Paula Hazlewood - Advanced Southwest Iowa Update

Jim Reiff - Nebraska Enterprise Fund

Vincent Martorello - Water Feature Update

Review Agenda

City Council Meeting Minutes
October 12, 2020

CALL TO ORDER

Mayor Walsh called the meeting to order on Monday October 12, 2020 at 7:00 p.m.
Council Member present: Chad Hannan, Melissa Head, Roger Sandau and Mike Wolf.
Council Member present via phone: Joe Disalvo
Staff present: Brandon Garrett, Matt Mardesen, Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

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

Reading, correction and approval of the September 28, 2020 City Council Meeting Minutes.

Ordinance 6430

Ordinance to amend the zoning map, as adopted by reference in Section 15-02-070 and setting a public hearing for October 26, 2020 at 7:00 p.m., by rezoning a portion of Lot 117, Fox Run Landing, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District as defined in chapter 15.08B.

Resolution 20-242

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.

Resolution 20-243

Resolution accepting the work of MMC Mechanical Contractor, Inc., as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the UP Museum Boiler and Chiller Replacement Project. Project #BM-20-04

Resolution 20-244

Resolution setting a public hearing for October 26, 2020 at 7:00 p.m., on the plans, specifications, form of contract, and cost estimate for the Central Fire Station ADA Improvement Project.

Claims

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

MAYORS PROCLAMATIONS

PUBLIC HEARINGS

Ordinance 6425

Ordinances to amend Title 2 – Revenue and Finance Chapter 2.08.050 - Fees and charges authorized in Title 5 – Sewers.

Chad Hannan and Roger Sandau moved and seconded approval of Second consideration of Ordinance 6425. Third consideration will be held October 25, 2020 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6426

Ordinance to amend the zoning map as adopted by reference in section 15.02.070, by rezoning property legally described as Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, from I-1/Light Industrial District to C-2/Commercial District as defined in chapter 15.15. Location: Generally along 1st Avenue, between South 13th Street and South 16th Street, between South 18th Street and South 21st Street, and between South 27th Street and South 28th Street. ZC-20-010

Heard from Brandon Garrett
Roger Sandau and Melissa Head moved and seconded approval of Motion to Continue Public Hearing for Ordinance 6426 to October 26, 2020 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6427

Ordinance to amend Title 15; Zoning of the Municipal Code by repealing Chapter 15.32 "CDO/Corridor Design Overlay" and creating Chapter 15.32A "West Broadway Corridor Design Overlay" a n d appending said Chapter 15.32A “West Broadway Corridor Design Overlay” to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue ‘A’; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. ZT-20-004

Melissa Head and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6427. Unanimous, 5-0 vote.

Melissa Head and Mike Wolf moved and seconded approval of Motion to waive 3rd consideration. Ordinance passes to law. Unanimous, 5-0 vote.

Resolution 20-245

Resolution granting final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition. Location: North of 34th Avenue, West of the South Expressway, and East of South 11th Street. SUB-20-009

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-245. Unanimous, 5-0 vote.

Resolutions 20-246 and 20-247

Resolutions to dispose of City property legally described as Lot 2, Arbor Creek Subdivision. Location: Northwest corner of College Road and Railroad Avenue. OTB-20-010

1) Resolution 20-246 Offer to buy submitted by Midlands Humane Society

2) Resolution 20-247 Offer to buy and RFP submitted by Neal Drickey

Heard from:
Alex Gum, 19394 Perry Road, Rick Stone, 125 Forest Glen Drive, Ron Wolf, 536 College Road, Clint Brunow, 16935 State Orchard Road, Joe (last name and address inaudible), Leslie Southard, 19682 Deer Run Lane and Mark, Westergard, 10909 Mill Valley Road, Omaha.

Melissa Head and Mike Wolf moved and seconded approval of Motion to Approve Resolution 20-246, Wolf seconded for discussion. , 0-0 vote.

Roger Sandau and Chad Hannan moved and seconded approval of Motion to Continue Public Hearing for Resolution 20-246 and 20-247 to October 26, 2020 at 7:00 pm. Unanimous, 5-0 vote.

ORDINANCES ON 2ND READING

Ordinance 6428

An Ordinance to amend Title 8, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by repealing existing Chapter 8.58 "Police Reserve Unit".

Roger Sandau and Melissa Head moved and seconded approval of Second Consideration of Ordinance 6428. Unanimous, 5-0 vote.

Chad Hannan and Melissa Head moved and seconded approval of Motion to waive Third Consideration. Ordinance passes to law. Unanimous, 5-0 vote.

Ordinance 6429

Ordinance to amend Chapter 4.20 "Animal Control" of the Municipal Code of Council Bluffs, Iowa, by amending Sections 4.20.082, 4.20.084, 4.20.088, 4.20.120 and 4.20.132; and creating Section 4.20.083 “Potentially Dangerous Dog Designation."

Roger Sandau and Mike Wolf moved and seconded approval of Second Consideration of Ordinance 6429. Unanimous, 5-0 vote.

Chad Hannan and Melissa Head moved and seconded approval of Motion to Waive Third Consideration. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 20-218 Amended

Resolution to vacate and dispose of Michigan Avenue right of way abutting Lots 39 through 52, Raymona Subdivision.

Mike Wolf and Melissa Head moved and seconded approval of Amended Resolution 20-218. Unanimous, 5-0 vote.

Resolution 20-248

Resolution Officially designating the City Council meeting dates for the City of Council Bluffs during the 2021 calendar year.

Melissa Head and Joe Disalvo moved and seconded approval of Resolution 20-248. Unanimous, 5-0 vote.

Resolution 20-249

Resolution to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), by reclassifying properties generally along 1st Ave, between South 13th St and South 16th St, between South 18th St and South 21st St, and between South 27th St and South 28th St, more specifically described in the Council packet, from Light Industrial to Multifamily/Mixed-Use. CP-20-001

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-249. Unanimous, 5-0 vote.

Resolution 20-250

Resolution directing the advertisement for sale of $5,115,000 (dollar amount subject to change) General Obligation Bonds, Series 2020B, and approving electronic bidding procedures and Official Statement.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-250. Unanimous, 5-0 vote.

Resolution 20-251

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.

Roger Sandau and Melissa Head moved and seconded approval of Resolution 20-251. Unanimous, 5-0 vote.

Resolution 20-252

Resolution authorizing the City to submit an U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant. Location: 813 22nd Avenue.

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-252. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses

1. Casey's General Store #3050, 510 23rd Avenue
2. Mega Saver, 3540 W Broadway

Veterans Day Parade

Chad Hannan and Roger Sandau moved and seconded approval of Applications for permits and cancellations, 7A 1-2 & 7B. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

OTHER BUSINESS

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:58 p.m.

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

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

Council Communication

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

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

Council Action: 10/12/2020

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the September 28, 2020 City Council Meeting Minutes.
ITEM 3.B.

Council Action: 10/12/2020

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
9-28-20 M	Other	10/5/2020

City Council Meeting Minutes
September 28, 2020

CALL TO ORDER

Mayor Matthew J. Walsh called the meeting to order on Monday September 28, 2020 at 7:00 p.m.
Council Members present: Joe Disalvo, Chad Hannan, Melissa Head, Roger Sandau and Mike Wolf.
Staff Present: Matt Mardesen, Richard Wade and Jodi Quakenbush.

CONSENT AGENDA

Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.
Reading, correction and approval of the September 14, 2020 City Council Meeting Minutes.
Ordinance 6425

Ordinances to amend Title 2 – Revenue and Finance Chapter 2.08.050 - Fees and charges authorized in Title 5 – Sewers and setting a public hearing for October 12, 2020 at 7:00 p.m.

Ordinance 6426

Ordinance to amend the zoning map as adopted by reference in section 15.02.070 and setting a Public Hearing for October 12, 2020 at 7:00 p.m. by rezoning property legally described as Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, from I-1/Light Industrial District to C-2/Commercial District as defined in chapter 15.15. Location: Generally along 1st Avenue, between South 13th Street and South 16th Street, between South 18th Street and South 21st Street, and between South 27th Street and South 28th Street. ZC-20-010

Ordinance 6427

Ordinance to amend Title 15; Zoning of the Municipal Code and setting a Public Hearing for October 12, 2020 at 7:00 p.m. by repealing Chapter 15.32 "CDO/Corridor Design Overlay" and creating Chapter 15.32A "West Broadway Corridor Design Overlay" a n d appending said Chapter 15.32A “West Broadway Corridor Design Overlay” to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue ‘A’; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. ZT-20-004

July 2020 Financial Reports, Right of Redemption & Claims

Chad Hannan and Mike Wolf moved and seconded approval of Consent Agenda, as amended to correct 9-14-20 meeting minutes. Unanimous, 5-0 vote.

MAYORS PROCLAMATIONS

A. Affordable Housing Week

PUBLIC HEARINGS

Resolution 20-233

Resolution instituting proceedings to take additional action and approving the reallocation of certain unspent proceeds of the General Obligation Bonds, Series 2018A.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-233. Unanimous, 5-0 vote.

Resolution 20-234

Resolution approving the Dodge Riverside Golf Course Irrigation Improvement Project, Phase II.

Melissa Head and Mike Wolf moved and seconded approval of Resolution 20-234. Unanimous, 5-0 vote.

Resolution 20-235

Resolution to dispose of City property legally described as Lot 1, Franklin Heights Subdivision. Location: The property is generally located at the Northwest Corner of the intersection of Franklin Avenue and Bennett Avenue. OTB-20-013

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 20-235. Unanimous, 5-0 vote.

Resolution 20-236

Resolution to dispose of City property legally described as the North 51.5 feet of Lot 6, Block 11, Bayliss 2nd Addition. Location: 215 S. 10th Street. OTB-20-014

Heard from Mr. & Mrs. Walker, 928 3rd Avenue
Roger Sandau and Joe Disalvo moved and seconded approval of Motion to Deny Resolution 20-236. Unanimous, 5-0 vote.

ORDINANCES ON 1ST READING

Ordinance 6428

An Ordinance to amend Title 8, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by repealing existing Chapter 8.58 "Police Reserve Unit".

Heard from Bruce Kelly, 864 McKenzie Avenue in support of the Ordinance.

Melissa Head and Mike Wolf moved and seconded approval of First Consideration of Ordinance 6428. Second Consideration scheduled for October 12, 2020 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6429

Ordinance to amend Chapter 4.20 "Animal Control" of the Municipal Code of Council Bluffs, Iowa, by amending Sections 4.20.082, 4.20.084, 4.20.088, 4.20.120 and 4.20.132; and creating Section 4.20.083 “Potentially Dangerous Dog Designation."

Roger Sandau and Mike Wolf moved and seconded approval of First Consideration of Ordinance 6429. Second Consideration scheduled for October 12, 2020 at 7:00 p.m.. Unanimous, 5-0 vote.

ORDINANCES ON 3RD READING

Ordinance 6423

Ordinance to amend the zoning map as adopted by reference in section 15.02.070, by rezoning property legally described as Lot 4, Auditor’s Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way to R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District. Location: Undeveloped land located Northeast of 830 Franklin Avenue. ZC-20-006

Roger Sandau and Melissa Head moved and seconded approval of Third Consideration of Ordinance 6423. Ordinance passes to law.. Unanimous, 5-0 vote.

RESOLUTIONS

Resolutions 20-224 amended

Resolution 20-224 to vacate and dispose of 42nd Avenue right-of-way lying between Indian Creek and South 13th Street. Location: Immediately South of properties addressed as 1301, 1403, and 1629 Veterans Memorial Highway. SAV-20-005

Mike Wolf and Melissa Head moved and seconded approval of Resolution 20-224 amended. Unanimous, 5-0 vote.

Resolution 20-237

Resolution approving and establishing protest procedures for bids and proposals of City projects.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-237. Unanimous, 5-0 vote.

Resolution 20-238

Resolution approving the City Street Financial Report ending June 30, 2020

Melissa Head and Mike Wolf moved and seconded approval of Resolution 20-238. Unanimous, 5-0 vote.

Resolution 20-239

Resolution authorizing the Mayor to execute an agreement with HGM Associates, Inc. for design and related services during the design, development, bidding, construction administration phases of the new 100-yard outdoor firearms range.

Chad Hannan and Mike Wolf moved and seconded approval of Resolution 20-239. Unanimous, 5-0 vote.

Resolution 20-240

Resolution authorizing the Mayor to execute an agreement with Action Target, Inc. to design, construct, and install a 100-yard outdoor firearms range.

Mike Wolf and Joe Disalvo moved and seconded approval of Resolution 20-240. Unanimous, 5-0 vote.

Resolution 20-241

Resolution to adopt a PR/Planned Residential Overlay District Development Plan on property legally described as Lot 4, Auditor's Subdivision of the SE 1/4 NE 1/4 of Section 31-75-43, excluding City right-of-way. Location: Undeveloped land located Northeast of 830 Franklin Avenue. PR-20-001

Mike Wolf and Chad Hannan moved and seconded approval of Resolution 20-241. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses: 1) Aldi, Inc., 3135 Manawa Centre Drive, 2) Bertha's, 1322 N 16th Street, 3) Big Kel's Pizza & Wings, 40 Arena Way, Ste 11 (Special Event), 4) Bluffs Lodge No. 531 B.P.O. Elks, 380 McKenzie Avenue, 5) Fareway Stores, Inc. #073, 310 McKenzie Avenue, 6) Goldmine Bar & Grill, 1601 Harry Langdon Blvd, 7) Hy-Vee #2 Clubroom, 1745 Madison Avenue

Melissa Head and Roger Sandau moved and seconded approval of Applications for permits and cancellations, 9A 1-7. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from:
Bruce Kelly, 864 McKenzie Aveue, Bike Trail & Extra Lane on Kaneseville.
Lisa Lima, 1000 S. Main Street, #12

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:21 pm.

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

_____
Matthew J. Walsh, Mayor

_____
Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Christopher Gibbons, Planning Coordinator

Ordinance 6430
ITEM 3.C.

Council Action: 10/12/2020

Description

Ordinance to amend the zoning map, as adopted by reference in Section 15-02-070 and setting a public hearing for October 26, 2020 at 7:00 p.m., by rezoning a portion of Lot 117, Fox Run Landing, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District as defined in chapter 15.08B.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Other	10/5/2020
Application	Other	9/30/2020
Letter of Intent	Other	9/30/2020
Ordinance 6430	Resolution	10/6/2020

City Council Communication (Reconsideration)

Department: Community Development CASES # SUB-20-004 and ZC-20-005 Applicants: Western Iowa Land Development, LLC c/o Bob McCarthy and John Jerkovich PO Box 683 Avoca, IA 51521 Authier Properties, LLC c/o Jerry Authier 1808 Skyline Drive Elkhorn, NE 68022 Grant and Cheryl Wakefield 3511 California Street Omaha, NE 68131 Engineer/Surveyor: HGM Associates, Inc. David Forsythe 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____ Ordinance No. _____	CASE #ZC-20-005 1st Consideration: 10/12/2020 2nd Consideration: 10/26/2020 3rd Consideration: Request to be waived CASE #SUB-20-004 Public Hearing: 10/26/2020 Planning Commission: 6/9/2020

Subject/Title

Request: Combined public hearing on the requests of Western Iowa Land Development, LLC and Authier Properties, LLC, represented by Bob McCarthy, John Jerkovich and Jerry Authier, for final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as a being a replat of a portion of Lot 117, Fox Run Landing from A-2/Parks, Estates, and Agricultural District to R-1/Single-Family Residential District, with said area being more particularly described as follows: Commencing at the northwesterly corner of Lot 103, Fox Run Landing, said northwesterly corner being on the easterly right-of-way line of Council Pointe Road and on a non-tangent curve, concave westerly to which point a radial line bears South 64 degrees 28 minutes 04 seconds East, 435.00 feet; thence on said easterly right-of-way line the following two (2) courses: 1) Northerly on said curve through a central angle of 23 degrees 36 minutes 09 seconds, 179.19 feet to the point of beginning; 2) continuing on said easterly right-of-way line, North 01 Degree 55 minutes 48 seconds East, 200.00 Feet; thence South 88 degrees 04 minutes 12 seconds West, 120.00 feet to the point of beginning; **AND** to rezone said Fox Run Landing Replat 4, as well as property legally described as beginning at the northeast corner of Lot 103 in said Fox Run Landing; thence on the north line of said lot 103, North 64 degrees 28 minutes 04 seconds West, 125.00 feet to a point on the easterly right-of-way line of Council Pointe Road, said point also being on a non-tangent curve, concave westerly to which point a radial line bears South 64 degrees 28 minutes 04 seconds East, 435.00 feet; thence on said easterly right-of-way line and northerly on said curve through a central angle of 11 degrees 56 minutes 35 seconds, 90.67 feet; thence South 63 degrees 55 minutes 07 seconds East, 13.10 feet to the beginning of a curve, concave southwesterly having a radius of 45.00 feet; thence southeasterly on said curve through a central angle of 37 degrees 06 minutes 45 seconds, 29.15 feet; thence south 26 degrees 48 minutes 22, seconds East, 99.84 feet; thence south 12 degrees 24 minutes 25 seconds East, 24.75 feet to

the point of beginning, all said property being located in the City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District. **Location**: Lying north of property commonly known as 5003 Council Pointe Road.

This is a request by all owners of Fox Run Golf Course for City Council to reconsider CASES #ZC-20-005 and #SUB-20-004. In August 2020, City Council voted to take no action on these cases at the request of Mr. Grant Wakefield, who is co-owner of said golf course. The ownership group has resolved their business matters involving these two cases and is now seeking approval from City Council. The location of the rezoning and subdivision are the same as previously shown; however the size of the lots has decreased which has resulted in a new legal description for the subdivision and rezoning.

Background

The Community Development Department has received an application from Western Iowa Land Development, LLC, represented by Bob McCarthy and John Jerkovich, for final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D'. The Community Development Department also received an application from Authier Properties, LLC, represented by Jerry Authier and John Jerkovich, to rezone said Fox Run Landing Replat 4, as well as property legally described as a parcel of land being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, and being more fully described on Attachment 'C'.

CASE #SUB-20-004

The proposed residential subdivision is comprised of 31,782 square feet (0.730 acres), more or less, of land and consists of two lots. This parcel of land is currently part of the Fox Run Golf Course and is zoned A-2/Parks, Estates and Agricultural District; however, an application to rezone the proposed subdivision to the R-1/Single-Family Residential District has been filed along with the final plat (see Case #ZC-20-005 below). The applicant is proposing to construct a detached single-family dwelling on each lot that will be consistent with City zoning and Fox Run Landing restrictive covenants. Both lots will remain under the ownership of Authier Properties, LLC.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Both lots measure 100 feet by 120 feet (12,000 sq. ft.) and exceed the minimum lot size requirements of the R-1 District.
3. All residential dwellings and accessory structures shall comply with the development standards stated in Section 15.08B, R-1/Single-Family Residential District, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. Proposed Lots 1 and 2 have direct access to Council Pointe Road.
5. Both lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
6. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
7. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence.
8. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
9. The Public Works Department provided the following comments:
   a. Lot 2 will need to have access restricted for the driveway to the south 50 feet due to the traffic calming device located within Council Pointe Road just to the north of said lot; and

b. Storm sewer drainage easement "A" shown shall be extended to the rear lot lines for both Lot 1 and Lot 2 to accommodate the existing drainage path from the golf course and grades within this easement shall not be adjusted.

10. The Fire Department stated they have no comments on this request.
11. Council Bluffs Water Works stated they have no comments on this request.

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

1. Place a note on the plat that reads as follows: "Vehicular access to Lot 2 shall be restricted to the south 50 feet due to the traffic calming device within Council Pointe Road just to the north of said lot."

CASE #ZC-20-005

The owner of the Fox Run Golf Course, Authier Properties, LLC, is requesting to rezone the proposed subdivision from the A-2/Parks, Estates and Agricultural District to the R-1/Single-Family Residential District for zoning consistency purposes. Additionally, the applicant is selling a portion of the golf course (see Attachment 'C') to Curtis W. and Diane M. Crouch. Mr. and Mrs. Crouch own property adjoining said portion of the golf course, which is addressed as 5003 Council Pointe Road and legally described as Lot 103, Fox Run Landing. Ownership will be transferred via a lot line adjustment. This parcel of land is included in this rezoning request to ensure the property at 5003 Council Pointe Road is not split-zoned when said parcel is incorporated into it.

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

North: Part of the Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District; an assisted living facility that is zoned A-P/Administrative-Professional District; and vacant land zoned A-2, A-P and C-2/Commercial District.

South: Residential properties that are zoned R-1/Single-Family Residential District and part of the Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District.

East: Part of Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District.

West: Vacant land zoned A-2/Parks, Estates and Agricultural District and residential properties that are zoned R-1/Single-Family Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public Park, under the section of Public Land Uses.

Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department has not received any correspondence relative to the proposed rezoning request as of the date of this report.

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

- The Public Works Department stated they have no comments on this request.
- The Fire Department stated they have no comments on this request.
- Council Bluffs Water Works stated they have no comments on this request.

Discussion

1. Although a 'single-family dwelling, detached' is a permitted use in the A-2/Parks, Estates and Agricultural District, proposed rezoning to the R-1/Single-Family Residential District will ensure single-family dwellings proposed to be constructed on Lots 1 and 2, Fox Run Landing Replat 4, will be compatible with the residential development in the Fox Run Landing neighborhood.

2. The property located at 5003 Council Pointe Road is currently zoned R-1/Single-Family Residential District. The portion of the golf course to be incorporated into this property is proposed to be rezoned to the R-1 District to avoid a split-zoned parcel of land.
3. Proposed Lots 1 and 2, Fox Landing Replat 4 meet the minimum lot size requirements of the R-1 District. The property at 5003 Council Pointe Road also meets the minimum lot size requirements of the R-1 District and will therefore meet said size requirements once the adjoining parcel proposed to be rezoned is incorporated into it.
4. Since the subject parcels of land are currently undeveloped, proposed rezoning will not affect their conformity with the Zoning Ordinance. The detached single-family dwellings proposed to be constructed on Lots 1 and 2, Fox Run Landing Replat 4, as well as any accessory structures, shall comply with the development standards stated in Section 15.08B, R-1/Single-Family Residential District, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. The dwelling at 5003 Council Pointe Road currently conforms to the R-1 District development standards. If lot line adjustment is approved, the frontage of this property would increase to 172.78 feet, which would increase the required side yard setback to 17.3 feet. Using GIS data, it is estimated that the existing dwelling is located approximately 18.4 feet from the south property line, which exceeds the new side yard setback requirement.
6. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public Park, under the Section of Public Land Uses. Single-family housing is generally not consistent with this land designation. However, further residential development is anticipated throughout the Fox Run Golf Course. The proposed detached single-family dwellings are consistent with the development activity occurring in this area of the City.
7. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-1 District.
8. A sidewalk shall be installed along the frontage of the parcel of land to be incorporated into 5003 Council Pointe Road prior to the approval of the lot line adjustment.
9. Approval of the proposed rezoning shall be contingent on the Fox Run Landing Replat 4 final plat being executed by the City, as well as on the approval of the lot line adjustment at 5003 Council Pointe Road.

Recommendation

The Community Development Department recommends the following:

1. Final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D', subject to the following conditions:
   a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
   b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
   c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
   d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
   e. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City; and
   f. The developer shall provide a copy of any recorded covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.

2. Approval of the request of Authier Properties, LLC, represented by Jerry Authier and John Jerkovich, to rezone Fox Run Landing Replat 4, as well as property legally described as being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District, based on the reasons stated above and subject to the approval of the Fox Run Landing Replat 4 final plat and the lot line adjustment at 5003 Council Pointe Road.

Public Hearing

Staff speaker for the request:

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

Speakers in favor:

1. John Jerkovich, 535 West Broadway Suite 100, Council Bluffs, IA 51503
2. Jerry Authier, 1808 Skyline Drive, Elkhorn, NE 68022

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended the following:

1. Final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D', subject to the following conditions:
   a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
   b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
   c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
   d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
   e. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City; and
   f. The developer shall provide a copy of any recorded covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.

2. Approval to rezone Fox Run Landing Replat 4, as well as property legally described as being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District, subject to the approval of the Fox Run Landing Replat 4 final plat and the lot line adjustment at 5003 Council Pointe Road.

VOTE: AYE 9 NAY 0 ABSTAIN 2 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/Zoning Map
Attachment B: Fox Run Landing Replat 4 Final Plat
Attachment C: Parcel of Land Adjoining Lot 103, Fox Run Landing – Plat of Survey
Attachment D: Lots 1 and 2, Fox Run Landing Replat 4 – Plat of Survey

Prepared by: Moises Monrroy, Planner, Community Development Department

City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, Iowa 51503
Phone: 712-328-4629 Fax: 712-328-4915

REZONING APPLICATION

A. General information

1. Applicant:
   Name: Authier Properties, LLC by: Jerry and Karen Authier - AND - Grant and Cheryl Wakefield
   Address: 1808 Skyline Drive
   City/State/Zip: Elkhorn, NE 68022
   Phone/Fax/E-Mail Address: 402.669.8573 (Jerry) / 712.209.4746 (Grant)
   Status: Property Owner X Legal Option Holder ____ Contract Purchaser ____ Auth Agent ____

2. Property Owner: (If not the same as applicant above)
   Name: ____
   Address: ____
   City/State/Zip: ____
   Phone/Fax/E-Mail Address: ____

3. Represented by:
   Name: Self Representation and John H. Jerkovich of Heartland Properties, Inc
   Address: 535 W. Broadway, Suite 100
   City/State/Zip: Council Bluffs, IA 51503
   Phone/Fax/E-Mail Address: 712.388.2212
   Status: Property Owner X Legal Option Holder ____ Contract Purchaser ____ Auth Agent X

- An application may be filed only by the owner(s) of the property or by a person authorized by the owner. Proof of that authorization must accompany the application.
- If more than one property owner is involved, please attach additional names and addresses to this application.
- I certify that the information presented with this application is true and correct to the best of my knowledge.

Signature	Print Name	Address
[signature]	Grant Wakefield Cheryl Wakefield	3511 California St Omaha 68131
[signature]	Jerry Authier Karen Authier	1808 Skyline Dr Elkhorn, NE

Please note that your application will not be accepted or there may be a delay in processing by the Community Development Department if any of the required information or materials are missing or improperly presented. In order to ensure that a complete application is provided and to avoid unnecessary delays in processing, please submit all required materials, i.e. signed application, fees, exhibits and/or site plans, special studies if applicable. If you have any questions regarding this application or required materials, please contact the Community Development Department at (712) 328-4629 between 8:00 a.m. and noon or between 1:00 p.m and 5:00 p.m., Monday through Friday.

B. Project Information:

1. Address or location of proposed rezoning: Council Pointe Road (North of house #5003)
   Legal Description: (attach survey if necessary) See attached.
2. Land Area: 0.73 (acres)
3. Current Zoning Designation: A-2
4. Requested Zoning Designation: R-1
5. Current Land Use: Golf Course
6. Proposed Land Use: Single-Family Residential
7. Reason(s) for Rezoning Request: Development of lots.
8. Attach Legal Description of Property and Survey (if requested).
9. Attach list of Property Owners/Contract Purchasers located within 200 feet of requested rezoning. This list must include owner's name, property address, billing address and legal description.
10. Attach site plan and/or other documents that illustrate this request.
11. Include nonrefundable filing fee: $200.
    Please make check made payable to the Council Bluffs City Clerk.

For Office Use Only

Case Number: _____

Planning Commission: _____
Published: _____
Action: _____

Date Complete Application Received: _____

City Council: _____
Published: _____

Action: _____

Future Land Use Designation (Comprehensive Plan) _____
Land Use Designation amendment needed: _____

Associated Case Numbers: _____

Check Number/Amount: _____

Other Comment(s): _____

City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, Iowa 51503
Phone: 712-328-4629 Fax: 712-328-4915

SUBDIVISION APPLICATION
( ) PRELIMINARY PLAN*
(X) FINAL PLAT
( ) MAJOR SUBDIVISION
(x) MINOR SUBDIVISION*
( ) REPLAT *

*A pre-application meeting is required prior to submittal

A. General information

1. Applicant:
   Name: Western Iowa Land Development, LLC c/o John Jerkovich & Bob McCarthy
   Address: PO Box 683
   City/State/Zip: Avoca, IA 51521
   Phone/Fax/E-Mail Address: 712.325.0445
   Status: Property Owner _____ Legal Option Holder ____ Contract Purchaser ____ Auth Agent x

2. Property Owner: (If not the same as applicant above)
   Name: Authier Properties, LLC by Jerry and Karen Authier - AND - Grant and Cheryl Wakefield
   Address: 1808 Skyline Drive
   City/State/Zip: Elkhorn, NE 68022
   Phone/Fax/E-Mail Address: 402.669.8573 (Jerry) / 712.209.4746 (Grant)

3. Engineer/Surveyor or Architect:
   Name: HGM Associates, Inc Contact: David Forsythe
   Address: 640 5th Avenue
   City/State/Zip: Council Bluffs, IA 51501
   Phone/Fax/E-Mail Address: 712.323.0530

- An application may be filed only by the owner(s) of the property or by a person authorized by the owner. Proof of that authorization must accompany the application.
- If more than one property owner is involved, please attach additional names and addresses to this application.
- I certify that the information presented with this application is true and correct to the best of my knowledge.

Signature | Print Name: Grant Wakefield/Cheryl Wakefield | Address: 3511 California St Omaha 68131

Signature | Print Name: Jerry Authier / Karen Authier | Address: 1808 Skyline Dr. Elkhorn Ne 68022

Please note that your application will not be accepted or there may be a delay in processing by the Community Development Department if any of the required information or materials are missing or improperly presented. In order to ensure that a complete application is provided and to avoid unnecessary delays in processing, please submit all required materials, i.e. signed application, fees, exhibits and/or site plans, special studies if applicable. If you have any questions regarding this application or required materials, please contact the Community Development Department at (712) 328-4629 between 8:00 a.m. and noon or between 1:00 p.m and 5:00 p.m., Monday through Friday.

B. Project Information: See Subdivision - Title 14 of the Municipal Code for specific requirements

1. Subdivision Name: Fox Run Landing Replat Four
2. Address or location of proposed subdivision: Council Pointe Road (North of house #5003)
3. Legal Description: (attach survey if necessary) See attached.
4. Land Area: 0.73 (acres)
5. Zoning: Current: A-2 Proposed: R-1
6. Land Use: Current: Golf Course Proposed: Single-Family Residential
7. Attach Letter of Intent describing specifically the improvements proposed to serve the subdivision and any variances being sought and the related hardship.
8. Legal Description of Property and Survey on platting document.
9. 10 signed and sealed copies, one reduced copy no larger than 8½" X 11" or 8½" X 14" and a pdf file.
10. After City Council action and incorporation of all changes to final plat documents, return a minimum of 4 mylars, 4 bond copies and 1 reduced copy to the Community Development Department. All copies shall be signed by the owner(s) signed and sealed by the surveyor.
11. Attach site plan and/or other documents that illustrate this request.
12. Include nonrefundable filing fee with check made payable to Council Bluffs City Clerk.
    a. Preliminary Plan: $250 + $5.00 per lot
    b. Variance with Preliminary Plan: $200 per variance
    c. Final Plat - Major Subdivision: $250
    d. Final Plat – Minor Subdivision/Replat: $250 + $5.00 per lot

---

For Office Use Only

Case Number: _____

Planning Commission: _____
Published: _____
Action: _____

Date Complete Application Received: _____

City Council: _____
Public Hearing Final Plat: _____
Action: _____

Associated Case Numbers: _____

Check Number/Amount: _____

Other Comment(s): _____

LETTER OF UNDERSTANDING

September 15, 2020

Council Bluffs Community Development
c/o Christopher Gibbons
209 Pearl Street
Council Bluffs, IA 51503

Re: Rezoning Application and Subdivision Application – Council Pointe Road at Fox Run

To Whom It May Concern:

It is hereby understood and agreed to by Grant and Cheryl Wakefield and Authier Properties, LLC by Jerry and Karen Authier that we are in agreement and elect to move forward with the attached rezoning application and subdivision application.

In advance, thank you for your consideration.

Sincerely,

Grant Wakefield

Cheryl Wakefield

Jerry Authier

Karen Authier

Secured Promissory Note

$900,000.00 **March 1, 2020**

WHEREAS, Jerry L. Authier and Karen J. Authier (herein called "Holders") are loaning funds to Grant Wakefield and Cheryl Wakefield, jointly (herein called "Borrowers") in connection with the Borrower's purchase of certain member's ownership interest in Authier Properties, LLC from the Holders; and

WHEREAS, the terms and conditions of Holder's loan to Borrowers are as set forth in this Note.

NOW, THEREFORE, for value received and in consideration of the foregoing and the promises made herein, the undersigned, Grant Wakefield and Cheryl Wakefield, jointly as "Borrowers" promise to pay to Jerry L. Authier and Karen J. Authier as "Holders", at such place as Holder from time to time shall designate, the principal sum of Nine Hundred Thousand & No/100 Dollars ($900,000.00), with Interest beginning on March 1, 2020 on the unpaid principal balance at the interest rate of 5.00% per annum on the following terms and conditions:

1. **Principal Payments**. Commencing on April 1, 2020, and on the first day of each month thereafter until March 1, 2030, Borrowers agree to make a payment of principal in the amount of Three Thousand Seven Hundred Fifty & 00/100's Dollars ($3,750.00) and then on April 1, 2030 to make a final principal payment of all amounts still due and owing under this Note. THE FINAL PRINCIPAL PAYMENT ON APRIL 1, 2030 OF $450,000.00 IS A BALLOON PAYMENT. See Amortization Schedule attached to this Note as Schedule A.

2. **Interest Payments.** Interest payments are due and payable on an annual basis commencing with the first interest payment being on March 1, 2021. The interest payment amount will be based on the accrued Interest on the outstanding principal balance of the promissory note from time to time from the period of the last interest payment made by the borrowers to the time of interest payment. Interest calculation will be based on the interest rate stated in this secured promissory note and the number of days the principal balance is outstanding during a 365-day annual basis.

3. **Prepayment**. Borrowers may prepay all or any portion of this Note at any time without penalty. All pre-payments on this Note shall first be applied to accrued annual interest for the current year, with any remaining amount being applied to the principal of this Note.

4. **Maturity Date and Final Payment**. All principal and interest remaining outstanding as of April 1, 2030 (the "Maturity Date") shall be paid in the form of a final principal and interest payment of all amounts still due and owing under this Note as of that date.

5. **Default**. An event of default (a "Default") under this Note shall occur upon any of the following events: (i) if any payment required by the terms hereof, or by the terms of any other documents evidencing or securing this Note (the "Purchase Agreement Documents"), is not paid when due, (ii) if Borrowers, without Holder's prior written consent, sells or otherwise pledges, transfers or disposes of any legal or equitable interest in the member's ownership interest in Authier Properties, LLC held as collateral for this Note, or (iii) if any other default occurs under this Note or under any Purchase Agreement Documents. Upon a Default, the remaining balance of unpaid principal and interest owing on this Note shall be waived. If Default occurs prior to March

08/14/2020 15:18 Gary Gard (FAX)402 393 0220 P.001/003

1, 2023, all previously purchased membership units will be forfeited and returned to Holders. If Default occurs on or after March 1, 2023, Holders, shall have the right in their sole discretion, but not the obligation, to redeem any membership units held by Borrowers at the time of default for a sum equivalent to the purchase price of $3,750.00 per unit.

6. **Governing Law**. This Note shall be interpreted, construed and enforced according to the laws of the State of Nebraska.

7. **Maximum Rate of Interest**. Borrower does not intend to pay nor does Holders intend to charge, accept or collect any interest greater than the highest legal rate of interest that may be charged under applicable law. Should the acceleration of this Note or any charges made hereunder result in the computation of interest which would cause this Note to violate any such law, any and all such excess shall be and the same is hereby waived by Holders, and any and all such excess shall be credited by Holders to the balance due on this Note.

8. **Miscellaneous**.

(a) All amounts payable under this Note are payable in lawful money of the United States.

(b) In this Note, the singular shall include the plural.

(c) Borrowers shall be jointly and severally liable with respect to the obligations hereunder and under the Purchase Agreement Documents.

(d) Whenever used herein, the terms "Borrower" and "Holder" shall be deemed to include their respective heirs, personal representatives, successors and assigns.

9. **Collateral**. This Note is secured by a Borrowers member ownership interest purchase from Holders and described in the Purchase Agreement Documents and Amended and Revised Operating Agreement duly executed by both parties.

[Remainder of page intentionally left blank. Signature page follows.]

08/14/2020 15:19 Gary Gard (FAX)402 393 0220 P.002/003

IN WITNESS WHEREOF, the undersigned Borrower has executed and delivered this Secured Promissory Note effective as of the first date above written.

BORROWERS:

Grant B. Wakefield

State of Nebraska – General Notary
BEVERLY J. HILBURN
My Commission Expires
July 21, 2021

Beverly J. Hilburn

Cheryl L. Wakefield

State of Nebraska – General Notary
BEVERLY J. HILBURN
My Commission Expires
July 21, 2021

Beverly J. Hilburn

Acknowledged By:

HOLDERS:

Jerry L. Authier

State of Nebraska – General Notary
BEVERLY J. HILBURN
My Commission Expires
July 21, 2021

Beverly J. Hilburn

Karen J. Authier

State of Nebraska – General Notary
BEVERLY J. HILBURN
My Commission Expires
July 21, 2021

Beverly J. Hilburn

08/14/2020 15:19 Gary Gard (FAX)402 393 0220 P.003/003

ORDINANCE NO. 6430

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING A PORTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT TO R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.08B OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone a portion of Lot 117, Fox Run Landing from A-2/Parks, Estates, and Agricultural District to R-1/Single-Family Residential District, with said area being more particularly described as follows: Commencing at the northwesterly corner of Lot 103, Fox Run Landing, said northwesterly corner being on the easterly right-of-way line of Council Pointe Road and on a non-tangent curve, concave westerly to which point a radial line bears South 64 degrees 28 minutes 04 seconds East, 435.00 feet; thence on said easterly right-of-way line the following two (2) courses: 1) Northerly on said curve through a central angle of 23 degrees 36 minutes 09 seconds, 179.19 feet to the point of beginning; 2) continuing on said easterly right-of-way line, North 01 Degree 55 minutes 48 seconds East, 200.00 Feet; thence South 88 degrees 04 minutes 12 seconds West, 120.00 feet to the point of beginning; **AND** rezoning a separate portion of Lot 117, Fox Run Landing being more particularly described as: beginning at the northeast corner of lot 103 in said Fox Run Landing; thence on the north line of said lot 103, North 64 degrees 28 minutes 04 seconds West, 125.00 feet to a point on the easterly right-of-way line of Council Pointe Road, said point also being on a non-tangent curve, concave westerly to which point a radial line bears South 64 degrees 28 minutes 04 seconds East, 435.00 feet; thence on said easterly right-of-way line and northerly on said curve through a central angle of 11 degrees 56 minutes 35 seconds, 90.67 feet; thence South 63 degrees 55 minutes 07 seconds East, 13.10 feet to the beginning of a curve, concave southwesterly having a radius of 45.00 feet; thence southeasterly on said curve through a central angle of 37 degrees 06 minutes 45 seconds, 29.15 feet; thence south 26 degrees 48 minutes 22, seconds East, 99.84 feet; thence south 12 degrees 24 minutes 25 seconds East, 24.75 feet to the point of beginning, all said property being located in the City of Council Bluffs, Pottawattamie County, Iowa.

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

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

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided and upon approval of Final Plat for Fox Run Landing Replat 4 and the lot line adjustment at 5003 Council Pointe Road.

ADOPTED
AND October 26, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-12-20
Second Consideration: 10-26-20
Public Hearing: 10-26-20
Third Consideration:

Council Communication

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

Resolution 20-242
ITEM 3.D.

Council Action: 10/12/2020

Description

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.

Background/Discussion

Resolution 19-260 was approved on November 18, 2019 giving the City permission to repurpose a portion of the unspent bond proceeds for the 2016A General Obligation bonds. At the same time of the repurpose, the City deemed it necessary to reallocate the premium on the 2016A bond proceeds from the Capital fund to the Debt Service fund. Typically, premium on bonds is allocated to Debt Service to apply toward future principal and interest payments on the bonds. Due to a change in the Administrative Code for the State of Iowa (Iowa Code 545-2), a fund transfer resolution must be completed for all transfer between funds. At this time, the City is requesting Council to approve the transfer of $102,765 from the Capital fund to the Debt Service fund.

Recommendation

Approve the resolution.

ATTACHMENTS:

Description	Type	Upload Date
Transfer detail	Other	10/6/2020
Resolution 20-242	Resolution	10/6/2020

Fund Transfers
Council Meeting: October 12, 2020

Transfer From		Transfer To				
Fund Category	**Fund Name**	**Fund Category**	**Fund Name**	**Amount**	**Purpose**	**Effective FY**
Capital Projects	Captial Projects	Debt Service	Debt Service	102,765	Transfer remaining premium of the 2016A General Obligation Bonds to Debt Service	FY20

Resolution 20-242

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY20.

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

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

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

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

Adopted and Approved: October 12, 2020

_____
Matthew J. Walsh, Mayor

_____
Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM-20-04
Submitted by: Jeremy Noel, Public Works Operations Manager

Resolution 20-243
ITEM 3.E.

Council Action: 10/12/2020

Description

Resolution accepting the work of MMC Mechanical Contractor, Inc., as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the UP Museum Boiler and Chiller Replacement Project. Project #BM-20-04

Background/Discussion

The Council Bluffs Carnegie Free Public Library was renovated in 2002 and the Union Pacific Railroad Museum has occupied the building since May of 2003. The boiler and chiller had reached the end of the industry's standard life expectancy for these types of equipment.

Replacement of this equipment will reduce energy costs and provide a more reliable environment for the Union Pacific's Historical Collection.

The project was included in the FY20 CIP with funding from the General Fund.

	Total
Original Contract Amount	$190,720.00
Change Orders	$0.00
Final Contract Amount	$190,720.00
Less Previous Payments	$171,648.00
Retainage Due Contractor	$19,072.00

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

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 20-243	Resolution	10/6/2020

R E S O L U T I O N
NO 20-243

RESOLUTION ACCEPTING THE WORK OF MMC MECHANICAL CONTRACTOR, INC., IN CONNECTION WITH THE UP MUSUEM BOILER AND CHILLER REPLACEMENT PROJECT AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF $19,072.00 PROJECT #BM-20-04

WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with MMC Mechanical Contractor, Inc., Omaha, NE, for the Union Pacific Museum Boiler and Chiller Replacement; 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 $19,072.00 to MMC Mechanical Contractor, 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 council of the City of Council Bluffs has been advised and does believe that said $19,072.00 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 $19,072.00 payable to MMC Mechanical Contractor, Inc., from budget code Division 1 S36100-676000; Project #B2004.

ADOPTED
AND
APPROVED_____, 2020

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM21-04
Submitted by: Jeremy Noel, Public Works Operations Manager

Resolution 20-244
ITEM 3.F.

Council Action: 10/12/2020

Description

Resolution setting a public hearing for October 26, 2020 at 7:00 p.m., on the plans, specifications, form of contract, and cost estimate for the Central Fire Station ADA Improvement Project.

Background/Discussion

The Community Development Department moved to City Hall in March of 2020. The Fire Department's Administrative Staff along with the Fire Marshall's Office moved into the former Community Development Department's space which is not ADA accessible.

This project will provide a corridor that begins at the front entrance of the Central Fire Station on the east side of the building. This hallway will pass through the building and open into the new Fire Administration offices thus eliminating the ADA accessibility issues.

The estimated cost of this project is $72,565. The project was included in the FY21 CIP with funding from the General Fund.

The project schedule is as follows:

Set Public Hearing	October 12, 2020
Hold Public Hearing	October 26, 2020
Bid Letting	November 17, 2020
Award	December 14, 2020
Construction End	March 31, 2021

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Other	10/2/2020
Resolution 20-244	Resolution	10/6/2020

Notice of Public Hearing

on the

Plans, Specifications, Form of Contract, and Cost Estimate

for the

Central Fire Station ADA Improvement Project

Project # BM21-04

A Public Hearing will be held on October 26, 2020 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 Central Fire Station ADA Improvement Project. This project will include the removal and replacement of doors, walls, and flooring, painting, and mechanical and electrical work. At said hearing any interested person may appear and file objections to such plans and specifications.

_____

Jodi Quakenbush, City Clerk

RESOLUTION NO. 20-244

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 CENTRAL FIRE STATION ADA IMPROVEMENT PROJECT PROJECT #BM21-04

WHEREAS, the City of Council Bluffs desires to renovate the Central Fire Station area; and

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

WHEREAS, funding for this project will be provided by the General Fund CIP; 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 Central Fire Station ADA Improvement Project on October 26, 2020, at 7:00 p.m.

ADOPTED
AND
APPROVED October 12, 2020

_____
Matthew Walsh Mayor

Attest: _____
Jodi Quakenbush City Clerk

Council Communication

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

Claims
ITEM 3.G.

Council Action: 10/12/2020

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Claims, 10.12.20	Other	10/5/2020

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

CITY CLAIM NO. 20-PK-2082

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Sara Humphrey DAY PHONE: /

ADDRESS: Council Bluffs IA 5150 DOB:

DATE & TIME OF LOSS/ACCIDENT: 8-10-2020

LOCATION OF LOSS/ACCIDENT: 2527 Ave G

DESCRIPTION OF LOSS/ACCIDENT: City tree fell and damaged house & car. City came to clean and advised to make a claim for any damages.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: $ estimates enclosed

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

WAS POLICE REPORT FILED ____ YES X NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? X YES ____ NO

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

LIST INSURANCE PROVIDER AND COVERAGE:

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

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

9-30-2020
DATE

Sara Humphrey
CLAIMANT'S SIGNATURE

RECEIVED
10-1-20
CITY ATTORNEY'S OFFICE

Action by Council:
Receive & File:
Date: 10.12.20

CLERK RCVD
2 OCT'20
AM 9:10

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

CITY CLAIM NO. 20-FD-2081

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Kody Liermann DAY PHONE:

ADDRESS Omaha, NE 68137 DOB:

DATE & TIME OF LOSS/ACCIDENT: 09-18-2020 around 10am

LOCATION OF LOSS/ACCIDENT: 3405 S. 11th St Council Bluffs, IA 51501

DESCRIPTION OF LOSS/ACCIDENT: While attending fire training, my vehicle was parked in the parking lot. The fire department crane failed and crashed into my truck.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: $ estimate coming from custom auto body

WITNESS(ES) (Name(s), Address(es), Phone No(s). Clif Anderson
Alex Ford
Jeff Thielen

WAS POLICE REPORT FILED ____ YES X NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:
None.

HAVE YOU RESUMED NORMAL ACTIVITIES? X YES ____ NO

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

LIST INSURANCE PROVIDER AND COVERAGE: Travelers / Full coverage

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

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

9-28-20
DATE

Kody Li
CLAIMANT'S SIGNATURE

RECEIVED
9-28-20
CITY ATTORNEY'S OFFICE

Action by Council:
Receive & File:
Date: 10.12.20

CLERK RCVD
28 SEP'20
AM9:37

Council Communication

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

Ordinance 6425
ITEM 4.A.

Council Action: 10/12/2020

Description

Ordinances to amend Title 2 – Revenue and Finance Chapter 2.08.050 - Fees and charges authorized in Title 5 – Sewers.

Background/Discussion

The City provides sewer service to residential, commercial and industrial customers both inside and outside of the Council Bluffs City limits. This service consists of the collection, transmission, treatment, and discharge of sewage generated by customers. The City charges sewer rates which are based on the flow volume the customer adds to the system, and in the case of industrial customers, the level of treatment required to meet permit standards.

A rate study for the City's sanitary sewer enterprise fund was completed in June. The study assessed the existing revenues based on the revised rate structure and in an effort to determine whether adjustments are necessary. The study considered ongoing operations and maintenance of the sanitary sewer system as well as anticipated wastewater plant infrastructure upgrades and treatment capacity expansions.

The City's last increase was approved in 2015, which included a phased approach over 5 years and implementation of a more equitable rate structure. The previous raise to rates occurred ten years prior (2005).

The study revealed that sewer rates are still too low. In order to address increases in operation and maintenance costs and the replacement of aging infrastructure, an increase to the sewer rates is recommended.

Council Bluffs remains near the bottom for rates in Iowa.

A summary of the increases are listed below:

1) 5.22.010 (in-town unit rate):
   a. 26% for year 2021, 8% for years 2022-2025
   b. Fee increases match for all volume groupings (no declining rate block)

2) 5.22.010 (out-of-town unit rate):
   a. 26% for year 2021, 8% for years 2022-2025
   b. Fee increases match for all volume groupings (no declining rate block)

3) 5.22.020 (flat rate users): one increase to match in-town residential
   a. 26% increase for year 2021; does not continue to increase past this ($28.80)

4) 5.22.020 (minimum sewer charge):
   a. 46% for year 2021, 5% for years 2022-2025

5) 5.22.050 (administrative fee): unchanged

6) 5.22.060 (in-town industries):
   a. 83% for year 2021, 8% for years 2022-2025

7) 5.22.060 (out-of-town industries): increased to match in-town industrial percentages
   a. 83% for year 2021, 8% for years 2022-2025

8) 5.22.060 Surcharges for BOD, TSS, and Oil & Grease: unchanged
   a. No increase to the loading surcharge on top of the flow rate increase

9) 5.23.020 disposal fees for septic tank: unchanged

Recommendation

Approval of this ordinance.

ATTACHMENTS:

Description	Type	Upload Date
PH Notice	Other	9/24/2020

Redlined ordinance	Ordinance	9/21/2020
Ordinance 6425	Ordinance	9/23/2020

Notice of Public Hearing

for

Amending Title 2 - Revenue and Finance Chapter 2.08 “Schedule of Fees”

Of the 2015 Municipal Code of Council Bluffs, Iowa

By amending Section 2.08.050

A public hearing will be held on October 12, 2020, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, for amending Title 2 - Revenue and Finance Chapter 2.08.050 - Fees and charges authorized in Title 5 - Sewers. At said hearing, any interested person may appear and file objections to such plans.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 2 REVENUE AND FINANCE, CHAPTER 2.08 "SCHEDULE OF FEES" OF THE ~~2010~~2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 2.08.050.

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

SECTION 1. That Chapter 2.08 "Schedule of Fees" of the ~~2010~~2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 2.08.050 to read as follows:

2.08.050 - Fees and charges authorized in Title 5.

Municipal Code Section Authorizing License, Fee or Permit	Description of License, Fee, or Permit	Charge
5.22.010	New service charge, rate or rental, inside the city limits:	
	For the first 15 hundred cubic feet per month	April 1, 2021~~15~~ - $3.60~~2.48~~/100 cubic ft. July 1, 2022~~16~~ - $3.90~~2.86~~/100 cubic ft. July 1, 2023~~17~~ - $4.22~~2.86~~/100 cubic ft. July 1, 2024~~18~~ - $4.57~~2.86~~/100 cubic ft. July 1, 2025~~19~~ - $4.95~~2.86~~/100 cubic ft.

	Next 1,985 hundred cubic feet per month	April 1, 2021 - $3.60/100 cubic ft. July 1, 2022 - $3.90/100 cubic ft. July 1, 2023 - $4.22/100 cubic ft. July 1, 2024 - $4.57/100 cubic ft. July 1, 2025 - $4.95/100 cubic ft.~~March 1, 2015 - $1.76/100 cubic ft.~~ ~~July 1, 2016 - $1.99/100 cubic ft.~~ ~~July 1, 2017 - $2.24/100 cubic ft.~~ ~~July 1, 2018 - $2.53/100 cubic ft.~~ ~~July 1, 2019 - $2.86/100 cubic ft.~~
	Over 2,000 hundred cubic feet per month	April 1, 2021 - $3.60/100 cubic ft. July 1, 2022 - $3.90/100 cubic ft. July 1, 2023 - $4.22/100 cubic ft. July 1, 2024 - $4.57/100 cubic ft. July 1, 2025 - $4.95/100 cubic ft.~~March 1, 2015 - $0.97/100 cubic ft.~~ ~~July 1, 2016 - $1.27/100 cubic ft.~~ ~~July 1, 2017 - $1.67/100 cubic ft.~~ ~~July 1, 2018 - $2.18/100 cubic ft.~~ ~~July 1, 2019 - $2.86/100 cubic ft.~~

	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	
	New service charge, rate or rental, outside the city limits:	
	For the first 15 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft. July 1, 2023 - $5.25/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.~~March 1, 2015 - $3.23/100 cubic ft.~~ ~~July 1, 2016 - $3.56/100 cubic ft.~~ ~~July 1, 2017 - $3.56/100 cubic ft.~~ ~~July 1, 2018 - $3.56/100 cubic ft.~~ ~~July 1, 2019 - $3.56/100 cubic ft.~~
	Next 1,985 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft. July 1, 2023 - $5.25/100 cubic ft.

		July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.~~March 1, 2015 - $2.34/100 cubic ft.~~ ~~July 1, 2016 - $2.48/100 cubic ft.~~ ~~July 1, 2017 - $2.80/100 cubic ft.~~ ~~July 1, 2018 - $3.16/100 cubic ft.~~ ~~July 1, 2019 - $3.56/100 cubic ft.~~
	Over 2,000 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft. July 1, 2023 - $5.25/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.~~March 1, 2015 - $1.21/100 cubic ft.~~ ~~July 1, 2016 - $1.58/100 cubic ft.~~ ~~July 1, 2017 - $2.07/100 cubic ft.~~ ~~July 1, 2018 - $2.72/100 cubic ft.~~ ~~July 1, 2019 - $3.56/100 cubic ft.~~
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely	

	correspond with the months November through March.	
5.22.020	Flat rate sewerage service charge	April 1, 2021 - $28.80/100 cubic ft. July 1, 2022 - $28.80/100 cubic ft. July 1, 2023 - $28.80/100 cubic ft. July 1, 2024 - $28.80/100 cubic ft. July 1, 2025 - $28.80/100 cubic ft.~~March 1, 2015 - $19.83/Residential unit~~ ~~July 1, 2016 - $22.88/Residential unit~~ ~~July 1, 2017 - $22.88/Residential unit~~ ~~July 1, 2018 - $22.88/Residential unit~~ ~~July 1, 2019 - $22.88/Residential unit~~
	Minimum sewerage service charge	April 1, 2021 - $12.50/100 cubic ft. July 1, 2022 - $13.08/100 cubic ft. July 1, 2023 - $13.69/100 cubic ft. July 1, 2024 - $14.33/100 cubic ft. July 1, 2025 - $15.00/100 cubic ft.~~March 1, 2015 - $7.44/Residential unit~~ ~~July 1, 2016 - $8.58/Residential unit~~ ~~July 1, 2017 - $8.58/Residential unit~~ ~~July 1, 2018 - $8.58/Residential unit~~

		~~July 1, 2019 - $8.58/Residential unit~~
5.22.050	Administrative assessment fee for collection of delinquent sewer bills	$50.00
5.22.060	Special rates for users who are defined as significant users under the city's pretreatment program based on concentration of raw flow prior to pretreatment shall be as follows:	
	Flow rate (inside city limits):	April 1, 2021 - $3.20/100 cubic ft. July 1, 2022 - $3.46/100 cubic ft. July 1, 2023 - $3.73/100 cubic ft. July 1, 2024 - $4.03/100 cubic ft. July 1, 2025 - $4.35/100 cubic ft.~~March 1, 2015 - $0.53/100 cubic ft.~~ ~~July 1, 2016 - $0.71/100 cubic ft.~~ ~~July 1, 2017 - $ 0.96/100 cubic ft.~~ ~~July 1, 2018 - $1.30/100 cubic ft.~~ ~~July 1, 2019 - $1.75/100 cubic ft.~~~~0.39 per 100 cubic feet~~
	Flow rate (outside city limits) :	April 1, 2021 - $4.52/100 cubic ft. July 1, 2022 - $4.88/100 cubic ft. July 1, 2023 - $5.27/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft.

		July 1, 2025 - $6.14/100 cubic ft.~~March 1, 2015 - $ 0.74/100 cubic ft.~~ ~~July 1, 2016 - $1.00/100 cubic ft.~~ ~~July 1, 2017 - $ 1.35/100 cubic ft.~~ ~~July 1, 2018 - $1.83/100 cubic ft.~~ ~~July 1, 2019 - $2.47/100 cubic ft.~~
	Surcharges(inside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021 - $ .291/100 cubic ft. July 1, 2022 - $ .291/100 cubic ft. July 1, 2023 - $ .291/100 cubic ft. July 1, 2024 - $ .291/100 cubic ft. July 1, 2025 - $ .291/100 cubic ft.~~March 1, 2015 - $ 0.88 per pound~~ ~~July 1, 2016 - $ .118 per pound~~ ~~July 1, 2017 - $ .160 per pound~~ ~~July 1, 2018 - $ .216 per pound~~ ~~July 1, 2019 - $ .291 per pound~~
	For suspended solids over 350 parts per million, by weight	April 1, 2021 - $ .596/100 cubic ft. July 1, 2022 - $ .596/100 cubic ft. July 1, 2023 - $ .596/100 cubic ft. July 1, 2024 - $ .596/100 cubic ft.

		July 1, 2025 - $ .596/100 cubic ft.~~March 1, 2015 - $ .180 per pound~~ ~~July 1, 2016 - $ .242 per pound~~ ~~July 1, 2017 - $ .327 per pound~~ ~~July 1, 2018 - $ .442 per pound~~ ~~July 1, 2019 - $ .596 per pound~~
	For recoverable oil and grease over 100 parts per million, by weight	March 1, 2021 - $ .291/100 cubic ft. July 1, 2022 - $ .291/100 cubic ft. July 1, 2023 - $ .291/100 cubic ft. July 1, 2024 - $ .291/100 cubic ft. July 1, 2025 - $ .291/100 cubic ft.~~March 1, 2015 - $ 0.88 per pound~~ ~~July 1, 2016 - $ .118 per pound~~ ~~July 1, 2017 - $ .160 per pound~~ ~~July 1, 2018 - $ .216 per pound~~ ~~July 1, 2019 - $ .291 per pound~~
	Surcharge (outside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021~~15~~ - $ .375~~113~~ per pound July 1, 2022~~16~~ - $. 375~~152~~ per pound July 1, 2023~~17~~ - $. 375~~206~~ per pound July 1, 2024~~18~~ - $. 375~~278~~ per pound July 1, 2025~~19~~ - $ .375 per pound
	For suspended solids over 350 parts per million, by weight	April 1, 2021~~15~~ - $ .684~~206~~ per pound

		July 1, 2022~~16~~ - $ .684~~278~~ per pound July 1, 2023~~17~~ - $ .684 ~~375~~per pound July 1, 2024~~18~~ - $.~~506~~684 per pound July 1, 2025~~19~~ - $ .684 per pound
	For recoverable oil and grease over 100 parts per million, by weight	April 1, 2021 - $ .375 per pound July 1, 2022 - $. 375 per pound July 1, 2023 - $. 375 per pound July 1, 2024 - $. 375 per pound July 1, 2025 - $ .375 per pound ~~March 1, 2015 - $ 0.113 per pound~~ ~~July 1, 2016 - $ .152 per pound~~ ~~July 1, 2017 - $ .206 per pound~~ ~~July 1, 2018 - $ .278 per pound~~ ~~July 1, 2019 - $ .375 per pound~~
5.23.020	Disposal fees for septic tank refuse	$30.00/1,000 gallons

(Ord. 5825 § 1, 2004).

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

_____

_____

MATTHEW J. WALSH Mayor

Attest: _____

JODI QUAKENBUSH City Clerk

First Consideration:
Second Consideration:
Public Hearing:
Third Consideration:

ORDINANCE NO. 6425

AN ORDINANCE TO AMEND TITLE 2 REVENUE AND FINANCE, CHAPTER 2.08 "SCHEDULE OF FEES" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 2.08.050.

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

SECTION 1. That Chapter 2.08 "Schedule of Fees" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 2.08.050 to read as follows:

2.08.050 - Fees and charges authorized in Title 5.

Municipal Code Section Authorizing License, Fee or Permit	Description of License, Fee, or Permit	Charge
5.22.010	New service charge, rate or rental, inside the city limits:	
	For the first 15 hundred cubic feet per month	April 1, 2021 - $3.60/100 cubic ft. July 1, 2022 - $3.90/100 cubic ft. July 1, 2023 - $4.22/100 cubic ft. July 1, 2024 - $4.57/100 cubic ft. July 1, 2025 - $4.95/100 cubic ft.

	Next 1,985 hundred cubic feet per month	April 1, 2021 - $3.60/100 cubic ft. July 1, 2022 - $3.90/100 cubic ft. July 1, 2023 - $4.22/100 cubic ft. July 1, 2024 - $4.57/100 cubic ft. July 1, 2025 - $4.95/100 cubic ft.
	Over 2,000 hundred cubic feet per month	April 1, 2021 - $3.60/100 cubic ft. July 1, 2022 - $3.90/100 cubic ft. July 1, 2023 - $4.22/100 cubic ft. July 1, 2024 - $4.57/100 cubic ft. July 1, 2025 - $4.95/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	
	New service charge, rate or rental, outside the city limits:	
	For the first 15 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft.

		July 1, 2023 - $5.25/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.
	Next 1,985 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft. July 1, 2023 - $5.25/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.
	Over 2,000 hundred cubic feet per month	April 1, 2021 - $4.48/100 cubic ft. July 1, 2022 - $4.85/100 cubic ft. July 1, 2023 - $5.25/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.16/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	

5.22.020	Flat rate sewerage service charge	April 1, 2021 - $28.80/100 cubic ft. July 1, 2022 - $28.80/100 cubic ft. July 1, 2023 - $28.80/100 cubic ft. July 1, 2024 - $28.80/100 cubic ft. July 1, 2025 - $28.80/100 cubic ft.
	Minimum sewerage service charge	April 1, 2021 - $12.50/100 cubic ft. July 1, 2022 - $13.08/100 cubic ft. July 1, 2023 - $13.69/100 cubic ft. July 1, 2024 - $14.33/100 cubic ft. July 1, 2025 - $15.00/100 cubic ft.
5.22.050	Administrative assessment fee for collection of delinquent sewer bills	$50.00
5.22.060	Special rates for users who are defined as significant users under the city's pretreatment program based on concentration of raw flow prior to pretreatment shall be as follows:	
	Flow rate (inside city limits):	April 1, 2021 - $3.20/100 cubic ft. July 1, 2022 - $3.46/100 cubic ft. July 1, 2023 - $3.73/100 cubic ft. July 1, 2024 - $4.03/100 cubic ft.

		July 1, 2025 - $4.35/100 cubic ft.
	Flow rate (outside city limits) :	April 1, 2021 - $4.52/100 cubic ft. July 1, 2022 - $4.88/100 cubic ft. July 1, 2023 - $5.27/100 cubic ft. July 1, 2024 - $5.69/100 cubic ft. July 1, 2025 - $6.14/100 cubic ft.
	Surcharges(inside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021 - $ .291/100 cubic ft. July 1, 2022 - $ .291/100 cubic ft. July 1, 2023 - $ .291/100 cubic ft. July 1, 2024 - $ .291/100 cubic ft. July 1, 2025 - $ .291/100 cubic ft.
	For suspended solids over 350 parts per million, by weight	April 1, 2021 - $ .596/100 cubic ft. July 1, 2022 - $ .596/100 cubic ft. July 1, 2023 - $ .596/100 cubic ft. July 1, 2024 - $ .596/100 cubic ft. July 1, 2025 - $ .596/100 cubic ft.
	For recoverable oil and grease over 100 parts per million, by weight	April 1, 2021 - $ .291/100 cubic ft.

		July 1, 2022 - $ .291/100 cubic ft. July 1, 2023 - $ .291/100 cubic ft. July 1, 2024 - $ .291/100 cubic ft. July 1, 2025 - $ .291/100 cubic ft.
	Surcharge (outside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021 - $ .375 per pound July 1, 2022 - $ .375 per pound July 1, 2023 - $ .375 per pound July 1, 2024 - $ .375 per pound July 1, 2025 - $ .375 per pound
	For suspended solids over 350 parts per million, by weight	April 1, 2021 - $ .684 per pound July 1, 2022 - $ .684 per pound July 1, 2023 - $ .684 per pound July 1, 2024 - $ .684 per pound July 1, 2025 - $ .684 per pound
	For recoverable oil and grease over 100 parts per million, by weight	April 1, 2021 - $ .375 per pound July 1, 2022 - $ .375 per pound July 1, 2023 - $ .375 per pound July 1, 2024 - $ .375 per pound July 1, 2025 - $ .375 per pound
5.23.020	Disposal fees for septic tank refuse	$30.00/1,000 gallons

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 October 26, 2020
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 9-28-20
Second Consideration: 10-12-20
Public Hearing: 10-12-20
Third Consideration: 10-26-20

Council Communication

Department: City Clerk
Case/Project No.: ZC-20-010
Submitted by: Moises Monrroy, Planner

Ordinance 6426
ITEM 4.B.

Council Action: 10/12/2020

Description

Ordinance to amend the zoning map as adopted by reference in section 15.02.070, by rezoning property legally described as Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, from I-1/Light Industrial District to C-2/Commercial District as defined in chapter 15.15. Location: Generally along 1st Avenue, between South 13th Street and South 16th Street, between South 18th Street and South 21st Street, and between South 27th Street and South 28th Street. ZC-20-010

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZC-20-010 Staff Report	Other	9/18/2020
Attachment A - Location and Zoning Map	Map	9/18/2020
Attachment B - Land Uses	Other	9/18/2020
Attachment C - Impact of Proposed Rezoning and Updates	Other	9/18/2020
Attachment D - Legal Descriptions	Other	9/18/2020
Public Hearing Notice	Other	9/18/2020
Ordinance 6426	Ordinance	9/23/2020

City Council Communication

Department: Community Development CASES #ZC-20-010 and #CP-20-001 Applicant/Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	CASE #ZC-20-010 1st Consideration: 09/28/2020 2nd Consideration: 10/12/2020 3rd Consideration: Request to be Waived CASE #CP-20-001 1st Consideration: 10/12/2020 Planning Commission: 9/8/2020

Subject/Title

Request: Combined public hearing on the following requests of the City of Council Bluffs:

1. Rezone properties legally described as Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; The East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30; Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6; Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to C-2/Commercial District; and
2. Amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use.

Location: Generally along 1st Avenue, between South 13th Street and South 16th Street, between South 18th Street and South 21st Street, and between South 27th Street and South 28th Street.

Background

The Community Development Department is proposing to rezone properties located along 1st Avenue, legally described in Attachment 'D,' from I-1/Light Industrial District to C-2/Commercial District. The request is part of the ongoing effort to implement the long-range vision of the West Broadway Corridor Plan, which is to create a vibrant urban corridor that supports multi-modal transportation options, mixed-use development, and architecture that enhances the quality of life and attractiveness of the City of Council Bluffs. In this regard, the Community Development Department is also proposing to replace the existing West Broadway Corridor Design Overlay (CDO) standards with Chapter 15.32A, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) (see Case #ZT-20-004). Proposed Chapter 15.32A will clarify the boundary of the West Broadway CDO and will apply to the area geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street; and on the west by the east right-of-way line of Interstate 29/480. All properties included in this rezoning are located within the proposed boundary of the West Broadway CDO.

There are 29 parcels of land included in the proposed rezoning. The City of Council Bluffs owns four of these parcels (see Attachment 'A'). Other property owners with land included in the request are listed below:

- Pamela M. Bogardus – Bogardus Plumbing Co. (20 South 19th Street)
- Chicago Central and Pacific Railroad – undeveloped land
- Chicago Northwestern Railroad – undeveloped land
- Dennis E. and Diane M. Garrison – residential property (21 South 21st Street)
- GMB Investments LLC – residential property (108 South 15th Street)
- Michael S. May – Council Bluffs Work Staffing (1824 2nd Avenue)
- McIntosh Properties LLC – Iowa Rigger's Loft/Chad & Tracey Construction LLC (110 South 18th Street)
- Lawanya Morgal – residential property (1422 2nd Avenue)
- Richard Rosas – M & R Welding (119 South 28th Street)
- John M. and Beverly A. Roth – commercial storage/contractor shop (29 South 21st Street)
- SHS Properties LLC – Katelman Steel Fabrication, Inc. (2030 2nd Avenue)
- Kathy S. Scott – communication tower/storage yard (2735 1st Avenue)
- Michael L. Scott – Affordable Storage (2714 2nd Avenue)
- Curtis E. Slama – undeveloped land
- Southside Auto Supply Inc. – undeveloped land
- TK3 Enterprises LLC – Creative Auto Solutions/Smart Start Ignition Interlock (20 South 15th Street)
- Valley View-Broadway Stores – Retail Rebel (1801 West Broadway)
- Value Foods LLC – Red Wheel Fundraising (16 South 15th Street)
- Timothy P. and Anna M. Varn – Montang Body Shop (1426 2nd Avenue)
- Verizon Wireless LLC – communication tower (2731 1st Avenue)
- John R. and Brenda L. Way – J & B's Lounge (16 South 19th Street)
- David L. and Karen J. Wilson – Jeff's Body Shop/American Auto Care Inc. (15 South 20th Street)

All property owners included in the request were mailed public notices detailing how the proposed zoning changes will or will not impact the future use(s) of their property. In total, the Community Development Department mailed out approximately 1,200 public notices to all affected property owners within the CDO boundary and those within 200 feet of said boundary which advised them on the proposed rezoning, the proposed updates to the CDO and the construction of the 1st Avenue trail. Thirty-four (34) letters were returned to the Community Development Department office as undeliverable. The Community Development Department hosted

an open house on August 27, 2020 to provide the public an informal opportunity to discuss the above items with Staff; 30-40 people attended the open house. At the time of this report, the Community Development Department has received fifteen (15) phone calls regarding the proposed actions along West Broadway, including the following comments regarding the proposed rezoning:

1. David L. Wilson, owner of property addressed as 15 South 20th Street, contacted the Community Development Department and had general inquiries on the proposed rezoning, updates to the West Broadway CDO and construction of the 1st Avenue trail;
2. John Roth, owner of property addressed as 29 South 21st Street, contacted the Community Development Department and stated that his property is currently used for commercial storage, as well as a contractor shop; and
3. Steve Skol, representing the owner of property addressed as 2030 2nd Avenue, contacted the Community Development and had general inquiries on the proposed rezoning, updates to the West Broadway CDO and construction of the 1st Avenue trail.

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

- The Public Works Department stated they have no comments on the requests.
- The Fire Department stated they have no comments on the requests.
- Council Bluffs Water Works stated they have no comments on the requests.
- MidAmerican Energy stated they have no objections to the requests.

<u>*Land Use and Zoning*</u> – The following zoning and land uses surround the subject properties:

Tract #1 (between South 13th Street and South 16th Street)

North: Commercial properties that are zoned C-2/Commercial District, and Little Broadway right-of-way.
South: The former Public Works building, which is zoned I-1/Light Industrial District, and residential properties that are zoned R-2/Two-Family Residential District.
East: A commercial printing establishment that is zoned I-1/Light Industrial District, and undeveloped land that is zoned I-1/Light Industrial District and A-2/Parks, Estates and Agricultural District.
West: Burger King, a contractor yard and an auto parts store, all of which are zoned C-2/Commercial District, as well as residential properties that are zoned R-2/Two-Family Residential District.

Tract #2 (between South 18th Street and South 21st Street)

North: Commercial properties that are zoned C-2/Commercial District.
South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.
East: A gas station and vacant property (formerly a recycling/can redemption center), both of which are zoned C-2/Commercial District, and residential properties that are zoned R-2/Two-Family Residential District.
West: Cochran Park, which is zoned A-2/Parks, Estates and Agricultural District, and residential properties that are zoned R-3/Low Density Multifamily Residential District.

Tract #3 (between South 27th Street and South 28th Street)

North: Council Bluffs Fire Station No. 2 and vacant property, both of which are zoned C-2/Commercial District.
South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.
East: Commercial properties and vacant city-owned property, all of which are zoned C-2/Commercial District.
West: Undeveloped city-owned property that is zoned R-4/High Density Multifamily Residential District. This parcel of land is the site of the proposed residential development by White Lotus Group.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as Public Park, Transportation/Utility, Low-Density Residential, High-Density Residential, Local Commercial and Light Industrial. The Community Development Department is proposing to amend the future land use plan by reclassifying the properties included in the proposed rezoning that are currently designated as Light Industrial to Multi-Family/Mixed-Use. The purpose of the amendment is to ensure that the future land use plan is consistent with the vision of the West Broadway Corridor Plan. Proposed amendment includes properties addressed as 20 South 19th Street, 15 South 20th Street, 29 South 21st Street and 2030 2nd Avenue.

Discussion

1. Ten (10) out of the twenty-nine (29) parcels included the proposed rezoning do not meet the minimum lot size requirements of the I-1/Light Industrial District, and thus are considered nonconforming lots of record. If request is approved, said parcels will be brought into conformance with the Zoning Ordinance as they exceed minimum lot size requirements of the C-2/Commercial District, with the following exceptions:
   a. A vacant lot owned by GMB Investments LLC. Since this lot is 44 feet in width, as opposed to the required 50 feet in the C-2 District, it will remain as a nonconforming lot of record.
   b. The property addressed as 1422 2nd Avenue and the parcel adjoining, both owned by Lawanya Morgal. Since each lot is 44 feet in width, as opposed to the required 50 feet, they will remain as nonconforming lots of record. The owner has the option to combine both these lots into one parcel of land which conforms to the minimum lot size requirements of the C-2 District as they serve as one premises.
   c. A remnant parcel of land owned by Chicago Northwestern Railroad that contains 125 square feet in area, as opposed to the required 5,000 square feet, and thus is undevelopable.
2. As per Section 15.01.050(C), Uses Rendered Nonconforming, of the Council Bluffs Municipal Code (Zoning Ordinance), "if property is used in a manner that was a lawful use on or before the effective date of this ordinance, and this ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use." A significant number of current uses included in the request will be rendered nonconforming they are either (1) not 'principal' or 'conditional' uses in the C-2 District or (2) prohibited uses in the West Broadway CDO (see Case #ZT-20-004). Nonconforming uses are controlled by the provisions of Section 15.26.030, Nonconforming Uses, of the Municipal Code (Zoning Ordinance), which states:

   Any legal nonconforming use existing on the effective date of the ordinance codified in this chapter may continue subject to the limitations of this section.

   A. Enlargement of Nonconforming Use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.
   B. Abandonment of Nonconforming Use. If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.
   C. Relocation of Nonconforming Use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
   D. Change of Use. A legal nonconforming use may be changed only as allowed in CBMC 15.02.
   E. Allowance for Repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the

damage was incurred, and the work is carried on diligently to completion within one year of this commencement.

F. For purposes of this chapter, the addition of an outdoor area of less than one hundred fifty (150) square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use.

A matrix outlining how each property will be affected by the proposed rezoning is included in this report as Attachment 'C.'

Example Scenario #1
If the 'manufacturing, general' establishment at 2030 2nd Avenue (Katelman Steel Fabrication, Inc.) ceases to operate for a period of more than six months, said use cannot be reestablished; only uses listed as 'principal' or 'conditional' in the C-2 District **AND** not expressly prohibited in the West Broadway CDO would be allowed at this site.

Example Scenario #2
If the owner of the 'manufacturing, general' establishment at 2030 2nd Avenue (Katelman Steel Fabrication, Inc.) sells the property, the successor would be allowed to use it for 'manufacturing, general' as long as the new establishment begins operating within six months of Katelman Steel Fabrication, Inc. closing.

3. As per Chapter 5, Land Use Plan, of the Bluffs Tomorrow: 2030 Comprehensive Plan, Multi-Family/Mixed-Use designated areas are intended to be distinct from typical multifamily areas and downtown mixed use area. In the Multi-family/Mixed-Use area, buildings may include ground-floor commercial uses, though not all buildings are anticipated to have commercial components, and the predominant use will be residential.
4. Proposed amendment to the future land use plan will not impact the conforming/nonconforming status of the subject properties.
5. The West Broadway Corridor Plan, adopted in September 2015 as Amendment No. 1 of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), states that while current zoning districts along West Broadway "do match the existing land uses… they do not represent the future vision for the corridor as a more pedestrian-friendly environment with transit-oriented development." The West Broadway Corridor Plan outlines several recommendations to achieve this vision, including rezoning "industrial properties to accept a mix of uses." The proposed rezoning and amendment to the future land use plan will accomplish the goals and intent of the West Broadway Corridor Plan.

Recommendation

The Community Development Department recommends approval of the requests (1) to rezone properties legally described in Attachment 'D' from I-1/Light Industrial District to C-2/Commercial District and (2) to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, based on reasons stated above.

Public Hearing

Staff speaker for the request:

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

Speakers in favor: None

Speakers against: None

General Public Inquiry:

1. Beverly Roth, 4 Ridge Drive West, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended approval of the requests (1) to rezone properties legally described in Attachment 'D' from I-1/Light Industrial District to C-2/Commercial District and (2) to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, as per staff's recommendation.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried

Attachments

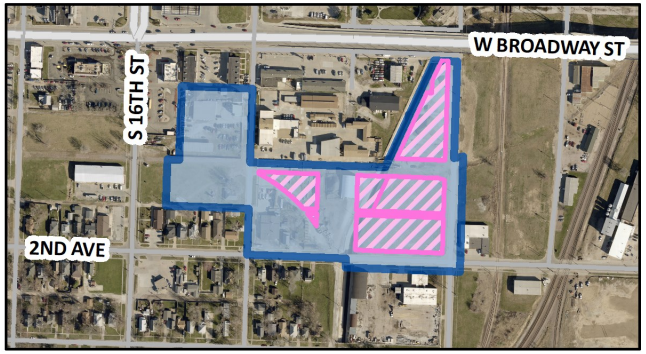
Attachment A: Location/Zoning Map
Attachment B: Land Uses in the I-1 and C-2 Districts
Attachment C: Impact of Proposed Rezoning and Updates to the West Broadway CDO
Attachment D: Legal Description for Properties Included in Proposed Rezoning

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

Industrial Properties in West Broadway Corridor Design Overlay

Miles
0 0.15 0.3 0.6 0.9 1.2



Miles
0 0.045 0.09 0.18 0.27

Miles
0 0.045 0.09 0.18 0.27

Miles
0 0.025 0.05 0.1 0.15

Attachment B

Land Uses in the C-2 and I-1 Zoning Districts			
Use	C-2	I-1	CDO
Adult Entertainment	C*		X
Agricultural Sales and Service		P	
Auction (Indoor)		P	
Auction (Outdoor)		P	
Automobile Repair (Major)	C	P	X
Automobile Repair (Minor)	P	P	
Automobile Sales and Rental	C*	P	X
Automobile Service Establishment	P	P	
Building Material, Retail Sales Only	P		X
Building Material, Sale and Storage		P	
Business Professional Office	P	P	
Business Service Establishment	P	P	
Club or Lodge	P		
Commercial Recreation (Indoor)	P		
Commercial Recreation (Outdoor)	P		
Commercial Storage	C	P	X
Consumer Fireworks Sale	P*	P*	
Consumer Service Establishment	P	P	
Contractor Shop	P	P	X
Communications Tower	C		
Cultural Service	P		
Correctional Placement Residences		C	
Day Care Services	C	C	
Detention Facility		C	
Equipment Repair		C	
Equipment Sales or Rental		P	
Financial Service	P	P	

(Continued on next page)

Key

P - Permitted Use

C - Conditional Use (requires approval by Zoning Board of Adjustment)

X - Prohibited Use

* - For additional regulations, see Chapters 15.15 (C-2 District) and 15.20 (I-2 District)

(Continued)

Land Uses in the C-2 and I-1 Zoning Districts			
Use	C-2	I-1	CDO
Funeral Service	P		
General Government Use	P	P	
Government Maintenance Facility		P	
Greenhouse (Commercial)		P	
Hotel/Motel	P	P	
Kennel, Commercial	P	P	
Local Utility Services	P	P	
Manufacturing (Light)	C	P	X
Park and Recreation Services	P		
Parking Lot - Private	P	P	
Parking Lot - Public	P	P	
Pawn Shops	P		
Printing, Binding, and Mail Operation (50,000 square feet or less)	P		
Public Safety Services	P	P	
Religious Assembly	P		
Restaurant	P		
Restaurant (Drive-In/Fast Food)	P		
Retail Shopping Establishment	P	P	
School	P		
Secondhand Store	P		
Small Alcohol Production Facility	P*	P*	
Tattoo Parlor	P		
Tavern	P*	P*	
Truck Service Establishment		C	
Truck Terminal		C	
Veterinary Service	P		
Warehousing and Distribution, Limited	P*	P	X

Key

P - Permitted Use

C - Conditional Use (requires approval by Zoning Board of Adjustment)

X - Prohibited Use

* - For additional regulations, see Chapters 15.15 (C-2 District) and 15.20 (I-2 District)

Attachment C

Impact of Proposed Rezoning and Update to the West Broadway CDO

Owner	Address	Business/Establishment	Current Land Use	Current Land Use Conformity Status	Land Use Conformity Status if Requests are Approved
Chicago Central & Pacific Railroad Company			Vacant/Undeveloped		
Chicago Northwestern Railroad			Vacant/Undeveloped		
Timothy P. and Anna M. Varn	1426 2nd Avenue	Montang Body Shop	Automobile Repair, Major	Conforming	Legal Nonconforming
Lawanya Morgal	1422 2nd Avenue		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
GMB Investments LLC	108 S 15th Street		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
Southside Auto Supply Inc.			Vacant/Undeveloped		
TK3 Enterprises LLC	20 S 15th Street	Creative Auto Solutions/Smart Start Ignition Interlock	Automobile Service Establishment/ Automobile Repair, Minor	Conforming	Conforming
Value Foods LLC	16 S 15th Street	Red Wheel Fundraising	Manufacturing, Light	Conforming	Legal Nonconforming
Valley View-Broadway Stores	1801 W Broadway	Retail Rebel	Retail Shopping Establishment	Conforming	Conforming
McIntosh Properties LLC	110 S 18th Street	Iowa Rigger's Loft/Chad & Tracey Construction LLC	Equipment Repair/Contractor Yard	Lawful Conditional Use/ Legal Nonconforming	Legal Nonconforming
Michael S. May	1824 2nd Avenue	Council Bluffs Work Staffing	Business Service Establishment	Conforming	Conforming
John R. and Brenda L. Way	16 S 19th Street	J & B's Lounge	Tavern	Conforming	Conforming
Pamela M. Bogardus	20 S 19th Street	Bogardus Plumbing Co.	Contractor Shop	Conforming	Legal Nonconforming
David L. and Karen J. Wilson	15 S 20th Street	Jeff's Body Shop/American Auto Care, Inc.	Automobile Repair, Major	Conforming	Legal Nonconforming
S H S Properties	2030 2nd Avenue	Katelman Steel Fabrication Inc.	Manufacturing, General	Legal Nonconforming	Legal Nonconforming
John M. and Beverly A. Roth	29 S 21st Street		Commercial Storage/Contractor Shop/Communtication Tower[TO]	Conforming	Legal Nonconforming/Legal Nonconforming/Conforming
Dennis E. and Diane M. Garrison	21 S 21st Street		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
Verizon Wireless LLC	2731 1st Avenue		Communication Tower[TO]	Conforming	Conforming
Kathy S. Scott	2735 1st Avenue		Communication Tower[CUP]/Storage Yard	Lawful Conditional Use/Legal Nonconforming	Lawful Conditional Use/Legal Nonconforming
Curtis E. Slama			Vacant/Undeveloped		
Michael L. Scott	2714 2nd Avenue	Affordable Storage	Commercial Storage[CUP]	Lawful Conditional Use	Lawful Conditional Use
Richard Rosas	119 S 28th Street	M & R Welding	Manufacturing, General	Legal Nonconforming	Legal Nonconforming

[TO]Existing communication tower approved through the City's former Tower Overlay ordinance

[CUP]A conditional use permit was granted by the Zoning Board of Adjustment for the current use

Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; The East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30.

Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6.

Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request the City of Council Bluffs to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning properties legally described as part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, being more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; the East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30; Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6; Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to C-2/Commercial District as defined in Chapter 15.15 of the Municipal Code of Council Bluffs, 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 12th day of October, 2020 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

_____

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6426

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS PART OF LOTS 1, 13, 14, 17, AND 18 AND ALL OF LOTS 15 AND 16, BLOCK 21, BEER'S SUBDIVISION, ALONG WITH PART OF THE EAST/WEST VACATED ALLEYS ADJACENT, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA FROM I-1/LIGHT INDUSTRIAL DISTRICT TO C-2/COMMERCIAL DISTRICT AS DEFINED IN CHAPTER 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone property Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; The East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30; Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6; Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to C-2/Commercial District as defined in Chapter 15.10 of the Municipal Code of Council Bluffs, Iowa.

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

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said

unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

ADOPTED
AND October 12, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 9-28-20
Second Consideration: 10-12-20
Public Hearing: 10-12-20
Third Consideration: Request to waive

Council Communication

Department: City Clerk
Case/Project No.: ZT-20-004
Submitted by: Haley Weber, Zoning Enforcement Officer

Ordinance 6427
ITEM 4.C.

Council Action: 10/12/2020

Description

Ordinance to amend Title 15; Zoning of the Municipal Code by repealing Chapter 15.32 "CDO/Corridor Design Overlay" and creating Chapter 15.32A "West Broadway Corridor Design Overlay" and appending said Chapter 15.32A “West Broadway Corridor Design Overlay” to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue ‘A’; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. ZT-20-004

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZT-20-004 Staff Report	Other	9/18/2020
Attachment A - Proposed and Existing West Broadway CDO Boundaries	Other	9/18/2020
Attachment B - Proposed Section 15.32A	Other	9/18/2020
Exhibit A - West Broadway Corridor Design Overlay	Other	9/21/2020
Exhibit B - Street Hierarchy Map	Map	9/21/2020
Exhibit C - Council Bluffs Street Tree Guide	Other	9/21/2020
Public Hearing Notice	Other	9/18/2020
Ordinance 6427	Ordinance	9/23/2020

City Council Communication

Department: Community Development Cases #ZT-20-004 Applicant: Council Bluffs Community Development Department	Ordinance No.	1st Consideration: 09/28/2020 2nd Consideration: 10/12/2020 3rd Consideration: 10/26/2020 Planning Commission: 9/8/2020

Subject/Title

Public hearing on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue 'A', to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

Background

West Broadway Corridor Design Overlay (CDO) Design Standards

The proposed amendment to enhance the West Broadway CDO standards is one of several implementations of the West Broadway Corridor Plan, adopted by City Council in 2015 with Resolution #15-204, which established a vision for the West Broadway Corridor based on *"a strong infrastructure network, strategic land use policy, and high quality vertical development forming beautiful urban space."* To achieve this vision, the adopted plan included the following recommendations:

- Create incentives at transit stations to allow for higher densities, reduced parking ratios, and vertical mixing of uses;
- Allow for a greater range of uses including residential and mixed-use areas where only commercial is currently permitted;
- Rezone properties south of Avenue A to residential to reflect in policy the decision to return Avenue A to a residential street;
- Rezone former industrial properties to accept a mix of uses;
- Provide form-based design guidelines for street frontages;
- Provide guidelines for appropriate massing and building elements;
- Establish guidelines for the creation of public and semi-private outdoor gathering space;
- Manage appropriate parking types and locations; and
- Manage access points and limit service to alleys and rear lanes.

In an effort to implement these recommendations, City Council adopted Ordinance #6398 in 2019 which created the MCR/Mixed-use Residential District. The MCR district is intended to *"encourage an urban pattern of development characterized as 'mixed-use' in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project."* Subsequently, City Council approved Ordinance No. 6397 to rezone properties within the West Broadway Corridor from R-3 to MCR.

Continuing the effort of implementing the above listed recommendations of the adopted West Broadway Corridor Plan, the Community Development Department analyzed the current West Broadway CDO standards for areas of improvement. Staff determined that while the existing standards provided a solid foundation for quality design in the West Broadway Corridor, the standards fail to fully meet the intent and recommendations of the adopted West Broadway Corridor Plan. Specifically, Section 15.32, *Corridor Design Overlay*, lacks clarity and consistency in the application of the design

standards and falls short in providing standards that wholly support the adopted vision of the West Broadway Corridor.

In the process of drafting the proposed design standards, the Community Development Department conducted research on a number of design standards in cities across the country, and paid particular attention to design standards in corridors similar to West Broadway. The proposed Section 15.32(A), *West Broadway Corridor Design Overlay*, combines the most effective aspects of the current standards with the most appropriate additions found in staff's research.

The Community Development Department is proposing to replace the existing West Broadway CDO standards with an enhanced Section 15.32A, *West Broadway Corridor Design Overlay* for the following reasons:

- The proposed Section 15.32A, *West Broadway Corridor Design Overlay* better achieves the goals and intent of the adopted West Broadway Corridor Plan, which is to create a vibrant urban corridor that supports multi-modal transportation options, mixed-use development, and architecture that enhances the visual attractiveness and quality of life of the City of Council Bluffs; and
- The enhanced applicability and boundary language provides clarity and consistency in the application of the proposed design standards.

An overview of the existing and proposed standards is outlined below.

Existing Section 15.32, *Corridor Design Overlay,* includes the following Sections:

- Statement of Intent
- Establishment of A Corridor Design Overlay
- Overlay Boundaries
- Curb Cuts
- Pedestrian Facilities
- Planting
- Screening and Buffering
- Signs
- Architecture
- Lighting

Proposed Section 15.32A, *West Broadway Corridor Design Overlay*, includes the following Sections:

- Statement of Intent
- West Broadway Corridor Design Overlay Boundary
- Definitions
- Applicability of the West Broadway Corridor Design Overlay
- Permitted, Conditional and Accessory Uses
- Prohibited Land Uses
- Build-to-Zone for West Broadway and Major Streets
- Architecture
- Landscaping and Streetscapes
- Pedestrian and Vehicular Access
- Outdoor Lighting
- Screening and Buffering
- Fences and Walls
- Signs
- Adoption of a Development Plan

Much of the existing design standard language or concepts were kept from the following sections: Curb Cuts; Pedestrian Facilities; Screening and Buffering; Signs; and Lighting. Updates to the existing standards were provided to achieve greater clarity and further meet the intent of the adopted West Broadway Corridor Plan. An overview of the main updates to the proposed West Broadway CDO standards include the following:

West Broadway Corridor Design Overlay Boundary

The existing West Broadway CDO boundary is comprised of an irregular polygon shape that lacks consistency from block to block. These inconsistencies throughout the existing boundary result in a discordant application of the design standards throughout the West Broadway corridor. Proposed Section 15.32A, *West Broadway Corridor Design Overlay* clarifies the boundary of the West Broadway CDO and ensures consistent applicability of the design standards among all applicable properties within the corridor. The proposed boundary applies to the area geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue' on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. A map showing the current and proposed West Broadway CDO Boundaries is included as Attachment 'A'.

Street Hierarchy

The West Broadway Corridor contains a mixture of arterial, local, and collector streets that influence and direct the flow of vehicular, bicycle, and pedestrian traffic. The Community Development Department acknowledges that not all streets within the West Broadway Corridor are of the same level of significance. In this regard, the proposed section establishes a street hierarchy system that serves as a tool to apply the proposed design standards in a context sensitive manner. Streets within the West Broadway CDO are organized in the following categories:

1) West Broadway – West Broadway Street is the highest category street within the corridor and is subject to the highest level of design emphasis.
2) Major Street – Major streets include 1st Avenue and intersecting north/south streets including: 16th, 19th, 22nd, 25th, 28th, 31st, and 35th Streets. While not a street per se, 1st Avenue will contain a premier multi-use trail. The north/south streets were identified as significant as they are future locations of plazas along the 1st Avenue trail.
3) Minor Street – Minor streets include all other streets within the West Broadway CDO that are not designated as West Broadway or Major. Minor streets demand the lowest level of design emphasis within the corridor.

This street hierarchy system is referenced throughout the proposed design standards.

Applicability

Compliance with the current West Broadway CDO standards occurs in any of the following scenarios:

- New construction of commercial, industrial, and multifamily structures and sites;
- Substantial rehabilitation of or additions to commercial, industrial, and multifamily structures and sites. Substantial rehabilitation is defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot;
- The reoccupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into compliance
- All new signage and sign refacing requiring a permit; and
- Exterior modifications which equal to fifty (50) percent of the structure's total street façade shall comply with Section 15.32.090, *Architecture.*

The above listed scenarios have a relatively low threshold that a redevelopment project must hit for compliance with the West Broadway CDO standards. Additionally, determining when a redevelopment project constitutes compliance can be confusing or difficult to enforce under the existing applicability standards.

The proposed applicability standards provide clear guidelines on when compliance with the proposed West Broadway CDO standards would occur. Compliance with the proposed design standards would presumably occur on a less frequent basis as the threshold that a remodel must hit has been significantly increased. Compliance with the proposed standards shall be as follows:

1) New construction of commercial, mixed-use, and multifamily structures and sites shall comply entirely with the proposed standards; *(Note: This qualification exists in the current West Broadway CDO standards.)*
2) Building modifications equal to fifty (50) percent or more of the total assessed **value of the structure** shall require the **structure only** to be brought into compliance with the applicable design standards; and
3) Building modifications equal to fifty (50) percent or more of the total assessed **value of the property** shall require the **entire site** to be brought into compliance with all design standards.

The below listed example scenario compares the existing and proposed West Broadway CDO standards that would be applicable in a remodel of the Godfather's Pizza located at 3020 West Broadway.

Example Scenario: Godfather's 3020 West Broadway

Total Assessed Value (Land + Building) (2020) - $589,100 *($294,550 – 50 Percent Trigger)*

Total Assessed Building Value (2020) - $196,700 *($98,350 – 50 Percent Trigger)*

	Under $98,350 Remodel		**$98,350-$294,549 Remodel**		**$294,550+ Remodel**		**Entire Site Redevelopment**	
Applicable Standards	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability
Curb Cuts	*Under assessed value of structure* *No standards apply*	*Under assessed value of structure and property* *No standards apply*	X		X	X	X	X
Pedestrian Facilities			X		X	X	X	X
Planting			X		X	X	X	X
Screening and Buffering			X		X	X	X	X
Signs			X		X	X	X	X
Architecture			X	X	X	X	X	X
Lighting			X		X	X	X	X
Build-to-Zone								X
Fences and Walls						X		X

Additionally, the proposed design standards do not apply to existing or expanding single family and two family uses. Properties adding a new drive-through lane in the West Broadway CDO would be required to comply with the proposed drive-through screening standards.

Flexibility

The proposed section provides the following opportunities for flexibility in the application of the West Broadway Corridor design standards where none exists in the current code:

- *Community Development Director Flexibility* – The Community Director may approve: minor, equivalent deviations from the standards; use of an alternate building *material; or use of an alternate fencing or wall material; and*
- *Adoption of a Development Plan* – Properties in the West Broadway CDO which are unable to meet any aspects of the proposed design standards shall be allowed the option of applying for a site specific development plan to be reviewed by the City Planning Commission and City Council. This process would differ from a variance in that applicants would not be allowed to develop to a lesser standard than required by the proposed design standards. Instead, applicants would submit development plans which further enhance components of the development in regards to the above requirements in exchange for relief of other requirements.

Prohibited Land Uses

Concurrent with the proposed West Broadway CDO standards request, the Community Development Department is also requesting to rezone all remaining I-1/Light Industrial properties within the West Broadway Corridor to C-2/Commercial (Case #ZC-20-010) and amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying the 'Light Industrial' areas within the West Broadway Corridor to 'Multi-Family/Mixed-Use' (Case #CP-20-001) in accordance with the recommendations of the adopted West Broadway Corridor Plan. While C-2/Commercial District zoning is generally appropriate for the West Broadway Corridor, staff has further identified certain uses in the C-2 district which are not conducive to a vibrant urban corridor that supports multi-modal transit and mixed-use development.

The proposed Section 15.32A.060, *Prohibited Land Uses*, limits land uses within the West Broadway CDO boundary to those that support the adopted vision for the West Broadway Corridor. These proposed prohibited land uses do not apply to other areas zoned C-2/Commercial District outside the West Broadway CDO. Existing businesses in these land use classifications may continue as legal nonconforming uses, subject to the standards stated in Section 15.26, *Nonconformities*. Proposed Section 15.32A.060 filters out heavy commercial, industrial, and auto-oriented uses to ensure that future mixed-use developments in the corridor are protected and encouraged by surrounding uses. The proposed

prohibited uses include:

- Adult entertainment
- Automotive repair (major only)
- Automotive sales and rental
- Building material, retail sales only
- Cemeteries
- Commercial storage
- Contractor shop
- Juvenile detention facility
- Industrial and manufacturing
- Warehousing and distribution

Build-to-Zone

The adopted West Broadway Corridor Plan recommended that the existing West Broadway CDO standards be revised to include "*form-based design guidelines for street frontages*." The proposed build-to-zone standards accomplish this recommendation and introduce the build-to-zone concept to the West Broadway Corridor. The build-to-zone can be defined as the area on a lot where a building must locate between a minimum and maximum setback. The proposed build-to-zone establishes a minimum setback of five (5) feet and a maximum setback of twenty (20) feet. The purpose of the proposed build-to-zone is to situate new buildings on sites in such a manner that enhances pedestrian interest and comfort while establishing a consistent street wall along West Broadway and major streets. All new buildings, excluding accessory structures, built on sites with frontage on West Broadway or a major street shall be built within the build-to-zone. Buildings shall have a minimum 'build-to-width', as defined in Section 15.32A.030 as "*the minimum cumulative building width that shall occupy the build-to-zone, based on the width of the parcel at the street*" of fifty (50) percent. Once the minimum build-to-width has been met, portions of the building or additional buildings may be placed outside the build-to-zone.

Architecture

The proposed architecture standards are intended to encourage timeless architectural design within the West Broadway CDO through requiring coordinated, high-quality materials and architectural elements on all facades with design emphasis given towards West Broadway and major street facing facades. The proposed architectural standards cover the following areas:

- *Building Materials* – The proposed building materials list builds off of the existing list by including only high-quality, appropriate building material types and categorizing them into two groups: durable and complementary. This categorization allows the materials to be applied in a context-sensitive manner that honors the established street hierarchy system.
- *Articulation* – The proposed articulation standards require that building facades be constructed with architectural details to articulate building elevations (i.e. color or material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor setbacks). Additionally, to encourage four-sided architecture within the West Broadway corridor, buildings shall have a minimum two (2) foot base spanning the entire length of all facades and shall be comprised of one of the following high-quality, durable materials: architectural concrete masonry unit (CMU) block (excluding smooth or flat faced block; brick masonry; stone masonry; or tile masonry. Building facades that are blank and/or void of architectural detailing shall not be allowed. However, all facades and portions thereof that are not visible from adjacent street right-of-way do not require articulation.
- *Transparency* – To encourage interest and interaction between the public and private realm, buildings will be required to provide a minimum percentage of transparent windows and doors that cover a façade measured between two (2) and ten (10) feet above grade. The specific percentage required is based upon where the façade falls within the street hierarchy. Facades along West Broadway and major streets require the highest levels of transparency.

Landscaping and Streetscapes

The proposed landscaping and streetscape standards aim to aid in softening the appearance of buildings and paved areas while creating visual interest for people in the corridor. In summary, the proposed landscaping and streetscape standards include the following:

- *Frontage Landscaping* – A minimum five (5) feet wide landscape strip shall be installed on all frontages. A minimum of one (1) deciduous, shade tree and ten (10) shrubs shall be planted every twenty (20) linear feet along

frontage strips. Frontage adjacent to buildings shall only be required to install foundation plantings.

- *Foundation Plantings* – Foundation plantings shall be placed along the perimeter of all facades, not inclusive of entrances.
- *Parking Lot Landscaping* – The proposed parking lot landscaping standards are required at the same rate as the existing standards. The proposed standards require that landscape islands be evenly distributed throughout the parking lot in order to maximize tree canopy shade. Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree.
- *Landscaping Maintenance* – Plantings are required to be maintained at all times. If plant material dies, it shall be replaced with plantings of the same or similar species of equal size within six (6) months of the plant's demise. Failure to replace plant materials within the specified timeframe shall result in zoning enforcement action pursuant with CBMC Section 15.02.130, *Violation and Penalty*.
- *On-Street Parking* – On-Street parking is encouraged on all new development and redevelopment within the West Broadway corridor, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.
- *Street Tree Plantings* – Street tree plantings are required along all major streets in accordance with the species type and spacing requirements of the *Council Bluffs Street Tree Species Guide*.

Pedestrian and Vehicular Access

The proposed pedestrian and vehicular access standards aim to prioritize pedestrian safety and minimize curb cuts off West Broadway and major streets whenever possible. The proposed pedestrian and vehicular access standards include the following:

- *Curb Cuts* – The majority of the curb cut language was carried over from current Section 15.32, *Corridor Design Overlay*. In an effort to further decrease the amount of curb cuts off of West Broadway, the following language was added, *"in instances where no curb cut is provided on West Broadway, the intersecting street shall be allowed two (2) curb cuts."*
- *Pedestrian Access* – Pedestrian access language was kept from the current Section 15.32, which requires that *"a five (5) foot wide, hard-surface accessible route shall be provided on all adjacent rights-of-way to a public entrance. An accessible route may be designated with painted markings on parking lot pavement."*
- *Drive-through Lanes* – New drive-through lane language is included with this update that promotes pedestrian safety and supports buildings being closer to the street. The proposed language requires that drive-through lanes be located to the sides and rear of the property when possible. In situations where drive-through lanes are located in front of buildings, the lanes shall be screened from adjacent public street right-of-way by a masonry wall; vegetative wall; architectural feature attached to the building; or a combination thereof. Additionally, on corner lots of West Broadway, drive-through ingress shall be taken off the adjacent major or minor street.

Screening and Buffering

The proposed screening and buffering standards intend to ensure that screening is integrated into the overall site design and fully contains the visual impact of service equipment and functions from public view. The existing Section 15.32 included screening standards for dumpsters, outdoor trash storage, roof-mounted equipment and screening commercial uses from residential zones. The proposed screening and buffering section includes much of the same language and covers the following:

- *Commercial Buildings Abutting Residential Zones* – Planting or fencing shall be used to screen the back of commercial buildings abutting residential zones. Plantings shall include a six (6) feet minimum width planting strip with a tall hedge comprised of deciduous or evergreen shrubs in a double row planted in a triangular spacing, as defined in the attached planting list
- *Roof-mounted Mechanical Equipment* – Roof-mounted equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way.
- *Wall-mounted Mechanical Equipment* – In order to continuously place design emphasis on West Broadway and major streets, wall-mounted mechanical equipment cannot be located on any surface within the build-to-zone. Any wall-mounted mechanical equipment located on any surface that is visible from an adjacent public street right-of-way shall be fully screened by architectural features, landscaping, or a combination thereof.
- *Ground-mounted Mechanical Equipment* – Ground-mounted mechanical equipment visible from adjacent public right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
- *Loading and Service Areas* – Loading and service areas shall be located to the side or rear of the principal

building and shall be screened from view from adjacent property or public street right-of-way by architectural design features, landscaping, fencing, masonry wall, or a combination thereof.

Fences and Walls
The intent of the fences and walls section of the proposed standards is to ensure that any fence or wall placed in the West Broadway CDO is constructed of high-quality materials and is complementary in design to the overall site. A list of appropriate fence and wall materials is provided. Non-coated chain-link, barbed wire, non-permanent, or electrically charged fencing is not allowed in the corridor.

Comments

All City departments and local utility providers received a copy of the proposed text amendment. The following comments were received regarding proposed Section 15.32A, *West Broadway Corridor Design Overlay*:

- The Community Development Department provided the following comments in regards to their recent West Broadway Corridor public outreach efforts:
    - FIRST AVE Advisory Committee Presentations—The FIRST AVE Advisory Committee is comprised of community stakeholders and meets on a monthly basis. Community Development staff presented the proposed design standards to members of the FIRST AVE Advisory Committee at various stages in the draft process for review and discussion. These presentations were recorded and posted on the City's website: FIRSTAVECB.com.
    - City Planning Commission Informal Presentation—At the August City Planning Commission meeting, Community Development Department staff gave a brief, informal presentation on the proposed design standards and rezonings and provided Commission members a copy of the draft standards for review prior to the September public hearing.
    - Public Notification Letters—The Community Development Department sent out over 1,200 letters to property owners within and around the West Broadway Corridor that provided information on the following:
        - An open house hosted by the Community Development Department regarding the following actions to implement the long-range vision of the West Broadway Corridor Plan:
            - Updating the West Broadway CDO boundary
            - Rezoning properties from I-1 to C-2
            - Modifying the West Broadway CDO standards
            - Construction of the 1st Avenue trail;
        - Information on how to provide public comment regarding the above listed items via phone or email; and
        - The time, date, and location of the City Planning Commission where the proposed CDO standards and rezoning items would be considered.

        Staff fielded approximately fifteen (15) calls from the public regarding the public notification letters.
    - Open House—The Community Development Department hosted an open house on Thursday, August 27, 2020 from 6 PM to 8 PM at the Council Bluffs Public Library with approximately 30-40 attendees. The purpose of this open house was to provide the public an informal opportunity to meet with staff regarding the proposed rezonings, design standards, and 1st Avenue trail. In general, attendees were inquisitive about the various proposals and were interested to know how their specific properties would be affected by the proposed changes.

- The Council Bluffs Permits and Inspections Division stated that the City should look into requiring fencing permits within the Corridor as a means of evaluating compliance with the proposed fencing regulations.
- The Council Bluffs Public Works Department provided the following comments:
    - 15.32A.090.D—On-street parking is for the general public and not typically a part of developments or re-developments and would be discouraged in high traffic locations. The north/south streets with the exceptions of 16th, 25th, and 35th Streets would be the most accommodating for on-street parking.
    - 15.32A.100.C.a.i—Geometrically, this option would be a hindrance to site development.
    - 15.32A.140.C—All detached signage must be located outside of the public right-of-way and must not create an issue with sight triangles at intersections (driveways and streets).
- MidAmerican Energy provided comments regarding the proposed Section 15.32A.110, *Outdoor Lighting,* as it pertains to their provision of wood light poles that at times exceed twenty-five (25) feet within the West Broadway Corridor and 15.32A.120, *Screening and Buffering,* as it pertains to access to metered equipment by both MidAmerican employees and on-site tenants.
- Council Bluffs Water Works stated that they have no comments regarding the proposed text amendment.
- The Council Bluffs Fire Department stated that they have no comments regarding the proposed text amendment.

Recommendation

The Community Development Department recommends approval to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue 'A', to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

Public Hearing

Staff speakers for the request:
1. Haley Weber, Zoning Enforcement Officer, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

General comments/questions from public:
1. Beverly Roth, 4 Ridge Drive West, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended approval to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue 'A', to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried

Attachment(s) Attachment A: Proposed and Existing West Broadway CDO Boundaries Attachment B: Proposed Section 15.32A, *West Broadway Corridor Design Overlay*
Prepared by: Haley P. Weber, Zoning Enforcement Officer

Attachment A

West Broadway Corridor Design Overlay

15.32A.010 Statement of Intent

The West Broadway Corridor Design Overlay (CDO) is intended to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan.

15.32A.020 West Broadway Corridor Design Overlay Boundary

The West Broadway Corridor Design Overlay applies to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. A map depicting the West Broadway Corridor Design Overlay boundary is made part hereof by reference, and such map is designated the "West Broadway Corridor Design Overlay."

15.32A.030 Definitions

Build-to-width: The minimum cumulative building width that shall occupy the build-to-zone, based on the width of the parcel at the street.

Build-to-zone: The area on a lot, measured parallel from the front and/or corner side lot line, where a building must locate within the minimum and maximum range of setback provided.

Minor Street: For the purposes of the West Broadway CDO, minor streets are generally those which are not otherwise categorized as West Broadway or major streets. See *attached map, Street Hierarchy Map (West Broadway Corridor Design Overlay),* identifying the street hierarchy within the West Broadway CDO boundary.

Major Street: For the purposes of the West Broadway CDO, major streets are 16th, 19th, 22nd, 25th, 28th, 31st, and 35th Streets and 1st Avenue. See attached map, *Street Hierarchy Map (West Broadway Corridor Design Overlay)*, identifying the street hierarchy within the West Broadway CDO boundary.

Principal building: A building or structure used to accommodate one or more of the principal permitted uses.

Street Hierarchy: For the purposes of the West Broadway CDO, West Broadway is considered the highest category street, followed by major streets, and then minor streets. See the attached map, *Street Hierarchy Map (West Broadway Corridor Design Overlay)* identifying the street hierarchy within the West Broadway CDO boundary.

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15.32A.040 Applicability of the West Broadway Corridor Design Overlay

For all properties located within the West Broadway CDO, compliance with the provisions of this Section are as follows:

A. New construction of commercial, mixed use, and multi-family structures and sites shall comply entirely with the standards of this Chapter.
B. Building modifications equal to fifty (50) percent or more of the assessed value of the structure in a twenty-four (24) month period of time shall be required to bring the entire structure into compliance with the applicable standards of this Chapter. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
C. Building modifications equal to fifty (50) percent 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 Chapter, with the exception of the standards listed in Section 15.32A.070. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
D. Exceptions. Exceptions shall be provided in the following circumstances:
    i. Existing or expanding single family and two family uses are exempt from the regulations of this Chapter;
    ii. New drive-through lanes added to existing sites shall meet the screening requirements of this Chapter; and
    iii. Minor, equivalent deviations from the standards of this Chapter may be granted by the Community Development Director.
E. In the event of a conflict between the standards contained in this Section and standards identified in an adopted development plan, the latter shall apply.

15.32A.050 Permitted, Conditional and Accessory Uses

Uses permitted, conditional, or accessory in the West Broadway CDO shall be the same as the underlying zone, except as further limited by CBMC 15.32A.060

15.32A.060 Prohibited Land Uses

The following uses, as defined in CBMC Section 15.03, *Zoning Definitions*, shall be prohibited on all properties located within the West Broadway CDO:

A. Adult Entertainment
B. Automotive repair (major only)
C. Automotive sales and rental
D. Building material, retail sales only
E. Cemeteries
F. Commercial storage
G. Contractor shop
H. Juvenile detention facility

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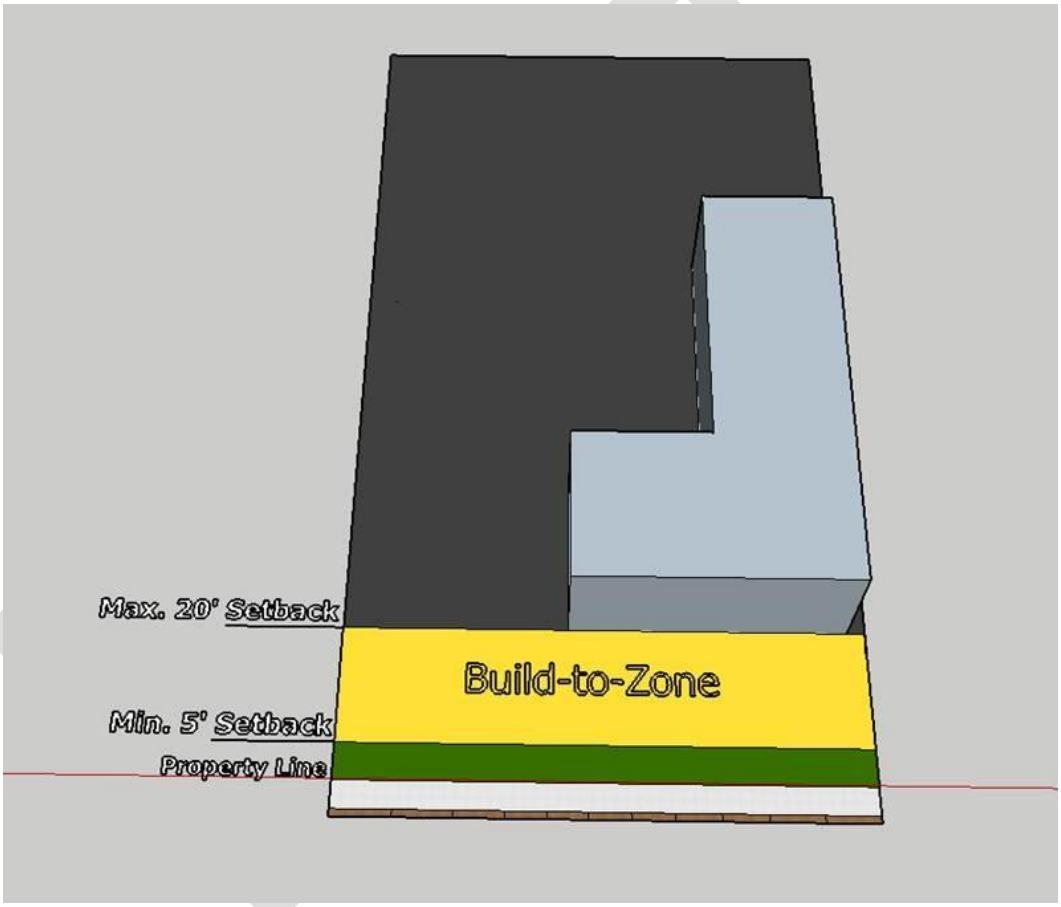
I. Industrial and manufacturing
J. Warehousing and distribution

15.32A.070 Build-to-Zone for West Broadway and Major Streets

Statement of Intent: New buildings with frontage on West Broadway or a major street shall be situated on sites in such a manner that enhances pedestrian interest and comfort while establishing a consistent street wall that provides a strong visual and physical connection between the public and private realm.

Figure 1: Build-to-Zone



A. All new buildings constructed shall be built within the build-to-zone. The build-to-zone is defined by a maximum setback of twenty (20) feet and a minimum setback of five (5) feet, as seen in *Figure 1: Build-to-Zone*. Accessory structures shall not be located in the build-to-zone.
B. The build-to-zone supersedes any front or street side yard setback established in the underlying zoning district. All buildings shall comply with all other required setbacks of the underlying zoning district.
C. Frontages.
    a. For properties with a single street frontage, the build-to-zone applies to that frontage.

b. For corner properties, the build-to-zone applies to the highest category street.
c. For properties that have two non-intersecting street frontages, the build-to-zone applies to West Broadway.
d. Buildings shall have a minimum build-to-width of fifty (50) percent. The build-to-width shall be exclusive of pedestrian pathways, drive-through lanes, driveways, or required setbacks. Once the minimum build-to-width has been met, portions of the building, or additional buildings on the site may be placed outside the build-to-zone.

15.32A.080 Architecture

Statement of Intent: Buildings located within the West Broadway CDO shall be designed with coordinated, high-quality materials and architectural elements on all facades with design emphasis given towards West Broadway and major street facing facades.

A. Building Materials. Building facades within the West Broadway CDO shall use the following materials.
    a. Durable
        i. Brick, tile and stone masonry
        ii. Glass (non-mirrored, non-tinted)
        iii. Native stone or synthetic equipment
        iv. Architectural metal (non-corrugated metal)
        v. Other primary materials determined by the Community Development Director
    b. Complementary
        i. Wood-clapboard or shingles
        ii. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block)
        iii. Stucco, Exterior Finish Installation System (EFIS), or like systems
        iv. Glass block
        v. Vinyl siding and trim
        vi. Other complementary materials determined by the Community Development Director
    c. The minimum percentage of durable and complementary materials per façade shall be as follows:
        i. West Broadway and Major Streets—60% of the total square footage of the façade to which the material is being applied shall consist of durable materials
        ii. Minor Streets—40% of the total square footage of the façade to which the material is being applied shall consist of durable materials
        iii. All façade areas that do not utilize durable materials shall utilize complementary materials.

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iv. All facades and portions thereof that are not visible from street right-of-way may utilize complementary materials.

B. Articulation

a. Building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor step backs to articulate building elevations.

b. The base of all facades shall be comprised of one of the following base materials:

i. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block),
ii. Brick masonry,
iii. Stone masonry, or
iv. Tile masonry.

The base shall be comprised of a different material than the rest of the façade and shall be minimum of two (2) feet in height from the established grade and span the entire width of the façade.

c. Building facades that are blank and/or void of architectural detailing shall not be permitted.

d. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls, cornices or other architectural methods.

e. All facades and portions thereof that are not visible from street right-of-way do not require articulation.

C. Transparency

a. The minimum percentage of transparent windows and doors that shall cover a façade measured between two (2) and ten (10) feet above grade shall be as follows:

i. West Broadway and Major Streets—40 percent ground floor, 20 percent upper stories
ii. Minor Streets—30 percent ground floor, 15 percent upper stories

b. Glass that counts towards the minimum transparency requirements shall be non-mirrored, non-tinted, unobstructed and shall have a visible light transmittance of 60 percent or more and an external reflectance of 20 percent or less.

15.32A.090 Landscaping and Streetscapes

Statement of Intent: Landscape design in the West Broadway CDO shall aid in softening the appearance of buildings and paved areas while creating visual interest for people in the corridor.

A. Required Frontage Landscaping.

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a. A minimum five (5) feet wide landscape frontage strip shall be installed on all frontages as measured from the back of sidewalk or property line, whichever is a greater distance from the curb.
b. Foundation plantings shall be placed along the perimeter of all façades visible from adjacent street right-of-way at a rate of one tree per lineal foot of facade, not inclusive of entrances.
c. A minimum of one (1) deciduous, shade tree and ten (10) shrubs shall be planted every twenty (20) linear feet along frontage strips and shall be generally evenly spaced apart along the entire length of the frontage strip. Frontage adjacent to buildings shall only be required to install foundation plantings and shall not be included in the required number of tree plantings.

B. Required Parking Lot Landscaping.
   a. Minimum parking lot landscaped area.
      i. One large, deciduous shade tree shall be planted per 3,000 square feet of paved parking area not covered by buildings or canopies, such as parking stalls, driveways, drive aisles, drive through lanes, and loading areas. Shade trees shall have a minimum two (2) inch caliper at the time of planting and a minimum mature height of at least twenty-five (25) feet with a mature canopy spread of at least twenty (20) feet.
      ii. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree in the form of interior landscape islands, endcap islands/peninsulas, or perimeter planting areas.
      iii. Landscape islands shall be evenly distributed throughout the parking lot in order to maximize shade.
      iv. Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree for the purpose of this requirement.
      v. Trees in frontage strips may also be counted as perimeter planting areas.

C. Maintenance. All plant materials shall be maintained at all times. All deceased plantings shall be replaced with plant material(s) of the same or like species of equal size within six months of the plant's demise. Failure to replace said plant materials within the specified time period shall result in enforcement action pursuant with CBMC Section 15.02.130, *Violation and Penalty*. All planting shall respect City codes for sight lines at intersections and electric line restrictions.

D. Streetscapes:
   a. On-street parking is encouraged on all new development and redevelopment projects, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.
   b. Street tree plantings shall be planted along major streets. Species type and spacing of street tree plantings shall be as designated in the *Council Bluffs Street Tree Species Guide.*

15.32A.100 Pedestrian and Vehicular Access

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Statement of Intent: Access to sites within the West Broadway CDO should prioritize pedestrian safety and minimize curb cuts off West Broadway and major streets whenever possible.

A. Curb Cuts
    a. Either one two-way curb cut or two one-way curb cuts are allowed where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on properties with less than one hundred fifty (150) feet of frontage.
    b. For corner lots, a maximum of one curb cut is allowed per frontage, regardless of the length of the frontage. In instances where no curb cut is provided on West Broadway, the intersecting street shall be allowed two (2) curb cuts.
    c. Curb cut widths, design, and spacing shall be in accordance with adopted Public Works standards.
    d. West Broadway curb cuts shall be located not less than seventy-five (75) feet from the intersecting street's curb. Side street curb cuts shall be located not less than twenty-eight (28) feet on un-signalized intersections and seventy-five (75) feet on signalized intersections from West Broadway.
    e. Shared curb cuts (between properties) are encouraged.
B. Pedestrian Access. A five (5) foot wide, hard-surface accessible route shall be provided on all adjacent rights-of-way to a public entrance. An accessible route may be designated with painted markings on parking lot pavement.
C. Drive-through lanes.
    a. Drive-through lanes along West Broadway and major streets shall be located to the side and rear of the property when possible. In situations where drive-through lanes are located in front of buildings, the drive-through lanes shall be screened from adjacent public street right-of-way by one of the following methods:
        i. A maximum four-foot masonry wall, subject to the base materials listed in Section 15.32A.080;
        ii. A vegetative wall capable of providing a substantially opaque barrier and attaining a mature height of four-feet within three (3) years of planting;
        iii. An architectural feature attached to the building; or
        iv. A combination thereof.
    b. Drive-through landscape plantings may count towards other landscaping requirements.
    c. On corner lots of West Broadway, drive-through ingress shall be taken off the adjacent major or minor street.

15.32A.110 Outdoor Lighting

Statement of Intent. Lighting on each site shall create inviting and safe passageways for pedestrians while minimizing light pollution to neighboring properties and shall be incorporated into the overall building and site design.

A. Light poles on private property shall not exceed twenty-five (25) feet in height from existing grade.

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B. Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
C. All lighting on private property shall comply with the standards stated in §15.24.050, Lighting controls, of this Title.

15.32A.120 Screening and Buffering

Statement of Intent. Screening shall be integrated into the overall design of the site and shall fully contain the visual impact of service equipment and functions from public view.

A. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.
    a. Screening planting shall include a six feet minimum width planting strip with a tall hedge as defined in the attached plant list. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from the attached plant list and confirm to the minimum sizes and spacing specified therein.
B. Roof-mounted mechanical equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way.
C. Wall-mounted mechanical equipment shall not be located on any surface within the build-to-zone.
D. Wall-mounted mechanical equipment located on any surface that is visible from an adjacent public street right-of-way shall be fully screened by architectural design features, landscaping, or a combination thereof.
E. Ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
F. Loading and service areas shall be located to the side or rear of the principal building and shall be screened from view from adjacent property or public street right-of-way by architectural design features, landscaping, fencing, masonry wall, or a combination thereof.

15.32A.130 Fences and Walls

Statement of Intent: Fences and walls placed in the West Broadway CDO shall be constructed of high-quality materials and be complementary in design to the overall site.

A. All fencing shall comply with the standards stated in Section 15.24.040, *Fence Regulations*.

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B. Fences shall be constructed of the following materials or a combination thereof: wood, composite fencing, wrought iron, coated chain link, or other material approved by the Community Development Director.
C. Walls shall be constructed of the following materials or a combination thereof: brick, stone, cast-stone, split-face blocks, stucco over standard concrete masonry blocks, glass block, or other material approved the by the Community Development Director.
D. Non-coated chain link, barbed wire, non-permanent or electrically charged fencing shall not be allowed.

15.32A.140 Signs

Statement of Intent. Signage in the West Broadway CDO shall be complementary in design to the overall site and help to accommodate buildings to a human scale by breaking up large wall masses and adding visual interest to passing pedestrians and motorists.

A. The on-premises sign height and area regulations available for property within seven hundred (700) feet of the interstate highway system are not applicable within the corridor overlay district.
B. A total of one detached on-premises sign shall be allowed for each property.
C. Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed three (3) feet in width. The maximum height for monument signs shall be ten (10) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not be greater than each property's linear feet of street frontage, as measured on one adjacent street, or one hundred fifty (150) square feet, whichever is less.
D. Off-premises signs are not permitted within the district.
E. All signs shall be removed within ninety (90) days after abandonment of the business use. Removal shall include the sign face, all supports, poles and framing.
F. Refacing existing signs are allowed only in conformance with this chapter.

15.32A.150 Adoption of a Development Plan

Statement of Intent. Properties in the West Broadway CDO which are unable to meet any aspects of the above listed regulations shall be allowed the option of applying for a site specific development plan to be reviewed by the Planning Commission and City Council. Applicants shall submit development plans which enhance components of the development in exchange for relief of other requirements.

A. These standards are not intended to prohibit creative design and development solutions by professional designers/developers that might generate a better quality development.

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Accordingly, certain departures from the design standards may be permitted. In order for a departure from the mandatory standards to be allowed, the development proposal must demonstrate that the departure would result in a development that better meets the intent, objectives, and principles of the design standards. The Community Development Director shall have the final authority to resolve any conflicts in the standards.

B. Application. A completed application form, one (1) electronic copy and ten (10) paper copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:

1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;
2. The development name and legal description of the boundary;
3. A north arrow, scale, bar scale, and date;
4. The names and addresses of the owner, and the architect or engineer preparing the plan;
5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
6. All established floodway or floodway fringe encroachment limits;
7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication to public use;
9. Layout, numbers, and dimensions of proposed lots;
10. The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;
15. Proposed signage plan;
16. Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

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The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

C. Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.
D. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.
E. Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.
F. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

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West Broadway Corridor Design Overlay Map

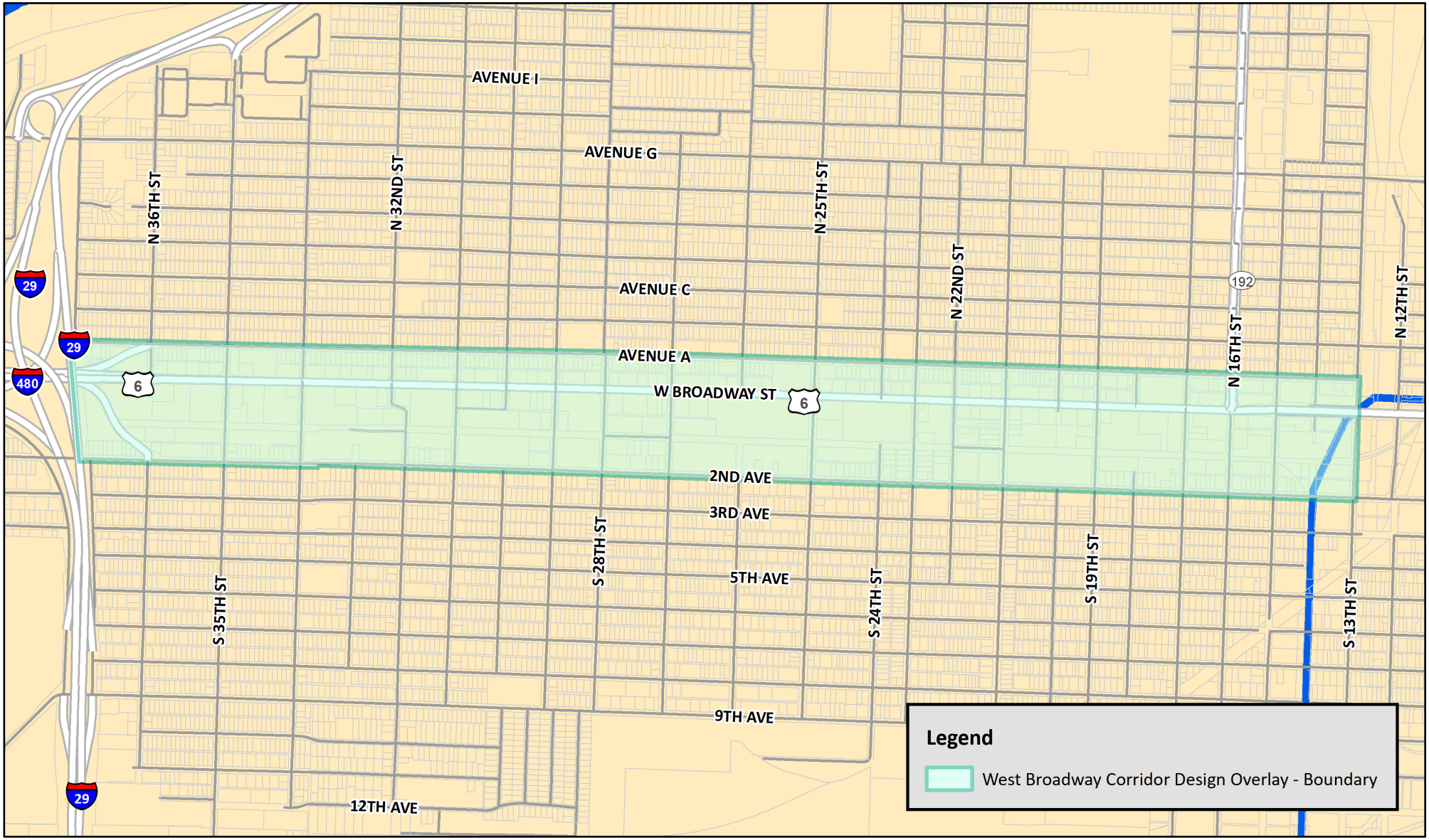

EXHIBIT A

Miles
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Street Hierarchy Map (West Broadway Corridor Design Overlay)

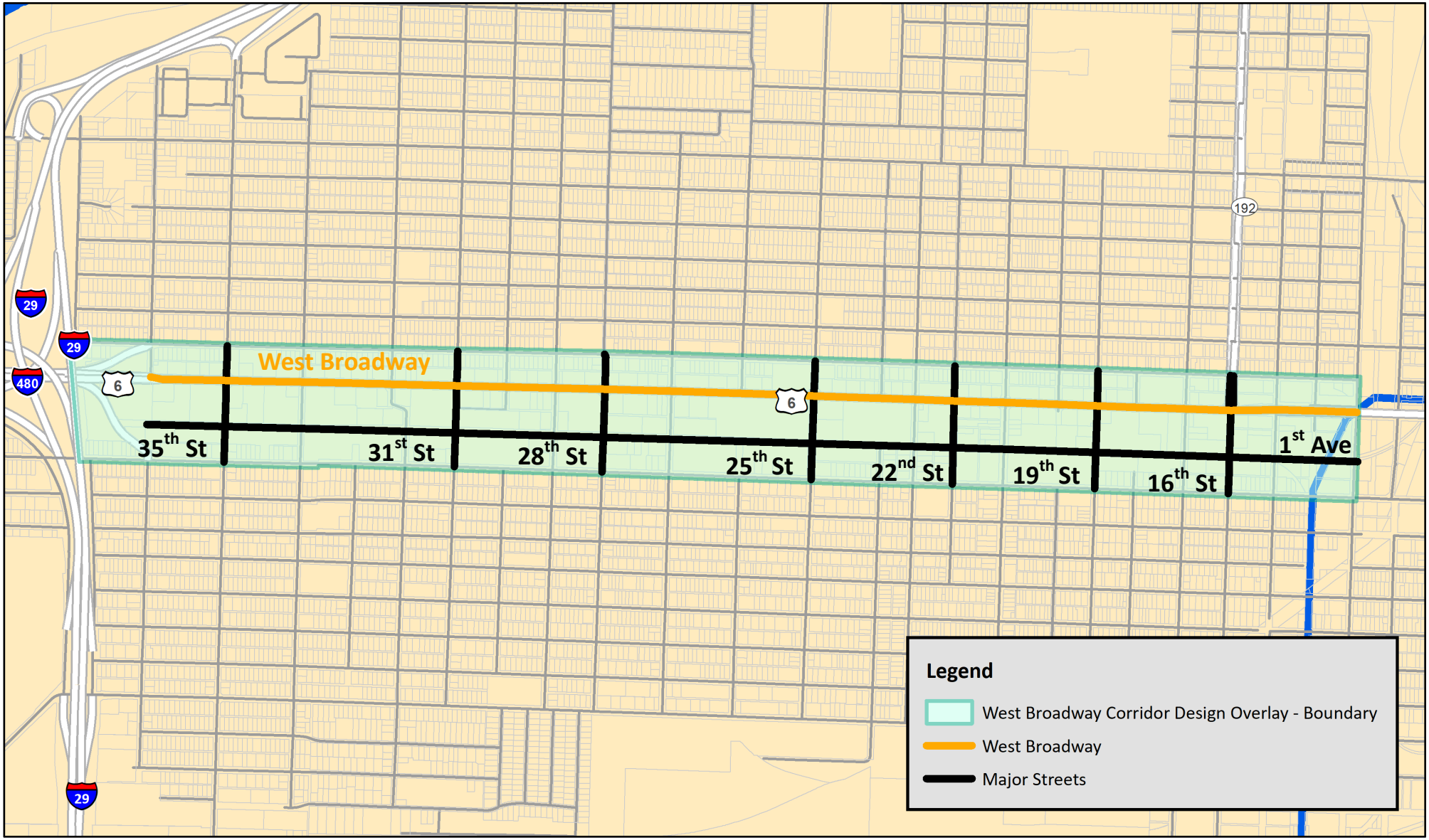

EXHIBIT B

Miles
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Species	Spacing	Size Category
Magnolia	10-20'	Small
Dogwood	20'	Small
Purple Plum	20'	Small
Service Berry	20'	Small
Redbud	20-25'	Small
Hawthorn (thornless)	20-25'	Small
Crabapple (all)	20-25'	Small
Lilac Tree	20-25'	Small
Black Gum	20-30'	Small-Medium
Ornamental Cherry	25-35'	Small-Medium
Birch (River or Clump)	30'	Medium
Golden Rain	35'	Medium
Hornbeam	35-40'	Medium
Japanese Pagoda	40'	Medium
Buckeye	40'	Medium
Tulip Tree	40'	Medium
Red Oak	45'	Large
Bur Oak	45'	Large
White Oak	45'	Large
Yellowwood	45'	Large
Lindens	50'	Large
Locust	50'	Large
Gingko (male)	50'	Large
Kentucky Coffee Bean	50-60'	Large
Chinquapink Oak	50-60'	Large
Swamp White Oak	50-60'	Large
Sycamore	60'	Large

Small = 20-30'
Medium = 30-45'
Large = 45' and taller

There are other varieties we can recommend, please call 712-890-5291 for more information.

Tree we do not permit on City properties include: Willows, Poplars, Pin Oak, Tree of Heaven, Persimmon, Boxelder, Mulberry, Cottonwoods, Evergreens, Russian Olive, Weeping crab, Birch (weeping or paper), Hawthorn (with thorns), Elms, Ash, select Maples - call for more information), and fruit trees.

EXHIBIT C

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 12th day of October, 2020 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

The hearing is in regards to the City's intent to amend Title 15: Zoning of the Municipal Code by repealing Chapter 15.32 "CDO/Corridor Design Overlay" and creating Chapter 15.32A "West Broadway Corridor Design Overlay" and appending said "West Broadway Corridor Design Overlay" to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480.

_____

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6427

AN ORDINANCE TO AMEND TITLE 15 ZONING BY REPEALING CHAPTER 15.32 "CDO/CORRIDOR DESIGN OVERLAY" AND CREATING CHAPTER 15.32A "WEST BROADWAY CORRIDOR DESIGN OVERLAY" AND APPENDING SAID CHAPTER 15.32A "WEST BROADWAY CORRIDOR DESIGN OVERLAY" TO AN AREA OF THE CITY OF COUNCIL BLUFFS LEGALLY DESCRIBED AS BEING GEOGRAPHICALLY BOUNDED ON THE NORTH BY THE NORTH RIGHT-OF-WAY LINE OF AVENUE 'A', ON THE SOUTH BY THE SOUTH RIGHT-OF-WAY LINE OF 2ND AVENUE, ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF SOUTH 13TH STREET, AND ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29/480.

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

SECTION 1. That Title 15 Zoning is hereby amended by repealing Chapter 15.32 "CDO/Corridor Design Overlay" and creating Chapter 15.32A "West Broadway Corridor Design Overlay" to read as follows:

15.32A-WEST BROADWAY CORRIDOR DESIGN OVERLAY

15.32A.010 Statement of Intent

The purpose and intent of this West Broadway Corridor Design Overlay (CDO) is intended to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan.

15.32A.020 West Broadway Corridor Design Overlay Boundary

The West Broadway Corridor Design Overlay applies to an area of the City of Council Bluffs that is geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. A map depicting the West Broadway Corridor Design Overlay boundary is made part hereof as Exhibit A, and such map is designated the "West Broadway Corridor Design Overlay."

15.32A.030 Definitions

Build-to-width: The minimum cumulative building width that shall occupy the build-to-zone, based on the width of the parcel at the street.

Build-to-zone: The area on a lot, measured parallel from the front and/or corner side lot line, where a building must locate within the minimum and maximum range of setback provided.

Minor Street: For the purposes of the West Broadway CDO, minor streets are generally those which are not otherwise categorized as West Broadway or major streets. A map identifying the street hierarchy within the West Broadway CDO boundary is made part hereof as Exhibit B, and such map is designated the Street Hierarchy Map (West Broadway Corridor Design Overlay).

Major Street: For the purposes of the West Broadway CDO, major streets are 16th, 19th, 22nd, 25th, 28th, 31st, and 35th Streets and 1st Avenue. A map identifying the street hierarchy within the West Broadway CDO boundary is made part hereof as Exhibit B, and such map is designated the Street Hierarchy Map (West Broadway Corridor Design Overlay).

Principal building: A building or structure used to accommodate one or more of the principal permitted uses.

Street Hierarchy: For the purposes of the West Broadway CDO, West Broadway is considered the highest category street, followed by major streets, and then minor streets. A map identifying the street hierarchy within the West Broadway CDO boundary is made part hereof as Exhibit B, and such map is designated the Street Hierarchy Map (West Broadway Corridor Design Overlay).

15.32A.040 Applicability of the West Broadway Corridor Design Overlay

For all properties located within the West Broadway CDO, compliance with the provisions of this Section are as follows:

A. New construction of commercial, mixed use, and multi-family structures and sites shall comply entirely with the standards of this Chapter.

B. Building modifications equal to fifty (50) percent or more of the assessed value of the structure in a twenty-four (24) month period of time shall be required to bring the entire structure into compliance with the applicable standards of this Chapter. The assessed value shall be as most recently established by the Pottawattamie County Assessor.

C. Building modifications equal to fifty (50) percent 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 Chapter, with the exception of the standards listed in CBMC Section 15.32A.070, *Build-to-Zone for West Broadway and Major Streets*. The assessed value shall be as most recently established by the Pottawattamie County Assessor.

D. Exceptions. Exceptions shall be provided in the following circumstances:
   1. Existing or expanding single family and two family uses are exempt from the regulations of this Chapter;
   2. New drive-through lanes added to existing sites shall meet the screening requirements of this Chapter; and
   3. Minor, equivalent deviations from the standards of this Chapter may be granted by the Community Development Director.

E. In the event of a conflict between the standards contained in this Section and standards identified in an adopted development plan, the latter shall apply.

15.32A.050 Permitted, Conditional and Accessory Uses

Uses permitted, conditional, or accessory in the West Broadway CDO shall be the same as the underlying zone, except as further limited by CBMC Section 15.32A.060, *Prohibited Land Uses*

15.32A.060 Prohibited Land Uses

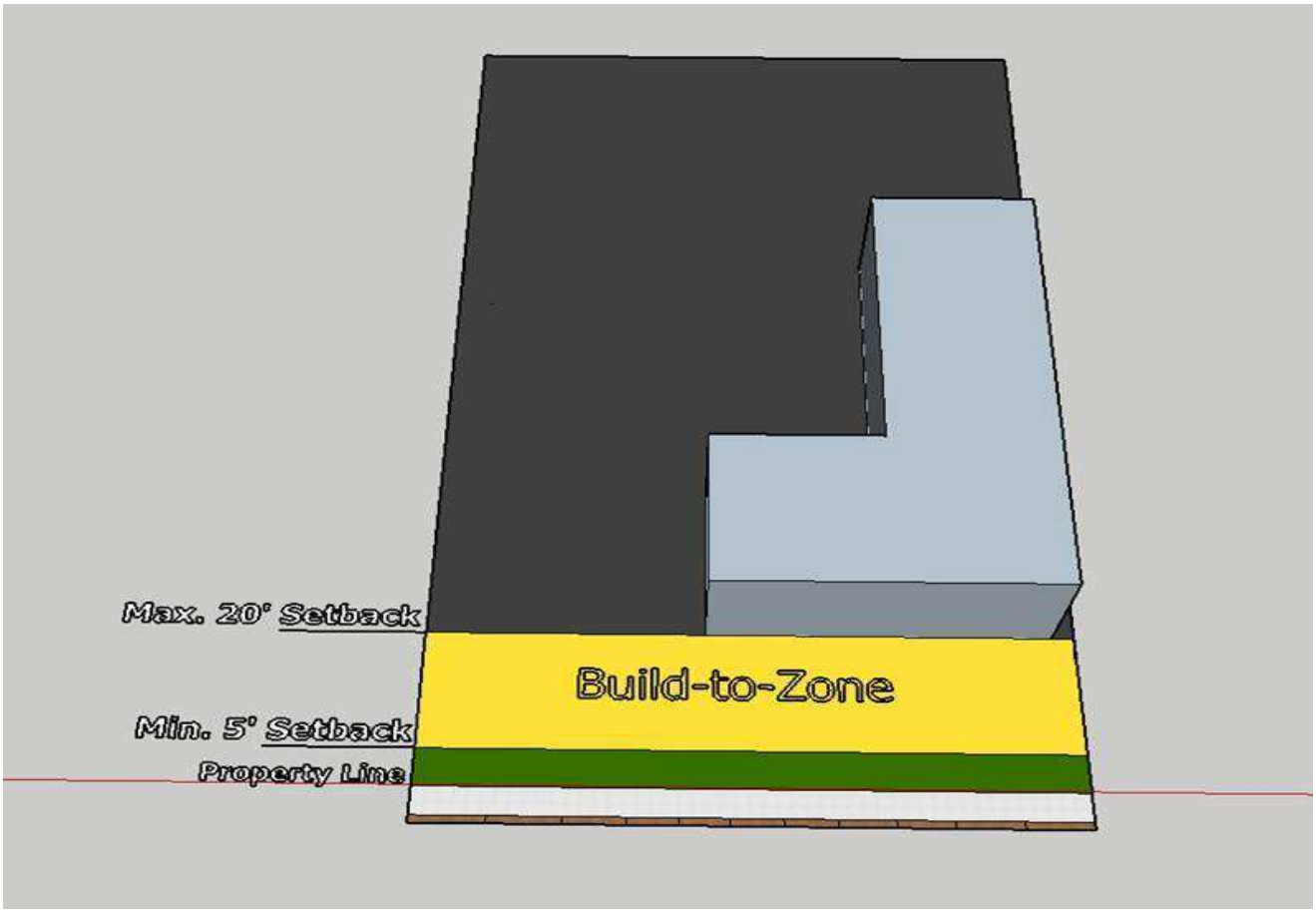
The following uses, as defined in CBMC Section 15.03, *Zoning Definitions*, shall be prohibited on all properties located within the West Broadway CDO:

A. Adult Entertainment;
B. Automotive repair (major only);
C. Automotive sales and rental;
D. Building material, retail sales only;
E. Cemeteries;
F. Commercial storage;
G. Contractor shop;
H. Juvenile detention facility;
I. Industrial and manufacturing;
J. Warehousing and distribution.

15.32A.070 Build-to-Zone for West Broadway and Major Streets

Statement of Intent: New buildings with frontage on West Broadway or a major street shall be situated on sites in such a manner that enhances pedestrian interest and comfort while establishing a consistent street wall that provides a strong visual and physical connection between the public and private realm.

Figure 1: Build-to-Zone



A. All new buildings constructed shall be built within the build-to-zone. The build-to-zone is defined by a maximum setback of twenty (20) feet and a minimum setback of five (5) feet, as seen in *Figure 1: Build-to-Zone*. Accessory structures shall not be located in the build-to-zone.

B. The build-to-zone supersedes any front or street side yard setback established in the underlying zoning district. All buildings shall comply with all other required setbacks of the underlying zoning district.

C. Frontages.
   1. For properties with a single street frontage, the build-to-zone applies to that frontage.
   2. For corner properties, the build-to-zone applies to the highest category street.
   3. For properties that have two non-intersecting street frontages, the build-to-zone applies to West Broadway.
   4. Buildings shall have a minimum build-to-width of fifty (50) percent. The build-to-width shall be exclusive of pedestrian pathways, drive-through lanes, driveways, or required setbacks. Once the minimum build-to-width has been met, portions of the building, or additional buildings on the site may be placed outside the build-to-zone.

15.32A.080 Architecture

Statement of Intent: Buildings located within the West Broadway CDO shall be designed with coordinated, high-quality materials and architectural elements on all facades with design emphasis given towards West Broadway and major street facing facades.

A. Building Materials. Building facades within the West Broadway CDO shall use the following materials:
   1. Durable-
      a. Brick, tile and stone masonry;
      b. Glass (non-mirrored, non-tinted);
      c. Native stone or synthetic equipment;
      d. Architectural metal (non-corrugated metal); and
      e. Other primary materials determined by the Community Development Director.
   2. Complementary-
      a. Wood-clapboard or shingles;
      b. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block);
      c. Stucco, Exterior Finish Installation System (EFIS), or like systems;
      d. Glass block;
      e. Vinyl siding and trim; and
      f. Other complementary materials determined by the Community Development Director.
   3. The minimum percentage of durable and complementary materials per façade shall be as follows:
      a. West Broadway and Major Streets—60% of the total square footage of the façade to which the material is being applied shall consist of durable materials;
      b. Minor Streets—40% of the total square footage of the façade to which the material is being applied shall consist of durable materials; and
      c. All façade areas that do not utilize durable materials shall utilize complementary materials; and
      d. All facades and portions thereof that are not visible from street right-of-way may utilize complementary materials.

B. Articulation.

1. Building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor step backs to articulate building elevations.
2. The base of all facades shall be comprised of one of the following base materials:
    a. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block);
    b. Brick masonry;
    c. Stone masonry, or
    d. Tile masonry.

The base shall be comprised of a different material than the rest of the façade and shall be minimum of two (2) feet in height from the established grade and span the entire width of the façade.

3. Building facades that are blank and/or void of architectural detailing shall not be permitted.
4. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls, cornices or other architectural methods.
5. All facades and portions thereof that are not visible from street right-of-way do not require articulation.

C. Transparency.

1. The minimum percentage of transparent windows and doors that shall cover a façade measured between two (2) and ten (10) feet above grade shall be as follows:
    a. West Broadway and Major Streets—40 percent ground floor, 20 percent upper stories; and
    b. Minor Streets—30 percent ground floor, 15 percent upper stories.
2. Glass that counts towards the minimum transparency requirements shall be non-mirrored, non-tinted, unobstructed and shall have a visible light transmittance of 60 percent or more and an external reflectance of 20 percent or less.

15.32A.090 Landscaping and Streetscapes

Statement of Intent: Landscape design in the West Broadway CDO shall aid in softening the appearance of buildings and paved areas while creating visual interest for people in the corridor.

A. Required Frontage Landscaping.

1. A minimum five (5) feet wide landscape frontage strip shall be installed on all frontages as measured from the back of sidewalk or property line, whichever is a greater distance from the curb.
2. Foundation plantings shall be placed along the perimeter of all façades visible from adjacent street right-of-way at a rate of one tree per lineal foot of facade, not inclusive of entrances.
3. A minimum of one (1) deciduous, shade tree and ten (10) shrubs shall be planted every twenty (20) linear feet along frontage strips and shall be generally evenly spaced apart along the entire length of the frontage strip. Frontage adjacent to buildings shall only be required to install foundation plantings and shall not be included in the required number of tree plantings.

B. Required Parking Lot Landscaping.

1. Minimum parking lot landscaped area.

a. One large, deciduous shade tree shall be planted per 3,000 square feet of paved parking area not covered by buildings or canopies, such as parking stalls, driveways, drive aisles, drive through lanes, and loading areas. Shade trees shall have a minimum two (2) inch caliper at the time of planting and a minimum mature height of at least twenty-five (25) feet with a mature canopy spread of at least twenty (20) feet.

b. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree in the form of interior landscape islands, endcap islands/peninsulas, or perimeter planting areas.

c. Landscape islands shall be evenly distributed throughout the parking lot in order to maximize shade.

d. Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree for the purpose of this requirement.

e. Trees in frontage strips may also be counted as perimeter planting areas.

C. Maintenance. All plant materials shall be maintained at all times. All deceased plantings shall be replaced with plant material(s) of the same or like species of equal size within six months of the plant's demise. Failure to replace said plant materials within the specified time period shall result in enforcement action pursuant with CBMC Section 15.02.130, *Violation and Penalty*. All planting shall respect City codes for sight lines at intersections and electric line restrictions.

D. Streetscapes:

1. On-street parking is encouraged on all new development and redevelopment projects, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.

2. Street tree plantings shall be planted along major streets. Species type and spacing of street tree plantings shall be as designated in the *Council Bluffs Street Tree Species Guide, which is made part thereof as Exhibit C.*

15.32A.100 Pedestrian and Vehicular Access

Statement of Intent: Access to sites within the West Broadway CDO should prioritize pedestrian safety and minimize curb cuts off West Broadway and major streets whenever possible.

A. Curb Cuts.

1. Either one two-way curb cut or two one-way curb cuts are allowed where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on properties with less than one hundred fifty (150) feet of frontage.

2. For corner lots, a maximum of one curb cut is allowed per frontage, regardless of the length of the frontage. In instances where no curb cut is provided on West Broadway, the intersecting street shall be allowed two (2) curb cuts.

3. Curb cut widths, design, and spacing shall be in accordance with adopted Public Works standards.

4. West Broadway curb cuts shall be located not less than seventy-five (75) feet from the intersecting street's curb. Side street curb cuts shall be located not less than twenty-eight (28) feet on un-signalized intersections and seventy-five (75) feet on signalized intersections from West Broadway.

5. Shared curb cuts (between properties) are encouraged.

B. Pedestrian Access. A five (5) foot wide, hard-surface accessible route shall be provided on all adjacent rights-of-way to a public entrance. An accessible route may be designated with painted markings on parking lot pavement.

C. Drive-through lanes.
   1. Drive-through lanes along West Broadway and major streets shall be located to the side and rear of the property when possible. In situations where drive-through lanes are located in front of buildings, the drive-through lanes shall be screened from adjacent public street right-of-way by one of the following methods:
      a. A maximum four-foot masonry wall, subject to the base materials listed in CBMC Section 15.32A.080, *Architecture*;
      b. A vegetative wall capable of providing a substantially opaque barrier and attaining a mature height of four-feet within three (3) years of planting;
      c. An architectural feature attached to the building; or
      d. A combination thereof.
   2. Drive-through landscape plantings may count towards other landscaping requirements.
   3. On corner lots of West Broadway, drive-through ingress shall be taken off the adjacent major or minor street.

15.32A.110 Outdoor Lighting

Statement of Intent. Lighting on each site shall create inviting and safe passageways for pedestrians while minimizing light pollution to neighboring properties and shall be incorporated into the overall building and site design.

A. Light poles on private property shall not exceed twenty-five (25) feet in height from existing grade.
B. Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
C. All lighting on private property shall comply with the standards stated in CBMC Section 15.24.050, *Lighting controls*.

15.32A.120 Screening and Buffering

Statement of Intent. Screening shall be integrated into the overall design of the site and shall fully contain the visual impact of service equipment and functions from public view.

A. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.
   1. Screening planting shall include a six feet minimum width planting strip with a tall hedge as defined in the attached plant list. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from the attached plant list and confirm to the minimum sizes and spacing specified therein.
B. Roof-mounted mechanical equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way.
C. Wall-mounted mechanical equipment shall not be located on any surface within the build-to-zone.
D. Wall-mounted mechanical equipment located on any surface that is visible from an adjacent public street right-of-way shall be fully screened by architectural design features, landscaping, or a combination thereof.
E. Ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

F. Loading and service areas shall be located to the side or rear of the principal building and shall be screened from view from adjacent property or public street right-of-way by architectural design features, landscaping, fencing, masonry wall, or a combination thereof.

G. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of six feet in height and shall include a lockable gate that when closed completely eliminates the view of the trash area and its contents. All walls and fences used to screen dumpsters and exterior trash storage areas shall be constructed and installed in accordance with CBMC Section 15.32A.130, *Fences and Walls*.

15.32A.130 Fences and Walls

Statement of Intent: Fences and walls placed in the West Broadway CDO shall be constructed of high-quality materials and be complementary in design to the overall site.

A. All fencing shall comply with the standards stated in CBMC Section 15.24.040, *Fence Regulations*.

B. Fences shall be constructed of the following materials or a combination thereof: wood, composite fencing, wrought iron, coated chain link, or other material approved by the Community Development Director.

C. Walls shall be constructed of the following materials or a combination thereof: brick, stone, cast-stone, split-face blocks, stucco over standard concrete masonry blocks, glass block, or other material approved the by the Community Development Director.

D. Non-coated chain link, barbed wire, non-permanent or electrically charged fencing shall not be allowed.

15.32A.140 Signs

Statement of Intent. Signage in the West Broadway CDO shall be complementary in design to the overall site and help to accommodate buildings to a human scale by breaking up large wall masses and adding visual interest to passing pedestrians and motorists.

A. The on-premises sign height and area regulations available for property within seven hundred (700) feet of the interstate highway system are not applicable within the corridor overlay district.

B. A total of one detached on-premises sign shall be allowed for each property.

C. Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed three (3) feet in width. The maximum height for monument signs shall be ten (10) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not be greater than each property's linear feet of street frontage, as measured on one adjacent street, or one hundred fifty (150) square feet, whichever is less.

D. Off-premises signs are not permitted within the district.

E. All signs shall be removed within ninety (90) days after abandonment of the business use. Removal shall include the sign face, all supports, poles and framing.

F. Refacing existing signs are allowed only in conformance with this chapter.

15.32A.150 Adoption of a Development Plan

Statement of Intent. Properties in the West Broadway CDO which are unable to meet any aspects of the above listed regulations shall be allowed the option of applying for a site specific development plan

to be reviewed by the Planning Commission and City Council. Applicants shall submit development plans which enhance components of the development in exchange for relief of other requirements.

A. These standards are not intended to prohibit creative design and development solutions by professional designers/developers that might generate a better quality development.

Accordingly, certain departures from the design standards may be permitted. In order for a departure from the mandatory standards to be allowed, the development proposal must demonstrate that the departure would result in a development that better meets the intent, objectives, and principles of the design standards. The Community Development Director shall have the final authority to resolve any conflicts in the standards.

B. Application. A completed application form, one (1) electronic copy and ten (10) paper copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:

1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;
2. The development name and legal description of the boundary;
3. A north arrow, scale, bar scale, and date;
4. The names and addresses of the owner, and the architect or engineer preparing the plan;
5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
6. All established floodway or floodway fringe encroachment limits;
7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication to public use;
9. Layout, numbers, and dimensions of proposed lots;
10. The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;
15. Proposed signage plan;
16. Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

C. Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.

D. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

E. Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.

F. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

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 October 26, 2020.
APPROVED

_____

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 9-28-20
Second Consideration: 10-12-20
Public Hearing: 10-12-20
Third Consideration: 10-26-20

Council Communication

Department: Community Development
Case/Project No.: SUB-20-009
Submitted by: Chris Meeks, Planner

Resolution 20-245
ITEM 4.D.

Council Action: 10/12/2020

Description

Resolution granting final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition. Location: North of 34th Avenue, West of the South Expressway, and East of South 11th Street. SUB-20-009

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SUB-20-009 Staff Report	Other	9/30/2020
Attachment A - Case Map	Map	9/30/2020
Attachment B - Pollard Games Addition Final Plat	Other	9/30/2020
Attachment C - Letter of Intent	Letter	9/30/2020
Resolution 20-245	Resolution	10/6/2020

City Council Communication

Department: Community Development CASE #SUB-20-009 Applicant/Owner: Pollard Realty (US) LTD 504 34th Avenue Council Bluffs, IA 51501 Owner: 3400 South Expressway LLC 1010 34th Avenue Council Bluffs, IA 51501 Owner: EEO LLC 1010 34th Avenue Council Bluffs, IA 51501 Surveyor: Olsson Attn: Terry Rothanzl 2111 south 67th Street, Suite 200 Omaha, NE 68106	Resolution No. _____	Public Hearing: 10/12/2020

Subject/Title

Request: Final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition.

Legal Description: A tract of land located in Part of the South Half of the Northwest Quarter of Section 12-74-44, City of Council Bluffs, Pottawattamie County, Iowa.

Location: North of 34th Avenue, West of the South Expressway, and East of South 11th Street

Background/Discussion

The Community Development Department has received an application from Pollard Realty (US) LTD, requesting final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition, as shown and legally described on Attachment B. The subdivision contains 26.257 acres more/less of land and is located North of 34th Avenue, West of the South Expressway, and East of South 11th Street, and containing the addresses of 504, 1010, and 1012 34th Avenue. Proposed Lot 1 will contain 9.291 acres and currently contains an auto sales lot, proposed Lot 2 will contain 9.375 acres of land and currently contains automobile and recreation vehicle sales lots, and proposed Lot 3 will contain 7.591 acres of land and currently contains a manufacturing and distribution warehouse. The proposed subdivision will allow the applicant, Pollard Realty, to expand the manufacturing and warehouse facility for American Games on the proposed Lot 3.

Zoning/Land Use

The entirety of the area in the proposed subdivision is zoned I-2/General Industrial District, as is the surrounding property. The surrounding area on the West side of the South Expressway is generally industrial in nature. No land uses will be changing with this proposed subdivision.

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".

Comments

1. 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.

2. Both lots in the proposed subdivision exceed the minimum I-2/General Industrial District lot size requirements and have direct frontage on public roadways.

3. All development in the subdivision shall comply with the standards stated in Section 15.21 I-2/ General Industrial District of the Municipal Code (Zoning Ordinance). Proposed Lots 1 and 3 are considered corner lots as they have frontage along 34th Avenue and South 11th Street, and 34th Avenue and South Expressway, respectively. Chapter 15.03, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) defines the 'front lot line' of a corner lot as "the shortest lot line along a street other than an alley (§ 15.03.430)". Based on this definition and the lot dimensions shown on the proposed final plat, the front lot line of Lot 1 will be the western side of the lot adjacent to South 11th Street, and the front lot line of Lot 3 will be the eastern side of the lot facing South Expressway.

4. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision shall be at the sole expense of the applicant and/or developer, and not the City of Council Bluffs.

5. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the applicant and/or developer, and not the City.

6. The Council Bluffs Public Works Department stated the plat contained the standard lot line easements, and all other easements as shown on the plat have been noted. The Public Works Department also noted that sidewalks were not a required improvement with this plat.

7. Council Bluffs Water Works stated they have no comments.

8. Currently, proposed Lots 1 and 2 are shown to be under two separate ownership groups. Re-deeding of the properties or any other resolution to the ownership discrepancy shall be required prior to the recording of the final plat.

9. The following technical corrections shall be made to the final plat:
   A: A course bearing and distance shall be added to the Commencing Point at the southeast corner of the plat.
   B: Course Bearing (6) near the southeast corner of the proposed Lot 1 shall be corrected, as there is a discrepancy as to what is written in the legal description, and what is shown on the plat.

Recommendation

The Community Development Department recommends approval of the proposed three-lot minor subdivision to be known as Pollard Games Addition, as shown on Attachment B, and subject to the comments above and the conditions below:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to execution of the document.

Attachment

Attachment A: Case Map
Attachment B: Pollard Games Addition Final Plat
Attachment C: Letter of Intent

Surveyor: Terry Rothanzl, Olsson, 2111 South 67th Street Suite 200, Omaha, NE 68106

Prepared by: Chris Meeks, Planner

Attachment A

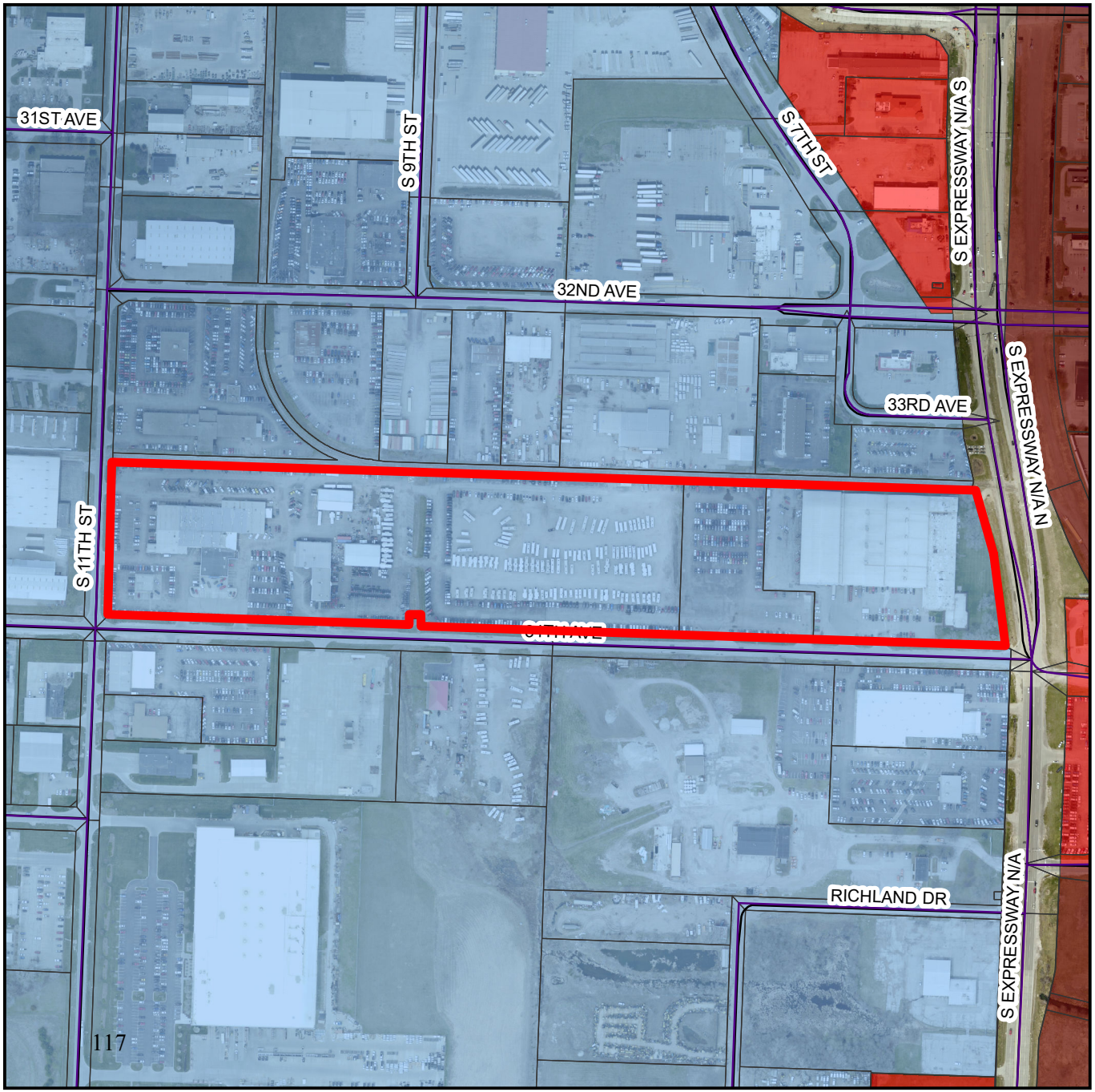
CITY OF COUNCIL BLUFFS
CASE #SUB-20-009 LOCATION/ZONING MAP

Map Legend

- Location of Proposed Final Plat
- Parcels

0 220 440

1 Inch = 443 Feet



N

Last Amended: 9/8/2020

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890.5350

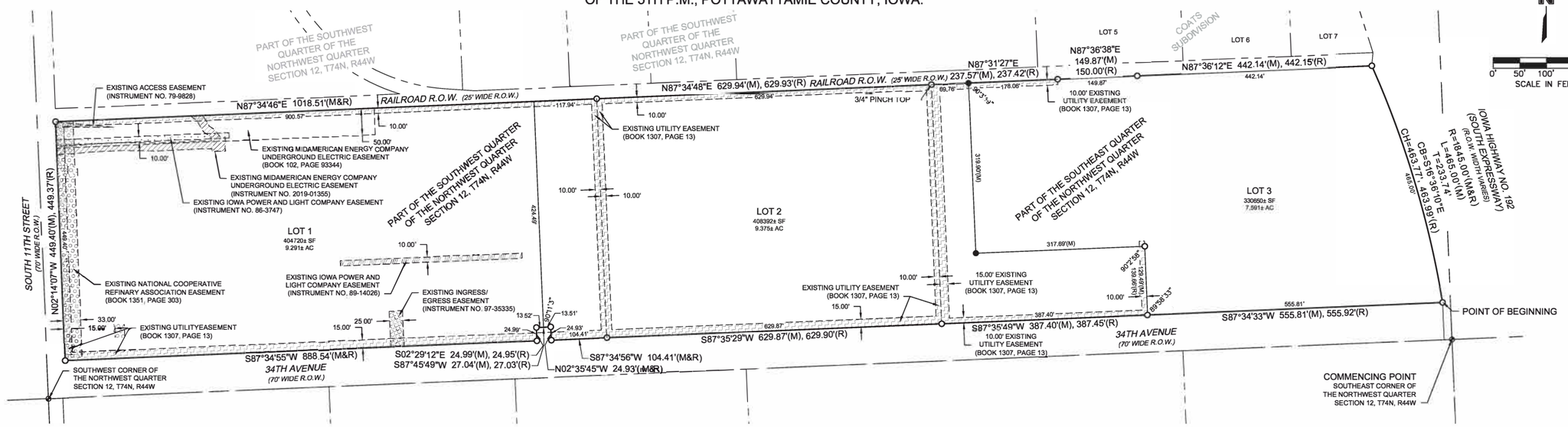
DISCLAIMER

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 expressely denies any and all responsibilities for errors, if any, in the information contained on this mapof 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.

RECORDER'S INDEX:
COUNTY: POTTAWATTAMIE
SECTION: 12 / TOWNSHIP: 74 / RANGE: 44
ALIQUOT PART: S1/2 NW1/4
CITY: COUNCIL BLUFFS
SUBDIVISION: POLLARD GAMESADDITION
LOTS: 1 THRU 3
PROPRIETOR: POLLARD REALTY (US), LTD, 3400 SOUTH EXPRESSWAY, LLC, EEG, LLC
REQUESTED BY: POLLARD REALTY (US), LTD
PREPARED BY: OLSSON
SURVEYOR: TERRY L. ROTHANZL
COMPANY: OLSSON
2111 SOUTH 67TH ST., OMAHA, NE. 68106
402-341-1116

FINAL PLAT OF
POLLARD GAMES ADDITION
LOTS 1 THRU 3

A TRACT OF LAND LOCATED IN PART OF SOUTH HALF (1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTY-FOUR (74) NORTH, RANGE FORTY-FOUR (44) WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.



LEGEND

◆	SECTION CORNER
●	SET 5/8" REBAR W/CAP L.S. #17413
○	FOUND 5/8" REBAR (UNLESS NOTED OTHER WISE)
(M)	MEASURED DISTANCE/ANGLE
(R)	RECORDED DISTANCE/ANGLE
(XX'XX'XX", XXX.XX')	EXISTING EASEMENT DIMENSIONS
———————	BOUNDARY LINE
———————	PROPERTY LINE
——— — — ———	EXISTING PROPRIETY LINE
— — — — — — — — — —	EXISTING EASEMENT LINE

STANDARD UTILITY EASEMENT NOTES

A FIVE (5) FOOT-WIDE PERMANENT EASEMENT ON EACH SIDE AND REAR PROPERTY LINE(S) AND A TEN (10) FOOT-WIDE EASEMENT ALONG ALL FRONT 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 WHICH SHALL NOT BE UNREASONABLY WITHHELD, 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 WHICH SHALL NOT BE UNREASONABLY WITHHELD.
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: WITH THE EXCEPTION OF EXISTING STRUCTURES, 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.
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 AND TO GRANTOR'S SATISFACTION.
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.

NOTES

1. ALL INTERNAL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ANGLES MEASURED ADJACENT TO CURVES ARE MEASURED TO THE CHORD OF SAID CURVE.
3. THERE ARE NO PRIVATE RESTRICTIONS AND/OR COVENANTS THAT WILL BE RECORDED WITH THE PLAT.

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT

I, THE UNDERSIGNED, COUNCIL BLUFFS COMMUNITY DEVELOPMENT DIRECTOR, APPROVE THE FINAL PLAT OF POLLARD GAMES ADDITION.

DATED THIS _____ DAY OF _____, 2020.

_____
BRANDON GARRETT
COUNCIL BLUFFS COMMUNITY DEVELOPMENT DIRECTOR

APPROVAL BY COUNCIL BLUFFS CITY COUNCIL

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF POLLARD GAMES ADDITION, AN ADDITION TO COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

NOW THEREFORE BE, AND IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT SAID PLAT OF POLLARD GAMES ADDITION, AN ADDITION TO COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED.

DATE _____ _____
THE HONORABLE MATTHEW J. WALSH, MAYOR

DATE _____ _____
ATTEST: JODI QUAKENBUSH, CITY CLERK

TREASURERS CERTIFICATE OF TAXES AND SPECIAL ASSESMENTS

I, LEA VOSS, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING LEGAL DESCRIPTION IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS _____ DAY OF _____, 2020.

_____
LEA VOSS
TREASURER, POTTAWATTAMIE COUNTY, IOWA

AUDITOR CERTIFICATE OF RECORDING

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

DOCKET NO: _____ FILED FOR

RECORDED, THIS _____ DAY OF _____, 2020, AT _____O'CLOCK ___M. RECORDED IN PLAT ENVELOPE INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF POTTAWATTAMIE COUNTY, IOWA.

DATED _____, 2020.

_____
MELVYN HOUSER
POTTAWATTAMIE COUNTY AUDITOR

DEDICATION

_____, _____ AND _____ AS THE OWNER(S) OF THE REAL ESTATE DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION, HAVE IN THE PURSUANCE OF THE LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND STREETS, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF TERRY L. ROTHANZL, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS POLLARD GAMES ADDITION, LOTS 1 THRU 3, AN ADDITION TO COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT THE CITY OF COUNCIL BLUFFS, IOWA, THE ___ DAY OF _____, 2020.

BY: _____
_____ _____
NAME TITLE

BY: _____
_____ _____
NAME TITLE

BY: _____
_____ _____
NAME TITLE

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST, OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 12, SAID CORNER ALSO BEING A POINT INTERSECTING THE WEST RIGHT-OF-WAY LINE OF IOWA HIGHWAY NO. 192 AND THE SOUTH RIGHT-OF-WAY LINE OF 34TH AVENUE; THENCE ON THE SOUTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF S87°35'16"W, 14.65 FEET; THENCE N02°25'00"W, 70.14 FEET TO A POINT INTERSECTING SAID WEST RIGHT-OF-WAY LINE OF IOWA HIGHWAY NO. 192 AND THE NORTH RIGHT-OF-WAY LINE OF SAID 34TH AVENUE, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF 34TH AVENUE FOR THE FOLLOWING EIGHT (8) DESCRIBED COURSES: (1) S87°34'33"W, 555.81 FEET; (2) S87°35'49"W, 387.40 FEET; (3) S87°35'29"W, 629.87 FEET; (4) S87°34'56"W, 104.41 FEET; (5) N02°35'45"W, 24.93 FEET; (6) N87°45'49"W, 27.03 FEET; (7) S02°29'12"E, 24.95 FEET; (8) S87°34'55"W, 888.54 FEET TO A POINT INTERSECTING SAID NORTH RIGHT-OF-WAY LINE OF 34TH AVENUE AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 11TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE OF SOUTH 11TH STREET N02°14'07"W, 449.40 FEET TO A POINT INTERSECTING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 11TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF THE RAILROAD; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF THE RAILROAD FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) N87°34'46"E, 1018.51 FEET; (2) N87°34'48"E, 629.94 FEET; (3) N87°31'27"E, 237.57 FEET; (4) N87°36'38"E, 149.87 FEET; (5) N87°36'12"E, 442.14 FEET TO A POINT OF CURVATURE INTERSECTING SAID SOUTH RIGHT-OF-WAY LINE OF THE RAILROAD AND SAID WEST RIGHT-OF-WAY LINE OF IOWA HIGHWAY NO. 192; THENCE ON A 1845.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 465.00 FEET (LONG CHORD BEARS S16°36'10"E, 463.77 FEET) TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 1,143,761.11 SQUARE FEET, OR 26.257 ACRES, MORE OR LESS.

ACKNOWLEDGEMENT OF NOTARIES

STATE OF _____)
) SS
COUNTY OF _____)

ON THIS _____ DAY OF _____ 2020, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

_____
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARIES

STATE OF _____)
) SS
COUNTY OF _____)

ON THIS _____ DAY OF _____ 2020, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

_____
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARIES

STATE OF _____)
) SS
COUNTY OF _____)

ON THIS _____ DAY OF _____ 2020, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

_____, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

_____
NOTARY PUBLIC

SURVEYOR'S CERTIFICATION

I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS AS NOTED HEREON HAVE BEEN PLACED ON THE BOUNDARY OF THE PLAT AND AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS POLLARD GAMES ADDITION, LOTS 1 THRU 3, A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

Terry L Rothanzl 8-26-2020
TERRY L. ROTHANZL DATE
IOWA L.S. 17413

LICENSED LAND SURVEYOR
TERRY ROTHANZL
17413
IOWA

olsson
2111 South 67th Street, Suite 200
Omaha, NE 68106
TEL 402.341.1116
FAX 402.341.5895
www.olsson.com

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

FINAL PLAT

POLLARD GAMES ADDITION
LOTS 1 THRU 3

COUNCIL BLUFFS, IOWA

2020

drawn by:	DSH
checked by:	TLR
approved by:	TLR
QA/QC by:	TLR
project no.:	020-1619
drawing no.:	
date:	08.26.2020

SHEET
1 of 1

DWG: F:\2020\1501-2000\020-1619\4G-Design\Survey\SMYT\Sheets\Final Plat\V_PLAT_020161 9.dwg
DATE: Aug 26, 2020 10:09am
XREFS: TERRY_ROTHANZL_LS_JA V_XBND7_020161 9_XSP-071420
USER: dhastings

Attachment B

Attachment C

July 24th, 2020

Attn: Christopher Gibbons
City of Council Bluffs
Community Development Department
209 Pearl Street
Council Bluffs, IA 51503

RE: Pollard Games Addition – Final Plat Letter of Intent

To whom it may concern,

This Final Plat request is to facilitate a change in the legal boundaries of each parcel and the joining together of the remaining portion of land held by 3400 South Expressway, LLC with EEO, LLC, into a Final Plat. Pollard Realty (U S), LTD is intending to purchase 55,190 square feet of land from 3400 South Expressway, LLC which is directly west of their property to accommodate an addition being added to their building. The size of the addition is unknown at this point but is in the process with another Company. Our client is in the process of acquiring the land and will do so once the Final Plat is in place. No additional infrastructure or easements will be required at this time.

The 55,190 square feet of land purchased by and added to the land owned by Pollard Realty (U S), LTD from 3400 South Expressway, LLC will be Lot 3 of this Final Plat. It is my understanding that the remaining portion of the property held by 3400 South Expressway, LLC and EEO, LLC will be combined together under one of these companies. It will make up Lots 1 and 2 of this Final Plat.

Please don't hesitate to call me with any additional questions. My contact information can be found at the bottom of this letter.

Sincerely,

Terry L. Rothanzl, RLS

Encl.

2111 S. 67th Street / Suite 200 / Omaha, NE 68106
O 402.341.1116 / olsson.com

RESOLUTION NO. 20-245

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT MINOR SUBDIVISION TO BE KNOWN AS POLLARD GAMES ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received an application from Pollard Realty (US) LTD, requesting final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition, as shown and legally described on Attachment "B"; and

WHEREAS, The proposed subdivision contains 26.257 acres more/less of land and is located North of 34th Avenue, West of the South Expressway, and East of South 11th Street, and containing the addresses of 504, 1010, and 1012 34th Avenue. Proposed Lot 1 will contain 9.291 acres and currently contains an auto sales lot, proposed Lot 2 will contain 9.375 acres of land and currently contains automobile and recreation vehicle sales lots, and proposed Lot 3 will contain 7.591 acres of land and currently contains a manufacturing and distribution warehouse; and

WHEREAS, The following comments have been received:

A. 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.

B. Both lots in the proposed subdivision exceed the minimum I-2/General Industrial District lot size requirements and have direct frontage on public roadways.

C. All development in the subdivision shall comply with the standards stated in Section 15.21 I-2/ General Industrial District of the Municipal Code (Zoning Ordinance). Proposed Lots 1 and 3 are considered corner lots as they have frontage along 34th Avenue and South 11th Street, and 34th Avenue and South Expressway, respectively. Chapter 15.03, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) defines the 'front lot line' of a corner lot as "the shortest lot line along a street other than an alley (§ 15.03.430)". Based on this definition and the lot dimensions shown on the proposed final plat, the front lot line of Lot 1 will be the western side of the lot adjacent to South 11th Street, and the front lot line of Lot 3 will be the eastern side of the lot facing South Expressway.

D. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision shall be at the sole expense of the applicant and/or developer, and not the City of Council Bluffs.

E. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the applicant and/or developer, and not the City.

F. The Council Bluffs Public Works Department stated the plat contained the standard lot line easements, and all other easements as shown on the plat have been noted.

G. Council Bluffs Water Works stated they have no comments.
H. Currently, proposed Lots 1 and 2 are shown to be under two separate ownership groups. Re-deeding of the properties or any other resolution to the ownership discrepancy shall be required prior to the recording of the final plat.
I. The following technical corrections shall be made to the final plat:
   1. A course bearing and distance shall be added to the Commencing Point at the southeast corner of the plat.
   2. Course Bearing (6) near the southeast corner of the proposed Lot 1 shall be corrected, as there is a discrepancy as to what is written in the legal description, and what is shown on the plat; and

WHEREAS, The Community Development Department recommends final plat approval of the proposed three-lot minor subdivision to be known as Pollard Games Addition, as shown on Attachment "B", and subject to the comments above and the conditions below:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
C. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to execution of the document.

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

That the final plat approval of a three-lot minor subdivision to be known as Pollard Games Addition, as shown and legally described on Attachment "B", is hereby approved subject to all local, state and federal regulations.

BE IT FURTHER RESOLVED
That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED AND APPROVED October 12, 2020

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Planning Case No. #SUB-20-009

Council Communication

Department: Community Development
Case/Project No.: OTB-20-010
Submitted by: Chris Meeks, Planner

Resolutions 20-246 and 20-247
ITEM 4.E.

Council Action: 10/12/2020

Description

Resolutions to dispose of City property legally described as Lot 2, Arbor Creek Subdivision. Location: Northwest corner of College Road and Railroad Avenue. OTB-20-010

1) Resolution 20-246 Offer to buy submitted by Midlands Humane Society
2) Resolution 20-247 Offer to buy and RFP submitted by Neal Drickey

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
OTB-20-010 Staff Report	Other	10/2/2020
Attachment A - Location Map	Map	10/2/2020
Attachment B - Letter of Intent	Letter	10/2/2020
Attachment C - Site Plan	Other	10/2/2020
Attachment D - Memo prepared by Brandon Garrett	Other	10/2/2020
Resolution 20-246	Resolution	10/6/2020
Staff Report OTB-20-015	Other	10/5/2020
Attachment A - OTB-20-015	Other	10/5/2020
Dickey RFP OTB-20-015	Other	10/5/2020
Resolution 20-247	Resolution	10/6/2020

Council Communication

Department: Community Development CASE #OTB-20-010 Applicant: Midlands Humane Society 1020 Railroad Avenue, Suite A Council Bluffs, IA 51503 Representatives: Nikki Cruickshank Alex Gum	Resolution to Dispose No. _____	Public Hearing: 10-12-2020

Subject/Title

Request of the Midlands Humane Society, represented by Nikki Cruickshank and Alex Gum, to purchase property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa. The property is generally located at the Northwest corner of College Road and Railroad Avenue.

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as "transitional preserve" and "buildable". The applicant gained City Council approval to move forward with the offer to purchase the property at the June 8, 2020 City Council Meeting. The applicant wishes to acquire the property to provide space for future expansion of the humane society building and other amenities. According to the adopted policy of April 23, 2018, the property should be priced at the most recent assessed or appraised value, with an appraisal from JLL Valuation and Advisory Services valuing the subject property at $188,745.00. The applicant has submitted an $18,874.50 down payment to purchase the property.

The initial offer to purchase the subject property by the Midlands Humane Society was reviewed by the City Council on November 26, 2018, at which time no action was taken and the offer was tabled with the request that the Midlands Humane Society compile a site plan showing how the land would be used and an approximate timeline of when the expansions would take place. On June 8, 2020, representatives of the Midlands Humane Society met before the City Council at the afternoon Study Session and presented their site plan and timeline. The City Council saw the proposal as adequate to move forward with the request. The full application to purchase the property was submitted to the Community Development Department on June 19, 2020.

As a nonprofit organization, the Midlands Humane Society would pay no property taxes on the subject parcel if it were to be sold to them. Staff considers the property to be suitable for residential development, which would generate property taxes.

The Information Technology Department indicated that there is City Fiber infrastructure underneath the trail that runs along Railroad Avenue. The Public Works Department confirmed that over $2 million in infrastructure improvements and site work on and around the subject property has been completed with the goal of promoting future development and generating property tax. The Community Development Department acknowledges that the site's proximity to two public streets, access to infrastructure (e.g. water, sewer, gas, electricity), location on an existing bus route, location within walking distance from a school, walking distance to commercial uses, and being adjacent to a bike path makes it well suited for a variety of residential development types.

Attached for review is a location map of the subject property; a Letter of Intent which was submitted by the Midlands Humane Society; a conceptual site plan which shows the Midlands Humane Society's long term goals for the subject property (the approximate timeline of the development is described in the Letter of Intent);

and a memo from Brandon Garrett that was submitted to the City Council on November 19, 2018, which details the infrastructure and development costs the City has incurred on the subject property, as well as supplemental information regarding future development on the property (originally submitted with a previously reviewed development proposal).

Recommendation

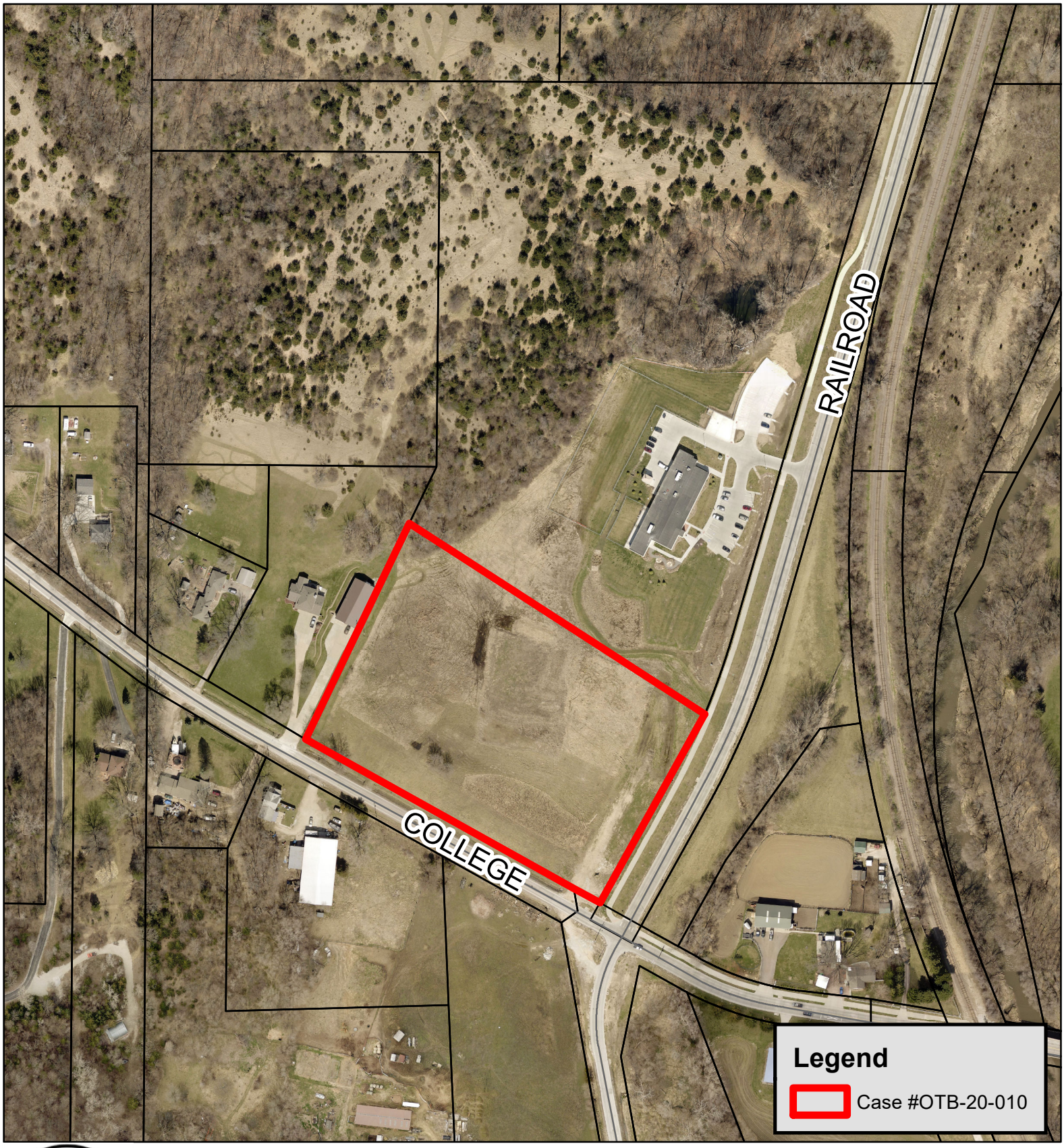
The Community Development Department recommends denial of the request to dispose of the City property legally described as described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa to Midlands Humane Society.

Attachment A: Location map
Attachment B: Midlands Humane Society Letter of Intent
Attachment C: Midlands Humane Society Conceptual Site Plan
Attachment D: November 19, 2018 Memo prepared by Brandon Garrett regarding future development on Lot 2, Arbor Creek

Prepared By: Chris Meeks, Planner, Community Development Department

Attachment A

CASE #OTB-20-010



100 50 0 100 200 Feet

N
W E
S

Attachment B

midlands HUMANE SOCIETY

To: City of Council Bluffs

From: Alex Gum, Chair – Midlands Humane Society Board of Directors, Nikki Cruickshank Executive Director

Date: June 18, 2020

Re: MHS Offer to Purchase Land and Expansion Plan

In the first five years of operation we have seen tremendous growth, including double the number of adoptions and triple the number of pets re-united with their families. We are now able to provide a limited youth program, diverse volunteer opportunities, and have established long lasting partnerships with neighboring Humane Societies, Rescues, Veterinarians, and other animal welfare groups. Through our partnership with Iowa Western Community College we can offer a hands-on experience for the Veterinary Technician students. For the last two years we have employed a grant-funded Director of Animal Behavior who prepares animals for adoption, assists with placement during and after the adoption process, and provides behavior rehabilitation for special-needs pets.

While we are thrilled with how the community has embraced our programs through these first few years of growth, we have already recognized the looming need for expansion. Before the facility was constructed several important spaces were eliminated from the original plans to get MHS operational. In our strategic planning sessions in 2016, the board of directors set a five-year goal to expand and formed an expansion committee to identify, design, and price this plan in preparation for a future capital campaign. The committee has the land south of MHS identified for use in this expansion plan.

The following are features left out of the original design plus other areas identified since opening.

1. Surgery Suite to treat animals in-house, including spay and neuter procedures.
2. Community/Training room for public education, youth programs, volunteer activities and on-site community events.
3. Retail space to sell supplies to new adopters and other relevant items which creates another revenue stream for operations.
4. Private room for surrenders and owner requested euthanasia so individuals and families can grieve outside the public's view.
5. Storage for the vast array of necessary supplies and to store the massive amounts of donated food and items that are frequently received.
6. Employee and Volunteer break area to provide a central place for people to rest, converse and bond.
7. Enlarging the Kevin Bills Dog Park, which without being actively promoted, already sells as many annual memberships as its size can safely accommodate.
8. Additional animal adoptions, holding, and isolation areas.
9. Expanded enclosed green space areas for off-leash exercise, training and behavior work with shelter animals.

The first phase of the expansion plan will involve moving the existing dog park to make room for additional development behind the current building. The new dog park will include over 2 acres of fenced-in areas spanning from the current land onto the additional 6 acre parcel. Additional parking would be added right away while other amenities such as a community pavilion and restrooms could be added later. With a larger park area, we will be able to safely allow more members and actively promote this amenity to community. The existing dog park fencing will be repurposed for additional shelter play and adoption meet and greet areas. The project budget for phase 1 is as follows:

Phase One - Acquire Land and Relocate Dog Park

Acquire land	
Purchase price (est. at appraised value)	188,000
Ancillary costs associated with real estate purchase (est. 5%)	9,400
Land total	197,400
Construct additional parking lot (26 spaces)	
Pavement and markings	46,049
Sidewalk	13,469
Subgrade Preparation	1,664
Engineering Fees	4,418
5% Contingency for bio swale, landscaping, city permit, handicapped sign, seeding and erosion matting, etc.	3,280
Parking Lot Total	68,880
Dog Park	
Estimate for engineering fees, drainage adjustments and soil preparation	75,000
Fencing and gates	37,300
Security gate entrance, including electrical	6,821
Water to park	3,313
5% Contingency to move existing signage, landscaping and misc.	6,122
Dog Park Total	128,556
Total - Phase One	**394,836**

Thanks to several generous bequests, the MHS board of directors has the funds to cover phase 1 and plans to begin the project as soon as a purchase agreement for the land is in place. During phase one, MHS will develop and launch a capital campaign to assist in funding for the remaining phases. Project timeline is estimated at 12-18 months.

Please note that, when projecting costs and timelines, there is uncertainty relating to land preparation that cannot be ascertained without expending funds for soil analysis, civil engineering work, etc. From a fiduciary standpoint, MHS does not consider it appropriate to spend donor dollars on such work until a purchase agreement for the land is in place.

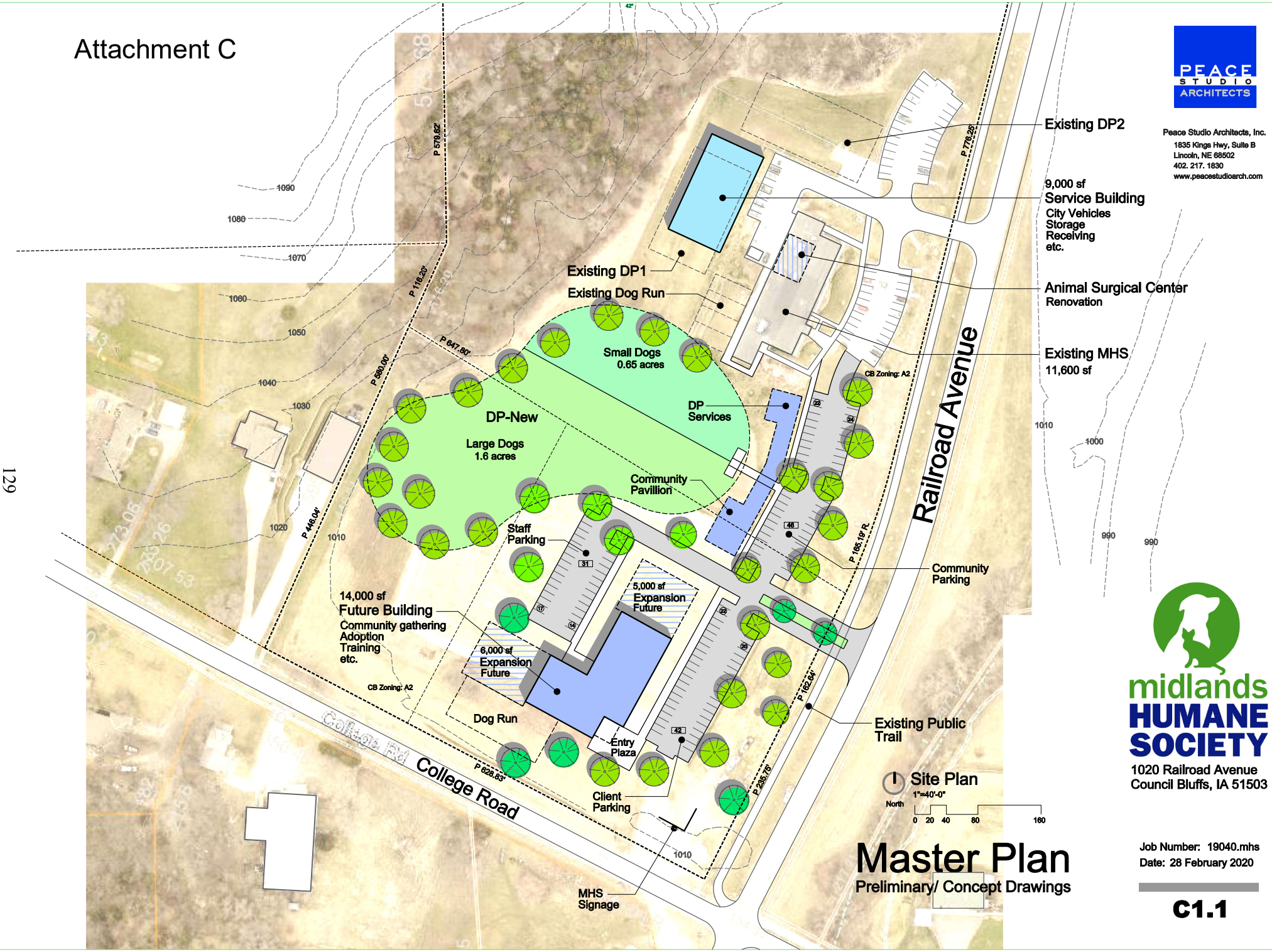
The second phase will include a new 3,750 sq ft metal building with six parking bays including three designated for Animal Control and one for isolated animal drop off. This building would be located behind the current building (to the west) and would replace the use of the existing garage area. An additional 960 sq ft of climate-controlled storage will allow for better management of food and animal supplies as well as free up existing areas currently utilized for storage. The expansion committee designed the building with cooperation from Council Bluffs and Pottawattamie County Animal Control to optimize the interaction with MHS and animal control services. We have identified the costs and are allocating funds to be available after the dog park has been relocated. Project timeline for the new metal building is estimated to be 12-18 months with a projected cost of $420,968, which includes a professional estimate of $350,807 for the building and surrounding pavement plus a 10% contingency of $70,161.

Once the new metal building is complete the third phase will begin which involves renovation of the existing garage space to create an Animal Surgery area that will be utilized for spay and neuter as well as other required surgeries. This will allow MHS to shorten the time an animal can be made available for adoption as well as save on expenses currently used for animal transportation. Additional opportunities would be available for IWCC as well as other area veterinary colleges for experience in shelter medicine. We have already secured donations targeted for this expansion as well as identified grants to support the development and operation of an in-house veterinary service. We are still working on the total costs of this renovation but believe $250,000, which includes construction, equipment and other start-up costs, is a reasonable estimate. MHS already has a restricted donation of approximately $100,000 for this phase. We expect a project timeline of 12-18 months.

The fourth phase of expansion will involve the need for an additional 14,000 sq ft building to allow for community gatherings, indoor training, and expanded adoption areas. This phase is likely 10 years out but without this land we would have to consider relocating or possibly a second site which would create logistic and resource overhead issues. Utilizing the construction budget of the original facility, high level costs have been estimated at $4,065,067 and the project would require 2-3 years of focused campaign funding.

The attached project plan shows how the land would be utilized to allow MHS to provide industry leading animal sheltering services as well as amenities aimed at educating and engaging the community. MHS is and will continue to be a family destination that will attract residents of all ages who can connect and give back through their love for animals.

Attachment C



Site Plan
1"=40'-0"
North
0 20 40 80 160

Master Plan

Preliminary/ Concept Drawings

PEACE STUDIO ARCHITECTS

Peace Studio Architects, Inc.
1835 Kings Hwy, Suite B
Lincoln, NE 68502
402. 217. 1830
www.peacestudioarch.com

midlands HUMANE SOCIETY
1020 Railroad Avenue
Council Bluffs, IA 51503

Job Number: 19040.mhs
Date: 28 February 2020

C1.1

Attachment D

Memorandum

To:	City Council
From:	Brandon Garrett, AICP, Community Development Director
Cc:	Mayor Walsh and Jodi Quakenbush, City Clerk
Date:	November 19, 2018
Re:	Lot 2, Arbor Creek

The following supplemental information is provided regarding the property located at Lot 2, Arbor Creek and associated development proposals.

Planning and Zoning

Comprehensive Plan

The Comprehensive Plan's future land use map (see Exhibit A) shows Lot 2, Arbor Creek as "Rural Residential/Agriculture", the same future land use designation for the ground developed for St. Patrick's Church, Presbyterian Home, a future townhome development, and Immanuel Pathways all nearby at Valley View Drive and College Road. The Parks & Recreation Framework Plan in the Comprehensive Plan (see Exhibit B) does not show a future park in this vicinity. Council Bluffs is under increasing pressure for residential development. This quarter of the city around Iowa Western Community College has undergone significant development since the Bluffs Tomorrow Plan was adopted in 2014. Generally speaking, it is more difficult to predict future land uses in undeveloped areas and market forces often play a major role in determining what the City supports. While the Comprehensive Plan is not a regulatory document, the City should strive to amend the future land use map to reflect larger incremental changes.

Spot Zoning

The proposed change does not meet the definition of spot zoning. A classic case of spot zoning would be a much different use wedged between similar uses—for example, zoning a small lot for Industrial within a residential block in an older neighborhood. In this case, the proposal is for roughly six acres and proposes to zone to a residential district adjacent to other residential districts. It is at the corner of two collector-style streets and has the capacity for much higher density. See attached memo regarding spot zoning cases in Iowa (see Exhibit C).

A-2 Zoning

A-2 is an agricultural type of zoning that is a default for areas that have not developed. Several City parks and other City-owned parcels are zoned A-2 for lack of a "Public" zoning district. Iowa Western Community College is zoned A-2. Sometimes the City will proactively rezone land to A-2 as a placeholder for future parks or development such as in the Mid City area near the West Broadway Viaduct. In this case, there was no need to change the zoning from A-2 in the past because it was a combination of undeveloped land and publicly owned property. "Animal Shelters", as defined in the zoning code are only allowed in A-2 zoning.

Density

The proposed project includes 60 multi-family dwelling units (10 units per acre). Originally, the developers had hoped for a second phase, but the land request was reduced to align with the lease parcel for Midlands Humane Society. By zoning, the six acres could have yielded 135 dwelling units (22.5 units per acre), but the request was for substantially fewer units. The "PR" Overlay proposed would secure the number of units at 60. For reference, a typical low density single-family detached area in the West End is roughly 7.5 units per acre; not much less than the proposal.

Other 5+ Acre R-3 or R-4 Zoned Sites Available

GIS was utilized to identify sites that were 5 acres or larger, vacant, and zoned R-3 or R-4. The Zimmerman proposal was for 6 acres and R-3, but this search was more broadly-inclusive. 19 properties were identified that met the criteria (see Exhibit D). However, upon closer examination of these sites, many have obstacles to development including terrain, utilities, access, forestation, or have already been approved for development. Zero properties discovered were zoned R-4. Six of the 19 properties are only partially zoned R-3 and would therefore require additional zoning action.

Infrastructure and Site Preparation

Water Service

Resolution 13-236 (see Exhibit E) states that the City, Midlands Humane Society, and Council Bluffs Water Works equally shared the cost of extending the water main in the amount of $476,484 ($158,828 City's share). Ultimately, the City paid slightly less ($158,250) when the work was completed (see Exhibit F). The resolution states that the water main will "...service the Midlands Humane Society and any future City developments at that location." (see Exhibit E)

Additional Infrastructure

Sanitary sewer, storm sewer, paving, a traffic signal, right-of-way, and other general costs are attributed to developing this area (see Exhibit G). These are costs associated with extending Railroad Avenue and utilities between E. Kanesville Blvd. and College Road to make the ground developable for the Midlands Humane Society building and additional future development to the south—specifically, a new police headquarters building. A different site for the police headquarters was ultimately chosen, but the site was preserved by the City for future development since it had all necessary infrastructure.

Exhibit G:

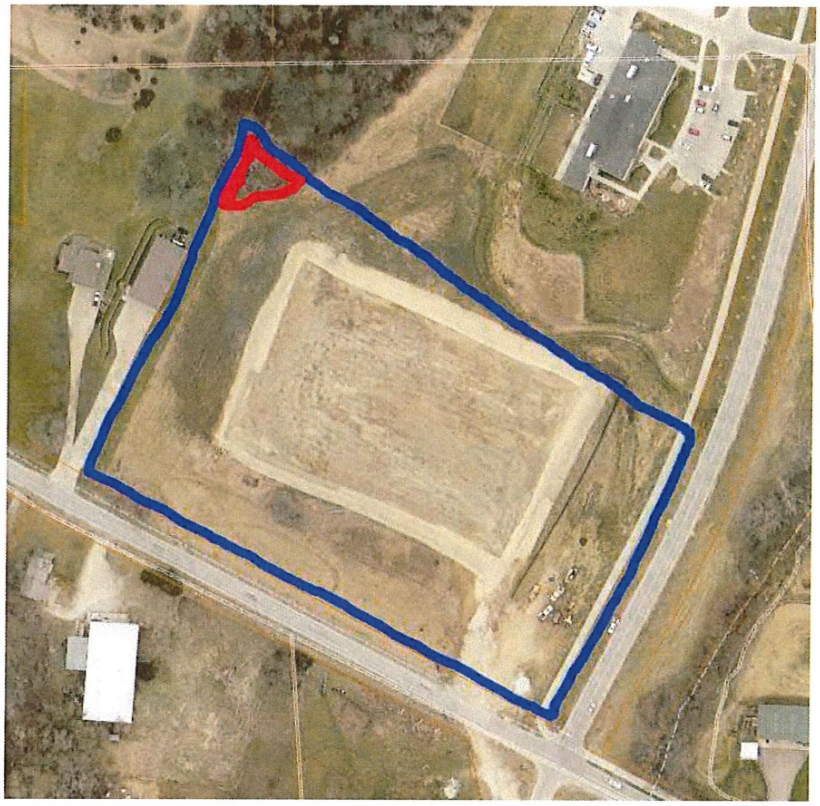
Infrastructure and Site Preparation Costs	
Grading and Fill	$ 234,882.00
Water Service	$ 158,250.00
Sanitary Sewer	$ 105,159.63
Storm Sewer	$ 658,040.99
Pavement: Road and Bike Trail	$ 1,097,003.31
Traffic Signal	$ 189,871.41
Right-of-Way	$ 852,000.00
General Costs and Construction Engineering for Road and Infrastructure	$ 662,265.02
TOTAL CITY COSTS	**$ 3,957,472.36**

Grading and Fill

A developer representing another project calculated the site at what is now Lot 2, Arbor Creek needed 2-3' of fill dirt to raise it out of the floodplain. Months later, it was determined that the site of the new police headquarters had excess dirt that would have to be removed at additional expense. Rather than discard this resource, the City coordinated the relocation of the dirt to be utilized as fill at Lot 2, Arbor Creek in order to make the site more developable and marketable. The relocation of the dirt and stabilization was coordinated by Public Works and was carried out properly. The cost of moving this resource to the site from the police headquarters was $234,882 in 2017.

Any future development of the site will regrade it to accommodate their design. Any development will have to be engineered to follow all applicable grading and stormwater drainage requirements for retention etc. The proposed development did not plan to impact or grade any Loess Hills slopes; the development site is relatively flat (see Exhibit H).

Exhibit H



Red area above is a portion of Loess Hill slope. This area is not proposed for grading.

Bus Route

The site is served by the Blue bus route (see Exhibit I).

City Financial Support of the Midlands Humane Society

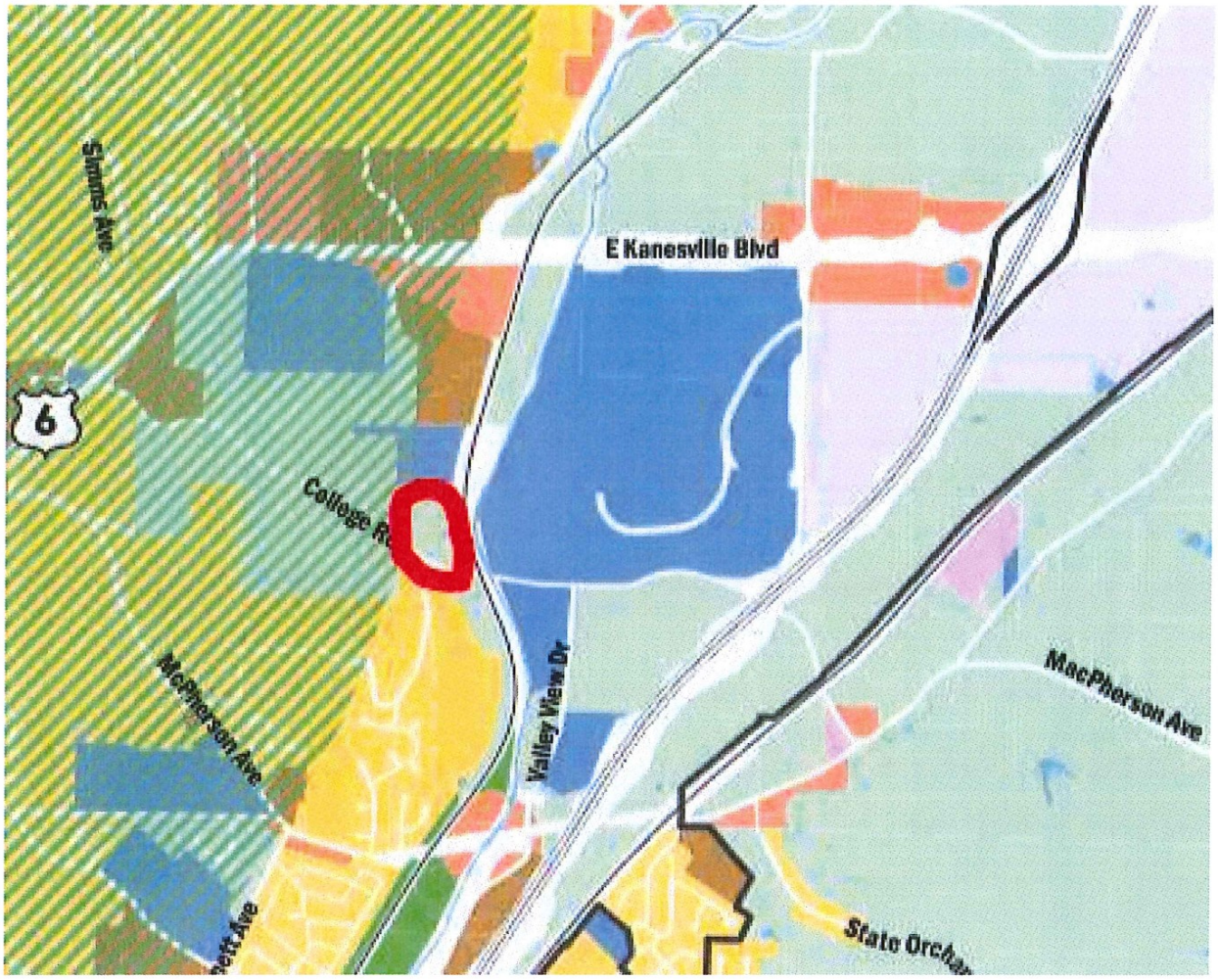
The City made six payments in 2014 totaling $1,500,000 to the Midlands Humane Society for construction of the facility (see Exhibit J). The City paid HGM Associates $26,977 for design work related to the project in 2014 (see Exhibit J). In addition, from FY2015 to FY2018, the City made payments of $259,845 (see Exhibit K). The City recently increased its contributions to the Midlands Humane Society from $1.25 to $2.00 per capita. This payment is calculated at 61,938 x $2 (totaling $123,876 per year). As of 11/09/18, the City has paid the Midlands Humane Society $41,312.68 for FY2019 (see Exhibit K). From FY2014 to date, the City has spent $1,828,134.68 in support of Midlands Humane Society (excluding infrastructure costs). The City owns the building and Midlands Humane Society leases the space for $1 per year as part of a 99-year lease agreement. The City's Animal Control Division of the Community Development Department is located in the building and pays no additional rent above the City's per capita contribution.

Estimated Local Property Taxes

Midlands Humane Society: $0/year

Current Zimmerman Proposal (60 dwelling units): $61,844/year (see Exhibit L)

EXHIBIT "A"



Land Use Legend

Residential

- Rural Residential/Agriculture
- Low-Density Residential
- Medium-Density Residential
- High-Density Residential
- Multi-family/Mixed-use

Commercial

- Local Commercial
- Regional Commercial
- Downtown/Mixed-use

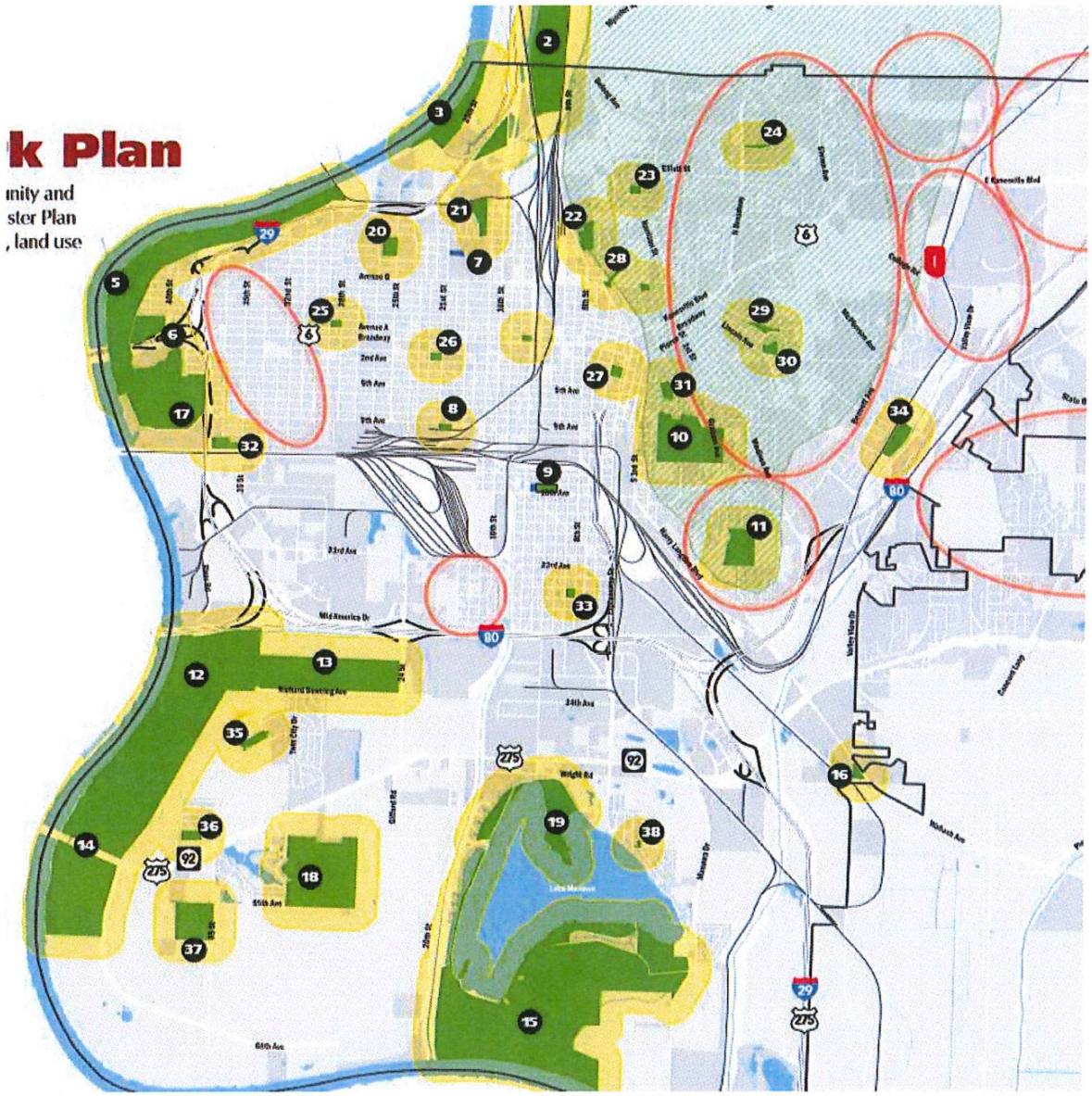
Industrial

- Office/Industrial
- Light Industrial
- Heavy Industrial

Public Land Uses

- Natural Areas
- Public Park
- Public/Semi-public
- Transportation/Utility
- Loess Hills Preservation Area

EXHIBIT "B"



Open Space Legend

- Loess Hills Preservation Area
- Lakes
- Rivers and Creeks
- Pedestrian Priority Zone
- Underserved Areas (as identified in Park Master Plan)
- Existing Developed/Urbanized Footprint
- Rural/Undeveloped

EXHIBIT "C"

CITY OF COUNCIL BLUFFS

INTER-OFFICE MEMO

TO: Honorable Thomas P. Hanafan, Mayor
and Members of the City Council

FROM: Legal Department

DATE: January 10, 1991

RE: Spot Zoning

The Council has requested information about and examples of "spot zoning". Spot zoning results when a rezoning creates a small island of property with use restrictions different from those imposed on the surrounding property. Spot zoning is not necessarily illegal. Iowa courts look at several factors to determine whether spot zoning is reasonable and valid, including the following.

a. the size of the spot rezoned
b. the prior use of the rezoned tract
c. the tract's suitability for various uses
d. the uses of the surrounding property

In general, where a court can find that a city or county had a reasonable basis for rezoning a particular tract to serve the public welfare, rather than solely for private gain, spot zoning will be upheld. The public welfare is promoted by zoning that encourages efficient urban development, lessens congestion on streets, prevents overcrowding, increases or stabilizes property values and the tax base, and conforms to the comprehensive plan.

Some examples from Iowa cases are illustrative.

Illegal Spot Zoning

1. An ordinance rezoned one corner of an interstate intersection to light industrial. The other corners remained agricultural districts. This rezoning was illegal spot zoning because the evidence showed that all four corners were used similarly before the rezoning, and each corner was equally adaptable to a light industrial use. There was no public benefit in choosing one corner over the others. Keppy v. Ehlers, 115 NW2d 198 (Iowa 1962).

2. An ordinance rezoned one lot in the middle of a block surrounded by single-family dwellings. The property in question was a large home near Drake University; the owners wanted to convert it to a sorority house. At the time of the requested rezoning, however, it had always been used as a single-family dwelling. The court found that there was no rational basis to distinguish this property from the others in the block, since all shared the same prior use and were equally suited for the proposed rezoning. Hermann v. City of Des Moines, 97 NW2d 893 (Iowa 1959).

EXHIBIT "C" (continued)

Legal Spot Zoning

1. Agricultural land was rezoned to allow a hog-slaughtering plant. The land around the rezoned tract remained agricultural. This rezoning was valid because, unlike the surrounding land, the rezoned parcel was not prime agricultural land and was near a road, river and railroad tracks.

In this case, the public benefits (adding manufacturing to a troubled agriculture-based economy, increasing tax revenues, and creating jobs) were consistent with the goals of the comprehensive plan. The rezoning was not solely for private gain. Montgomery v. Bremer County Board of Supervisors, 299 NW2d 687 (Iowa 1980).

2. An undeveloped two-acre tract of single-family residential district was rezoned to a neighborhood shopping district. Because the tract was at the corner of a busy intersection, it was not well suited for a home, but was uniquely appropriate for a neighborhood shopping center. Once again, the benefits to the public (providing needed shopping in a rapidly growing residential area) were in accord with the goals of the comprehensive plan. Jaffe v. City of Davenport, 179 NW2d 554 (Iowa 1970).

3. A four-story, 16-room structure was rezoned from single-family to multiple-family. The rest of the neighborhood remained single-family. This rezoning was legal. The building had been used as a medical clinic, rooming house and nursing home and had little appeal as a single-family dwelling. Rezoning would have little or no impact on the value of surrounding properties, and would not otherwise burden them. There is public benefit in eliminating nonconformities. Keller v. City of Council Bluffs, 66 NW2d 113 (Iowa 1954).

To summarize, illegal spot zoning benefits a particular owner at the expense of the public good and is inconsistent with the goals of the comprehensive land use plan.

Respectfully submitted,

Kathleen A. Kilnoski

KATHLEEN A. KILNOSKI
Assistant City Attorney

KAK/jk

EXHIBIT "D"

Undeveloped Parcels over 5 acres Zoned Appropriately for Multifamily Development in the City of Council Bluffs

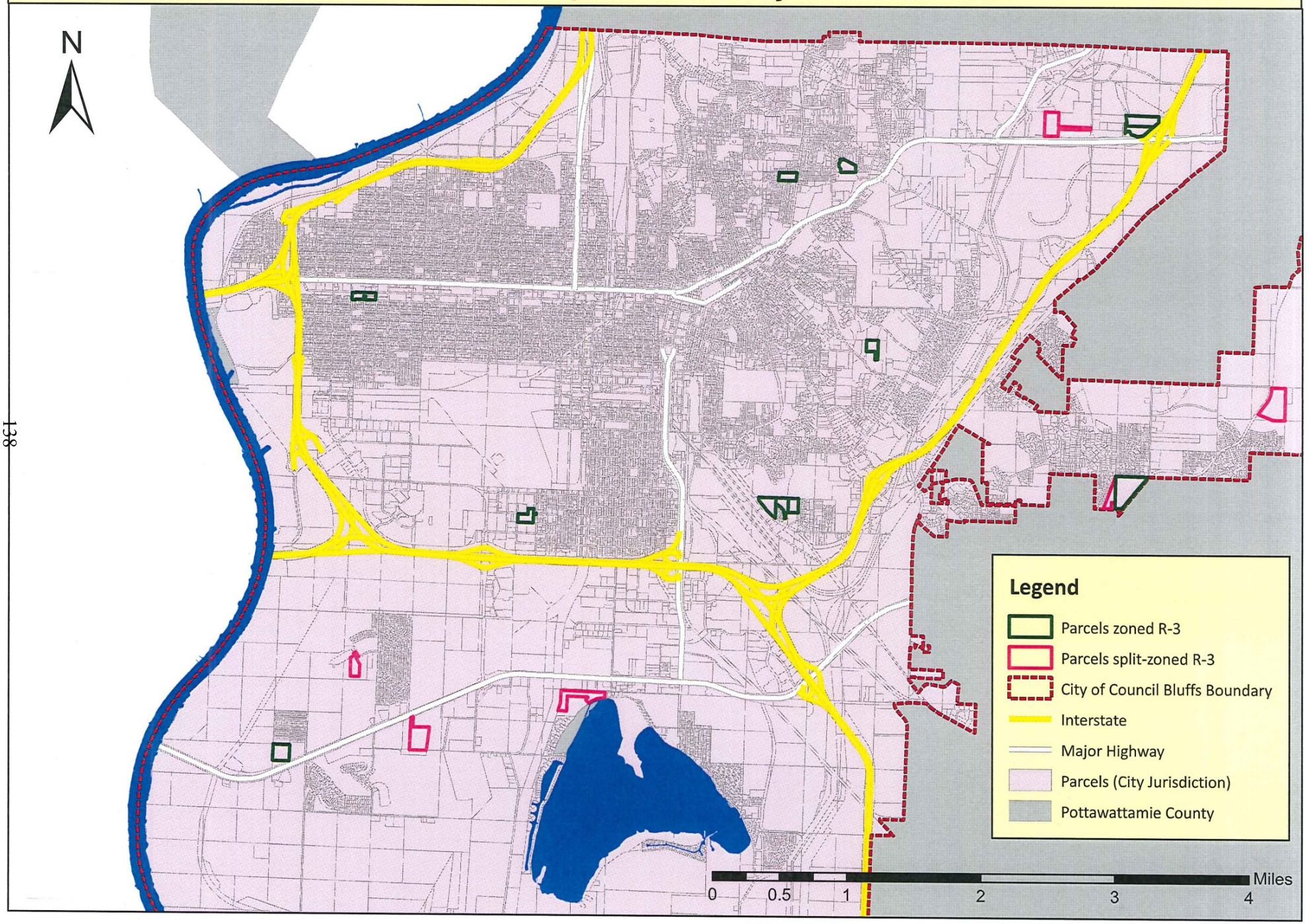


EXHIBIT "E"

Council Communication

Department: Health Department Case/Project No.: N/A	Ordinance No.: Resolution No.: 13-236	City Council: September 9, 2013 First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: N/A

Subject/Title

Midlands Humane Society Project – Water Main Extension Agreement

Location

Running from Indian Hills Road to Railroad Avenue

Background/Discussion

Background

The City owns approximately 28.88 acres of property along College Road and Railroad Avenue. The Midlands Humane Society and the City has been working diligently over the past several years to develop and construct a new humane society and associated dog park on approximately 7 acres of said property.

Discussion

Since there is no water at this location, a water main extension must be brought in from the top of Indian Hills Road. This will service the Midlands Humane Society and any other future City developments at that location. At the September 9th City Council meeting, a public hearing will be held to approve the plans, specifications and form of contract for the water main extension portion of the project At this same meeting, we are also asking for approval of the Water Works agreement detailed below.

A water main extension agreement has been prepared by the Water Works that details the roles and responsibilities of each participant. The Water Works estimates the cost for improvements will be $476,484.00; 1/3 of the cost will be incurred by the City, 1/3 by Midlands Humane Society and 1/3 by the Council Bluffs Water Works. The cost to the City will be funded through existing fund balances. This includes the installation of approximately 1,750 linear feet of eight inch ductile iron pipe and 810 linear feet of twelve inch ductile iron and all necessary fire hydrants and other appurtenances.

Staff Recommendation

The Council Bluffs Health Department recommends that City Council adopt the resolution authorizing the Mayor to execute an agreement with the Council Bluffs Water Works for a water main extension in conjunction with the Midlands Humane Society Project.

EXHIBIT "F"

City of Council Bluffs

Proj 00503 Midlands Humane Society and Water Main Extension

$'s

Expense		
Payments to CB Water Works for Water Main	158,250	
Payments to Midlands Humane Society for Construction	1,500,000	see detail
Payments to HGM Associates	26,977	
Total Expense	**1,685,227**	

Funding sources: General Obligation Bond, Gaming and General Fund

EXHIBIT "I"

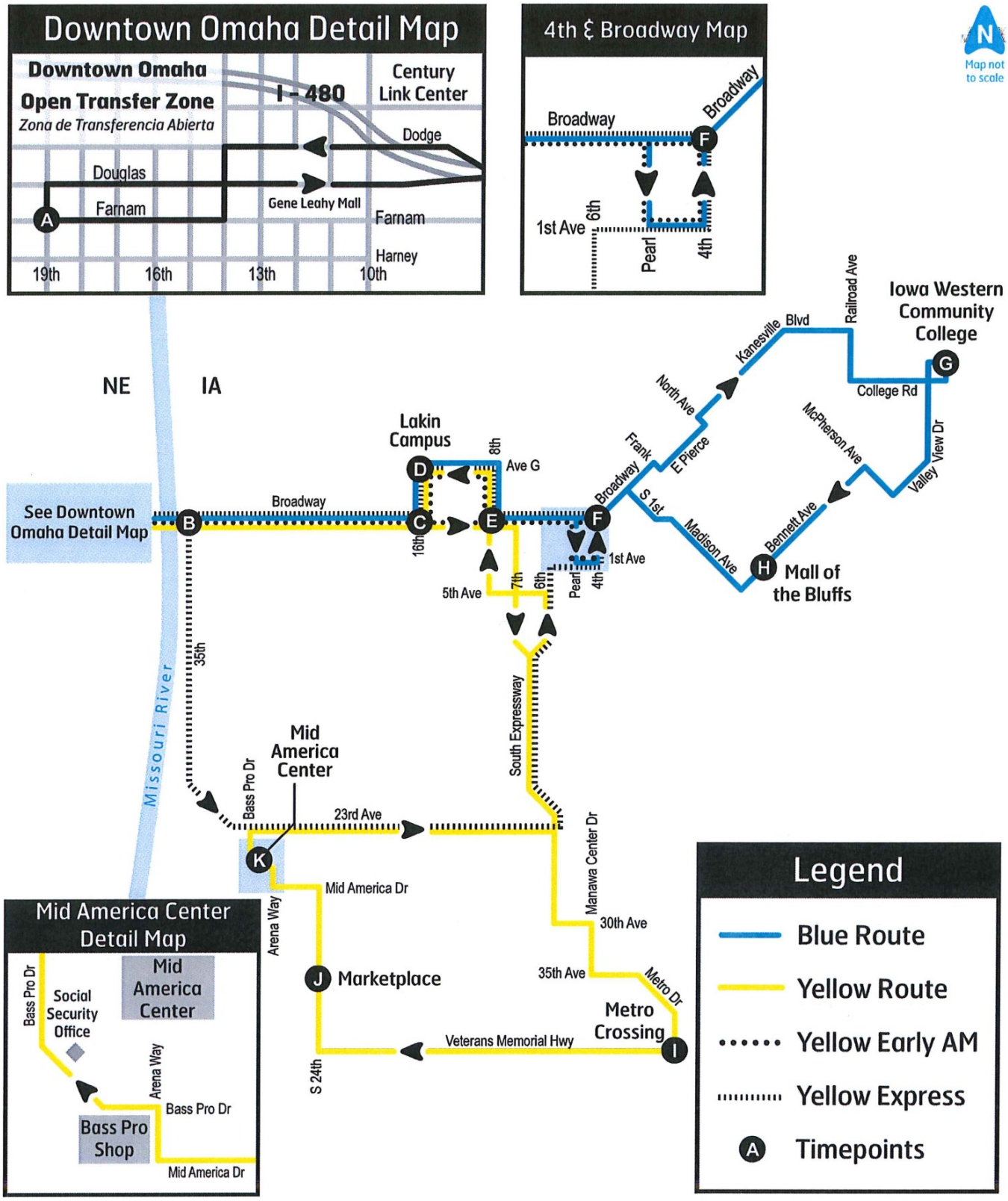

Downtown Omaha Detail Map
Downtown Omaha
Open Transfer Zone
Zona de Transferencia Abierta
I - 480
Century Link Center
Dodge
Douglas
Farnam
Gene Leahy Mall
Farnam
Harney
19th
16th
13th
10th
A
4th & Broadway Map
Broadway
Broadway
F
1st Ave
6th
Pearl
4th
N
Map not to scale
Iowa Western Community College
Railroad Ave
Kanesville Blvd
College Rd
G
North Ave
Frank
E Pierce
McPherson Ave
Valley View Dr
NE
IA
Lakin Campus
8th
Ave G
D
See Downtown Omaha Detail Map
Broadway
B
C
16th
E
F
Broadway
S 1st
Madison Ave
Bennett Ave
H
Mall of the Bluffs
1st Ave
5th Ave
7th
6th
Pearl
4th
35th
Missouri River
South Expressway
Mid America Center
Bass Pro Dr
23rd Ave
K
Mid America Dr
Arena Way
Manawa Center Dr
30th Ave
35th Ave
Metro Dr
J
Marketplace
Metro Crossing
I
Veterans Memorial Hwy
S 24th
Mid America Center Detail Map
Bass Pro Dr
Social Security Office
Mid America Center
Arena Way
Bass Pro Dr
Bass Pro Shop
Mid America Dr
Legend
Blue Route
Yellow Route
Yellow Early AM
Yellow Express
A
Timepoints

EXHIBIT "J"

Project Construction payments to Midlands Humane Society
Other Capital Improvements - $1,500,000.00

Vendor	Descriptiion	CK Amt	Ck No	Ck Date
Midlands Humane Society	Reimb Anderson Construction/BVH	305,608.76	CK#6375	1/31/2014
Midlands Humane Society	Animal Shelter Construction	240,655.53	213820	7/8/2014
Midlands Humane Society	Animal Shelter Construction	295,047.05	213820	7/8/2014
Midlands Humane Society	Animal Shelter Construction	140,290.61	7136	9/15/2014
Midlands Humane Society	Animal Shelter Construction	231,774.54	7137	9/15/2014
Midlands Humane Society	Construction Pymt #6	286,623.51	7292	10/31/2014
		1,500,000.00		

EXHIBIT "K"

City of Council Bluffs

Payments to Midlands Humane Society FY15 to FY19 year-to-date
As of 11/14/2018

FY19 Payments to Midlands Humane Society as of 11/15/2018

Check #	Warrant	Amount
37,525	11/09/18	10,328.17
37,057	10/03/18	10,328.17
36,770	09/05/18	10,328.17
36,447	08/08/18	10,328.17
		41,312.68

FY18 Payments to Midland Humane Society

Inv No	Inv Date	Warrant	Ck #	Amt	
6111	05/31/2018	06/27/18	35981	6,455.10	
5824	04/30/2018	05/23/18	35559	6,455.10	
5467	03/31/2018	04/11/18	35072	6,455.10	
5055	02/28/2018	03/07/18	34691	6,455.10	
4783	01/31/2018	02/07/18	34408	6,455.10	
4499	12/31/2017	01/10/18	34107	6,455.10	
4130	11/30/2017	12/06/17	33740	6,455.10	
3895	10/31/2017	11/08/17	33436	6,455.10	
3679	09/30/2017	10/11/17	33054	6,455.10	
3613	09/21/2017	09/26/17	32893	891.00	Garage Door Repair
3428	08/31/2017	09/05/17	32655	6,455.10	
3144	07/31/2017	08/08/17	32346	6,455.10	
2858	06/30/2017	07/11/17	31962	6,455.10	
				78,352.20	

FY17 Payments to Midland Humane Society

Inv No	Inv Date	Warrant	Ck #	Amt
2613	05/31/2017	06/27/17	31807	6,455.10
2343	04/30/2017	06/27/17	31807	6,455.10
2059	03/31/2017	04/11/17	30932	6,455.10
1851	02/28/2017	04/11/17	30932	6,455.10
021017	02/10/2017	02/21/17	30457	750.00
1747	01/31/2017	04/11/17	30932	6,455.10
1660	12/31/2016	01/24/17	30196	6,455.10
1597	11/30/2016	12/06/16	29741	6,455.10
1543	10/31/2016	11/01/16	29390	6,455.10
1498	09/30/2016	10/18/16	29250	6,455.10
83116	08/31/2016	09/20/16	28958	6,455.10
73116	07/31/2016	08/09/16	28505	6,455.10
63016	07/18/2016	07/26/16	28352	6,455.10
				78,211.20

FY16 Payments to Midland Humane Society

Inv No	Inv Date	Warrant	Ck #	Amt
53116	05/31/2016	06/14/16	27901	6,455.10
43016	04/30/2016	05/17/16	27584	6,455.10
33116	04/05/2016	04/05/16	27142	6,455.10
22916	02/29/2016	03/08/16	26865	6,455.10
13116	01/31/2016	02/16/16	26706	6,455.10
123115	12/31/2015	02/16/16	26706	6,455.10
NOV-2015	11/30/2015	12/29/15	26304	6,455.10
OCT-2015	10/31/2015	12/29/15	26304	6,455.10
093015	09/30/2015	11/10/15	25911	6,455.10
AUGUST-2015	08/31/2015	12/29/15	26304	6,455.10
073115	07/31/2015	08/25/15	25204	6,455.10
				71,006.10

FY15 Payments to Midland Humane Society

Inv No	Inv Date	Warrant	Ck #	Amt	
053115	05/31/2015	06/23/15	268	6,455.10	
043015	04/30/2015	06/23/15	268	6,455.10	
033115	03/31/2015	05/26/15	220055	6,455.10	
022815	02/28/2015	03/03/15	218434	6,455.10	
100	01/31/2015	02/03/15	217949	6,455.10	
c5f412783b	10/31/2014	8142	7292	286,623.51	included on construction payments schedule
BVH#12078-5	07/31/2014	8071	7137	231,774.54	included on construction payments schedule
				550,673.55	

EXHIBIT "L"

Apt. Name	Address	# of units	Mkt units	LIHTC units	Assessed Value	Taxes Paid	Taxes per unit			Mill rate
Prime Square Apartments	822 South Main Street	80	24	56	$ 3,322,000	$ 117,678	$ 1,471	highest		45.35326
			30%							
Beacon Place Apartments	2400 South 19th Street	40	0	40	$ 1,301,000	$ 50,656	$ 1,266			45.35326
Thornbury Way	1951 Nash Blvd.	30	0	30	$ 636,900	$ 28,100	$ 937		Mid Average	45.35326
									$ 1,030.73	
Salisbury Court	1835 Nash Blvd.	18	0	18	$ 404,500	$ 16,004	$ 889			45.35326
Sherwood Place Apartments	2331 Sherwood Drive	32	0	32	$ 849,800	$ 21,014	$ 657	lowest		45.35326
OVERALL AVERAGES FOR FIVE DEVELOPMENTS ABOVE		40	4.8	35.2	$ 1,302,840	$ 46,690	$ 1,043.97			
Valley Ridge Apartments (Zimmerman Proposal)		60	10	50		$ 61,844	$ 1,030.73			

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350

RESOLUTION NO. 20-246

A RESOLUTION TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED LOT 2, ARBOR CREEK SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

WHEREAS, the City has previously expressed its intent to dispose of City owned property legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on October 12, 2020 at 7:00 p.m.

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

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

Midlands Humane Society, and all successors in interest: legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $188,745.00, with the remaining balance beyond the submitted $18,874.50 down payment due at closing. Closing and the property closing must occur within 60 days of the date of approval.

BE IT FURTHER RESOLVED

The applicant shall sign an agreement to combine the subject properties under one parcel number, and to not sell the subject properties separately without prior City approval; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED: October 12, 2020.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Community Development CASE # OTB-20-015 Applicant: Neal Drickey 2023 S 181 Circle Omaha, NE 68130	Resolution of Intent No. _____ Resolution to Dispose No. _____	Public Hearing: 10-12-2020

Subject/Title

Resolution to dispose of City property legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa to Neal Drickey. The property is generally located at the Northwest corner of College Road and Railroad Avenue.

Background/Discussion

In July, City Council directed Community Development staff to release a Request for Proposals (RFP) for the property generally located at the corner of College Road and Railroad Highway as an alternative plan to the offer to buy submitted by the Midlands Humane Society (MHS) (OTB-20-010).

The City received one response to the RFP published. Neal Drickey and his development team submitted a proposal for two alternatives with 34 and 36 housing units respectively. Both options are projected to increase the taxable value to over $7 million. Each option will have a combination of attached single family row houses and single family units with the row houses marketed to households at or below 80% of the median family income. Estimated sales prices range from $160,000 for the row houses to $245,000 for the detached single family units. The total project cost is approximately $7.4 to $7.6 million.

Drickey is requesting the City create an Urban Renewal Plan and Area and a tax increment financing (TIF) district for the parcel. The request for TIF is 50% of the eligible tax for ten (10) years. This totals approximately $1.6 million, which would pay for the cost of infrastructure. A change of zone to R-2 and a Planned Residential Overlay would also be required.

As stated in the MHS offer, the property is classified as “transitional preserve” and “buildable”. The Information Technology Department indicated that there is City Fiber infrastructure underneath the trail that runs along Railroad Avenue. The Public Works Department confirmed that over $2 million in infrastructure improvements and site work on and around the subject property has been completed with the goal of promoting future development and generating property tax. The Community Development Department acknowledges that the site’s proximity to two public streets, access to infrastructure (e.g. water, sewer, gas, electricity), location on an existing bus route, location within walking distance from a school, walking distance to commercial uses, and being adjacent to a bike path makes it well suited for a variety of residential development types.

Recommendation

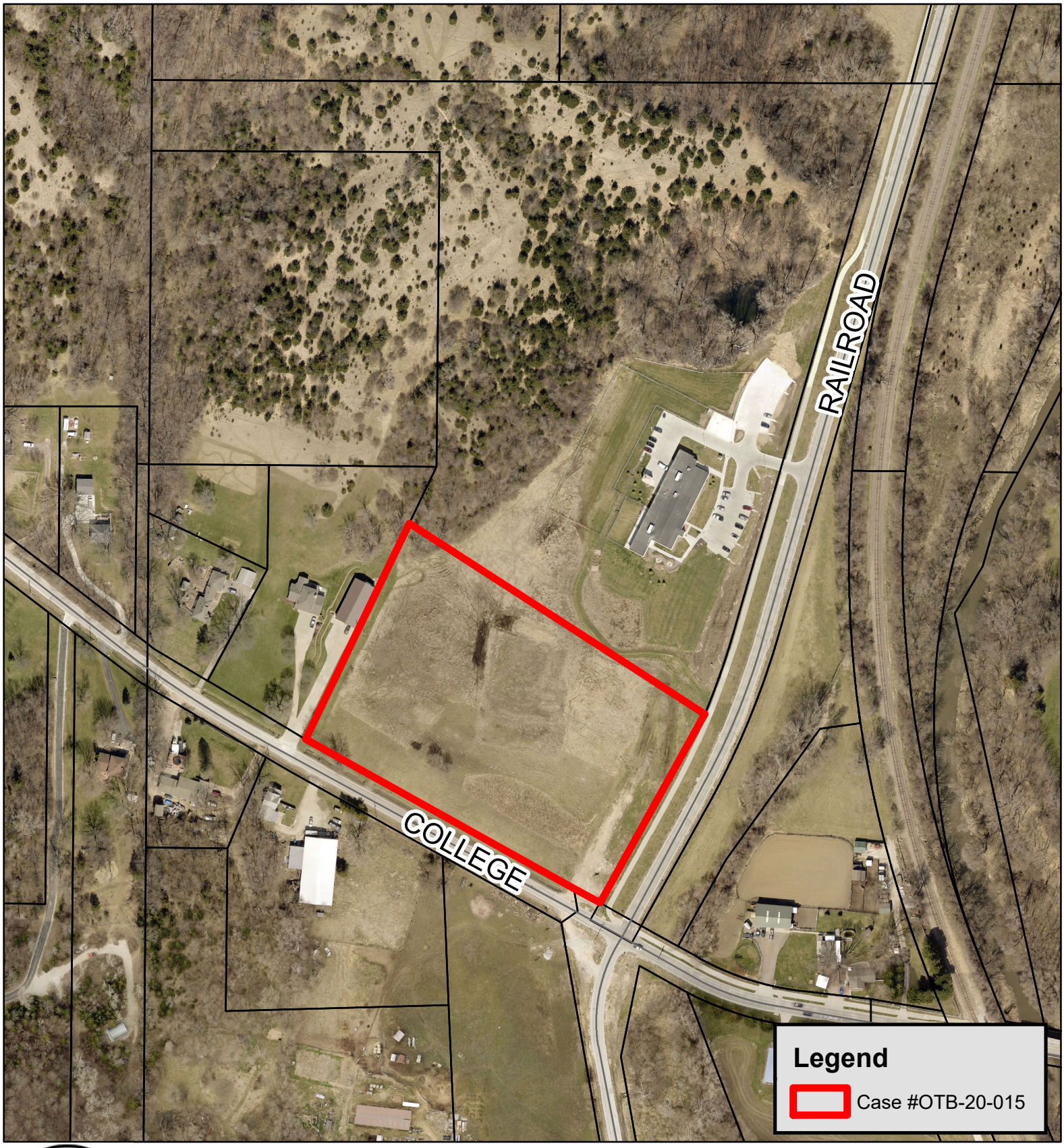
The Community Development Department recommends the disposal of the property legally Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa to Neal Drickey for the purchase price of $200,000.

Attachment A: Location map
Attachment B: Drickey Development Proposal

Prepared By: Courtney Harter, Housing & Economic Development Manager

Attachment A

CASE #OTB-20-015



100 50 0 100 200 Feet

N
W E
S

RESPONSE TO PROPOSAL
City of Council Bluffs

Redevelopment Project
College Rd & Railroad Ave.

Presented by

Neal Drickey

Created 09/17/2020

Attachment E
Proposal Cover Page

Project Information

Project Name College and Railroad

Organization Information

Name of Developer Neal Drickey

Mailing Address 2023 S 181 Circle Omaha Ne 68130

Contact Person Neal Drickey

Telephone 402-598-7270 Fax _____

Email Address ndrickey@yahoo.com

Employer Identification Number Entity will be formed if awarded this project MBE/WBE Owned? NO

DUNS Number _____

Partners

Type	Name and Address	Contact Person
Project Development		
Architectural Firm		
Engineering Firm	E&A	Mark Westergard
Lender	Prelimemary approval by Premier Bank	Josh Berry
Other (specify)		
Other (specify)		

Project Plan / Summary

- Options of development ideas to meet the demands of the city and community needs.
    - Option A – 34 Total units (12 Row House, 19 Ranch Home mix of 2 and 3 car garage, 3-2 Story Home).
    - Option B – 36 Total units (12 Row House, 16 Ranch Home mix of 2 and 3 car garage, 8-2 Story Home).
- Options of finishes for units to meet all levels of homeownership.

DESIGNER IS NOT AN ARCHITECT OR ENGINEER
SITE CONDITIONS MAY VARY/DESIGNS CANNOT
WARRANT THE SUITABILITY OF THESE PLANS FOR
YOUR SPECIFIC SITE/CONSULT YOUR CONSTRUCTION
PROFESSIONAL TO DETERMINE THE SUITABILITY OF
THESE PLANS FOR YOUR SPECIFIC SITE

JPR ENTERPRISES

TDK Residential Design Services & Associates
402-397-6966

OF

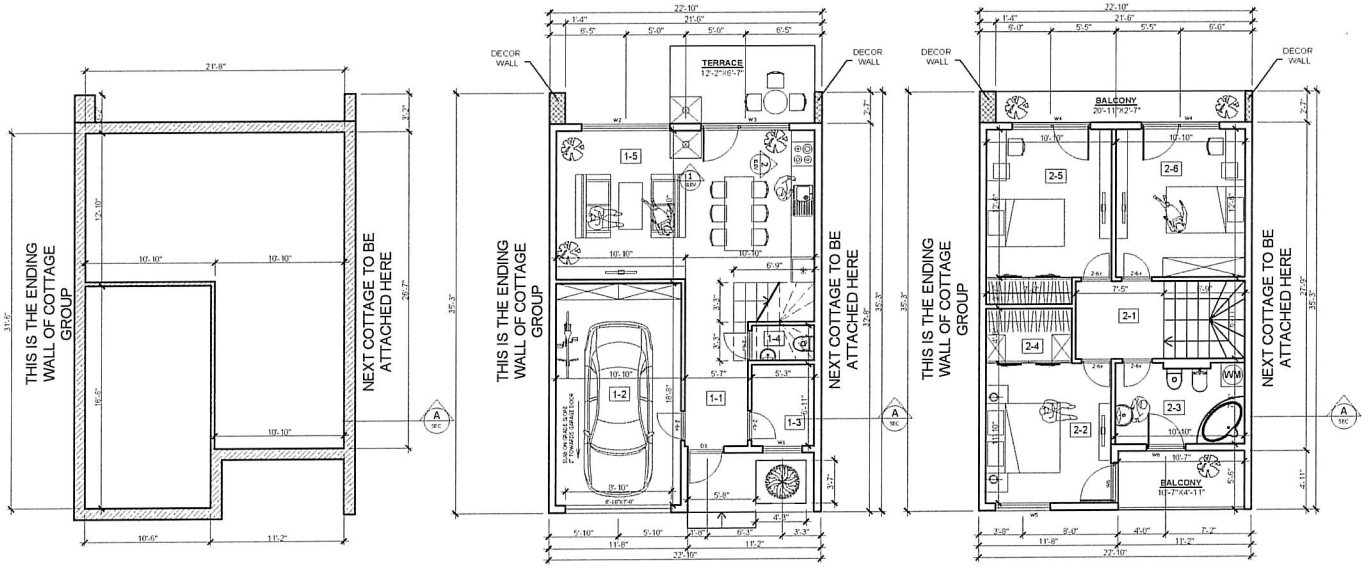
REAR ELEVATION
SCALE: 1/4" = 1'-0"

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Row House



FOUNDATION PLAN
SCALE 1/4" = 1'-0"

MAIN LEVEL :		
NO.	NAME	SQ.F.
1-1	HALL	69
1-2	GARAGE	196
1-3	WARDROBE	36
1-4	BATH	15
1-5	GREAT ROOM / KITCHEN / DINING	273
	TOTAL	589

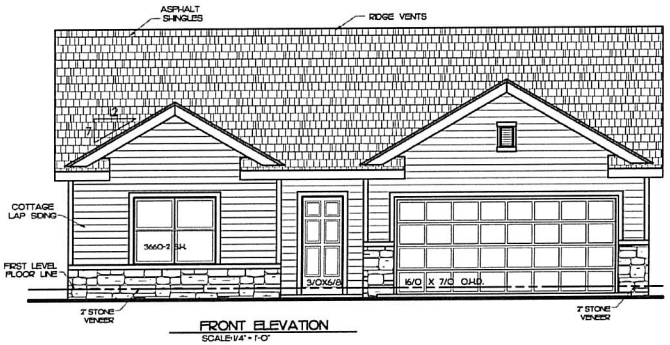
ENTRY LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"

UPPER LEVEL :		
NO.	NAME	SQ.F.
2-1	HALL	48
2-2	MASTER BEDROOM	123
2-3	BATH	74
2-4	WARDROBE	34
2-5	BEDROOM	146
2-6	BEDROOM	134
	TOTAL	559

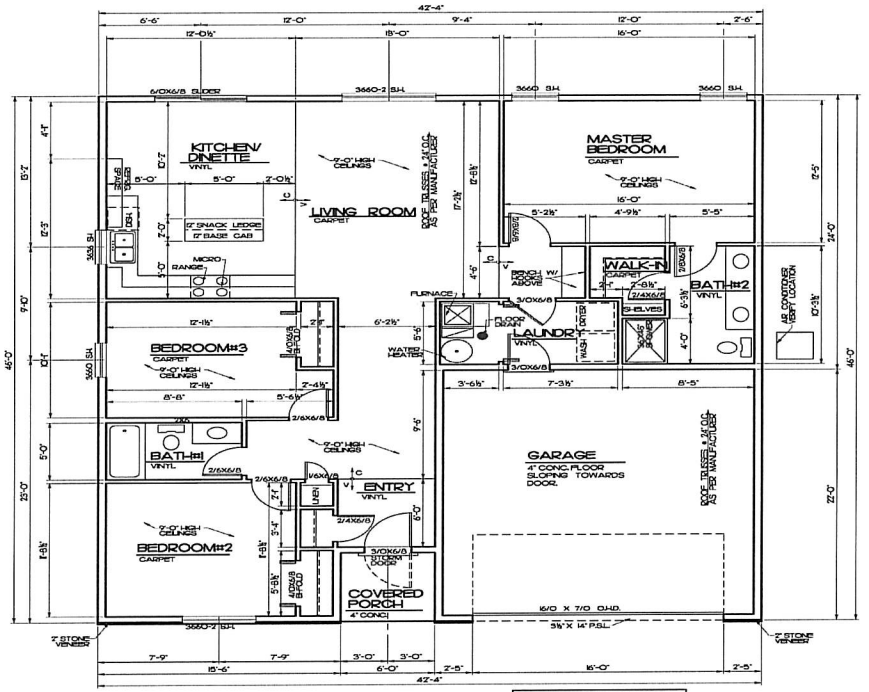
UPPER LEVEL FLOOR PLAN
SCALE 1/4" = 1'-0"

Layla 2/3 Car Garage

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

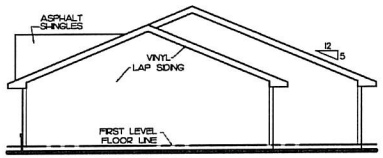


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

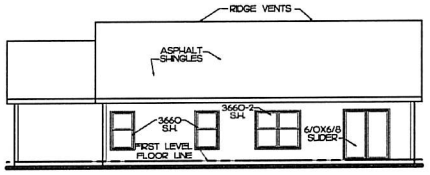


FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

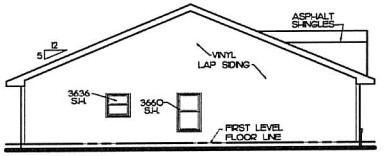
FIRST FLOOR - 1462 SQ.FT.
GARAGE - 450 SQ.FT.



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

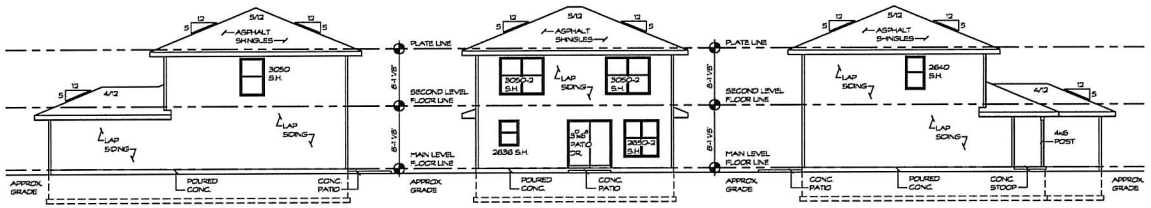


REAR ELEVATION
SCALE: 1/8" = 1'-0"



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

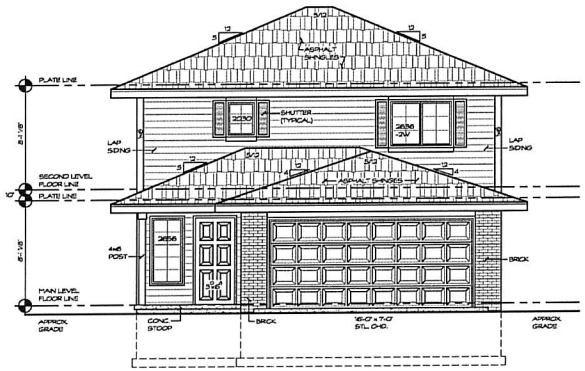
Stern 2 Story



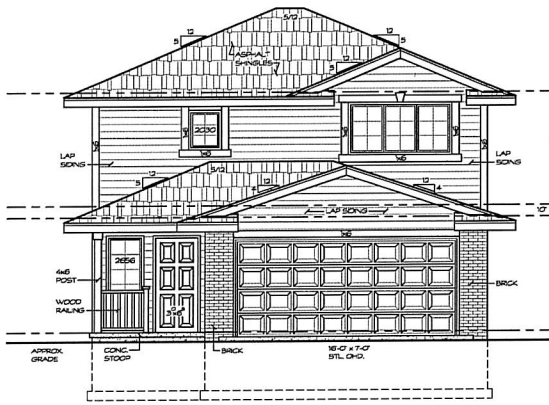
1 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

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

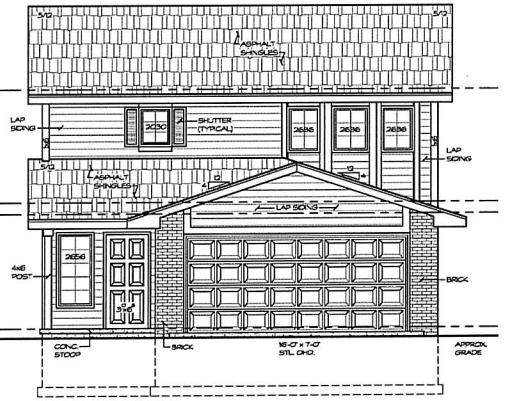
3 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



"OPTION A"
2 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



"OPTION B"
4 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



"OPTION C"
5 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Developer Resume

- Completed Projects –
  - Gethsemane Gardens Development in Lake Manawa.
    - 25 Homes built in last 2 years and brought to certificate of occupancy without partnership or borrowed money.
    - Development increased taxable value of property over $5,000,000
  - Indian Hills Storage Redevelopment
    - Purchased and redeveloped former nursing home into a 65,000sqft climate controlled indoor storage complex. Creating jobs, increasing taxable value of property over 300% and meeting community needs for more storage options.
- Current Projects –
  - Golden Hills Phase 2 in Crescent Iowa
    - Bringing 29 new homes to Crescent increasing taxable value over $9,000,000 while utilizing similar TIF agreement.

Neal Drickey

- 25 Years Excavation, Site Prep, Heavy Equipment Operation
- 25 Years Utilities Installation
- 20 Years Pipeline Work
  Projects Completed Around U.S.
  Iowa, Nebraska, Kansas, Minnesota, Wisconsin, Missouri, Oklahoma, Texas

JPR Enterprises / Joe Raymond

- 25 Years Custom Home Builder, Up To 2.5 Million
- Extensive Home Remodeling Throughout the Metro
- Commercial Buildouts
  River Front Tower, Rustic Cuts, Indian Hills Storage
- Primary Residential of most of Gethsemane Gardens

Clint Brunow, Realtor - Heartland Properties

- 24 Years' Experience in Listing/Selling Hundreds of Homes
- Involvement from Inception to Completion of Gethsemane Gardens House Construction

Lamson Dugan & Murray LLP

- Legal Council

E & A Consulting Group

- Mark Westergard, Engineer

Gethsemane Gardens Development

Indian Hills Storage

Project Timeline

- Engineering and Planning Fall 2020
- Lot Development – Winter / Spring 2021
- Phase 1 Home Build – Spring / Summer 2021
- Phase 1 Home Sales – Winter 2022
- Phase 2 Home Build – Winter / Spring 2022
- Phase 2 Home Sales – Fall 2020 / Winter 2023
- Phase 3 Home Build – Winter / Spring 2023
- Phase 3 Completion – Fall 2023 / Winter 2024

PREMIERBANK

EXPECT MORE

September 14, 2020

To Whom It May Concern:

My name is Josh Berry and I am a Vice President of Premier Bank in Omaha, Nebraska. I have been Neal's banker for more than five years. It is my experience that Neal has the financial wherewithal and knowledge necessary to complete the College Road and Railroad Avenue project. Over the years, Neal and I have worked together of several projects that were successfully completed.

With questions, please contact me directly at the phone number or email address listed below.

Vice President

Josh Berry

Vice President

Commercial Lending

16802 Burke Street

Omaha, NE 68118

Phone: 402.715.4692

Cell: 402.917.0111

jberry@premierbankne.com

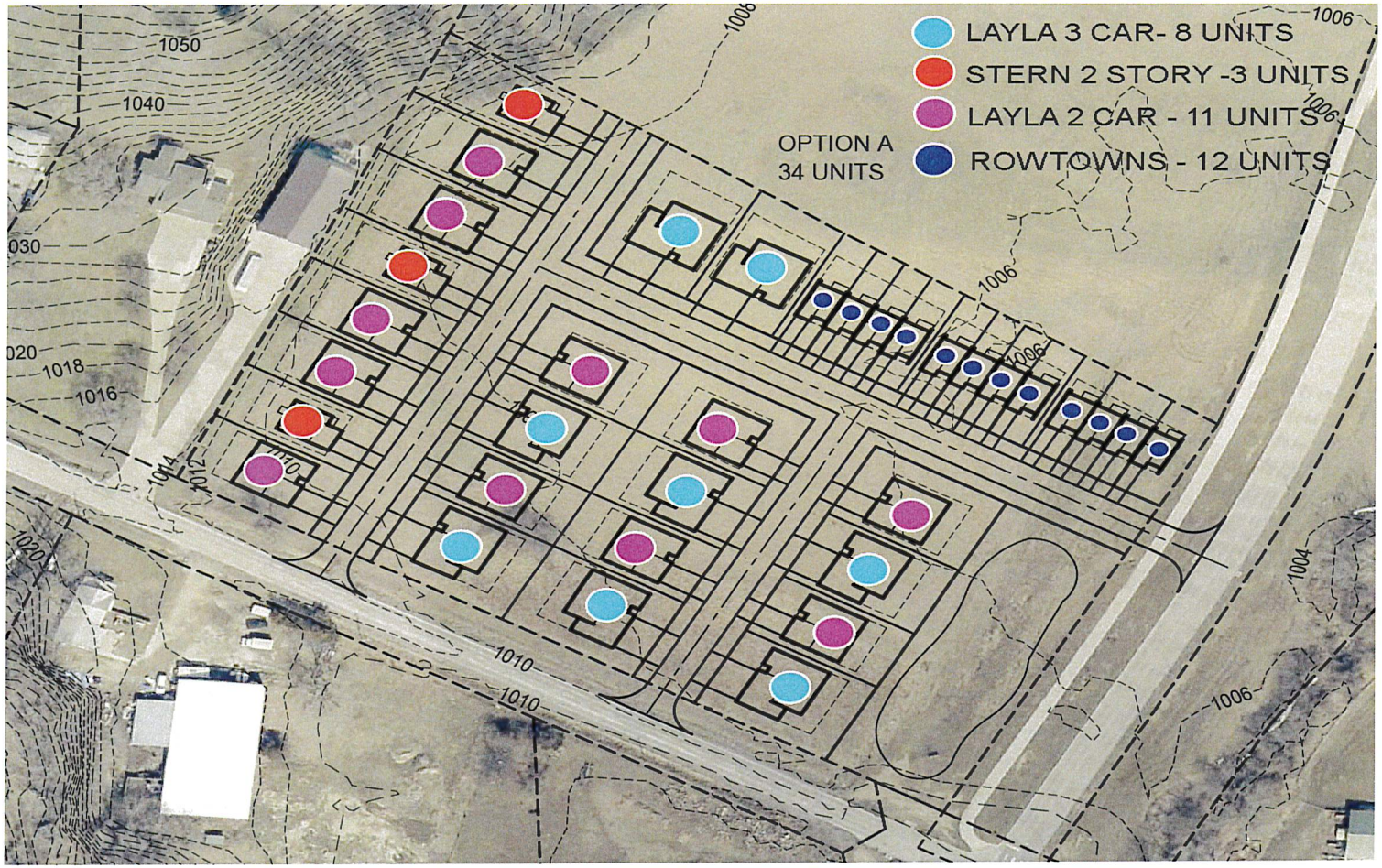
Requested City Based Incentives

- TIF
  - Developer will receive tax incremental financing assistance from the City of Council Bluffs for this project. City will pay developer 50% the projects annual tax revenue increase for a period of 10 years. The payments will begin the year following project completion (See TIF Worksheet for estimated annual payments)

- Developer will fund project privately and will pay $200,000 to city for purchase of the current property.

- Down payment assistance through Neighbor Works Home Solutions for Row Houses.

Option A


LAYLA 3 CAR- 8 UNITS
STERN 2 STORY -3 UNITS
LAYLA 2 CAR - 11 UNITS
ROWTOWNS - 12 UNITS
OPTION A
34 UNITS
1050
1040
1030
1020
1018
1016
1014
1012
1010
1006
1004

Option A – Pro Forma without TIF

Pro Forma Option A

Item	# of Units	Total	Per Unit	% of total
		Lot Development		
Sanitary Sewer		$ 175,400	$ 5,159	17%
Paving Interior		$ 233,467	$ 6,867	22%
Water Distribution		$ 137,650	$ 4,049	13%
Underground electrical		$ 66,400	$ 1,953	6%
Storm Sewer		$ 51,150	$ 1,504	5%
Grading		$ 103,900	$ 3,056	10%
Land Purchase		$ 200,000	$ 5,882	19%
Fees		$ 72,500	$ 2,132	7%
Total		**$ 1,040,467**	**$ 30,602**	
		Home		
Layla 2 Car	8	$ 1,536,000	$ 192,000	25%
Layla 3 Car	11	$ 2,200,000	$ 200,000	36%
Stern 2 Story	3	$ 573,075	$ 191,025	9%
Row House	12	$ 1,802,220	$ 150,185	29%
Total	**34**	**$ 6,111,295**		
		Home Sales		
Layla 2 Car	8	$ 1,960,000	$ 245,000	26%
Layla 3 Car	11	$ 2,915,000	$ 265,000	39%
Stern 2 Story	3	$ 630,000	$ 210,000	8%
Row House	12	$ 1,919,988	$ 159,999	26%
Total	**34**	**$ 7,424,988**		
		Soft Cost		
Project Develop / Overhead		$ 715,176	$ 21,035	10%
Financing Expense		$ 457,603	$ 13,459	6%
Sales Expense		$ 556,874	$ 16,379	7.5%
Total		**$ 1,729,653**	**$ 50,872**	
Project Loss		**$ (1,456,427)**	**$ (42,836)**	

Option A – Lot Development Est

E & A CONSULTING GROUP
10909 MILL VALLEY ROAD, OMAHA, NE 68154

PHONE: (402) 895-4700
FAX: (402) 895-3599

SUMMARY OF ESTIMATED CONSTRUCTION COSTS

PROJECT :	COLLEGE RD & RAILROAD AVE,	ZONING:	RESIDENTIAL
DEVELOPER:	NEAL DRICKEY	JURISDICTION:	COUNCIL BLUFFS, IA
JOB NO.	2020.240.001	LOTS	34
ESTIMATED BY:	WESTERGARD	DATE:	September 9, 2020

COLLEGE RD. & RAILROAD AVE. - OPTION "A"

ITEM	CONSTRCT.		PER LOT			
SANITARY SEWER	175,400		$5,159			
PAVING INTERIOR	233,467		$6,867			
WATER DISTRIBUTION	137,650		$4,049			
UNDERGROUND ELECTRICAL	66,400		$1,953			
STORM SEWER	51,150		$1,504			
GRADING & EROSION CONTROL	103,900		$3,056			
LAND ACQUISITION	180,000		$5,294			
FEES	72,500		$2,132			
TOTALS	**$1,020,467**		**$30,014**			

Notes:

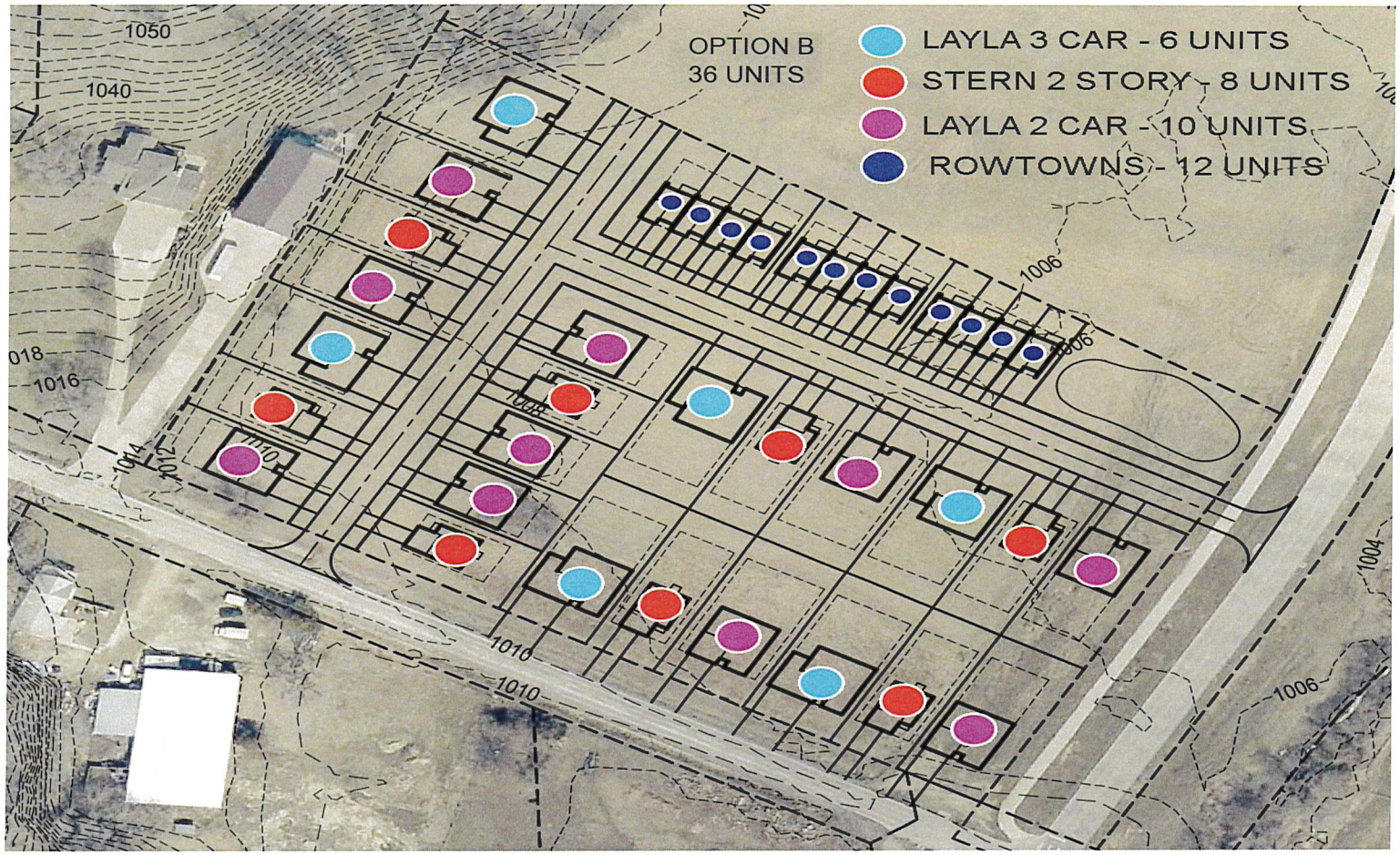
Assumed no sewer, capital facility, park fees would be due on development.
Assumed existing detention basin was sized for both Phase I and Phase II. Phase II flows do go to existing basin via existing storm sewer.
No costs were included for gas or cable TV/internet.
Assumed dirt available on site is sufficient to raise entire site above flood plain elevation. No haul in dirt is in estimate.
Connection to the existing sanitary sewer is on College Road just west of Railroad Avenue
Connection to the existing storm sewer is on Railroad Avenue at the approximate location of the proposed street

Option A TIF Worksheet

Developers' Estimate Worksheet

1)	Date Of preparation	9/15/2020			
2)	Assessed Taxable Valuation of Property per agreement	$ 200,000.00			
3)	Base Taxable Valuation of Property estimated at trigger	$ 7,365,000.00		Number of lots	34
4)	Incremental Taxable Valuation of Property (2 minus 3)	$ 7,165,000.00		Estimated Assessed Value	216,600.00
5)	Current City fiscal year consolidated property tax levy rate for purposed of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate)	45.10	Based on 2019 Levy. Future levy unknown	Year 2021 Roll Back	55.07%
6)	The TIF value (4) factored by the Adjusted Levy Rate (5)	$ 332,161.50			
7)	TIF Estimate (6) x 50%= Developers Estimate	$ 166,080.75	(per year TIF payment after fully sold)		

Option B


OPTION B
36 UNITS
LAYLA 3 CAR - 6 UNITS
STERN 2 STORY - 8 UNITS
LAYLA 2 CAR - 10 UNITS
ROWTOWNS - 12 UNITS
1050
1040
1016
1014
1012
1010
1010
1006
1006
1004

Option B – Pro Forma without TIF

Pro Forma Option B				
Item	# of Units	Total	Per Unit	% of total
		Lot Development		
Sanitary Sewer		$ 159,950	$ 4,443	17%
Paving Interior		$ 181,417	$ 5,039	19%
Water Distribution		$ 122,950	$ 3,415	13%
Underground electrical		$ 69,400	$ 1,928	7%
Storm Sewer		$ 36,750	$ 1,021	4%
Grading		$ 103,900	$ 2,886	11%
Land Purchase		$ 200,000	$ 5,555	21%
Fees		$ 72,500	$ 2,014	8%
Total		**$ 946,867**	**$ 26,301**	
		Home		
Layla 2 Car	10	$ 1,920,000	$ 192,000	30%
Layla 3 Car	6	$ 1,200,000	$ 200,000	19%
Stern 2 Story	8	$ 1,528,200	$ 191,025	24%
Row House	12	$ 1,802,220	$ 150,185	28%
Total	**36**	**$ 6,450,420**		
		Home Sales		
Layla 2 Car	10	$ 2,450,000	$ 245,000	32%
Layla 3 Car	6	$ 1,590,000	$ 265,000	21%
Stern 2 Story	8	$ 1,680,000	$ 210,000	22%
Row House	12	$ 1,919,988	$ 159,999	25%
Total	**36**	**$ 7,639,988**		
		Soft Cost		
Project Develop / Overhead		$ 739,729	$ 20,548	10%
Financing Expense		$ 512,789	$ 14,244	7%
Sales Expense		$ 572,999	$ 15,917	7.5%
Total		**$ 1,825,517**	**$ 50,709**	
Project Loss		**$ (1,582,816)**	**$ (43,967)**	

Option B – Lot Development Est

E & A CONSULTING GROUP
10909 MILL VALLEY ROAD, OMAHA, NE 68154

PHONE: (402) 895-4700
FAX: (402) 895-3599

SUMMARY OF ESTIMATED CONSTRUCTION COSTS

PROJECT :	COLLEGE RD & RAILROAD AVE,	ZONING:	RESIDENTIAL
DEVELOPER:	NEAL DRICKEY	JURISDICTION:	COUNCIL BLUFFS, IA
JOB NO.	2020.240.001	LOTS	36
ESTIMATED BY:	WESTERGARD	DATE:	September 9, 2020

COLLEGE RD. & RAILROAD AVE. - OPTION "B"

ITEM	CONSTRCT.		PER LOT			
SANITARY SEWER	159,950		$4,443			
PAVING INTERIOR	181,417		$5,039			
WATER DISTRIBUTION	122,950		$3,415			
UNDERGROUND ELECTRICAL	69,400		$1,928			
STORM SEWER	36,750		$1,021			
GRADING & EROSION CONTROL	103,900		$2,886			
LAND ACQUISITION	180,000		$5,000			
FEES	72,500		$2,014			
TOTALS	**$926,867**		**$25,746**			

Notes:

Assumed no sewer, capital facility, park fees would be due on development.
Assumed existing detention basin was sized for both Phase I and Phase II. Phase II flows do go to existing basin via existing storm sewer.
No costs were included for gas or cable TV/internet.
Assumed dirt available on site is sufficient to raise entire site above flood plain elevation. No haul in dirt is in estimate.
Connection to the existing sanitary sewer is on College Road just west of Railroad Avenue
Connection to the existing storm sewer is on Railroad Avenue at the approximate location of the proposed street

Option B TIF Worksheet

Developers' Estimate Worksheet

1)	Date Of preparation	9/15/2020			
2)	Assessed Taxable Valuation of Property per agreement	$ 200,000.00			
3)	Base Taxable Valuation of Property estimated at trigger	$ 7,640,000.00		Number of lots	34
4)	Incremental Taxable Valuation of Property (2 minus 3)	$ 7,440,000.00		Estimated Assessed Value	216,600.00
5)	Current City fiscal year consolidated property tax levy rate for purposed of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate)	45.10	Based on 2019 Levy. Future levy unknown	Year 2021 Roll Back	55.07%
6)	The TIF value (4) factored by the Adjusted Levy Rate (5)	$ 344,564.00			
7)	TIF Estimate (6) x 50%= Developers Estimate	$ 172,282.00	(per year TIF payment after fully sold)		

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350

RESOLUTION NO. 20-247

A RESOLUTION TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED LOT 2, ARBOR CREEK SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

WHEREAS, the City has previously expressed its intent to dispose of City owned property legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing has been held in this matter on October 12, 2020 at 7:00 p.m.

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

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

Neal Drickey, and all successors in interest: legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That the purchase price be $200,000.00. Closing and the property closing must occur within 120 days. The Buyer shall be required to enter a development agreement that will be approved by City Council.

BE IT FURTHER RESOLVED

The applicant shall sign an agreement to combine the subject properties under one parcel number, and to not sell the subject properties separately without prior City approval; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED: October 12, 2020.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

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

Ordinance 6428
ITEM 5.A.

Council Action: 10/12/2020

Description

An Ordinance to amend Title 8, Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, by repealing existing Chapter 8.58 "Police Reserve Unit".

Background/Discussion

The Council Bluffs Police Dept. no longer has reserve officers and administration has no intentions of restarting that unit. If at some point they want to start that program again, significant modifications to the verbiage would need to be made and a new chapter would be created and addressed at that time.

Recommendation

It is recommended to repeal Chapter 8.58.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6428	Ordinance	9/23/2020

ORDINANCE NO. 6428

AN ORDINANCE TO AMEND TITLE 8, PUBLIC SAFETY AND MORALS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING EXISTING CHAPTER 8.58 "POLICE RESERVE UNIT".

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

SECTION 1. That Title 8 Public Safety and Morals of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing existing Chapter 8.58 "Police Reserve Unit".

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 October 12, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 9-28-20
Second Consideration: 10-12-20
Public Hearing: N/A
Third Consideration:

Council Communication

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

Ordinance 6429
ITEM 5.B.

Council Action: 10/12/2020

Description

Ordinance to amend Chapter 4.20 "Animal Control" of the Municipal Code of Council Bluffs, Iowa, by amending Sections 4.20.082, 4.20.084, 4.20.088, 4.20.120 and 4.20.132; and creating Section 4.20.083 “Potentially Dangerous Dog Designation."

Background/Discussion

City Legal Dept. met with the Council Bluffs Animal Control division in order to determine what updates were needed to give Council Bluffs the flexibility to guard against dangerous animals, particularly dogs, from endangering both the public as well as other animals. These code revisions give much more enforcement ability to our Animal Control officers while at the same time, allowing them to exercise their own discretion to determine the best course of action when confronted with dangerous animals and irresponsible owners. It also gives owners of animals the ability to address any animal designations by the City and to correct such actions in a way that can show the City that such designations are no longer necessary and can allow for pets and owners to remain with each other.

Recommendation

Approval of this ordinance is recommended.

ATTACHMENTS:

Description	Type	Upload Date
4.20.082 and 4.20.083-red line	Other	9/21/2020
4.20.084-red line	Other	9/21/2020
4.20.088-red line	Other	9/21/2020
4.20.120-red line	Other	9/21/2020
4.20.132-red line	Other	9/21/2020
Ordinance 6429	Ordinance	9/23/2020

4.20.082 Dangerous Animal Designation

The administrative authority or his or her designee may designate an animal to be a dangerous animal under any of the following conditions:

A. Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and capable of killing, inflicting serious injury, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so;
B. Any animal which has attacked another animal while at large.
C. An animal deemed to be dangerous, per se, shall by operation of law be designated a dangerous animal by the administrative authority or the administrative authority's designee.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.083 Potentially Dangerous Dog Designation

a. A. The administrative authority, or the administrative authority's designee, may designate any dog to be a potentially dangerous dog under any of the following circumstances: Chases or approaches a person upon the streets, sidewalks or any other public grounds in a menacing way or with an apparent attitude of attack;
b. When unprovoked, and not at large, inflicts minor in jury to a person that does not require medical care;
c. Causes injury, without causing death, to another domestic animal or livestock, with the following exceptions:
    a. This paragraph shall not apply to feral animals that may be attacked, or;
    b. This paragraph shall not apply to any dog that attacks another domestic animal that intrudes onto the property where the dog is peaceably located, or any other domestic animal that either torments or attacks the dog causing the dog to defend itself.

B. Upon notification of a potentially dangerous dog designation, the owner shall make the dog available to Council Bluffs Animal Control to be photographed for identification purposes.

C. Such designation of "potentially dangerous" may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the CBMC.

D. The annual license fee for a dog designated as potentially dangerous shall be equal to the fee for a dog with no designation as outlined in the Schedule of Fees.

E. The owner of a potentially dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after two years have passed and the owner has met the following conditions:

1. The dog has received no subsequent violations of Chapter 4 of CBMC; and
2. The owner has complied with all requirements of Chapter 4 of CBMC;

If the Chief Animal Control Officer finds sufficient evidence that the owner has complied with all requirements of this ordinance, then the application to remove the potentially dangerous declaration shall be approved.

F. Exceptions – A dog shall not be considered potentially dangerous if, at the discretion of the Chief Animal Control Officer, it is found that:

1. The threat, injury or damage was sustained by a person who was, at the time, committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

2. The dog was tormented, abused, assaulted or otherwise provoked into causing such threat, injury or damage to a person or domestic animal; or

3. The dog was being utilized as part of lawful activity by a law enforcement officer.

4.20.084 Dangerous Dog Designation

A. The administrative authority or the administrative authority's designee may designate any dog to be a dangerous dog under any of the following circumstances:
   1. A dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
   2. A dog that the administrative authority or the administrative authority's designee makes a finding that said dog has been running at large or was at large on three occasions in a twelve-month period; or
   3. Any animal that has been found to be potentially dangerous under Chapter 4 of the Code that, after the owner has received notice or personal knowledge of the animal's potentially dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or is found to be at large..
   4. A dog that, without provocation, bites or attacks a human being resulting in the need for medical attention.
   5. A dog that has, within a 12 month continuous period, caused injury to a domestic animal or livestock on more than one occasion, without causing death.
   6. A dog, that while at large, attacks and kills any domestic animal or livestock.

B. Upon notification of a dangerous dog designation, the owner shall be required to do the following within 30 days of receiving such designation:

a. If the dog is not currently spayed or neutered, require the dog to receive such procedure.

b. If the dog is not microchipped under the Code, require such dog to be microchipped.

c. Designate all public entrances to the property where the dog resides to be marked with "dangerous dog" signs or other similar signage with a minimum signage dimension of 10 inches by 8 inches, and lettering no less than 2 inches in height.

d. Allow for Council Bluffs Animal Control to photograph the dog for identification purposes.

e. 5. Proof of a minimum $500,000 dangerous animal liability insurance policy covering the residing property of the animal, with such proof to be sent directly from the insurance company to Council Bluffs Animal Control and a requirement on the part of the policyholder to immediately notify Council Bluffs Animal Control if there is any lapse or discontinuation of the policy;

f. Construction of an outdoor kennel area on the residing property of the animal that meets the following requirements:

a. Setback of at least 10 feet from the property line;

b. Minimum of 32 square feet total space;

c. Sides of at least 6 feet in height imbedded into the ground no less than 12 inches or secured to a concrete slab;

d. Secure, attached an enclosed top;

e. Door capable of being locked;

f. All material used for enclosure to be constructed of a minimum 11 gauge wire, with openings in the enclosure not to exceed 2 inches.

C. Such designation of "dangerous" may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the Council Bluffs Municipal Code.

D. The annual license fee for a dog designated as dangerous shall be equal to twice the amount of the fee for a dog with no designation as outlined in the Schedule of Fees.

E. No dog designated as dangerous by this ordinance shall be allowed to roam upon the property of the owner without being tethered or leashed and under the supervision of an individual 18 years of age or older.
F. In the event that a dog designated as dangerous by this ordinance is transported, walked, exercised or otherwise taken off the private property of the owner, such dog shall be tethered by a fixed length leash no longer than four feet and be appropriately muzzled to prevent any bite or shall be transported in a secure transportation container or kennel.
G. The owner of a dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after three years have passed and the owner has met the following conditions:
    a. The dog has received no subsequent violations of Chapter 4 of the Code;
    b. The owner has complied with all requirements of Chapter 4 of the Code; and
    c. The owner provides proof of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist certified through the American College of Veterinary Behaviorists (ACVB).

If the Chief Animal Control Officer finds sufficient evidence that the owner has complied with all requirements of this ordinance, then the application to remove the dangerous declaration shall be approved.

Exceptions – A dog shall not be considered dangerous if, at the discretion of the Chief Animal Control Officer, it is found that:

1. The threat, injury or damage was sustained by a person who was, at the time, committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

2. The dog was tormented, abused, assaulted or otherwise provoked into causing such threat, injury or damage to a person or domestic animal; or

3. The dog was being utilized as part of lawful activity by a law enforcement officer.

4.20.088 Irresponsible Animal Ownership

A. An animal owner is deemed to be an irresponsible animal owner, for purposes of this ordinance, if the owner receives a violation of either 4.20.030 or 4.20.140(J) of the Code on one occasion within a two year period.

B. An animal owner is deemed to be an irresponsible animal owner, for purposes of this ordinance, if the owner receives any other violation of Chapter 4 of the Code on two separate occasions within a two year period.

C. A violation of paragraphs A and B above shall be defined as the following:
    1. Paying an animal enforcement fee ticket issued by an animal control officer;
    2. Admitting/pleading to a citation of municipal infraction;
    3. Failing to appear for a citation of municipal infraction; or
    4. Being found guilty of a citation of municipal infraction after a trial.
    5. In the event that an animal owner violates any provision of Chapter 4 of the Code within the same two period after being designated an irresponsible animal owner, all animals may be confiscated and disposed of at the discretion of the administrative authority, and no animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six (36) months.

D.

E. No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.120 Keeping Of Vicious Animals Prohibited - Proceedings To Determine - Seizure And/Or Destruction Authorized

A. No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in CBMC 4.20.130.

B. The administrative authority or the administrative authority's designee may designate any animal to be a vicious animal under any of the following circumstances:

1. Any animal which has attacked or bitten any person without provocation on two occasions;
2. An animal which has attacked and caused significant or catastrophic injury, or death, to any person;
3. Any animal that has been found to be dangerous under Chapter 4 of the Code that, after the owner has received notice or personal knowledge of the animal's dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or found to be at large;

C. This decision may, however, be appealed to the board of review, by presenting a written notice of appeal to the administrative authority within ten (10) days after receiving written notice of said decision. If the decision of the board of review is appealed to the District Court of Iowa, an appeal bond in an amount set forth in the current schedule of fees shall be paid to and held by the animal shelter pending the outcome of the appeal.

C. The administrative authority, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal may, when said animal does not meet the criteria set out in paragraph B of this section, initiate proceedings to declare such animal a vicious animal as defined in CBMC 4.20.020 Paragraph Y. Said proceeding shall be conducted by the board of review. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than twenty-four (24) hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question, and the basis for the allegation of viciousness, and shall also indicate that if the animal is determined to be vicious, the owner shall have three days to have the animal destroyed and present proof thereof. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.

D. If an animal meets the criteria set forth in paragraph B above or, if after hearing, the board determines that an animal is vicious, the administrative authority shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the administrative authority shall cause the animal to be destroyed.

E. Failure to comply with an order issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of CBMC 8.02.020.

F. Every order issued pursuant to the provisions of this section shall include a copy of CBMC 4.20.120.

G. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the administrative authority shall immediately destroy it, or

unless its ownership is not ascertainable, in which case the administrative authority shall destroy it after three days impoundment.

H. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter or a veterinary facility shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing.

I. All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the animal is determined to be vicious.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.132 Administrative Appeal Procedure

The following process shall apply to the appeal of any actions or declarations of the community development or his/her designee pursuant to this chapter.

Appeal. Any individual or entity desiring to appeal an order issued by the director of community development to the board of review may do so by filing a written notice of appeal with the director of community development within ten (10) days after notification of the director's order. The notice of appeal shall state the grounds for such appeal, shall be delivered personally or by certified mail to the director of community development, and shall include a $100 non-refundable processing fee.

A. Within ten (10) days of receiving the written notice of appeal, the administrative authority shall set the date for the hearing of the appeal. Said hearing shall be not less than five days nor more than thirty-six (36) days from the date that the hearing date is set.
B. Notice of the hearing may be personally served on the owner, a duly designated representative, the owner's attorney, or an adult member of the owner's household. Notice may also be served by first-class U.S. mail to the address listed on the notice of appeal at least five days prior to the hearing date.
C. The hearing on appeal shall be open to the public and conducted informally. The rules of evidence shall not strictly apply.
D. The city may be represented before the board by the city attorney's office or the director of community development. The owner may represent him or herself or may be represented by an attorney.
E. The city shall have the burden to prove by a preponderance of the evidence that the action of the administrative authority or his or her designee should be affirmed.
F. Each party will be given the opportunity to present their side of the matter, including the presentation of witnesses and exhibits. Any exhibits given to the board members to examine shall become part of the permanent record and will not be returned to the party submitting the same. At the conclusion of the parties' presentations, the board may make a determination or may take the matter under advisement. Ultimately, the board of review, by majority vote of those present and voting, may affirm, modify or reverse the determination of the administrative authority.
G. The proceedings before the board shall be recorded by one of the following methods: Electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.
H. The decision of the board shall be deemed final upon the announcement of the vote of the board at an open meeting of the board. The decision does not have to be reduced to writing, but shall be noted in the minutes of the board's meeting. If the order is reduced to writing, it shall still be deemed to have been the final order of the board at the time of announcement.
I. The final decision of the board may be appealed in the district court of Iowa in accordance with the provisions of the Iowa Administrative Code. If such an appeal is undertaken, and the animal is being held in the custody of the city, then an appeal bond in the amount set forth in the current schedule of fees shall be paid to and held by the Council Bluffs animal control division pending the outcome of the appeal.

J. Upon finalization of the appeal, the animal control division shall utilize the appeal bond to pay the animal shelter for costs associated with boarding and care of the animal(s) in question. Remaining funds, if any, shall be returned to the owner. The owner shall be responsible for all remaining fees and costs associated with board and keep that is in excess of the amount of the appeal bond.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

ORDINANCE NO. 6429

AN ORDINANCE TO AMEND CHAPTER 4.20 "ANIMAL CONTROL" OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 4.20.082, 4.20.084, 4.20.088, 4.20.120 AND 4.20.132; AND CREATING NEW SECTION 4.20.083 "POTENTIALLY DANGEROUS DOG DESIGNATION."

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

SECTION 1. That Chapter 4.20 "Animal Control" of the Municipal Code of Council Bluffs, Iowa, is amended as follows:

4.20.082 Dangerous Animal Designation
The administrative authority or his or her designee may designate an animal to be a dangerous animal under any of the following conditions:

A. Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and capable of killing, inflicting serious injury, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so;
B. Any animal which has attacked another animal while at large;
C. Any animal deemed to be dangerous, per se, shall by operation of law be designated a dangerous animal by the administrative authority or the administrative authority's designee.

4.20.083 Potentially Dangerous Dog Designation
A. The administrative authority, or the administrative authority's designee, may designate any dog to be a potentially dangerous dog under any of the following circumstances:

    1. Chases or approaches a person upon the streets, sidewalks or any other public grounds in a menacing way or with an apparent attitude of attack;
    2. When unprovoked, and not at large, inflicts minor in jury to a person that does not require medical care;
    3. Causes injury, without causing death, to another domestic animal or livestock, with the following exceptions:
        a. This paragraph shall not apply to feral animals that may be attacked, or;
        b. This paragraph shall not apply to any dog that attacks another domestic animal that intrudes onto the property where the dog is peaceably located, or any other domestic animal that either torments or attacks the dog causing the dog to defend itself.

B. Upon notification of a potentially dangerous dog designation, the owner shall make the dog available to Council Bluffs Animal Control to be photographed for identification purposes.

C. Such designation of "potentially dangerous" may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the CBMC.

D. The annual license fee for a dog designated as potentially dangerous shall be equal to the fee for a dog with no designation as outlined in the Schedule of Fees.

E. The owner of a potentially dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after two years have passed and the owner has met the following conditions:

1. The dog has received no subsequent violations of Chapter 4 of the CBMC; and
2. The owner has complied with all requirements of Chapter 4 of the CBMC;

If the Chief Animal Control Officer finds sufficient evidence that the owner has complied with all requirements of this ordinance, then the application to remove the potentially dangerous declaration shall be approved.

F. Exceptions – A dog shall not be considered potentially dangerous if, at the discretion of the Chief Animal Control Officer, it is found that:

1. The threat, injury or damage was sustained by a person who was, at the time, committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. The dog was tormented, abused, assaulted or otherwise provoked into causing such threat, injury or damage to a person or domestic animal; or
3. The dog was being utilized as part of lawful activity by a law enforcement officer.

4.20.084 Dangerous Dog Designation

A. The administrative authority or the administrative authority's designee may designate any dog to be a dangerous dog under any of the following circumstances:

1. A dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
2. A dog that the administrative authority or the administrative authority's designee makes a finding that said dog has been running at large or was at large on three occasions in a twelve-month period;
3. Any animal that has been found to be potentially dangerous under Chapter 4 of the CBMC that, after the owner has received notice or personal knowledge of the animal's potentially dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or is found to be at large;
4. A dog that, without provocation, bites or attacks a human being resulting in the need for medical attention;
5. A dog that has, within a 12 month continuous period, caused injury to a domestic animal or livestock on more than one occasion, without causing death; or
6. A dog, that while at large, attacks and kills any domestic animal or livestock.

B. Upon notification of a dangerous dog designation, the owner shall be required to do the following within 30 days of receiving such designation:

1. If the dog is not currently spayed or neutered, require the dog to receive such procedure;
2. If the dog is not microchipped under the CBMC, require such dog to be microchipped;

3. Designate all public entrances to the property where the dog resides to be marked with "dangerous dog" signs or other similar signage with a minimum signage dimension of 10 inches by 8 inches, and lettering no less than 2 inches in height;
4. Allow for Council Bluffs Animal Control to photograph the dog for identification purposes;
5. Proof of a minimum $500,000 dangerous animal liability insurance policy covering the residing property of the animal, with such proof to be sent directly from the insurance company to Council Bluffs Animal Control and a requirement on the part of the policyholder to immediately notify Council Bluffs Animal Control if there is any lapse or discontinuation of the policy;;
6. Construction of an outdoor kennel area on the residing property of the animal that meets the following requirements:
    a. Setback of at least 10 feet from the property line;
    b. Minimum of 32 square feet total space;
    c. Sides of at least 6 feet in height imbedded into the ground no less than 12 inches or secured to a concrete slab;
    d. Secure, attached enclosed top;
    e. Door capable of being locked;
    f. All material used for enclosure to be constructed of a minimum 11 gauge wire, with openings in the enclosure not to exceed 2 inches.

C. Such designation of "dangerous" may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the CBMC.

D. The annual license fee for a dog designated as dangerous shall be equal to twice the amount of the fee for a dog with no designation as outlined in the Schedule of Fees.

E. No dog designated as dangerous by this ordinance shall be allowed to roam upon the property of the owner without being tethered or leashed and under the supervision of an individual 18 years of age or older.

F. In the event that a dog designated as dangerous by this ordinance is transported, walked, exercised or otherwise taken off the private property of the owner, such dog shall be tethered by a fixed length leash no longer than four feet and be appropriately muzzled to prevent any bite or shall be transported in a secure transportation container or kennel.

G. The owner of a dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after three years have passed and the owner has met the following conditions:

1. The dog has received no subsequent violations of Chapter 4 of the CBMC;
2. The owner has complied with all requirements of Chapter 4 of the CBMC; and
3. The owner provides proof of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist certified through the American College of Veterinary Behaviorists (ACVB).

If the Chief Animal Control Officer finds sufficient evidence that the owner has complied with all requirements of this ordinance, then the application to remove the dangerous declaration shall be approved.

H. Exceptions – A dog shall not be considered dangerous if, at the discretion of the Chief Animal Control Officer, it is found that:

1. The threat, injury or damage was sustained by a person who was, at the time, committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. The dog was tormented, abused, assaulted or otherwise provoked into causing such threat, injury or damage to a person or domestic animal; or
3. The dog was being utilized as part of lawful activity by a law enforcement officer.

4.20.088 Irresponsible Animal Ownership

A. An animal owner is deemed to be an irresponsible animal owner, for purposes of this ordinance, if the owner receives a violation of either 4.20.030 or 4.20.140(J) of the CBMC on one occasion within a two year period.

B. An animal owner is deemed to be an irresponsible animal owner, for purposes of this ordinance, if the owner receives any other violation of Chapter 4 of the CBMC on two separate occasions within a two year period.

C. A violation of paragraphs A and B above shall be defined as the following:

1. Paying an animal enforcement fee ticket issued by an animal control officer;
2. Admitting/pleading to a citation of municipal infraction;
3. Failing to appear for a citation of municipal infraction; or
4. Being found guilty of a citation of municipal infraction after a trial.
5. In the event that an animal owner violates any provision of Chapter 4 of the CBMC within the same two period after being designated an irresponsible animal owner, all animals may be confiscated and disposed of at the discretion of the administrative authority, and no animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six (36) months.

No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address.

4.20.120 Keeping Of Vicious Animals Prohibited - Proceedings To Determine - Seizure And/Or Destruction Authorized

A. No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in CBMC 4.20.130.

B. The administrative authority or the administrative authority's designee may designate any animal to be a vicious animal under any of the following circumstances:

1. Any animal which has attacked or bitten any person without provocation on two occasions;

2. An animal which has attacked and caused significant or catastrophic injury, or death, to any person;
3. Any animal that has been found to be dangerous under Chapter 4 of the CBMC that, after the owner has received notice or personal knowledge of the animal's dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or found to be at large;

C. This decision may, however, be appealed to the board of review, by presenting a written notice of appeal to the administrative authority within ten (10) days after receiving written notice of said decision. If the decision of the board of review is appealed to the District Court of Iowa, an appeal bond in an amount set forth in the current schedule of fees shall be paid to and held by the animal shelter pending the outcome of the appeal.

D. The administrative authority, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal may, when said animal does not meet the criteria set out in paragraph B of this section, initiate proceedings to declare such animal a vicious animal as defined in CBMC 4.20.020 Paragraph Y. Said proceeding shall be conducted by the board of review. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than twenty-four (24) hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question, and the basis for the allegation of viciousness, and shall also indicate that if the animal is determined to be vicious, the owner shall have three days to have the animal destroyed and present proof thereof. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.

E. If an animal meets the criteria set forth in paragraph B above or, if after hearing, the board determines that an animal is vicious, the administrative authority shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the administrative authority shall cause the animal to be destroyed.

F. Failure to comply with an order issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of CBMC 8.02.020.

G. Every order issued pursuant to the provisions of this section shall include a copy of CBMC 4.20.120.

H. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the administrative authority shall immediately destroy it, or unless its ownership is not ascertainable, in which case the administrative authority shall destroy it after three days impoundment.

I. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter or a veterinary facility shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing.

J. All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the animal is determined to be vicious.

4.20.132 Administrative Appeal Procedure

The following process shall apply to the appeal of any actions or declarations of the community development or his/her designee pursuant to this chapter.

A. Any individual or entity desiring to appeal an order issued by the director of community development to the board of review may do so by filing a written notice of appeal with the director of community development within ten (10) days after notification of the director's order. The notice of appeal shall state the grounds for such appeal, shall be delivered personally or by certified mail to the director of community development, and shall include a $100 non-refundable processing fee.

B. Within ten (10) days of receiving the written notice of appeal, the administrative authority shall set the date for the hearing of the appeal. Said hearing shall be not less than five days nor more than thirty-six (36) days from the date that the hearing date is set.

C. Notice of the hearing may be personally served on the owner, a duly designated representative, the owner's attorney, or an adult member of the owner's household. Notice may also be served by first-class U.S. mail to the address listed on the notice of appeal at least five days prior to the hearing date.

D. The hearing on appeal shall be open to the public and conducted informally. The rules of evidence shall not strictly apply.

E. The city may be represented before the board by the city attorney's office or the director of community development. The owner may represent him or herself or may be represented by an attorney.

F. The city shall have the burden to prove by a preponderance of the evidence that the action of the administrative authority or his or her designee should be affirmed.

G. Each party will be given the opportunity to present their side of the matter, including the presentation of witnesses and exhibits. Any exhibits given to the board members to examine shall become part of the permanent record and will not be returned to the party submitting the same. At the conclusion of the parties' presentations, the board may make a determination or may take the matter under advisement. Ultimately, the board of review, by majority vote of those present and voting, may affirm, modify or reverse the determination of the administrative authority.

H. The proceedings before the board shall be recorded by one of the following methods:

1. Electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.

I. The decision of the board shall be deemed final upon the announcement of the vote of the board at an open meeting of the board. The decision does not have to be reduced to writing, but

shall be noted in the minutes of the board's meeting. If the order is reduced to writing, it shall still be deemed to have been the final order of the board at the time of announcement.

J. The final decision of the board may be appealed in the district court of Iowa in accordance with the provisions of the Iowa Administrative Code. If such an appeal is undertaken, and the animal is being held in the custody of the city, then an appeal bond in the amount set forth in the current schedule of fees shall be paid to and held by the Council Bluffs animal control division pending the outcome of the appeal.

K. Upon finalization of the appeal, the animal control division shall utilize the appeal bond to pay the animal shelter for costs associated with boarding and care of the animal(s) in question. Remaining funds, if any, shall be returned to the owner. The owner shall be responsible for all remaining fees and costs associated with board and keep that is in excess of the amount of the appeal bond.

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 October 26, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 9-28-20
Second Consideration: 10-12-20
Public Hearing: N/A
Third Consideration: 10-26-20

Council Communication

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

Resolution 20-218 Amended
ITEM 6.A.

Council Action: 10/12/2020

Description

Resolution to vacate and dispose of Michigan Avenue right of way abutting Lots 39 through 52, Raymona Subdivision.

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Other	10/5/2020
Resolution 20-218 amended	Resolution	10/7/2020

City Council Communication

Department: Community Development Case #SAV-20-006 Applicant: Jerrid Jefferis 1030 Wright Road Bay #1 Council Bluffs, IA 51503 Property Owner: Shoppes at Manawa, LLC 19900 Custer Lane Council Bluffs, IA 51503 Brandy Fisher 8947 North Dinino Court Waddell, AZ 85355	Resolution of Intent No. _____ Resolution to Dispose No. _____	Resolution of Intent: 08/24/2020 Resolution to Dispose: 09/14/2020 Planning Commission: 08/11/2020

Subject/Title

Request: Public hearing on the request of Jerrid Jefferis, representing Shoppes at Manawa LLC, to vacate and dispose of Michigan Avenue right-of-way abutting properties legally described as Lots 39 through 52, Raymona Subdivision.

Location: East of property address as 1030 Wright Road, Council Bluffs, Iowa 51503

***On September 14, 2020, the Council Bluffs City Council approved Resolution No. 20-218 which vacated and disposed of the subject Michigan Avenue right-of-way legally described above. As a condition of approval, an easement was supposed to be retained to allow for perpetual access and maintenance of existing utilities within said vacated right-of-way. This easement was inadvertently omitted from the approved resolution, and City staff is requesting that City Council approve a corrected resolution that includes this easement language. ***

Background/Discussion

The Community Development Department has received an application from Jerrid Jefferis, representing Shoppes at Manawa, LLC, requesting to vacate and dispose of Michigan Avenue right-of-way abutting properties legally described as Lots 39 through 52, Raymona Subdivision. The subject Michigan Avenue right-of-way measures 35 feet wide by 280 feet in length and is unimproved. The applicant has requested this vacation so that they can utilize the vacated right-of-way area to develop new contractor shop buildings on property they own at the northwest corner of the intersection of South 9th Street and Wright Road, legally described as Lots 46 through 52, and Lots 69 through 75, Raymona Subdivision.

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

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

   North – Undeveloped land owned by Shoppes at Manawa, LLC (legally described as being part of Lots 20-22, and all of Lots 39 through 42, Raymona Subdivision), and Brandy K. Fisher (legally described as part of Lots 16 through 18, and all of Lots 43 through 45, Raymona Subdivision).

South – Undeveloped land owned by Shoppes at Manawa, LLC (legally described as Lots 46 through 52, and Lots 69 through 75, Raymona Subdivision).

All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to purchase the portion of Michigan Avenue adjacent to their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access*. The subject Michigan Avenue right-of-way abuts three parcels of land which are comprised of multiple existing lots of record. All three parcels have access to either Veterans Memorial Highway, South 9th Street, Wright Road, or a combination thereof. However, since these parcels contain individually platted lots of record the proposed vacation request presents a situation where several of these lots (Lots 39 through 44, and Lots 47 through 52, Raymona Subdivision) will become "land locked" if the vacation is approved. In order to prevent this type of situation from occurring the abutting land owners must replat their existing lots of record along with their portions of Michigan Avenue, if vacated, into new parcels of land. The replat would need to occur concurrent with the City selling the right-of-way to the adjacent landowners. The abutting landowners could partner together and have one final plat created that shows each individual property owner re-plating their landholdings into a new parcel, or each abutting owner can pursue their own replat separately. As part of the replat the adjacent property owners could also work together and establish cross access easements for vehicular traffic over the vacated right-of-way, and stormwater management.

   The Community Development Department has advised each abutting property owner of the need to replat their properties if this vacation request is approved. The applicant has started the process of preparing a final plat to consolidate their landholdings and portions of Michigan Avenue right-of-way into two larger parcels of land. Ms. Brandy Fisher has agreed to replat her lots into one parcel of land and is currently weighing her options on how best to proceed with the replat.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*. The proposed request will eliminate a dead-end right-of-way as the Westerly 320 feet of Michigan Avenue was previously vacated and disposed of by City Council in September 1990 by Ordinance No. 4958.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*. The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.* All City Departments and utilities were notified of the request. The following responses were received:

   - Council Bluffs Permits and Inspections Division stated they have no comments for the vacation request.
   - Council Bluffs Fire Department stated they have no comments for the vacation request.
   - Council Bluffs Public Works stated they have no issues with the vacation request and confirmed there are no existing sanitary and/or storm sewer utilities within said Michigan Avenue right-of-way.
   - Council Bluffs Parks and Recreations Department stated they have no comments for the vacation request.
   - Council Bluffs Water Works stated they have an existing water main within the subject Michigan Avenue right-of-way and that an easement must be reserved for maintenance purposes.
   - MidAmerican Energy stated they have no utilities in the subject Michigan Avenue right-of-way.
   - Cox Communication stated they have no issues or concerns with the vacation request.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* The subject right-of-way is unimproved and not being used for pedestrian and/or vehicular circulation.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* As previously stated, the Westerly 320 feet of Michigan Avenue was vacated and disposed of by City Council in September 1990 by Ordinance No. 4958. This request is to vacate and dispose of the remaining 280 feet of Michigan Avenue right-of-way.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.

10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about the proposed vacation. The following responses were received:

    - Shoppes at Manawa, LLC stated they are in favor of the vacation request and are willing to purchase the portion of Michigan Avenue right-of-way that abuts their property for the sum of $1,325.00.
    - Brandy Fisher stated she is in favor of the vacation request and is willing to purchase the portion of Michigan Avenue that abuts her property for the sum of $345.00.

Recommendation

The Community Development Department recommends approval to vacate and dispose of Michigan Avenue right-of-way abutting properties legally described as Lots 39 through 52, Raymona Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. An easement shall be retained over the subject right-of-way for utility access and maintenance purposes;
2. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s); and
3. The vacation shall not become effective and deeds for the vacated Michigan Avenue right-of-way shall not be granted until such time each abutting property owner receives final plat approval from the City to replat their existing lots of record along with their portion of vacated Michigan Avenue right-of-way into new parcels of land.

Public Hearing

Staff speaker for the request:

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

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to vacate and dispose of Michigan Avenue right-of-way abutting properties legally described as Lots 39 through 52, Raymona Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. An easement shall be retained over the subject right-of-way for utility access and maintenance purposes;
2. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s); and
3. The vacation shall not become effective and deeds for the vacated Michigan Avenue right-of-way shall not be granted until such time each abutting property owner receives final plat approval from the City to replat their existing lots of record along with their portion of vacated Michigan Avenue right-of-way into new parcels of land.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried
Attachments Attachment A: Location and Zoning Map
Prepared by: Christopher Gibbons, AICP, Planning Manager, Community Development Department

Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 – Phone: (712) 890-5261
Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350

RESOLUTION NO. 20-218 Amended

A RESOLUTION TO VACATE AND DISPOSE OF MICHIGAN AVENUE RIGHT-OF-WAY ABUTTING LOTS 39 THROUGH 52, RAYMONA SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: Michigan Avenue lying West of South 9th Street between Veterans Memorial Highway and Wright Road and abutting properties legally described as Lots 39 through 52, Raymona Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public meeting was held on this matter on the 14th day of September, 2020; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s);

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

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

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Shoppes at Manawa, LLC and all successors in interest: The North ½ of vacated Michigan Avenue right-of-way abutting Lots 39 through 42, and the South ½ of vacated Michigan Avenue right-of-way abutting Lots 46 through 52, all in Raymona Subdivision for the sum of $1,325.00; and
Brandy K. Fisher and all successors in interest: The North ½ of vacated Michigan Avenue right-of-way abutting Lots 43 through 45, Raymona Subdivision for the sum of $345.00; and

BE IT FURTHER RESOLVED

The conveyance of said Michigan Avenue right-of-way shall not occur until such time that the abutting property owners, Shoppes at Manawa, LLC and Brandy K. Fisher, or their successors in interest, execute a final plat(s) to replat said vacated right-of-way along with their existing lots of record adjacent into one or more parcels of land in order to prevent any of their lots from becoming landlocked as a result of the vacation; and

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way upon execution of above described final plat(s), and;

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED: October 12, 2020.

_____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

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

Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State

Council Communication

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

Resolution 20-248
ITEM 6.B.

Council Action: 10/12/2020

Description

Resolution Officially designating the City Council meeting dates for the City of Council Bluffs during the 2021 calendar year.

Background/Discussion

All dates work out to be on the 2nd and 4th Monday's of each month. Only one meeting in December on the 2nd Monday.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Calendar	Other	9/29/2020
Resolution 20-248	Resolution	10/7/2020

2021

January

S	M	T	W	T	F	S
				31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March

S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May

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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June

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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July

S	M	T	W	T	F	S
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Council Meeting Agenda Deadline Holiday 200

RESOLUTION NO. 20-248

A RESOLUTION OFFICIALLY DESIGNATING THE CITY COUNCIL MEETING DATES FOR THE CITY OF COUNCIL BLUFFS DURING THE 2021 CALENDAR YEAR.

WHEREAS, City Council meetings are held on the second and fourth Monday of each month; and

WHEARAS, due to the Christmas holiday, there is only one meeting held in December and has been scheduled for the second Monday of the month; and

WHEREAS, the meeting dates are scheduled and listed below; and

NOW THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That approval of this resolution sets the official schedule for the 2021 City Council meeting dates.

January 11th & 25th	May 10th & 24th	September 13th & 27th
February 8th & 22nd	June 14th & 28th	October 11th & 25th
March 8th & 22nd	July 12th & 26th	November 8th & 22nd
April 12th & 26th	August 9th & 23rd	December 13th

ADOPTED
AND
APPROVED: October 12, 2020

_____
Matthew J. Walsh, Mayor

ATTEST:

_____
Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: CP-20-010
Submitted by: Moises Monrroy, Planner

Resolution 20-249
ITEM 6.C.

Council Action: 10/12/2020

Description

Resolution to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), by reclassifying properties generally along 1st Ave, between South 13th St and South 16th St, between South 18th St and South 21st St, and between South 27th St and South 28th St, more specifically described in the Council packet, from Light Industrial to Multifamily/Mixed-Use. CP-20-001

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CP-20-001 Staff Report	Other	9/30/2020
Attachment A - Location and Zoning Map	Map	9/30/2020
Attachment B - Land Uses	Other	9/30/2020
Attachment C - Impact of Proposed Rezoning and Updates	Other	9/30/2020
Attachment D - Legal Descriptions	Other	9/30/2020
Resolution 20-249	Resolution	10/7/2020

City Council Communication

Department: Community Development CASES #ZC-20-010 and #CP-20-001 Applicant/Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	CASE #ZC-20-010 1st Consideration: 09/28/2020 2nd Consideration: 10/12/2020 3rd Consideration: Request to be Waived CASE #CP-20-001 1st Consideration: 10/12/2020 Planning Commission: 9/8/2020

Subject/Title

Request: Combined public hearing on the following requests of the City of Council Bluffs:

1. Rezone properties legally described as Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; The East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30; Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6; Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to C-2/Commercial District; and
2. Amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use.

Location: Generally along 1st Avenue, between South 13th Street and South 16th Street, between South 18th Street and South 21st Street, and between South 27th Street and South 28th Street.

Background

The Community Development Department is proposing to rezone properties located along 1st Avenue, legally described in Attachment 'D,' from I-1/Light Industrial District to C-2/Commercial District. The request is part of the ongoing effort to implement the long-range vision of the West Broadway Corridor Plan, which is to create a vibrant urban corridor that supports multi-modal transportation options, mixed-use development, and architecture that enhances the quality of life and attractiveness of the City of Council Bluffs. In this regard, the Community Development Department is also proposing to replace the existing West Broadway Corridor Design Overlay (CDO) standards with Chapter 15.32A, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) (see Case #ZT-20-004). Proposed Chapter 15.32A will clarify the boundary of the West Broadway CDO and will apply to the area geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue; on the east by the west right-of-way line of South 13th Street; and on the west by the east right-of-way line of Interstate 29/480. All properties included in this rezoning are located within the proposed boundary of the West Broadway CDO.

There are 29 parcels of land included in the proposed rezoning. The City of Council Bluffs owns four of these parcels (see Attachment 'A'). Other property owners with land included in the request are listed below:

- Pamela M. Bogardus – Bogardus Plumbing Co. (20 South 19th Street)
- Chicago Central and Pacific Railroad – undeveloped land
- Chicago Northwestern Railroad – undeveloped land
- Dennis E. and Diane M. Garrison – residential property (21 South 21st Street)
- GMB Investments LLC – residential property (108 South 15th Street)
- Michael S. May – Council Bluffs Work Staffing (1824 2nd Avenue)
- McIntosh Properties LLC – Iowa Rigger's Loft/Chad & Tracey Construction LLC (110 South 18th Street)
- Lawanya Morgal – residential property (1422 2nd Avenue)
- Richard Rosas – M & R Welding (119 South 28th Street)
- John M. and Beverly A. Roth – commercial storage/contractor shop (29 South 21st Street)
- SHS Properties LLC – Katelman Steel Fabrication, Inc. (2030 2nd Avenue)
- Kathy S. Scott – communication tower/storage yard (2735 1st Avenue)
- Michael L. Scott – Affordable Storage (2714 2nd Avenue)
- Curtis E. Slama – undeveloped land
- Southside Auto Supply Inc. – undeveloped land
- TK3 Enterprises LLC – Creative Auto Solutions/Smart Start Ignition Interlock (20 South 15th Street)
- Valley View-Broadway Stores – Retail Rebel (1801 West Broadway)
- Value Foods LLC – Red Wheel Fundraising (16 South 15th Street)
- Timothy P. and Anna M. Varn – Montang Body Shop (1426 2nd Avenue)
- Verizon Wireless LLC – communication tower (2731 1st Avenue)
- John R. and Brenda L. Way – J & B's Lounge (16 South 19th Street)
- David L. and Karen J. Wilson – Jeff's Body Shop/American Auto Care Inc. (15 South 20th Street)

All property owners included in the request were mailed public notices detailing how the proposed zoning changes will or will not impact the future use(s) of their property. In total, the Community Development Department mailed out approximately 1,200 public notices to all affected property owners within the CDO boundary and those within 200 feet of said boundary which advised them on the proposed rezoning, the proposed updates to the CDO and the construction of the 1st Avenue trail. Thirty-four (34) letters were returned to the Community Development Department office as undeliverable. The Community Development Department hosted

an open house on August 27, 2020 to provide the public an informal opportunity to discuss the above items with Staff; 30-40 people attended the open house. At the time of this report, the Community Development Department has received fifteen (15) phone calls regarding the proposed actions along West Broadway, including the following comments regarding the proposed rezoning:

1. David L. Wilson, owner of property addressed as 15 South 20th Street, contacted the Community Development Department and had general inquiries on the proposed rezoning, updates to the West Broadway CDO and construction of the 1st Avenue trail;
2. John Roth, owner of property addressed as 29 South 21st Street, contacted the Community Development Department and stated that his property is currently used for commercial storage, as well as a contractor shop; and
3. Steve Skol, representing the owner of property addressed as 2030 2nd Avenue, contacted the Community Development and had general inquiries on the proposed rezoning, updates to the West Broadway CDO and construction of the 1st Avenue trail.

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

- The Public Works Department stated they have no comments on the requests.
- The Fire Department stated they have no comments on the requests.
- Council Bluffs Water Works stated they have no comments on the requests.
- MidAmerican Energy stated they have no objections to the requests.

<u>*Land Use and Zoning*</u> – The following zoning and land uses surround the subject properties:

Tract #1 (between South 13th Street and South 16th Street)

North: Commercial properties that are zoned C-2/Commercial District, and Little Broadway right-of-way.
South: The former Public Works building, which is zoned I-1/Light Industrial District, and residential properties that are zoned R-2/Two-Family Residential District.
East: A commercial printing establishment that is zoned I-1/Light Industrial District, and undeveloped land that is zoned I-1/Light Industrial District and A-2/Parks, Estates and Agricultural District.
West: Burger King, a contractor yard and an auto parts store, all of which are zoned C-2/Commercial District, as well as residential properties that are zoned R-2/Two-Family Residential District.

Tract #2 (between South 18th Street and South 21st Street)

North: Commercial properties that are zoned C-2/Commercial District.
South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.
East: A gas station and vacant property (formerly a recycling/can redemption center), both of which are zoned C-2/Commercial District, and residential properties that are zoned R-2/Two-Family Residential District.
West: Cochran Park, which is zoned A-2/Parks, Estates and Agricultural District, and residential properties that are zoned R-3/Low Density Multifamily Residential District.

Tract #3 (between South 27th Street and South 28th Street)

North: Council Bluffs Fire Station No. 2 and vacant property, both of which are zoned C-2/Commercial District.
South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.
East: Commercial properties and vacant city-owned property, all of which are zoned C-2/Commercial District.
West: Undeveloped city-owned property that is zoned R-4/High Density Multifamily Residential District. This parcel of land is the site of the proposed residential development by White Lotus Group.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as Public Park, Transportation/Utility, Low-Density Residential, High-Density Residential, Local Commercial and Light Industrial. The Community Development Department is proposing to amend the future land use plan by reclassifying the properties included in the proposed rezoning that are currently designated as Light Industrial to Multi-Family/Mixed-Use. The purpose of the amendment is to ensure that the future land use plan is consistent with the vision of the West Broadway Corridor Plan. Proposed amendment includes properties addressed as 20 South 19th Street, 15 South 20th Street, 29 South 21st Street and 2030 2nd Avenue.

Discussion

1. Ten (10) out of the twenty-nine (29) parcels included the proposed rezoning do not meet the minimum lot size requirements of the I-1/Light Industrial District, and thus are considered nonconforming lots of record. If request is approved, said parcels will be brought into conformance with the Zoning Ordinance as they exceed minimum lot size requirements of the C-2/Commercial District, with the following exceptions:
   a. A vacant lot owned by GMB Investments LLC. Since this lot is 44 feet in width, as opposed to the required 50 feet in the C-2 District, it will remain as a nonconforming lot of record.
   b. The property addressed as 1422 2nd Avenue and the parcel adjoining, both owned by Lawanya Morgal. Since each lot is 44 feet in width, as opposed to the required 50 feet, they will remain as nonconforming lots of record. The owner has the option to combine both these lots into one parcel of land which conforms to the minimum lot size requirements of the C-2 District as they serve as one premises.
   c. A remnant parcel of land owned by Chicago Northwestern Railroad that contains 125 square feet in area, as opposed to the required 5,000 square feet, and thus is undevelopable.
2. As per Section 15.01.050(C), Uses Rendered Nonconforming, of the Council Bluffs Municipal Code (Zoning Ordinance), "if property is used in a manner that was a lawful use on or before the effective date of this ordinance, and this ordinance no longer classifies that use as either a permitted or conditional use in the zoning district in which it is located, that use shall be deemed a legal nonconforming use." A significant number of current uses included in the request will be rendered nonconforming they are either (1) not 'principal' or 'conditional' uses in the C-2 District or (2) prohibited uses in the West Broadway CDO (see Case #ZT-20-004). Nonconforming uses are controlled by the provisions of Section 15.26.030, Nonconforming Uses, of the Municipal Code (Zoning Ordinance), which states:

   Any legal nonconforming use existing on the effective date of the ordinance codified in this chapter may continue subject to the limitations of this section.

   A. Enlargement of Nonconforming Use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.
   B. Abandonment of Nonconforming Use. If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.
   C. Relocation of Nonconforming Use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
   D. Change of Use. A legal nonconforming use may be changed only as allowed in CBMC 15.02.
   E. Allowance for Repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the

damage was incurred, and the work is carried on diligently to completion within one year of this commencement.

F. For purposes of this chapter, the addition of an outdoor area of less than one hundred fifty (150) square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use.

A matrix outlining how each property will be affected by the proposed rezoning is included in this report as Attachment 'C.'

Example Scenario #1
If the 'manufacturing, general' establishment at 2030 2nd Avenue (Katelman Steel Fabrication, Inc.) ceases to operate for a period of more than six months, said use cannot be reestablished; only uses listed as 'principal' or 'conditional' in the C-2 District **AND** not expressly prohibited in the West Broadway CDO would be allowed at this site.

Example Scenario #2
If the owner of the 'manufacturing, general' establishment at 2030 2nd Avenue (Katelman Steel Fabrication, Inc.) sells the property, the successor would be allowed to use it for 'manufacturing, general' as long as the new establishment begins operating within six months of Katelman Steel Fabrication, Inc. closing.

3. As per Chapter 5, Land Use Plan, of the Bluffs Tomorrow: 2030 Comprehensive Plan, Multi-Family/Mixed-Use designated areas are intended to be distinct from typical multifamily areas and downtown mixed use area. In the Multi-family/Mixed-Use area, buildings may include ground-floor commercial uses, though not all buildings are anticipated to have commercial components, and the predominant use will be residential.
4. Proposed amendment to the future land use plan will not impact the conforming/nonconforming status of the subject properties.
5. The West Broadway Corridor Plan, adopted in September 2015 as Amendment No. 1 of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), states that while current zoning districts along West Broadway "do match the existing land uses… they do not represent the future vision for the corridor as a more pedestrian-friendly environment with transit-oriented development." The West Broadway Corridor Plan outlines several recommendations to achieve this vision, including rezoning "industrial properties to accept a mix of uses." The proposed rezoning and amendment to the future land use plan will accomplish the goals and intent of the West Broadway Corridor Plan.

Recommendation

The Community Development Department recommends approval of the requests (1) to rezone properties legally described in Attachment 'D' from I-1/Light Industrial District to C-2/Commercial District and (2) to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, based on reasons stated above.

Public Hearing

Staff speaker for the request:

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

Speakers in favor: None

Speakers against: None

General Public Inquiry:

1. Beverly Roth, 4 Ridge Drive West, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended approval of the requests (1) to rezone properties legally described in Attachment 'D' from I-1/Light Industrial District to C-2/Commercial District and (2) to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, as per staff's recommendation.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried

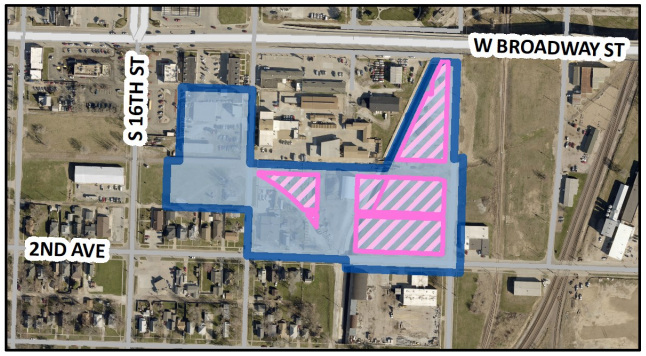
Attachments

Attachment A: Location/Zoning Map
Attachment B: Land Uses in the I-1 and C-2 Districts
Attachment C: Impact of Proposed Rezoning and Updates to the West Broadway CDO
Attachment D: Legal Description for Properties Included in Proposed Rezoning

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

Industrial Properties in West Broadway Corridor Design Overlay



Land Uses in the C-2 and I-1 Zoning Districts			
Use	C-2	I-1	CDO
Adult Entertainment	C*		X
Agricultural Sales and Service		P	
Auction (Indoor)		P	
Auction (Outdoor)		P	
Automobile Repair (Major)	C	P	X
Automobile Repair (Minor)	P	P	
Automobile Sales and Rental	C*	P	X
Automobile Service Establishment	P	P	
Building Material, Retail Sales Only	P		X
Building Material, Sale and Storage		P	
Business Professional Office	P	P	
Business Service Establishment	P	P	
Club or Lodge	P		
Commercial Recreation (Indoor)	P		
Commercial Recreation (Outdoor)	P		
Commercial Storage	C	P	X
Consumer Fireworks Sale	P*	P*	
Consumer Service Establishment	P	P	
Contractor Shop	P	P	X
Communications Tower	C		
Cultural Service	P		
Correctional Placement Residences		C	
Day Care Services	C	C	
Detention Facility		C	
Equipment Repair		C	
Equipment Sales or Rental		P	
Financial Service	P	P	

(Continued on next page)

Key

P - Permitted Use

C - Conditional Use (requires approval by Zoning Board of Adjustment)

X - Prohibited Use

* - For additional regulations, see Chapters 15.15 (C-2 District) and 15.20 (I-2 District)

(Continued)

Land Uses in the C-2 and I-1 Zoning Districts			
Use	C-2	I-1	CDO
Funeral Service	P		
General Government Use	P	P	
Government Maintenance Facility		P	
Greenhouse (Commercial)		P	
Hotel/Motel	P	P	
Kennel, Commercial	P	P	
Local Utility Services	P	P	
Manufacturing (Light)	C	P	X
Park and Recreation Services	P		
Parking Lot - Private	P	P	
Parking Lot - Public	P	P	
Pawn Shops	P		
Printing, Binding, and Mail Operation (50,000 square feet or less)	P		
Public Safety Services	P	P	
Religious Assembly	P		
Restaurant	P		
Restaurant (Drive-In/Fast Food)	P		
Retail Shopping Establishment	P	P	
School	P		
Secondhand Store	P		
Small Alcohol Production Facility	P*	P*	
Tattoo Parlor	P		
Tavern	P*	P*	
Truck Service Establishment		C	
Truck Terminal		C	
Veterinary Service	P		
Warehousing and Distribution, Limited	P*	P	X

Key

P - Permitted Use

C - Conditional Use (requires approval by Zoning Board of Adjustment)

X - Prohibited Use

* - For additional regulations, see Chapters 15.15 (C-2 District) and 15.20 (I-2 District)

Attachment C

Impact of Proposed Rezoning and Update to the West Broadway CDO

Owner	Address	Business/Establishment	Current Land Use	Current Land Use Conformity Status	Land Use Conformity Status if Requests are Approved
Chicago Central & Pacific Railroad Company			Vacant/Undeveloped		
Chicago Northwestern Railroad			Vacant/Undeveloped		
Timothy P. and Anna M. Varn	1426 2nd Avenue	Montang Body Shop	Automobile Repair, Major	Conforming	Legal Nonconforming
Lawanya Morgal	1422 2nd Avenue		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
GMB Investments LLC	108 S 15th Street		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
Southside Auto Supply Inc.			Vacant/Undeveloped		
TK3 Enterprises LLC	20 S 15th Street	Creative Auto Solutions/Smart Start Ignition Interlock	Automobile Service Establishment/ Automobile Repair, Minor	Conforming	Conforming
Value Foods LLC	16 S 15th Street	Red Wheel Fundraising	Manufacturing, Light	Conforming	Legal Nonconforming
Valley View-Broadway Stores	1801 W Broadway	Retail Rebel	Retail Shopping Establishment	Conforming	Conforming
McIntosh Properties LLC	110 S 18th Street	Iowa Rigger's Loft/Chad & Tracey Construction LLC	Equipment Repair/Contractor Yard	Lawful Conditional Use/ Legal Nonconforming	Legal Nonconforming
Michael S. May	1824 2nd Avenue	Council Bluffs Work Staffing	Business Service Establishment	Conforming	Conforming
John R. and Brenda L. Way	16 S 19th Street	J & B's Lounge	Tavern	Conforming	Conforming
Pamela M. Bogardus	20 S 19th Street	Bogardus Plumbing Co.	Contractor Shop	Conforming	Legal Nonconforming
David L. and Karen J. Wilson	15 S 20th Street	Jeff's Body Shop/American Auto Care, Inc.	Automobile Repair, Major	Conforming	Legal Nonconforming
S H S Properties	2030 2nd Avenue	Katelman Steel Fabrication Inc.	Manufacturing, General	Legal Nonconforming	Legal Nonconforming
John M. and Beverly A. Roth	29 S 21st Street		Commercial Storage/Contractor Shop/Communtication Tower[TO]	Conforming	Legal Nonconforming/Legal Nonconforming/Conforming
Dennis E. and Diane M. Garrison	21 S 21st Street		Dwelling, Single-Family Detached	Legal Nonconforming	Legal Nonconforming
Verizon Wireless LLC	2731 1st Avenue		Communication Tower[TO]	Conforming	Conforming
Kathy S. Scott	2735 1st Avenue		Communication Tower[CUP]/Storage Yard	Lawful Conditional Use/Legal Nonconforming	Lawful Conditional Use/Legal Nonconforming
Curtis E. Slama			Vacant/Undeveloped		
Michael L. Scott	2714 2nd Avenue	Affordable Storage	Commercial Storage[CUP]	Lawful Conditional Use	Lawful Conditional Use
Richard Rosas	119 S 28th Street	M & R Welding	Manufacturing, General	Legal Nonconforming	Legal Nonconforming

[TO]Existing communication tower approved through the City's former Tower Overlay ordinance

[CUP]A conditional use permit was granted by the Zoning Board of Adjustment for the current use

Part of Lots 1, 13, 14, 17, and 18 and all of Lots 15 and 16, Block 21, Beer's Subdivision, along with part of the east/west vacated alleys adjacent, more particularly described as follows: Commencing on the Northeast corner of Lots 1, thence South 367.34 feet, thence West 181.25 feet, thence Northeast 398 feet, EXCEPT Indian Creek right-of-way, and thence East to the Point of Beginning; The East 48 feet of Lots 9 and 10 and all of Lots 14 through 20, Block 23, Beer's Subdivision, along with the east/west vacated alley abutting the Northerly line of said Lots 14 through 18, and the North 22 feet of vacated 1st Avenue right-of-way abutting the Southerly line of said Lots 14 through 18; Lots 1 through 6, Block 28, Beer's Subdivision; Lots 1 through 14, Block 29, Beer's Subdivision, along with the east/west vacated alley platted in said Block 29; Lots 1 through 14, Block 30, Beer's Subdivision, along with the east/west vacated alley platted in said Block 30.

Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 5, Block 2, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 5, the West 10 feet of Lot 9, and all of Lot 10, Block 5, Everett's Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 5; Lots 1 through 10, Block 6, Everett's Addition; Lots 3, 5, 7 and 10 through 12, Midland Addition, along with the West ½ of the vacated portion of South 18th Street right-of-way abutting the Easterly line of said Lot 3; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 1 through 3, Block 1, Cochran's Addition, along with the South ½ of the east/west vacated alley abutting the Northerly line of said Lot 1, and the north/south vacated alley abutting the Easterly line of said Lots 1 through 3 and said South ½ of the east/west vacated alley adjoining; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6.

Lots 9 through 26, Block 2, Twin City Place, along with the east/west vacated alley abutting the Southerly line of said Lots 9 through 17 and the Northerly line of said Lots 18 through 26.

RESOLUTION NO. 20-249

A RESOLUTION TO AMEND THE *BLUFFS TOMORROW: 2030 PLAN (COMPREHENSIVE PLAN)*, SPECIFICALLY BY RECLASSIFYING PROPERTIES LEGALLY DESCRIBED AS LOTS 1 THROUGH 5, BLOCK 1, EVERETT'S ADDITION; LOTS 1 THROUGH 10, BLOCK 6, EVERETT'S ADDITION; THE WEST 149.48 FEET OF LOT 7, THE WEST 198.49 FEET OF LOT 8 AND ALL OF LOTS 9 THROUGH 12, MIDLAND ADDITION; LOTS 1 THROUGH 11, BLOCK 1, SAMPSON'S ADDITION, ALONG WITH THE EAST/WEST VACATED ALLEY ABUTTING THE NORTHERLY LINE OF SAID LOTS 1 THROUGH 11, AND THE EAST 4.5 FEET OF THE VACATED NORTH/SOUTH ALLEY ABUTTING THE WESTERLY LINE OF SAID LOT 11; LOTS 1 THROUGH 22, BLOCK 2, SAMPSON'S ADDITION, ALONG WITH THE EAST/WEST VACATED ALLEY PLATTED IN SAID BLOCK 2; LOTS 2 AND 3, BLOCK 1, COCHRAN'S ADDITION, ALONG WITH THE NORTH/SOUTH VACATED ALLEY ABUTTING THE EASTERLY LINE OF SAID LOTS 2 AND 3; LOTS 1 THROUGH 6, BLOCK 8, COCHRAN'S ADDITION, ALONG WITH THE NORTH/SOUTH VACATED ALLEY ABUTTING THE EASTERLY LINE OF SAID LOTS 1 THROUGH 6, FROM LIGHT INDUSTRIAL TO MULTIFAMILY/MIXED-USE.

WHEREAS, On September 22, 2014 the Council Bluffs City Council approved Resolution No. 14-254 which adopted the *Bluffs Tomorrow: 2030 Plan* as the City's Comprehensive Plan; and

WHEREAS, The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as Public Park, Transportation/Utility, Low-Density Residential, High-Density Residential, Local Commercial and Light Industrial and the Community Development Departments is proposing reclassification of said properties that are currently designated as Light Industrial to Multifamily/Mixed-Use; and

WHEREAS, The purpose of the amendment is to ensure that the future land use plan is consistent with the vision of the West Broadway Corridor Plan. Proposed amendment includes properties addressed as 20 South 19th Street, 15 South 20th Street, 29 South 21st Street and 2030 2nd Avenue. The following zoning and land uses surround the subject properties:

Tract #1 (between South 13th Street and South 16th Street)-

North: Commercial properties that are zoned C-2/Commercial District, and Little Broadway right-of-way.

South: The former Public Works building, which is zoned I-1/Light Industrial District, and residential properties that are zoned R-2/Two-Family Residential District.

East: A commercial printing establishment that is zoned I-1/Light Industrial District, and undeveloped land that is zoned I-1/Light Industrial District and A-2/Parks, Estates and Agricultural District.

West: Burger King, a contractor yard and an auto parts store, all of which are zoned C-2/Commercial District, as well as residential properties that are zoned R-2/Two-Family Residential District.

Tract #2 (between South 18th Street and South 21st Street)-

North: Commercial properties that are zoned C-2/Commercial District.

South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.

East: A gas station and vacant property (formerly a recycling/can redemption center), both of which are zoned C-2/Commercial District, and residential properties that are zoned R-2/Two-Family Residential District.

West: Cochran Park, which is zoned A-2/Parks, Estates and Agricultural District, and residential properties that are zoned R-3/Low Density Multifamily Residential District.

Tract #3 (between South 27th Street and South 28th Street)-

North: Council Bluffs Fire Station No. 2 and vacant property, both of which are zoned C-2/Commercial District.

South: Residential properties that are zoned R-3/Low Density Multifamily Residential District.

East: Commercial properties and vacant city-owned property, all of which are zoned C-2/Commercial District.

West: Undeveloped city-owned property that is zoned R-4/High Density Multifamily Residential District. This parcel of land is the site of the proposed residential development by White Lotus Group; and

WHEREAS, The following comments were received in response to this amendment:

A. As per Chapter 5, Land Use Plan, of the Bluffs Tomorrow: 2030 Comprehensive Plan, Multi-Family/Mixed-Use designated areas are intended to be distinct from typical multifamily areas and downtown mixed use area. In the Multi-family/Mixed-Use area, buildings may include ground-floor commercial uses, though not all buildings are anticipated to have commercial components, and the predominant use will be residential.

B. Proposed amendment to the future land use plan will not impact the conforming/nonconforming status of the subject properties.

C. The West Broadway Corridor Plan, adopted in September 2015 as Amendment No. 1 of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), states that while current zoning districts along West Broadway "do match the existing land uses… they do not represent the future vision for the corridor as a more pedestrian-friendly environment with transit-oriented development." The West Broadway Corridor Plan outlines several recommendations to achieve this vision, including rezoning "industrial properties to accept a mix of uses." The proposed rezoning and amendment to the future land use plan will accomplish the goals and intent of the West Broadway Corridor Plan; and

WHEREAS, The Community Development Department recommends approval to amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying 4 by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through

12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, based on reasons stated above.

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

That the amendment to the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) specifically by reclassifying properties legally described as Lots 1 through 5, Block 1, Everett's Addition; Lots 1 through 10, Block 6, Everett's Addition; the West 149.48 feet of Lot 7, the West 198.49 feet of Lot 8 and all of Lots 9 through 12, Midland Addition; Lots 1 through 11, Block 1, Sampson's Addition, along with the east/west vacated alley abutting the Northerly line of said Lots 1 through 11, and the East 4.5 feet of the vacated north/south alley abutting the Westerly line of said Lot 11; Lots 1 through 22, Block 2, Sampson's Addition, along with the east/west vacated alley platted in said Block 2; Lots 2 and 3, Block 1, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 2 and 3; Lots 1 through 6, Block 8, Cochran's Addition, along with the north/south vacated alley abutting the Easterly line of said Lots 1 through 6, from Light Industrial to Multi-Family/Mixed-Use, is hereby approved and will become effective upon passage and approval by City Council.

ADOPTED
AND October 12, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

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

Resolution 20-250
ITEM 6.D.

Council Action: 10/12/2020

Description

Resolution directing the advertisement for sale of $5,115,000 (dollar amount subject to change) General Obligation Bonds, Series 2020B, and approving electronic bidding procedures and Official Statement.

Background/Discussion

The General Obligation Bonds previously approved for FY21 CIP via Public Hearing, shall be combined for the purpose of issuance in a single issuance of $5,115,000 (dollar amount subject to change). In conjunction with PFM Financial Advisors LLC, the City has caused an Official Statement to be prepared outlining the details of the proposed sale of Bonds as well as to receive bids to purchase such Bonds by means of both sealed and electronic internet communication.

Recommendation

Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Preliminary Official Statement	Other	10/1/2020
Notice of Bond Sale	Other	10/1/2020
Resolution 20-250	Resolution	10/7/2020

This Preliminary Official Statement and the information contained herein are subject to completion, amendment or other change without notice. The Bonds may not be sold nor may offers to buy be accepted prior to the time the Preliminary Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the applicable securities laws of any such jurisdiction.

PRELIMINARY OFFICIAL STATEMENT DATED OCTOBER 12, 2020

New Issue **Rating: Application Made to Moody's Investors Service**

Assuming compliance with certain covenants, in the opinion of Ahlers & Cooney, P.C., Bond Counsel, under present law and assuming continued compliance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds is excludable from gross income for federal income tax purposes. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax. The Bonds will NOT be designated as "qualified tax-exempt obligations". See "TAX MATTERS" section herein for a more detailed discussion.

CITY OF COUNCIL BLUFFS, IOWA

$5,115,000* General Obligation Bonds, Series 2020B

BIDS RECEIVED: Monday, October 26, 2020, 10:00 A.M., Central Time
AWARD: Monday, October 26, 2020, 7:00 P.M., Central Time

Dated: Date of Delivery (December 2, 2020) **Principal Due:** June 1 as shown inside front cover

The $5,115,000* General Obligation Bonds, Series 2020B (the "Bonds") are being issued pursuant to Division III of Chapter 384 of the Code of Iowa and a resolution (the "Resolution") to be adopted by the City Council of the City of Council Bluffs, Iowa (the "City"). The Bonds are being issued to pay costs of opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes; acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the banks and other areas adjacent to flood control improvements; rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks; acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings; construction, reconstruction, enlargement, improvement, and equipping of recreation grounds; acquisition, construction, reconstruction, enlargement, improvement, and equipping of golf courses; and construction, reconstruction, enlargement, improvement, and equipping of recreation grounds and trails. The Bonds are general obligations of the City for which the City will pledge its power to levy direct ad valorem taxes against all taxable property within the City without limitation as to rate or amount to the repayment of the Bonds.

The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). DTC will act as securities depository for the Bonds. Individual purchases may be made in book-entry-only form, in the principal amount of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. Principal of the Bonds, payable annually on each June 1, beginning June 1, 2021 and interest on the Bonds, payable initially on June 1, 2021 and thereafter on each June 1 and December 1, will be paid to DTC by the City's Registrar/Paying Agent, UMB Bank, N.A., West Des Moines, Iowa (the "Registrar"). DTC will in turn remit such principal and interest to its participants for subsequent disbursements to the beneficial owners of the Bonds as described herein. Interest and principal shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15th day of the month preceding such interest payment date (the "Record Date").

THE BONDS WILL MATURE AS LISTED ON THE INSIDE FRONT COVER

MINIMUM BID:	$5,063,850
GOOD FAITH DEPOSIT:	Required of Purchaser Only
TAX MATTERS:	Federal: Tax-Exempt State: Taxable See *"TAX MATTERS"* for more information.

The Bonds are offered, subject to prior sale, withdrawal or modification, when, as, and if issued subject to the unqualified approving legal opinion of Ahlers & Cooney, P.C., Bond Counsel, Des Moines Iowa, to be furnished upon delivery of the Bonds. It is expected the Bonds in the definitive form will be available on or about December 2, 2020 via Fast Automated Securities Transfer delivery with the Registrar holding the Bonds on behalf of DTC. The Preliminary Official Statement in the form presented is deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to revisions, corrections or modifications as determined to be appropriate, and is authorized to be distributed in connection with the offering of the Bonds for sale.

*Preliminary; subject to change.

CITY OF COUNCIL BLUFFS, IOWA

$5,115,000* General Obligation Bonds, Series 2020B

MATURITY: The Bonds will mature June 1 in the years and amounts as follows:

Year	Amount*
2021	$1,200,000
2022	335,000
2023	340,000
2024	340,000
2025	345,000
2026	350,000
2027	355,000
2028	360,000
2029	365,000
2030	370,000
2031	375,000
2032	380,000

***PRINCIPAL ADJUSTMENT:** Preliminary; subject to change. The aggregate principal amount of the Bonds, and each scheduled maturity thereof, are subject to increase or reduction by the City or its designee after the determination of the successful bidder. The City may increase or decrease each maturity in increments of $5,000 but the total amount to be issued will not exceed $5,400,000. Interest rates specified by the successful bidder for each maturity will not change. Final adjustments shall be in the sole discretion of the City.

The dollar amount of the purchase price proposed by the successful bidder will be changed if the aggregate principal amount of the Bonds is adjusted as described above. Any change in the principal amount of any maturity of the Bonds will be made while maintaining, as closely as possible, the successful bidder's net compensation, calculated as a percentage of bond principal. The successful bidder may not withdraw or modify its bid as a result of any post-bid adjustment. Any adjustment shall be conclusive, and shall be binding upon the successful bidder.

INTEREST: Interest on the Bonds will be payable June 1, 2021 and semiannually thereafter.

OPTIONAL REDEMPTION: Bonds due after June 1, 2028 will be subject to call for redemption prior to maturity on said date or on any day thereafter upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

COMPLIANCE WITH S.E.C. RULE 15c2-12

Municipal obligations (issued in an aggregate amount over $1,000,000) are subject to General Rules and Regulations, Securities Exchange Act of 1934, Rule 15c2-12 Municipal Securities Disclosure.

Preliminary Official Statement: This Preliminary Official Statement was prepared for the City for dissemination to prospective bidders. Its primary purpose is to disclose information regarding the Bonds to prospective bidders in the interest of receiving competitive bids in accordance with the TERMS OF OFFERING contained herein. Unless an addendum is received prior to the sale, this document shall be deemed the near final "Official Statement".

Review Period: This Preliminary Official Statement has been distributed to the City's staff as well as to prospective bidders for an objective review of its disclosure. Comments, omissions or inaccuracies must be submitted to PFM Financial Advisors LLC (the "Municipal Advisor") at least two business days prior to the sale. Requests for additional information or corrections in the Preliminary Official Statement received on or before this date will not be considered a qualification of a bid received. If there are any changes, corrections or additions to the Preliminary Official Statement, prospective bidders will be informed by an addendum at least one business day prior to the sale.

Final Official Statement: Upon award of sale of the Bonds, the legislative body will authorize the preparation of a final Official Statement that includes the offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, anticipated delivery date and other information required by law and the identity of the underwriter (the "Syndicate Manager") and syndicate members. Copies of the final Official Statement will be delivered to the Syndicate Manager within seven business days following the bid acceptance.

REPRESENTATIONS

No dealer, broker, salesman or other person has been authorized by the City, the Municipal Advisor or the underwriter to give any information or to make any representations other than those contained in this Preliminary Official Statement or the final Official Statement and, if given or made, such information and representations must not be relied upon as having been authorized by the City, the Municipal Advisor, Bond Counsel or the underwriter. This Preliminary Official Statement does not constitute any offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the City and other sources which are believed to be reliable, but it is not to be construed as a representation by the Municipal Advisor, Bond Counsel or underwriter. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Preliminary Official Statement or the final Official Statement, nor any sale made hereunder, shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof. This Preliminary Official Statement is submitted in connection with the sale of the securities referred to herein and may not be reproduced or used, in whole or in part, for any other purpose.

This Preliminary Official Statement and any addenda thereto were prepared relying on information from the City and other sources, which are believed to be reliable.

Bond Counsel has not participated in the preparation of this Preliminary Official Statement and is not expressing any opinion as to the completeness or accuracy of the information contained herein.

Compensation of the Municipal Advisor, payable entirely by the City, is contingent upon the sale of the issue.

City of Council Bluffs, Iowa

Elected Officials

Matt Walsh	Mayor
Melissa Head	Council Member
Roger Sandau	Council Member
Chad Hannan	Council Member
Joe DiSalvo	Council Member
Mike Wolf	Council Member

Administration

Kathy Knott, Director of Finance
Jodi Quakenbush, City Clerk
Richard Wade, City Attorney

Bond Counsel

Ahlers & Cooney, P.C.
Des Moines, Iowa

Municipal Advisor

PFM Financial Advisors LLC
Des Moines, Iowa

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OFFICIAL BID FORM

TERMS OF OFFERING

CITY OF COUNCIL BLUFFS, IOWA

Bids for the purchase of the City of Council Bluffs, Iowa's (the "City") $5,115,000* General Obligation Bonds, Series 2020B (the "Bonds") will be received on Monday, October 26, 2020 before 10:00 A.M. Central Time after which time they will be tabulated. The City Council will consider award of the Bonds at 7:00 P.M. Central Time, on the same day. Questions regarding the sale of the Bonds should be directed to the City's Municipal Advisor, PFM Financial Advisors LLC (the "Municipal Advisor"), 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309 or by telephoning 515-724-5724. Information can also be obtained from Ms. Kathy Knott, Director of Finance, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503, or by telephoning 712-890-5303.

This section sets forth the description of certain terms of the Bonds as well as the TERMS OF OFFERING with which all bidders and bid proposals are required to comply, as follows:

DETAILS OF THE BONDS

GENERAL OBLIGATION BONDS, SERIES 2020B, in the principal amount of $5,115,000* to be dated the date of delivery (anticipated to be December 2, 2020) in the denomination of $5,000 or multiples thereof, will mature June 1, as follows:

Year	Amount*
2021	$1,200,000
2022	335,000
2023	340,000
2024	340,000
2025	345,000
2026	350,000
2027	355,000
2028	360,000
2029	365,000
2030	370,000
2031	375,000
2032	380,000

* Preliminary; subject to change.

ADJUSTMENT TO BOND MATURITY AMOUNTS

The aggregate principal amount of the Bonds, and each scheduled maturity thereof, are subject to increase or reduction by the City or its designee after the determination of the successful bidder. The City may increase or decrease each maturity in increments of $5,000 but the total amount to be issued will not exceed $5,400,000. Interest rates specified by the successful bidder for each maturity will not change. Final adjustments shall be in the sole discretion of the City.

The dollar amount of the purchase price proposed by the successful bidder will be changed if the aggregate principal amount of the Bonds is adjusted as described above. Any change in the principal amount of any maturity of the Bonds will be made while maintaining, as closely as possible, the successful bidder's net compensation, calculated as a percentage of bond principal. The successful bidder may not withdraw or modify its bid as a result of any post-bid adjustment. Any adjustment shall be conclusive, and shall be binding upon the successful bidder.

INTEREST

Interest on the Bonds will be payable on June 1, 2021 and semiannually on the 1st day of December and June thereafter. Interest and principal shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15th day of the month (whether or not a business day) preceding such interest payment date (the "Record Date"). Interest will be computed on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board.

OPTIONAL REDEMPTION

Bonds due after June 1, 2028 will be subject to call prior to maturity in whole, or from time to time in part, in any order of maturity and within a maturity by lot on said date or on any date thereafter at the option of the City, upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

TERM BOND OPTION

Bidders shall have the option of designating the Bonds as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above represent a serial maturity or a mandatory redemption requirement for a term bond maturity. (See the OFFICIAL BID FORM for more information.) In any event, the above principal amount scheduled shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both.

GOOD FAITH DEPOSIT

A good faith deposit (the "Deposit") in the amount of $51,150 is required from the lowest bidder only. The lowest bidder is required to submit such Deposit, payable to the order of the City, not later than 12:00 P.M. Central Time on the day of sale of the Bonds and in the form of either (i) a cashier's check provided to the City or its Municipal Advisor or (ii) a wire transfer as instructed by the City's Municipal Advisor. If not so received, the bid of the lowest bidder may be rejected and the City may direct the second lowest bidder to submit a Deposit and thereafter may award the sale of the Bonds to the same. No interest on a Deposit will accrue to the successful bidder (the "Purchaser"). The Deposit will be applied to the purchase price of the Bonds. In the event a Purchaser fails to honor its accepted bid proposal, the Deposit will be retained by the City.

FORM OF BIDS AND AWARD

All bids shall be unconditional for the Bonds for a price not less than $5,063,850, plus accrued interest, and shall specify the rate or rates of interest in conformity to the limitations set forth under the "BIDDING PARAMETERS" section. Bids must be submitted on or in substantial compliance with the OFFICIAL BID FORM provided by the City. The Bonds will be awarded to the bidder offering the lowest interest rate to be determined on a true interest cost (the "TIC") basis assuming compliance with the "ESTABLISHMENT OF ISSUE PRICE" and "GOOD FAITH DEPOSIT" sections. The TIC shall be determined by the present value method, i.e., by ascertaining the semiannual rate, compounded semiannually, necessary to discount to present value as of the dated date of the Bonds, the amount payable on each interest payment date and on each stated maturity date or earlier mandatory redemption, so that the aggregate of such amounts will equal the aggregate purchase price offered therefore. The TIC shall be stated in terms of an annual percentage rate and shall be that rate of interest, which is twice the semiannual rate so ascertained (also known as the Canadian Method). The TIC shall be as determined by the Municipal Advisor based on the TERMS OF OFFERING and all amendments, and on the bids as submitted. The Municipal Advisor's computation of the TIC of each bid shall be controlling. In the event of tie bids for the lowest TIC, the Bonds will be awarded by lot.

The City will reserve the right to: (i) waive non-substantive informalities of any bid or of matters relating to the receipt of bids and award of the Bonds, (ii) reject all bids without cause and (iii) reject any bid which the City determines to have failed to comply with the terms herein.

BIDDING PARAMETERS

Each bidder's proposal must conform to the following limitations:

1. Each annual maturity must bear a single rate of interest from the dated date of the Bonds to the date of maturity.
2. Rates of interest bid must be in multiples of one-eighth or one-twentieth of one percent.
3. The initial price to the public for each maturity must be 98% or greater.

RECEIPT OF BIDS

Forms of Bids: Bids must be submitted on or in substantial compliance with the TERMS OF OFFERING and OFFICIAL BID FORM provided by the City or through PARITY® competitive bidding system (the "Internet Bid System"). Neither the City nor its agents shall be responsible for malfunction or mistake made by any person, or as a result of the use of the Internet Bid System or any other means used to deliver or complete a bid. The use of such facilities or means is at the sole risk of the prospective bidder who shall be bound by the terms of the bid as received.

No bid will be accepted after the time specified in the TERMS OF OFFERING. The time as maintained by the Internet Bid System shall constitute the official time with respect to all bids submitted. A bid may be withdrawn before the bid deadline using the same method used to submit the bid. If more than one bid is received from a bidder, the last bid received shall be considered.

Sealed Bidding: Sealed bids may be submitted and will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503.

Electronic Internet Bidding: Electronic internet bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503 or at the office of PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa 50309. Electronic internet bids must be submitted through the Internet Bid System. Information about the Internet Bid System may be obtained by calling 212-849-5021.

Each bidder shall be solely responsible for making necessary arrangements to access the Internet Bid System for purposes of submitting its internet bid in a timely manner and in compliance with the requirements of the TERMS OF OFFERING and OFFICIAL BID FORM. The City is permitting bidders to use the services of the Internet Bid System solely as a communication mechanism to conduct the electronic internet bidding and the Internet Bid System is not an agent of the City. Provisions of the TERMS OF OFFERING and OFFICIAL BID FORM shall control in the event of conflict with information provided by the Internet Bid System.

Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503 (facsimile number: 712-328-4997) or the City's Municipal Advisor, PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa 50309 (facsimile number: 515-243-6994). Electronic facsimile bids will be treated as sealed bids.

Electronic facsimile bids received after the deadline will be rejected. Bidders electing to submit bids via facsimile transmission bear full responsibility for the transmission of such bid. Neither the City nor its agents shall be responsible for malfunction or mistake made by any person, or as a result of the use of the facsimile facilities or any other means used to deliver or complete a bid. The use of such facilities or means is at the sole risk of the prospective bidder who shall be bound by the terms of the bid as received. Neither the City nor its agents will assume liability for the inability of the bidder to reach the above named facsimile numbers prior to the time of sale specified above. Time of receipt shall be the time recorded by the facsimile operator receiving the bids.

BOOK-ENTRY-ONLY ISSUANCE

The Bonds will be issued by means of a book-entry-only system with no physical distribution of bond certificates made to the public. The Bonds will be issued in fully registered form and one bond certificate, representing the aggregate principal amount of the Bonds maturing in each year will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds. Individual purchases of the Bonds may be made in the principal amount of $5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the Registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The Purchaser, as a condition of delivery of the Bonds, will be required to deposit the bond certificates with DTC.

MUNICIPAL BOND INSURANCE AT PURCHASER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefore at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the Purchaser. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the Purchaser, except that, if the City has requested and received a rating on the Bonds from a rating agency, the City will pay that initial rating fee. Any other rating agency fees shall be the responsibility of the Purchaser. Failure of the municipal bond insurer to issue the policy after the Bonds have been awarded to the Purchaser shall not constitute cause for failure or refusal by the Purchaser to accept delivery on the Bonds. The City reserves the right in its sole discretion to accept or deny changes to the financing documents requested by the insurer selected by the Purchaser.

DELIVERY

The Bonds will be delivered to the Purchaser via Fast Automated Securities Transfer delivery with the Registrar holding the Bonds on behalf of DTC, against full payment in immediately available cash or federal funds. The Bonds are expected to be delivered within forty-five days after the sale. Should delivery be delayed beyond sixty days from the date of sale for any reason except failure of performance by the Purchaser, the Purchaser may withdraw their bid and thereafter their interest in and liability for the Bonds will cease. When the Bonds are ready for delivery, the City will give the Purchaser five working days' notice of the delivery date and the City will expect payment in full on that date; otherwise, reserving the right at their option to determine that the Purchaser failed to comply with the offer of purchase.

ELECTRONIC TRANSCRIPTS

Purchaser consents to the receipt of electronic transcripts and acknowledges the City's intended use of electronically executed documents. Iowa Code chapter 554D establishes electronic signatures have the full weight and legal authority as manual signatures.

ESTABLISHMENT OF ISSUE PRICE

The Purchaser shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto in "EXHIBIT 1 - FORMS OF ISSUE PRICE CERTIFICATES" to the TERMS OF OFFERING, with such modifications as may be appropriate or necessary in the reasonable judgment of the Purchaser, the City and Bond Counsel, will need to be signed by the Purchaser. All actions to be taken by the City under the TERMS OF OFFERING to establish the issue price of the Bonds may be taken on behalf of the City by the Municipal Advisor identified herein and any notice or report to be provided to the City may be provided to the Municipal Advisor.

The City intends the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale

requirements") because (i) the City shall disseminate this TERMS OF OFFERING to potential underwriters in a manner that is reasonably designed to reach potential underwriters, (ii) all bidders shall have an equal opportunity to bid, (iii) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds, and (iv) the City anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in the TERMS OF OFFERING.

Any bid submitted pursuant to the TERMS OF OFFERING shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event the competitive sale requirements are not satisfied for the Bonds, the City shall so advise the Purchaser. The City may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, and/or (ii) the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis. The Purchaser shall advise the City if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The City shall promptly advise the Purchaser, at or before the time of award of the Bonds, which maturities of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event the City determines to apply the hold-the-offering-price rule to any maturity of the Bonds. **Prospective bidders should prepare their bids on the assumption that some or all of the maturities of each respective series of the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.**

By submitting a bid, the Purchaser shall (i) confirm the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the Purchaser, and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of (a) the close of the fifth (5th) business day after the sale date, or (b) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The Purchaser shall promptly advise the City when the underwriters have sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

The City acknowledges that in making the representation set forth above, the Purchaser will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event, an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (a) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by

the Purchaser that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public, and (b) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Purchaser and as set forth in the related pricing wires; and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (a) report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the Purchaser or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public, and (b) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Purchaser or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this TERMS OF OFFERING. Further, for purposes of this TERMS OF OFFERING, (i) "public" means any person other than an underwriter or a related party, (ii) "underwriter" means (a) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public, and (b) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause "(a)" to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public); (iii) a Purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the Purchaser are subject, directly or indirectly, to (a) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (b) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (c) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and (iv) "sale date" means the date that the Bonds are awarded by the City to the Purchaser.

OFFICIAL STATEMENT

The City has authorized the preparation of this Preliminary Official Statement containing pertinent information relative to the Bonds. The Preliminary Official Statement will be further supplemented by offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, anticipated delivery date, and underwriter, together with any other information required by law or deemed appropriate by the City, shall constitute a final Official Statement of the City with respect to the Bonds, as that term is defined in Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (the "Rule"). By awarding the Bonds to any underwriter or underwriting syndicate submitting an OFFICIAL BID FORM therefore, the City agrees that, no more than seven (7) business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Bonds are awarded up to 15 copies of the final Official Statement to permit each "Participating Underwriter" (as that term is defined in Rule) to comply with the provisions of such Rule. The City shall treat the senior managing underwriter of the syndicate to which the Bonds are awarded as its designated agent for purposes of distributing copies of the final Official Statement to the Participating Underwriter. Any underwriter executing and delivering an OFFICIAL BID FORM with respect to the Bonds agrees thereby that if its bid is accepted by the City, (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all Participating Underwriters of the Bonds for purposes of assuring the receipt by each such Participating Underwriter of the final Official Statement.

CONTINUING DISCLOSURE

The City will covenant in a Continuing Disclosure Certificate for the benefit of the owners and beneficial owners of the Bonds to provide annually certain financial information and operating data relating to the City (the "Annual Report"), and to provide notices of the occurrence of certain enumerated events. The Annual Report is to be filed by the City not later than two hundred seventy (270) days after the close of each fiscal year, commencing with the Fiscal Year ending

June 30, 2020, with the Municipal Securities Rulemaking Board, at its internet repository named "Electronic Municipal Market Access" ("EMMA"). The notices of events, if any, are also to be filed with EMMA. See APPENDIX D – FORM OF CONTINUING DISCLOSURE CERTIFICATE. The specific nature of the information to be contained in the Annual Report or the notices of events, and the manner in which such materials are to be filed, are summarized in the FORM OF CONTINUING DISCLOSURE CERTIFICATE. These covenants have been made in order to assist the Purchaser in complying with section (b)(5) of the Rule.

The City is not aware of any instance in the previous five years in which it has failed to comply, in all material respects, with the previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule.

Breach of the undertakings will not constitute a default or an "Event of Default" under the Bonds or the Resolution for the Bonds. A broker or dealer is to consider a known breach of the undertakings, however, before recommending the purchase or sale of the Bonds in the secondary market. Thus, a failure on the part of the City to observe the undertakings may adversely affect the transferability and liquidity of the Bonds and their market price.

CUSIP NUMBERS

It is anticipated that the Committee on Uniform Security Identification Procedures ("CUSIP") numbers will be printed on the Bonds and the Purchaser must agree in the bid proposal to pay the cost thereof. In no event will the City, Bond Counsel or Municipal Advisor be responsible for the review or express any opinion that the CUSIP numbers are correct. Incorrect CUSIP numbers on said Bonds shall not be cause for the Purchaser to refuse to accept delivery of said Bonds.

BY ORDER OF THE CITY COUNCIL
City of Council Bluffs, Iowa
/s/ Matt Walsh, Mayor

SCHEDULE OF BOND YEARS

$5,115,000*
CITY OF COUNCIL BLUFFS, IOWA
General Obligation Bonds, Series 2020B

Bonds Dated: December 2, 2020
Interest Due: June 1, 2021 and each December 1 and June 1 to maturity
Principal Due: June 1, 2021-2032

Year	Principal*	Bond Years	Cumulative Bond Years
2021	$1,200,000	596.67	596.67
2022	335,000	501.57	1,098.24
2023	340,000	849.06	1,947.29
2024	340,000	1,189.06	3,136.35
2025	345,000	1,551.54	4,687.89
2026	350,000	1,924.03	6,611.92
2027	355,000	2,306.51	8,918.43
2028	360,000	2,699.00	11,617.43
2029	365,000	3,101.49	14,718.92
2030	370,000	3,513.97	18,232.89
2031	375,000	3,936.46	22,169.35
2032	380,000	4,368.94	26,538.29

Average Maturity (dated date): 5.188 Years

* Preliminary; subject to change.

EXHIBIT 1

FORMS OF ISSUE PRICE CERTIFICATES

COMPETITIVE SALES WITH AT LEAST THREE BIDS FROM ESTABLISHED UNDERWRITERS

ISSUE PRICE CERTIFICATE

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

The undersigned, on behalf of [NAME OF UNDERWRITER] ("Purchaser"), hereby certifies as set forth below with respect to the sale of the above-captioned obligations (the "Bonds").

1. Reasonably Expected Initial Offering Price.

a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by Purchaser are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Bonds used by Purchaser in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by Purchaser to purchase the Bonds.

b) Purchaser was not given the opportunity to review other bids prior to submitting its bid.

c) The bid submitted by Purchaser constituted a firm offer to purchase the Bonds.

2. **Defined Terms.**

a) *Issuer* means City of Council Bluffs, Iowa.

b) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate Maturities.

c) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

d) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is October 26, 2020.

e) *Underwriter* means (i) the Purchaser or any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents Purchaser's interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer and its advisors with respect to certain of the representations set forth in the Tax Exemption Certificate and with respect to compliance with the federal income tax rules affecting the Bonds, and by Bond Counsel in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[UNDERWRITER]

By:_____
Name:_____

Dated: December 2, 2020

SCHEDULE A

EXPECTED OFFERING PRICES

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

(*Attached*)

SCHEDULE B

COPY OF UNDERWRITER'S BID

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

(*Attached*)

COMPETITIVE SALES WITH FEWER THAN THREE BIDS FROM ESTABLISHED UNDERWRITERS HOLD OFFERING PRICE

ISSUE PRICE CERTIFICATE

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

The undersigned, on behalf of [NAME OF UNDERWRITER/REPRESENTATIVE] (["Purchaser")][the "Representative")][, on behalf of itself and [NAMES OF OTHER UNDERWRITERS] (together, the "Underwriting Group"),] hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the "Bonds").

1. Sale of the General Rule Maturities. As of the date of this certificate, for each Maturity of the General Rule Maturities, the first price at which at least 10% of such Maturity was sold to the Public is the respective price listed in Schedule A.

2. Initial Offering Price of the Hold-the-Offering-Price Maturities.

a) [Purchaser][The Underwriting Group] offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in Schedule A (the "Initial Offering Prices") on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as Schedule B.

b) As set forth in the Official Terms of Offering and bid award, [Purchaser][the members of the Underwriting Group] [has][have] agreed in writing that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, [it][they] would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the "hold-the-offering-price rule"), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no Underwriter (as defined below) has offered or sold any Maturity of the Hold-the-Offering-Price Maturities at a price that is higher than the respective Initial Offering Price for that Maturity of the Bonds during the Holding Period.

3. Defined Terms.

a) *General Rule Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the "General Rule Maturities."

b) *Hold-the-Offering-Price Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the "Hold-the-Offering-Price Maturities."

c) *Holding Period* means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which [Purchaser][the Underwriters] [has][have] sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

d) *Issuer* means City of Council Bluffs, Iowa.

e) *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

f) *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

g) *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is October 26, 2020.

h) *Underwriter* means (i) the Purchaser or any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

i) The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents [the Purchaser][the Representative's] interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer and its advisors with respect to certain of the representations set forth in the Tax Exemption Certificate and with respect to compliance with the federal income tax rules affecting the Bonds, and by Bond Counsel in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[UNDERWRITER][REPRESENTATIVE]

By:_____
Name:_____

Dated: December 2, 2020

SCHEDULE A

SALE PRICES OF THE GENERAL RULE MATURITIES AND INITIAL OFFERING PRICES OF THE HOLD-THE-OFFERING-PRICE MATURITIES

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

(*Attached*)

SCHEDULE B

PRICING WIRE OR EQUIVALENT COMMUNICATION

$_____ General Obligation Bonds, Series 2020B
City of Council Bluffs, Iowa

(*Attached*)

PRELIMINARY OFFICIAL STATEMENT

CITY OF COUNCIL BLUFFS, IOWA

$5,115,000* General Obligation Bonds, Series 2020B

INTRODUCTION

This Preliminary Official Statement contains information relating to the City of Council Bluffs, Iowa (the "City") and its issuance of $5,115,000* General Obligation Bonds, Series 2020A (the "Bonds"). This Preliminary Official Statement has been executed on behalf of the City and its Director of Finance and may be distributed in connection with the sale of the Bonds authorized therein. Inquiries may be made to the City's Municipal Advisor, PFM Financial Advisors LLC (the "Municipal Advisor"), 801 Grand Avenue, Suite 3300, Des Moines, Iowa 50309 or by telephoning 515-724-5724. Information can also be obtained from Ms. Kathy Knott, Director of Finance, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503, or by telephoning 712-890-5303.

AUTHORITY AND PURPOSE

The Bonds are being issued pursuant to Division III of Chapter 384 of the Code of Iowa and a resolution (the "Resolution") to be adopted by the City Council of the City. The Bonds are being issued to provides funds to pay the costs of opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes; acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the banks and other areas adjacent to flood control improvements; rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks; acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings; construction, reconstruction, enlargement, improvement, and equipping of recreation grounds; acquisition, construction, reconstruction, enlargement, improvement, and equipping of golf courses; and construction, reconstruction, enlargement, improvement, and equipping of recreation grounds and trails.

The estimated Sources and Uses of the Bonds are as follows:

Sources of Funds*	
Par Amount of Bonds	$5,115,000.00
Uses of Funds*	
Deposit into Project Fund	$5,000,000.00
Underwriter's Discount	51,150.00
Cost of Issuance & Contingency	63,850.00
Total Uses	$5,115,000.00

* Preliminary; subject to change.

INTEREST ON THE BONDS

Interest on the Bonds will be payable on June 1, 2021 and semiannually on the 1st day of December and June thereafter. Interest and principal shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15th day of the month (whether or not a business day) preceding such interest payment date (the "Record Date"). Interest will be computed on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board.

OPTIONAL REDEMPTION

The Bonds due after June 1, 2028 will be subject to call prior to maturity in whole, or from time to time in part, in any order of maturity and within a maturity by lot on said date or on any date thereafter at the option of the City, upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

PAYMENT OF AND SECURITY FOR THE BONDS

The Bonds are general obligations of the City and the unlimited taxing powers of the City are irrevocably pledged for their payment. Upon issuance of the Bonds, the City will levy taxes for the years and in amounts sufficient to provide 100% of annual principal and interest due on the Bonds. If, however, the amount credited to the debt service fund for payment of the Bonds is insufficient to pay principal and interest, whether from transfers or from original levies, the City must use funds in its treasury and is required to levy ad valorem taxes upon all taxable property in the City without limit as to rate or amount sufficient to pay the debt service deficiency.

Iowa Code section 76.2 provides that when an Iowa political subdivision issues general obligation bonds, "the governing authority of these political subdivisions before issuing bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds within a period named not exceeding twenty years. A certified copy of this resolution shall be filed with the county auditor or the auditors of the counties in which the political subdivision is located; and the filing shall make it a duty of the auditors to enter annually this levy for collection from the taxable property within the boundaries of the political subdivision until funds are realized to pay the bonds in full."

Nothing in the Resolution for the Bonds prohibits or limits the ability of the City to use legally available moneys other than the proceeds of the general ad valorem property taxes levied, as described in the preceding paragraph, to pay all or any portion of the principal of or interest on the Bonds. If, and to the extent such other legally available moneys are used to pay the principal of or interest on the Bonds, the City may, but shall not be required to (i) reduce the amount of taxes levied for such purpose, as described in the preceding paragraph; or (ii) use proceeds of taxes levied, as described in the preceding paragraph, to reimburse the fund or account from which such other legally available moneys are withdrawn for the amount withdrawn from such fund or account to pay the principal of or interest on the Bonds.

The Resolution authorizing the Bonds does not restrict the City's ability to issue or incur additional general obligation debt, although issuance of additional general obligation debt is subject to the same constitutional and statutory limitations that apply to the issuance of the Bonds. For a further description of the City's outstanding general obligation debt upon issuance of the Bonds and the annual debt service on the Bonds, see "DIRECT DEBT" under "CITY INDEBTEDNESS" included in APPENDIX A herein. For a description of certain constitutional and statutory limits on the issuance of general obligation debt, see "DEBT LIMIT" under "CITY INDEBTEDNESS" included in APPENDIX A to this Preliminary Official Statement.

BOOK-ENTRY-ONLY ISSUANCE

The information contained in the following paragraphs of this subsection "Book-Entry-Only Issuance" has been extracted from a schedule prepared by Depository Trust Company ("DTC") entitled "SAMPLE OFFERING DOCUMENT LANGUAGE DESCRIBING DTC AND BOOK-ENTRY-ONLY ISSUANCE." The information in this section concerning DTC and DTC's book-entry-only system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC. If, however, the aggregate principal amount of any issue exceeds $500 million, one certificate will be issued with respect to each $500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants (the "Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (the "Indirect Participants"). DTC has Standard & Poor's rating: AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security (the "Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co., nor any other DTC nominee, will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date identified in a listing attached to the Omnibus Proxy.

Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC, is the responsibility of the City or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to Tender/Remarketing Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to Tender/Remarketing Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to Tender/Remarketing Agent's DTC account.

DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the City or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

FUTURE FINANCING

The City will not be issuing additional general obligation bonds within 90 days of this Preliminary Official Statement.

LITIGATION

The City is not aware of any threatened or pending litigation that may have a material adverse effect on the validity of the Bonds or the City's ability to meet its financial obligations with regard to the Bonds.

DEBT PAYMENT HISTORY

The City knows of no instance in which it has defaulted in the payment of principal or interest on its debt.

LEGALITY

The Bonds are subject to approval as to certain matters by Ahlers & Cooney, P.C. of Des Moines, Iowa as Bond Counsel. Bond Counsel has not participated in the preparation of this Preliminary Official Statement other than to review or prepare information describing the terms of the Bonds and Iowa and Federal law pertinent to the validity of and the tax status of interest on the Bonds, which can be found generally under the sections "AUTHORITY AND PURPOSE", "OPTIONAL REDEMPTION", "PAYMENT AND SECURITY FOR THE BONDS" and "TAX MATTERS", herein. Additionally, Bond Counsel has provided its Form of Legal Opinion and Continuing Disclosure Certificate, included in APPENDIX B and APPENDIX D, respectively, within this Preliminary Official Statement. Bond Counsel is not expressing any opinion as to the completeness or accuracy of the information contained in the Preliminary Official Statement. The FORM OF LEGAL OPINION as set out in APPENDIX B to this Preliminary Official Statement, will be delivered at closing.

The legal opinion, to be delivered concurrently with the delivery of the Bonds, expresses the professional judgment of the attorneys rendering the opinion as to legal issues expressly addressed therein. By rendering a legal opinion, the opinion giver does not become an insurer or guarantor of the result indicated by that expression of professional judgment, or of the transaction on which the opinion is rendered, or of the future performance of parties to the transaction. Nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

There is no bond trustee or similar person to monitor or enforce the provisions of the Resolution for the Bonds. The owners of the Bonds should, therefore, be prepared to enforce such provisions themselves if the need to do so arises. In the event of a default in the payment of principal of or interest on the Bonds, there is no provision for acceleration of maturity of the principal of the Bonds. Consequently, the remedies of the owners of the Bonds (consisting primarily of an action in the nature of mandamus requiring the City and certain other public officials to perform the terms of the Resolution for the Bonds) may have to be enforced from year to year. The obligation to pay general ad valorem property taxes is secured by a statutory lien upon the taxed property, but is not an obligation for which a property owner may be held personally liable in the event of a deficiency. The owners of the Bonds cannot foreclose on property within the boundaries of the City or sell such property in order to pay the debt service on the Bonds. See "LEVIES AND TAX COLLECTIONS" included in APPENDIX A herein, for a description of property tax collection and enforcement.

In addition, the enforceability of the rights and remedies of owners of the Bonds may be subject to limitation as set forth in Bond Counsel's opinion. The opinion will state, in part, that the obligation of the City with respect to the Bonds may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights, heretofore or hereafter, enacted to the extent constitutionally applicable, to the exercise of judicial discretion in appropriate cases.

TAX MATTERS

Tax Exemptions and Related Considerations: Federal tax law contains a number of requirements and restrictions that apply to the Bonds. These include investment restrictions, periodic payments of arbitrage profits to the United States, requirements regarding the proper use of bond proceeds and facilities financed with bond proceeds, and certain other matters. The City has covenanted to comply with all requirements that must be satisfied in order for the interest on the Bonds to be excludable from gross income for federal income tax purposes. Failure to comply with certain of such covenants could cause interest on the Bonds to become includable in gross income for federal income tax purposes retroactively to the date of issuance of the Bonds.

Subject to the City's compliance with the above referenced covenants, under present law, in the opinion of Bond Counsel, interest on the Bonds is excludable from gross income for federal income tax purposes. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax.

Prospective purchasers of the Bonds should be aware that ownership of the Bonds may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, corporations subject to the branch profits tax, financial institutions, certain insurance companies, certain S corporations, individual recipients of Social Security or Railroad Retirement benefits and taxpayers who may be deemed to have incurred (or continued) indebtedness to purchase or carry tax-exempt obligations. Bond Counsel will not express any opinion as to such collateral tax consequences. Prospective purchasers of the Bonds should consult their tax advisors as to collateral federal income tax consequences.

Ownership of the Bonds may result in other state and local tax consequences to certain taxpayers. Bond Counsel expresses no opinion regarding any such collateral consequences arising with respect to the Bonds. The prospective purchaser of the Bonds should consult their tax advisors regarding the applicability of any such state and local taxes.

NOT-Qualified Tax-Exempt Obligations: The City will NOT designate the Bonds as "qualified tax-exempt obligations" under the exception provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Discount and Premium on certain Bonds: The initial public offering price of certain Bonds (the "Discount Bonds") may be less than the amount payable on such Bonds at maturity. An amount equal to the difference between the initial public offering price of Discount Bonds (assuming that a substantial amount of the Discount Bonds of that maturity are sold to the public at such price) and the amount payable at maturity constitutes original issue discount to the initial purchaser of such Discount Bonds. Purchasers of Discount Bonds should consult with their own tax advisors with respect to the determination of accrued original issue discount on Discount Bonds for federal income tax purposes and with respect to the state and local tax consequences of owning and disposing of Discount Bonds. It is possible that, under applicable provisions governing determination of state and local income taxes, accrued interest on Discount Bonds may be deemed to be received in the year of accrual even though there will not be a corresponding cash payment.

The initial public offering price of certain Bonds (the "Premium Bonds") may be greater than the amount payable on such Premium Bonds at maturity. An amount equal to the difference between the initial public offering price of Premium Bonds (assuming that a substantial amount of the Premium Bonds of that maturity are sold to the public at such price) and the amount payable at maturity constitutes a premium to the initial purchaser of such Premium Bonds. Purchasers of the Premium Bonds should consult with their own tax advisors with respect to the determination of amortizable bond premium on Premium Bonds for federal income tax purposes and with respect to the state and local tax consequences of owning and disposing of Premium Bonds.

Other Tax Advice: In addition to the income tax consequences described above, potential investors should consider the additional tax consequences of the acquisition, ownership, and disposition of the Bonds. For instance, state income tax law may differ substantially from state to state, and the foregoing is not intended to describe any aspect of the income tax laws of any state. Therefore, potential investors should consult their own tax advisors with respect to federal tax issues and with respect to the various state tax consequences of an investment in Bonds.

Audits: The Internal Revenue Service (the "Service") has an ongoing program of auditing tax-exempt obligations to determine whether, in the view of the Service, interest on such tax-exempt obligations is includable in the gross income of the owners thereof for federal income tax purposes. It cannot be predicted whether or not the Service will commence an audit of the Bonds. If an audit is commenced, under current procedures the Service may treat the City as a taxpayer and the bondholders may have no right to participate in such procedure. The commencement of an audit could adversely affect the market value and liquidity of the Bonds until the audit is concluded, regardless of the ultimate outcome.

Withholdings: Payments of interest on, and proceeds of the sale, redemption or maturity of, tax-exempt obligations, including the Bonds, are in certain cases required to be reported to the Service. Additionally, backup withholding may apply to any such payments to any bond owner who fails to provide an accurate Form W-9 Request for Taxpayer Identification Number and Certification, or a substantially identical form, or to any Bond owner who is notified by the

Service of a failure to report any interest or dividends required to be shown on federal income tax returns. The reporting and backup withholding requirements do not affect the excludability of such interest from gross income for federal tax purposes.

Legislation: Legislation affecting tax-exempt obligations is regularly considered by the United States Congress and may be considered by the Iowa legislature. Judicial interpretation of state or federal laws, rules or regulations may also affect the tax treatment. There can be no assurance that legislation enacted or proposed, or actions by a court, after the date of issuance of the Bonds will not have an adverse effect on the tax status of interest or other income on the Bonds or the market value or marketability of the Bonds. These adverse effects could result, for example, from changes to federal or state income tax rates, changes in the structure of federal or state income taxes (including replacement with another type of tax), or repeal (or reduction in the benefit) of the exclusion of interest on the Bonds from gross income for federal or state income tax purposes for all or certain taxpayers.

Current and future legislative proposals, including some that carry retroactive effective dates, if enacted into law, or clarification of the Code may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation, or otherwise prevent owners of the Bonds from realizing the full current benefit of the tax status of such interest. Recent proposals have been made that could significantly reduce the benefit of, or otherwise affect, the exclusion from gross income of interest on obligations like the Bonds. The introduction or enactment of any such legislative proposals or clarification of the Code may also affect, perhaps significantly, the market price for, or marketability of, the Bonds. The prospective purchaser of the Bonds should consult their own tax advisors regarding any pending or proposed tax legislation, as to which Bond Counsel expresses no opinion except as set forth in APPENDIX B to this Preliminary Official Statement.

Enforcement: Holders of the Bonds shall have and possess all the rights of action and remedies afforded by the common law, the Constitution and statutes of the State of Iowa and of the United States of America for the enforcement of payment of the Bonds, including, but not limited to, the right to a proceeding in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by Iowa law and the Resolution authorizing issuance of the Bonds. There is no bond trustee or similar person to monitor or enforce the terms of the Resolution for issuance of the Bonds. In the event of a default in the payment of principal of or interest on the Bonds, there is no provision for acceleration of maturity of the principal of the Bonds. Consequently, the remedies of the owners of the Bonds (consisting primarily of an action in the nature of mandamus requiring the City and certain other public officials to perform the terms of the Resolution for the Bonds) may have to be enforced from year to year. The enforceability of the rights and remedies of owners of the Bonds may be subject to limitation as set forth in Bond Counsel's opinion.

The obligation to pay general ad valorem property taxes is secured by a statutory lien upon the taxed property, but is not an obligation for which a property owner may be held personally liable in the event of a deficiency. The owners of the Bonds cannot foreclose on property within the boundaries of the City or sell such property in order to pay the debt service on the Bonds. In addition, the enforceability of the rights and remedies of owners of the Bonds may be subject to limitation as set forth in Bond Counsel's opinion. The opinion to be delivered concurrently with the delivery of the Bonds will be qualified as to the enforceability of the various legal instruments by limitations imposed by general principles of equity and public policy and by bankruptcy, reorganization, insolvency or other similar laws affecting the rights of creditors generally, and to the exercise of judicial discretion in appropriate cases.

No representation is made, and no assurance is given, that the enforcement of any remedies with respect to such assets will result in sufficient funds to pay all amounts due under the Resolution for the Bonds, including principal of and interest on the Bonds.

The Opinion: The opinion expressed by Bond Counsel are based upon existing legislation and regulations as interpreted by relevant judicial and regulatory authorities as of the date of issuance and delivery of the Bonds, and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any proposed or pending legislation, regulatory initiatives or litigation.

Bond Counsel's opinion is not a guarantee of a result, or of the transaction on which the opinion is rendered, or of the future performance of parties to the transaction, but represents its legal judgment based upon its review of existing statutes, regulations, published rulings and court decisions and the representations and covenants of the City described in this section. No ruling has been sought from the Service with respect to the matters addressed in the opinion of Bond Counsel and Bond Counsel's opinions is not binding on the Service. Bond Counsel assumes no obligation to update its opinion after the issue date to reflect any further action, fact or circumstance, or change in law or interpretation, or otherwise.

ALL POTENTIAL PURCHASERS OF THE BONDS SHOULD CONSULT WITH THEIR TAX ADVISORS WITH RESPECT TO FEDERAL, STATE AND LOCAL TAX CONSEQUENCES OF OWNERSHIP OF THE BONDS (INCLUDING BUT NOT LIMITED TO THOSE LISTED ABOVE).

BONDHOLDER'S RISKS

An investment in the Bonds is subject to certain risks. No person should purchase the Bonds unless such person understands the risks described below and is willing to bear those risks. There may be other risks not listed below which may adversely affect the value of the Bonds. In order to identify risk factors and make an informed investment decision, potential investors should be thoroughly familiar with this entire Preliminary Official Statement (including the Appendices hereto) in order to make a judgment as to whether the Bonds are an appropriate investment.

Secondary Market Not Established: There is no established secondary market for the Bonds, and there is no assurance that a secondary market will develop for the purchase and sale of the Bonds. Prices of municipal bonds traded in the secondary market, if any, are subject to adjustment upward and downward in response to changes in the credit markets and changes in the operating performance of the entities operating the facilities subject to bonded indebtedness. From time to time it may be necessary to suspend indefinitely secondary market trading in selected issues of municipal bonds as a result of the financial condition or market position, prevailing market conditions, lack of adequate current financial information about the entity, operating the subject facilities, or a material adverse change in the operations of that entity, whether or not the subject Bonds are in default as to principal and interest payments, and other factors which, may give rise to uncertainty concerning prudent secondary market practices.

Municipal bonds are generally viewed as long-term investments, subject to material unforeseen changes in the investor's circumstances, and may require commitment of the investor's funds for an indefinite period of time, perhaps until maturity.

EACH PROSPECTIVE PURCHASER IS RESPONSIBLE FOR ASSESSING THE MERITS AND RISKS OF AN INVESTMENT AND MUST BE ABLE TO BEAR THE ECONOMIC RISK OF SUCH INVESTMENT. THE SECONDARY MARKET FOR THE BONDS, IF ANY, COULD BE LIMITED.

Ratings Loss: Moody's Investors Service, Inc. ("Moody's") has assigned a rating of '___' to the Bonds. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance the ratings will continue for any given period of time, or that such ratings will not be revised, suspended or withdrawn, if, in the judgment of Moody's, circumstances so warrant. A revision, suspension or withdrawal of a rating may have an adverse effect on the market price of the Bonds.

Rating agencies are currently not regulated by any regulatory body. Future regulation of rating agencies could materially alter the methodology, rating levels, and types of ratings available, for example, and these changes, if ever, could materially affect the market value of the Bonds.

Matters Relating to Enforceability: Holders of the Bonds shall have and possess all the rights of action and remedies afforded by the common law, the Constitution and statutes of the State of Iowa and of the United States of America for the enforcement of payment of the Bonds, including but not limited to, the right to a proceeding in the law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by Iowa law and the Resolution for the Bonds.

The practical realization of any rights upon any default will depend upon the exercise of various remedies specified in the Resolution for the Bonds. The opinion, to be delivered concurrently with the delivery of the Bonds, will be qualified as to the enforceability of the various legal instruments by limitations imposed by general principals of equity and public policy and by bankruptcy, reorganization, insolvency or other similar laws affecting the rights of creditors generally.

No representation is made and no assurance is given that the enforcement of any remedies with respect to such assets will result in sufficient funds to pay all amounts due under the Resolution for the Bonds, including principal of and interest on the Bonds.

Forward-Looking Statements: This Preliminary Official Statement contains statements relating to future results that are "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995. When used in this Preliminary Official Statement, the words "estimate," "forecast," "intend," "expect" and similar expressions identify forward-looking statements. Any forward-looking statement is subject to uncertainty. Accordingly, such statements are subject to risks that could cause actual results to differ, possibly materially, from those contemplated in such forward-looking statements. Inevitably, some assumptions used to develop forward-looking statements will not be realized or unanticipated events and circumstances may occur. Therefore, investors should be aware there are likely to be differences between forward-looking statements and the actual results. These differences could be material and could impact the availability of funds of the City to pay debt service when due on the Bonds.

Financial Condition of the City From Time to Time: No representation is made as to the future financial condition of the City. Certain risks discussed herein could adversely affect the financial condition and or operations of the City in future. However, the Bonds are secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY FOR THE BONDS" herein.

Global Health Emergency Risk: The World Health Organization has declared a pandemic following the outbreak of COVID-19, a respiratory disease caused by a new strain of coronavirus and on March 13, 2020, the President of the United States declared a national emergency. The current spread of COVID-19 is altering the behavior of businesses and people in a manner that may have negative effects on economic activity, and therefore adversely affect the financial condition of the City, either directly or indirectly. Federal, State, and local officials are taking steps to curb the spread of the virus, including providing both discretionary and mandatory guidelines and orders regarding public gatherings, and imposing mandatory closings of some businesses. The spread of the virus could reduce General Fund revenue, including gaming revenue, hotel/motel tax receipts and Area receipts, delay the receipt of property tax payments and negatively impact other collections dependent on local business activity. At this time, it is not possible to predict the full impact on the City and its finances. The Bonds are secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY OF THE BONDS" herein.

Redemption Prior to Maturity: In considering whether to make an investment in the Bonds, it should be noted the Bonds are subject to optional redemption, as outlined herein, without Bondholder discretion or consent. See "OPTIONAL REDEMPTION" herein.

Tax Matters and Loss of Tax Exemption: As discussed under the heading "TAX MATTERS" herein, the interest on the Bonds could become includable in gross income for purposes of federal income taxation retroactive to the date of delivery of the Bonds, as a result of acts or omissions of the City in violation of its covenants in the Resolution for the Bonds. Should such an event of taxability occur, the Bonds would not be subject to a special prepayment and would remain outstanding until maturity or until prepaid under the prepayment provisions contained in the Bonds, and there is no provision for an adjustment of the interest rates on the Bonds.

It is possible legislation will be proposed or introduced that could result in changes in the way tax exemption is calculated, or whether interest on certain securities are exempt from taxation at all. Prospective purchasers should consult with their own tax advisors regarding any pending or proposed federal income tax legislation. The likelihood of legislation being enacted cannot be reliably predicted.

It is also possible actions of the City, after the closing of the Bonds, will alter the tax status of the Bonds, and in the extreme, remove the tax-exempt status from the Bonds. In that instance, the Bonds are not subject to mandatory prepayment and the interest rates on the Bonds does not increase or otherwise reset. A determination of taxability on the Bonds after closing could materially adversely affect the value and marketability of the Bonds.

Pending Federal Tax Legislation: From time to time, there are Presidential proposals, proposals of various federal committees, and legislative proposals pending in Congress that could, if enacted, alter or amend one or more of the federal (or state) tax matters described herein in certain respects or would adversely affect the market value of the Bonds or otherwise prevent holders of the Bonds from realizing the full benefit of the tax exemption of interest on the Bonds. Further, such proposals may impact the marketability or market value of the Bonds simply by being proposed. It cannot be predicted whether, or in what forms, any of such proposals, either pending or that may be introduced, may be enacted and there can be no assurance that such proposals will not apply to the Bonds. In addition, regulatory actions are from time to time announced or proposed and litigation threatened or commenced, which if implemented or concluded in a particular manner, could adversely affect the market value, marketability or tax status of the Bonds. It cannot be predicted whether any such regulatory action will be implemented, how any particular litigation or judicial action will be resolved, or whether the Bonds would be impacted thereby.

Changes in Property Taxation: The Bonds are general obligations of the City secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY FOR THE BONDS" herein. In the past, the State Public Health Emergency Declarations had temporarily suspended the provisions that required the imposition of penalty and interest for delay in property tax payments and directed that no such penalty or interest could be imposed for the duration of the declaration or any future extension of the suspension. It is impossible to predict whether the declaration or a future extension thereof could have a material effect on the City's ability to collect property taxes necessary for the payment of principal and interest on the Bonds.

From time to time the Iowa General Assembly has altered the method of property taxation and could do so again. Such alterations could adversely affect the City's financial condition. Historically, changes to property tax calculations and impositions are imposed on a prospective basis. However, there is no assurance future changes to property taxation by the Iowa General Assembly will not be applied retroactively. It is impossible to predict the outcome of future property taxation changes by the Iowa General Assembly or resulting impacts on the City's financial condition. However, the Bonds are secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY FOR THE BONDS" herein.

Cybersecurity: The City, like many other public and private entities, relies on a large and complex technology environment to conduct its operations. As such, it may face multiple cybersecurity threats including but not limited to, hacking, viruses, malware and other attacks on computer or other sensitive digital systems and networks. There can be no assurances that any security and operational control measures implemented by the City will be completely successful to guard against and prevent cyber threats and attacks. Failure to properly maintain functionality, control, security, and integrity of the City's information systems could impact business operations and/or digital networks and systems and the costs of remedying any such damage could be significant. Along with significant liability claims or regulatory penalties, any security breach could have a material adverse impact on the City's operations and financial condition.

The City maintains insurance coverage as a per claim/occurrence limit of $3 million and the 1st party has a per claim/occurrence limit of $3 million and the total policy aggregate is $3 million for all claims/occurrences. The City cannot predict whether these policies would be sufficient in the event of a cyber breach. However, the Bonds are secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY FOR THE BONDS" herein.

Pensions: Pursuant to GASB 68, the City reported a liability of $13,607,641 within its Comprehensive Annual Financial Report ("CAFR") as of June 30, 2019 for its proportionate share of the net pension liability related to IPERS, as defined herein. The net pension liability is the amount by which the total actuarial liability exceeds the pension plan's net assets or fiduciary net position (essentially the market value) available for paying benefits. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The City's proportion of the net pension liability was based on the City's share of contributions to the IPERS pension plan relative to the contributions of all IPERS participating employers. At June 30, 2018, the City's collective proportion was 0.215030% which was a decrease of 0.001413% from its proportion measured as of June 30, 2017.

Additionally, the City reported a liability of $34,634,472 with its CAFR as of June 30, 2019 for its proportionate share of the net pension liability related to MFPRSI, as defined herein. The net pension liability is the amount by which the total actuarial liability exceeds the pension plan's net assets or fiduciary net position (essentially the market value) available for paying benefits. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The City's proportion of the net pension liability was based on the City's share of contributions to the MFPRSI pension plan relative to the contributions of all MFPRSI participating employers. At June 30, 2018, the City's proportion was 5.816975% which was a decrease of 0.000031% from its proportion measured as of June 30, 2017.

See "EMPLOYEES AND PENSIONS" included under the "CITY" section included in APPENDIX A to this Preliminary Official Statement for more summary information related to the City's contributions, and APPENDIX C – June 30, 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT for additional information related to the City's deferred outflows and inflows of resources related to pensions, actuarial assumptions, discount rate and discount rate sensitivity. Changes to the City's pension contributions, or available sources to fund said contributions, may adversely affect the City's financial condition. The Bonds are secured by an unlimited ad valorem property tax as described more fully in the "PAYMENT OF AND SECURITY FOR THE BONDS" herein.

Continuing Disclosure: A failure by the City to comply with continuing disclosure obligations (see "CONTINUING DISCLOSURE" herein) will not constitute an event of default on the Bonds. Any such failure must be disclosed in accordance with Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (the "Rule"), and may adversely affect the transferability and liquidity of the Bonds and their market price.

Bankruptcy: The rights and remedies available to holders of the Bonds may be limited by and are subject to the provisions of federal bankruptcy laws, to other laws or equitable principles that may affect the enforcement of creditor's rights, to the exercise of judicial discretion in appropriate cases and to limitations in legal remedies against exercise of judicial discretion in appropriate cases and to limitations on legal remedies against municipal corporations in the State of Iowa. The various opinions of counsel to be delivered with respect to the Bonds and the Resolution for the Bonds, including the opinion of Bond Counsel, will be similarly qualified. If the City were to file a petition under Chapter 9 of the Bankruptcy Code, the owners of the Bonds could be prohibited from taking any steps to enforce their rights under the Resolution for the Bonds. In the event the City fails to comply with its covenants under the Resolution for the Bonds or fails to make payments on the Bonds, there can be no assurance of the availability of remedies adequate to protect the interests of the holders of the Bonds.

Suitability of Investment: The interest rate borne by the Bonds is intended to compensate the investor for assuming the risk of investing in the Bonds. Each prospective investor should carefully examine this Preliminary Official Statement and its own financial condition to make a judgment as to its ability to bear the economic risk of such an investment, and whether or not the Bonds are an appropriate investment for such investor.

Tax Levy Procedures: The Bonds are general obligations of the City, payable from and secured by a continuing ad valorem tax levied against all of the property valuation within the City. As part of the budgetary process each fiscal year, the City will have an obligation to request a debt service levy to be applied against all of the taxable property within the City. A failure on the part of the City to make a timely levy request or a levy request by the City that is inaccurate or is

insufficient to make full payments of the debt service of the Bonds for a particular fiscal year may cause bondholders to experience a delay in the receipt of distributions of principal of and/or interest on the Bonds. In the event of a default in the payment of principal of or interest on the Bonds, there is no provision for acceleration of maturity of the principal of the Bonds. Consequently, the remedies of the owners of the Bonds (consisting primarily of an action in the nature of mandamus requiring the City and certain other public officials to perform the terms of the Resolution for the Bonds) may have to be enforced from year to year.

Federal Funds Orders and State Funds Legislation: Various federal executive orders, and Iowa Code Chapter 27A (collectively "ICE Enforcement Initiatives"), impose requirements intended to ensure compliance with the federal immigration detainment processes. The ICE Enforcement Initiatives impose various penalties for non-compliance, including the loss of state and/or federal funding under certain circumstances. The loss of state and/or federal funds in any significant amount would negatively impact the City's overall financial position and could affect its rating. However, the Bonds are secured by a debt service levy upon real property in the jurisdictional limits of the City, and are not secured by state or federal funds. See "PAYMENT OF AND SECURITY FOR THE BONDS" herein.

DTC-Beneficial Owners: Beneficial Owners of the Bonds may experience some delay in the receipt of distributions of principal of and interest on the Bonds since such distributions will be forwarded by the Registrar to DTC and DTC will credit such distributions to the accounts of the Participants which will, thereafter, credit them to the accounts of the Beneficial Owner either directly or indirectly through Indirect Participants. Neither the City nor the Registrar will have any responsibility or obligation to assure any such notice or payment is forwarded by DTC to any Participants or by any Participant to any Beneficial Owner.

In addition, since transactions in the Bonds can be effected only through DTC Participants, Indirect Participants and certain banks, the ability of a Beneficial Owner to pledge the Bonds to persons or entities that do not participate in the DTC system, or otherwise to take actions in respect of such Bonds, may be limited due to lack of a physical certificate. Beneficial Owners will be permitted to exercise the rights of registered Owners only indirectly through DTC and the Participants. See "BOOK-ENTRY-ONLY ISSUANCE" herein.

Summary: The foregoing is intended only as a summary of certain risk factors attendant to an investment in the Bonds. In order for potential investors to identify risk factors and make an informed investment decision, potential investors should become thoroughly familiar with this entire Preliminary Official Statement and the Appendices hereto to make a judgment as to whether the Bonds are an appropriate investment.

RATING

Moody's has assigned a rating of '___' to the Bonds. Moody's currently maintains an underlying rating on the City's long-term general obligation debt of 'Aa2'. Such rating on long-term debt reflects only the view of the rating agency and any explanation of the significance of such rating may only be obtained from Moody's. There is no assurance that such rating will continue for any period of time or that it will not be revised or withdrawn. Any revision or withdrawal of the rating may have an effect on the market price of the Bonds.

MUNICIPAL ADVISOR

The City has retained PFM Financial Advisors LLC, Des Moines, Iowa as Municipal Advisor in connection with the preparation of the issuance of the Bonds. In preparing the Preliminary Official Statement, the Municipal Advisor has relied on government officials, and other sources to provide accurate information for disclosure purposes. The Municipal Advisor is not obligated to undertake, and has not undertaken, an independent verification of the accuracy, completeness, or fairness of the information contained in the Preliminary Official Statement. PFM Financial Advisors LLC is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities.

CONTINUING DISCLOSURE

The City will covenant in a Continuing Disclosure Certificate for the benefit of the owners and beneficial owners of the Bonds to provide annually certain financial information and operating data relating to the City (the "Annual Report"), and to provide notices of the occurrence of certain enumerated events. The Annual Report is to be filed by the City not later than two hundred seventy (270) days after the close of each fiscal year, commencing with the Fiscal Year ending June 30, 2020, with the Municipal Securities Rulemaking Board, at its internet repository named "Electronic Municipal Market Access" ("EMMA"). The notices of events, if any, are also to be filed with EMMA. See FORM OF CONTINUING DISCLOSURE CERTIFICATE included in APPENDIX D to this Preliminary Official Statement. The specific nature of the information to be contained in the Annual Report or the notices of events, and the manner in which such materials are to be filed, are summarized in the FORM OF CONTINUING DISCLOSURE CERTIFICATE. These covenants have been made in order to assist the underwriter in complying with section (b)(5) of the Rule.

The City is not aware of any instance in the previous five years in which it has failed to comply, in all material respects, with the previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule.

Breach of the undertakings will not constitute a default or an "Event of Default" under the Bonds or the Resolution for the Bonds. A broker or dealer is to consider a known breach of the undertakings, however, before recommending the purchase or sale of the Bonds in the secondary market. Thus, a failure on the part of the City to observe the undertakings may adversely affect the transferability and liquidity of the Bonds and their market price.

FINANCIAL STATEMENTS

The City's June 30, 2019 Comprehensive Annual Financial Report as prepared by a certified public accountant is reproduced as APPENDIX C. The City's certified public accountant has not consented to distribution of the audited financial statements and has not undertaken added review of their presentation. Further information regarding financial performance and copies of the City's prior Comprehensive Annual Financial Report may be obtained from the City's Municipal Advisor, PFM Financial Advisors LLC.

CERTIFICATION

The City has authorized the distribution of this Preliminary Official Statement for use in connection with the initial sale of the Bonds. I have reviewed the information contained within the Preliminary Official Statement prepared on behalf of the City by PFM Financial Advisors LLC, Des Moines, Iowa, and to the best of my knowledge, information and belief, said Preliminary Official Statement does not contain any untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading regarding the issuance of $5,115,000* General Obligation Bonds, Series 2020B.

CITY OF COUNCIL BLUFFS, IOWA
/s/ Matt Walsh, Mayor

* Preliminary; subject to change.

APPENDIX A

GENERAL INFORMATION ABOUT THE CITY OF COUNCIL BLUFFS, IOWA

The $5,115,000 GENERAL OBLIGATION BONDS, SERIES 2020B (the "Bonds") are general obligations of the City of Council Bluffs, Iowa (the "City") for which the City will pledge its power to levy direct ad valorem taxes against all taxable property within the City without limitation as to rate or amount to the repayment of the Bonds.*

* Preliminary; subject to change.

CITY PROPERTY VALUES

IOWA PROPERTY VALUATIONS

In compliance with Section 441.21 of the Code of Iowa, the State Director of Revenue annually directs the county auditors to apply prescribed statutory percentages to the assessments of certain categories of real property. The Pottawattamie County Auditors adjusted the final Actual Values for 2019. The reduced values, determined after the application of rollback percentages, are the taxable values subject to tax levy. For assessment year 2019, the taxable value rollback rate was 55.0743% of actual value for residential property; 71.2500% of actual value for multiresidential property; 81.4832% of actual value for agricultural property; and 90% of actual value for commercial, industrial, and railroad property. No adjustment was ordered for utility property because its assessed value did not increase enough to qualify for reduction. Utility property is limited to an 8% annual growth.

The Legislature's intent has been to limit the growth of statewide taxable valuations for the specific classes of property to 3% annually. Political subdivisions whose taxable values are thus reduced or are unusually low in growth are allowed to appeal the valuations to the State Appeal Board, in order to continue to fund present services.

PROPERTY VALUATIONS (1/1/2019 Valuations for Taxes Payable July 1, 2020 to June 30, 2021)

	100% Actual Value	Taxable Value (With Rollback)
Residential	$2,549,280,728	$1,401,727,799
Commercial	1,113,171,657	990,481,613
Industrial	109,509,942	98,552,192
Railroad	213,006,413	146,258,350
Multiresidential	18,819,671	16,937,704
Utilities w/o Gas & Electric	11,466,789	11,466,789
Gross valuation	$4,015,255,200	$2,665,424,447
Less military exemption	(4,646,668)	(4,646,668)
Net valuation	$4,010,608,532	$2,660,777,779
TIF Increment (used to compute debt service levies and constitutional debt limit)	$138,010,702	$138,010,702
Taxed separately		
Ag. Land & Building	$10,660,196 [1)]	$8,685,576 [1)]
Gas & Electric Utilities	$1,338,127,336	$184,080,228

1) Excludes $3,704 of military exemption on agricultural property.

Source: Iowa Department of Management

2019 GROSS TAXABLE VALUATION BY CLASS OF PROPERTY [1)]

	Taxable Valuation	Percent Total
Residential	$1,401,727,799	49.20%
Commercial, Industrial and Utility	1,100,500,594	38.62%
Gas & Electric Utilities	184,080,228	6.46%
Multiresidential	146,258,350	5.13%
Railroad	16,937,704	0.59%
Total Gross Taxable Valuation	$2,849,504,675	100.00%

1) Excludes Taxable TIF Increment, Ag. Land and Ag. Buildings.

TREND OF VALUATIONS

Assessment Year	Payable Fiscal Year	100% Actual Valuation	Taxable Valuation (With Rollback)	Taxable TIF Increment
2015	2016-17	$4,658,908,187	$2,547,695,493	$98,171,483
2016	2017-18	4,839,011,160	2,569,125,780	128,501,899
2017	2018-19	5,259,987,480	2,721,387,838	112,339,033
2018	2019-20	5,121,594,374	2,809,624,482	100,883,278
2019	2020-21	5,497,406,766	2,844,858,007	138,010,702

The 100% Actual Valuations, before rollback and after reduction of military exemption, include Ag. Land, Ag. Buildings, TIF Increment, and Gas & Electric Utilities. The Taxable Valuations, with the rollback and after the reduction of military exemption, include Gas & Electric Utilities and exclude the Taxable TIF Increment, Ag. Land and Ag. Buildings. Iowa cities certify operating levies against Taxable Valuation excluding the Taxable TIF Increment and debt service levies are certified against Taxable Valuation including the Taxable TIF Increment.

Source: Iowa Department of Management

LARGER TAXPAYERS

Set forth in the following table are the persons or entities which represent larger taxpayers within the boundaries of the City, as provided by the Pottawattamie County Auditor's office. No independent investigation has been made of and no representation is made herein as to the financial condition of any of the taxpayers listed below or that such taxpayers will continue to maintain their status as major taxpayers in the City. With the exception of the electric and natural gas providers (which is subject to an excise tax in accordance with Iowa Code chapter 437A), the City's mill levy is applicable to all of the properties included in the table, and thus taxes expected to be received by the City from such taxpayers will be in proportion to the assessed valuations of the properties. The total tax bill for each of the properties is dependent upon the mill levies of the other taxing entities which overlap the properties.

Taxpayer – Legal Name	Taxpayer – Business Name	Valuation Category	1/1/2019 Taxable Valuation
Mid-American Electric	Mid-American Energy	Utility	$130,880,860
Gable Corp.	Google	Commercial	78,784,930
Horseshoe Council Bluffs LLC	Horseshoe Casino	Commercial	69,270,390
Pinnacle Entertainment Inc.	Ameristar Casino	Commercial	51,803,190
Harrah's Council Bluffs LLC	Harrah's Casino	Commercial	46,514,530
W-PT Metro Center Owner VIII LLC	Metro Crossings Retail Center	Commercial	38,265,390
Questa LLC	Google	Commercial	34,067,285
Wal-Mart Real Estate Business Trust	Wal-Mart	Commercial	22,026,510
Tetra LLC	Google	Commercial	21,980,704
Black Hills Energy Corp.	Black Hills Energy Corp	Utility	20,050,738

Source: Pottawattamie County Auditor's Office.

PROPERTY TAX LEGISLATION

From time to time, legislative proposals are pending in Congress and the Iowa General Assembly that would, if enacted, alter or amend one or more of the property tax matters described herein. It cannot be predicted whether or in what forms any of such proposals, either pending or that may be introduced, may be enacted, and there can be no assurance that such proposals will not apply to valuation, assessment or levy procedures for taxes levied by the City or have an adverse impact on the future tax collections of the City. The purchasers of the Bonds should consult their tax advisors regarding any pending or proposed federal or state tax legislation. The opinions expressed by Bond Counsel are based upon existing legislation as of the date of issuance and delivery of the Bonds and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any pending federal or state tax legislation.

During the 2019 legislative session, the Iowa General Assembly enacted Senate File 634 (the "2019 Act"). The 2019 Act modifies the process for hearing and approval of the total maximum property tax dollars under certain levies in the City's budget including levies for the General Fund, the Emergency Fund, Trust and Agency Funds for pensions, insurance, transit, civic centers, certain bridges, sanitary disposal, and emergency management. The 2019 Act also includes a provision that will require the affirmative vote of 2/3 of the City Council when the maximum property tax dollars under these levies exceed an amount determined under a prescribed formula.

The 2019 Act does not change the process for hearing and approval of the Debt Service Levy pledged for repayment of the Bonds. It is too early to evaluate the affect the 2019 Act will have on the overall financial position of the City or its ability to fund essential services.

During the 2013 legislative session, the Iowa General Assembly enacted Senate File 295 (the "2013 Act"). Among other things, the Act (i) reduced the maximum annual taxable value growth percent, due to revaluation of existing residential and agricultural property to 3%, (ii) assigned a "rollback" (the percentage of a property's value that is subject to tax) to commercial, industrial and railroad property of 90%, (iii) created a new property tax classification for multi-residential properties (apartments, nursing homes, assisted living facilities and certain other rental property) and assigned a declining rollback percentage to such properties for each year until the residential rollback percentage is reached in the 2022 assessment year, after which the rollback percentage for such properties will be equal to the residential rollback percentage each assessment year, and (iv) exempted a specified portion of the assessed value of telecommunication properties.

The 2013 Act includes a standing appropriation to replace some of the tax revenues lost by local governments, including tax increment districts, resulting from the new rollback for commercial and industrial property. The appropriation does not replace losses to local governments resulting from the 2013 Act's provisions that reduce the annual revaluation growth limit for residential and agricultural properties to 3%, the gradual transition for multi-residential properties from the residential rollback percentage, or the reduction in the percentage of telecommunications property that is subject to taxation.

The City has not attempted to quantify the financial impact of the 2013 Act's provisions on the City's future operations.

Notwithstanding any decrease in property tax revenues that may result from the 2013 Act or the 2019 Act, Iowa Code section 76.2 provides that when an Iowa political subdivision issues bonds, "the governing authority of these political subdivisions before issuing bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds within a period named not exceeding twenty years. A certified copy of this resolution shall be filed with the county auditor or the auditors of the counties in which the political subdivision is located; and the filing shall make it a duty of the auditors to enter annually this levy for collection from the taxable property within the boundaries of the political subdivision until funds are realized to pay the bonds in full."

CITY INDEBTEDNESS

DEBT LIMIT

Article XI, Section 3 of the State of Iowa Constitution limits the amount of debt outstanding at any time of any county, municipality or other political subdivision to no more than 5% of the actual value of all taxable property within the corporate limits, as taken from the last state and county tax list. The debt limit for the City, based on its 2019 actual valuation currently applicable to the Fiscal Year 2020-21, is as follows:

2019 Actual Valuation of Property	$5,497,406,766
Legal Debt Limit of 5%	0.05
Legal Debt Limit	$274,870,338
Less: G.O. Debt Subject to Debt Limit	(59,160,000)
Less: Development Agreements	(1,702,269) [1)]
Less: IFA Marketplace TIF Revenue Debt (annual appropriation)	(425,000)
Less: Golf Cart Lease Purchase	(179,579)
Less: Rivers Edge Parking Garage LPA (ann. approp.)	(295,588)
Net Debt Limit	$213,107,902

1) As estimated by the City pursuant to development agreements for urban renewal projects under the authority of Iowa Code Chapter 403 or other intergovernmental agreements (under chapter 28E, etc.). The Iowa Supreme Court has not formally ruled on the question of whether contracts to rebate the tax increment generated by a particular development constitutes indebtedness of a city for constitutional debt limit purposes. The amount reported above includes rebate agreements that may not be debt. Some development agreements are subject to the right of annual appropriation by the City, thereby limiting the extent of possible debt to only amounts currently due and appropriated in the current fiscal year. Amounts payable under a particular development agreement may not constitute legal indebtedness, but are memorialized in the table below to conservatively state the City's possible financial exposure. Payment of future installments may be dependent upon undertakings by the developers, which may have not yet occurred. The City actively pursues opportunities consistent with the development goals of its various urban renewal plans, which may be amended from time to time, and the City may enter into additional development agreements committing to additional rebate incentives in calendar year 2020 or thereafter.

DIRECT DEBT

General Obligation Debt Paid by Property Taxes and Tax Increment (Includes the Bonds)

Date of Issue	Original Amount	Purpose	Final Maturity	Principal Outstanding As of 12/02/20
4/14A	$7,630,000	Corporate Purpose	6/26	$3,830,000
3/15A	8,145,000	Refunding & Corporate Purpose	6/30	4,035,000
3/15B	3,620,000	Refunding	6/21	775,000
12/16A	6,095,000	Corporate Purpose	6/26	5,795,000
12/16B	2,810,000	Corporate Purpose	6/21	290,000
8/17A	9,540,000	Corporate Purpose	6/37	7,915,000
6/18A	22,605,000	Corporate Purpose & Refunding	6/38	19,510,000
12/19	7,630,000	Corporate Purpose	6/31	5,810,000
4/20A	6,085,000	Corporate Purpose	6/27	6,085,000
12/20B	5,115,000*	Corporate Purpose	6/32	5,115,000*
Total G.O. Debt Subject to Debt Limit				$59,160,000*

* Preliminary; subject to change.

Annual Fiscal Year Debt Service Payments on the General Obligation Debt Paid by Property Taxes and Tax Increment (Includes the Bonds)

	Current Outstanding		Bonds		Total Outstanding	
Fiscal Year	Principal	Principal & Interest	Principal*	Principal & Interest*	Principal*	Principal & Interest*
2020-21	$6,260,000	$7,215,277 [1)]	$1,200,000	$1,231,474	$7,460,000	$8,446,751
2021-22	5,535,000	7,223,744	335,000	387,861	5,870,000	7,611,605
2022-23	5,750,000	7,229,069	340,000	389,712	6,090,000	7,618,781
2023-24	5,955,000	7,210,144	340,000	386,448	6,295,000	7,596,592
2024-25	5,525,000	6,552,519	345,000	388,014	5,870,000	6,940,533
2025-26	5,115,000	5,938,194	350,000	389,288	5,465,000	6,327,482
2026-27	3,505,000	4,144,356	355,000	390,053	3,860,000	4,534,409
2027-28	2,340,000	2,844,606	360,000	390,367	2,700,000	3,234,973
2028-29	2,430,000	2,854,356	365,000	390,363	2,795,000	3,244,719
2029-30	2,495,000	2,852,056	370,000	389,888	2,865,000	3,241,944
2030-31	1,595,000	1,881,556	375,000	388,857	1,970,000	2,270,413
2031-32	1,045,000	1,288,788	380,000	387,144	1,425,000	1,675,932
2032-33	1,075,000	1,285,850			1,075,000	1,285,850
2033-34	1,105,000	1,281,144			1,105,000	1,281,144
2034-35	1,145,000	1,286,306			1,145,000	1,286,306
2035-36	1,180,000	1,284,650			1,180,000	1,284,650
2036-37	1,220,000	1,285,975			1,220,000	1,285,975
2037-38	770,000	795,988			770,000	795,988
Total	$54,045,000		$5,115,000*		$59,160,000*	

* Preliminary; subject to change.

1) Excludes the December 1, 2020 interest payment of $957,812.

REVENUE DEBT

Council Bluffs Water Works Issued Revenue Debt Supported by Net Revenues of the Water Works

The Council Bluffs Water Works (the "Water Works") is a related organization to the City. The Mayor, with City Council concurrence, appoints individuals to the Water Works' Board of Trustees. The Water Works' Board of Trustees maintains oversight responsibility and, therefore, is responsible for selection of management personnel and all financial matters. The authority to adopt the annual budget, incur debt and fix rates and charges is vested in the Board of Trustees. The Council Bluffs Water Works has revenue debt payable solely from the net revenues of the utility as follows:

Date of Issue	Original Amount	Purpose	Final Maturity	Principal Outstanding As of 12/02/20
9/08	$10,344,944	Water Improvements (SRF)	12/30	$5,968,000
4/10	4,713,290	Water Improvements (SRF)	12/40	3,589,000
4/10	20,000,000	Water Improvements (SRF)	12/31	12,553,000
1/15	1,200,000	Water Improvements (SRF)	6/34	846,000
9/18	5,025,000	Water Improvements (SRF)	6/39	4,818,000 [1]
Total				$27,774,000

1) As of September 1, 2020, the Water Works has drawn $3,327,222. The principal outstanding assumes that the Water Works will draw down the entire original loan amount.

City Issued Sewer Revenue Debt Supported by Net Revenues of the Sewer Utility

Date of Issue	Original Amount	Purpose	Final Maturity	Principal Outstanding As of 12/02/20
5/12	$5,160,000	Sewer Improvements (SRF)	6/32	$3,481,000

Iowa Finance Authority Issued Revenue Debt Supported by Marketplace Urban Renewal Area Tax Increment (Subject to Annual Appropriation by the City Council)

On May 5, 2015, the Iowa Finance Authority ("IFA") issued $5,950,000 in Economic Development Revenue Bonds and loaned the proceeds thereof to the City, which the City used to make an economic development grant in accordance with the Marketplace Urban Renewal plan, fund a debt service reserve for the bonds and pay the costs of issuing the bonds. The loan is payable solely from the bond proceeds, tax increment financing ("TIF") receipts generated by increased property values in the designated portions of the Marketplace Urban Renewal area, credited to the Special Revenue, Tax Increment Financing Fund and paid to the trustee pursuant to the financing agreement and moneys in the debt reserve trust account. TIF receipts are generally projected to produce 100% of the debt service requirements over the life of the bonds. The TIF revenues are subject to annual appropriation by the City Council. The payment of such TIF revenues do not constitute a continuing obligation of the City in any fiscal year beyond the fiscal year for which TIF revenues have been appropriated. Pursuant to the financing agreement, the City established a Trust Account through the Bank of Kansas City as trustee. Funds in the trust account are to be used to retire the IFA bonds.

The City has revenue debt payable solely from the TIF revenues of the Marketplace Urban Renewal Area as follows:

Date of Issue	Original Amount	Purpose	Final Maturity	Principal Outstanding As of 12/02/20	Annual Appropriation Subject to Debt Limit
5/15	$5,950,000	Economic Development	8/29	$3,750,000	$425,000 [1]

1) Excludes the August 1, 2020 interest payment in the amount of $101,956.25. The City originally appropriated $619,000 for FY 2020-21. City anticipates making a $425,000 principal payment with the remaining appropriation amount.

City Issued Lease Purchase Agreement Supported by Iowa West as Guarantor and Playland Park Urban Renewal Area Tax Increment (Subject to Annual Appropriation by the City Council)

This lease purchase agreement shall not constitute a general obligation of the City, and the full faith and credit of the City is not pledged for the payment of the lease payments. The lease payments are payable from and secured solely and only by the Available Tax Increment Revenues from the Playland Park Urban Renewal area as defined in the Rivers Edge Parking Garage Lease Purchase Agreement. Each lease payment is subject to annual appropriation by the City Council. In the event that available tax increment revenues are insufficient or the City Council doesn't appropriate the annual lease payment, Iowa West Foundation (the "Guarantor") shall pay the shortfall amount directly to the developer. Subject to the right of annual appropriation, the Guarantor may receive reimbursement of any shortfall amount only in the event that excess available tax increment revenues are available.

The City has the Rivers Edge Parking Garage Lease Purchase Agreement payable solely from the TIF revenues of the Playland Park Urban Renewal Area as follows:

Date of Issue	Total Lease Payments	Purpose	Final Maturity	Lease Payments Outstanding As of 12/02/20	Annual Appropriation Subject to Debt Limit
7/19	$15,393,930	Parking Garage	6/39	$14,230,876	$775,369 [1]

1) The City appropriated $775,369 for FY 2020-21, which includes $295,588 in principal and $479,781 in interest.

OVERLAPPING DEBT

	1/1/2019 Taxable Valuation [1]	Taxable Valuation Within the City	Percent In City	G.O. Debt [2]	City's Proportionate Share
Pottawattamie County	$5,345,932,494	$2,991,554,285	55.96%	$4,320,000	$2,417,472
Lewis Central CSD	1,382,666,868	988,212,622	71.47%	0	0
Council Bluffs CSD	2,393,370,773	2,003,341,663	83.70%	27,245,000	22,804,065
Iowa Western CC	11,020,108,609	2,991,554,285	27.15%	69,535,000	18,878,753
City's Share of Overlapping Debt					$44,100,290

1) Taxable Valuation excludes military exemption and includes Ag. Land & Buildings, Taxable TIF Increment and all Utilities.
2) Includes general obligation bonds, PPEL Bonds, certificates of participation and new jobs training certificates. Estimated as of September 1, 2020 based on publicly available information. The City undertakes no responsibility for and makes no representations as to the accuracy or completeness of the information related to the indebtedness of overlapping entities.

DEBT RATIOS

	G.O. Debt	Debt/Actual Market Value ($5,497,406,766) [1]	Debt/62,230 Population [2]
Total General Obligation Debt	$59,160,000	1.08%	$950.67
Other City Debt [3]	$900,167	0.02%	$14.47
City's Share of Overlapping Debt	$44,100,290	0.80%	$708.67

1) Based on the City's January 1, 2019 100% Actual Valuation; includes Ag Land, Ag Buildings, all Utilities and TIF Increment.
2) Based on the City's 2010 U.S. Census population.
3) Includes the appropriated $425,000 IFA Market Place TIF revenue debt, $295,588 appropriated for the Rivers Edge Parking Garage Lease Purchase Agreement and $179,579 for the Golf Cart Lease Purchase.

LEVIES AND TAX COLLECTIONS

Fiscal Year	Levy [1]	Total Collections [2]	Percent Collected
2016-17	$45,593,942	$45,385,447	99.54%
2017-18	46,466,624	46,303,649	99.65%
2018-19	46,787,000	49,743,234	106.32%
2019-20	48,301,901	51,098,775 [3]	105.79%
2020-21	49,134,737	-------In process of collection-------	

Collections include delinquent taxes from all prior years. Taxes in Iowa are delinquent each October 1 and April 1 and a late payment penalty of 1% per month of delinquency is enforced as of those dates. If delinquent taxes are not paid, the property may be offered at the regular tax sale on the third Monday of June following the delinquency date. Purchasers at the tax sale must pay an amount equal to the taxes, special assessments, interest and penalties due on the property and funds so received are applied to taxes. A property owner may redeem from the regular tax sale but, failing redemption within three years, the tax sale purchaser is entitled to a deed which in general conveys the title free and clear of all liens except future tax installments.

1) As listed on the Adoption of Budget and Certification of City Taxes
2) Based on Audited Financial Statements and includes "Property Tax" and "Utility Excise Tax"
3) Source: The City. Unaudited.

TAX RATES

	FY 2016-17 $/$1,000	FY 2017-18 $/$1,000	FY 2018-19 $/$1,000	FY 2019-20 $/$1,000	FY 2020-21 $/$1,000
Pottawattamie County	8.34680	8.14576	8.09573	8.09573	8.09573
City of Council Bluffs	17.75000	17.90720	18.26000	18.26000	18.26000
Council Bluffs CSD	16.85685	17.00314	17.24201	17.05801	16.99765
Lewis Central CSD	12.40230	12.34640	12.28156	12.26138	12.04018
Agricultural Extension (West)	0.02980	0.09040	0.08828	0.08904	0.09021
Assessor	0.33719	0.34745	0.35557	0.35653	0.35575
Iowa Western Comm. College	1.51663	1.28565	1.30877	1.30529	1.29710
State of Iowa	0.00330	0.00310	0.00290	0.00280	0.00270
Total Tax Rate City Resident (Council Bluffs CSD)	44.84057	44.78270	45.35326	45.16740	45.09914
Total Tax Rate City Resident (Lewis Central CSD)	40.38602	40.12596	40.39281	40.37077	40.14167

LEVY LIMITS

A city's general fund tax levy is limited to $8.10 per $1,000 of taxable value, with provision for an additional $0.27 per $1,000 levy for an emergency fund which can be used for general fund purposes (Code of Iowa, Chapter 384, Division I). Cities may exceed the $8.10 limitation upon authorization by a special levy election. Further, there are limited special purpose levies, which may be certified outside of the above-described levy limits (Code of Iowa, Section 384.12). The amount of the City's general fund levy subject to the $8.10 limitation is $8.10 for Fiscal Year 2020-21. The City has implemented the $0.27 per $1,000 emergency levy for Fiscal Year 2020-21. Finally, the City levies a portion of its costs for operation and maintenance of publicly owned transit, operation and maintenance of City owned Civic Center, aviation authority, liability, property and self-insurance expenses and employee benefits in addition to the $8.10 general fund limit as authorized by law. Debt service levies are not limited.

FUNDS ON HAND (CASH AND INVESTMENTS AS OF June 30, 2020 (unaudited),

General Fund	$29,325,050
Special Districts and Funds	3,248,831
Road Use Tax	5,284,453
Debt Service	247,030
Tax Increment Funds	1,062,646
Sewer Enterprise Funds	6,779,628
Refuse & Recycling Enterprise	4,397,764
City Sales Tax	18,692,555
Community Development	918,870
Capital Projects &Permanent Fund	6,325,173
Total Cash and Investments	$76,282,000

Source: City of Council Bluffs

THE CITY

CITY GOVERNMENT

The City was incorporated in 1853. The City operated under a Council-Manager at large form of government, per 372.6 Iowa Code from April 1, 1950 to December 31, 1987. Since January 1, 1988 the City has been under Mayor-Council form of government, per 372.4 Iowa Code. The Mayor is responsible for the day-to-day operation of the City and it is the responsibility of the City Council to establish City policy and to certify the budget. In November 2017, Mayor Matt Walsh was elected to another four-year term.

EMPLOYEES AND PENSIONS

The City has 472 full-time employee equivalents (excluding seasonal employees). Of the City's budgeted full time equivalents, 136 are police officers and employees of the police department and 106 are sworn firefighters, officers and employees of the fire department (including ambulance operations) in all ranks. All full-time employees, excluding police officers and fire fighters, are enrolled in the Iowa Public Employees Retirement System ("IPERS") which is a cost-sharing multiple-employer defined benefit pension plan administered by the State of Iowa. Plan members are required to pay 6.29% of their annual covered salary and the City is required to contribute 9.44% of annual covered payroll for the current year.

Iowa Public Employees Retirement System: The City contributes to IPERS, which is a cost-sharing multiple-employer, contributory defined benefit public employee retirement system administered by IPERS. IPERS provides retirement and death benefits, which are established by state statute, to plan members and beneficiaries. IPERS is authorized to adjust the total contribution rate up or down each year, by no more than 1 percentage point, based upon the actuarially required contribution rate. The City's contributions to IPERS for the Fiscal Years ended June 30, 2017, 2018 and 2019 as shown below equal the required contributions for each year.

	FY 2016-17	FY 2017-18	FY 2018-19
IPERS City Contribution	$1,442,772	$1,442,481	$1,544,087

The IPERS Comprehensive Annual Financial Report ("CAFR") is available on the IPERS website, https://www.ipers.org/financial-and-investment, or by contacting IPERS at 7401 Register Drive P.O. Box 9117, Des Moines, IA 50321. However, the information presented in such financial reports or on such websites is not incorporated into this Preliminary Official Statement by any references.

Bond Counsel, the City and the Municipal Advisor undertake no responsibility for and make no representations as to the accuracy or completeness of the information available from the IPERS discussed above or included on the IPERS website, including, but not limited to, updates of such information on the State Auditor's website or links to other Internet sites accessed through the IPERS website.

Pursuant to Governmental Accounting Standards Board ("GASB") Statement No. 68, the City reported a liability of $13,607,641 within its CAFR as of June 30, 2019 for its proportionate share of the net pension liability. The net pension liability is the amount by which the total actuarial liability exceeds the pension plan's net assets or fiduciary net position (essentially the market value) available for paying benefits. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The City's proportion of the net pension liability was based on the City's share of contributions to the pension plan relative to the contributions of all IPERS participating employers. At June 30, 2018, the City's collective proportion was 0.215030% which was a decrease of 0.001413% from its proportion measured as of June 30, 2017.

The City cannot predict the levels of funding that will be required in the future as any IPERS unfunded pension benefit obligation could be reflected in future years in higher contribution rates. The investment of moneys, assumptions underlying the same and the administration of IPERS is not subject to the direction of the City. Thus, it is not possible to predict, control or prepare for future unfunded accrued actuarial liabilities of IPERS ("UAALs"). The UAAL is the

difference between total actuarially accrued liabilities and actuarially calculated assets available for the payment of such benefits. The UAAL is based on assumptions as to retirement age, mortality, projected salary increases attributed to inflation, across-the-board raises and merit raises, adjustments, cost-of-living adjustments, valuation of current assets, investment return and other matters. Such UAAL could be substantial in the future, requiring significantly increased contributions from the City which could affect other budgetary matters.

For additional information on the City's Pension Plan, including information related to deferred outflows and inflows of resources related to pensions, expenses, actuarial assumption, discount rate and discount rate sensitivities refer to Note 8 beginning on page 53 of the City's June 30, 2019 CAFR contained as APPENDIX C of this Preliminary Official Statement.

Municipal Fire and Police Retirement System of Iowa: The City contributes to MFPRSI, which is a cost-sharing multiple-employer defined benefit pension plan. MFPRSI provides retirement, disability, and death benefits to plan members and beneficiaries. Benefit provisions are established by state statute, and vest after four years of credited service. The City's police officers and fire fighters are enrolled in the MFPRSI.

MFPRSI plan members are required to contribute a percentage of their annual covered salary, and the City is required to contribute at an actuarially determined rate of annual covered payroll. The contribution requirements of plan members and the City are established, and may be amended by state statute. The City contributed the required amount to MFPRSI for each year as follows:

	FY 2016-17	FY 2017-18	FY 2018-19
MFPRSI City Contribution	$4,247,227	$4,341,885	$4,541,407

The MFPRSI Independent Auditors Report is available on the MFPRSI website, http://www.mfprsi.org/about-mfprsi/publications/, or by contacting MFPRSI at 7155 Lake Drive, Suite 201, West Des Moines, IA 50266. However, the information presented in such financial reports or on such websites is not incorporated into this Preliminary Official Statement by any references.

Bond Counsel, the City and the Municipal Advisor undertake no responsibility for and make no representations as to the accuracy or completeness of the information available from MFPRSI discussed above or included on the MFPRSI websites, including, but not limited to, updates of such information on the State Auditor's website or links to other Internet sites accessed through the MFPRSI websites.

Pursuant to GASB Statement No. 68, the City reported a liability of $34,634,472 with its CAFR as of June 30, 2019 for its proportionate share of the net pension liability related to MFPRSI. The net pension liability is the amount by which the total actuarial liability exceeds the pension plan's net assets or fiduciary net position (essentially the market value) available for paying benefits. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The City's proportion of the net pension liability was based on the City's share of contributions to the pension plan relative to the contributions of all MFPRSI participating employers. At June 30, 2018, the City's proportion was 5.816975% which was a decrease of 0.000031% from its proportion measured as of June 30, 2017.

For additional information regarding the City's Pension Plan refer to Note 8 beginning on page 53 of the City's June 30, 2019 CAFR contained as APPENDIX C of this Preliminary Official Statement.

OTHER POST EMPLOYMENT BENEFITS (OPEB)

Plan Description: The City operates a single-employer health benefit plan which provides medical/prescription drug, dental and vision benefits for employees, retirees and their dependents. Group insurance benefits are established under Iowa Code Chapter 509A.13. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75. At July 1, 2018, there were 460 active and 39 retired members in the plan. Currently, there are 441 active and 24 retired members in the plan.

Individuals who are employed by the City and are eligible to participate in the group health plan are eligible to continue healthcare benefits upon retirement if they are age 55 and at least four years of service. A covered individual who retires from service with the City must be vested in the MFPRSI or in IPERS. Retires pay the same premium for the medical, prescription drug and dental benefits as active employees, which results in an implicit rate of subsidy and an OPEB liability.

Funding Policy: The contribution requirements of plan members are established and may be amended by the City. The City currently finances the retiree benefit plan on a pay-as-you-go basis. The General, Special Revenue, Road Use Tax and Enterprise, Sewer and Refuse and Disposal Funds primarily fund OPEB costs.

Total OPEB Liability: The City's total OPEB liability at June 30, 2019 is projected to be $4,182,946 and was determined by an actuarial valuation as of July 1, 2018. The following table shows the components of the City's annual OPEB for the Fiscal Year ended June 30, 2019:

	Total OPEB Liability
Total OPEB liability beginning of year	$3,802,493
Changes for the year:	
Service Cost	212,579
Interest	160,889
Benefit payments	(270,526)
Difference between expected and actual experience	367,061
Changes of assumptions	(89,550)
Net changes	$380,453
Total OPEB liability end of year	$4,182,946

For additional information regarding the City's OPEB, including information related to deferred outflows and inflows of resources related to pensions, expenses, actuarial assumptions, discount rate and discount rate sensitivities, refer to Note 9 Other Postemployment Benefits (OPEB) on page 61 of the City's June 30, 2019 CAFR contained as APPENDIX C of this Preliminary Official Statement.

UNION CONTRACTS

The City is currently under contract with the following unions:

Union Name	Number of Employees	Current Contract Expiration Date
Police Union	90	June 30, 2023
Fire Union	98	June 30, 2023
AFSCME Blue Collar Union	89	June 30, 2023
CWA	77	June 30, 2023

INSURANCE

Type of Insurance	Coverage Limit
Property/Equipment:	
Property	$50,000,000
Excess Property	$150,000,000
Equipment Breakdown	$150,000,000
Inland Marine:	
Contractors Equipment	$9,197,603
Leased/Rented Equipment	$350,000
Municipal Vehicles Open Lot Coverage	$5,000,000
Liability:	
General Liability	$9,500,000/$15,000,000 Aggregate
Automobile Liability	$5,000,000
Public Officials & Employment Practices	$9,500,000/$12,000,000 Aggregate
Limited Sexual Abuse Sublimit	$2,000,000/$2,000,000 Aggregate
Employed Professionals Liability – EMTs	$1,000,000/$3,000,000 Aggregate
Pollution Liability	$2,000,000/$4,000,000 Aggregate
Flood:	
Flood – 18452 Applewood Rd, Council Bluffs, IA	$250,000
Moderate Flood Hazard Area	$2,000,000
Excess Flood Liability	$10,000,000 Aggregate
Terrorism:	
General Liability Terrorism	$1,000,000/$2,000,000 Aggregate
Property Terrorism	$150,000,000
Crime:	
Employee Theft	$500,000
Forgery or Alteration	$500,000
Computer Fraud	$500,000
Funds Transfer Fraud	$500,000
Social Engineering	$100,000
Cyber:	
Network Security, Privacy & Media	$3,000,000
Privacy Breach Costs	$3,000,000
Business Income Loss	$3,000,000
Contingent Business Income Loss	$3,000,000
Digital Asset Loss	$3,000,000
Cyber Extortion Threat	$3,000,000
Worker's Compensation:	
Excess Worker's Compensation	Statutory
Excess Employer's Liability	$1,000,000

GENERAL INFORMATION

LOCATION AND TRANSPORTATION

The City, with a 2010 Census population of 62,230, is located directly east of Omaha, Nebraska. The City is the county seat of Pottawattamie County and covers an area of 39.7 square miles. The City owns a municipal airport, including land and buildings. The City contracts for the operation and management of the airport.

The City is at the crossroads of two national roadways, Interstates 80 and 29. Public Transportation in the Council Bluffs-Omaha area is provided by Metropolitan Area Transit (the "MAT"). MAT operates a fleet of approximately 108 buses with regular line service throughout the area. In addition, passenger rail service is provided to City residents through Amtrak. Air freight and passenger service is provided to the City through Eppley Airfield located in Omaha, Nebraska.

LARGER EMPLOYERS [1)]

Employer	Type of Business	Approximate Number of Employees
Tyson Fresh Meats	Food Processing	1,483
Council Bluffs Community Schools	Public Education	1,284
Ameristar Casino and Hotels	Gaming/Real Estate	950
Harrah's Casino	Gaming/Real Estate	920
Methodist Jennie Edmundson Hospital	Health Services	900 [2)]
ConAgra Frozen Foods	Food Processing	700
Iowa Western Community College	Public Community College	625 [3)]
City of Council Bluffs	Municipal Government	472
JBS USA Food Co.[4)]	Food and Meat Processing	350
Walmart	Retail	300

1) This does not purport to be a comprehensive list and is based on data from company websites and an October 2019 best efforts telephone survey of individual employers. Some employers do not respond to inquiries.
2) Includes full-time, part-time and active medical staff.
3) Includes all full-time and part-time positions at all campus locations.
4) Formerly Plumrose USA Inc.

A representative list of larger employers in the greater Omaha, Nebraska metro area is as follows:

Employer	Type of Business	Approximate Number of Employees
Offutt Air Force Base	U.S. Military Base	9,000
Omaha Public Schools	Public Education	8,025
CHI Health System	Health Care	7,500 [1)]
Nebraska Medicine	Education	5,200
First Data	Credit Card Processing	5,000
University of Nebraska Medical Center	Medical School	3,600 [2)]
Union Pacific Railroad	Transportation	3,300
Hy-Vee Inc.	Grocery Store/Retail Trade	3,275
Children's Hospital & Medical Center	Health Services	2,500
Methodist Health System	Health Care	2,400

1) Total includes campus hospitals, clinics and all support systems in the Omaha/Council Bluffs area.
2) Total includes surgical residents and students from the University of Nebraska Medical Center.

Source: Greater Omaha Chamber of Commerce and Company Website Inquiries.

BUILDING PERMITS

City officials report the following construction activity for each calendar year, as well as year-to-date information as of July 31, 2020. Permits for the City are reported on a calendar year basis.

	2016	2017	2018	2019	2020
Single Family Homes:					
No. of new homes:	66	82	118	99	41
Valuation:	$14,383,086	$19,025,334	$31,432,548	$25,495,854	$10,347,367
Single Family Homes Additions & Alterations:					
No. of permits issued:	763	1,000	845	821	505
Valuation:	$3,537,396	$7,206,736	$7,569,976	$6,417,960	$4,574,783
Multiple Family Dwellings:					
No. of new buildings:	0	0	0	0	1
Valuation:	$0	$0	$0	$0	$196,630
Commercial/Industrial/Other:					
No. of new buildings:	26	26	20	17	11
Valuation:	$66,795,514	$256,096,986	$285,640,650	$84,132,697	$15,413,594
Commercial/Industrial/Other Additions & Alterations:					
No. of permits issued:	145	146	161	126	62
Valuation:	$33,576,685	$41,571,688	$199,818,953	$157,008,955	$44,375,817
Total Permits:	1,000	1,254	1,144	1,063	620
Total Valuations:	$118,292,681	$323,900,744	$524,462,127	$273,055,466	$74,908,191

Source: The City of Council Bluffs.

U.S. CENSUS DATA

Population Trend

1980 U.S. Census	56,449
1990 U.S. Census	54,315
2000 U.S. Census	58,268
2010 U.S. Census	62,230

Source: U.S. Census Bureau website.

UNEMPLOYMENT RATES

		Pottawattamie County	State of Iowa
Annual Averages:	2016	3.4%	3.6%
	2017	2.8%	3.1%
	2018	2.4%	2.6%
	2019	2.4%	2.7%
	2020 (thru July)	6.4%	6.4%

Source: Iowa Workforce Development Center website.

EDUCATION

Public education is provided by the Council Bluffs Community School District and by the Lewis Central Community School District. The Council Bluffs Community School District, with a certified enrollment for the 2020-21 school year of 9,122.1 owns and operates 11 elementary schools, 2 middle schools, 2 senior high schools, and 1 learning support centers. The Lewis Central Community School District, with a certified enrollment for the 2020-21 school year of 2,624.7 owns and operates 2 elementary schools, 1 middle school and 1 senior high school. Education service is also provided by Saint Alberts Catholic Schools with certified enrollment for the 2020-21 school year of 557.

FINANCIAL SERVICES [1)]

Financial services for the residents of the City are provided by Midstates Bank, N. A. and by branch offices of American National Bank, Availa Bank, First National Bank of Omaha, Glenwood State Bank, Great Western Bank, Security National Bank of Omaha, Treynor State Bank and U.S. Bank N. A. as well as several credit unions. Glenwood State Bank and Midstates Bank, N.A. report the following deposits as of June 30 of each year.

Year	Glenwood State Bank [2)]	Midstates Bank, N.A.
2015	$31,224,000	$284,948,000
2016	33,626,000	298,757,000
2017	33,712,000	286,844,000
2018	33,783,000	288,388,000
2019	32,772,000	427,216,000

1) June 30, 2020 information was not available as of the date of this Preliminary Official Statement.
2) Frontier Savings Bank merger with Glenwood State Bank effective January 2019.

Source: Federal Deposit Insurance Corporation's (FDIC) website.

APPENDIX B

FORM OF LEGAL OPINION

APPENDIX C

JUNE 30, 2019 COMPREHENSIVE ANNUAL FINANCIAL REPORT

APPENDIX D

FORM OF CONTINUING DISCLOSURE CERTIFICATE

OFFICIAL BID FORM

To: The City Council of
Council Bluffs, Iowa

Sale Date: October 26, 2020
10:00 AM, CT

RE: $5,115,000* General Obligation Bonds, Series 2020B (the "Bonds")

This bid is a firm offer for the purchase of the Bonds identified in the TERMS OF OFFERING and on the terms set forth in this bid form and is not subject to any conditions, except as permitted by the TERMS OF OFFERING. By submitting this bid, we confirm we have an established industry reputation for underwriting new issuance of municipal bonds.

For all or none of the above Bonds, in accordance with the TERMS OF OFFERING, we will pay you $_____ (not less than $5,063,850) plus accrued interest to date of delivery for fully registered Bonds bearing interest rates and maturing in the stated years as follows:

Coupon	Maturity	Yield	Coupon	Maturity	Yield
_____	2021	_____	_____	2027	_____
_____	2022	_____	_____	2028	_____
_____	2023	_____	_____	2029	_____
_____	2024	_____	_____	2030	_____
_____	2025	_____	_____	2031	_____
_____	2026	_____	_____	2032	_____

* Preliminary; subject to change. The aggregate principal amount of the Bonds, and each scheduled maturity thereof, are subject to increase or reduction by the City or its designee after the determination of the successful bidder. The City may increase or decrease each maturity in increments of $5,000 but the total amount to be issued will not exceed $5,400,000. Interest rates specified by the successful bidder for each maturity will not change. Final adjustments shall be in the sole discretion of the City.

The dollar amount of the purchase price proposed by the successful bidder will be changed if the aggregate principal amount of the Bonds is adjusted as described above. Any change in the principal amount of any maturity of the Bonds will be made while maintaining, as closely as possible, the successful bidder's net compensation, calculated as a percentage of bond principal. The successful bidder may not withdraw or modify its bid as a result of any post-bid adjustment. Any adjustment shall be conclusive, and shall be binding upon the successful bidder.

We hereby designate that the following Bonds to be aggregated into term bonds maturing on June 1 of the following years and in the following amounts (leave blank if no term bonds are specified):

Years Aggregated	Maturity Year	Aggregate Amount
_____ through _____	_____	_____
_____ through _____	_____	_____

In making this offer we accept all of the terms and conditions of the TERMS OF OFFERING published in the Preliminary Official Statement dated October 12, 2020 and represent we are a bidder with established industry reputation for underwriting new issuances of municipal bonds. In the event of failure to deliver these Bonds in accordance with the TERMS OF OFFERING as printed in the Preliminary Official Statement and made a part hereof, we reserve the right to withdraw our offer. All blank spaces of this offer are intentional and are not to be construed as an omission.

Not as a part of our offer, the above quoted prices being controlling, but only as an aid for the verification of the offer, we have made the following computations:

NET INTEREST COST: $_____

TRUE INTEREST COST: _____% (Calculated to dated date of December 2, 2020)

Account Manager: _____ By: _____

Account Members:

_____

The foregoing offer is hereby accepted by and on behalf of the City Council of the City of Council Bluffs, Iowa this 26th day of October 2020.

Attest: _____ By: _____

Title: _____ Title: _____

(To be published on or before October 20, 2020)

NOTICE OF BOND SALE

Time and Place of Sealed Bids: Bids for the sale of Bonds of the City of Council Bluffs, State of Iowa, hereafter described, must be received at the office of the Director of Finance, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503; Telephone: 712-890-5303 (the "Issuer") before 10:00 A.M., on the 26th day of October, 2020. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

The Bonds: The Bonds to be offered are the following:

> GENERAL OBLIGATION BONDS, SERIES 2020B, in the amount of $5,115,000*, to be dated December 2, 2020 (the "Bonds")

*Subject to principal adjustment pursuant to official Terms of Offering.

Manner of Bidding: Open bids will not be received. Bids will be received in any of the following methods:

- Sealed Bidding: Sealed bids may be submitted and will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503.

- Electronic Internet Bidding: Electronic internet bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, or at the office of PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa 50309. The bids must be submitted through the PARITY® competitive bidding system.

- Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503 (facsimile number: 712-328-4997) and/or the City's Municipal Advisor, PFM Financial Advisors LLC, Des Moines, Iowa 50309 (facsimile number: 515-243-6994). Electronic facsimile bids will be treated as sealed bids.

Consideration of Bids: After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Sale and Award: The sale and award of the Bonds will be held at the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa at a meeting of the City Council on the above date at 7:00 P.M.

Official Statement: The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503; Telephone: 712-328-4601 or the Issuer's Municipal Advisor, PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, Telephone: 515-243-2600.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accordance with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: The Bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed Bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of Council Bluffs, State of Iowa.

City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

RESOLUTION 20-250

ITEMS TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA

$5,115,000 General Obligation Bonds, Series 2020B

- Resolution directing the advertisement for sale and approving electronic bidding procedures and Official Statement.

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

October 12, 2020

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

_____

Absent: _____

Vacant: _____

* * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF $5,115,000 GENERAL OBLIGATION BONDS, SERIES 2020B, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT" and moved its adoption. Council Member _____ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

Resolution 20-250

RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF $5,115,000 GENERAL OBLIGATION BONDS, SERIES 2020B, AND APPROVING ELECTRONIC BIDDING PROCEDURES AND OFFICIAL STATEMENT

WHEREAS, the Issuer is in need of funds to pay costs of opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements, bridges, grade crossing separations and approaches; the acquisition, installation, and repair of sidewalks, culverts, retaining walls, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices; and the acquisition of any real estate needed for any of the foregoing purposes; acquisition, construction, reconstruction, and improvement of real and personal property, useful for the reclamation of property situated within the corporate limits of cities from floods or high waters, including the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the development and beautification of the banks and other areas adjacent to flood control improvements; rehabilitation and improvement of parks already owned, and facilities, equipment, and improvements commonly found in city parks; settlement, adjustment, renewing, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, or judgments, or the funding or refunding of the same, whether or not such indebtedness was created for a purpose for which general obligation bonds might have been issued in the original instance; acquisition, construction, reconstruction, enlargement, improvement, and equipping, including information technology hardware and software, of city buildings; construction, reconstruction, enlargement, improvement, and equipping of recreation grounds; acquisition, construction, reconstruction, enlargement, improvement, and equipping of golf courses; and construction, reconstruction, enlargement,

improvement, and equipping of recreation grounds and trails, and it is deemed necessary and advisable that General Obligation Bonds, be authorized for said purpose(s); and

WHEREAS, pursuant to notices published as required by Sections 384.25 and 384.26 of the Code of Iowa, this Council has held public meetings and hearings upon the proposal to institute proceedings for the issuance of the Bonds, and no petition for referendum having been received, the Council is therefore now authorized to proceed with the issuance of said Bonds for such purpose(s); and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, it is hereby found and determined that the various general obligation bonds authorized as hereinabove described shall be combined for the purpose of issuance in a single issue of $5,115,000 General Obligation Bonds as hereinafter set forth; and

WHEREAS, in conjunction with its Municipal Advisor, PFM Financial Advisors LLC, the City has caused an Official Statement to be prepared outlining the details of the proposed sale of the Bonds; and

WHEREAS, the Council has received information from its Municipal Advisor evaluating and recommending the procedure hereinafter described for electronic, facsimile and internet bidding to maintain the integrity and security of the competitive bidding process and to facilitate the delivery of bids by interested parties; and

WHEREAS, the Council deems it in the best interests of the City and the residents thereof to receive bids to purchase such Bonds by means of both sealed and electronic internet communication.

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

Section 1. That the receipt of electronic bids by facsimile machine and through the Parity Competitive Bidding System described in the Notice of Sale and Official Statement are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That General Obligation Bonds, Series 2020B, of City of Council Bluffs, State of Iowa, in the amount of $5,115,000, to be issued as referred to in the preamble of this Resolution, to be dated December 2, 2020, be offered for sale pursuant to the published advertisement.

Section 3. That the preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Mayor and City Clerk, upon the advice of bond counsel and the City's Municipal Advisor, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Bonds for sale.

Section 4. That the Clerk is hereby directed to publish notice of sale of the Bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in the "Daily Nonpareil", a legal newspaper, printed wholly in the English language, published within the county in which the Bonds are to be offered for sale or an adjacent county. The notice is given pursuant to Chapter 75 of the Code of Iowa, and shall state that this Council, on the 26th day of October, 2020, at 7:00 P.M., will hold a meeting to receive and act upon bids for said Bonds, which bids were previously received and opened by City Officials at 10:00 A.M. on said date. The notice shall be in substantially the following form:

(To be published on or before October 20, 2020)

NOTICE OF BOND SALE

Time and Place of Sealed Bids: Bids for the sale of Bonds of the City of Council Bluffs, State of Iowa, hereafter described, must be received at the office of the Director of Finance, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503; Telephone: 712-890-5303 (the "Issuer") before 10:00 A.M., on the 26th day of October, 2020. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the TERMS OF OFFERING.

The Bonds: The Bonds to be offered are the following:

> GENERAL OBLIGATION BONDS, SERIES 2020B, in the amount of $5,115,000*, to be dated December 2, 2020 (the "Bonds")

*Subject to principal adjustment pursuant to official Terms of Offering.

Manner of Bidding: Open bids will not be received. Bids will be received in any of the following methods:

- Sealed Bidding: Sealed bids may be submitted and will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503.

- Electronic Internet Bidding: Electronic internet bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, or at the office of PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa 50309. The bids must be submitted through the PARITY® competitive bidding system.

- Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the Director of Finance at City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503 (facsimile number: 712-328-4997) and/or the City's Municipal Advisor, PFM Financial Advisors LLC, Des Moines, Iowa 50309 (facsimile number: 515-243-6994). Electronic facsimile bids will be treated as sealed bids.

Consideration of Bids: After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Sale and Award: The sale and award of the Bonds will be held at the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa at a meeting of the City Council on the above date at 7:00 P.M.

Official Statement: The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503; Telephone: 712-328-4601 or the Issuer's Municipal Advisor, PFM Financial Advisors LLC, 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, Telephone: 515-243-2600.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accordance with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: The Bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed Bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of Council Bluffs, State of Iowa.

City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

PASSED AND APPROVED this 12th day of October, 2020.

_____
Mayor

ATTEST:

_____
City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

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

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2020.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF BOND SALE
($5,115,000 General Obligation Bonds, Series 2020B)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2020.

WITNESS my official signature this _____ day of _____, 2020.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01768702-1\10342-157

Council Communication

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

Resolution 20-251
ITEM 6.E.

Council Action: 10/12/2020

Description

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.

Background/Discussion

Weed and Solid Waste abatements that remain unpaid for the months July, August and September of 2020. Attached for review is the 2020 Third Quarter Lien List.

Recommendation

Approval

ATTACHMENTS:

Description	Type	Upload Date
2020 3rd quarter lien list	Other	10/7/2020
Resolution 20-251	Resolution	10/7/2020

2020 THIRD QUARTER LIEN LIST

Parcel	Property Owner	Legal Description	Address	Total Amount
754426335005	DELPH, PHYLLIS, J.	BAYLISS & PALMER ADD LT 5 BLK 23	1905 AVE D	325.00
754425160004	JENSEN, STEPHEN	CRAWFORDS ADD LT 3 BLK 14	711 N. 8TH ST	325.00
754425402001	FERRILL, MARK	MILL ADD PT LT 20 BLK 15	501 OAKLAND AVE	215.00
754435505015	UNION PACIFIC RAILROAD CO	BEERS ADD PT LTS 9 AND 10 BLK 14 LYING NW OF ROW (COMM 41'E NW COR LT 10 TH W107' S130' E48' NE TO POB)	99999 UNKNOWN	282.00
744413428006	PETERSEN, CONRAD & SHARON	LAKOMA ANNEX LTS 107, 108	4821 NAVAJO ST	460.00
754434255009	NIELSEN, TODD, M.	TWIN CITY PLACE W9' LT 5 & E31' LT 6 BLK 7	2719 - 6TH AVE	255.00
744416253002	ALLEN, GERALD S. & AMANDA L.	MOORES SUB SW NE 16 74 44 LT 2 BLK 6	3619 WILLIAM LN	185.00
754435280014	CORRILL, ERIC D JR-LORRAINE E	MCMAHON-COOPER-JEFFERIS E6.75' N51.23' LT 15 AND N57' LT 16 BLK 5	508 S 12TH ST	185.00
754435190007	L B T IOWA 9591	PIERCES SUB LT 11 BLK 11	99999 UNKNOWN	185.00
754434231010	A S REDO LLC	WRIGHTS ADD LTS 31, 32 & 33 BLK 7	2538 4TH AVE	486.00
754436261005	WEAVER, CATHERINE M	JACKSONS ADD N33' LT 3 BLK 11	710 BLUFF ST	185.00
754435105004	DAHLKE, MARTIN K-BELINDA	COCHRANS ADD W78' LTS 7 THRU 9 BLK 5	2318 2ND AVE	235.00
754434252012	HATHAWAY, ROBERT DOY JR	WEBSTERS FIRST ADD LT 17 BLK 5 & W1/2 LT 18 BLK 5	2652 5TH AVE	320.00
754435156028	HANNAN, DORIE ANN	SQUIRES ADDITION LOT 32 BLOCK 5	2126 6TH AVE	185.00
754435277013	DONALDSON, JUSTIN C-CHRISTIN L	MCMAHON-COOPER-JEFFERIS LT 5 BLK 2	1214 5TH AVE	250.00
754434186003	MOSER, SYLVIA G	OMAHA ADD W1/2 LT 3, ALL LTS 4 & 5 BLK 22	3015 7TH AVE	353.00
754435287009	SPRATT, THOMAS E	MCMAHON-COOPER-JEFFERIS LT 1 BLK 10	1103 7TH AVE	185.00
754330305012	PEDERSEN, LEROY H	VOORHIS ADD LT 16 BLK 2	510 VOORHIS ST	185.00
754436206020	DAVIDSON, RACHELLE MARIE	JACKSONS ADD LT 6 BLK 1	122 S 3RD ST	220.00
754436251005	S E LAND-REALTY LLC	AS O/L 2 & 3 JACKSONS ADD LT 6	219 BLUFF ST	250.00
754425309007	TWO LEG LLC	HALLS ADD LT 12 BLK 8	830 AVENUE E	290.00
754426129013	NARMI, RICHARD M	WESTSIDE SECOND LOT 0049	1229 N 20TH ST	185.00
754425458011	WOOTEN PROPERTIES LLC	MILL ADD LT 10 BLK 18	218 W KANESVILLE BLV	215.00
744305429001	GREENVIEW DEVELOPMENT LLC	TARA HILLS O/L 1	2701 TARA HILLS ST	201.00
754435182005	ARCPE HOLDING LLC	PIERCES SUB LT 3 BLK 5	1805 5TH AVE	355.00
754426283007	HANISCH, JAMES M	POTTER - COBBS FIRST ADD LOT 0012BLOCK 0008	1316 AVENUE I	185.00
754434105005	U S A BUILDERS LLC	BRYANT AND CLARK ADD LT 1 BLK 18 N1/2 VAC E/W ALLEY	3301 2ND AVE	427.00
754435151001	LAWSON, MICHAEL J	COCHRANS ADD W63' LTS 3 & 4 BLK 20	401 S 24TH ST	198.00
754436251005	S E LAND-REALTY LLC	AS O/L 2 & 3 JACKSONS ADD LT 6	219 BLUFF ST	390.00
754436228004	MORLEY, CHARLES E JR	SUB OF HIGH SCHOOL LOT LT 3	310 GLEN AVE	250.00

754435267002	KINSER, JAKE	EVERETTS ADD LT 6 EXC UNION AVE ROW BLK 33	708 S 16TH ST	290.00
754435505001	UNION PACIFIC RAILROAD CO	SECTION 35-75-44 RR TRACK ROW N1/2 SW & SE NW	2103 11TH AVE	220.00
754427327003	NEUMANN, DARIN	EVANS 2ND BRIDGE ADD LT 7 BLK 31	2928 AVENUE G	255.00
754434187012	REED, ROBERT W	OMAHA ADD E291/3 FT LT 19 W212/3 FT LT 20 BLK 23	2914 8TH AVE	320.00
754427201035	EVANS, DOUGLAS W	CITY ACRES LT 45	2708 AVENUE L	740.00
754425402011	FERRILL, MARK	MILL ADD PT LT 20 BLK 15	501 OAKLAND AVE	215.00
754425278005	BERNER, WILLIAM A-JENNIFER L	JOHNSON ADD PT LT 52 COMM 50'N SE COR LT 52 TH W49.85' N47' E50' S44.1' TO POB	99999 UNKNOWN	250.00
754434257011	PIERCE, KENNETH C	TWIN CITY PLACE LT 1 BLK 8	2701 7TH AVE	360.00
754435180002	CHRISTENSEN, TREVER	VAN BRUNT & RICES ADD LT 10 BLK 4	2019 5TH AVE	220.00
754434186003	MOSER, SYLVIA G	OMAHA ADD W1/2 LT 3, ALL LTS 4 & 5 BLK 22	3015 7TH AVE	220.00
754434255009	NIELSEN, TODD M	TWIN CITY PLACE W9' LT 5 & E31' LT 6 BLK 7	2719 6TH AVE	220.00
754425256010	KRAUTKREMER, SARAH A	SECTION 25-75-44 AUD SUB PT S1/2 NE LT 11	377 HARRISON ST	390.00
754331181004	MCDOWELL, BOBBI JO	MADISON PARK ADD PT LT 2 BLK 1 & PT VAC ALLEY ADJ ON S COMM SE COR LT 2 TH NLY59.44' W104.44'S52.53' E62' S6'E68.54' N12' TO POB	1010 MADISON AVE	390.00
754435156028	HANNAN, DORIE ANN	SQUIRES ADDITION LOT 32 BLOCK 5	2126 6TH AVE	220.00
754331153006	HANSON, LOLALEA	SNOW & GREENS SUB LTS 12-13 BLK 2	52 GRANDVIEW AVE	290.00
754436262004	RAITHER, ROBERT R-JANE A	JACKSONS ADDITION LT 2 AND S2' LT 1 BLK 12	706 S 3RD ST	325.00
754425356002	BIG CAT INC	GRIMES ADD N26' W94' EXC 3.5' LT 7 BLK 3	99999 UNKNOWN	220.00
754425356003	ATHAY, WILLIAM T III	GRIMES ADDITION S32 FT W94 FT LT 7 BLK 3	99999 UNKNOWN	220.00
754425359008	MEEHAN, BRIAN FRANCES	GRIMES ADDITION W1/2 LT 8 BLK 6	816 AVENUE A	290.00
754426129013	NARMI, RICHARD M	WESTSIDE SECOND LOT 0049	1229 N 20TH ST	220.00
754331158009	REINDERS, JOSHUA	A S ORIGINAL PLAT 93 LT 3	730 MADISON AVE	220.00
754435182005	ARCPE HOLDING LLC	PIERCES SUB LT 3 BLK 5	1805 5TH AVE	220.00
754436251005	S E LAND-REALTY LLC	AS O/L 2 & 3 JACKSONS ADD LT 6	219 BLUFF ST	320.00
754425358016	RODENBURG PROPERTIES LLC	GRIMES ADD N40' LT 10 BLK 11 N40' E19 FT LT 9 BLK 11	106 N 9TH ST	290.00
754331158033	JOHNSON-ARMSTRONG LIFE ESTATE	ORIGINAL PLAT N50 FT S200 FT LT 3 LT 91	223 E GRAHAM AVE	360.00

RESOLUTION NO. 20-251

A 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.

WHEREAS, Council Bluffs' City Ordinance No. 4849, passed and approved by the Council Bluffs City Council on April 15, 1988, requires all property owners within the City of Council Bluffs, Iowa, to cut or destroy all weeds exceeding 18 inches in height; and

WHEREAS, Council Bluffs' City Ordinance No. 5219 and 5220, passed and approved by the Council Bluffs City Council on May 22, 1995, requires all property owners to abate any solid waste nuisance upon public right-of-way of materials stored for more than 24 hours, or materials stored on private property for more than 3 days; and

WHEREAS, all property owners in Council Bluffs were notified of the above requirements by ordinance and failed to abate or remove the nuisances in the allotted time; and

WHEREAS, the City, through its contractors, has attempted to cut or destroy all weeds exceeding 18 inches and/or has removed all solid waste materials in violation; and

WHEREAS, more than ten days have elapsed since the City has billed each property owner by mail for the cost of abatement of weeds or solid waste materials from their properties; and

WHEREAS, the cost of abatement or removal on these properties has been incurred by the City and remains unpaid; and

WHEREAS, the City Council may have these unpaid costs assessed against the properties pursuant to CBMC 4.19.030 and 10.02.070 as authorized by Iowa Code §364.

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

That the unreimbursed costs incurred by the City for the abatement of weeds and solid waste materials found upon the properties be assessed against said properties; and

BE IT FURTHER RESOLVED

That the City Clerk is hereby authorized, empowered and directed to certify assessments against said properties to the Pottawattamie County Treasurer to be collected in the same manner as a property tax.

ADOPTED
AND October 12, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Community Development
Case/Project No.:
Submitted by: Community Development

Resolution 20-252
ITEM 6.F.

Council Action: 10/12/2020

Description

Resolution authorizing the City to submit an U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant. Location: 813 22nd Avenue.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Other	10/2/2020
Attachment A - Location Map	Map	10/2/2020
Attachment B - Draft US EPA Brownfields Cleanup Grant Application	Other	10/2/2020
Resolution 20-252	Resolution	10/7/2020

Council Communication

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: 20-	City Council: October 12, 2020

Subject/Title

U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant Application

Location

Single site cleanup for the Reliance Battery Factory site located at 813 22nd Avenue

Background/Discussion

Background

The Reliance Battery Factory site encompasses 0.93 acres within the 800 block of 22nd Avenue. Constructed in 1925, the building was located in an open area without any adjacent property owners. As the city expanded, the area surrounding the property became residential and the battery factory became a legal, nonconforming use within the neighborhood. The site was used for manufacturing, repairing and reconditioning lead acid batteries and remained in operation until Spring 2020. During its operation, the factory was cited several times for lead contamination which resulted in the US Environmental Protection Agency (EPA) completing a soil removal project in 1991 to reduce the lead exposure in the neighborhood.

In May 2020, Staff began working with the owner to acquire the property. After extensive testing, it was determined the site was again contaminated with lead with areas up to as much as 30 times standard levels of lead in the soil. Staff determined the best solution for the safety of residents would be to acquire the property, demolish the existing structures and work with EPA to clean up the lead contamination on the site. In October 2020, the City closed on the property as approved in Resolution 20-207.

Discussion

The EPA has established the Brownfields Cleanup Grant Program and announced funding availability. This Program provides local communities with up to $500,000 to carry out cleanup activities at brownfields sites with a 20% cost share requirement. There is Community Development Block Grant (CDBG) funding programed to meet this cost share requirement.

With a long history of manufacturing lead batteries on the site, there is known contamination and presents a health hazard to Council Bluffs residents. These funds will be utilized for demolition, and cleanup of contamination from years of the manufacturing of lead batteries, which will be required for revitalization and redevelopment of the site.

The City is eligible with a proven track record of successfully implementing funding under the Brownfields Cleanup Grant Program. Since 2005, the City has received three EPA Brownfield Assessment Grants for a total of $1.1 million; two Cleanup Grants for a total of $400,000; and an Area-Wide Planning Grant for $200,000. An additional Brownfield Assessment Grant was awarded in July 2020 with a start date of October 1, 2020 to assess properties in the South End for potential redevelopment including the Reliance Battery Factory site.

An informational public hearing on the Grant will be held to inform adjacent property owners and other interested parties about the EPA Brownfields Program Grant Application and the activities contemplated by the grant if awarded.

Council Communication

Staff Recommendation
The Community Development Department recommends City Council adopt a resolution authorizing the Mayor to submit an US EPA Brownfields Cleanup Grant application.
Attachments
A. Site map B. Draft US EPA Brownfields Cleanup Grant Application

Attachment A

813 22nd Avenue, Council Bluffs, IA 51501

Lot 1 and Lots 6-12, Block 2, Burns Addition, and the vacated alleyway adjacent to Lot 7

APE: Parcel # 744401162001 (no address) and Parcel # 744401162006 (813 22nd Avenue)

APE: Parcel # 744401162001 (no address) and Parcel # 744401162006 (813 22nd Avenue)

COMMUNITY DEVELOPMENT
(712) 328-4629

City of Council Bluffs, Iowa Brownfields Cleanup Grant Application
Narrative Information Sheet:

1. Applicant Identification: City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Funding Request:
   a. Assessment Grant Type: Single Site Cleanup
   b. Federal Funds Requested:
      i. Funding about requested: $500,000
      ii. Cost Share Waiver Request: No
   c. Contamination: Hazardous Substance
3. Location:
   a. City: Council Bluffs
   b. County: Pottawattamie County
   c. State: Iowa
4. Property Information: Reliance Battery Site, 813 22nd Avenue, Council Bluffs, IA 52060
5. Contacts:
   a. Project Director: Courtney Harter, 209 Pearl Street, Council Bluffs, IA 51503, Phone: (712) 328-4629, Email: Charter@councilbluffs-ia.gov
   b. Chief Executive/ Highest Ranking Elected Official: Matthew J. Walsh, Mayor, 209 Pearl Street, Council Bluffs, IA 51503, Phone: (712) 890-5264, mayor@councilbluffs-ia.gov
6. Population: 62,478 (2014-2018 American Community Survey 5-Year Estimate)

COMMUNITY DEVELOPMENT
(712) 328-4629

7. Other Factors Checklist:

Other Factors	**Page#**
Community Population is 10,000 or less	**No**
The applicant is, or will assist, a federally recognized Indian tribe or United States Territory.	**No**
The priority brownfield site(s) is impacted by mine-scarred land.	**No**
The priority site(s) is adjacent to a body of water (i.e. the border of the priority site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	**No**
The priority site(s) is in a federally designated floodplain (levee protected)	**1**
The reuse of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	**3**

8. Letter from the State or
   Tribal Environmental Authority: Attached

1. PROJECT AREA DESCRIPTION AND PLANS REVITALIZATION

1./1.a.i. Target Area and Brownfields/Background and Description of Target Area: The City of Council Bluffs is a dynamic diverse community of 62,316 people (U.S. Census Estimate, 2017) strategically located on the Missouri River across from downtown Omaha, NE, in Pottawattamie County, Iowa. Council Bluffs has had significant links to agricultural, food production, and heavy manufacturing since its incorporation in 1853. In 1867 railroads came and fostered much of the city's industrial development. The wide availability of access attracted railroad-dependent uses such as foundries, bulk warehousing, general manufactures, grain elevators, rail yards, coal yards, lumber yards, and food processing plans. At the turn of the 20th Century Council Bluffs was a leading industrial city in Iowa. The landscape of the city's economic engine still includes major industries of railroad and food processing, but overall local business and industry has experienced a significant rate of decline leaving well over 100 abandoned and underutilized brownfield properties scattered through the city and especially within the South Expressway Corridor, the target area. The South Expressway Corridor is protected by a levee to reduce the risk of flooding from the Missouri River. Without the levee, approximately 64% of the incorporated city limits would be at risk of extreme flooding. The target area lies within Census Tract 308.

The South Expressway Corridor is a high priority revitalization area that the City is working to redevelop. In the City's recently updated comprehensive plan, *Bluffs Tomorrow 2030*, the South Expressway Corridor is prime for redevelopment based on its proximity to downtown. With the removal of a rail corridor through the South Expressway, traffic conflicts will be greatly reduced allowing for greater access to the area. The Former Reliance Battery Site (the "Site") for which the Environmental Protection Agency (EPA) Cleanup funding is being requested is the Former Reliance Battery Manufacturing Company location within the South Expressway Corridor planning area.

1.a.ii. Description of the Brownfield Site: The Site encompasses approximately one half of the city block and is approximately two acres in size. The Site is surrounded by single-family residential homes. The Site was used for manufacturing, repairing and reconditioning lead acid batteries since the early 1920's through 1974. In 1974 the business was incorporated as the Former Reliance Battery Manufacturing Company (RBMC). In February of 1985, the State of Iowa Department of Natural Resources (IDNR) conducted a preliminary assessment and concluded that there was a potential for soil and groundwater contamination at the Site. In May of 1989, an EPA coordinated site investigation identified soil on the Site and adjoining residential properties that contained elevated concentrations of lead. Additional investigations in 1989 and 1990 were conducted to define the extent of the lead soil contamination on the Site and adjoining properties. Dust and drinking water samples were collected from the interior of the adjoining residential homes. Lead was identified in soil at concentrations of up to 115,000 milligrams per kilogram (mg/kg) at the Property and at concentrations of 2,200 mg/kg from two of the adjoining residential properties. Drinking water samples did not contain lead concentrations exceeding regulatory limits.

In late September of 1990, the EPA discovered that RBCM had excavated soil from the contaminated areas of the Site. RBMC did not notify the EPA that they were conducting an excavation and EPA did not have an opportunity to supervise or document the procedures. RBMC estimated that 700 cubic yards (CY) of soils were excavated and stored in various onsite containers until disposed of by the EPA during subsequent regulated lead contaminated soil excavation procedures. The EPA re-sampled areas of the Site and determined concentrations were not reduced below EPA cleanup levels and that concentrations were substantially higher in some areas. The EPA advised RBMC not to take any further action to remove contaminated soils and determined that an immediate response action was required to mitigate human exposure to elevated lead concentrations in dust and soil. On November 9, 1990, the Regional

EPA Administrator signed an Action of Memorandum selecting excavation areas and an off-site disposal plan for lead contaminated soil at the Site and adjoining properties. Soil excavation were completed in May of 1991. No further EPA Superfund activities were expected at the Site, no further response under CERCLIS was required, and archiving the property was deemed appropriate by the EPA; however, the lead in shallow soil at concentrations of up to 2,400 mg/kg remain at the Site exceeding the current IDNR Statewide Standard (SWS) of 400 mg/kg.

According to the March 9, 1992 EPA Report, potential areas of lead releases at the Site and surrounding properties came from operation of the baghouse, ventilation collection systems, the lead oxide bulk storage tank loading operations and from fugitive emissions from the plant when doors and windows were left open during manufacturing.

On February 19, 1998, the DNR Solid Waste Section responded to the EPA Region 7 Superfund Divisions request for concurrence regarding discontinuing all investigation and/or cleanup activities at the Site and "Archiving" from the active CERCLIS database. The DNR's opinion was that archiving the RBMC was not appropriate and continued EPA oversight was required given that; RBMC has a given history of violations of both environmental and worker safety regulations; continued hazardous material releases had occurred on the Property since the 1991 EPA administrative action, and in April of 1995, an accident occurred at RBMC that resulted in the hospitalization of a worker with a lead blood level of 357 micrograms per deciliter (3.5 times the potential lethal does for lead). Based on the Site history and current operations, some form of continued EPA oversight was requested to prevent future releases in a timely manner. However, the Site was "Archived" on July 5, 2011.

A Phase I ESA was conducted on the Site on April 27, 2020, as part of the City of Council Bluffs' due diligence prior taking ownership of the site. During the Phase I ESA, seven recognized environmental conditions (RECs) were identified, including that the property was utilized as a battery manufacturing facility from circa 1928 through 2019. While three RECs were identified in connection with the adjacent properties. Further investigation is warrant if additional information regarding the identified RECs is desired. On August 17th, 18th, and 19th, 2020, thirty-two soil borings were advanced using a Geoprobe® track-mounted rig with a direct push attachment to a depth of five to 10 feet bgs to evaluated the extent of RCRA metals, specifically lead soil contamination in surface soil throughout the Site . Additionally, nine temporary monitoring wells were advanced to a maximum depth explored of 20-feet bgs to evaluate soil near the soil and ground interface and groundwater conditions at the Site. The results of the sampling are summarized as follows:

- The distribution of concentrations of VOCs, SVOCs and RCRA metals in soil exceeding the SWS have been defined to the Site boundaries. Elevated concentrations of lead and arsenic exceeding the SWSs (400 and 1.9 mg/kg) are confined with surficial, unconsolidated sane, silt and gravel ubiquitous throughout the Site from the top of the ground surface to two to five feet bgs. Lead concentrations of 1.7 to 30 times higher than the SWS of 400 mg/kg are present at the surface and shallow depths and within proximity to single-family residential dwellings. Up to 6,300 cubic yards (yds3) of lead contaminated surficial sediments may be present at the Site.
- Tetrachloroethylene (PCE) chlorinated solvent was identified at soil sample locations SB-5 3-5' bgs (0.0192 mg/kg); SB-16 10-11' bgs (0.0178 mg/kg); SB-25 14-15' (0.0175 mg/kg) near the depth of the soil and groundwater interface zone between 10 and 15 feet bgs.
- The distribution of concentrations of VOCs, SVOCs and RCRA metals in groundwater exceeding the SWS have been defined to the Site boundaries. Dissolved lead was identified at monitoring well location SB-33/TMW-9 on the southwest corner of the building at concentration of 31.7 micrograms per liter (µg/L). The concentration exceeds the SWS for protected groundwater

sources (15 µg/L). The remaining constituents were below the SWS or below the laboratory reporting limits.

- One private well listed as the Council Bluffs Community Schools is located within 1,000 feet of the Site.

Based on the findings and conclusions resultant of data collected during the Site Investigation and Characterization Report (SICR), the detected constituents of lead in surface soil presents a risk to human health and the environment. The SICR recommends a remedial action plan (RAP) and Soil Management Plan (SMP) to address environmental liabilities associated with the Site redevelopment as single and/or multi-family residential and mitigate risk to associated receptors and pathways to human contact (i.e., direct contact and inhalation, ingestion, water main and water service lines, vapor intrusion to sanitary sewers and enclosed space basement receptors). RAP recommendations may include construction of engineered barriers to prevent contact between humans and impacted soil and groundwater; over-excavation of shallow contaminated soils and disposal to a regulated facility; installation of active and passive vapor mitigation systems; construction of chemical resistant water mains and water service lines servicing the development and established environmental covenant or deed restriction prohibiting the construction of water supply wells on the Property.

b/b.i. Revitalization of the Target Area/Reuse Strategy and Alignment with Revitalization Plans: Although this brownfields site has presented its fair share of challenges for the City, it now presents an opportunity. This opportunity will allow for the City to cleanup this Site and add much need affordable housing in an established residential area within the City's urban core. The City's recently updated comprehensive plan, *Bluffs Tomorrow 2030,* has identified the Former Reliance Battery Factory Site area as a prime location for affordable housing. A key component of the City's redevelopment strategy includes mitigating the impacts of commercial and industrial use on neighborhoods within the South Expressway Corridor area. The *Bluffs Tomorrow 2030* plan specifically identifies objectives that form the basis for the City's South Expressway Corridor redevelopment strategy. Specifically, the plan states the following objective: "Minimize the encroachment of and impacts from commercial areas, industrial uses, and rail corridors on adjacent neighborhoods through land use planning, screening, and buffering." The cleanup of the Former Reliance Battery Factory Site will meet this objective by cleaning up the Site to residential standards. It will allow for the creation of much needed affordable housing within the urban core and provide land use uniformity as the Former Reliance Batter Factory Site is surrounded by residential development. The *Bluffs Tomorrow 2020* plan has a neighborhoods and housing goal of "Enhance and maintain the City's neighborhoods to provide the housing, character, and supporting amenities to retain and attract residents to Council Bluffs." The proposed single-family or attached two-family development aligns with the Bluffs Tomorrow 2020 goal while maximize the number of units on the Site. The redevelopment plan calls for eight to twelve units depending on layout. Fifty-one percent of all the units will be marketed to eighty percent of the median family income providing necessary workforce housing. With the development of 8-12 new residential development will provide on the low in $867,600 in new assessed value for the neighborhood.

b.ii. Outcomes and Benefits of Reuse Strategy: The positive impacts of brownfield redevelopment with a residential area residential area regarding environmental, economic, and social effects are immense. The most significant benefits are:
1). Cleanup is necessary to support affordable housing on the Site. Additional affordable housing will increase the housing supply in an area that is desperately in need of housing.
2). Cleanup and redevelopment of the Site will spur additional investment within the Target Area.
3). Cleanup will protect the surrounding single-family development from contamination encroachment

from the Site.

4). Almost $1 million in new assessed value in the Target Area.
5). The residential development will result in high-quality, healthy living environment for residents.
6). With green and sustainable building methods incorporated into the new infill development residents will have lower utility costs, and protection to the environment by conserving energy, water, materials and other resources.

c./c.i. Strategy for Leveraging Resources/Resources Needed for Site Reuse: The City of Council Bluffs has a proven experience with securing funding for successful redevelopment efforts within the Target Area. The South Expressway Corridor is a redevelopment priority for the City and substantial financial and programmatic resources have been and will continue to be allocated to this area. These previous and future resources include both public sector, private sector and foundation funding for assessment, cleanup, and redevelopment. Resources secured and committed to the Target Area to date is as follows:

Southwest Expressway Area Local Leverage (Actual Funding Secured)							
Location	CDBG	NSP	Local	Waterworks	Iowa DOT	IDNR 128(a)	Total
22nd Ave, & S. 6th St.: Acquisition and Demo	$279,217	$225,000	$13,205				$517,422
6th St. Reconstruction (9th to 12th Ave.)			$875,000				$875,000
7th St. fiber optics (10th to 19th Ave.)			$100,000				$100,000
8th St. and 12th Ave. (street, water, sanitary, storm sewer)				$118,246			$118,246
Indian Creek Trail (Sunset Park to South Expressway)			$850,000				$850,000
Levee Accreditation			$10,983,751				$10,983,751
Railroad Track Removal					$150,000		$150,000
813 22nd Ave (acquisition and ESA)	$159,220					16,020	$175,240

c.ii. Use of Existing Infrastructure: The redevelopment of the Site, an infill lot that has provided little economic value for decades, will take advantage of existing public and private infrastructure already serving the Site. It is anticipated that exiting utilities will be able to easily handle the intake from the planned housing development. The City intends to require the demolition contractor to salvage and recycle as much of the non-lead-based-paint affected building materials as possible. The new affordable

housing development will explore incorporating green/sustainable building and stormwater management practices into the redevelopment of the Site.

2. Community Need and Community Engagement

2.a./2.a.i. Community Need/The Community's Need for Funding: With a population under 65,000, Council Bluffs faces the task of handling several urban issues (high poverty, lower household income) while grappling with older housing, commercial and industrial building stock. The City also is contending with aging infrastructure and poor aesthetics of commercial and retail areas which further dampens reinvestment. Due to differences in commercial taxes between Iowa and Nebraska and property taxes between the City and Pottawattamie County, new development must be heavily subsidized to attract investment. The Former Reliance Battery Factory Site desperately needs to be cleaned up. The City has already invested $175,000 for acquisition and environmental site assessments of the Site and has a total City Investment of $500,000 budgeted for the Site. The Site currently sits vacant and poses adverse environmental impacts on the surrounding neighborhood reducing property values and negatively impacting reinvestment, throughout the Target Area.

2.a.ii./2.a.ii.(1). Threats to Sensitive Populations/Health or Welfare of Sensitive Populations: The identified sensitive population (children and seniors) within the Target Area (Census Tract 308) make up 57% of the total population. Seniors make up 29% while children make up 28% of the population (2014-2018 American Community Survey 5-Year Estimates). While only two percent of the population is below the poverty level, over 10% of households within the Target Area are receiving food stamp assistance (2014-2018 American Community Survey 5-Year Estimates). The Target Area is indicated on the USDA Food Access Research Atlas as low-income census tract where a significant number of residents are one mile from the nearest supermarket. This designation indicates reduce access to fresh and healthy food options for the sensitive populations within the Target Area. Additionally, within Pottawattamie County (lowest level of data available), according to the Iowa Public Health Tracking (IPHT) program, roughly 1% of the 1,042 children screened where confirmed to have an elevated blood lead (EBL) level. Therefore, it is estimated that approximately 10 children are EBL cases within the target area. These children will have to continue to experience a disproportionate share of adverse health and environmental effects if conditions remain unchanged. The redevelopment of the Former Reliance Battery Factory into affordable housing will create additional housing and job opportunities within the Target Area. This Site will serve as a catalyst for other redevelopment projects within the Target Area.

2.a.ii.(2). Greater Than Normal Incidence of Disease and Adverse Health Conditions: According to the County Health Rankings & Roadmap program, Pottawattamie County ranked 88th of Iowa's 99 counties in terms of health outcomes (1 best to 99 worst). The rankings include health factors such as high school graduation rates, obesity, smoking, unemployment, access to healthy foods, the quality of air and water, income inequality, and teen births. Potential exposure to numerous contaminants via direct contact, inhalation of airborne particulates, and vapor intrusion pathways negatively impact area individuals. Several recent health studies indicate exposure to carcinogens in the great Council Bluffs area is higher than other communities and counties in Iowa. A University of Iowa study entitled *2018 Cancer in Iowa* report listed Pottawattamie County as being one of the top eight counties in Iowa for estimated number of deaths attributed to cancer. The National Cancer Institute (NCI) lists Pottawattamie County cancer incidence rates (including all races, all ages, and both sexes) in Iowa from 2012-2016 (http://statecancerprofiles.cancer.gov) as 481, which is higher than the U.S. rate of 449 per 100,000. According to the State Health Registry of Iowa, the estimated number of new cancers in Pottawattamie County in 2018 was 530 and estimated number of cancer deaths in the county was 200. According to the EPA EJSCREEN, the Target Area is in the 71st percentile for cancer risk compared to the rest of Iowa.

The proposed EPA cleanup grant funding will allow the City to remediate this contaminated Site that could be contributing to less healthy conditions within the City of Council Bluffs.

2.a.ii.(3). Disproportionately Impacted Populations: The Target area is characterized by a household median income that is over $6,000 lower than the Nation's household income. Within the Target Area 23.5% of households are receiving supplemental social security income, public assistance, or food stamps (2014-2018 American Community Survey 5-Year Estimates). As evident by the data, the Target Area has sensitive populations that may be more susceptible to the hazardous contaminants of this brownfields Site, making it critical for the City to clean it up to protect the health of all the residents living near this Site. The target area population has environmental justice challenges and disproportionately share the negative environmental consequences resulting from this Site. This funding is critical for the reduction of environmental threats at the Site.

2.b./2.b.i. Community Engagement/Project Involvement: The Council Bluffs City Council approved the EPA cleanup grant application process (Resolution #) at the October 12, 2020 City Council meeting. Draft versions of the brownfield cleanup grant application and associated Analysis to Brownfield Cleanup Alternatives (ABCA) were available for public comment. The resolution affirms that the well-being of the community is an important part of the upholding the public interest and trust.

2.b.ii. Project Roles

Name of Organization/Entity/Group	Point of Contact (name/email/phone)	Specific Involvement in the Project or Assistance Provided
Iowa Department of Natural Resources	Name: Mel Pins Email: Mel.pins@dnr.iowa.gov Phone: 515.725.8344	Provide input on cleanup and additional grant funding for cleanup if necessary
Council Bluffs Community Development	Name: Brandon Garrett Email: bgarrett@councilbluffs-ia.gov Phone: 712.890.5356	Lead City engagement in development of affordable housing. Provide and administer CDBG and Home funding for affordable housing.
Pottawattamie County Public Health Department	Name: Matt Wyant Email: matthew.wyant@pottcounty.ia.gov Phone: 712.328.5792	Assist with answering health related questions regarding contaminants of concern.
Neighbor-Works Home Solutions	Name: Leslie Coleman Email: lcoleman@nwhomesolutions.org Phone: 712.328-6602	The City has a long successful partnership with NeighborWorks in creating quality affordable housing. NeighborWorks is a potential developer for the redevelopment of the Site.
General Public – Target Neighborhood around the Former Reliance Battery Factory		Provide feedback regarding cleanup and redevelopment of the Site.

2.b.iii. Incorporating Community Input: The City recognizes the importance of community involvement activities and the role they play in building social strength and stability. This will be especially true for the neighborhood surrounding the Former Reliance Battery Factory, which is why the City has actively been engaging residents throughout the process. Most recently, on October 12, 2020, the City hosted a public meeting to share and solicit feedback on the draft EPA Cleanup Grant application and the draft ABCA. In addition, the City actively engages community participation and involvement in all phases of the redevelopment within the South Expressway Corridor (target area) area. This was especially true during development of the *Bluffs Tomorrow 2030* Plan. As the cleanup moves forward on the Former Reliance Battery Factory Site information on the project schedule, drafts and final versions of reports (including cleanup plan and redevelopment plan), options for comment and feedback will be made available on a created Council Bluffs Brownfields website. This website will also inform citizens how the EPA has positively assisted the City with cleaning up and redeveloping this Site. The City will host at least two open house events to keep interested citizens and neighborhood residents apprised about the project progress and to solicit community input. Input from each open house event will be recorded and incorporated where appropriate. Open house events will be published in the local newspaper and posted on the City's website including the brownfields website as well as posted in public buildings such as City Hall, the public library and at the Site. Social media outlets such as Facebook and Twitter will serve as another forum to keep citizens aware of this important endeavor. The City plans to make available material in other languages as necessary for non-English speaking residents. The combination of these community input actions will provide an opportunity to update and engage residents on the progress of the City's historically successful (i.e., Phoenix Award Winner for International Harvester Loft Cleanup and Redevelopment) and ongoing brownfields program.

3. Task Descriptions, Cost Estimates, and Measuring Progress

3.a. Proposed Cleanup Plan: The Former Reliance Battery Factory Site was found to have high levels of lead contaminated soil throughout the Site, and hazardous materials within the structure. The plans to excavate 7,000 cubic yards of lead contaminated surface soil and dispose of the contaminated soil at an approved facility offsite. The City will utilize a license asbestos contractor to abate 250 square feet of ACM, 10 linear feet of ACM and dispose of the material in an approved facility off site. The City will competitively procure the services of a Qualified Environmental Profession (QEP) in accordance with grant requirements to oversee the response actions of this project. The City will require the QEP to be experienced with EPA Brownfields Cleanup projects and hold State of Iowa asbestos certifications and lead inspection and abatement design credentials.

3.b./3.b.i/3.b.ii./3.b.iii/3.b.iv. Description of Tasks/Activities and Outputs/Project Implementation/ Anticipated Project Schedule/ Task/Activity Lead/Outputs

Task 1: Cooperative Agreement Oversight
i. Project Implementation: Cooperative Agreement Oversight will be conducted by the City of Council Bluffs and will include but is not limited to general grant management, (QEP) procurement and oversight, ensuring reporting requirements are met, and budget and invoice reconciliation, ACRES reporting and overall planning and coordination of cleanup activities.
ii. Anticipated Project Schedule: Quarters 1-12
iii. Task/Activity Lead(s): Courtney Harter with assistance from the QEP
iv. Output(s): • Workplan • Quarterly, Annual and Final Document Closeout Reporting • Monthly Funding Draws Prepared/Reconciled and Submitted to EPA • Project Scopes of Work

Task 2: Community Engagement/Outreach
i. Project Implementation: This task includes conducting community engagement activities to inform the public on cleanup plans and implementation while providing opportunities for the community to provide feedback; outreach with the neighborhood; and developing and updating the project website and printed materials.
ii. Anticipated Project Schedule: Quarters 1-12
iii. Task/Activity Lead(s): Courtney Harter and QEP
iv. Output(s): • Two Public Meetings • Project Website • Neighborhood Meeting • Print Material
Task 3: Cleanup Planning
i. Cleanup planning will include finalizing the ABCA document, preparing the Quality Assurance Project Plan for confirmation sampling, and negotiating and receiving the necessary regulatory approvals. Cleanup specifications documents will be submitted to EPA and/or IDNR for approval prior to obtaining bids from qualified cleanup contractors. Following the acceptance of these documents, the City will initiate a competitive selection process and contract with a qualified cleanup contractor to implement the response activity.
ii. Anticipated Project Schedule: Quarters 3-12
iii. Task/Activity Lead(s): Courtney Harter and QEP
iv. Output(s): • Final ABCA • Quality Assurance Project Plan • SHPO • Technical Specifications for site cleanup • Remediation Contract
Task 4: Site Cleanup
i. This task includes but is not limited to, correspondence with the QEP and cleanup contractor, providing minimal site prep and providing site security during cleanup.
ii. Anticipated Project Schedule: Quarters 12-18
iii. Task/Activity Lead(s): Courtney Harter and QEP
iv. Output(s): • Site cleaned up • Cleanup monitoring of the Site

c. Cost Estimates: The table below shows the budget for the project and is followed by a description of how costs for each task were developed per budget category. As noted, the City will provide a cost share of 20% ($100,000) utilizing Community Development Block Grant Funds designated for this Site. The City will cover any indirect costs. A Cost estimates were developed based on SICR and initial sampling and analysis.

Budget Categories		Project Tasks				Total
		Task 1 Cooperative Agreement Oversight	Task 2 Community Engagement	Task 3 Cleanup Planning	Task 4 Cleanup	
Direct Costs	Personnel	$8,600	$4,000	$2,300	$2,300	$17,200
	Travel	$3,500	$0	$0	$0	$3,500
	Contractual*	$12,300	$7,000	$30,000	$430,000	$479,300
Total Direct Costs		$24,400	$11,000	$32,300	$432,300	$500,000
Total Indirect Costs		$0	$0	$0	$0	$0

Total Federal Funding (Not to exceed $500,000)	$24,400	$11,000	$32,300	$432,300	$500,000
Cost Share (20%)	$0	$0	$0	$100,000	$100,000
Total Budget	$24,400	$11,000	$32,300	$532,300	$600,000

Budget Allocation:

*Please note the City verified contractual cost with QEPs.

• Task 1: Cooperative Agreement Oversight is based off ~151 hours at $56.94/hr. (average salaries of Director and Brownfields Coordinator) = $8,600 (rounded up); Travel will cover airfare and/or mileage, hotel and meals for EPA sponsored brownfield events; Contractor costs will be competitively bid with approved hourly rates.

•Task 2 Community Outreach: Personnel is based of ~70 hours at $56.94/hr. (average salaries of Director and Brownfields Coordinator) = $4,000 (rounded up); Contractor costs will be competitively bid with approved hourly rates.

•Task 3 Cleanup Planning: Personnel cost is based of ~40 hours at $56.94/hr. (average salaries of Director and Brownfields Coordinator) = $4,000 (rounded up); Contractor costs will be competitively bid with approved hourly rates.

•Task 4 Site Cleanup: Personnel cost is based of ~40 hours at $56.94/hr. (average salaries of Director and Brownfields Coordinator) = $4,000 (rounded up); Contractor costs will be competitively bid with approved hourly rates.

d. Measuring Environment Results: The City of Council Bluffs will develop a detailed workplan for implementing planned outputs under the proposed grant. The workplan will detail key milestones within the grant period documenting and communicating outputs and outcomes to the public, EPA Region 7, and other partners with all progress detailed in quarterly reports and the City's brownfields website. Prior to the completion of each quarterly, the Brownfields Coordinator will review and evaluate the project progress and take any necessary corrective actions should the schedule fall behind. Corrective actions may include holding weekly meetings/conference calls to all parties working on the grant as they occur. Lastly, the City will utilize the ACRES database to report, document, and track information such as job creation, dollars leveraged, properties cleared for redevelopment, and exposure risks reduced/eliminated. These statistics will also be communicated to the IDNR, project partners, and general public.

4. Programmatic Capability and Past Performance

4.a/4.a.i./4.a.ii./4.a.iii. Programmatic Capability/Organizational Structure/Description of Key Staff/ Acquiring Additional Resources: The City has the necessary organizational structure and capacity to successfully administer the grant as demonstrated by the successful implementation of previous brownfield grants. Mr. Brandon Garrett, City of Council Bluffs Community Development Director and Ms. Courtney Harter, City of Council Bluffs Housing and Economic Development Manager, will be responsible for management of the grant. This management team is efficient, and their level of expertise, qualifications, and experience will result in timely successful expenditure of funds completing all technical, administrative, and financial grant requirements, as demonstrated previously. Mr. Garret received his B.A. in Regional and Community Planning from Kansas State University in 2001 and has 17 years of experience in urban planning. In his capacity as the Community Development Director, Mr. Garrett is responsible for the overall administration of the Community Development Department. Ms. Harter received her B.A. in political science from Northwest Missouri State University in 2006 and Master of Public Administration from University of Nebraska at Omaha in 2009. As the Housing and Economic Development Manager, Ms. Harter is the city's Brownfields Coordinator, responsible for administering the City's EPA Brownfields Program and assisting with the management of the Community Development Block Grant and HOME Programs. Ms. Harter has been employed with the City for five

years. The Council Bluffs' Community Development Department has extensive experience in efficiently and effectively managing federal and state grants. This includes$1,400,000 in U.S. EPA Brownfields Grants and approximately $2,000,000 annually in CDBG and HOME funds and program income. In recent years, the city has secured funding from the State of Iowa: $3,000,000 for 125 West Broadway Mixed Use Redevelopment, $2,500,000 for Gunn Elementary School/Linden Place Apartments, and $3,500,000 from the Iowa DOT on three infrastructure grants for S. 24th Street reconstruction, River's Edge Infrastructure, and Gifford Road reconstruction. U.S. Department of Housing and Urban Development has awarded $2,300,000 to the City for programs to protect children and families from lead-based paint and other home health hazards. Finally, this spring the City was awarded a $300,000 U.S. EPA Brownfields Community-Wide Assessment Grant.

The City will acquire additional technical expertise and resources through the service of a qualified EPA brownfield experienced QEP, subject to a competitive selection process. This contractor will assist with project management, community engagement, cleanup planning, and Site cleanup activities. The City has implemented this resource acquisition process successfully on previous brownfield grant resulting in achievement of all cooperative agreement objectives. The City has a significant history working closely with the executive officer of the Iowa Brownfield Program to provide technical expertise and advise.

4.b./4.b.i./4.b.i.(1)./4.b.i.(2). Currently Has or Previously Received an EPA Brownfields Grant/ Accomplishments/Compliance with Grant Requirements: The EPA has awarded the City of Council Bluffs seven Brownfields Grants totaling $1.5 million over twelve year. This includes three Assessment Grants in 2005, 2008, and 2020, a single Cleanup Grant in 2009 and 2011, and a Brownfield Area Wide Planning Grant in 2016. The City has worked diligently to update the ACRES database as additional information has become available. City officials are committed to continuing to report these future accomplishments to the EPA even beyond the grant period to support the EPA Brownfields program. For each of the EPA brownfields grant the City of Council Bluffs was compliant with the grant workplan, schedule and terms and conditions, had a history of timely reporting for quarterly reports and other grant deliverables and was up to date with all ACRES reporting.

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City of Council Bluffs, Iowa Brownfields Cleanup Grant Application
Threshold Criteria

1. **Applicant Eligibility:**

   The City of Council Bluffs is an incorporated municipality in the State of Iowa and is eligible for funding.

2. **Previously Awarded Cleanup Grants:**

   No previously awarded EPA Brownfields Cleanup Grant funding has been utilized at this Site.

3. **Site Ownership:**

   The City of Council Bluffs purchased the property, acquiring fee, simple title on September 14, 2020. The City will retain ownership throughout the period of the grant.

4. **Basic Site Information:**

   a) *Site Name:* Former Reliance Battery Site

   b) *Address:* 813 22nd Avenue
   Council Bluffs, IA 52060

   c) *Current Owner of Site:* City of Council Bluffs

5. **Status of History of Contamination:**

   a) *Hazardous Substances or Petroleum:* The site is contaminated by hazardous substances.

   b) *Operational History and Current Uses:* The Site was historically utilized as a battery manufacturing plant from 1925 through 2019 and is in poor and dilapidated condition. Additional environmental record sources from the EPA Region 7 dated March 9, 1992 and the IDNR Contaminated Sites Section date February 4, 1996 and July 1, 2011 were reviewed to enhance and supplement the standard environmental record sources.

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The following summarizes information obtain from those additional sources. Based on a review of available information reviewed from the IDNR Contaminated Sites Section database, the site was used for manufacturing, repairing and reconditioning lead acid batterie since the early 1920's through 1974. In 1974 the business was incorporated as the Former Reliance Battery Manufacturing Company (RBMC). In February of 1985, the State of Iowa Department of Natural Resources (IDNR) conducted a preliminary assessment and concluded that there was a potential for soil and groundwater contamination at the Site. In May of 1989, an EPA coordinated site investigation identified soil on the Site and adjoining residential properties that contained elevated concentrations of lead. Additional investigations in 1989 and 1990 were conducted to define the extent of the lead soil contamination on the Site and adjoining properties. Dust and drinking water samples were collected from the interior of the adjoining residential homes. Lead was identified in soil at concentrations of up to 115,000 milligrams per kilogram (mg/kg) at the Property and at concentrations of 2,200 mg/kg from two of the adjoining residential properties. Drinking water samples did not contain lead concentrations exceeding regulatory limits.

In late September of 1990, the EPA discovered that RBCM had excavated soil from the contaminated areas of the Site. RBMC did not notify the EPA that they were conducting an excavation and EPA did not have an opportunity to supervise or document the procedures. RBMC estimated that 700 cubic yards (CY) of soils were excavated and stored in various onsite containers until disposed of by the EPA during subsequent regulated lead contaminated soil excavation procedures. The EPA re-sampled areas of the Site and determined concentrations were not reduced below EPA cleanup levels and that concentrations were substantially higher in some areas. The EPA advised RBMC not to take any further action to remove contaminated soils and determined that an immediate response action was required to mitigate human exposure to elevated lead concentrations in dust and soil. On November 9, 1990, the Regional EPA Administrator signed an Action of Memorandum selecting excavation areas and an off-site disposal plan for lead contaminated soil at the Site and adjoining properties. Soil excavation were completed in May of 1991. No further EPA Superfund activities were expected at the Site, no further response under CERCLIS was required, and archiving the property was deemed appropriate by the EPA; however, the lead in shallow soil at concentrations of up to 2,400 mg/kg remain at the Site exceeding the current IDNR Statewide Standard (SWS) of 400 mg/kg.

According to the March 9, 1992 EPA Report, potential areas of lead releases at the Site and surrounding properties came from operation of the baghouse, ventilation collection systems, the lead oxide bulk storage tank loading operations and from fugitive emissions from the plant when doors and windows were left open during manufacturing.

On February 19, 1998, the DNR Solid Waste Section responded to the EPA Region 7 Superfund Divisions request for concurrence regarding discontinuing all investigation and/or cleanup activities at the Site and "Archiving" from the active CERCLIS database. The DNR's opinion was that archiving the RBMC was

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not appropriate and continued EPA oversight was required given that; RBMC has a given history of violations of both environmental and worker safety regulations; continued hazardous material releases had occurred on the Property since the 1991 EPA administrative action, and in April of 1995, an accident occurred at RBMC that resulted in the hospitalization of a worker with a lead blood level of 357 micrograms per deciliter (3.5 times the potential lethal does for lead). Based on the Site history and current operations, some form of continued EPA oversight was requested to prevent future releases in a timely manner. However, the Site was "Archived" on July 5, 2011.

A Phase I ESA was conducted on the Site on April 27, 2020, as part of the City of Council Bluffs' due diligence prior taking ownership of the site. During the Phase I ESA, seven recognized environmental conditions (RECs) were identified, including that the property was utilized as a battery manufacturing facility from circa 1928 through 2019. While three RECs were identified in connection with the adjacent properties. Further investigation is warrant if additional information regarding the identified RECs is desired. On August 17th, 18th, and 19th, 2020, thirty-two soil borings were advanced using a Geoprobe® track-mounted rig with a direct push attachment to a depth of five to 10 feet bgs to evaluated the extent of RCRA metals, specifically lead soil contamination in surface soil throughout the Site . Additionally, nine temporary monitoring wells were advanced to a maximum depth explored of 20-feet bgs to evaluate soil near the soil and ground interface and groundwater conditions at the Site. The results of the sampling are summarized as follows:

- The distribution of concentrations of VOCs, SVOCs and RCRA metals in soil exceeding the SWS have been defined to the Site boundaries. Elevated concentrations of lead and arsenic exceeding the SWSs (400 and 1.9 mg/kg) are confined with surficial, unconsolidated sane, silt and gravel ubiquitous throughout the Site from the top of the ground surface to two to five feet bgs. Lead concentrations of 1.7 to 30 times higher than the SWS of 400 mg/kg are present at the surface and shallow depths and within proximity to single-family residential dwellings. Up to 6,300 cubic yards (yds3) of lead contaminated surficial sediments may be present at the Site.

- Tetrachloroethylene (PCE) chlorinated solvent was identified at soil sample locations SB-5 3-5' bgs (0.0192 mg/kg); SB-16 10-11' bgs (0.0178 mg/kg); SB-25 14-15' (0.0175 mg/kg) near the depth of the soil and groundwater interface zone between 10 and 15 feet bgs.

- The distribution of concentrations of VOCs, SVOCs and RCRA metals in groundwater exceeding the SWS have been defined to the Site boundaries. Dissolved lead was identified at monitoring well location SB-33/TMW-9 on the southwest corner of the building at concentration of 31.7 micrograms per liter (µg/L). The concentration exceeds the SWS for protected groundwater sources (15 µg/L). The remaining constituents were below the SWS or below the laboratory reporting limits.

- One private well listed as the Council Bluffs Community Schools is located within 1,000 feet of the Site.

Based on the findings and conclusions resultant of data collected during the Site Investigation and Characterization Report (SICR), the detected constituents of lead in surface soil presents a risk to human health and the environment. The SICR recommends a remedial action plan (RAP) and Soil Management Plan (SMP) to address environmental liabilities associated with the Site redevelopment as single and/or multi-family residential and mitigate risk to associated receptors and pathways to human contact (i.e., direct contact and inhalation, ingestion, water main and water service lines, vapor intrusion to sanitary sewers and enclosed space basement receptors). RAP recommendations may include construction of engineered barriers to prevent contact between humans and impacted soil and groundwater; over-excavation of shallow contaminated soils and disposal to a regulated facility; installation of active and passive vapor mitigation systems; construction of chemical resistant water mains and water service lines servicing the development and established environmental covenant or deed restriction prohibiting the construction of water supply wells on the Property.

c) *Environmental Concerns:* The Site became contaminated through its operation as a battery factory. Lead oxide, antimonial lead, and acids utilized in the manufacturing of batteries were deposited into the soil of the Site. The Site structure also contains asbestos building materials.

d) *Source, Nature, and Extent of Contamination:* Soil Assessment: The distribution of concentrations of VOCs, SVOCs and RCRA metals in soil exceeding the SWS have been defined to the Site boundaries. Elevated concentrations of lead and arsenic exceeding the SWSs (400 and 1.9 mg/kg respectively) are is confined within surficial, unconsolidated sand, silt and gravel ubiquitous throughout the Site from the top of the ground surface to two to five feet bgs. Lead concentrations of 1.7 to 30 times higher than the SWS of 400 mg/kg are present at the surface and shallow depths and within proximity to single-family residential dwellings. Up to 6,300 cubic yards (yds^3) of lead contaminated surficial sediments may be present at the Site. Concentrations of tetrachlorethylene (PCE) is present in soil at concentrations below the SWS near the soil and groundwater interface observed between 10 and 15 feet bgs at three locations explored. PCE was also detected in shallow sediments between three and five feet bgs below the SWS on the northwest corner of the site building.

•Lead soil contamination was identified along the northern Site boundary within 70-feet of single-family residential dwellings at concentrations 3.8 to 9.2 times higher than the SWS of 400 mg/kg.

• In the northeast Site boundary adjacent of single-family residential dwelling lead soil contamination was identified 4.4 times higher than the SWS.

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• Lead soil contamination 1.5 times higher than the SWS was identified in the center of the Site.
•Lead soil contamination in surficial sediments was identified along the southern Site boundary, directly adjacent north of a single-family residential dwelling 1.1 to 30 times higher than the SWS.

•Arsenic concentrations exceeding the background concentration were identified on the northwest corner of the Site.

•Arsenic contractions along the north central Site boundary exceeding the background concentrations were also identified.

•Concentrations of SVOC were identified in shallow sediments located on the south side of the lead oxide above ground storage tank. The detected SVOC constituents were below their respective SWS for soil; however, a strong petroleum aroma was sensed from surface samples collected.

•Tetrachloroethylene was identified in several soil samples. Although the concentrations were well below the SWS of 1,500 mg/kg; the potential exist for a vapor intrusion condition into proposed buildings and dwellings at the Site. Further vapor intrusion assessment and/or vapor mitigation engineering controls are recommended for proposed single-family and/or multi-family residential dwellings.

Groundwater Assessment: The distribution of concentrations of VOCs, SVOCs and RCRA metals in groundwater exceeding the SWS have been defined to the Site boundaries. Dissolved lead was identified at the monitoring well located on the southwest corner of the building at a concentration of 31.7 micrograms per liter (µg/L). The concentrations exceed the SWS for protected groundwater sources (15 µg/L). The remaining constituents were below the SWS or below the laboratory reporting limits.

6. <u>Brownfields Site Definition:</u>

The site is (a) not listed or proposed for listing on the National Priorities List; the site is (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and the site is (c) not subject to the jurisdiction, custody, or control of the U.S. government.

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7. Environmental Assessment Required for Cleanup Grant Applications:

- Phase I Environmental Site Assessment, 813 22nd Avenue, April 27, 2020
- Site Investigation and Characterization Assessment, 813 22nd Avenue, conducted on August 17th, 18th, and 19th, 2020.

The Phase I ESA was conducted in accordance with ASTM International (ASTM) E1527-13 Standard Practice (ASTM Standard; ASTM, 2013). The Phase II ESA was conducted in general accordance with ASTM International (ASTM) E1903-11 Standard Practice (ASTM Standard; ASTM 2011) as well as involved extensive on-site sampling and analysis to characterize areas with lead contaminated soils exceeding Iowa's Statewide Standard. The Site Investigation and Characterization Assessment was completed on behalf of the City of Council Bluffs and was conducted in accordance with standard professional practice for site investigations in Iowa.

8. Enforcement or Other Actions:

The City is unaware of any ongoing or anticipated environmental enforcement or other actions related to this site. The City has been in close coordination with IDNR, the agency which would lead and be aware of such enforcement actions.

9. Sites Requiring a Property-Specific Determination:

Not applicable

10. Threshold Criteria Related to CERCLA/Petroleum Liability:

a) Information on Property Acquisition:

i. The City acquired simple title to the property through negotiated agreement with previous owner J S Grant LLC.
ii. The City acquired the site on September 14, 2020. Please see Attachment 7 documentation.
iii. The holds simple title. Please see Attachment 7 for documentation.
iv. The City acquired the property from J S Grant LLC. J S Grant LLC has owned the property since November 20, 2013.
v. The City of Council Bluffs does not have any familial, contractual, corporate, or financial relationships with any prior owners or operators of the property, including J S Grant LLC.

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b) *Pre-Purchase Inquiry:*

i. The City Commissioned a Phase I Environmental Site Assessment that was completed in April 2020 for the Site to provide information for consideration on whether to purchase the Site. The Phase I ESA was conducted in accordance with ASTM International (ASTM) E1527-13 Standard Practice (ASTM Standard; ATSM, 2013). The standard complies with the U.S. Environmental Protection Agency All Appropriate Inquiries Final Rule (40 Code of Federal Regulations [CFR] 312).

ii. The Phase I ESA was conducted fewer than 180 days prior to property acquisition.

c) *Timing and/or Contribution Toward Hazardous Substances Disposal:* Identification of all disposal hazardous substances at the site occurred before the City acquired the property. The City has not caused or contributed to any release of hazardous substances at the site. The City has not, at any time, arranged for the disposal of City-generated hazardous substances at the site or transported hazardous substances to the site.

d) *Post-Acquisition Uses:* Since taking ownership, the City has conducted no business activities at the site, and there is no occupancy. The building always remains closed and locked and is inaccessible to the public.

e) *Continuing Obligations:* Since taking ownership, the City has taken steps to ensure no release or exposure to hazardous substances has occurred or is occurring. The building always remains closed and locked and is inaccessible to the public. The property remains off-limits to the general public.

11. Cleanup Authority and Oversight Structure:

a) *Oversight:* The City does not plan on enrolling the site into the Iowa DNR's Land Recycling Program, or any other state response program. The City will hire, through a competitive bid procurement process, a qualified environmental professional to oversee the cleanup process. A qualified cleanup contractor will be hired through competitive bid process to remove and dispose of lead contaminated soils. The City will also hire, through a competitive bid process a licensed and experienced asbestos abatement contractor. The contractors will be responsible for performance of abatement activities, complying with all applicable local, State and Federal laws, and will provide full documentation and reporting on all abatement and removal activities. The City of Council Bluffs will comply with competitive procurement provisions of 2 CFR 200.317 through 300.326 and ensure that this technical expertise is in place prior to beginning cleanup activities.

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b) *Access:* The City has ample access to all areas of the Site necessary for cleanup.

12. Community Notification:

a) *Draft Analysis of Brownfield Cleanup Alternatives:* The City prepared a Draft Analysis of Brownfields Cleanup Alternatives which met the stated criteria and provided it to the public for comment.

b) *Community Notification Ad:* The City published a community notification ad in the local newspaper (*The Daily Nonpareil*) on October X, 2020 and October X, 2020 (Attachment 2). The community notification identified: (1) that a copy of this grant application, including the draft ABCA, was available is located; and (2) how to comment on the draft application; (3) where the draft application is located; and (4) the date and time of a public meeting to discuss and accept comment on the draft application.

c) *Public Meeting:* The City held a public meeting as advertised, on October 12, 2020, on site.

d) *Submission of Community Notification Documents:*

- Attachment 1: Draft ABCA
- Attachment 2: Community Notification Ad
- Attachment 3: Public Meeting Notes; Summary of Comments; Response to Comments
- Attachment 4: Response to Comments
- Attachment 5: Outreach Summation
- Attachment 6: Meeting Sign-in Sheet and Printed Materials

13. Statutory Cost Share:

The City of Council Bluffs will provide the required cost share from Community Development Block Grant funding the City receives annually.

RESOLUTION NO. 20-252

RESOLUTION AUTHORIZING THE CITY TO SUBMITT AN US ENVIRONMENTAL PROTECTION AGENCY (EPA) BROWNFIELDS CLEANUP GRANT

WHEREAS, EPA established the Brownfields Cleanup Grant Program and has announced funding availability under said Program; and

WHEREAS, the City is an eligible applicant with a proven track record of successfully implementing funding under said Program; and

WHEREAS, the former Reliance Battery Factory located at 813 22nd Avenue has known contamination and presents a health hazard to Council Bluffs residents; and

WHEREAS, the cleanup is associated with demolition, acquisition and contamination from years of the manufacturing of lead batteries and will be required for redevelopment; and

WHEREAS, the US EPA Brownfields Cleanup Grant program is a source of funding to cleanup existing contaminants; and

WHEREAS, the City Council has reviewed the request and found it to be in the best interest of the City.

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

Section 1. The City staff and Mayor is hereby authorized to prepare and submit a US EPA Brownfields Cleanup Grant Program application in the amount of $500,000 to assist with the removal of hazardous conditions at the former Reliance Battery Factory.

Section 2. The Council hereby authorizes staff to accept the award if granted and sign necessary agreements to execute an award.

ADOPTED
AND
APPROVED: October 12, 2020

Matthew J. Walsh Mayor

ATTEST:

Jodi Quakenbush City Clerk

Council Communication

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

Liquor Licenses
ITEM 7.A.

Council Action: 10/12/2020

Description

1. Casey's General Store #3050, 510 23rd Avenue
2. Mega Saver, 3540 W Broadway

Background/Discussion

There were no alcohol related incidents or arrests at either business this licensing period.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Liquor Licenses, 10.12.20	Other	10/6/2020

☑ RENEWAL ☐ NEW ☐ SPECIAL EVENT

POLICE	ok	Local Amt	
FIRE		Endorsed	
BUILDING		Issued	
ZONING		Expires	
		Council	10.12.20

State of Iowa
ALCOHOLIC BEVERAGES DIVISION

Applicant LE0002054, Casey's General Store #3050, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Casey's Marketing Company (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Casey's General Store #3050
Address of Premise: 510 23rd Ave
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51503
Business Phone: (712) 242-0640 **Cell / Home Phone:**

☐ Same Address
Mailing Address: PO Box 3001
Mailing Address Line 2:
City: Ankeny **State:** Iowa
Zip: 50021-8045

Contact Name: JESSICA FISHER-COMSTOCK, Store Operations
Phone: (515) 446-6404 **Email Address:** JESSICA.FISHER@caseys.com

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Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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☒ RENEWAL ☐ NEW ☐ SPECIAL EVENT
POLICE dm Local Amt
FIRE Endorsed
BUILDING Issued
ZONING Expires
Council 10.12.20

State of Iowa
ALCOHOLIC
BEVERAGES DIVISION

Applicant LE0002792, Mega Saver, Council Bluffs

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The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): TFL.Inc (Sole Proprietorship, Partnership, Corporation, etc.)
Name of Business (D/B/A): Mega Saver
Address of Premise: 3540 W Broadway
Address Line 2:
City: Council Bluffs
County: Pottawattamie
Zip: 51501
Business Phone: (712) 256-2126 Cell / Home Phone: same

☐ Same Address
Mailing Address: 202 S 73rd st
Mailing Address Line 2:
City: Omaha State: Nebraska
Zip: 68114

Contact Name: Kamol Samiev
Phone: (402) 208-2367 Email Address: kamol@tflcorp.net

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Contact Us

Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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Council Communication

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

Veterans Day Parade
ITEM 7.B.

Council Action: 10/12/2020

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Veterans Day Parade 2020, 10.12.20	Other	10/6/2020
Veterans Day Parade 2020 Map, 10.12.20	Other	10/6/2020

SPECIAL EVENT PERMIT APPLICATION

(Must be turned in at least 2 weeks prior to event)

A Special Event Permit is required from the City of Council Bluffs for any special activity that requires exclusive use of city streets and sidewalks, requires special assistance of a city department, or is likely to have a large impact on traffic.

Please Note: If you are having a small event in a City park (small wedding, family picnic, etc.) you may need to fill out the Parks & Rec. Special Event Form.

Please check any boxes that apply:

I. General Information.

- Organization/Person Requesting: _____
- Name of Event: Veterans Day Parade
- Contact Name: Virgil Steenbock
- Mailing Address for Contact: 306 5th Ave STE B
- Contact Phone Number: 712-326-4292
- Email Steenbockv.306@gmail
- Address of Event: American Legion
- Estimate of Number of Participants:
  - ☐ 1-50
  - ☐ 51-100
  - ☐ 100-150
  - ☒ 251-500
  - ☐ 501-1,000
  - ☐ > 1,000
- Attach map of event location, set-up, and/or route

II. Type of Event:

- ☐ Circus*
- ☐ Carnival*
- ☐ Fireworks*
- ☒ Parade*
- ☐ Walk, Run, Bicycle Event
- ☐ Concert
- ☐ Neighborhood/Block or Private Party
- ☐ Other: _____

***The above events require City Council approval, which could take 2-4 weeks to obtain.**

III. Date of Event

- Date Set Up 9:30a
- Date Held Nov. 7th
- Date Taken Down 12p
- Times Held 11-12p

IV. Brief description of event:

Parade - 50 to 70 entries

V. Additional permits required when event includes

☐ Sale of Alcoholic Beverages
- Requires temporary liquor license from the Iowa Alcoholic Beverage Division. Apply on-line at www.iowaabd.com. ABD can be reached at 1-866-469-2223.
- The application for a temporary liquor license must be reported to the City Clerk's office and approved by multiple City Departments before final approval of the City Council. (this process could take 2-4 weeks)

☐ Sale of Food Products
- Requires permit from Iowa Department of Inspections & Appeals (515-281-6538).

☐ Fireworks
- Requires permit from City Fire Department (712-328-4646).

☐ Noise
- If event includes music, a live band, or noise of any kind a request for a noise variance must be made. See form attached.

VI. Traffic Control

☒ Request Police Assistance for Parade line up & Parade

Cost for City worker's overtime may be required. Administrative fees for police services and cruisers are provided at additional costs.

☒ Street closures (**Must include a Map**)
If using the 712 Initiative Block Party Trailer, please complete section VIII.

- Street closures must be in compliance with the Manual for Uniform Traffic Control Devices. Traffic control barricades and signage must be furnished and placed by qualified companies or by the city. The city charges fees for this service.

- Street closures require abutting property owners' concurrence. Petition/permission form attached. Requires signature of any property affected by the closure.

- Event Organizers are responsible for notifying businesses that affected by street closure. Notice to businesses must be given at least 4 weeks in advance of the event.

VII. Please check any of the following boxes that apply to this event.

- ☒ animals
- ☐ open fires (other than barbeques)
- ☐ portables (porta-potties) – recommendations based on duration/people attending
- ☒ using a park, sidewalk or street surrounding a park
- ☐ using any portion of a public trail
- ☐ using any public area
- ☐ there will alcoholic beverages be sold
- ☐ there will alcoholic beverages be served
- ☐ there will there be a fee/charge to take part in this event

If you checked any of the boxes above, please give a brief description below:

Would go up Pearl ST.

VIII. Street Closure while utilizing the 712 Initiative Block Party Trailer:

The following items must be completed and submitted with this application to the City Clerk's Office, 209 Pearl Street, Suite 102, Council Bluffs..

- ☐ Diagram of Street Closure attached
- ☐ Completed Street Closure Permission form, with signatures from all properties affected by the closure.

The 712 Initiative will provide the City Clerk's Office with your reservation information once they have approved the use of the trailer.

If not using the 712 Initiative Block Party Trailer, you must obtain insurance, as outlined below.

Insurance Requirements: For all events, an *Insurance Certificate* is required in the amount of $1,000,000.00, for Liability coverage, listing the City of Council Bluffs as an Additional Insured and as a Certificate Holder.

PLEASE NOTE: The request form must be returned to the City Clerk's Office, 209 Pearl Street, at least 2 weeks prior to the event or the event will be denied. If you have any questions please contact us at 712-890-5261