 candidates. Of those 5, 2 are certified.

We also offered a \$5,000 signing bonus for certified officers and only had 2 apply.

In order to increase the number of certified candidates I am recommending increasing the signing bonus to \$10,000. This needs to be done to be competitive with neighboring agencies. Carlisle PD, is offering \$10,000, Davenport PD is offering a \$2,000 signing bonus, \$2,000 in relocation fees, and up to \$8,000 in housing reimbursements, Des Moines PD is offering a \$10,000 signing bonus. There are numerous other departments across the state offering an signing bonus, housing cost reimbursements, and allowing officers to bring their seniority from their previous agency to the new agency. The cost of the signing bonus should be close to budget neutral compared to an officer we have to send to the academy. Tuition and meal costs for the academy are \$8,263. By not attending the academy they move into the FTO program and are out on their own, usually within 17 weeks. The academy itself lasts 16 weeks. The additional costs savings are made up in reduced overtime costs by putting a certified officer in a district 4 months earlier than an officer that attends the academy.

### Recommendation

That the City Council approve the above resolution.

### ATTACHMENTS:

Description	Type	Upload Date
Resolution 21-339	Resolution	11/17/2021

**RESOLUTION  
NO. 21-339**

**A RESOLUTION TO PAY CERTIFIED POLICE  
APPLICANTS A \$10,000 SIGNING BONUS**

- WHEREAS,** The Council Bluffs Police Departments has experienced difficulty in obtaining a sufficient number of qualified candidates to serve as police officers; and
- WHEREAS,** The applicants that have been showing interest, have typically not been certified law enforcement officers at the time of hire and are required to spend several months upon the start of their employment with the City to become certified; and
- WHEREAS,** A number of jurisdictions in Iowa have had success in attracting police officer candidates who have their certified training, by offering a hiring bonus that is paid to the new employee over a period of time; and
- WHEREAS,** While a newly hired officer attends the required training to obtain their certification, the department incurs the cost of the training (approximately \$8,623.00 per candidate), a loss of capacity to provide service, and an increase in cost of overtime to make up for the gap in service; and
- WHEREAS,** Council Bluffs Police Department administration is requesting that the City Council approve a \$10,000 hiring bonus to qualified candidates who have certified training at the time of hire with the City; and
- WHEREAS,** This amendment shall become effective immediately upon passage of this resolution and shall remain in effect for those hired through June 30, 2022.

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

Approve the resolution that authorizes the Chief of the Police Department to pay a \$10,000 hiring bonus to those applicants that are already certified law enforcement officers when hired.

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

Department: Finance  
Case/Project No.:  
Submitted by: Kristi M eckna

Resolution 21-340  
ITEM 7.B.

Council Action: 11/22/2021

### Description

Resolution increasing the authorized strength of the Finance Department by 1 to add an additional Account Clerk II position to the Treasury Team to fill by January 2022.

### Background/Discussion

The Treasury Team handles all payments/revenue for the City of Council Bluffs. With the new General Billing process that is set to be completed at the first of the year and allow us to take online payments and recurring payments, payment processing will become more centralized within the Treasury Department and require more extensive tracking by the Treasury Team for both internal control and audit purposes. As it stands right now, the treasury team only has two full time account clerk II positions and one part time position. This limited staff does not allow for proper coverage if any staff member is out whether it is for a couple of hours or for a vacation as it stands. The stress that this causes on the department will only get worse once the workload and expectations are increased through General Billing and with the possibility of moving to Tyler Cashiering in the near future as well. The addition of this one position will allow for a more productive and well trained staff to handle additional functionality as we continue to move the Finance Department forward and provide for a more quality interaction between City hall and the Citizens we serve. The budget for the Finance Department is well under projection as internal promotions have allowed us to stay under budget in salaries and benefits. The Account Clerk II position would be an hourly position at a pay rate of \$21.93, equating to approximately \$26,7045 salary for the remainder of FY22.

### Recommendation

Adding one Account Clerk II position to the Finance Department's authorized strength effective November 22, 2021

### ATTACHMENTS:

Description	Type	Upload Date
Acct Clerk II	Job Description	11/4/2021
Resolution 21-340	Resolution	11/17/2021



# City of Council Bluffs

## Job Description

### Account Clerk II

**Department:** Finance  
**Supervisor:** Sr. Accounting Manager/Accounting Manager  
**Location:** City Hall  
**FLSA Status:** Non-Exempt  
**Prepared By:** Cori Shaw, Recruiter  
**Prepared Date:** November 2021  
**Union:** CWA  
**Pay Grade:** 13  
**Pay:** \$21.93/HR - \$27.99/HR

The City of Council Bluffs is an Equal Opportunity Employer.

**Summary:** Performs accounting duties related to the support of the City's financial processes.

**Essential Duties and Responsibilities:**

- Processes accounts payable and accounts receivable transactions proficiently
- Generates accurate cash, bank, credit card, and account reconciliations
- Prepares journal entries as assigned
- Researches and is familiar with city policies and ordinances related to the City's financial processes
- Maintains digital procedures manuals, drafts additional procedures, and updates in a timely manner as needed
- Regular and predictable attendance is required
- Other duties as assigned

**Supervisory Responsibilities:**

This job has no supervisory responsibilities.

**Qualifications:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:**

- High School Diploma or General Education Degree (GED)
- Associate's Degree from an accredited institution in Accounting or Finance, preferred
- Enterprise Resource Planning (ERP) system experience, preferred
- Three (3) years of experience performing similar activities
- Any equivalent combination of education and experience which provides the required knowledge, skills, and abilities necessary to perform the work.

**Certificates, Licenses, Registrations:**

- None required

**Physical Demands:**

- While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and see, talk, and hear.
- The work environment is an office setting that is normally quiet.

**Other Skills and Abilities:**

- Working knowledge of Microsoft Office software (Word, Excel, Outlook)
- Working knowledge of accounting principles and practices
- Attention to detail and accuracy
- Good problem solving skills and process improvement
- Ability to multi-task and prioritize assignments
- High level of motivation, team orientation, and professionalism
- Great customer service skills for internal and external customers

**RESOLUTION**  
**NO 21-340**

**RESOLUTION ADDING AN ACCOUNT CLERK II POSITION TO THE FINANCE DEPARTMENT EFFECTIVE NOVEMBER 22, 2021**

WHEREAS, the Finance Department is continuously working to improve our processes and procedures to best serve the Citizens of the City; and

WHEREAS, the addition to authorized strength in this area will allow the Department to properly absorb the centralized payment and revenue process; and

WHEREAS, will allow the Finance Department the ability to continue to move forward with growth in process improvement for the betterment of the City.

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

That one Account Clerk II be added to the Finance Department's authorized strength effective November 22, 2021 is hereby approved.

ADOPTED  
AND  
APPROVED

November 22, 2021

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

ATTEST:

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

## Council Communication

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

Resolution 21-341  
ITEM 7.C.

Council Action: 11/22/2021

### Description

Resolution approving and authorizing the Mayor to execute the Second Addendum to the Employment Agreement between the City of Council Bluffs and City Attorney, Richard Wade.

### Background/Discussion

According to the 1994 amendment to the Employment Agreement between the parties, Richard Wade has been receiving a salary of 10% of his base pay pursuant to the Non-Union Pay Scale at that time. The City has recently added 2 additional Grades to the Pay Scale and it is reasonable now to eliminate the 10% of base pay increase and place this position at the Grade 36 Step 6 beginning on July 1, 2022. A Second Addendum to Employment Agreement has been drafted to include these revisions.

### Recommendation

Approval and authorization for the Mayor to execute the Second Addendum to the Employment Agreement with Richard Wade is recommended.

### **ATTACHMENTS:**

Description	Type	Upload Date
Addendum to Employment Agreement	Agreement	11/10/2021
Resolution 21-341	Resolution	11/17/2021

**SECOND ADDENDUM  
TO THE EMPLOYMENT AGREEMENT  
BETWEEN  
THE CITY OF COUNCIL BLUFFS, IOWA AND RICHARD WADE  
DATED OCTOBER 15, 1985**

WHEREAS, The parties of the Employment Agreement and Second Addendum to Employment Agreement are the City of Council Bluffs, Iowa and Richard Wade; and

WHEREAS, The parties have agreed to make the following proposed changes to Section 5 of the original Employment Agreement dated October 15, 1985:

- Employer agrees to pay Employee for services rendered pursuant hereto, an annual base salary equal to Grade 36 Step 6, payable in bi-weekly installments at the same time as other employees of Employer are paid, starting July 1, 2022.
- The additional compensation of 10% of base pay that was provided for in the First Addendum to Employment Agreement shall cease on June 30, 2022.

IN WITNESS of this modification to the Employment Agreement as the party or representative of our respective entities, we have affixed our signatures below, on this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF COUNCIL BLUFFS

EMPLOYEE

By: \_\_\_\_\_  
MATTHEW J. WALSH  
Mayor  
209 Pearl Street  
Council Bluffs, Iowa 51503

By: \_\_\_\_\_  
Richard Wade

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

Subscribed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

**RESOLUTION NO. 21-341**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND ADDENDUM TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA AND CITY ATTORNEY, RICHARD WADE.**

**WHEREAS,** The original Employment Agreement between these parties was dated October 15, 1985 and the First Addendum to the Employment Agreement was approved on December 12, 1994; and

**WHEREAS,** It is in the best interest of the City of Council Bluffs to execute the Second Addendum to Employment Agreement.

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

That the Second Addendum to the Employment Agreement between the City of Council Bluffs, Iowa and Richard Wade is hereby approved; and

**BE IT FURTHER RESOLVED**

That the Mayor is hereby authorized to execute the Second Addendum to the Employment Agreement, on behalf of the City of Council Bluffs, Iowa.

ADOPTED  
AND November 22, 2021.  
APPROVED

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

Attest: \_\_\_\_\_  
JODI QUAKENBUSH City Clerk

## Council Communication

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

Resolution 21-342  
ITEM 7.D.

Council Action: 11/22/2021

### Description

Resolution authorizing the Finance Director to classify American Rescue Plan Act funds as Revenue Loss and use a portion of those funds to replace revenue lost between March and December of 2020.

### Background/Discussion

- The City of Council Bluffs has been awarded approximately \$24.8 million in American Rescue Plan Act (ARPA) funds.
- One of the four approved spending categories for ARPA funds is “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency”.
- From the ARPA Interim Final Rule: “For purpose of measuring revenue growth in the counterfactual trend, recipients may use a growth adjustment of either 4.1 percent per year or the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher”.
- The City of Council Bluffs Finance Department staff have run the calculations and it is most advantageous for the City to use the allowed 4.1% rather than the City’s actual growth percentage.
- Funds obligated under Revenue Loss are allowed for more uses than the other ARPA funds, so the full amount allowed should be obligated to Revenue Loss.
- Using the allowed 4.1%, the City can obligate \$11,108,208.00. The actual amount needed to replace lost revenue in 2020 is \$3,457,874.00. The remainder would be allocated to other projects, as approved by Council.

### Recommendation

The recommendation is to approve the Resolution.

### ATTACHMENTS:

Description	Type	Upload Date
Resolution 21-342	Resolution	11/17/2021

**RESOLUTION NO. 21-342**

**RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO CLASSIFY  
AMERICAN RESCUE PLAN ACT FUNDS AS REVENUE LOSS AND USE A PORTION  
OF THOSE FUNDS TO REPLACE REVENUE LOST BETWEEN MARCH AND  
DECEMBER OF 2020**

- 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, One of the four approved spending categories for ARPA funds is “For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency”;
- WHEREAS, from the ARPA Interim Final Rule: “For purpose of measuring revenue growth in the counterfactual trend, recipients may use a growth adjustment of either 4.1 percent per year or the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher”;
- WHEREAS, the City of Council Bluffs Finance Department staff have run the calculations and it is most advantageous for the City to use the allowed 4.1% rather than the City’s actual growth percentage;
- WHEREAS, funds obligated under Revenue Loss are allowed for more uses than the other ARPA funds, so the full amount allowed should be obligated to Revenue Loss.

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

That the Finance Director is hereby authorized to obligate \$11,108,208.00 of ARPA funds toward Revenue Loss and use \$3,457,874.00 of those funds to replace revenue lost in 2020.

ADOPTED AND APPROVED                      November 22, 2021

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

ATTEST:

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

## Council Communication

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

Resolution 21-343  
ITEM 7.E.

Council Action: 11/22/2021

### Description

Resolution abolishing the part-time Account Clerk II position effective February 10, 2022 and creating a part-time Account Clerk I position effective immediately within the Finance department.

### Background/Discussion

We have received a notice of retirement of our current part-time Account Clerk II. Upon her retirement and with the addition of a full-time Account Clerk II, we will be restructuring the work of the part-time Account Clerk to have responsibilities of an Account Clerk I. This will decrease the impact to the budget and also offset the addition of a full-time Account Clerk II position.

### Recommendation

The recommendation is to abolish the part-time Account Clerk II position and hire the the new staff member into the part-time Account Clerk I position.

### ATTACHMENTS:

Description	Type	Upload Date
Account Clerk I Job Description	Job Description	11/12/2021
Resolution 21-343	Resolution	11/17/2021



# City of Council Bluffs

## Job Description

### Account Clerk I

**Department:** Finance  
**Supervisor:** Sr. Accounting Manager/Accounting Manager  
**Location:** City Hall  
**FLSA Status:** Non-Exempt  
**Prepared By:** Cori Shaw, Recruiter  
**Prepared Date:** November 2021  
**Union:** CWA  
**Pay Grade:** 08  
**Pay:** \$18.00/HR - \$22.98/HR

The City of Council Bluffs is an Equal Opportunity Employer.

**Summary:** Performs accounting duties related to the support of the City's financial processes.

**Essential Duties and Responsibilities:**

- Processes accounts payable and accounts receivable transactions proficiently
- Generates accurate cash, bank, credit card, and account reconciliations
- Prepares journal entries as assigned
- Regular and predictable attendance is required
- Other duties as assigned

**Supervisory Responsibilities:**

This job has no supervisory responsibilities.

**Qualifications:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:**

- High School Diploma or General Education Degree (GED)
- Associate's Degree from an accredited institution in Accounting or Finance, preferred

**Certificates, Licenses, Registrations:**

- None required

**Physical Demands:**

- While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and see, talk, and hear.
- The work environment is an office setting that is normally quiet.

**Other Skills and Abilities:**

- Working knowledge of Microsoft Office software (Word, Excel, Outlook)
- Working knowledge of accounting principles and practices
- Attention to detail and accuracy
- Good problem solving skills and process improvement
- Ability to multi-task and prioritize assignments
- High level of motivation, team orientation, and professionalism
- Great customer service skills for internal and external customers

RESOLUTION  
NO. 21-343

RESOLUTION ABOLISHING AN ACCOUNT CLERK II POSITION EFFECTIVE  
FEBRUARY 10, 2022 AND ADDING AN ACCOUNT CLERK I POSITION EFFECTIVE  
IMMEDIATELY WITHIN THE FINANCE DEPARTMENT

WHEREAS, An Account Clerk II position is no longer applicable for the duties and responsibilities being performed

WHEREAS, hiring a soon to be vacated position to the newly added Account Clerk I position will align the new hire to the duties and responsibilities being performed

WHEREAS, The listed changes will not negatively impact the Finance Department budget.

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

That one part-time Account Clerk II position be abolished effective February 10, 2022.

AND BE IT FURTHER RESOLVED

That one part-time Account Clerk I position be added effective immediately.

ADOPTED  
AND  
APPROVED                      November 22, 2021

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

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

## Council Communication

Department: Community  
Development  
Case/Project No.:  
Submitted by: Housing &  
Economic Development

Resolution 21-344  
ITEM 7.F.

Council Action: 11/22/2021

### Description

Resolution authorizing the Mayor and City Clerk to execute an agreement with James Hall dba Jim's Hauling for the 29 South 35th Street Demolition Project.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/12/2021
Resolution 21-344	Resolution	11/17/2021

### Council Communication

Department: Community Development	Resolution No.: 21-	City Council: 11/22/2021
Submitted by: Housing & Economic Development		
<b>Subject/Title</b>		
Resolution authorizing the Mayor and City Clerk to execute an agreement with Jim's Hauling for the 29 South 35 <sup>th</sup> Street Demolition Project.		
<b>Background/Discussion</b>		
<u>Background</u> In 2012, the City began purchasing property along the 1 <sup>st</sup> Avenue corridor as part of its West Broadway Redevelopment Plan. The first large property purchase was the Bunge grain elevators with structure demolition completed in 2014. Demolition did not include complete site restoration due to insufficient funds.  In 2014, the City purchased the Interstate Echo Corporation and Echo Group properties located along 2 <sup>nd</sup> Avenue which included six parcels from 30 <sup>th</sup> to 35 <sup>th</sup> Streets. Echo rented the space from the city until the final construction and relocation of their operations along Veteran's Memorial Highway was completed in May.  The City wishes to demolish one of the two remaining buildings located at 29 S 35 <sup>th</sup> Street due to hazardous and unsafe conditions. The building's roof is significantly compromised with large holes. Additionally, restoration of the sites will further the City's plans for redevelopment of the 1 <sup>st</sup> Avenue corridor.  The demolition will be funded through tax increment financing (TIF) certification. Urban Renewal law allows the City to certify its debt to recuperate costs within and Urban Renewal Area.		
<u>Discussion</u> On November 10, 2021, two bids were received from interested contractors for the demolition project. The low bid for the project was submitted by Jim's Hauling for \$65,980.00. The bid has been verified and accepted by staff. Demolition work will be begin December 1, 2021 and will be completed no later than March 31, 2022.		
<b>Staff Recommendation</b>		
The Community Development Department recommends acceptance of the bid from Jim's Hauling in the amount of \$65,980.00 for 29 South 35 <sup>th</sup> Street Demolition Project.		
<b>Attachment</b>		
A) Bid tabulation sheet		

**Council Communication**

**Attachment A**

**Bid Tabulation**

**The 29 South 35th Street Demolition Project**

November 10, 2021 at 10:00 AM

Community Development Department via the City's Online Bidding Portal  
209 Pearl Street, Council Bluffs, IA 51503

	<b>Company</b>	<b>Total Bid</b>
1.	James Hall dba Jim's Hauling 19798 Mynster Springs Road Council Bluffs, IA 51503 402-689-2443	<b>\$65,980.00</b>
2.	J. Pettiecord, Inc 1200 Prairie Dr. SW Bondurant, IA 50035 515-263-8900	<b>\$320,000.00</b>

**RESOLUTION NO. 21-344**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH JAMES HALL DBA JIM’S HAULING FOR THE 29 SOUTH 35<sup>TH</sup> STREET DEMOLITION PROJECT.**

- WHEREAS,** The City wishes to undertake a project known as the 29 South 35<sup>th</sup> Street Demolition Project within the City of Council Bluffs; and
- WHEREAS,** This project will involve the demolition and removal of structures and improvements and site restoration activities on the property; and
- WHEREAS,** Such demolition is required to accommodate the further redevelopment of the area; and
- WHEREAS,** The plans, specifications and form of contract for the 29 South 35<sup>th</sup> Street Demolition Project are on file in the City’s online bidding portal and in the office of the City Clerk; and
- WHEREAS,** A Notice of Public Hearing was published as required by law and a public hearing was held on October 11, 2021 and the plans, specifications and form of contract were approved; and
- WHEREAS,** James Hall dba Jim’s Hauling has submitted a low bid in the amount of \$65,980.00 for the project.

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

That the bid from James Hall dba Jim’s Hauling in the amount of \$65,980.00 for the 29 South 35<sup>th</sup> Street Demolition Project 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 29 South 35<sup>th</sup> Street Demolition Project; and

**BE IT FURTHER RESOLVED**

That the Mayor and City Clerk are hereby authorized, empowered and directed to execute an agreement with James Hall dba Jim’s Hauling for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and cashier’s check as required by the contract specifications.

ADOPTED  
AND  
APPROVED: November 22, 2021

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

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

## Council Communication

Department: Community  
Development  
Case/Project No.: TU-21-007  
Submitted by: Brandon Siracuse,  
Planner

Resolution 21-345  
ITEM 7.G.

Council Action: 11/22/2021

### Description

Resolution granting approval of a Temporary Use Permit to allow a concrete batch plant from April 1, 2022 until October 1, 2022, on property zoned I-2/Industrial District, and being legally described as part of Lots 1, 2, and 3, Auditor's Subdivision. Location: 8.43 acres of undeveloped land lying immediately east of 2445 N 25th Street. TU-21-007

### Background/Discussion

See attached staff report.

### Recommendation

#### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	11/12/2021
Attachment A - Letter of Intent	Letter	11/12/2021
Attachment B - Site Plan	Other	11/12/2021
Attachment C - Truck Route Plan	Other	11/12/2021
Attachment D - Location and Zoning Map	Map	11/12/2021
Attachment E - Map of Distance from Residences	Map	11/12/2021
Resolution 21-345	Resolution	11/17/2021

**TO:** City Council  
**FROM:** Community Development Department

**DATE:** November 22, 2021

**RE:** **CASE #TU-21-007**  
**REQUEST:** A temporary use permit for a concrete batch plant

**APPLICABLE**

**CODE SECTIONS:** §15.02.110—Temporary Use Permit  
A. Purpose. A temporary use permit is required for limited term activities or events, which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur.  
C. Procedure.  
1. The zoning administrator shall grant temporary use permits for those uses listed in paragraph E (Permitted Temporary Uses) below, so long as they comply with the requirements of this section, including paragraph D (Standards for Temporary Uses) and this ordinance. Unless expressly provided in this section, every temporary use shall comply with the bulk requirements applicable in the district in which the temporary use is located.  
E. Permitted Temporary Uses  
1. Batch Plants (Temporary)

**LEGAL**

**DESCRIPTION:** Part of Lots 1, 2, and 3, Auditor’s Subdivision in the SW1/4 SW1/4 of Section 23-75-44, Pottawattamie County, Iowa.

**LOCATION:** 8.43 acres of undeveloped land lying immediately east of property addressed as 2445 N 25<sup>th</sup> Street.

**APPLICANT:** Cedar Valley Corporation, 2637 Wagner Road, Waterloo, IA 50703

**OWNERS:** City of Council Bluffs (for the use-benefit of Board of Water Works Trustees), 209 Pearl Street, Council Bluffs, IA 51503

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**BACKGROUND INFORMATION**—The Community Development Department has received an application from Cedar Valley Corporation for a temporary use permit to allow a temporary batch plant on 8.43 acres of industrial land on property legally described above (see Attachment ‘A’).

The applicant, Cedar Valley Corporation, has been subcontracted by Ames Construction for production of concrete in relation to the I-29 Iowa DOT Project and intends to use the subject property for their batch plant location. The applicant’s site plan is included as Attachment ‘B’. The submitted plan for truck routing is included as Attachment ‘C’. The applicant has requested a

permit to allow a temporary batch plant to commence operations on April 1, 2022, and extend until October 1, 2022.

The applicant has provided the following additional information regarding the request:

1. The site will be used solely for the production of concrete and storage of vehicles when not in use. No crushing or recycling of concrete will occur on the subject property.
2. Operating hours on the subject property will be daylight hours, approximately 7:00 a.m. to 7:00 p.m. The batch plant will primarily operate on weekdays, with weekends operations as needed.
3. The batch plant will operate with approximately 20 employees at any given time during active hours. Of those, about half would drive trucks to and from the work site.
4. Cedar Valley Corporation plans to mitigate dust by using a water truck to intermittently wet the soil around the plant site.
5. Cedar Valley Corporation will prepare the site for use as a batch plant by creating a sturdy base for operations. If the ground is not already prepared, they will strip the top layer of soil and pile it into a berm. Rock would then be laid and compacted to withstand the truck traffic and weight of materials on site.
6. Cedar Valley Corporation will keep all removed topsoil on the subject property and replace it once the batch plant operation has concluded.
7. Cedar Valley Corporation does not plan to remove any trees as part of this operation, but they may remove smaller vegetation if needed.
8. When the batch plant is moved to the subject property, Cedar Valley Corporation will notify the Iowa Department of Natural Resources and develop a stormwater plan.
9. The applicant does not plan to put gravel down on truck parking areas on site.

The following attachments are included with the case staff report:

- Attachment A: Letter of Intent
- Attachment B: Site Plan
- Attachment C: Truck Route Plan
- Attachment D: Location/Zoning Map
- Attachment E: Map of Distance from Residences

**APPLICABLE CODE SECTIONS** - Council Bluffs Municipal Code (Zoning Ordinance) Section 15.02.110 Temporary Use Permit, provides for the issuance of temporary use permit(s) *‘for limited term activities or events, which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur.’* The code further defines eight (8) specific uses, which are eligible for issuance of a temporary use permit administratively. A batch plant is a use that may be administratively permitted, but the Community Development Department is bringing this case before City Council due to the need for a waiver from typical requirements for batch plants to be located at least 1,000 feet from recreational areas, schools, and residences.

Per Council Bluffs Municipal Code Section 15.02.110 *Temporary Use Permit*, all temporary uses shall comply with all the standards listed below.

1. *No temporary use shall be permitted that causes, or threatens to cause, an on-site threat to the public health, safety and general welfare.*

2. *Every temporary use shall be operated in accordance with any restrictions and conditions as other departments may require. If required by the City, the operator of the temporary use must employ appropriate security personnel.*
3. *No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses.*
4. *No temporary use shall be authorized that would unreasonably reduce the amount of required parking. The Zoning Administrator may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Zoning Administrator shall approve such temporary use only if such parking spaces are provided.*
5. *No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.*
6. *Signs shall be permitted only in accordance with this Ordinance.*

In addition, temporary batch plants are subject to the following standards:

1. *Temporary batch plants are valid only for the duration of the project, not to exceed six months. However, at the end of the six month period, the zoning administrator may renew the permit for another six months or to the conclusion of the project, whichever comes first. At the end of such a project, the contractor must restore the area to its original condition.*
2. *Temporary batch plants shall be located at least one thousand (1,000) feet from any recreational area, school, or residence.*
3. *Temporary batch plants shall be located and designed to mitigate water quality impacts to receiving water bodies, including locations away from watercourses, drainage courses, and drain inlets.*
4. *As part of the permit application process, the contractor shall submit a routing of trucks to and from the proposed plant as a condition to be approved prior to granting application approval. A temporary batch plant shall only be allowed access via arterial or collector roads and highways. Access via local residential and/or collector roads serving residential areas is prohibited.*

**CURRENT ZONING AND LAND USE** –The subject property is zoned I-2/General Industrial District, as are the adjacent properties on all sides of the subject property. Interstate 29 is located nearby to the east and south, and the properties located on the other side of the interstate are zoned R-3/Low Density Multifamily Residential District. The subject property is bounded on the west by Abstract Painting (an industrial painting company) and by undeveloped land to the south, east, and north (various owners).

**CITY DEPARTMENTS AND UTILITIES** – The request was routed to all local utility providers and City Departments. The following comments were received:

Council Bluffs Public Works Department provided the following comments:

1. Avenue “Q” is a low maintenance local road that will require maintenance to handle the proposed traffic loading. The contractor will be responsible for the maintenance of this

road throughout the duration of the proposed use of the adjacent property as a concrete batch plant.

2. Dust control from the batch plant and traffic may require more than a water truck. If dust complaints arise it will be the contractor's responsibility to control the fugitive dust through additional means and methods.
3. Stormwater management for the site is required including water quality. All contaminants shall be handled on site by the contractor.
4. Site shall be restored at time of termination of the temporary use to current or better condition than day one of temporary use commencing.

Council Bluffs Community Development Department provided the following comments:

1. CBMC §15.02.110 states that "temporary batch plants shall be located at least one thousand (1,000) feet from any recreational area, school, or residence. The proposed batch plant would be located less than 1,000 feet from multiple residences, the closest of which is approximately 600 feet from the batch plant site (see Attachment E). However, all residences within this 1,000-foot radius of the proposed batch plant are located on the other side of Interstate 29. The Interstate would act as a barrier, mostly or wholly insulating residences from negative impacts (e.g. noise, dust, etc.) of the proposed batch plant. For this reason, the City Council could be justified in granting Cedar Valley Corporation a waiver from the aforementioned requirement for the duration of the temporary use permit.
2. Because Avenue "Q" is a local road, the applicant would need a waiver from City Council to use Avenue "Q" to access the site. Avenue "Q" experiences very low traffic volumes and is not connected to any residential streets, so such a waiver would be justified for the duration of the permit.
3. The proposed batch plant is shown to be located in the southerly portion of the subject property according to the applicant's site plan. The applicant shall not extend the batch plant operations into any neighboring properties, and any expansion of the footprint of the batch plant on the subject property shall be reviewed and granted approval by the City prior to expansion.

**RECOMMENDATION** – The Community Development Department recommends approval of the request for a temporary use permit to allow a batch plant operation to occur on the property legally described as part of Lots 1, 2, and 3, Auditor's Subdivision, in the SW1/4 SW1/4 of Section 23-75-44, Pottawattamie County, Iowa, in relation to the Interstate 29 construction project from April 1, 2022, to October 1, 2022, subject to the comments stated above and the following conditions:

1. Approval of the temporary use permit shall only occur if City Council grants a waiver from the requirement in CBMC §15.02.110 that "temporary batch plants shall be located at least one thousand (1,000) feet from any recreational area, school, or residence." As a condition of said waiver, no portion of the temporary batch plant shall be located less than 600 feet from the closest recreational area, school, or residence.
2. Approval of the temporary use permit shall only occur if City Council grants a waiver from the requirement in CBMC §15.02.110 that "a temporary batch plant shall only be allowed access via arterial or collector roads and highways."

3. Cedar Valley Corporation shall provide a stormwater management plan to and obtain approval from the Public Works Department prior to commencement of batch plant activity on the subject property.
4. Dust and other byproducts shall be minimized at all times. All dust control measures outlined in the submitted application shall be followed and improved if needed to control airborne dust.
5. The operator shall maintain and remain in compliance with all applicable Federal, State, and local permits and regulations, including, but not limited to: the Iowa DNR NPDES General Permit #3, Stormwater Pollution Prevention Plan, and Spill Prevention Plan.
6. The hours of operation for the crushing operation shall be limited to Monday through Sunday 7:00 AM-7:00 PM.
7. All materials, vehicles, and structures brought on-site shall be limited to use for the Interstate 29 Iowa DOT Project. Any expansion of the footprint of the batch plant beyond what is shown on the applicant's site plan shall be reviewed and granted approval by the City prior to the expansion occurring.
8. Upon completion of the project, all materials, debris, and equipment related to the operation shall be removed from site and the site shall be restored to predevelopment conditions. The contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions.
9. The requested temporary use permit shall commence on April 1, 2022, and approval shall expire on October 1, 2022. The City may administratively grant a six-month extension of time for the temporary use permit if the batch plant complies with all of the conditions of the temporary use permit and there are no nuisances or other city code enforcement actions on record for the operation.
10. The requested temporary use permit shall be valid from April 1, 2022, until October 1, 2022. However, should the applicant complete work related to the identified Interstate 29 project prior to this end date, the site shall be restored to predevelopment conditions and the contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions prior to October 1, 2022.
11. Due to the temporary nature of the request, the applicant shall not be required to pave parking areas on site. However, if unpaved parking areas become problematic in terms of dust and/or mud, the contractor shall lay gravel for all parking areas or use other measures to adequately control dust and mud.
12. All materials used at the batch plant shall be routinely processed, and no aggregate piles shall exceed twenty-five (25) feet in height.
13. The applicant shall not alter any existing tree lines that help shield the batch plant from view from the interstate.



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Christopher N. Gibbons, AICP  
Planning Manager  
Community Development Department



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Brandon Siracuse  
Planner  
Community Development Department



## Cedar Valley Corp., LLC

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2637 Wagner Road  
Waterloo, Iowa 50703

November 1, 2021

### Portable Equipment Relocation Letter of Intent

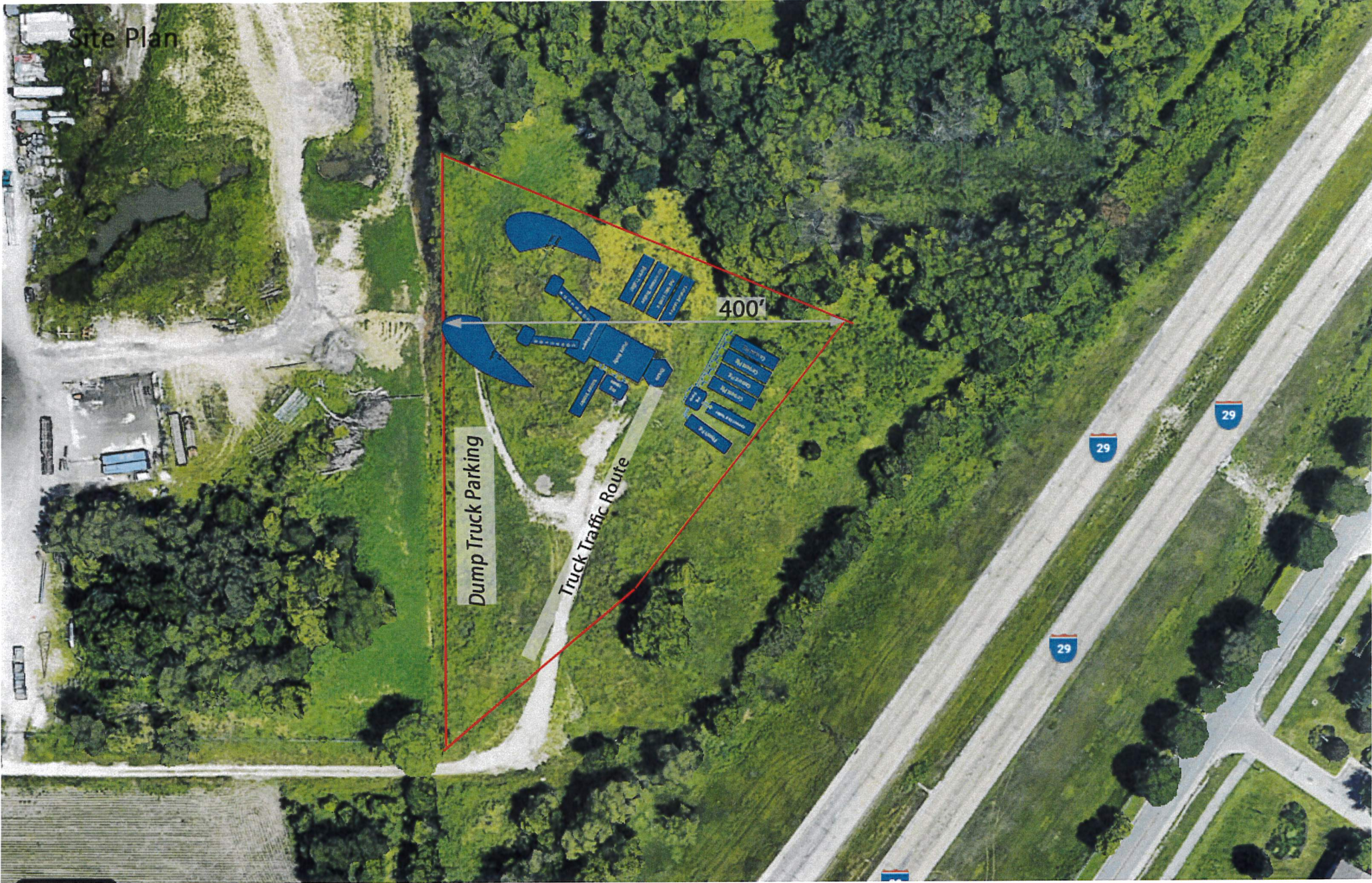
Please accept this as notification as a Letter of Intent for operations. The intent of our operations using the space is to place a concrete batch plant on site in order to produce concrete for the I29 project that we are subcontracted through Ames Construction. This site is strictly for production of concrete and vehicle storage when not in use during the extent of the project. There will be no crushing or recycling of concrete at this site. The operating hours of the site will be during daylight hours, approximately 7 am- 7pm. We operate generally only on weekdays, with few weekends worked as possible.

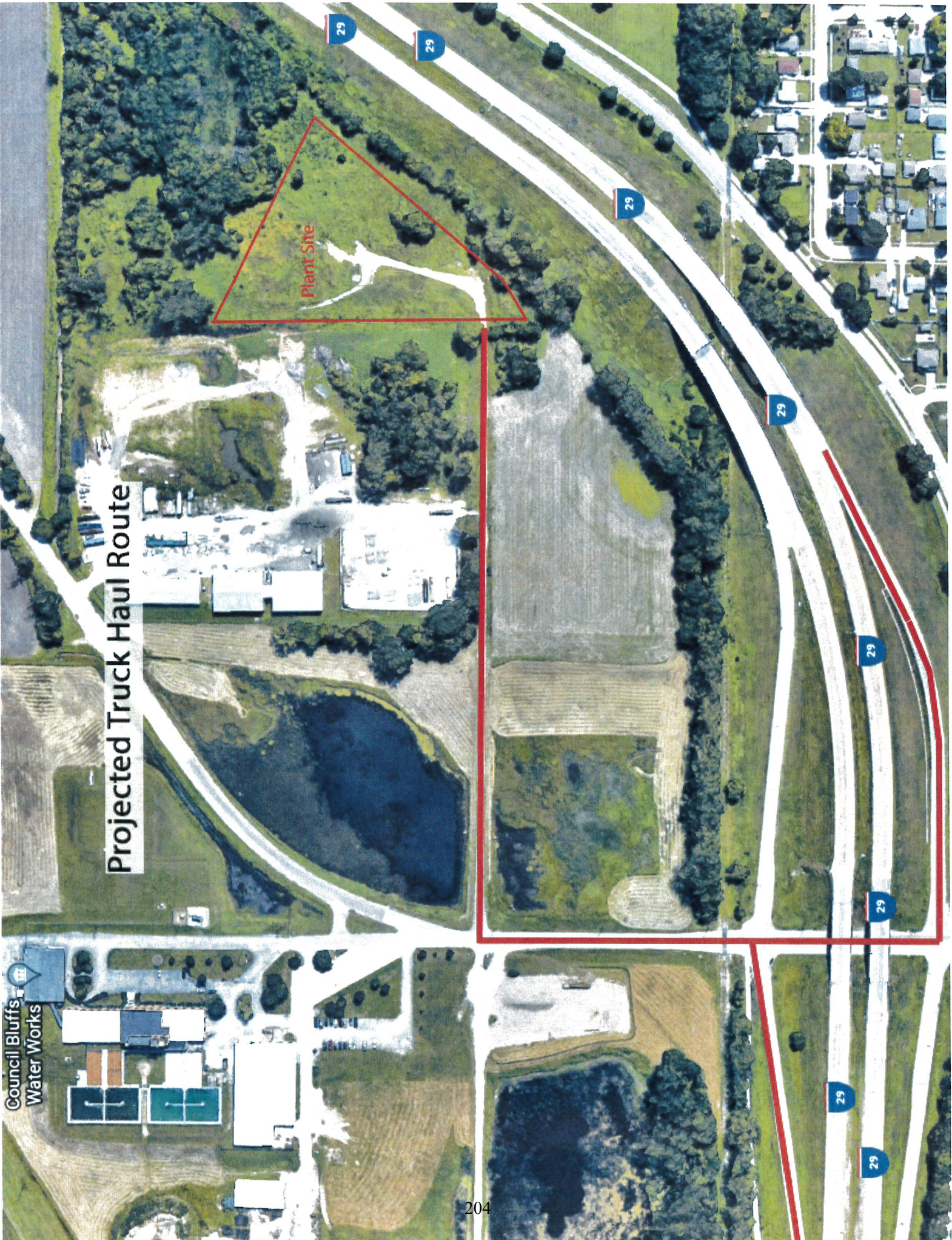
This site would operate with approximate twenty people on site at any given time. Of those twenty approximately half would be driving dump trucks to and from the work site and returning for another load of concrete. The dust produced from the driving of dump trucks will be mitigated by using a water truck to intermittently wet the soil around the plant site. We would prepare the site for use by creating a sturdy base for operations. If the ground is not already prepared, we stripe the top layer of soil and pile it into a berm. Rock is then laid down and compacted to withstand the traffic and weight placed on that area. Topsoil is kept to be replaced when the site is restored. We do not remove trees, but some small vegetation and plants may be removed only if necessary. As storm water is concerned, a notice is submitted to the Iowa DNR upon movement of the concrete plant to the area and a plan developed at that time.

If any additional information is needed, please feel free to contact me by any means noted in my signature line.

Respectfully Submitted,

Nicholas L. Zeien  
Safety Manager  
Cedar Valley Corp.  
2637 Wagner Rd.  
Waterloo, IA 50703  
Cell: (319) 830-9477  
Fax: (319) 235- 7198  
[nzeien@cedarvalleycorp.com](mailto:nzeien@cedarvalleycorp.com)






Council Bluffs  
Water Works

Projected Truck Haul Route

Plant Site

# CASE #TU-21-007 LOCATION/ZONING MAP

 Subject Property Case #TU-21-007

 Parcels

0 162.5 325  
1 Inch = 333 Feet

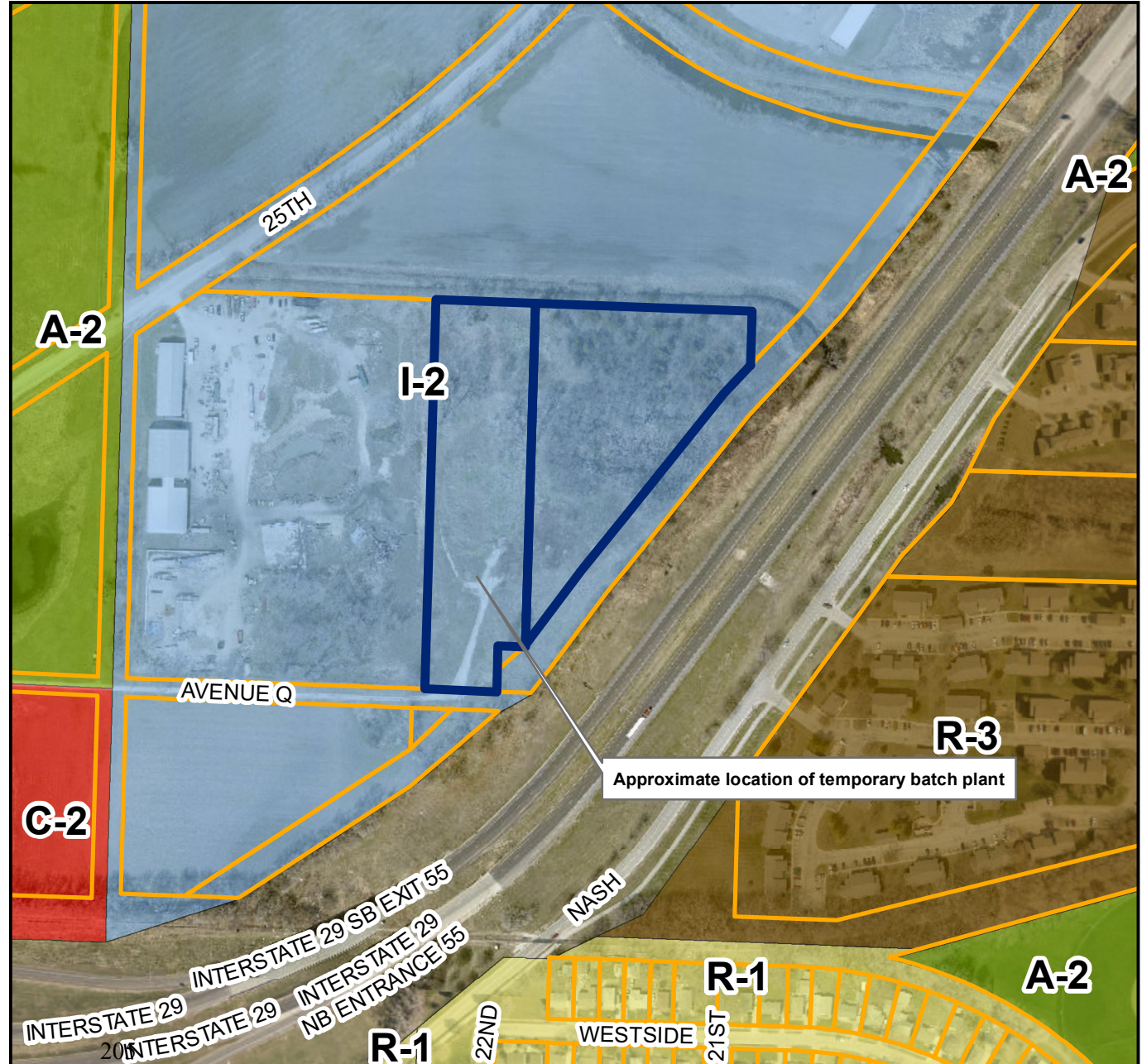


Last Amended: 11/1/2021







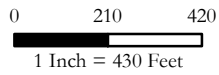
Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**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.



# CASE #TU-21-007 1000-FOOT BUFFER

-  Subject Property Case #TU-21-007
-  Batch Plant Area
-  1000-foot Buffer
-  Parcels

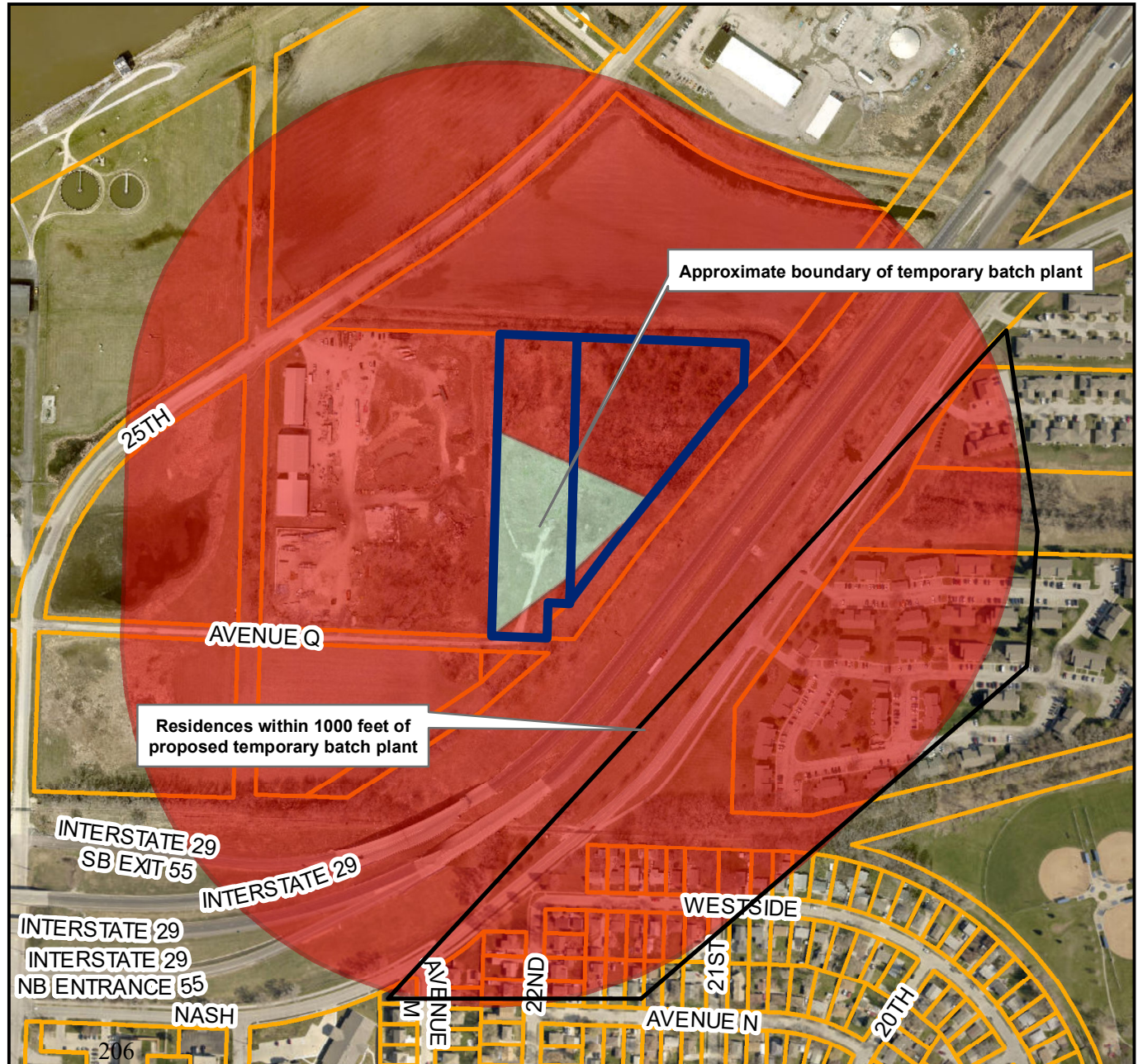


Last Amended: 11/10/2021



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

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**RESOLUTION NO. 21-345**

**A RESOLUTION GRANTING APPROVAL OF A TEMPORARY USE PERMIT TO ALLOW A CONCRETE BATCH PLANT FROM APRIL 1, 2022, UNTIL OCTOBER 1, 2022, ON INDUSTRIAL PROPERTY DESCRIBED AS PART OF LOTS 1, 2, AND 3, AUDITOR'S SUBDIVISION, SW1/4 SW1/4, SECTION 23-75-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** The applicant, Cedar Valley Corporation, has been subcontracted by Ames Construction for production of concrete in relation to the Iowa DOT Interstate 29 reconstruction project and is requesting a temporary use permit to use this property for concrete production; and

**WHEREAS,** The temporary use permit will commence on April 1, 2022, and extend through October 1, 2022; and

**WHEREAS,** The applicant has provided the following additional information regarding the request:

- A. The site will be used solely for the production of concrete and storage of vehicles when not in use. No crushing or recycling of concrete will occur on the subject property.
- B. Operating hours on the subject property will be daylight hours, approximately 7:00 a.m. to 7:00 p.m. The batch plant will primarily operate on weekdays, with weekends operations as needed.
- C. The batch plant will operate with approximately 20 employees at any given time during active hours. Of those, about half would drive trucks to and from the work site.
- D. Cedar Valley Corporation plans to mitigate dust by using a water truck to intermittently wet the soil around the plant site.
- E. Cedar Valley Corporation will prepare the site for use as a batch plant by creating a sturdy base for operations. If the ground is not already prepared, they will strip the top layer of soil and pile it into a berm. Rock would then be laid and compacted to withstand the truck traffic and weight of materials on site.
- F. Cedar Valley Corporation will keep all removed topsoil on the subject property and replace it once the batch plant operation has concluded.
- G. Cedar Valley Corporation does not plan to remove any trees as part of this operation, but they may remove smaller vegetation if needed.
- H. When the batch plant is moved to the subject property, Cedar Valley Corporation will notify the Iowa Department of Natural Resources and develop a stormwater plan.
- I. The applicant does not plan to put gravel down on truck parking areas on site; and

**WHEREAS,** The request was routed to all local utility providers and City Departments. The following comments were received:

- A. Council Bluffs Public Works Department provided the following comments:

1. Avenue “Q” is a low maintenance local road that will require maintenance to handle the proposed traffic loading. The contractor will be responsible for the maintenance of this road throughout the duration of the proposed use of the adjacent property as a concrete batch plant.
2. Dust control from the batch plant and traffic may require more than a water truck. If dust complaints arise it will be the contractor’s responsibility to control the fugitive dust through additional means and methods.
3. Stormwater management for the site is required including water quality. All contaminants shall be handled on site by the contractor.
4. Site shall be restored at time of termination of the temporary use to current or better condition than day one of temporary use commencing.

B. Council Bluffs Community Development Department provided the following comments:

1. CBMC §15.02.110 states that “temporary batch plants shall be located at least one thousand (1,000) feet from any recreational area, school, or residence. The proposed batch plant would be located less than 1,000 feet from multiple residences, the closest of which is approximately 600 feet from the batch plant site (see Attachment E). However, all residences within this 1,000-foot radius of the proposed batch plant are located on the other side of Interstate 29. The Interstate would act as a barrier, mostly or wholly insulating residences from negative impacts (e.g. noise, dust, etc.) of the proposed batch plant. For this reason, the City Council could be justified in granting Cedar Valley Corporation a waiver from the aforementioned requirement for the duration of the temporary use permit.
2. Because Avenue “Q” is a local road, the applicant would need a waiver from City Council to use Avenue “Q” to access the site. Avenue “Q” experiences very low traffic volumes and is not connected to any residential streets, so such a waiver would be justified for the duration of the permit.
3. The proposed batch plant is shown to be located in the southerly portion of the subject property according to the applicant’s site plan. The applicant shall not extend the batch plant operations into any neighboring properties, and any expansion of the footprint of the batch plant on the subject property shall be reviewed and granted approval by the City prior to expansion; and

**WHEREAS,** The Community Development Department recommends approval of the request for a temporary use permit to allow a batch plant operation to occur on the property legally described as part of Lots 1, 2, and 3, Auditor’s Subdivision, SW1/4 SW1/4 Section 23-75-44, Pottawattamie County, Iowa, in relation to the Interstate 29 construction project from April 1, 2022, to October 1, 2022, subject to the comments stated above and the following conditions:

- A. Approval of the temporary use permit shall only occur if City Council grants a waiver from the requirement in CBMC §15.02.110 that “temporary batch plants shall be located at least one thousand (1,000) feet from any recreational area, school, or residence.”
- B. Approval of the temporary use permit shall only occur if City Council grants a waiver from the requirement in CBMC §15.02.110 that “a temporary batch plant shall only be allowed access via arterial or collector roads and highways.”
- C. Cedar Valley Corporation shall provide a stormwater management plan to and obtain approval from the Public Works Department prior to commencement of batch plant activity on the subject property.
- D. Dust and other byproducts shall be minimized at all times. All dust control measures outlined in the submitted application shall be followed and improved if needed to control airborne dust.
- E. The operator shall maintain and remain in compliance with all applicable Federal, State, and local permits and regulations, including, but not limited to: the Iowa DNR NPDES General Permit #3, Stormwater Pollution Prevention Plan, and Spill Prevention Plan.
- F. The hours of operation for the crushing operation shall be limited to Monday through Sunday 7:00 AM-7:00 PM.
- G. All materials, vehicles, and structures brought on-site shall be limited to use for the Interstate 29 Iowa DOT Project. Any expansion of the footprint of the batch plant beyond what is shown on the applicant’s site plan shall be reviewed and granted approval by the City prior to expansion occurring.
- H. Upon completion of the project, all materials, debris, and equipment related to the operation shall be removed from site and the site shall be restored to predevelopment conditions. The contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions.
- I. The requested temporary use permit shall commence on April 1, 2022, and approval shall expire on October 1, 2022. The City may administratively grant a six-month extension of time for the temporary use permit if the batch plant complies with all of the conditions of the temporary use permit and there are no nuisances or other city code enforcement actions on record for the operation.
- J. The requested temporary use permit shall be valid from April 1, 2022, until October 1, 2022. However, should the applicant complete work related to the identified Interstate 29 project prior to this end date, the site shall be restored to predevelopment conditions and the contractor shall request a site inspection to ensure that the site has been restored to predevelopment conditions prior to October 1, 2022.
- K. Due to the temporary nature of the request, the applicant shall not be required to pave parking areas on site. However, if unpaved parking areas become problematic in terms of dust and/or mud, the contractor shall lay gravel for all parking areas or use other measures to adequately control dust and mud.
- L. All materials used in the batch plant shall be routinely processed, and all aggregate piles shall not exceed twenty-five (25) feet in height.

- M. The applicant shall not alter any existing tree lines that help shield the batch plant from view from the interstate.

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

That the temporary use permit allowing a temporary batch plant from April 1, 2022, until October 1, 2022, on industrial property comprised of 8.43 acres legally described as part of Lots 1, 2, and 3, Auditor’s Subdivision, SW1/4 SW1/4, Section 23-75-44, City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved subject to the comments and conditions set forth above.

ADOPTED  
AND  
APPROVED: November 22, 2021.

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

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

## Council Communication

Department: Community  
Development

Case/Project No.: SUB-21-001 and Resolutions 21-346 & 21-347  
PC-21-001 ITEM 7.H.

Council Action: 11/22/2021

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

### Description

Resolution 21-346, granting approval of a six-lot preliminary subdivision plan to be known as Mall of the Bluffs, Replat 1, at 1751 Madison Avenue, more specifically described in the Council packet. SUB-21-001

Resolution 21-347, adopting the planned commercial development plan on properties generally located at 1751 Madison Avenue, more specifically described in the Council packet. PC-21-001

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/12/2021
Attachment A - Location and Zoning Map	Map	11/12/2021
Attachment B - Letter of Intent	Letter	11/12/2021
Attachment C - Subdivision Plans	Other	11/12/2021
Attachment D - Easement Exhibit	Other	11/12/2021
Attachment E - Sanitary Sewer Plan	Other	11/12/2021
Attachment F - Storm Sewer Plan	Other	11/12/2021
Attachment G - Water Plan	Other	11/12/2021
Attachment H - Electrical Plan	Other	11/12/2021
Attachment I - Conceptual Redevelopment Plan	Other	11/12/2021
Attachment J - Menards Retail Store Site Plan	Other	11/12/2021
Attachment K - Menards Retail Store Building Elevations	Other	11/12/2021
Attachment L - Menards Parking Lot Plan	Other	11/12/2021
Attachment M - Menards Signage Plan	Other	11/12/2021
Attachment N - Menards Warehouse Building Elevations	Other	11/12/2021
Attachment O - Center Identification Signage Plans	Other	11/12/2021
Attachment P - Menard Drive and Hy-Vee Drive Entrance Plan	Other	11/12/2021
Resolution 21-346	Resolution	11/17/2021
Resolution 21-347	Resolution	11/17/2021

**City Council Communication**

<p><b>Department:</b> Community Development</p> <p><b>CASE #</b>SUB-21-001 &amp; CASE #PC-21-001</p> <p><b>Applicants/Owners:</b> Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703</p> <p>Woodsonia MOTB, LLC 20010 Manderson St, Suite 101 Elkhorn, NE 68022</p> <p>DSAG Investments 11222 Davenport Street Omaha, NE 68154</p> <p><b>Surveyor:</b> Lamp Rynearson c/o John Coolidge 14710 West Dodge Road Omaha, NE 68154</p>	<p>Resolution No. _____</p> <p>Resolution No. _____</p>	<p>City Council: 11/22/2021</p> <p>Planning Commission: 11/09/2021</p>
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**Subject/Title**

**Requests:** Combined public hearings on the request of Menard, Inc., D S A G Investments, and Woodsonia MOTB, LLC for the approval of a six-lot preliminary subdivision plan to be known as Mall of the Bluffs, Replat 1, legally described as being a replat of Lots 1, 3, 4, 5, and 13, Mall of the Bluffs, along with part of Lots 2 and 4, Auditor’s Subdivision of the SW1/4 SW1/4 of Section 32-75-43; part of Lots 2 and 4, Auditor’s Subdivision of the NW1/4 NW1/4 of Section 5-74-43; part of Lots 1 and 6, Auditor’s Subdivision of the NE1/4 NE1/4 of Section 6-74-43; and part of Lots 3 and 6, Auditor’s Subdivision of the SE1/1 NE1/4 of Section 6-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa; and to adopt a planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1.

**Location:** 1751 Madison Avenue.

**Background/Discussion**

The Community Development Department has received applications from Menard, Inc., D S A G Investments, and Woodsonia MOTB, LLC for preliminary plan approval of a six-lot subdivision to be known as Mall of the Bluffs, Replat 1, as legally described above, and to adopt a planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1. The properties included in these requests are specific to all landholdings owned by Menard Inc., the existing Casey’s convenience store/gas station owned by D S A G Investments, and the existing Hy-Vee store owned by Woodsonia MOTB, LLC. All other platted lots that are adjacent to the former Mall of the Bluffs site are excluded from the proposed preliminary subdivision request and will continue be regulated by the terms and conditions of

the previously adopted development plan for Mall of the Bluffs (see Case #PC-14-001, Resolution No. 14-108).

In summary, the proposed Mall of the Bluffs, Replat 1 Subdivision will accomplish the following actions:

1. Dedicate two public roads (Menard Drive and Hy-Vee Drive) along with new public sewers (i.e., sanitary and storm sewers) to the City of Council Bluffs;
2. Establish a new street configuration that includes streetscapes, sidewalks, and a multi-purpose pedestrian trail that will connect into the City's existing trail and sidewalk systems;
3. Allow for the existing Hy-Vee store location to expand their parking lot area to the east;
4. Establish new northerly and easterly property lines for the Casey's convenience store/gas station (proposed Lot 3) so that their building and drive aisles are located on their property and not on any abutting lot and/or rights-of-way;
5. Create parcels of land for new retail/commercial development on the former Mall of the Bluffs site. Proposed Lots 3 and 4 will be developed as pad sites, and proposed Lot 5 will be developed with a new Menard's retail store/lumber yard. Proposed Lot 6 will contain the existing multi-tenant buildings that are currently occupied by the United States Postal Service, Planet Fitness, and Mad Optical;
6. Release all public and private easements that are no longer needed to service development on the former Mall of the Bluffs site, and establish new easements in their place;
7. Create an area for on-site stormwater detention for the subdivision and other adjacent properties; and
8. Create a parcel (Outlot B) for the existing private road that provides access to businesses such as: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder-Associates Inc., and the Council Bluffs School District Madison Campus building.

The proposed development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1 will be known as the 'The Bluffs Development Plan.' The purpose of this development plan is to establish site development standards that allow for the orderly and efficient development of said properties in a manner that is generally consistent with the previously adopted Mall of the Bluffs development plan, and compatible with other businesses on adjacent properties (see Case #PC-14-001, Resolution No. 14-108). Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area.

### **Comments**

**Preliminary Plan** - Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-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 subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.

1. All parcels included in Mall of the Bluffs, Replat 1 and all properties immediately adjacent to the former Mall of the Bluffs site are zoned PC/Planned Commercial (see Attachment A). The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates all said properties as Regional Commercial. The proposed preliminary subdivision plan is consistent with the PC District and the Bluffs Tomorrow: 2030 Plan.
2. All lots within the proposed subdivision are suitable in size and dimensions to allow for commercial and/or retail development to occur upon them, and will have direct frontage onto one or more public roadways: Menard Drive, Hy-Vee Drive, Madison Avenue, Bennett Avenue, and Mall Drive (see

Attachment 'C').

3. Menard Drive and Hy-Vee Drive will be constructed by the developer (Menard, Inc.) to meet current City standards and will be dedicated to the City as part of the Mall of the Bluffs, Replat 1 final plat. Outlot B contains a section of the existing private road that provides access to properties that are either owned and/or operated by the following businesses: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder and Associates, and the Council Bluffs School District. Access to the above stated properties from Outlot B shall remain in place under the existing private easement agreement(s), and ownership and maintenance of said outlot shall be stated on the Mall of the Bluffs, Replat 1 final plat.
4. Menard Drive and Hy-Vee Drive are designed to include landscape buffers and a planted median. The preliminary plan includes a note that states *"all property owners shall be responsible for landscape maintenance in the rights-of-way adjacent to property. The owner of Lot 5, Mall of the Bluffs, Replat 1 shall be responsible for the maintenance of the center medians"*.

A traffic study was submitted to the City, and the Public Works Department stated they will continue to work with the developer on all comments/recommendations stated in the report.

5. All lots within the subdivision will be served with utilities including: water, sanitary/storm sewer, communications, electricity, and natural gas (see Attachment 'C'). The developer has also proposed to vacate and release several existing utility easements (public and private), and establish new utility easements, in order to redevelop the former Mall of the Bluffs site in an orderly and efficient manner. Said easements are identified on Attachment 'D.' The developer shall be responsible for obtaining approval from all utility providers and any/or private entities for releasing said easements shown on Attachment 'D.' All public easements shown on Attachment 'D' that are identified to be vacated and released must be approved by City Council prior to execution of the final plat. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision, as shown in Attachments 'C' and 'D,' shall be the sole responsibility of the developer, and not the City of Council Bluffs. The developer shall also ensure the final plat contains notations on the perpetual ownership and maintenance of said new easements.
6. There is an existing private sanitary sewer main that is protected by an easement along the frontages of Lots 6 through 12, Mall of the Bluffs that will remain in place and will be subject to the terms and conditions agreed upon between the developer and the existing property owners. The developer proposes to construct a new 8-inch sanitary main along the northerly portions of Lot 2, Mall of the Bluffs, and proposed Lots 4 and 5, Mall of the Bluffs, Replat 1, which then connect to the new public sewer main in Menard Drive. This new sewer main will be available for use by the owners of Lots 6 through 12, Mall of the Bluffs at the time their existing sanitary sewer is no longer needed. The developer shall be responsible for the construction of this sewer main, and information related to the perpetual use, maintenance, and ownership of said easement shall be noted on the final plat. The developer shall also be responsible for obtaining easement approvals from the owner of Lot 2, Mall of the Bluffs for the new sanitary sewer main that extends into their property, and documentation of said easement agreement shall be provided to the City of Council Bluffs prior to the Mall of the Bluffs, Replat 1 final plat being executed.
7. A 20-foot wide multi-purpose pedestrian trail will be constructed by the developer along the north side of Menard Drive and will connect into the existing Valley View Trail and to the sidewalks along Madison Avenue. The proposed trail will be dedicated to the City of Council Bluffs and will become part of the City's broader public trail system. Additionally, a minimum four foot-wide sidewalk will

be constructed along the north side of Hy-Vee Drive that will connect into the existing sidewalks along Madison Avenue. There is a small portion of this sidewalk that encroaches onto proposed Lot 1, Mall of the Bluffs that must be protected by an easement. The developer has negotiated an easement for said sidewalk encroachment with the owner of Lot 1, Mall of the Bluffs. A copy of the signed and recorded easement shall be provided to the City of Council Bluffs prior to dedication of Menard Drive and Hy-Vee Drive to the City of Council Bluffs.

8. Outlot A will be used for on-site stormwater detention for the proposed subdivision, and for other properties located in the existing Mall of the Bluffs Subdivision (see Attachment 'F'). Stormwater will be directed to Outlot A through the establishment of new drain inlets within Hy-Vee Drive and Menard Drive, and through existing easements on abutting properties. The developer shall continue to work with Council Bluffs Public Works Department on the design and function of this stormwater detention basin. Furthermore, a note shall also be placed on the final plat that gives clear guidance as to which lots in the Mall of the Bluffs and Mall of the Bluffs, Replat 1 Subdivisions have legal access to utilize Outlot A for stormwater detention, and said note shall also clearly state which lot owner and/or development association is responsible for the perpetual ownership and maintenance of Outlot A.
9. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
10. The Council Bluffs Permits and Inspections Division stated they have no comments for the proposed requests.
11. The Council Bluffs Fire Department stated they have no comments for the proposed requests.
12. Council Bluffs Water Works stated they have a main extension agreement in place with the developer for public water mains. Once the final design of the proposed water main is completed, they will be able to provide the permanent locations of water line routing and easement widths.
13. MidAmerican Energy stated they have no conflicts or concerns with the proposed requests.
14. No comments were received from Black Hills Energy, Cox Communication, and/or Lumen (formerly known as Century Link).
15. In accordance with Iowa Code Section 306.19(5), the Iowa Department of Transportation (IDOT) has completed a Corridor Preservation Plan for the interstate improvement project. As such, the City is required to submit all subdivision requests located within the Corridor to IDOT for review prior to approval. The approval submittal was to IDOT and they stated the proposed subdivision will not conflict with their Council Bluffs Interstate Program.
16. Proposed Lots 5 and 6, and Outlot A, are located within AE Flood Zone, as per FEMA FIRM panel 19155C0577E, dated 2/4/2005. The owner(s) of said lots shall be responsible for compliance with all federal, state, and local floodplain development requirements.
17. The following technical correction/comments must be addressed on the forthcoming Mall of the Bluffs, Replat 1 final plat:
  - a. Remove Lot 14, Mall of the Bluffs from the subdivision's legal description as said lot does not exist on the recorded Mall of the Bluffs final plat;
  - b. Notate the total number of acres in the subdivision on the final plat; and

- c. Specify on the plat if any private restrictions and/or covenants will be recorded with the subdivision. If none, state that no private restrictions and/or covenants will be recorded with the subdivision on the plat.

**Development Plan** – The proposed development plan was negotiated between the City of Council Bluffs, Menard Inc., and D S A G Investments for Lots 2 through 6, Mall of the Bluffs, Replat 1, and will supersede any previously adopted development plans for said properties. Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area. The Woodsonia MOTB, LLC development plan is anticipated to be reviewed by the City Planning Commission and approved by City Council prior to the Mall of the Bluffs, Replat 1 final plat being executed and recorded.

### 1. Applicability

- a. The planned commercial development plan for The Bluffs retail shopping center shall be applicable to Lots 2 through 6 and Outlots A and B, Mall of the Bluffs, Replat 1 and shall supersede the previously adopted development plan for the Mall of the Bluffs (Resolution No. 14-108).
- b. All new construction shall comply entirely with all standards of this development plan.
- c. Building modifications equal to 50% or more of the assessed value of the structure in a 24-month period of time shall be required to bring the entire structure into compliance with the applicable standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
- d. Building modifications equal to 50% or more of the total assessed value of the property shall be required to bring the entire site into compliance with all standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
- e. Lot 1, Mall of the Bluffs, Replat 1 shall be exempt from the standards of this development plan. A separate planned commercial development plan will be adopted for Lot 1 at a later date.

### 2. Pedestrian Ways

- a. A minimum five-foot wide pedestrian way shall be provided from the primary entrance of each building to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, or change in paving material or some other alternative approved by the Community Development Department Director or his assign. It is encouraged that the pedestrian connection be incorporated into the overall layout of each lot, and that it be complementary to the landscaping on each site.
- b. A minimum 10-foot wide multipurpose trail that connects with The Bluffs retail shopping center with the existing City trail network shall be installed as part of the public street reconstruction/dedication by the developer, as shown in Attachment 'I.'

### 3. Streetscapes

- a. A minimum 20-foot wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive, to the extent practical, **which contains** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction, and shall be placed between the trail and the back of curb. The 10-foot wide trail shall be included in the overall 20-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
- b. A minimum 10 foot-wide frontage strip, as measured from the property line to the curb, shall

be provided along the side of proposed Menard Drive and Hy-Vee Drive, to the extent practical, **which do not contain** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.

- c. A minimum 10-foot wide frontage strip shall be provided along each side of all private drives, to the extent practical. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center. Installation of frontage strips along private drives shall occur on each lot as determined in the applicability section of this development plan. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb.
- d. Trees planted within streetscape strips, including medians, shall comply with the Council Bluffs Street Tree Guide and shall be limited to canopy shade trees. The City shall review and approve all proposed trees prior to installation.
- e. Trees planted within streetscape strips shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year by the adjoining property owner.

#### 4. Landscaping

- a. Landscaping is required on each lot. Not less than 10% of the total lot area shall be landscaped with trees, shrubs, and other plant materials. All parking lot islands shall be planted with a minimum of one canopy shade tree and ground cover vegetation (e.g., shrubs, sod, mulch or river rock, etc.).
- b. A minimum five-foot wide landscape strip shall be provided between all parking surfaces and each abutting property line. The requirement can be waived where two parking lots adjoin. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
- c. A minimum five-foot wide landscape strip shall be provided between all loading/unloading areas and each abutting property line. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
- d. The north elevation of the Menards retail store and the associated lumber yard/warehouse area shall be screened and buffered at 100% opacity through a combination of fencing, not to exceed 14 feet in height, and evergreen/deciduous trees. All trees shall be planted within a 10-foot wide landscape strip, as measured from the property line to the edge of the lumber yard/warehouse area.
- e. A minimum of four square feet of landscaping per each lineal foot of building façades clearly visible from the public right-of-way or private drive, not inclusive of entrance areas and pedestrian ways, shall be installed along the base of the building façade. The landscaping may be at-grade foundation plantings or complementary above grade decorative planters. No more than 20% of foundation plantings may be clustered on one location of the building façade. **Exception:** Foundation plantings shall be not be required for the warehouse building associated with the Menards retail store or the western elevation of the Menards retail store.
- f. All trees shall have a minimum caliper width of two inches at the time of planting.
- g. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at the street, driveway or pedestrian way.
- h. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
- i. All landscaping areas, including grassed and sodded areas, shall be irrigated.

- j. Not more than 10% of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
- k. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.
- l. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year.

## 5. Signage

- a. That portion of any lot abutting Interstate 80 right-of-way shall not be considered in determining street frontage for signage purposes.
- b. Three center identification signs shall be allowed internally for the entire development. Each center identification sign shall identify 'The Bluffs' development and two or more tenants. One sign shall consist of a pylon sign with a maximum height of 60 feet, as measured from the finished grade to the highest point of the sign structure, and shall contain no more than 600 square feet of signage per face. The pylon sign shall front Interstate 80. The other center identification signs shall consist of two monument signs with a maximum height of 10 feet, as measured from the finished grade to the highest point of the sign structure, and each sign shall contain no more than 100 square feet of signage per face.
- c. The total maximum amount of signage allowed on each lot shall be based on a calculation of one and one-half (1 ½) square feet of signage per each lineal foot of street frontage along a public street right-of-way or private drive.
- d. Attached signage shall be limited to 15% of the building façade to which it is attached. Attached signage can be placed at any location on the building but shall not extend beyond any building wall or above the peak of the roof.
- e. A maximum of one ground/monument sign shall be allowed on each lot in the development. Ground/monument signs shall be limited to a maximum height of 10 feet, as measured from finished grade to the highest point of the sign structure. The entire monument sign shall be counted as signage as measured from finished grade to the highest point of the monument and from one side of the monument structure to the other. The maximum sign area shall not exceed 100 square feet of signage per face.
- f. On-site directional signage shall count toward the overall amount of signage permitted on each lot. Each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of eight square feet. **Exception:** On-site directional signage on the Menards lumber yard gate and within the lumber yard, as shown on Attachment 'M,' shall be exempt from these requirements.
- g. Online/curbside pickup signage shall count toward the overall amount of signage permitted on each lot. If not attached to a structure, each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of 10 square feet. Such signage shall be located within the parking lot and shall not be visible off-site.
- h. Signs located within 660 feet from Interstate right-of-way are limited to on-premise advertising signs as regulated by the Iowa Department of Transportation. The sign must be located in the usual place of business for the use
- i. The existing Bucky's/Casey's 'gas price' pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today, subject to the provisions in Section 15.33.220, *Nonconforming Signs – Legal*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- j. The existing USPS pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today until the U.S. Postal Service ceases to occupy its tenant

space on Lot 6. At such time, the pylon sign shall be removed.

- k. The existing 'Mall of the Bluffs' pylon sign shall be removed as part of the public street reconstruction/dedication by the developer.
- l. Pole signs shall be prohibited from being installed on any lot in the development.

## 6. Site Development

- a. All principal and accessory structures shall have a minimum setback of 10 feet from all property lines.
- b. No more than 40% of the total area of any lot shall be covered with structures.
- c. The maximum height for all principal structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof. Decorative architectural features shall be included in the overall height of the building.
- d. The maximum height for any accessory structure shall not exceed 20 feet. **Exception:** The warehouse building associated with the Menards retail store shall not exceed 35 feet in height.
- e. All fences shall be installed in accordance with Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance). **Exception:** Any fencing associated with the primary façade of the Menards retail store shall be constructed out of ornamental iron/aluminum and shall consist of a four-foot wall and 10-foot ornamental fence that does not exceed 14 feet in total height. The fence to be installed to screen/buffer the west elevation of the Menards retail store and the associated lumber yard/warehouse area shall be constructed out of ornamental iron/aluminum, wood and/or other similar materials, and shall not exceed 14 feet in height.
- f. All trash receptacles that are visible from an adjacent public street right-of-way or private drive shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster. Trash receptacles shall be located on the least visible area of the site, to the extent it is practical.
- g. All loading areas that are visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
- h. Outdoor storage is not allowed. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers. The lumber yard/warehouse area associated with the Menards retail store shall not be considered outdoor storage.
- i. The stormwater detention area located on Outlot 'A' is considered a site amenity. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of this detention pond at the time of construction.
- j. Access to the rear of each building for Fire Department equipment shall be provided in accordance with the requirements of the Fire Marshal's Office.
- k. 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.

## 7. Architecture

- a. Building exteriors shall be made up of 100% masonry materials such as brick, split faced block (with texture), non-flat faced concrete masonry units (CMU), or EFIS materials. Metal shall only be allowed as an architectural accent. A minimum of 20% of all building façades visible from a public street right-of-way or private drive shall be made of brick, stone or tile, and shall be located primarily along the base of the building façade. No flat faced/smooth concrete block shall be allowed except for the rear wall of a building when it is not visible from a public street right-of-way or private drive. Wood and vinyl siding shall be not allowed. **Exception:** Wood

siding shall be an acceptable building material for the warehouse building associated with the Menards retail store.

- b. The architectural design, building materials and decorative fencing for the Menards retail store shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'K.'
- c. The architectural design and building materials for the warehouse building associated with the Menards retail shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'N,' provided that a minimum seven-foot tall knee wall, constructed out of masonry materials such as brick, split faced block (with texture) or non-flat faced concrete masonry units (CMU), is installed along the base of the north façade of the structure that faces Outlot B in order to match the appearance of the Menards retail store.
- d. Awnings and/or other decorative features may be allowed on the façade of a building and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
- e. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be screened from view using architectural design features.
- f. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

## 8. Off-Street Parking

- a. The minimum number of parking spaces shall be as determined in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.
- b. A deviation from minimum parking requirements may be allowed provided the property owner and/or tenant can demonstrate reasonable proof less parking is needed for their use(s).
- c. All parking lots shall be designed in such a manner that allows interconnection(s) with adjoining lots as part of the overall site development design.
- d. A parking lot permit shall be submitted with all building permit and parking lot expansion requests and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, lighting and interconnections.
- e. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

## 9. Outdoor Lighting

- a. All outdoor light poles shall be limited to a maximum height of 30 feet, as measured from finished grade to the highest point of the pole structure. All light poles shall be painted or finished aluminum or steel. Wood poles shall not be allowed. Light fixtures located on private property shall be generally of a similar design and finish.
- b. All light used for illumination shall be contained onsite and shall be arranged in such a manner to direct the light away from neighboring residential properties and away from the vision of passing motorist, cyclists and pedestrians. No light shall trespass beyond the property line.
- c. Streetlight type and location within public right-of-way shall be determined by the Public Works Department.

**Recommendation**

The Community Development Department recommends (1) approval of the preliminary plan for Mall of the Bluffs, Replat 1 and (2) approval of the Planned Commercial development plan, subject to the comments above, and shall be in conformance with all City standards and specifications, the Zoning and Subdivision Ordinances, and the Department of Public Works Standards for Public Improvements.

**Public Hearing**

Staff speakers for the request:

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

Speakers in favor:

- 1. Tyler Edwards, Menards Inc., 5101 Menard Drive, Eau Claire, WI 54703

Speakers against: None

**Planning Commission Recommendation**

The Planning Commission recommended approval of the preliminary plan for Mall of the Bluffs, Replat 1, legally described as being a replat of Lots 1, 3, 4, 5, and 13, Mall of the Bluffs, along with part of Lots 2 and 4, Auditor’s Subdivision of the SW1/4 SW1/4 of Section 32-75-43; part of Lots 2 and 4, Auditor’s Subdivision of the NW1/4 NW1/4 of Section 5-74-43; part of Lots 1 and 6, Auditor’s Subdivision of the NE1/4 NE1/4 of Section 6-74-43; and part of Lots 3 and 6, Auditor’s Subdivision of the SE1/1 NE1/4 of Section 6-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa; and (2) approval of the Planned Commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, subject to the comments above, and in conformance with all City standards and specifications, the Zoning and Subdivision Ordinances, and the Department of Public Works Standards for Public Improvements.

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



**Attachments**

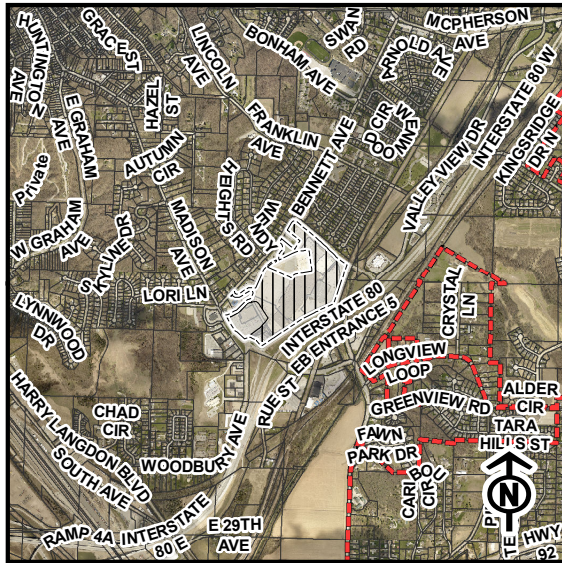
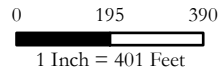
- Attachment A: Zoning/location case map
- Attachment B: Letter of intent
- Attachment C: Mall of the Bluffs, Replat 1 Preliminary Subdivision Plans
- Attachment D: Easement exhibit
- Attachment E: Sanitary sewer plan
- Attachment F: Storm sewer plan
- Attachment G: Water plan
- Attachment H: Electrical plan
- Attachment I: Conceptual redevelopment plan
- Attachment J: Menards retail store site plan
- Attachment K: Menards retail store building elevations
- Attachment L: Menards parking lot plan
- Attachment M: Menards signage plan
- Attachment N: Menards warehouse building elevations
- Attachment O: Center identification signage plan
- Attachment P: Menard Drive and Hy-Vee Drive entrance plan

Prepared by: Christopher Gibbons, Planning Manager, and Moises Monrroy, Planner

# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #SUB-21-001 AND #PC-21-001 LOCATION/ZONING MAP

**Legend**

-  Case #SUB-21-001
-  Case #PC-21-001

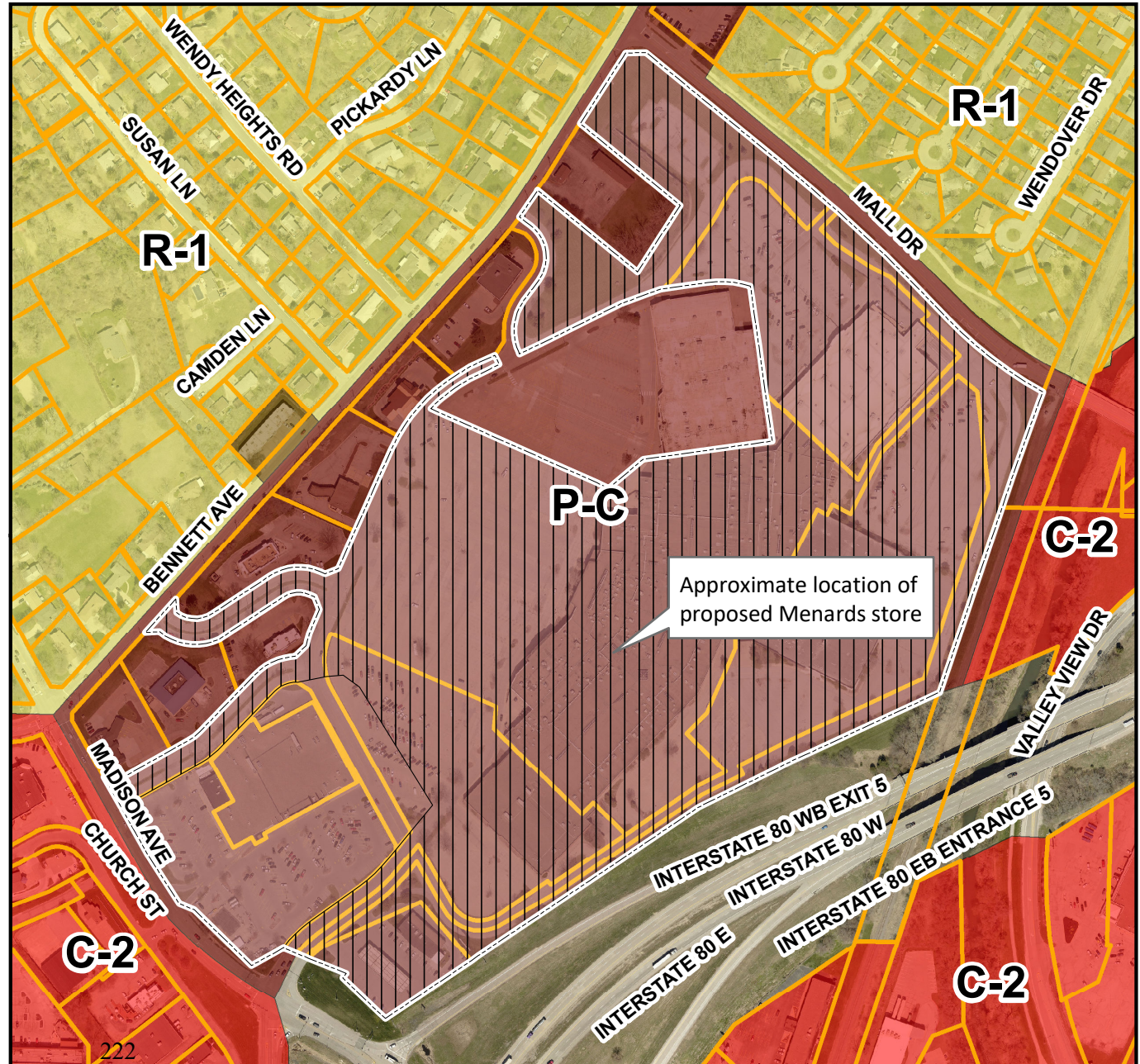


Last Amended: 10/21/2021



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.





October 8, 2021

**RE: Menards Plat & Development Plan Application**

Dear Mr. Gibbons,

Menard, Inc. is submitting the Preliminary Plat and Development Plan application materials for the redevelopment of the former Mall of the Bluffs. This new development of "The Bluffs" will include a new Menards store along with several future commercial outlots. The remodel of the Casey's gas station and the expansion of Hy-Vee are also taking place in tandem with the Menards project. The project will include the construction of new public roads through the development, the reconstruction of both public and private utilities, as well as a new trail system and stormwater pond as detailed in the plans submitted with this application.

The redevelopment project includes and benefits many of the surrounding property owners as well as Menards and Council Bluffs. This redevelopment will create a vibrant retail destination within the City of Council Bluffs. The new Menards will ensure that Menards is able to secure its location in the city for many years into the future.

Many of the details within these plans have been reviewed and revised with your department over the past several months so I will not detail all of the changes in this letter. However, if you have any questions on what was submitted or the development plans please let me know. Menards is excited to start the review process and get the new store under construction.

Sincerely,  
**Menard, Inc.**

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over a horizontal line.

Tyler Edwards  
Real Estate Representative  
Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703  
O: 715.876.2143 C: 715.579.6699 [tedwards@menard-inc.com](mailto:tedwards@menard-inc.com)

Attachment C

PREPARED BY: WARREN R. HEADLEE, P.L.S., LAMP RYNEARSON, 14710 WEST DODGE ROAD, SUITE 100, OMAHA, NE (402)496-2498

PRELIMINARY PLAT OF MALL OF THE BLUFFS REPLAT 1

LOTS 1 THROUGH 6, INCLUSIVE AND OUTLOTS A AND B, BEING A REPLATTING OF LOTS 1, 3, 4, 5, 13 AND 14, MALL OF THE BLUFFS, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA TOGETHER WITH A TRACT OF LAND LOCATED IN PART OF LOTS TWO (2) AND FOUR (4), AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTH-WEST QUARTER (SW 1/4 SW 1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP SEVENTY-FIVE (75) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS TWO (2) AND FOUR (4), AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 NW 1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS ONE (1) AND SIX (6), AUDITOR'S SUBDIVISION OF THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS THREE (3) AND SIX (6), AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA.

OWNER/DEVELOPER

MENARD, INC., A WISCONSIN CORPORATION
5101 MENARD DRIVE
EAU CLAIRE, WISCONSIN 54703

WOODSONIA MOTB LLC, A NEBRASKA LIMITED LIABILITY COMPANY
20010 MANDERSON STREET STE: 1
ELKHORN, NE 68022

DSAG INVESTMENTS LIMITED PARTNERSHIP
11222 DAVENPORT
OMAHA, NEBRASKA 68154

UTILITIES

POWER: MIDAMERICAN ENERGY COMPANY
3003 S. 11TH STREET
COUNCIL BLUFFS, IOWA 51501
PHONE: 1-888-427-5632

WATER: COUNCIL BLUFFS WATER WORKS
2000 NORTH 25TH STREET
COUNCIL BLUFFS, IOWA 51502
PHONE: 712-328-1006

GAS: BLACK HILLS CORPORATION
1023 S 7TH STREET
COUNCIL BLUFFS, IOWA 51501
PHONE: 1-888-890-5554

CABLE/PHONE: COX COMMUNICATIONS
PHONE: 402-933-3000
CENTURYLINK
PHONE: 1-866-206-1640

ENGINEER

LAMP RYNEARSON
14710 WEST DODGE ROAD, SUITE 100
OMAHA, NEBRASKA 68154

ZONING

EXISTING: P-C
PROPOSED: P-C

LEGEND

- PROPERTY LINE
EXISTING LOT LINE
CORNER FOUND (STAR DRILL HOLE W/ CHISELED "X" UNLESS NOTED OTHERWISE)
BUILDING
STREET DEDICATION

NOTES

- 1. ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON ALL LOTS WITH THE PLAT OF MALL OF THE BLUFFS HAVE BEEN MONUMENTED WITH A 5/8" REBAR WITH A 2" ALUMINUM CAP STAMPED LS 17613 UNLESS OTHERWISE NOTED.
2. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
3. ALL DISTANCES SHOWN ALONG CURVES ARE ARC DISTANCES NOT CHORD DISTANCES.
4. BEARINGS ARE REFERENCED TO THE FINAL PLAT OF MALL OF THE BLUFFS.
5. DISTANCES AND ANGLES SHOWN IN PARENTHESES REFER TO EASEMENTS.
6. LOTS 1, 2, 3, 5 AND 6 WILL HAVE NO DIRECT VEHICULAR ACCESS TO BENNETT AVENUE, MALL DRIVE, MADISON AVENUE OR I-80.
7. ALL EXISTING EASEMENTS ARE NOT BEING REDEDICATED AND ARE SHOWN FOR REFERENCE ONLY.
8. STORMWATER BASINS AND ASSOCIATED PIPING LOCATED ON OUTLOT A SHALL BE OWNED AND MAINTAINED BY LOT 5.
9. ALL PROPERTY OWNERS SHALL BE RESPONSIBLE FOR LANDSCAPE MAINTENANCE IN THE RIGHT OF WAY ADJACENT TO THEIR PROPERTY. THE OWNER OF LOT 5 SHALL BE RESPONSIBLE FOR THE CENTER MEDIANS.

LAMP RYNEARSON

LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WARREN R. HEADLEE
LS-17613

PRELIMINARY PLAT

MALL OF THE BLUFFS REPLAT 1
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA



Know what's below. Call before you dig.

REVISIONS
1-27-2021 EAM 8-18-2021 EAM
3-26-2021 EAM 9-30-2021 RER
4-8-2021 EAM
DESIGNER / DRAFTER
EAM
DATE
9-25-2020
PROJECT NUMBER
0119204.02-010
BOOK AND PAGE

SHEET

1 OF 9

LS:\Engineering\0119204\_Mall of the Bluffs\SURVEY\DRAWINGS\SHEETS\0119204-PP-01.dwg, 10/16/2021 11:16:54 AM, MICHEL RENNECKER, LAMP RYNEARSON

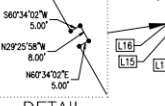
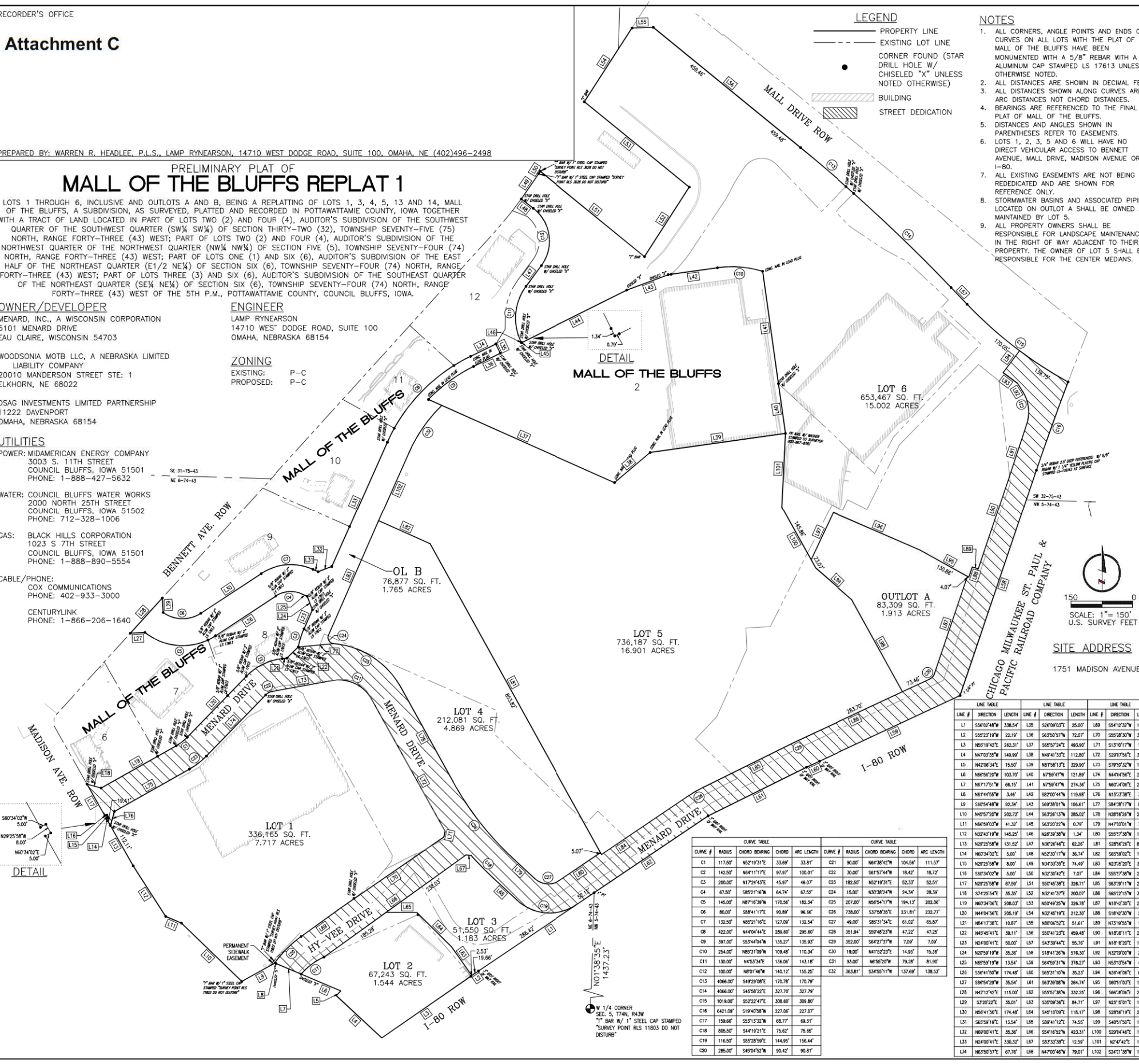


Table with 4 columns: CURVE #, RADIUS, CHORD BEARING, CHORD, ARC LENGTH. Contains data for curves C1 through C20.

Table with 3 columns: LINE #, DIRECTION, LENGTH. Contains data for lines L1 through L34.

LEGAL DESCRIPTION

LOTS 1, 3, 4, 5, 13 AND 14, MALL OF THE BLUFFS, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA TOGETHER WITH A TRACT OF LAND LOCATED IN PART OF LOTS TWO (2) AND FOUR (4), AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) OF SECTION THIRTY-TWO (32), TOWNSHIP SEVENTY-FIVE (75) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS TWO (2) AND FOUR (4), AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼ NW¼) OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS ONE (1) AND SIX (6), AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST; PART OF LOTS THREE (3) AND SIX (6), AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER (W¼) CORNER OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST OF THE 5TH P.M.; THENCE NORTH 00 DEGREES 06 MINUTES 30 SECONDS EAST A DISTANCE OF 1,437.56 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW¼) OF SAID SECTION FIVE (5) TO THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 80; THENCE CONTINUE NORTH 00 DEGREES 06 MINUTES 30 SECONDS EAST A DISTANCE OF 27.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 54 DEGREES 27 MINUTES 10 SECONDS WEST A DISTANCE OF 101.90 FEET; THENCE SOUTH 58 DEGREES 53 MINUTES 04 SECONDS WEST A DISTANCE OF 155.33 FEET; THENCE WESTERLY A DISTANCE OF 173.18 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A CENTRAL ANGLE OF 94 DEGREES 30 MINUTES 00 SECONDS AND A RADIUS OF 105.00 FEET AND A CHORD THAT BEARS NORTH 78 DEGREES 17 MINUTES 50 SECONDS WEST A DISTANCE OF 154.21 FEET; THENCE NORTH 31 DEGREES 02 MINUTES 50 SECONDS WEST A DISTANCE OF 137.25 FEET; THENCE SOUTH 37 DEGREES 57 MINUTES 10 SECONDS WEST A DISTANCE OF 39.85 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 116.93 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF 14 DEGREES 39 MINUTES 34 SECONDS AND A RADIUS OF 457.00 FEET AND A CHORD THAT BEARS SOUTH 45 DEGREES 16 MINUTES 57 SECONDS WEST A DISTANCE OF 116.61 FEET; THENCE SOUTH 52 DEGREES 36 MINUTES 44 SECONDS WEST A DISTANCE OF 156.60 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 58.58 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A CENTRAL ANGLE OF 14 DEGREES 55 MINUTES 02 SECONDS AND A RADIUS OF 225.00 FEET AND A CHORD THAT BEARS SOUTH 45 DEGREES 09 MINUTES 05 SECONDS WEST A DISTANCE OF 58.41 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MADISON AVENUE; THENCE NORTH 68 DEGREES 32 MINUTES 50 SECONDS WEST A DISTANCE OF 25.93 FEET ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MADISON AVENUE; THENCE NORTHEASTERLY A DISTANCE OF 72.35 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A CENTRAL ANGLE OF 16 DEGREES 34 MINUTES 53 SECONDS AND A RADIUS OF 250.00 FEET AND A CHORD THAT BEARS NORTH 44 DEGREES 19 MINUTES 15 SECONDS EAST A DISTANCE OF 72.09 FEET; THENCE NORTH 52 DEGREES 36 MINUTES 44 SECONDS EAST A DISTANCE OF 156.60 FEET; THENCE NORTHEASTERLY A DISTANCE OF 110.53 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF 14 DEGREES 39 MINUTES 34 SECONDS AND A RADIUS OF 432.00 FEET AND A CHORD THAT BEARS NORTH 45 DEGREES 16 MINUTES 57 SECONDS EAST A DISTANCE OF 110.23 FEET; THENCE NORTH 37 DEGREES 57 MINUTES 10 SECONDS EAST A DISTANCE OF 76.23 FEET; THENCE SOUTH 31 DEGREES 02 MINUTES 50 SECONDS EAST A DISTANCE OF 173.63 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 131.95 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A CENTRAL ANGLE OF 94 DEGREES 30 MINUTES 00 SECONDS AND A RADIUS OF 80.00 FEET AND A CHORD THAT BEARS SOUTH 78 DEGREES 17 MINUTES 50 SECONDS EAST A DISTANCE OF 117.49 FEET; THENCE NORTH 54 DEGREES 27 MINUTES 10 SECONDS EAST A DISTANCE OF 152.31 FEET; THENCE SOUTH 47 DEGREES 32 MINUTES 50 SECONDS EAST A DISTANCE OF 12.27 FEET; THENCE NORTH 54 DEGREES 27 MINUTES 10 SECONDS EAST A DISTANCE OF 444.40 FEET; THENCE NORTH 62 DEGREES 02 MINUTES 10 SECONDS EAST A DISTANCE OF 82.07 FEET; THENCE NORTH 47 DEGREES 32 MINUTES 50 SECONDS WEST A DISTANCE OF 138.67 FEET; THENCE NORTH 42 DEGREES 27 MINUTES 10 SECONDS EAST A DISTANCE OF 74.28 FEET; THENCE NORTH 22 DEGREES 27 MINUTES 10 SECONDS EAST A DISTANCE OF 180.34 FEET; THENCE NORTH 04 DEGREES 56 MINUTES 55 SECONDS WEST A DISTANCE OF 49.93 FEET; THENCE NORTH 85 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 59.00 FEET; THENCE NORTH 25 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 330.41 FEET; THENCE SOUTH 64 DEGREES 56 MINUTES 55 SECONDS EAST A DISTANCE OF 28.90 FEET; THENCE NORTH 25 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 51.87 FEET; THENCE NORTH 25 DEGREES 03 MINUTES 05 SECONDS EAST A DISTANCE OF 175.35 FEET; THENCE NORTH 43 DEGREES 00 MINUTES 32 SECONDS EAST A DISTANCE OF 272.97 FEET; THENCE SOUTH 52 DEGREES 21 MINUTES 28 SECONDS EAST A DISTANCE OF 63.50 FEET; THENCE SOUTH 08 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 248.22 FEET; THENCE SOUTH 17 DEGREES 06 MINUTES 50 SECONDS WEST A DISTANCE OF 505.58 FEET; THENCE SOUTH 63 DEGREES 23 MINUTES 10 SECONDS WEST A DISTANCE OF 355.05 FEET; THENCE SOUTH 64 DEGREES 01 MINUTES 31 SECONDS WEST A DISTANCE OF 36.32 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 10 SECONDS WEST A DISTANCE OF 126.92 FEET; THENCE SOUTH 27 DEGREES 57 MINUTES 50 SECONDS EAST A DISTANCE OF 25.00 FEET; THENCE SOUTH 62 DEGREES 02 MINUTES 10 SECONDS WEST A DISTANCE OF 116.50 FEET; THENCE SOUTH 54 DEGREES 27 MINUTES 10 SECONDS WEST A DISTANCE OF 340.83 FEET TO THE POINT OF BEGINNING.

NOTE: THE WEST LINE OF THE NORTHWEST QUARTER (NW¼) OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST IS ASSUMED TO BEAR NORTH 00 DEGREES 06 MINUTES 30 SECONDS EAST FOR THIS DESCRIPTION.

NOTE: AREA DOES NOT INCLUDE LOT 9.

COUNTY TREASURER CERTIFICATION

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY INCLUDED IN THE FINAL PLAT OF MALL OF THE BLUFFS

POTTAWATTAMIE COUNTY TREASURER, LEA VOSS DATE

APPROVAL OF THE CITY OF COUNCIL BLUFFS, IOWA

THIS PLAT OF MALL OF THE BLUFFS REPLAT 1, LOTS 1 THROUGH 6, INCLUSIVE AND OUTLOTS A AND B WAS APPROVED BY THE CITY COUNCIL OF COUNCIL BLUFFS, IOWA.

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

CITY CLERK, JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR, BRANDON GARRETT DATE

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT WE, MENARD, INC., A WISCONSIN CORPORATION AND WOODSONIA MOTB LLC, A NEBRASKA LIMITED LIABILITY COMPANY AND DSAG INVESTMENTS LIMITED PARTNERSHIP, OWNERS OF THE LAND DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN HEREON, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS MALL OF THE BLUFFS REPLAT 1, LOTS 1 THROUGH 6, INCLUSIVE AND OUTLOTS A AND B; DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT; AND DO HEREBY GRANT THE EASEMENTS AS SHOWN HEREON. WE DO HEREBY GRANT TO THE GRANTEE, THEIR SUCCESSORS AND ASSIGNS AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, AND CONTRACTORS, THE PERMANENT RIGHT TO ENTER AND USE, FROM TIME TO TIME, THE EASEMENT AREAS, SHOWN HEREON FOR THE STATED PURPOSE, FOR INGRESS AND EGRESS IN THE CONNECTION WITH THE INSPECTION, OPERATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF FACILITIES; PROVIDED, HOWEVER, THERE IS RESERVED TO THE GRANTOR, AND TO THE GRANTOR'S HEIRS, SUCCESSORS AND ASSIGNS, THE RIGHT TO USE THE EASEMENT AREA. THIS GRANT OF ANY EASEMENT SHOWN HEREON SHALL NOT PASS, NOR BE CONSTRUED TO PASS, TO THE GRANTEE IN FEE SIMPLE INTEREST OR TITLE OF THE EASEMENT AREAS. ANY VARIANCE OR RELEASE TO THE RIGHTS GRANTED HEREIN MUST BE APPROVED BY THE GRANTEE IN WRITTEN FORM.

GRANTS OF EASEMENTS

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

MENARD, INC., A WISCONSIN CORPORATION, OWNERS

(PRINTED NAME) (PRINTED TITLE)

DSAG INVESTMENTS LIMITED PARTNERSHIP, OWNERS

(PRINTED NAME) (PRINTED TITLE)

ACKNOWLEDGEMENT OF NOTARY

STATE OF )
)SS
COUNTY OF )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

DAY OF 20, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF

PERSONALLY APPEARED (STATE OF NOTARY)

(PRINTED NAME) (PRINTED TITLE)

TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE A REPRESENTATIVE OF MENARD, INC., A WISCONSIN CORPORATION, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGN ON BEHALF OF THE SAID CORPORATION BY AUTHORITY OF ITS MEMBERS AND THE SAID REPRESENTATIVE ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CORPORATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

ACKNOWLEDGEMENT OF NOTARY

STATE OF )
)SS
COUNTY OF )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

DAY OF 20, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF

PERSONALLY APPEARED (STATE OF NOTARY)

(PRINTED NAME) (PRINTED TITLE)

TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE A REPRESENTATIVE OF DSAG INVESTMENTS LIMITED PARTNERSHIP, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGN ON BEHALF OF THE SAID CORPORATION BY AUTHORITY OF ITS MEMBERS AND THE SAID REPRESENTATIVE ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CORPORATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

WOODSONIA MOTB LLC, A NEBRASKA LIMITED LIABILITY COMPANY

(PRINTED NAME) (PRINTED TITLE)

ACKNOWLEDGEMENT OF NOTARY

STATE OF )
)SS
COUNTY OF )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

DAY OF 20, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF

PERSONALLY APPEARED (STATE OF NOTARY)

(PRINTED NAME) (PRINTED TITLE)

TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE A REPRESENTATIVE OF WOODSONIA MOTB LLC, A NEBRASKA LIMITED LIABILITY COMPANY, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGN ON BEHALF OF THE SAID CORPORATION BY AUTHORITY OF ITS MEMBERS AND THE SAID REPRESENTATIVE ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CORPORATION BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WARREN R. HEADLEE

LS-17613

PRELIMINARY PLAT

MALL OF THE BLUFFS REPLAT 1
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA



ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

Know what's below. Call before you dig.

REVISIONS

3-26-2021 EAM

DESIGNER / DRAFTER

EAM

DATE

9-25-2020

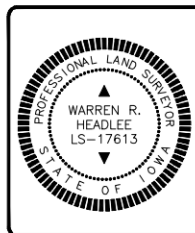
PROJECT NUMBER

0119204.02-010

BOOK AND PAGE

SHEET

2 OF 9

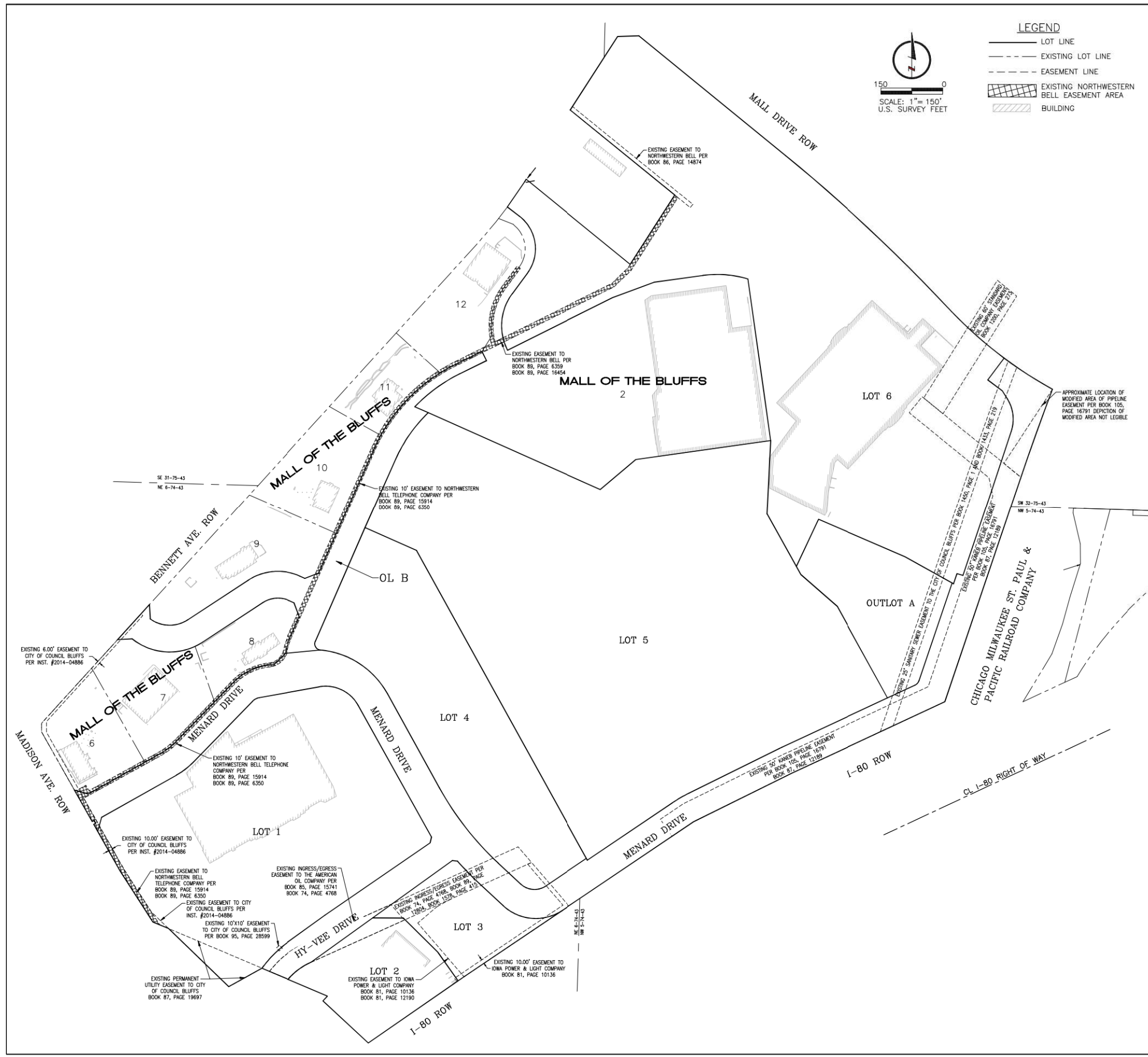


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa

WARREN R. HEADLEE DATE
Printed or typed name: Warren R. Headlee
License number: LS-17613

My license renewal date is December 31, 2022
Sheets covered by this seal: 9

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**LAMP RYNEARSON**

LAMPRYNEARSON.COM

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 KANSAS CITY, MISSOURI  
 9001 STATE LINE RD., STE. 200 (816)361.0440

---

WARREN R. HEADLEE

LS-17613

PRELIMINARY  
PLAT  
EXISTING EASEMENTS

MALL OF THE BLUFFS REPLAT 1  
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

**811**

ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

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Call before you dig.**

**REVISIONS**

3-26-2021	EAM
4-8-2021	EAM

**DESIGNER / DRAFTER**

EAM

**DATE**

9-25-2020

**PROJECT NUMBER**

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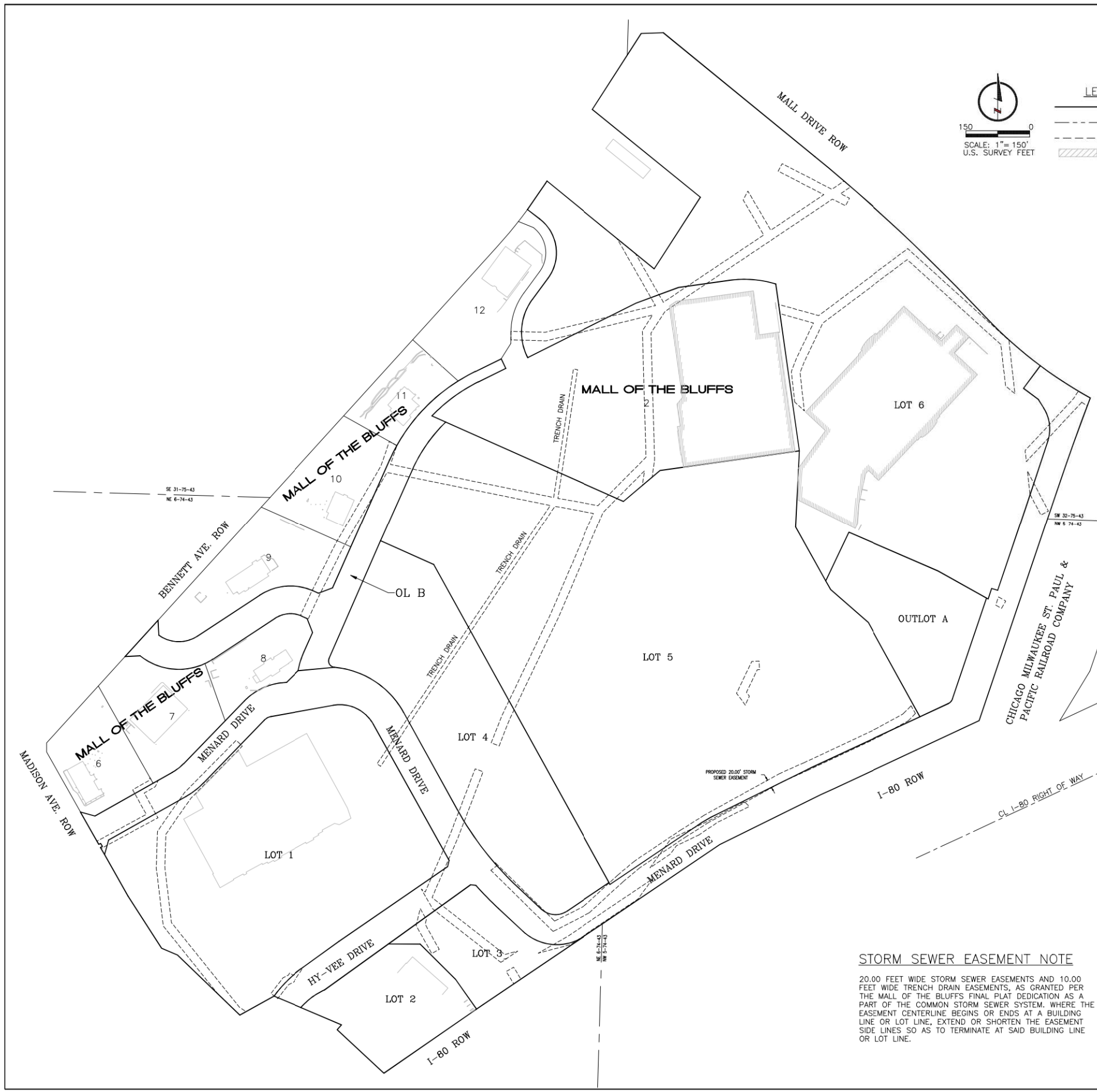
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**SHEET**

3 OF 9

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**STORM SEWER EASEMENT NOTE**

20.00 FEET WIDE STORM SEWER EASEMENTS AND 10.00 FEET WIDE TRENCH DRAIN EASEMENTS, AS GRANTED PER THE MALL OF THE BLUFFS FINAL PLAT DEDICATION AS A PART OF THE COMMON STORM SEWER SYSTEM. WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

**LAMP RYNEARSON**  
 LAMPRYNEARSON.COM  
 OMAHA, NEBRASKA  
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 FORT COLLINS, COLORADO  
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 KANSAS CITY, MISSOURI  
 9001 STATE LINE RD., STE. 200 (816)361.0440

WARREN R. HEADLEE  
 LS-17613

PRELIMINARY  
 PLAT  
 STORM SEWER EASEMENTS  
 MALL OF THE BLUFFS REPLAT 1  
 COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

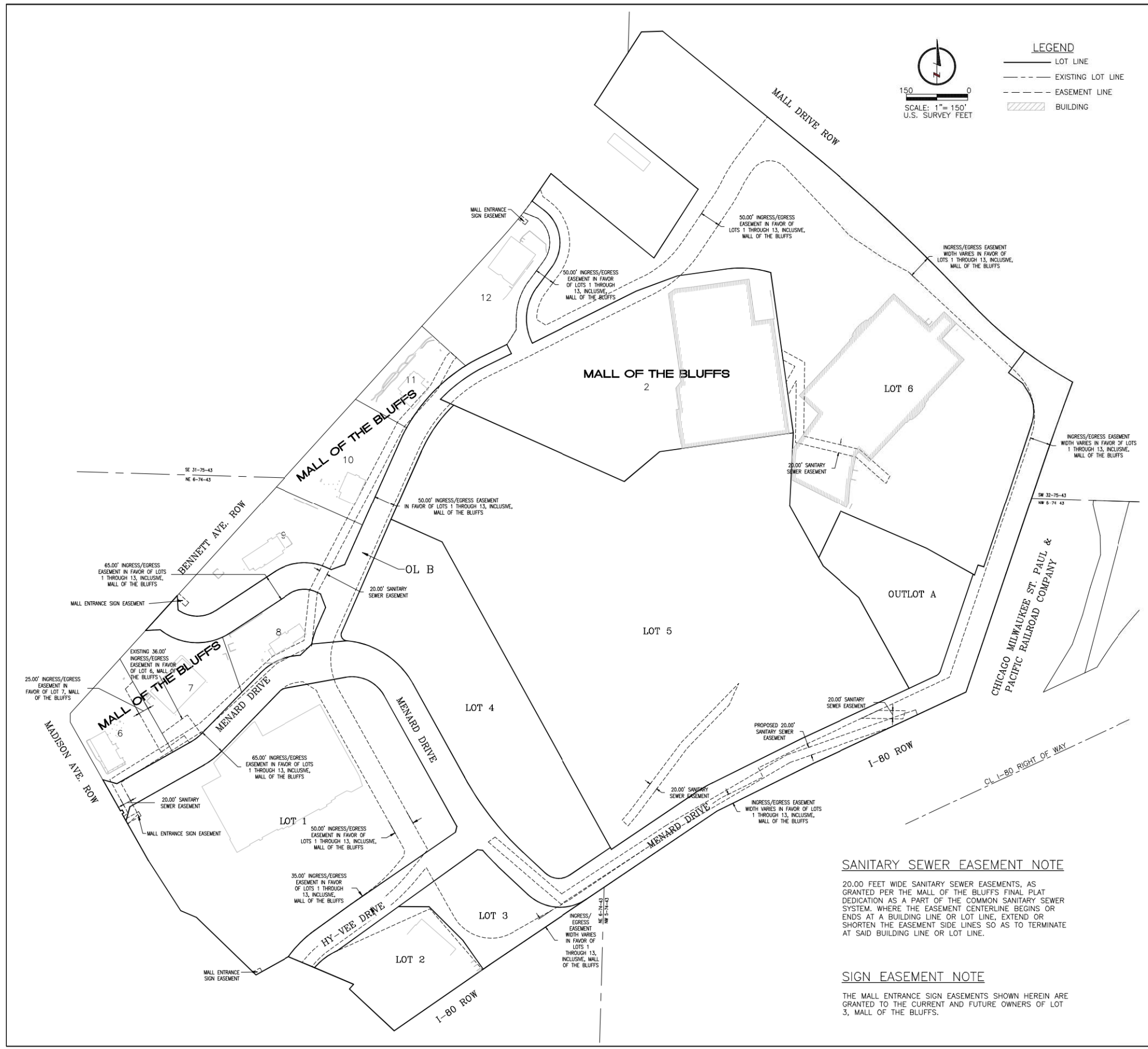
**811** ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

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<b>REVISIONS</b>
1-27-2021 EAM
3-26-2021 EAM
4-8-2021 EAM
<b>DESIGNER / DRAFTER</b>
EAM
<b>DATE</b>
9-25-2020
<b>PROJECT NUMBER</b>
0119204.02-010
<b>BOOK AND PAGE</b>

**SHEET**  
 4 OF 9

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**SANITARY SEWER EASEMENT NOTE**

20.00 FEET WIDE SANITARY SEWER EASEMENTS, AS GRANTED PER THE MALL OF THE BLUFFS FINAL PLAT DEDICATION AS A PART OF THE COMMON SANITARY SEWER SYSTEM. WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

**SIGN EASEMENT NOTE**

THE MALL ENTRANCE SIGN EASEMENTS SHOWN HEREIN ARE GRANTED TO THE CURRENT AND FUTURE OWNERS OF LOT 3, MALL OF THE BLUFFS.

**LAMP RYNEARSON**

LAMPRYNEARSON.COM

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14710 W. DODGE RD., STE. 100 (402)496.2498

FORT COLLINS, COLORADO  
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KANSAS CITY, MISSOURI  
9001 STATE LINE RD., STE. 200 (816)361.0440

WARREN R. HEADLEE

LS-17613

PRELIMINARY  
PLAT  
SANITARY SEWER & ACCESS &  
SIGN EASEMENTS

MALL OF THE BLUFFS REPLAT 1  
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA



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- 1-27-2021 EAM
- 3-26-2021 EAM
- 4-8-2021 EAM

**DESIGNER / DRAFTER**

EAM  
DATE

9-25-2020

**PROJECT NUMBER**

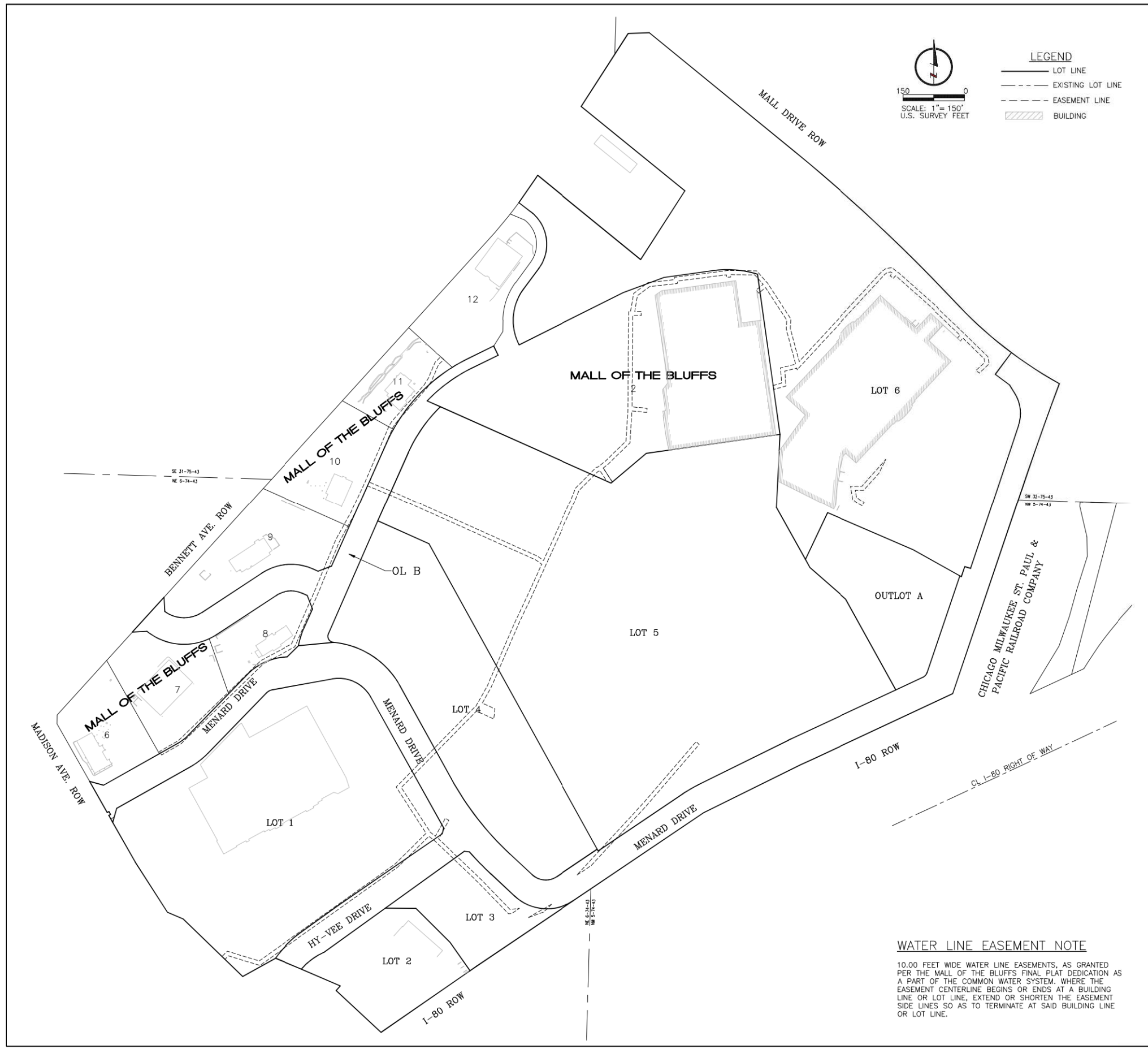
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**WATER LINE EASEMENT NOTE**

10.00 FEET WIDE WATER LINE EASEMENTS, AS GRANTED PER THE MALL OF THE BLUFFS FINAL PLAT DEDICATION AS A PART OF THE COMMON WATER SYSTEM, WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

**LAMP RYNEARSON**

LAMPRYNEARSON.COM

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FORT COLLINS, COLORADO  
4715 INNOVATION DR., STE. 100 (970)226.0342

KANSAS CITY, MISSOURI  
9001 STATE LINE RD., STE. 200 (816)361.0440

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WARREN R. HEADLEE  
LS-17613

PRELIMINARY  
PLAT  
WATER EASEMENTS

MALL OF THE BLUFFS REPLAT 1  
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

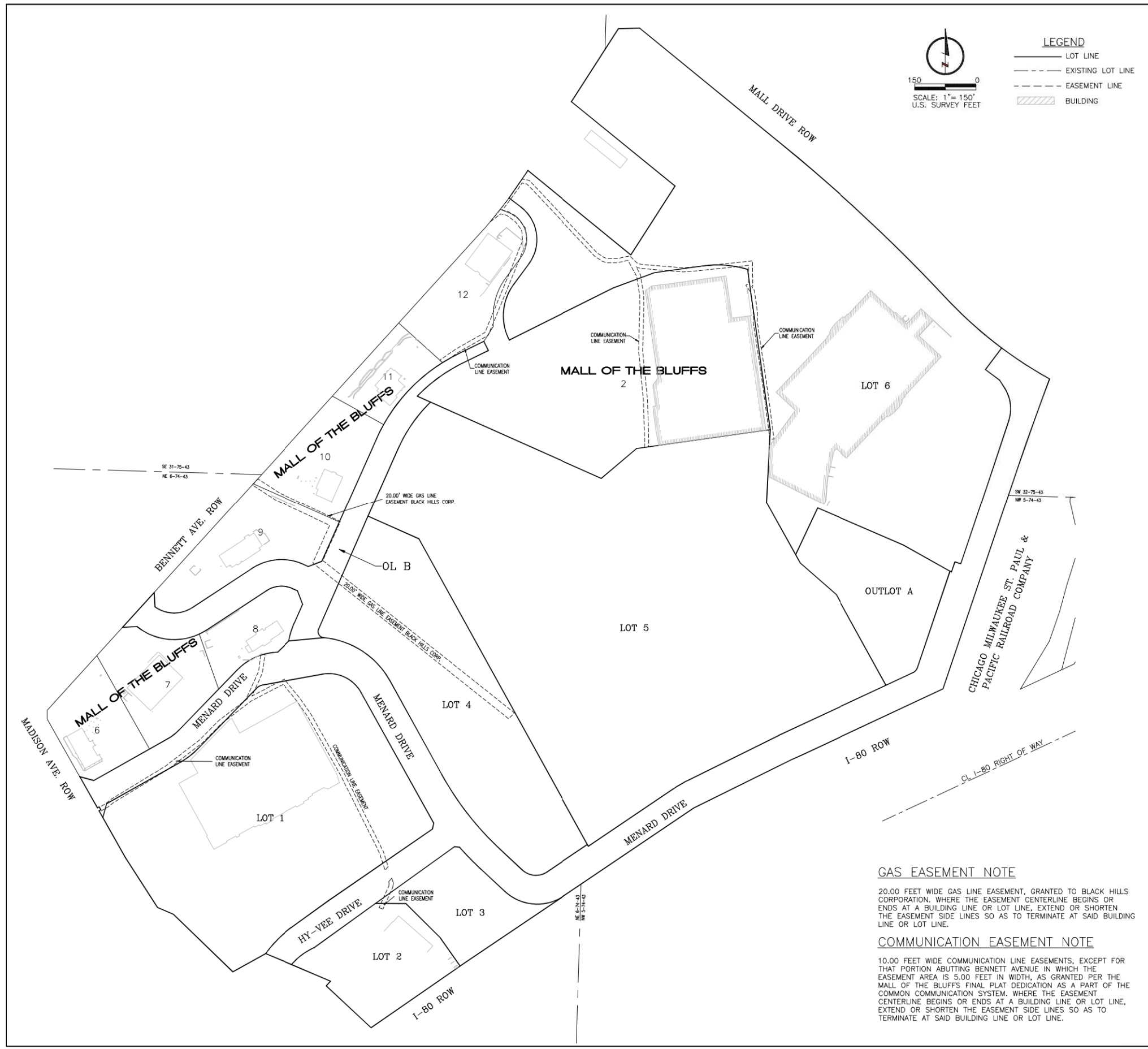
**811**

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<b>REVISIONS</b>
3-26-2021 EAM
4-8-2021 EAM
<b>DESIGNER / DRAFTER</b>
EAM
<b>DATE</b>
9-25-2020
<b>PROJECT NUMBER</b>
0119204.02-010
<b>BOOK AND PAGE</b>
<b>SHEET</b>
6 OF 9

L:\Engineering\0119204\_Mall of the Bluffs\SURVEY\DRAWINGS\SHEETS\0119204-PP-07.dwg, 10/6/2021 11:18:19 AM, MICHEL BENECKE, LAMP RYNEARSON



**GAS EASEMENT NOTE**  
 20.00 FEET WIDE GAS LINE EASEMENT, GRANTED TO BLACK HILLS CORPORATION, WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

**COMMUNICATION EASEMENT NOTE**  
 10.00 FEET WIDE COMMUNICATION LINE EASEMENTS, EXCEPT FOR THAT PORTION ABUTTING BENNETT AVENUE IN WHICH THE EASEMENT AREA IS 5.00 FEET IN WIDTH, AS GRANTED PER THE MALL OF THE BLUFFS FINAL PLAT DEDICATION AS A PART OF THE COMMON COMMUNICATION SYSTEM. WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

**LAMP RYNEARSON**

LAMPRYNEARSON.COM

OMAHA, NEBRASKA  
 14710 W. DODGE RD., STE. 100 (402)496.2498

FORT COLLINS, COLORADO  
 4715 INNOVATION DR., STE. 100 (970)226.0342

KANSAS CITY, MISSOURI  
 9001 STATE LINE RD., STE. 200 (816)361.0440

---

WARREN R. HEADLEE  
 LS-17613

PRELIMINARY  
PLAT

GAS/ COMMUNICATION EASEMENTS

MALL OF THE BLUFFS REPLAT 1

COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

**Know what's below.  
Call before you dig.**

REVISIONS
3-26-2021 EAM
4-8-2021 EAM

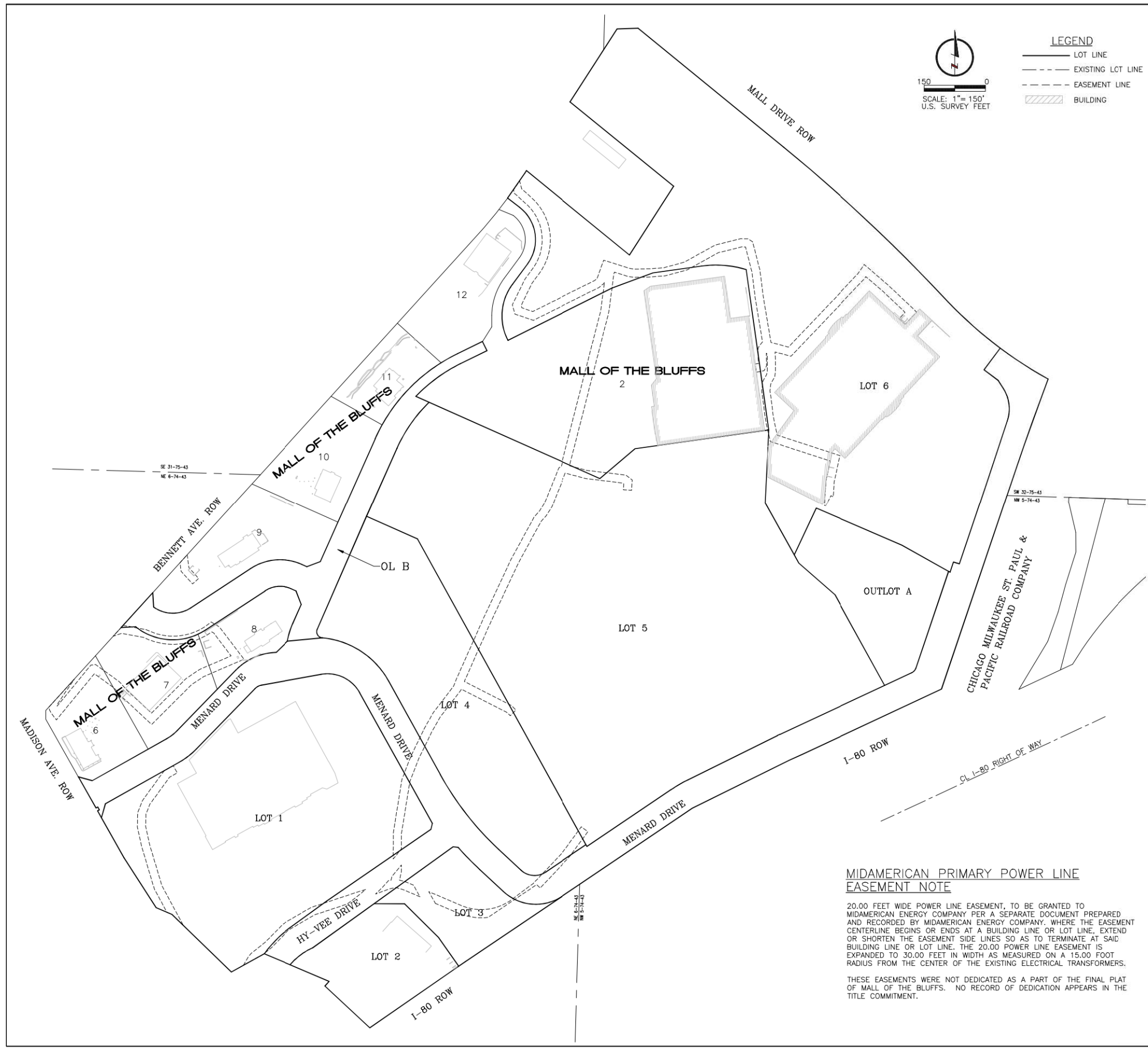
DESIGNER / DRAFTER
EAM
DATE
9-25-2020
PROJECT NUMBER
0119204.02-010
BOOK AND PAGE

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**SHEET**

7 OF 9

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 LAMPRYNEARSON.COM  
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 14710 W. DODGE RD., STE. 100 (402)496.2498  
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 KANSAS CITY, MISSOURI  
 9001 STATE LINE RD., STE. 200 (816)361.0440

---

WARREN R. HEADLEE  
 LS-17613

PRELIMINARY  
 PLAT  
 MIDAMERICAN POWER EASEMENTS  
 MALL OF THE BLUFFS REPLAT 1  
 COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

**811**  
 Know what's below.  
 Call before you dig.  
ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

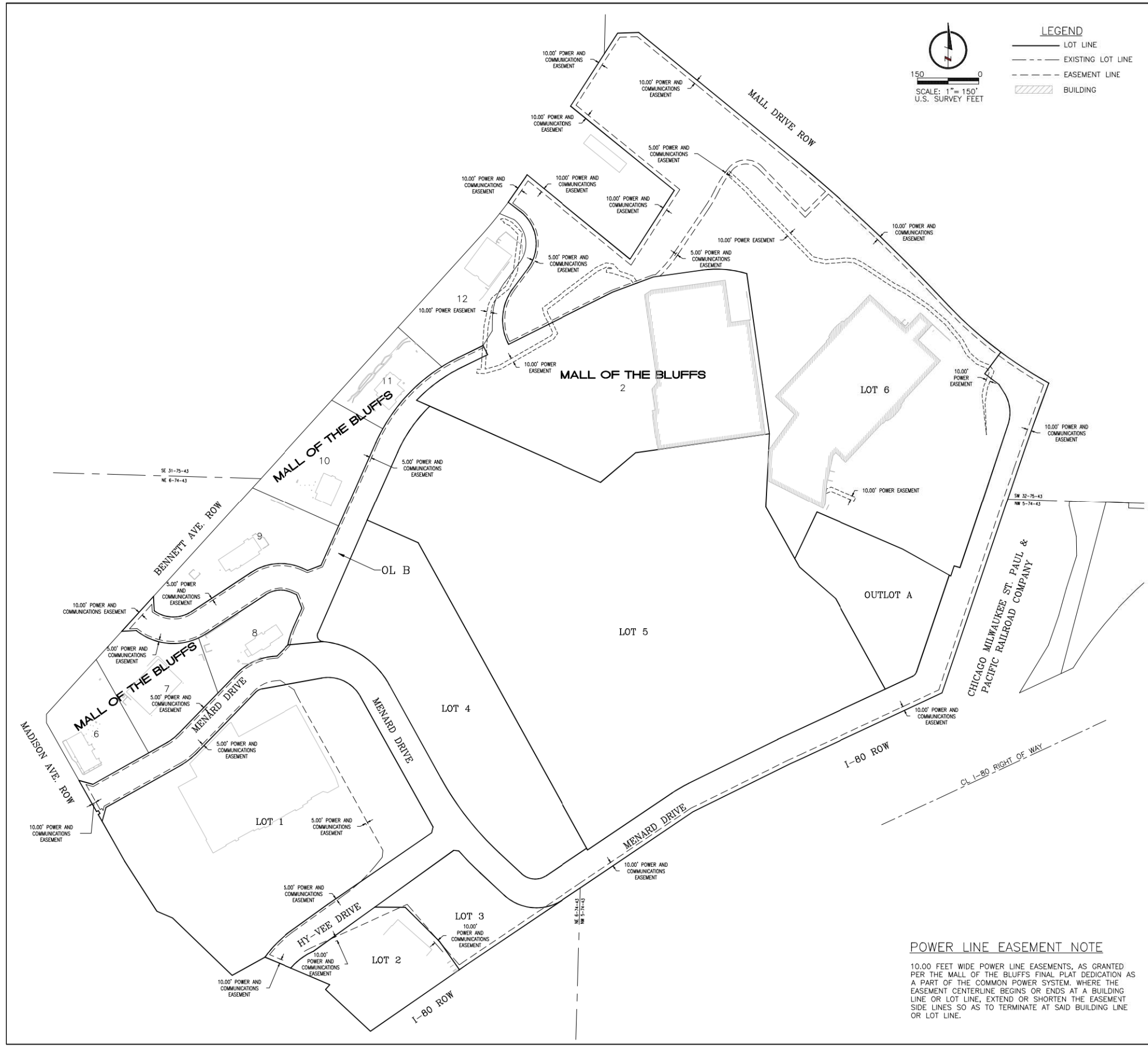
**REVISIONS**  
 3-26-2021 EAM  
 4-8-2021 EAM

**DESIGNER / DRAFTER**  
 EAM  
**DATE**  
 9-25-2020  
**PROJECT NUMBER**  
 0119204.02-010  
**BOOK AND PAGE**

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**SHEET**  
 8 OF 9

C:\Engineering\0118204\_Mall of the Bluffs\SURVEY\DRAWINGS\SHEETS\0118204-PP-09.dwg, 10/16/2021, 11:20:01, AL, MICHEL BERNICKE, LAMP RYNEARSON



**POWER LINE EASEMENT NOTE**

10.00 FEET WIDE POWER LINE EASEMENTS, AS GRANTED PER THE MALL OF THE BLUFFS FINAL PLAT DEDICATION AS A PART OF THE COMMON POWER SYSTEM, WHERE THE EASEMENT CENTERLINE BEGINS OR ENDS AT A BUILDING LINE OR LOT LINE, EXTEND OR SHORTEN THE EASEMENT SIDE LINES SO AS TO TERMINATE AT SAID BUILDING LINE OR LOT LINE.

# LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA  
14710 W. DODGE RD., STE. 100 (402)496.2498

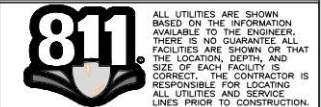
FORT COLLINS, COLORADO  
4715 INNOVATION DR., STE. 100 (970)226.0342

KANSAS CITY, MISSOURI  
9001 STATE LINE RD., STE. 200 (816)361.0440

WARREN R. HEADLEE  
LS-17613

PRELIMINARY  
 PLAT  
 POWER EASEMENTS

MALL OF THE BLUFFS REPLAT 1  
 COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA



Know what's below.  
Call before you dig.

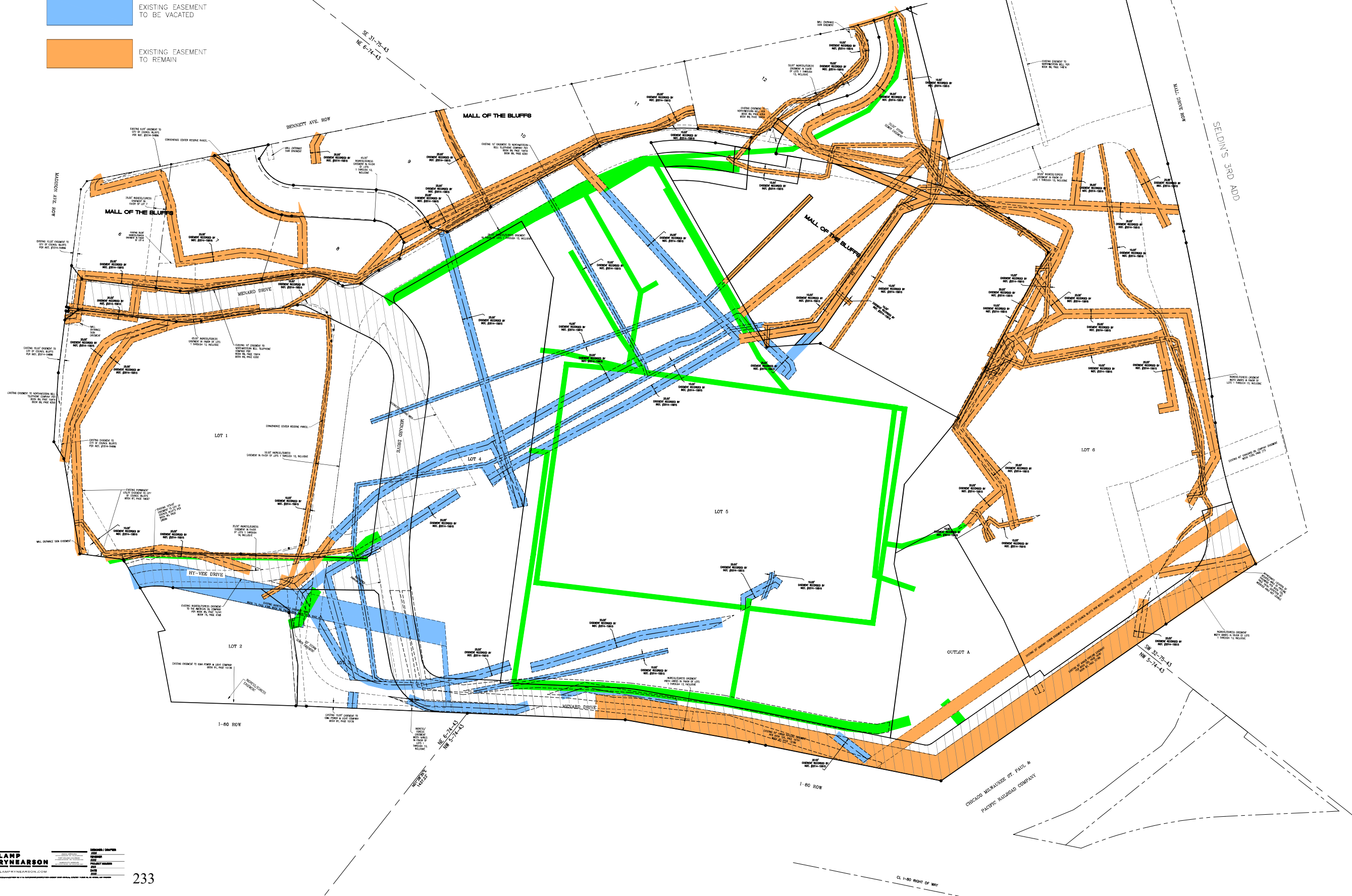
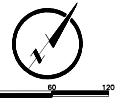
REVISIONS
3-26-2021 EAM
4-8-2021 EAM

DESIGNER / DRAFTER
EAM
DATE
9-25-2020
PROJECT NUMBER
0119204.02-010
BOOK AND PAGE

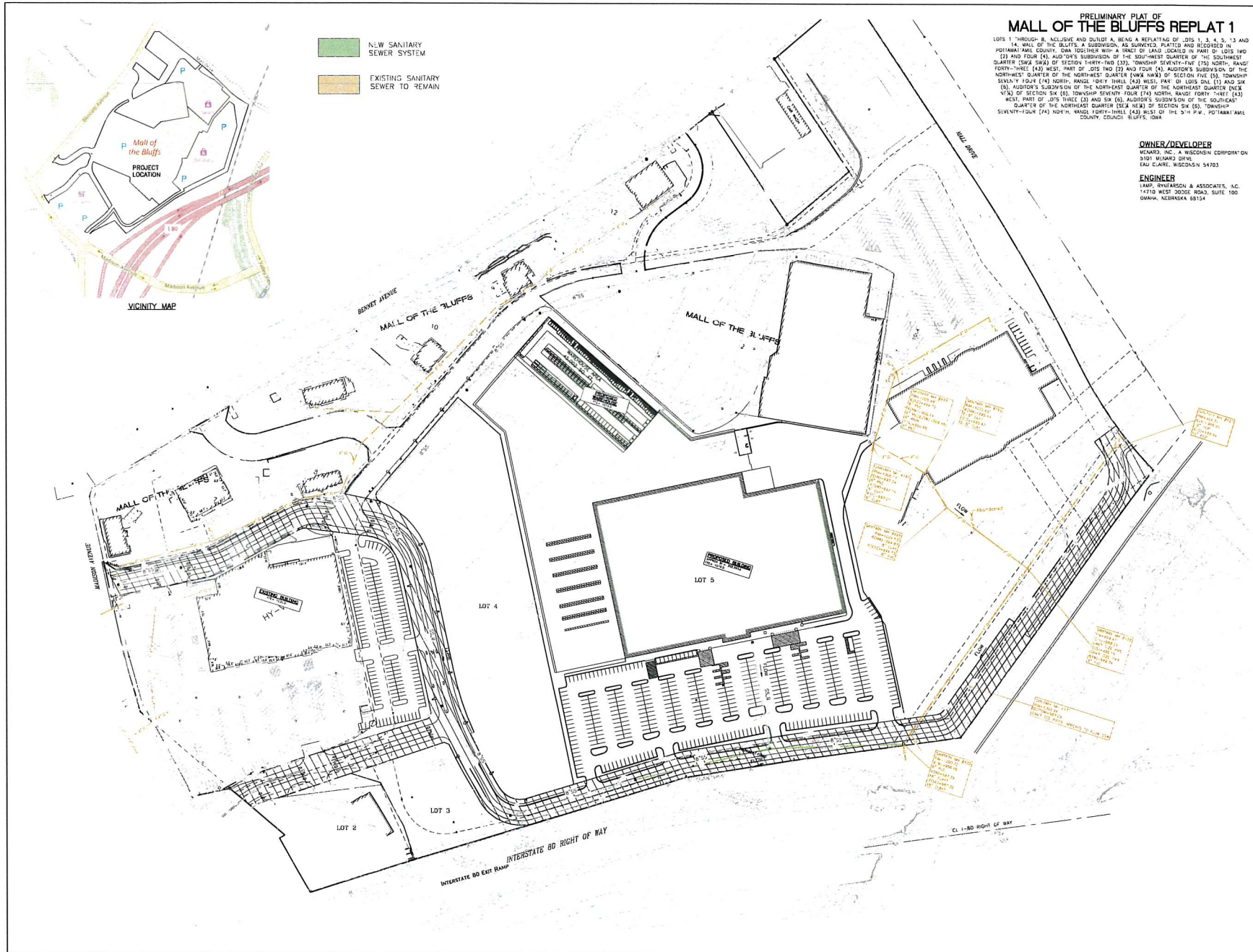
SHEET

9 OF 9

- NEW EASEMENT
- EXISTING EASEMENT TO BE VACATED
- EXISTING EASEMENT TO REMAIN



# Attachment E



**PRELIMINARY PLAT OF  
MALL OF THE BLUFFS REPLAT 1**

LOTS 1 THROUGH 5, INCLUSIVE AND OUTLOT A, BEING A REPLATING OF LOTS 1, 3, 4, 5, 13 AND 14, MALL OF THE BLUFFS, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN POTWASKATEL COUNTY, IOWA TOGETHER WITH A TRACT OF LAND LOCATED IN PART OF LOTS TWO (2) AND FOUR (4), ALSO LOTS SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP SEVENTY-FIVE (75) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS TWO (2) AND FOUR (4), AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 NW/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS SIX (6) AND SIX (6), AUDITOR'S SUBDIVISION OF THE NORTH-EAST QUARTER OF THE NORTH-EAST QUARTER (NE/4 NE/4) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS THREE (3) AND SIX (6), AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTH-EAST QUARTER (SE/4 NE/4) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, OF THE 3-1/4 P.M., POTWASKATEL COUNTY, COUNCIL BLUFFS, IOWA

**OWNER/DEVELOPER**  
 RICHARD, INC., A WISCONSIN CORPORATION  
 2101 MELAND DRIVE  
 EAU CLAIRE, WISCONSIN 54703

**ENGINEER**  
 LAMP, RYNEARSON & ASSOCIATES, P.C.  
 14710 WEST 3005E ROAD, SUITE 100  
 OMAHA, NEBRASKA 68154

**LAMP RYNEARSON**

14710 W. 3005E RD. STE. 100  
 OMAHA, NE 68154  
 402.448.2448  
 lamp@rynearson.com

PRELIMINARY

MALL OF THE BLUFFS  
 DEVELOPMENT PLAN  
 EXHIBIT C - SANITARY SEWER PLAN

COUNCIL BLUFFS, IOWA

**811**  
 Know what's below.  
 Call before you dig.

REVISIONS

DESIGNER / DRAFTER  
 ARRON GIBBY/VALE JOHNSON  
 DATE  
 02/11/2021  
 PROJECT NUMBER  
 0118704.01  
 BOOK AND PAGE

SHEET  
 1 OF 1

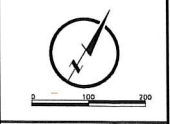


# Attachment G



**LAMP RYNEARSON**

14710 W. DODGE RD. STE. 103  
 OMAHA, NE 68154  
 402.438.2488  
 Lamp@rynearson.com



PRELIMINARY

MALL OF THE BLUFFS  
 DEVELOPMENT PLAN  
 EXHIBIT E - WATER PLAN

COUNCIL BLUFFS, IA

**811**  
 Know what's below.  
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DESIGNER / CHARTER  
 ARON, GRIEVLICK, JOHNSON

DATE  
 02/11/2021  
 PROJECT NUMBER  
 0118204.01  
 SHEET AND PAGE

SHEET  
 1 OF 1

PRELIMINARY PLAT OF  
MALL OF THE BLUFFS REPLAT 1

LOTS 1 THROUGH 8, INCLUSIVE AND OUTLET A, BEING A REPLATING OF LOTS 1, 3, 4, 5, 13 AND 14, WALL OF THE BLUFFS, A SUBDIVISION, AS SURVEYED, PLATED AND RECORDED IN POTTAWATOWNE COUNTY, IOWA TOGETHER WITH A TRACT OF LAND LOCATED IN PART OF LOTS TWO (2) AND FOUR (4), AND TO BE A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) OF SECTION THIRTY-TWO (32), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS TWO (2) AND FOUR (4), A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) OF SECTION FIVE (5), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS ONE (1) AND SIX (6), A SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST, PART OF LOTS THREE (3) AND SIX (6), A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) OF SECTION SIX (6), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-THREE (43) WEST OF THE 5TH P.M., POTTAWATOWNE COUNTY, COUNCIL BLUFFS, IOWA.

**OWNER/DEVELOPER**  
VFWARD, INC., A WISCONSIN CORPORATION  
5103 WESBARD DRIVE  
EAU CLAIRE, WISCONSIN 54703

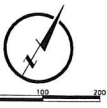
**ENGINEER**  
LAMP RYNEARSON & ASSOCIATES, INC.  
14119 WEST DODGE ROAD, SUITE 100  
OMAHA, NEBRASKA 68134

- NEW ELECTRICAL SERVICE
- EXISTING ELECTRICAL SERVICE TO REMAIN
- EXISTING ELECTRICAL SERVICE TO BE REMOVED



**LAMP RYNEARSON**

14119 W. DODGE RD. STE. 100  
OMAHA, NE 68134  
402.442.4248  
LampRyerson.com



PRELIMINARY

MALL OF THE BLUFFS  
DEVELOPMENT PLAN  
EXHIBIT G - ELECTRICAL PLAN

COUNCIL BLUFFS, IOWA



REVISIONS


ORDERER / DRAFTER  
ARCHON DEVELOPMENT - ENGINEER  
DATE  
02/11/2021  
PROJECT NUMBER  
0118704.01  
BOOK AND PAGE

SHEET  
1 OF 1

# MENARDS - COUNCIL BLUFFS, IOWA

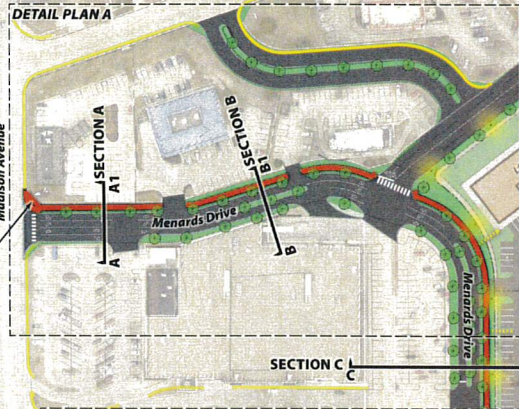
## MALL OF THE BLUFFS REDEVELOPMENT - OVERALL PLAN

October 4, 2021

PREFERRED CONCEPT TOTALS				
LOT	ACRES	SF	F.A.R.	PARKING
1	1.22	9,600	0.18	48
2a	2.00	16,000	0.18	80
2b	1.91	18,000	0.23	90
2c	1.00	8,200	0.19	41
3	2.06	11,000	0.12	55
TOTALS	8.19	62,800		314



INTERNAL TRAIL CONNECTION TO EXISTING SIDEWALK NETWORK



**LEGEND**

- PROPOSED INTERNAL TRAIL NETWORK
- PROPOSED SIDEWALK CONNECTION
- POTENTIAL SIDEWALK CONNECTION
- EXISTING SIDEWALK NETWORK

Plan Note: The development plans shown in lots 1-2c are conceptual and are not part of the city's improvements plan.

**NOTE: CONCEPT IS FOR ILLUSTRATIVE PURPOSES ONLY, SUBJECT TO T.I.S. RECOMMENDATIONS, NECESSARY DESIGN ELEMENTS, VARYING RIGHT-OF-WAY, AND OTHER CONSIDERATIONS**

# MENARDS - COUNCIL BLUFFS, IOWA

## MALL OF THE BLUFFS REDEVELOPMENT - ROAD SECTIONS

October 4, 2021

ENHANCED STREETSCAPE AND LANDSCAPING



LANDSCAPE SCREENING



MULTI-USE TRAIL

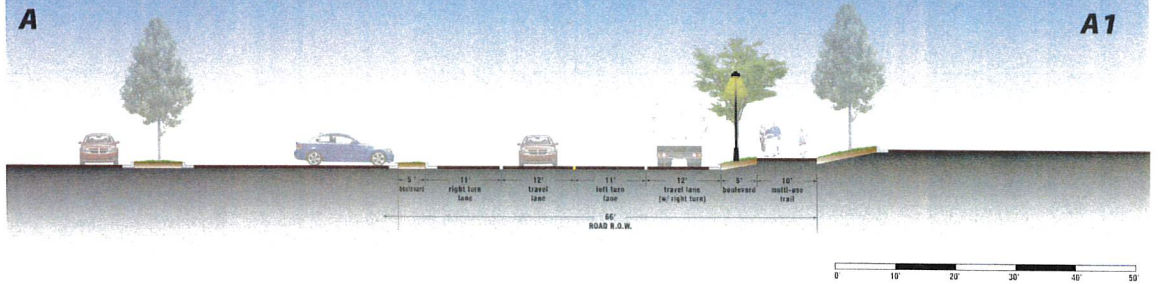


ENHANCED PEDESTRIAN CONNECTIONS

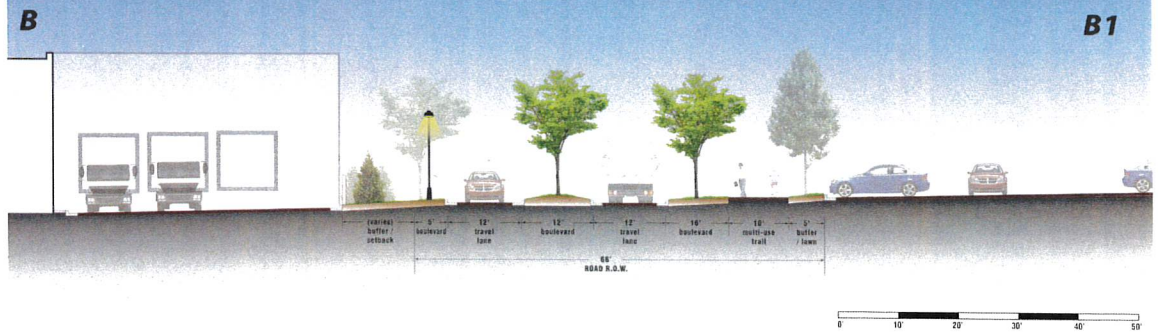


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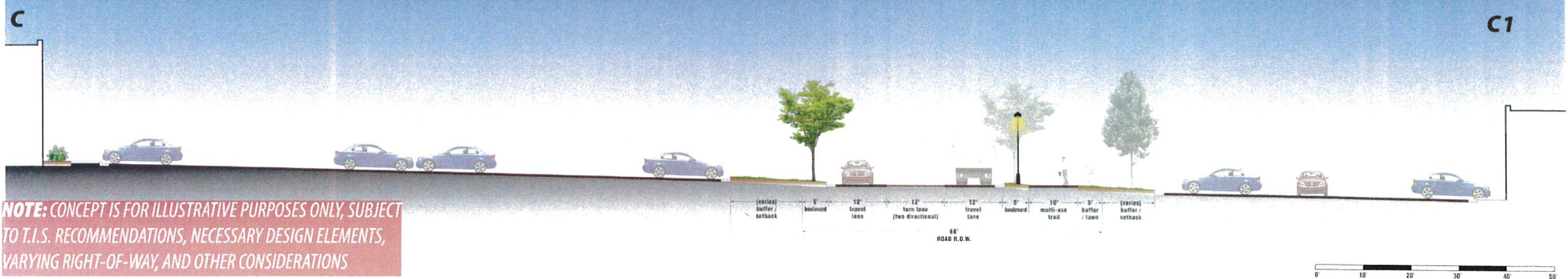
### ROAD SECTION A - 4 LANE



### ROAD SECTION B - 2 LANE WITH CENTER BOULEVARD



### ROAD SECTION C - 3 LANE WITH CENTER TURN LANE



**NOTE: CONCEPT IS FOR ILLUSTRATIVE PURPOSES ONLY, SUBJECT TO T.I.S. RECOMMENDATIONS, NECESSARY DESIGN ELEMENTS, VARYING RIGHT-OF-WAY, AND OTHER CONSIDERATIONS**

# MENARDS - COUNCIL BLUFFS, IOWA

## MALL OF THE BLUFFS REDEVELOPMENT - DETAIL PLAN A

October 4, 2021

Bennett Avenue

Madison Avenue

Multi-Use Trail

Perimeter Road

MENARDS DRIVE

Existing Screening Wall and Landscape Screening

**NOTE: CONCEPT IS FOR ILLUSTRATIVE PURPOSES ONLY, SUBJECT TO T.I.S. RECOMMENDATIONS, NECESSARY DESIGN ELEMENTS, VARYING RIGHT-OF-WAY, AND OTHER CONSIDERATIONS**

50 100'

Potential Enhanced Pedestrian Connections (as part of sub-lot development)

MENARDS DRIVE

# MENARDS - COUNCIL BLUFFS, IOWA

## MALL OF THE BLUFFS REDEVELOPMENT - DETAIL PLAN B

October 4, 2021

Potential Enhanced  
Pedestrian Connections  
(as part of sub-lot development)

Street Lighting

HY-VEE DRIVE

MENARDS DRIVE

Madison Avenue

LOT 1  
RETAIL  
7,200 SF  
(36 SPACES)

LOT 1  
RETAIL  
9,200 SF  
(46 SPACES)

Multi-Use Trail

Lot 1 Drive-Thru  
Alternative

**NOTE:** CONCEPT IS FOR ILLUSTRATIVE PURPOSES ONLY, SUBJECT TO T.I.S. RECOMMENDATIONS, NECESSARY DESIGN ELEMENTS, VARYING RIGHT-OF-WAY, AND OTHER CONSIDERATIONS

0' 50' 100' 200'

Attachment J



PERVIOUS/IMPERVIOUS SPACE TABLE

AREA/SPACE	SQUARE FEET	ACRES	PERCENTAGE
MENARDS LOT AREA	813,084 SQ. FT.	18.665 ACRES	100%
OUTLET A DETENTION POND	83,308 SQ. FT.	1.913 ACRES	100%
MENARDS LOT PERVIOUS SPACE	69,541 SQ. FT.	1.59 ACRES	8.55%
MENARDS LOT IMPERVIOUS SPACE	767,189 SQ. FT.	17.61 ACRES	91.45%
COMBINED PERVIOUS SPACE	152,849 SQ. FT.	3.51 ACRES	17.06%

BUILDING AREA COVERAGE

BUILDING AREA	SQUARE FEET
MAIN STORE AREA INCLUDING OVERHANGS	207,913 SQ. FT.
WAREHOUSE AREA	45,002 SQ. FT.
YARD ENTRANCE GATE CANOPY	1,815 SQ. FT.
TOTAL BUILDING AREA	254,730 SQ. FT.

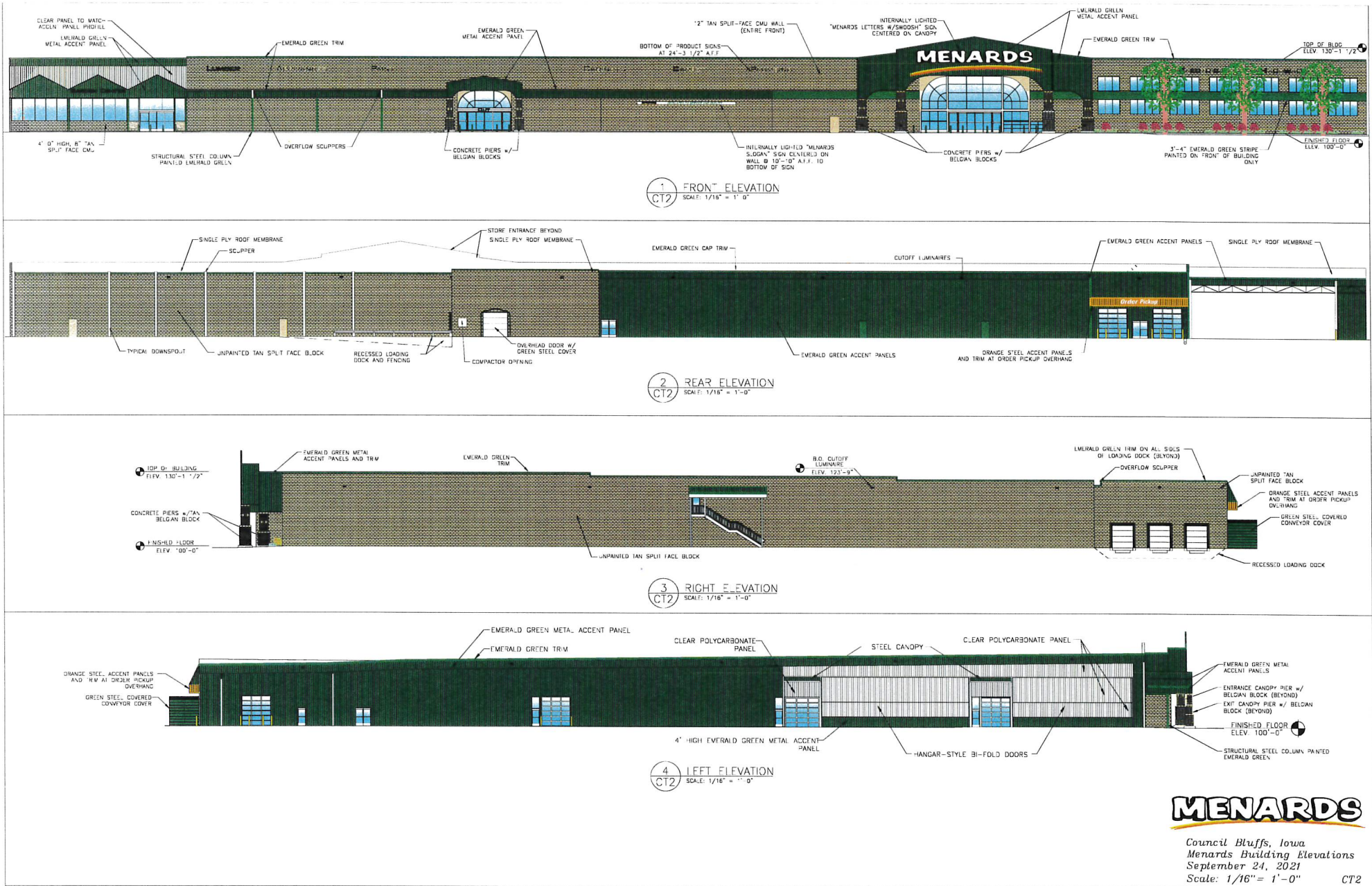
NEW PUBLIC R.O.W.  
 GRAY LINES = EXISTING CONDITIONS TO REMAIN

LANDSCAPE LEGEND

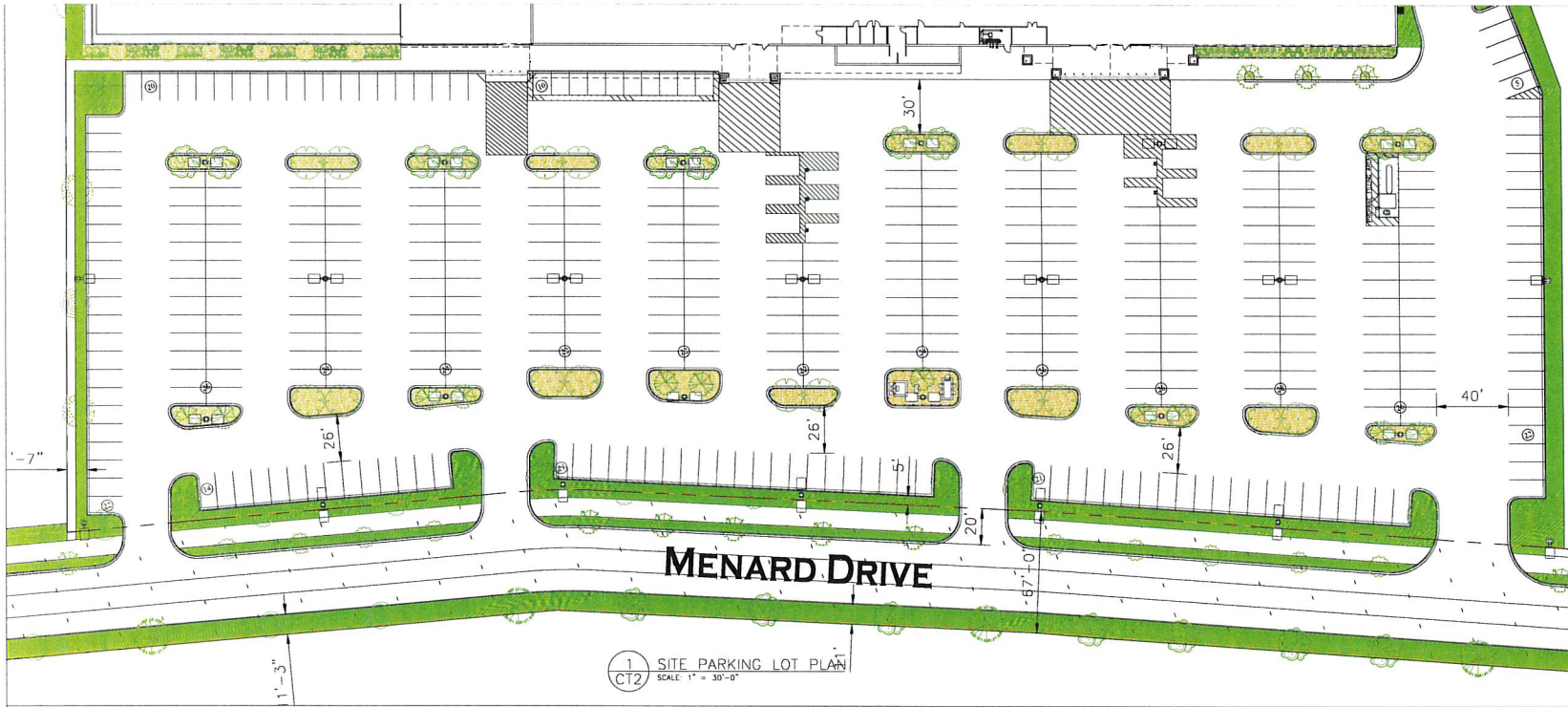
Symbol	Qty	Botanical Name	Common Name	Max. Hgt.	Root	WINDRZ	WINDRZ	WINDRZ	WINDRZ
...	...	...	...	...	...	...	...	...	...

**MENARDS**  
 Council Bluffs, Iowa  
 Site Plan  
 Scale: 1" = 100'-0"  
 September 24, 2021  
 CT1

# Attachment K



Attachment L



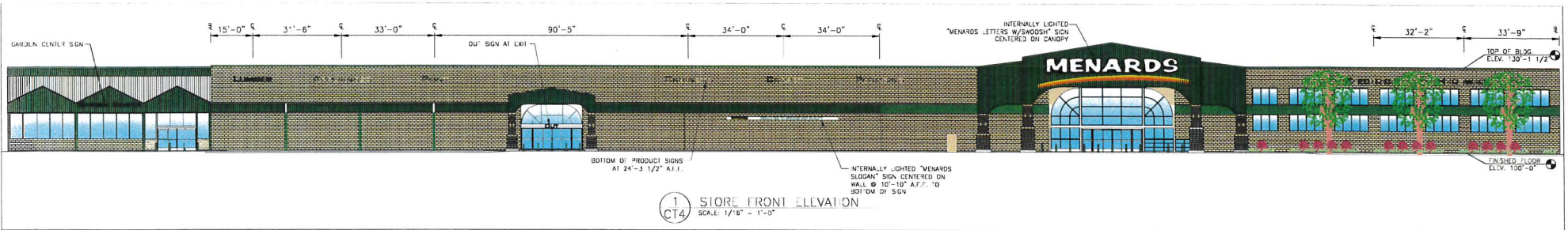
1 SITE PARKING LOT PLAN  
SCALE: 1" = 30'-0"

Symbol	Key	Botanical Name	Common Name	Min. Size	Plant	Height	Width	Quantity
<b>Ornamental Trees</b>								
ST	ST	<i>Syringa villosa</i> 'Alice's Promise'	'Alice's Promise' Lilac	2' Cal.	B & B	10-15'	10-15'	21
SB	SB	<i>Malus 'Spring Snow'</i>	'Spring Snow' Malus	2' Cal.	B & B	20-25'	10-12'	17
CC	CC	<i>Celastrus scandens</i> 'Forest Flame'	'Forest Flame' Eastern Redbud	2' Cal.	B & B	20-30'	20-30'	18
PC	PC	<i>Pyracantha coccinea</i> 'Coralia'	'Coralia' Thorny Pyracantha	2' Cal.	B & B	20-30'	10-14'	21
<b>Shrubbery</b>								
DT	DT	<i>Geothlas vaginatus</i> var. <i>inermis</i> 'Spring Green'	'Spring Green' Geothlas	2 1/2' Cal.	B & B	50-75'	30-50'	7
AR	AR	<i>Aster multiflorus</i>	'Red Wings' Aster	2 1/2' Cal.	B & B	40-70'	20-30'	10
AC	AC	<i>Aster multiflorus</i> 'Columbian'	'Columbian' Red Wings Aster	2 1/2' Cal.	B & B	40-80'	18-30'	4
AP	AP	<i>Aster multiflorus</i> 'Crimson Sentry'	'Crimson Sentry' Norway Spruce	2 1/2' Cal.	B & B	20-25'	10-15'	3
<b>Shrubs</b>								
BN	BN	<i>Buxus sempervirens</i> 'Green Man'	'Green Man' Buxus	3' Cal.	Cont.	3'-4'	3'	15
KA	KA	<i>Leucophaea media</i> 'Greenleaf'	'Greenleaf' Burning Bush	3' Cal.	Cont.	8-11'	8-11'	14
BT	BT	<i>Berberis thunbergii</i> var. <i>atropurpurea</i> 'Blue'	'Blue' Japanese Barberry	3' Cal.	Cont.	3'-6'	4'-7'	8
MD	MD	<i>Moronea dissecta</i>	'Ribbon' Yucca	1' Cal.	Cont.	8-12'	3-12'	27
CA	CA	<i>Carex acutata</i>	'Candy Cane' Carex	3' Cal.	Cont.	2'-2'	3'-4'	10
HM	HM	<i>Hydrangea macrophylla</i> 'Alice's Blue'	'Alice's Blue' Hydrangea	3' Cal.	Cont.	4'-6'	4'-6'	18
<b>Perennial/Ornamental Grasses</b>								
PH	PH	<i>Phlox paniculata</i> 'Majestic'	'Majestic' Phlox	1' Cal.	Cont.	1.5-2.5'	1.5-2.5'	14
CA	CA	<i>Carex acutata</i> 'Karl Foerster'	'Karl Foerster' Feather Reed Grass	1' Cal.	Cont.	3'-5'	1.5-2.5'	8
AP	AP	<i>Andropogon scoparius</i> 'Ribbon'	'Ribbon' Andropogon	1' Cal.	Cont.	2'-2'	2'-2'	8
HC	HC	<i>Hydrangea macrophylla</i> 'Blue Bird'	'Blue Bird' Hydrangea	1' Cal.	Cont.	1.5-2'	1.5-2'	8
HT	HT	<i>Hydrangea macrophylla</i> 'Endless Summer'	'Endless Summer' Hydrangea	1' Cal.	Cont.	2'-2'	1.5-2'	4
PH	PH	<i>Phlox paniculata</i> 'Majestic'	'Majestic' Phlox	1' Cal.	Cont.	3'-4'	3'-4'	4
<b>Grasses</b>								
4"	4"	4" Blue Fescue (Blue Fescue)						
1/2"	1/2"	1/2" Blue Fescue (Blue Fescue)						

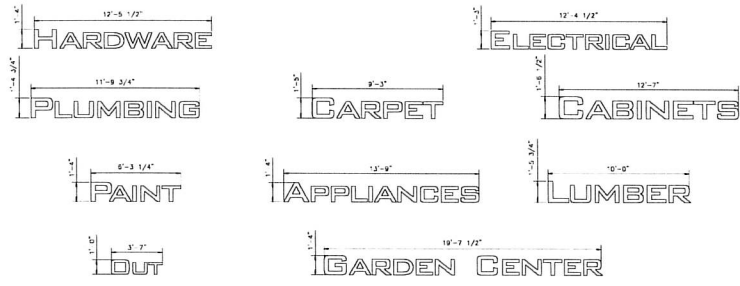
**MENARDS**

Council Bluffs, Iowa  
Site Parking Lot Plan  
Scale: 1" = 30'-0"  
September 24, 2021

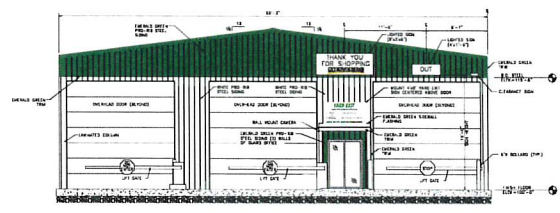
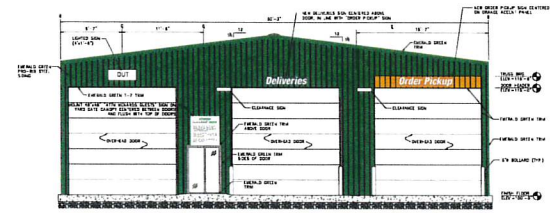
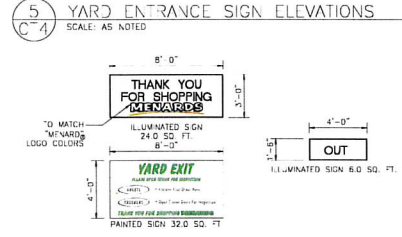
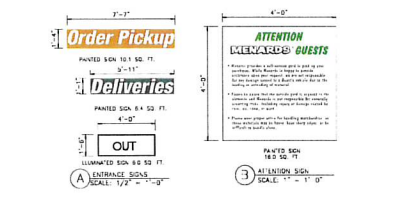
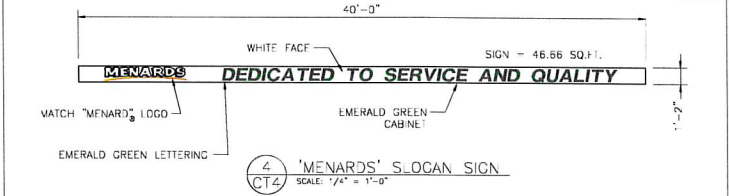
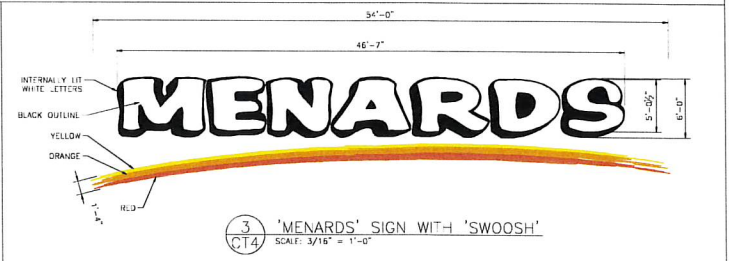
# Attachment M



SIGN LEGEND					
QTY	DESCRIPTION	H/HT	LENGTH	SQ. FT.	SIGN
1	MENARDS	6'-0"	46'-7"	279.5	ILLUMINATED
1	SWOOSH	1'-4"	94'-0"	71.9	ILLUMINATED
1	SLOGAN SIGN	1'-2"	40'-0"	46.9	ILLUMINATED
1	HARDWARE	1'-4"	12'-5 1/2"	15.6	ILLUMINATED
1	ELECTRICAL	1'-3"	12'-4 1/2"	15.3	ILLUMINATED
1	PLUMBING	1'-4"	11'-9 3/4"	15.5	ILLUMINATED
1	CARPET	1'-5"	9'-3"	13.1	ILLUMINATED
1	CABINETS	1'-6 1/2"	12'-7"	19.4	ILLUMINATED
1	PAINT	1'-4"	6'-3 1/4"	8.4	ILLUMINATED
1	APPLIANCES	1'-4"	13'-9"	18.3	ILLUMINATED
1	LUMBER	1'-5"	10'-0"	14.8	ILLUMINATED
1	OUT	3'-0"	3'-7"	3.5	ILLUMINATED
1	GARDEN CENTER	1'-4"	19'-7 1/2"	25.2	ILLUMINATED
1	Deliveries	5'-11"	1'-11"	5.4	PAINTED
1	Order Pickup	7'-7"	1'-4"	10.1	PAINTED
1	ATTENTION MENARDS GUESTS	4'-0"	4'-0"	16.0	PAINTED
1	YARD EXIT	4'-0"	8'-0"	32.0	PAINTED
1	THANK YOU FOR SHOPPING MENARDS	3'-0"	8'-0"	24.0	ILLUMINATED
2	OUT	1'-8"	4'-0"	6.0	ILLUMINATED



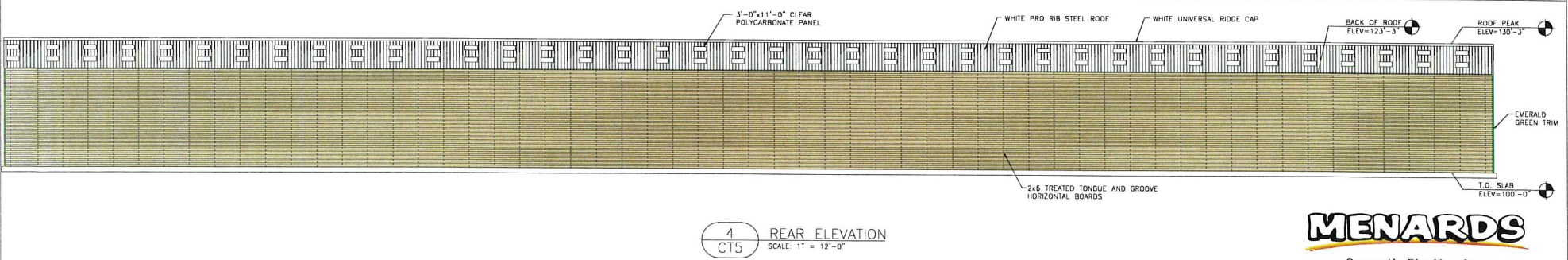
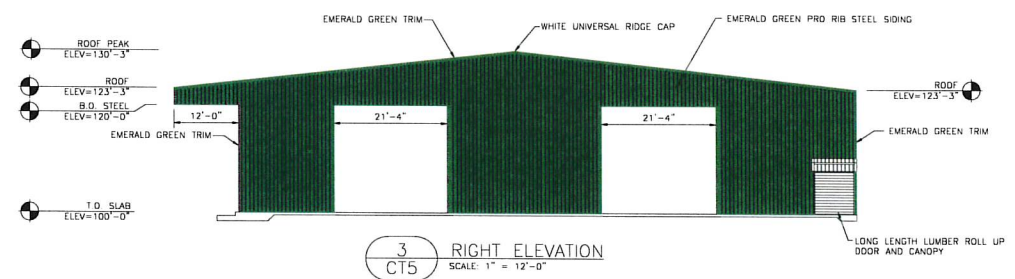
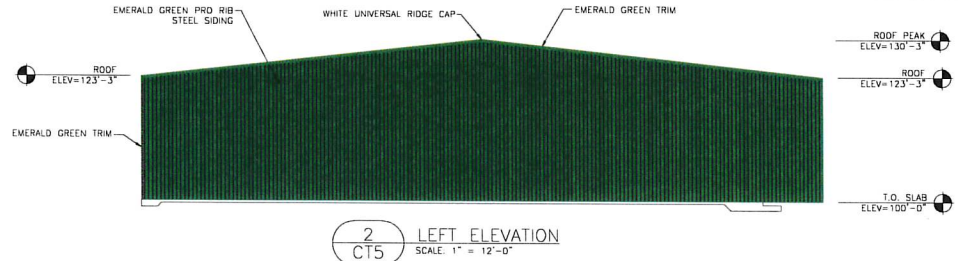
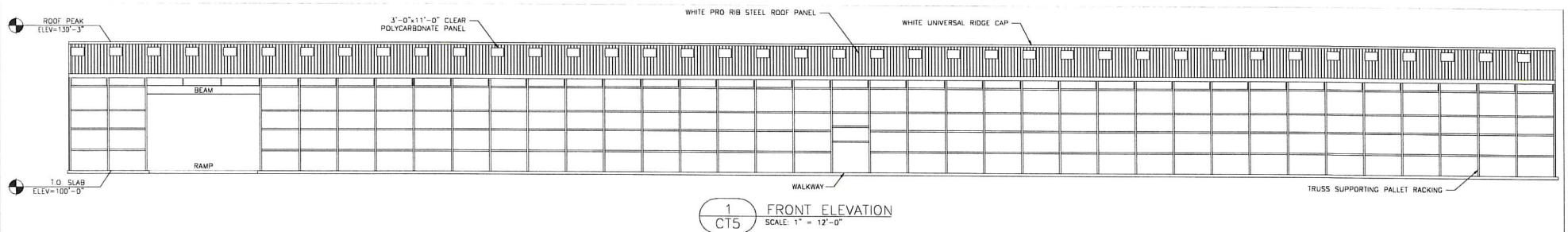
WHITE ACRYLIC FACE WITH EMERALD GREEN CABINETS  
THE PRODUCT SIGN LETTERING SHOWN IS NOT TRUE TO SCALE, BUT SIMILAR. THE SIGN SIZES ARE CORRECT AS INDICATED.



Council Bluffs, Iowa  
Proposed Building Signage  
September 24, 2021  
Scale: as noted

CT4

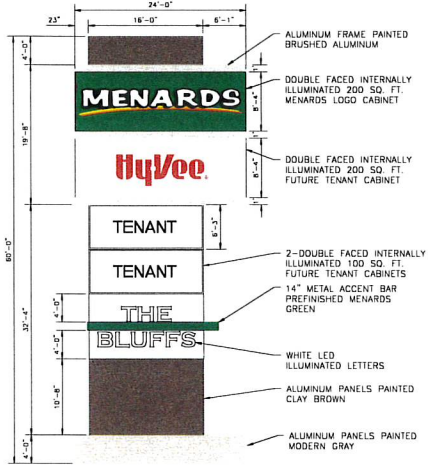
# Attachment N



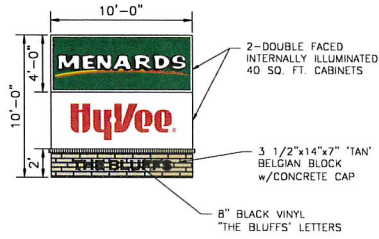
Council Bluffs, Iowa  
Warehouse Elevations  
September 24, 2021  
Scale: 3/32" = 1'-0"

CT5

Attachment O



1 MONUMENT SIGN ELEVATION  
 CT6 SCALE: 1/8" = 1'-0"

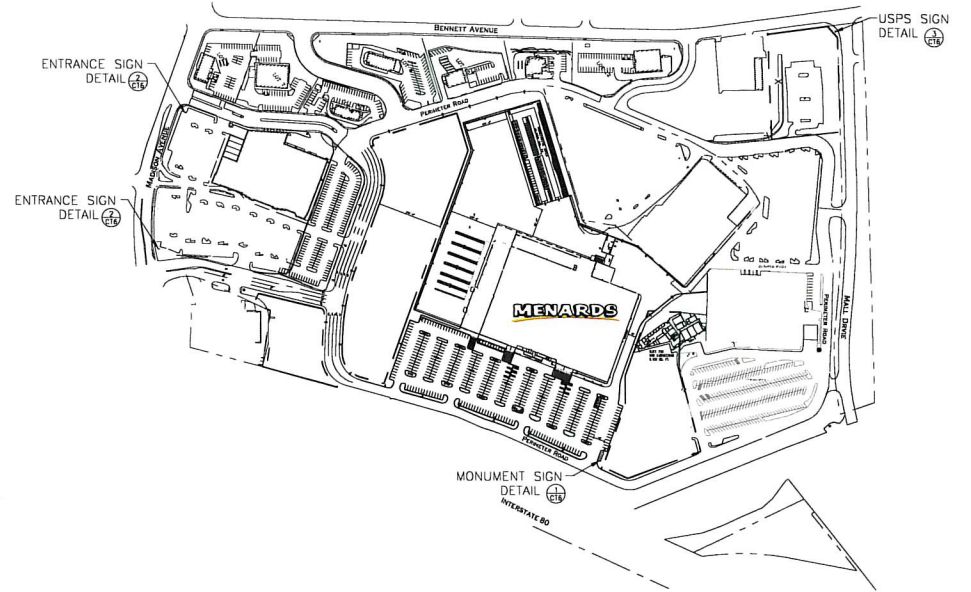


2 ENTRANCE SIGN 2  
 CT6 SCALE: 1/4" = 1'-0"



NOTE: DIMENSIONS TO BE FIELD VERIFIED ONLY PERMITTED FOR USPS OCCUPANCY

3 USPS SIGN  
 CT6 SCALE: UNKNOWN

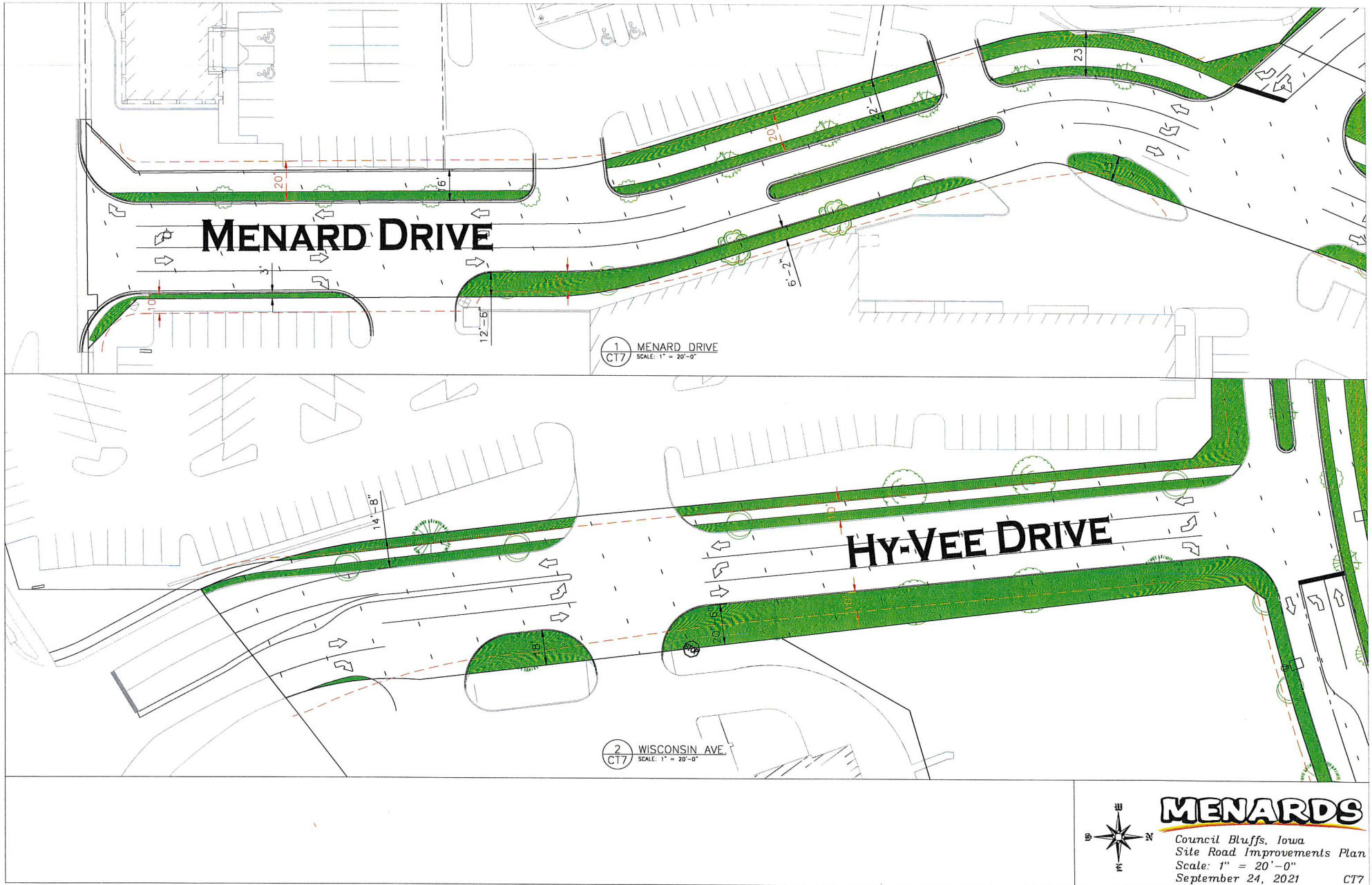


4 SIGN LOCATIONS MAP  
 CT6 SCALE: 1" = 200'-0"

**MENARDS**

Council Bluffs, Iowa  
 Proposed Signage  
 September 24, 2021  
 Scale: as noted

CT6



**RESOLUTION NO. 21-346**

**A RESOLUTION GRANTING APPROVAL OF A SIX-LOT PRELIMINARY SUBDIVISION PLAN TO BE KNOWN AS MALL OF THE BLUFFS, REPLAT 1, LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 1, 3, 4, 5, AND 13, MALL OF THE BLUFFS, ALONG WITH PART OF LOTS 2 AND 4, AUDITOR'S SUBDIVISION OF THE SW1/4 SW1/4 OF SECTION 32-75-43; PART OF LOTS 2 AND 4, AUDITOR'S SUBDIVISION OF THE NW1/4 NW1/4 OF SECTION 5-74-43; PART OF LOTS 1 AND 6, AUDITOR'S SUBDIVISION OF THE NE1/4 NE1/4 OF SECTION 6-74-43; AND PART OF LOTS 3 AND 6, AUDITOR'S SUBDIVISION OF THE SE1/1 NE1/4 OF SECTION 6-74-43, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Menard, Inc., D S A G Investments, and Woodsonia MOTB, LLC have submitted a joint proposal for a six-lot preliminary subdivision plan for properties generally located 1751 Madison Avenue, Council Bluffs, Iowa, to be known as Mall of the Bluffs, Replat 1. A copy of the preliminary plan is attached hereto as Attachment 'C'; and

**WHEREAS,** The properties included in these requests are specific to all landholdings owned by Menard Inc., the existing Casey's convenience store/gas station owned by D S A G Investments, and the existing Hy-Vee store owned by Woodsonia MOTB, LLC. All other platted lots that are adjacent to the former Mall of the Bluffs site are excluded from the proposed preliminary subdivision request and will continue be regulated by the terms and conditions of the previously adopted development plan for Mall of the Bluffs; and

**WHEREAS,** The proposed Mall of the Bluffs, Replat 1 Subdivision will accomplish the following actions:

- A. Dedicate two public roads (Menard Drive and Hy-Vee Drive) along with new public sewers (i.e., sanitary and storm sewers) to the City of Council Bluffs;
- B. Establish a new street configuration that includes streetscapes, sidewalks, and a multi-purpose pedestrian trail that will connect into the City's existing trail and sidewalk systems;
- C. Allow for the existing Hy-Vee store location to expand their parking lot area to the east;
- D. Establish new northerly and easterly property lines for the Casey's convenience store/gas station (proposed Lot 3) so that their building and drive aisles are located on their property and not on any abutting lot and/or rights-of-way;
- E. Create parcels of land for new retail/commercial development on the former Mall of the Bluffs site. Proposed Lots 3 and 4 will be developed as pad sites, and proposed Lot 5 will be developed with a new Menard's retail store/lumber yard. Proposed Lot 6 will contain the existing multi-tenant buildings that are currently occupied by the United States Postal Service, Planet Fitness, and Mad Optical;

- F. Release all public and private easements that are no longer needed to service development on the former Mall of the Bluffs site, and establish new easements in their place;
- G. Create an area for on-site stormwater detention for the subdivision and other adjacent properties; and
- H. Create a parcel (Outlot B) for the existing private road that provides access to businesses such as: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder-Associates Inc., and the Council Bluffs School District Madison Campus building; 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 is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-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 subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.
- B. All parcels included in Mall of the Bluffs, Replat 1 and all properties immediately adjacent to the former Mall of the Bluffs site are zoned PC/Planned Commercial (see Attachment A). The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates all said properties as Regional Commercial. The proposed preliminary subdivision plan is consistent with the PC District and the Bluffs Tomorrow: 2030 Plan.
- C. All lots within the proposed subdivision are suitable in size and dimensions to allow for commercial and/or retail development to occur upon them, and will have direct frontage onto one or more public roadways: Menard Drive, Hy-Vee Drive, Madison Avenue, Bennett Avenue, and Mall Drive (see Attachment 'C').
- D. Menard Drive and Hy-Vee Drive will be constructed by the developer (Menard, Inc.) to meet current City standards and will be dedicated to the City as part of the Mall of the Bluffs, Replat 1 final plat. Outlot B contains a section of the existing private road that provides access to properties that are either owned and/or operated by the following businesses: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder and Associates, and the Council Bluffs School District. Access to the above stated properties from Outlot B shall remain in place under the existing private easement agreement(s), and ownership and maintenance of said outlot shall be stated on the Mall of the Bluffs, Replat 1 final plat.
- E. Menard Drive and Hy-Vee Drive are designed to include landscape buffers and a planted median. The preliminary plan includes a note that

states “all property owners shall be responsible for landscape maintenance in the rights-of-way adjacent to property. The owner of Lot 5, Mall of the Bluffs, Replat 1 shall be responsible for the maintenance of the center medians”.

A traffic study was submitted to the City, and the Public Works Department stated they will continue to work with the developer on all comments/recommendations stated in the report.

- F. All lots within the subdivision will be served with utilities including: water, sanitary/storm sewer, communications, electricity, and natural gas (see Attachment ‘C’). The developer has also proposed to vacate and release several existing utility easements (public and private), and establish new utility easements, in order to redevelop the former Mall of the Bluffs site in an orderly and efficient manner. Said easements are identified on Attachment ‘D.’ The developer shall be responsible for obtaining approval from all utility providers and any/or private entities for releasing said easements shown on Attachment ‘D.’ All public easements shown on Attachment ‘D’ that are identified to be vacated and released must be approved by City Council prior to execution of the final plat. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision, as shown in Attachments ‘C’ and ‘D,’ shall be the sole responsibility of the developer, and not the City of Council Bluffs. The developer shall also ensure the final plat contains notations on the perpetual ownership and maintenance of said new easements.
- G. There is an existing private sanitary sewer main that is protected by an easement along the frontages of Lots 6 through 12, Mall of the Bluffs that will remain in place and will be subject to the terms and conditions agreed upon between the developer and the existing property owners. The developer proposes to construct a new 8-inch sanitary main along the northerly portions of Lot 2, Mall of the Bluffs, and proposed Lots 4 and 5, Mall of the Bluffs, Replat 1, which then connect to the new public sewer main in Menard Drive. This new sewer main will be available for use by the owners of Lots 6 through 12, Mall of the Bluffs at the time their existing sanitary sewer is no longer needed. The developer shall be responsible for the construction of this sewer main, and information related to the perpetual use, maintenance, and ownership of said easement shall be noted on the final plat. The developer shall also be responsible for obtaining easement approvals from the owner of Lot 2, Mall of the Bluffs for the new sanitary sewer main that extends into their property, and documentation of said easement agreement shall be provided to the City of Council Bluffs prior to the Mall of the Bluffs, Replat 1 final plat being executed.
- H. A 20-foot wide multi-purpose pedestrian trail will be constructed by the developer along the north side of Menard Drive and will connect into the

existing Valley View Trail and to the sidewalks along Madison Avenue. The proposed trail will be dedicated to the City of Council Bluffs and will become part of the City's broader public trail system. Additionally, a minimum four foot-wide sidewalk will be constructed along the north side of Hy-Vee Drive that will connect into the existing sidewalks along Madison Avenue. There is a small portion of this sidewalk that encroaches onto proposed Lot 1, Mall of the Bluffs that must be protected by an easement. The developer has negotiated an easement for said sidewalk encroachment with the owner of Lot 1, Mall of the Bluffs. A copy of the signed and recorded easement shall be provided to the City of Council Bluffs prior to dedication of Menard Drive and Hy-Vee Drive to the City of Council Bluffs.

- I. Outlot A will be used for on-site stormwater detention for the proposed subdivision, and for other properties located in the existing Mall of the Bluffs Subdivision (see Attachment 'F'). Stormwater will be directed to Outlot A through the establishment of new drain inlets within Hy-Vee Drive and Menard Drive, and through existing easements on abutting properties. The developer shall continue to work with Council Bluffs Public Works Department on the design and function of this stormwater detention basin. Furthermore, a note shall also be placed on the final plat that gives clear guidance as to which lots in the Mall of the Bluffs and Mall of the Bluffs, Replat 1 Subdivisions have legal access to utilize Outlot A for stormwater detention, and said note shall also clearly state which lot owner and/or development association is responsible for the perpetual ownership and maintenance of Outlot A.
- J. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- K. Council Bluffs Water Works stated they have a main extension agreement in place with the developer for public water mains. Once the final design of the proposed water main is completed, they will be able to provide the permanent locations of water line routing and easement widths.
- L. In accordance with Iowa Code Section 306.19(5), the Iowa Department of Transportation (IDOT) has completed a Corridor Preservation Plan for the interstate improvement project. As such, the City is required to submit all subdivision requests located within the Corridor to IDOT for review prior to approval. The approval submittal was to IDOT and they stated the proposed subdivision will not conflict with their Council Bluffs Interstate Program.
- M. Proposed Lots 5 and 6, and Outlot A, are located within AE Flood Zone, as per FEMA FIRM panel 19155C0577E, dated 2/4/2005. The owner(s) of said lots shall be responsible for compliance with all federal, state, and local floodplain development requirements.

- N. The following technical correction/comments must be addressed on the forthcoming Mall of the Bluffs, Replat 1 final plat:
  1. Remove Lot 14, Mall of the Bluffs from the subdivision’s legal description as said lot does not exist on the recorded Mall of the Bluffs final plat;
  2. Notate the total number of acres in the subdivision on the final plat; and
  3. Specify on the plat if any private restrictions and/or covenants will be recorded with the subdivision. If none, state that no private restrictions and/or covenants will be recorded with the subdivision on the plat; and

**WHEREAS,** The Community Development Department recommends approval of the preliminary plan for Mall of the Bluffs, Replat 1, subject to the comments above, and shall be in conformance with all City standards and specifications, the Zoning and Subdivision Ordinances, and the Department of Public Works Standards for Public Improvements.

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

That preliminary plan approval of a six-lot preliminary subdivision plan to be known as Mall of the Bluffs, Replat 1, legally described as being a replat of Lots 1, 3, 4, 5, and 13, Mall of the Bluffs, along with part of Lots 2 and 4, Auditor’s Subdivision of the SW1/4 SW1/4 of Section 32-75-43; part of Lots 2 and 4, Auditor’s Subdivision of the NW1/4 NW1/4 of Section 5-74-43; part of Lots 1 and 6, Auditor’s Subdivision of the NE1/4 NE1/4 of Section 6-74-43; and part of Lots 3 and 6, Auditor’s Subdivision of the SE1/1 NE1/4 of Section 6-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved.

ADOPTED  
AND November 22, 2021.  
APPROVED

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

Attest: \_\_\_\_\_  
JODI QUAKENBUSH City Clerk

**RESOLUTION NO. 21-347**

**A RESOLUTION ADOPTING THE PLANNED COMMERCIAL DEVELOPMENT PLAN ON LOTS 2 THROUGH 6, AND OUTLOTS A AND B, MALL OF THE BLUFFS, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Menard, Inc. and D S A G Investments are requesting adoption of a planned commercial development plan on properties generally located at 1751 Madison Avenue and legally described as Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, City of Council Bluffs, Pottawattamie County, Iowa; and

**WHEREAS,** Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area and their plan is anticipated to be reviewed by the City Planning Commission and approved by City Council prior to the Mall of the Bluffs, Replat 1 final plat being executed and recorded; and

**WHEREAS,** The following development standards shall be as follows:

**A. Applicability**

1. The planned commercial development plan for The Bluffs retail shopping center shall be applicable to Lots 2 through 6 and Outlots A and B, Mall of the Bluffs, Replat 1 and shall supersede the previously adopted development plan for the Mall of the Bluffs (Resolution No. 14-108).
2. All new construction shall comply entirely with all standards of this development plan.
3. Building modifications equal to 50% or more of the assessed value of the structure in a 24-month period of time shall be required to bring the entire structure into compliance with the applicable standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
4. Building modifications equal to 50% or more of the total assessed value of the property shall be required to bring the entire site into compliance with all standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
5. Lot 1, Mall of the Bluffs, Replat 1 shall be exempt from the standards of this development plan. A separate planned commercial development plan will be adopted for Lot 1 at a later date.

**B. Pedestrian Ways**

1. A minimum five-foot wide pedestrian way shall be provided from the primary entrance of each building to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, or change in paving material or some other alternative approved by the Community Development Department Director or his assign. It is

encouraged that the pedestrian connection be incorporated into the overall layout of each lot, and that it be complementary to the landscaping on each site.

2. A minimum 10-foot wide multipurpose trail that connects with The Bluffs retail shopping center with the existing City trail network shall be installed as part of the public street reconstruction/dedication by the developer, as shown in Attachment 'I.'

**C. Streetscapes**

1. A minimum 20-foot wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive, to the extent practical, **which contains** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction, and shall be placed between the trail and the back of curb. The 10-foot wide trail shall be included in the overall 20-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
2. A minimum 10 foot-wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive and Hy-Vee Drive, to the extent practical, **which do not contain** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
3. A minimum 10-foot wide frontage strip shall be provided along each side of all private drives, to the extent practical. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center. Installation of frontage strips along private drives shall occur on each lot as determined in the applicability section of this development plan. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb.
4. Trees planted within streetscape strips, including medians, shall comply with the Council Bluffs Street Tree Guide and shall be limited to canopy shade trees. The City shall review and approve all proposed trees prior to installation.
5. Trees planted within streetscape strips shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year by the adjoining property owner.

**D. Landscaping**

1. Landscaping is required on each lot. Not less than 10% of the total lot area shall be landscaped with trees, shrubs, and other plant materials. All parking lot islands shall be planted with a minimum of one canopy shade tree and ground cover vegetation (e.g., shrubs, sod, mulch or river rock, etc.).
2. A minimum five-foot wide landscape strip shall be provided between all parking surfaces and each abutting property line. The requirement can be waived where two parking lots adjoin. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
3. A minimum five-foot wide landscape strip shall be provided between all loading/unloading areas and each abutting property line. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
4. The north elevation of the Menards retail store and the associated lumber yard/warehouse area shall be screened and buffered at 100% opacity through a combination of fencing, not to exceed 14 feet in height, and evergreen/deciduous trees. All trees shall be planted within a 10-foot wide landscape strip, as measured from the property line to the edge of the lumber yard/warehouse area.
5. A minimum of four square feet of landscaping per each lineal foot of building façades clearly visible from the public right-of-way or private drive, not inclusive of entrance areas and pedestrian ways, shall be installed along the base of the building façade. The landscaping may be at-grade foundation plantings or complementary above grade decorative planters. No more than 20% of foundation plantings may be clustered on one location of the building façade. **Exception:** Foundation plantings shall be not be required for the warehouse building associated with the Menards retail store or the western elevation of the Menards retail store.
6. All trees shall have a minimum caliper width of two inches at the time of planting.
7. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at the street, driveway or pedestrian way.
8. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
9. All landscaping areas, including grassed and sodded areas, shall be irrigated.
10. Not more than 10% of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
11. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.

12. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year.

**E. Signage**

1. That portion of any lot abutting Interstate 80 right-of-way shall not be considered in determining street frontage for signage purposes.
2. Three center identification signs shall be allowed internally for the entire development. Each center identification sign shall identify 'The Bluffs' development and two or more tenants. One sign shall consist of a pylon sign with a maximum height of 60 feet, as measured from the finished grade to the highest point of the sign structure, and shall contain no more than 600 square feet of signage per face. The pylon sign shall front Interstate 80. The other center identification signs shall consist of two monument signs with a maximum height of 10 feet, as measured from the finished grade to the highest point of the sign structure, and each sign shall contain no more than 100 square feet of signage per face.
3. The total maximum amount of signage allowed on each lot shall be based on a calculation of one and one-half (1 ½) square feet of signage per each lineal foot of street frontage along a public street right-of-way or private drive.
4. Attached signage shall be limited to 15% of the building façade to which it is attached. Attached signage can be placed at any location on the building but shall not extend beyond any building wall or above the peak of the roof.
5. A maximum of one ground/monument sign shall be allowed on each lot in the development. Ground/monument signs shall be limited to a maximum height of 10 feet, as measured from finished grade to the highest point of the sign structure. The entire monument sign shall be counted as signage as measured from finished grade to the highest point of the monument and from one side of the monument structure to the other. The maximum sign area shall not exceed 100 square feet of signage per face.
6. On-site directional signage shall count toward the overall amount of signage permitted on each lot. Each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of eight square feet.  
**Exception:** On-site directional signage on the Menards lumber yard gate and within the lumber yard, as shown on Attachment 'M,' shall be exempt from these requirements.
7. Online/curbside pickup signage shall count toward the overall amount of signage permitted on each lot. If not attached to a structure, each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of 10 square feet. Such signage shall be located within the parking lot and shall not be visible off-site.

8. Signs located within 660 feet from Interstate right-of-way are limited to on-premise advertising signs as regulated by the Iowa Department of Transportation. The sign must be located in the usual place of business for the use
9. The existing Bucky's/Casey's 'gas price' pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today, subject to the provisions in Section 15.33.220, *Nonconforming Signs – Legal*, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. The existing USPS pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today until the U.S. Postal Service ceases to occupy its tenant space on Lot 6. At such time, the pylon sign shall be removed.
11. The existing 'Mall of the Bluffs' pylon sign shall be removed as part of the public street reconstruction/dedication by the developer.
12. Pole signs shall be prohibited from being installed on any lot in the development.

**F. Site Development**

1. All principal and accessory structures shall have a minimum setback of 10 feet from all property lines.
2. No more than 40% of the total area of any lot shall be covered with structures.
3. The maximum height for all principal structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof. Decorative architectural features shall be included in the overall height of the building.
4. The maximum height for any accessory structure shall not exceed 20 feet.  
**Exception:** The warehouse building associated with the Menards retail store shall not exceed 35 feet in height.
5. All fences shall be installed in accordance with Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).  
**Exception:** Any fencing associated with the primary façade of the Menards retail store shall be constructed out of ornamental iron/aluminum and shall consist of a four-foot wall and 10-foot ornamental fence that does not exceed 14 feet in total height. The fence to be installed to screen/buffer the west elevation of the Menards retail store and the associated lumber yard/warehouse area shall be constructed out of ornamental iron/aluminum, wood and/or other similar materials, and shall not exceed 14 feet in height.
6. All trash receptacles that are visible from an adjacent public street right-of-way or private drive shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster. Trash receptacles shall be located on the least visible area of the site, to the extent it is practical.

7. All loading areas that are visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
8. Outdoor storage is not allowed. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers. The lumber yard/warehouse area associated with the Menards retail store shall not be considered outdoor storage.
9. The stormwater detention area located on Outlot 'A' is considered a site amenity. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of this detention pond at the time of construction.
10. Access to the rear of each building for Fire Department equipment shall be provided in accordance with the requirements of the Fire Marshal's Office.
11. 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.

**G. Architecture**

1. Building exteriors shall be made up of 100% masonry materials such as brick, split faced block (with texture), non-flat faced concrete masonry units (CMU), or EFIS materials. Metal shall only be allowed as an architectural accent. A minimum of 20% of all building façades visible from a public street right-of-way or private drive shall be made of brick, stone or tile, and shall be located primarily along the base of the building façade. No flat faced/smooth concrete block shall be allowed except for the rear wall of a building when it is not visible from a public street right-of-way or private drive. Wood and vinyl siding shall be not allowed. **Exception:** Wood siding shall be an acceptable building material for the warehouse building associated with the Menards retail store.
2. The architectural design, building materials and decorative fencing for the Menards retail store shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'K.'
3. The architectural design and building materials for the warehouse building associated with the Menards retail shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'N,' provided that a minimum seven-foot tall knee wall, constructed out of masonry materials such as brick, split faced block (with texture) or non-flat faced concrete masonry units (CMU), is installed along the base of the north façade of the structure that faces Outlot B in order to match the appearance of the Menards retail store.

4. Awnings and/or other decorative features may be allowed on the façade of a building and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
5. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be screened from view using architectural design features.
6. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

**H. Off-Street Parking**

1. The minimum number of parking spaces shall be as determined in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.
2. A deviation from minimum parking requirements may be allowed provided the property owner and/or tenant can demonstrate reasonable proof less parking is needed for their use(s).
3. All parking lots shall be designed in such a manner that allows interconnection(s) with adjoining lots as part of the overall site development design.
4. A parking lot permit shall be submitted with all building permit and parking lot expansion requests and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, lighting and interconnections.
5. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

**I. Outdoor Lighting**

1. All outdoor light poles shall be limited to a maximum height of 30 feet, as measured from finished grade to the highest point of the pole structure. All light poles shall be painted or finished aluminum or steel. Wood poles shall not be allowed. Light fixtures located on private property shall be generally of a similar design and finish.
2. All light used for illumination shall be contained onsite and shall be arranged in such a manner to direct the light away from neighboring residential properties and away from the vision of passing motorist, cyclists and pedestrians. No light shall trespass beyond the property line.
3. Streetlight type and location within public right-of-way shall be determined by the Public Works Department; and

**WHEREAS,** The Community Development Department recommends approval of the planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, City of Council Bluffs, Pottawattamie County, Iowa, subject Planning Case No. PC-21-001

to the comments above.

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

That the Planned Commercial Development Plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, is hereby adopted and approved, and will be in full force and effect upon preliminary plat approval for Mall of the Bluffs, Replat 1 and from and after its final passage and publication, as by law provided.

ADOPTED  
AND  
APPROVED

November 22, 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: 11/22/2021

### Description

1. Hard Luck Saloon, 626 16th Avenue
2. Hy-Vee #2, 1745 Madison Avenue
3. La Mesa Mexican Restaurant, 3036 S Expressway
4. Oskies for Sports, 1851 Madison Avenue, Ste 724

### Background/Discussion

There were no alcohol related incidents/arrests at any of the listed businesses this licensing period.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Liquor License Applications	Other	11/17/2021

Hard Luck Saloon- LC0038771

Premise Street : 626 16th Ave

Application Number : App-148874

Class C Liquor License

Application Type Renewal	Tentative Effective Date 2021-12-01	Tentative Expiration Date 2022-11-30	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Hard Luck LLC
Privileges and Sub Permits			

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <i>dm</i>	Local Amt	
FIRE <i>AP</i>	Endorsed	
BUILDING <i>SP</i>	Issued	
ZONING <i>CA</i>	Expires	
	Council	<i>11.22.21</i>

Hy-Vee #2-LE0001063

Premise Street : 1745 Madison Ave

Class E Liquor License

Application Number : App-150123

Application Type

Renewal

Tentative Effective Date

2022-01-09

Tentative Expiration Date

2023-01-08

Application Status ?

Submitted to Local Authority

License Length

12 Month

Local Authority

City of Council Bluffs

Dramshop

Corporation Name

Hy-Vee, Inc.

Privileges and Sub Permits

Sunday Service

<input checked="" type="checkbox"/>	RENEWAL	<input type="checkbox"/>	NEW	<input type="checkbox"/>	SPECIAL EVENT
POLICE	<u>car</u>	Local Amt	_____		
FIRE	<u>AP</u>	Endorsed	_____		
BUILDING	<u>[Signature]</u>	Issued	_____		
ZONING	<u>[Signature]</u>	Expires	_____		
		Council	<u>11.22.21</u>		

La Mesa Mexican Restaurant- LC0034060

Premise Street : 3036 S Expressway

Application Number : App-145371

Class C Liquor License

Application Type Renewal	Tentative Effective Date 2021-09-20	Tentative Expiration Date 2022-09-19	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Manawa La Mesa Corporation

Privileges and Sub Permits

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>Cur</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>[Signature]</u>	Issued _____	
ZONING <u>[Signature]</u>	Expires _____	
	Council <u>11-22-21</u>	

Oskies For Sports- LC0037259

Premise Street : 1851 Madison Ave Ste 724

Application Number : App-150265

Class C Liquor License

Application Type  
Renewal

Tentative Effective Date  
2021-12-16

Tentative Expiration Date  
2022-12-15

Application Status  
Submitted to Local Authority

License Length  
12 Month

Local Authority  
City of Council Bluffs

Dramshop

Corporation Name  
4 Amigos Inc

Privileges and Sub Permits

<input checked="" type="checkbox"/>	RENEWAL	LOCAL AUTHORITY	SPECIAL EVENT
POLICE	<i>en</i>	Local Amt	_____
FIRE	<i>AP</i>	Endorsed	_____
BUILDING	<i>SR</i>	Issued	_____
ZONING	<i>CS</i>	Expires	_____
		Council	<i>11.22.21</i>