



City Council Meeting Minutes October 9, 2017

CALL TO ORDER

A Regular meeting was called to order by Mayor, Matthew J. Walsh on Monday October 9, 2017 at 7:00 p.m.
Council Members present: Melissa, Al Ringgenberg, Nate Watson and Sharon White.
Council Member present via Telephone: Roger Sandau.

CONSENT AGENDA

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

Reading, correction and approval of the September 25, 2017 City Council Meeting Minutes.

Resolution 17-215

Resolution setting a public hearing for 7:00 p.m. on October 23, 2017 on the Plans, Specifications, Form of Contract, and Cost Estimate for the Council Bluffs Fire Station #6 Renovation Project.

Resolution 17-216

Resolution setting a public hearing for 7:00 p.m. on October 23, 2017 for the Levee Certification Project, Drainage MR_2. Project # PW17-06B.

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

MAYORS PROCLAMATIONS

A. Extra Mile Day

Mayor Walsh proclaimed November 1, 2017 as Extra Mile Day.

PUBLIC HEARINGS

Ordinance 6305

An Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning the NW1/4 SW1/4 of Section 17-74-43, except State right-of-way along with part of the SW1/4 SW1/4 of Section 17-74-43, except State right-of-way and Railroad lying north of the Railroad right-of-way from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21.

Al Ringgenberg and Melissa Head moved and seconded approval of second consideration of Ordinance 6305. Third Consideration will be October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6308

An ordinance to amend the Zoning Map by reference in Section 15.02.070 by rezoning Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District as defined in Chapter 15.09

Al Ringgenberg and Melissa Head moved and seconded approval of second consideration of Ordinance 6308, amending the effective date to include transfer of title for the subject properties to Immanuel Senior Housing, Immanuel Planned Residential Development or whatever legal entity(s) are created by Immanuel for the completion of these projects.. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of Motion to waive 3rd consideration. Unanimous, 5-0 vote.

Ordinance passes into law.

Resolution 17-217

Resolution approving the Plans, Specifications and Form of Contract for the Fire Station #5 Storage Building Project. FD-18-02

Al Ringgenberg and Melissa Head moved and seconded approval of Resolution 17-217. Unanimous, 5-0 vote.

Resolution 17-218

Resolution approving the Plans, Specifications, Form of Contract, and Cost Estimate for the Bass Pro Shop Roof Top Unit Replacement Project.

Sharon White and Al Ringgenberg moved and seconded approval of Resolution 17-218. Unanimous, 5-0 vote.

Resolution 17-219

Resolution granting Final Plat approval of a 123-Lot Residential Subdivision to be known as Whispering Oaks.

Sharon White and Melissa Head moved and seconded approval of Resolution 17-219. Unanimous, 5-0 vote.

ORDINANCES ON 1ST READING

Ordinance 6309

An Ordinance to amend Chapter 1.70 "Board of Library Trustees" by amended Section 1.70.110 "Annual Report"

Nate Watson and Melissa Head moved and seconded approval of first consideration of Ordinance 6309. second consideration is scheduled for October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

ORDINANCES ON 2ND READING

Ordinance 6306

An Ordinance to amend Chapter 15.15 "C-2/Commercial District" by amending Section 15.15.030 "Conditional Uses" to include "Warehousing and Distribution (Limited)"

Al Ringgenberg and Nate Watson moved and seconded approval of second consideration of Ordinance 6306. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of motion to waive third consideration of Ordinance 6306. Unanimous, 5-0 vote.

Ordinance passes into law.

Ordinance 6307

An Ordinance to amend Section 3.44 Pawnbrokers.

Heard from David Drake, 2909 6th Avenue.

Heard from Steve Burnsides, 2385 Avenue M Way.

Al Ringgenberg and Melissa Head moved and seconded approval of Motion to amend effective date to November 8, 2017. Unanimous, 5-0 vote.

Sharon White and Nate Watson moved and seconded approval of second consideration of Ordinance 6307 as amended. Third consideration scheduled for October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

RESOLUTIONS

Resolution 17-220

Resolution officially designating the City Council meeting dates for the City of Council Bluffs during the 2018 calendar year.

Sharon White and Melissa Head moved and seconded approval of Resolution 17-220. Unanimous, 5-0 vote.

Resolution 17-221

Resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement No. 2017-TJ-003 in connection with the I-29 Interstate Improvements.

Nate Watson and Melissa Head moved and seconded approval of Resolution 17-221. , 5-0 vote.

Resolution 17-222

Resolution rejecting the bid for the Bass Pro Shop Parking Lot Repair Project.

Sharon White and Melissa Head moved and seconded approval of Resolution 17-222. Unanimous, 5-0 vote.

Resolution 17-223

Resolution of intent to dispose of certain property interest located on parts of Lots 1 and 4, Hotel Plaza at the M.A.C., Replat One and also part of Outlot A (Arena Way), Hotel Plaza at the M.A.C., Replat One, by granting an easement for the benefit of the board of water works trustees of the City of Council Bluffs. Location: Near Iowa West Fieldhouse.

Sharon White and Melissa Head moved and seconded approval of Resolution 17-223. Unanimous, 5-0 vote.

Resolution 17-224

Resolution authorizing the Mayor to enter into cooperative agreement, with IDOT for Phase II-Realignment of Dodge Riverside Golf Club as required to accommodate IDOT Project (2018-16-108)

Al Ringgenberg and Melissa Head moved and seconded approval of Resolution 17-224. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Cigarette Permits

Liquor Licenses

- 1) 3rd Base Bar & Grill, Special Event for Grand Opening of River's Edge Pavilion
- 2) Aldi, 3135 Manawa Centre Drive
- 3) Casey's General Store \$3050, 510 23rd Avenue
- 4) Goldmine Bar & Grill, 1601 Harry Langdon Blvd.
- 5) Hard Luck Saloon, 626 16th Avenue
- 6) Texas Roadhouse, 3231 South 24th Street
- 7) White Oak Station #53, 2024 5th Avenue (New Application)
- 8) White Oak Station #52, 154 Bennett Avenue (New Application)

Sharon White and Melissa Head moved and seconded approval of applications for permits and cancelations 9A & 9B 1-8.. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from Bruse Kelly, 864 McKenzie Avenue, regarding a bike trail from McKenzie Avenue to Simms Avenue.

Heard from Wayne Grapp, 2445 Avenue H, wanting more for kids to do.

OTHER BUSINESS

Watson encouraged everyone to go out and vote in the Primary Election on October 10, 2017.

White shared Watson's encouragement and reminded everyone polls are open 7:00 am to 8:00 pm.

Head explained the City Council is wearing shirts in support of October's Breast Cancer awareness month and that Friday October 13th is a City wide pink out.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 8:01 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: Jodi Quakenbush

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

Council Action: 10/9/2017

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the
September 25, 2017 City Council Meeting
Minutes.

Council Action: 10/9/2017

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
9-25-17 Minutes	Other	9/28/2017



City Council Meeting Minutes September 25, 2017

CALL TO ORDER

A Regular Meeting was called to order by Mayor, Matthew J. Walsh on Monday September 11, 2017 at 7:00 p.m.
Council Members Present: Melissa Head, Al Ringgenberg, Roger Sandau, Nate Watson and Sharon White.
Staff Present: Jodi Quakenbush and Richard Wade.

CONSENT AGENDA

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

Reading, correction and approval of the September 11, 2017 City Council Meeting Minutes.

Resolution 17-203

Resolution setting a public hearing for 7:00 p.m. on October 9, 2017 on the plans, specifications, and form of contract for the Council Bluffs Fire Station #5 Storage Building Project..

Resolution 17-204

Resolution setting a public hearing for 7:00 p.m. on October 9, 2017 on the plans, specifications, form of contract, and cost estimate for the Bass Pro Shop Roof Top Unit Replacement Project.

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

PUBLIC HEARINGS

Resolution 17-214

Resolution to continue the public hearing on the disposal of the property legally described as Lot 1, Franklin Heights Subdivision to Michael Rensch, DDS PLLC until October 9, 2017 at 7:00 p.m..

No motion and no other action taken. Resolution fails.

ORDINANCES ON 1ST READING

Ordinance 6305

An Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning the NW1/4 SW1/4 of Section 17-74-43, except State right-of-way along with part of the SW1/4 SW1/4 of Section 17-74-43, except State right-of-way and Railroad lying north of the Railroad right-of-way from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21.

Al Ringgenberg and Nate Watson moved and seconded approval of First consideration of Ordinance 6305. Second Consideration October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6306

An Ordinance to amend Chapter 15.15 "C-2/Commercial District" by amending Section 15.15.030 "Conditional Uses" to include "Warehousing and Distribution (Limited)"

Sharon White and Al Ringgenberg moved and seconded approval of First consideration of Ordinance 6306. Second Consideration October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6307

An Ordinance to amend Section 3.44 Pawnbrokers.

Heard from David Drake, 2909 6th Avenue, owner of Metro Pawn.
Heard from Steve Burnsides, 2385 Avenue M Way, owner of Brown's Loans.

Nate Watson and Sharon White moved and seconded approval of First consideration of Ordinance 6307. Second Consideration October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

Ordinance 6308

An ordinance to amend the Zoning Map by reference in Section 15.02.070 by rezoning Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District as defined in Chapter 15.09

Nate Watson and Melissa Head moved and seconded approval of First consideration of Ordinance 6308. Second Consideration October 23, 2017 at 7:00 p.m.. Unanimous, 5-0 vote.

ORDINANCES ON 2ND READING

Ordinance 6303

Ordinance to amend Title 5 – Sewers, by amending Sections 5.05.010 - Definitions and 5.10.150 - Pretreatment.

Melissa Head and Nate Watson moved and seconded approval of Second consideration of Ordinance 6303. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of Motion to waive 3rd reading. Unanimous, 5-0 vote.

Ordinance passes into law.

Ordinance 6304

An Ordinance to Amend Title 4 "Health and Sanitation" of the 2015 Municipal Code, by amending "Chapter 4.20 - Animal Control".

Melissa Head and Roger Sandau moved and seconded approval of Second consideration of Ordinance 6304. Unanimous, 5-0 vote.

Nate Watson and Melissa Head moved and seconded approval of Motion to waive 3rd reading. Unanimous, 5-0 vote.

Ordinance passes into law.

ORDINANCES ON 3RD READING

Ordinance 6302

Ordinance to amend the zoning map by reference in Section 15.02.070 by rezoning the South 145 feet of the East 682.15 feet of the SW1/4 SW1/4 of Section 10-74-44, from A-2/Parks, Estates and Agricultural District to R-3/Low Density Multifamily Residential District as defined in Chapter 15.10

Al Ringgenberg and Nate Watson moved and seconded approval of Ordinance 6302. Voice Vote, 4-0 vote. (Abstain: White)

Ordinance passes into law.

RESOLUTIONS

Resolution 17-205

Resolution to approve and authorize the execution of an Amended Development Agreement originally authorized on or about July 11, 2016 by Resolution 16-173.

Heard from Jay Noddle, 2285 S 67th St #250, Omaha, NE 68106, explaining delay with project.

Heard from Deborah Peterson, 215 South Main Street, opposing project.

Heard from John Jerkovich, 503 W Broadway, supporting the project.

Sharon White and Nate Watson moved and seconded approval of Resolution 17-205. Unanimous, 5-0 vote.

Resolution 17-206

Resolution to assess weed abatement costs against property owners to the county treasurer.

Sharon White and Nate Watson moved and seconded approval of Resolution 17-206. Unanimous, 5-0 vote.

Resolution 17-207

Resolution assessing removal of solid waste nuisance from private property and public right-of-way or for removal deemed an emergency.

Melissa Head and Nate Watson moved and seconded approval of Resolution 17-207. Unanimous, 5-0 vote.

Resolution 17-208

Resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement No. 2018-4-008 in connection with the I-29 Interstate Improvements.

Al Ringgenberg and Melissa Head moved and seconded approval of Resolution 17-208. Unanimous, 5-0 vote.

Resolution 17-209

Resolution granting preliminary plan approval for a 19-Lot Residential Subdivision to be known as Whispering Oaks Subdivision, Phase 2, legally described as being part of the SE1/4 NE1/4 of Section 5-74-43.

Melissa Head and Roger Sandau moved and seconded approval of Resolution 17-209. Unanimous, 5-0 vote.

Resolution 17-210

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for engineering services in connection with CBIS Segment 4 Sewer Relocations. Project # PW17-15.

Melissa Head and Nate Watson moved and seconded approval of Resolution 17-210. Unanimous, 5-0 vote.

Resolution 17-211

Resolution authorizing the Mayor and City Clerk to execute an agreement with Black & Veatch Corporation for engineering services in connection with SCADA Upgrade, Phase 1 (WPCP). Project # PW17-23.

Melissa Head and Roger Sandau moved and seconded approval of Resolution 17-211. Unanimous, 5-0 vote.

Resolution 17-212

Resolution granting preliminary plan approval for a 39-Lot Residential Subdivision to be known as New Horizon Subdivision, Replat 2, being a Replat of Lot 2, New Horizon Subdivision, Replat 1.

Sharon White and Melissa Head moved and seconded approval of Resolution 17-212. Unanimous, 5-0 vote.

Resolution 17-213

Resolution to append a PR/Planned Residential Overlay and adopt the associated Development Plan for the proposed New Horizon Subdivision, Replat 2

Nate Watson and Roger Sandau moved and seconded approval of Resolution 17-213. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses

1. Brewski's Beverage, 725 Creek Top
2. CB Quick Stop, 3500 Avenue A
3. Dickey's BBQ, 3120 Manawa Center Drive (New Application)
4. Fareway Stores #073, 310 McKenzie Avenue
5. LPL's, 1707 Harry Langdon Blvd.
6. Mega Saver, 3540 W Broadway
7. Your Private Bartender, Special Event at Bayliss Park Hall
8. The Do Rock Inn, 1200 7th Avenue

Roger Sandau and Al Ringgenberg moved and seconded approval of Liquor Licenses 9A 1-8. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from Bruce Kelly, 864 McKenzie Avenue, requesting a trail.

OTHER BUSINESS

White explained about a garbage company employee being injured on the job and encouraged everyone to leave get well cards on their trash cans for him.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 8:34 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.: BM-17-02
Submitted by: Justin James, Fire Chief

Resolution 17-215

Council Action: 10/9/2017

Description
Resolution setting a public hearing for 7:00 p.m. on October 23, 2017 on the Plans, Specifications, Form of Contract, and Cost Estimate for the Council Bluffs Fire Station #6 Renovation Project.

Background/Discussion
Council Bluffs Fire Department’s Station #6 was opened in 1959 and currently houses Engine 61 and Medic 6. There are 5 personnel assigned to the station 365 days a year. Since 1959 there have been multiple small scale projects that have tried to keep the station serving the needs of both the department and the community. In recent years there has been consideration of abandoning the station and building a new station further to the east. After years of discussion it has been determined to continue with its’ current location for the foreseeable future or until growth to the east creates a demand that a new station be relocated there. A new further east fire station in today’s dollars would cost roughly 4-5 million to construct. Due to these large costs and the current forecast of growth it has been determined to be more fiscally sound to repair the current location.
Currently the station’s rig floor and a major portion of the living quarters is in need of repair. The rig floor has deteriorated quickly in recent years and must be raised to ensure continued use. Currently the floor has multiple large cracks and the underground HVAC has completely deteriorated. Due to the complexity of the project it has been determined that it would be best to reconstruct the underground utilities while the floor is out. The relocation of much of the mechanical and electrical of the building will help bring the building up to today’s codes. This project will also be done in conjunction with the separate project of replacing the current fire station alerting system which will be completed while the station is being remodeled. It is the intent of staff to bring the station into a condition in which it will last the citizens of Council Bluffs into the foreseeable future.
This project will resolve both the current ADA issues and will aid with the change in staffing demographics of the department.
The estimated cost of this project is \$ 690,000. Funding for this project will be paid for by General Obligation Bonds (2016A bond).
The project schedule is as follows: Set Public Hearing October 9, 2017
Hold Public Hearing October 23, 2017
Letting November 15, 2017
Award November 16, 2017
Construction End May 1, 2018

Recommendation
I recommend that the City Council adopt the resolution setting the Public Hearing for the Council Bluffs Fire Station #6 Renovation Project for October 23, 2017, at 7:00 p.m.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 17-215	Resolution	10/2/2017

RESOLUTION NO. 17-215

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 COUNCIL BLUFFS FIRE STATION #6 RENOVATION PROJECT

WHEREAS, the City of Council Bluffs desires to renovate Council Bluffs Fire Station #6; and

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

WHEREAS, funding for this project will be provided by General Obligation Bonds (2016A bond); 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 Council Bluffs Fire Station #6 Renovation Project on October 23, 2017 at 7:00 p.m.

ADOPTED
AND
APPROVED October 9, 2017

Matthew Walsh Mayor

Attest:

Jodi Quakenbush City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW17-06B
Submitted by: Matthew Cox, City Engineer

Resolution 17-216

Council Action: 10/9/2017

Description
Resolution setting a public hearing for 7:00 p.m. on October 23, 2017 for the Levee Certification Project, Drainage MR_2. Project # PW17-06B.

Background/Discussion
The City of Council Bluffs owns or sponsors multiple levee segments which encompass the City Federal Levee System, providing flood protection from the Missouri River, Mosquito Creek, and Indian Creek. These levee systems are currently shown on FEMA floodplain maps as being accredited and are identified as providing protection from the 100-year flood or 1% annual chance flood event.
In order to maintain the level of protection identified on the FEMA Flood Insurance Rate Map, it is necessary to provide documentation to FEMA that complies with the requirements of 44 CFR 65.10. If the levees are not certified, they will be de-accredited and FEMA will begin the process of updating maps. Areas previously protected by the levees will be identified as flood-prone.
In order to meet the criteria for levee certification, improvements to each of the levee systems will be necessary. This project also addresses deficiencies identified during past USACE inspections.
The purpose of the Drainage MR_2 project is to replace deteriorated drainage structure pipes, rehabilitate the associated gate well structures, and remove unacceptable tree, utility and fence encroachments.
This FY17 CIP included \$2,278,000 funded by the Iowa Flood Mitigation Program and \$2,722,000 in Sales Tax Funds programmed for levee improvements. The estimate for construction is \$853,161.
The project schedule is as follows:

Set Public Hearing October 9, 2017
Hold Public Hearing October 23, 2017
Letting November 16, 2017
Award November 27, 2017
Construction Start December 2017

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Notice of Public Hearing	Other	9/29/2017
Resolution 17-216	Resolution	10/2/2017

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
Levee Certification Project, Drainage MR_2
Project # PW17-06B

A public hearing will be held on October 23, 2017, 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 Levee Certification Project, Drainage MR_2. At said hearing, any interested person may appear and file objections to such plans and specifications.

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

RESOLUTION
NO 17-216

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
LEVEE CERTIFICATION PROJECT, DRAINAGE MR_2
PROJECT #PW17-06B**

WHEREAS, the City wishes to make improvements known as the Levee Certification Project, Drainage MR_2 within the City, as therein described; and

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

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

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Levee Certification Project, Drainage MR_2 setting October 23, 2017 at 7:00 p.m. as the date and time of said hearing.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

October 9, 2017

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Extra Mile Day

Council Action: 10/9/2017

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Proclamation	Resolution	10/2/2017

City of Council Bluffs Journal Office of the Mayor Proclamation

WHEREAS, Council Bluffs, Iowa is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Council Bluffs, Iowa is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Council Bluffs, Iowa is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Council Bluffs, Iowa acknowledges the mission of Extra Mile America to create 575 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2017.

NOW, THEREFORE, I,

Matthew J. Walsh, Mayor

of the

City of Council Bluffs, Iowa
do hereby proclaim

November 1, 2017

As

“EXTRA MILE DAY”

in the City of Council Bluffs, Iowa and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 23rd day of October, in the year Two Thousand Seventeen.



A handwritten signature in black ink that reads "Matthew J. Walsh".

Matthew J. Walsh, Mayor

Council Communication

Department: City Clerk
Case/Project No.: ZC-17-004
Submitted by: Chris Meeks

Ordinance 6305

Council Action: 10/9/2017

Description
An Ordinance to amend the Zoning Map as adopted by reference in Section 15.02.070, by rezoning the NW1/4 SW1/4 of Section 17-74-43, except State right-of-way along with part of the SW1/4 SW1/4 of Section 17-74-43, except State right-of-way and Railroad lying north of the Railroad right-of-way from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21.

Background/Discussion
The Community Development Department has received an application from Morris Excavating Company, Inc., represented by John Jerkovich of Heartland Properties, to rezone two parcels which combined total approximately 47.46 acres of land from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District. The parcels are located between Interstate 29 and 192nd Street, and directly north of existing railroad tracks. The applicant wishes to rezone this property to construct a new contractor shop to house an office and store equipment for their existing business, and has plans to crush and recycle concrete, asphalt, and other landscaping materials at this location. The crushing of concrete is consistent with the definition of a “salvage operation”, which is a conditional use in the I-2/General Industrial District, meaning that if this property is rezoned, the applicant would be required to obtain a Conditional Use Permit prior to commencement of the salvaging operation.

The following attachments are included with the case staff report:
1. Attachment A: Location/Zoning Map of the Subject Properties
2. Attachment B: Land Survey and Proposed Plans
3. Attachment C: Applicant’s Statement of Intent
4. Attachment D: Shop Renderings
5. Attachment E: Site Photos

Rezoning (Case #ZC-17-004)
The subject properties consist of 12.85 acres (south parcel) and 34.61 acres (north parcel), with the entirety being zoned A-2/Parks, Estates and Agricultural Land. The adjacent parcels within city limits are also zoned A-2/Parks, Estates and Agricultural Land. There are parcels located within city limits that are zoned in an industrial district located 900 feet to the northwest, and 1,300 feet to the north. The subject parcels currently do not contain any structures, and are used as agricultural land. The Bluffs Tomorrow 2030 (comprehensive Plan) classifies the future use of these parcels to be Rural Residential/Agricultural.

Public notices were mailed to all property owners within 200 feet of the request. No adverse comments were received for the request.

All City department and local utilities were notified of the proposed rezoning. No adverse comments were received for the request.

Recommendation
The Community Development Department recommends approval of the request to rezone the properties described in this staff report based on the following considerations:
1. There are Industrial zoned properties, and other industrial uses in general vicinity of this proposal, therefore any future industrial use will be consistent with the character of the area.
2. There is no residential development within the general vicinity of the proposal.
3. Future residential development would be limited by proximity to utilities, Interstate 29, and floodplain issues, which may challenge the feasibility and desirability of a residential subdivision at this location.
Public Hearing
Speakers in favor:
1. John Jerkovich, 535 West Broadway, Suite 1000, Council Bluffs, IA 51503
2. Andrew Morris. 10566 Woodland Trail, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation
The Planning Commission recommends approval of the request to rezone the properties described in this staff report based on the following considerations:
1. There are Industrial zoned properties, and other industrial uses in general vicinity of this proposal, therefore any future industrial use will be consistent with the character of the area.

2. There is no residential development within the general vicinity of the proposal.
3. Future residential development would be limited by proximity to utilities, Interstate 29, and floodplain issues, which may challenge the feasibility and desirability of a residential subdivision at this location.

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

ATTACHMENTS:

Description	Type	Upload Date
ZC-17-004 Public Hearing Notice	Ordinance	9/15/2017
ZC-17-004 Attach A, B, C, D and E	Ordinance	9/15/2017
Ordinance 6305	Ordinance	9/19/2017

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 an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning the following:




Part of the NW1/4 SW1/4 of Section 17-74-43, except state right-of-way along with part of the SW1/4 SW1/4 of Section 17-74-43, except state right-of-way and railroad lying north of the railroad right-of-way; from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District as defined in Chapter 15.21 of the Municipal Code.

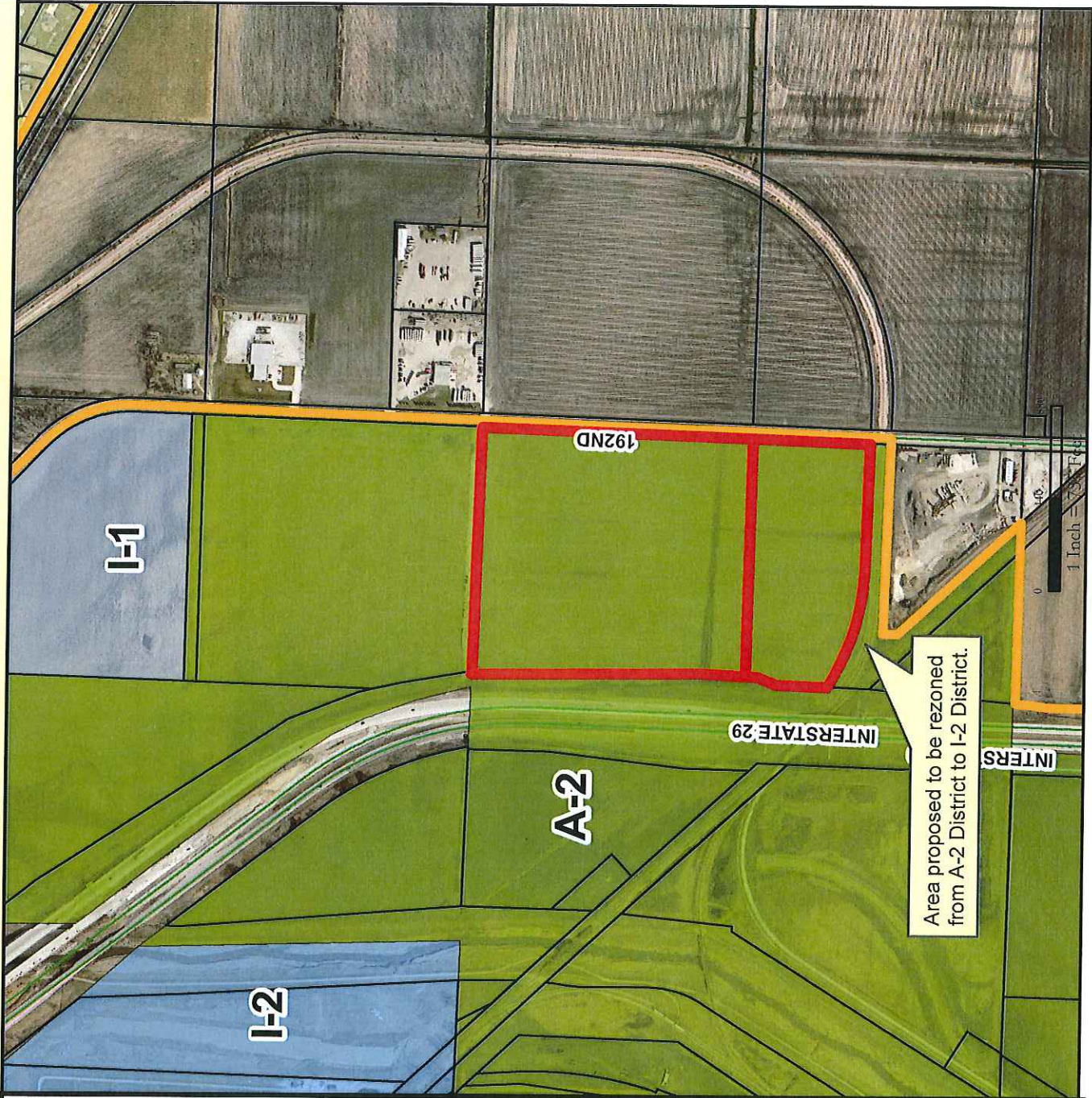
You are further notified that the Public Hearings on said matters will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 9th day of October, 2017, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

CITY OF COUNCIL BLUFFS- LOCATION AND ZONING MAP CITY PLANNING COMMISSION and ZONING BOARD OF ADJUSTMENT CASE # ZC-17-004 and CASE # CU-17-003

Map Legend


-  Subject Properties
-  City Boundary
-  Parcels



Note: Subject properties are highlighted in red.

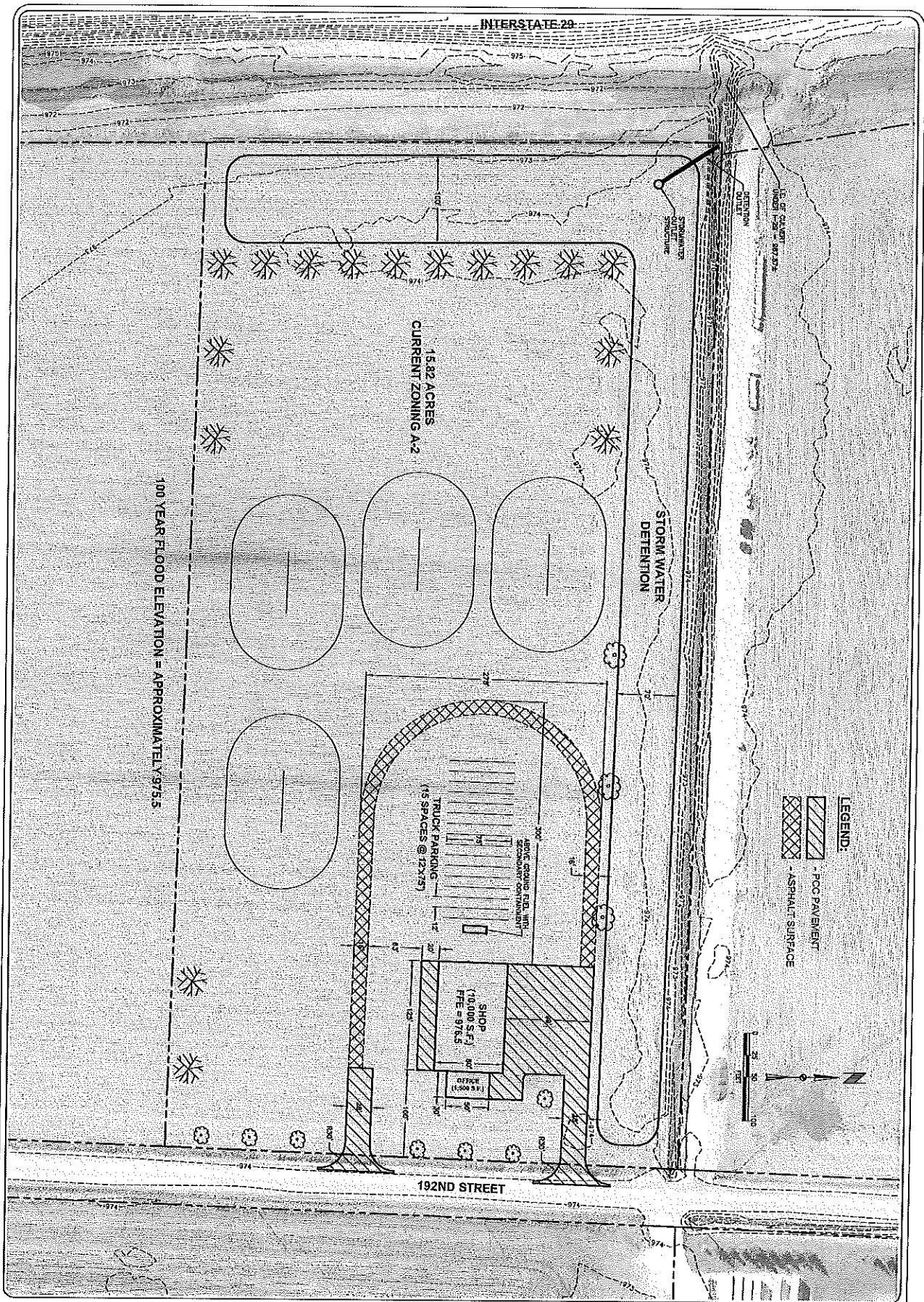


Last Amended: 8/17/17



DISCLAIMER
This map is provided for informational purposes only. The City assumes no liability for any errors or omissions. Users should verify all information before using it for any purpose. The City reserves the right to change the information at any time without notice.

Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629



2 OF 2
 Project No. 107517
 Sheet

Project: 192ND ST. INDUSTRIAL DEVELOPMENT
 Client: MORRIS EXCAVATING
 Sheet: CONCEPT EXHIBIT

BCL
 SDR
 SDR
 SDR
 AUG 17 2007

hgm
 ASSOCIATES INC.
 640 FIFTH AVENUE COUNCIL BLUFFS, IA
 PHONE: 712-323-0530

This drawing is being made available by sign manufacturer for use on this project in accordance with sign manufacturer's standard sign installation and erection instructions. Sign manufacturer assumes no liability for any error in this drawing or any part thereof and is not responsible for the results of the drawing agreement.



10566 Woodland Trail, Council Bluffs, IA 51503
Phone: (712) 366-4262 Fax: (712) 366-4161

Date: August 11, 2017

To: City of Council Bluffs

Regarding: CO BLUFFS LEWIS AGRI 17-74-43 NW SW EXC STATE
Rezoning & Moving Lot Line

Morris Excavating Co., Inc. was established in 1990 in Omaha Nebraska, and currently operate out of Council Bluffs, IA. We are a family owned business providing excavating services throughout the Midwest, specializing in environmental construction.

While providing many construction services, Morris Excavating specializes in Underground Storage Tank removal and assist in installation. We have successfully completed construction projects in over 20 states.

Our Clients include:

General Contractors such as Andersen Construction, Construct INC., Darland, Zernco, Seneca, Dicon, Wright, etc.

Commercial Owners such as Casey's General Store, Quik Trip, Kwik Shop etc.

Environmental Companies such as Seneca Environmental, Terracon, Barker Lemar, RDG, SCS Aquaterra, etc.

Railroads such as Union Pacific

Governmental Agencies such as Department of Natural Resources, Fire Stations, Police Depts., other City Municipalities, etc.

Our company is looking to build a larger facility to house our heavy equipment and about 10-15 personnel. We are looking at all our land opportunities in the Omaha/ Council Bluffs Metro. 192nd street would be a great fit for our company to expand, as it is close to our current office, and in an already industrialized area.

Morris Excavating understands it would be a slightly larger investment to build on 192nd street, as it is in a 100-year floodplain with limited utilities, but are willing spend the money on hauling in dirt to build up our site. We hope by being in the Excavating

business we can help further other development in the area by being able to provide a cost-effective solution to the low floodplain area minutes/seconds from our new shop.

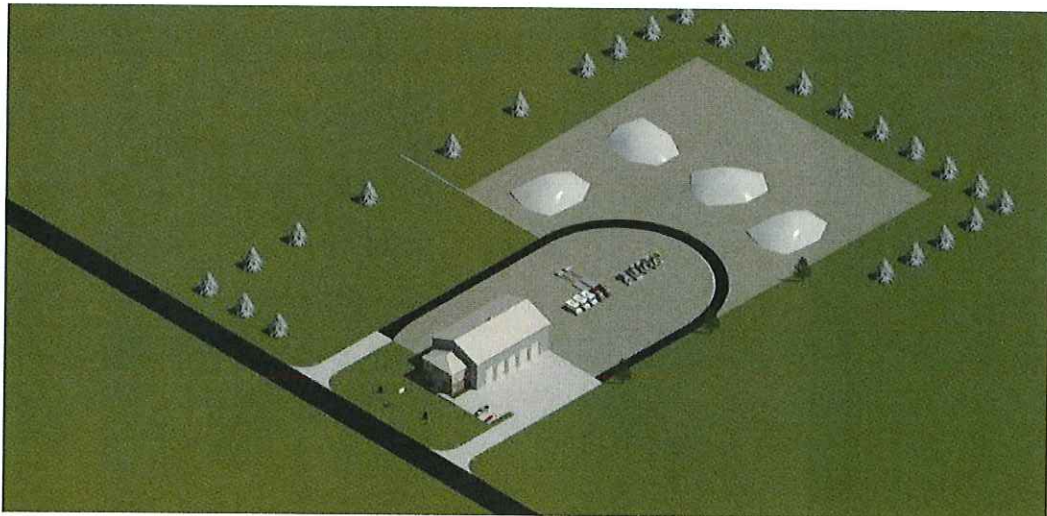
Morris Excavating also plans to provide recycled concrete, asphalt and possibly other landscape materials at our new location. We estimate truck traffic to be light to moderate depending on the demand. We understand these activities need to be in an industrialized zone, which is why we are looking at the already industrialized area and submitting an application for a rezoning of this property from Agricultural to Industrial. Morris Excavating plans to build a new quality looking shop with office space and decorative landscaping. The purchase of this property has not been determined yet, and is dependent on re-zoning.

At Morris Excavating, we pride ourselves on teamwork, communication, and attention to detail. We have been providing quality construction services throughout Iowa, Nebraska, Kansas and Missouri South Dakota, Illinois, Oklahoma, Texas and many others. We hope to keep our Main office in Council Bluffs, IA.

Thank you,

Andrew Morris
Morris Excavating Co., Inc.

Attachment D:
Renderings of the Proposed Building



Attachment E: Site Photos



Subject Property (from northeast corner)



Neighboring land north/northwest of the subject property.



Neighboring land east/southeast of the subject property.



Southern view of 192nd Street.

ORDINANCE NO. 6305

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 THE NW1/4 SW1/4 OF SECTION 17-74-43, EXCEPT STATE RIGHT-OF-WAY ALONG WITH PART OF THE SW1/4 SW1/4 OF SECTION 17-74-43, EXCEPT STATE RIGHT-OF-WAY AND RAILROAD LYING NORTH OF THE RAILROAD RIGHT-OF-WAY FROM A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT TO I-2/GENERAL INDUSTRIAL DISTRICT AS DEFINED IN CHAPTER 15.21 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone the NW1/4 SW1/4 of Section 17-74-43, except state right-of-way along with part of the SW1/4 SW1/4 of Section 17-74-43, except state right-of-way and railroad lying north of the railroad right-of-way from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District.

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

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

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

PASSED
AND _____, 2017.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 9-25-17
Second Consideration: 10-9-17
Public Hearing: 10-9-17
Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: ZC-17-005
Submitted by: Christopher Gibbons

Ordinance 6308

Council Action: 10/9/2017

Description

An ordinance to amend the Zoning Map by reference in Section 15.02.070 by rezoning Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District as defined in Chapter 15.09

Background/Discussion

The Community Development Department has received applications from 92 Investments, LLC, represented by John Jerkovich, for preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1; and 2) to rezone said property from R-1/Single-Family Residential District to R-2/Two Family Residential District and R-3/Low Density Multi-Family Residential District; and 3) to append a PR/Planned Residential Overlay and adopt the associated development plan over the same.

Case #SUB-17-007:

The proposed New Horizon Subdivision, Replat 2 is comprised of 21.82 acres of undeveloped land that is located east of Valley View Drive and south of College Road. The applicant and Immanuel Pathways propose to co-develop the land in two phases with 39 residential lots. Phase A (being the eastern 12.29 acres) will be developed with a new senior living facility (apartments) by Immanuel. Phase B (being the western 9.53 acres) will be developed with 32 attached single-family dwellings by the applicant.

The following comments were provided for the proposed subdivision request:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission. Subsequent phases are automatically granted a one year extension.
2. Phase A is comprised of four lots ranging in size from 1.56 acres to 4.13 acres. Immanuel proposes to build senior living apartments on Lots 1 through 3 in three separate phases. Lot 4 directly abuts the Interstate 80 right-of-way and will not be developed due to topographical constraints. Phase B is comprised of 32 residential lots and three outlots. The applicant proposes to build attached single-family residential dwellings on Lots 5 through 36 and regional stormwater detentions basins on Outlots A through C.
3. The proposed subdivision is currently zoned R-1/Single-Family Residential District. The applicant proposes to rezone Lots 1 through 4 from R-1 District to R-3/Low Density Multi-Family Residential District and to rezone Lots 5 through 36 and outlots A through C from R-1 District to R-2/Two Family Residential District. The applicant also proposes to append a Planned Residential Overlay to the subject property, which is necessary to allow attached single-family residential dwellings in an R-2 District (see Case #ZC-17-005).
4. Lots 1 through 4 in Phase A comply with minimum R-3/Low Density Multi-Family Residential District lot size requirements. Seventeen lots in Phase B (5,8,9,10,12,14,15,17,18,19,20,21,22,24,27,28 and 34) do not meet minimum R-2/Two Family Residential District lot size requirements. Additionally, there are four lots (9, 10, 24 and 34) that are likely to exceed the maximum 35% lot coverage standard of the R-2 District when a future dwelling in built upon them due to their size. Reduced lot size standards and increased lot coverage for the subdivision will be addressed with associated Planned Residential Overlay (see Case #PR-17-003).
5. Lots 1, 2 and 4 have direct access to College Road. Lot 3 is landlocked and will be accessed by an easement through Lots 1, 2, and 4. The location and size of said access easement must be shown on the final plat. Lots 5 through 36 will directly abut a new public street, which will be constructed by the applicant and dedicated to the City of Council Bluffs. The new street name must be stated on the final plat.
6. The subdivision is located in a Flood Zone X as per FEMA Map #19155C0418F, dated April 16, 2013.
7. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
8. Council Bluffs Water Works stated the applicant must enter into a water main extension agreement before any water service is permitted to the new parcels. CBWW is not opposed to the extension of the water main along the entire development at this time, but only requires that the water main be extended along the entire frontage of the lot that is currently being developed.
9. MidAmerican Energy Company has acknowledged that there are electric distribution facilities in the vicinity of the project, but there have been no agreements finalized at the time of this report.
10. The Iowa Department of Transportation stated their only concern with this proposal would come from embankment encroachment in the area if Interstate 80 is widened.
11. The Council Bluffs Fire Marshall references the 2015 International Fire Code Chapter D107.1, which limits the number of dwelling units to 30 when only one access road exists. The applicant will be required to adhere to these standards.
12. The City of Council Bluffs Public Works Department stated the following:
 - a. Cul-de-sac is within the maximum length allowed by city standards, and the radius is acceptable, but the paving width needs to be corrected to 26 feet instead of the shown 25 feet.
 - b. The Public Works Department will work with the Project Engineer for the final standards of the drainage study.
 - c. Utility easements are shown at 20 feet wide, which is the minimum required, but should be studied to determine if the width needs to be increased.
 - d. Conceptual post construction stormwater management measures should be completed, as well as, the stormwater basin outlet effect on areas downstream.
 - e. An Iowa Department of Natural Resources (IDNR) General Permit #2 is required for the grading of this project as well as an erosion control plan.

- f. The sanitary sewer extension can be phased unless an upstream user needs the sewer to be available.
- g. Retaining wall plans and calculations are required for all walls greater than four feet in height.
- h. The street currently shown as "Street A" must be named on the final plat.

13. 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 applicant and not the City.

14. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. Sidewalk installation along the frontages of outlots shall be completed at the time of road construction.

15. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.

The following attachments for this request are included with the staff report for reference purposes:

Attachment A: Letter of intent prepared by Olsson Associates for New Horizon Subdivision, Replat 2

Attachment B: Preliminary subdivision plan

Attachment C: Soil and drainage report

CASE # ZC-17-005

The subject property is comprised of 21.82 acres of undeveloped land. In 2005, a previous owner (New Horizon Presbyterian Church) rezoned the subject property from A-2/Parks, Estate and Agricultural District to R-1/Single-Family Residential District as part of the approval for the New Horizon Subdivision (see Cases #SUB-06-004 and ZC-06-002). The subdivision was intended to be developed with a mixture of commercial and residential uses.

The applicant proposes to rezone the eastern 12.29 acres (Lots 1 through 4) from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District and to rezone the western 9.53 acres (Lots 5 through 36 and Outlots A through C) from R-1 District to R-2/Two Family Residential District. The purpose of the rezoning is to allow Immanuel to build a senior living facility (apartments) on Lots 1 through 4 and for the applicant to construct attached, single-family residential dwellings on Lots 5 through 36.

Surrounding zoning in the general vicinity of the request includes R-1/Single-Family Residential District to west and R-3/Low Density Multi-Family Residential District to the south. Properties located north of College Road belong to the Iowa Western Community College and are zoned A-2/Parks, Estate and Agricultural District. Existing land uses include Iowa Community College to the north, undeveloped land to the south, Interstate 80 right-of-way to the east and St. Patrick's Catholic Church to the west.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Rural Residential/Agricultural. Two-family and multi-family residential uses are generally not consistent with this land use designation. However, when the property was rezoned from A-2 District to R-1 District, the future land use plan of the 1994 Comprehensive Plan designated the property as future residential. The proposed attached, single-family and senior multi-family residential uses are compatible with the intent and purpose of the R-2 and R-3 Districts and are consistent with the development activity occurring in said area of the City.

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

All City departments and local utilities were notified of the proposed development request. The City also notified the Iowa Department of Transportation (IDOT) about the project as the subject property is located within the Council Bluffs Interstate System Corridor Preservation Zone. No adverse comments for the rezoning have been received as of the date of this report.

All City departments and local utilities were notified of the proposed development request. The City also notified the Iowa Department of Transportation (IDOT) about the project as the subject property is located within the Council Bluffs Interstate System Corridor Preservation Zone. No adverse comments for the rezoning have been received as of the date of this report.

The following attachment for this request is included with this staff report for reference purposes:

Attachment D: Location/zoning map

CASE # PR-17-003

Section 15.28.010, *P-R/Planned Residential Overlay*, Statement of Intent of the Council Bluffs (Municipal Code) Zoning Ordinance states "the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located". The applicant proposes to append a Planned Residential Overlay to this subdivision in order to plan the design and layout of senior living facility on Lots 1 through 4 and to build 32 attached, single-family residential dwellings on Lots 5 through 36. The property located immediately south of this subdivision has an approved Planned Residential Overlay for a 146 unit senior living facility (Case #PR-17-002, Ordinance No. 6287).

The following development standards shall apply to the subject property:

1. Site Development

- a. For Lots 1 through 4 of Phase A, Immanuel has proposed to arrange their senior living facility in a 'campus-style' setting with interconnecting buildings, and shared off-street parking, landscaping and storm water management. For zoning setbacks for this phase shall be based on the common property lines. Therefore, the property line that abuts College Road right-of-way shall be considered a front yard for the entire development. The east property line which abuts Phase B and the west property line which abuts Interstate 80 right-of-way shall be considered side yards for the entire development. All building setbacks, heights and lot coverages shall comply with standards stated in

Chapter 15.10 *R-3/Low Density Multi-Family Residential District* of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.

b. Lots 5, 8, 9, 10, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 34 in Phase B do not meet minimum R-2/Two Family Residential District lot width requirement of 50 feet. Lots 5, 17, 18, 19, 20, 21, 22, 27 and 28 exceed the maximum allowed 3:1 lot depth to width ratio, as stated in Chapter 14.14, *Subdivision Design and Required Improvements* of the Municipal Code (Subdivision Ordinance). The Community Development Department recommends that said lots be approved, as proposed, as their size will not be harmful to the neighborhood in which they will be located in and the request is consistent with the intent of the Planned Residential Overlay, as stated above.

c. Single-family dwellings built on Lots 9, 10, 24 and 34 in Phase B are likely to exceed the maximum 35% lot coverage standard due to the building footprint and lot size. The Community Development Department recommends a maximum 40% lot coverage for Lots 5 through 36 in Phase B as the increase in lot coverage will ensure a consistent building design in the subdivision and is consistent with the intent of the Planned Residential Overlay, as stated above.

d. All attached, single-family residential dwellings on Lots 5 through 36 shall comply with the development standards stated in Chapter 15.09 R-2/Two Family Residential District of the Municipal Code (Zoning Ordinance).

e. A sidewalk that connects the senior living facility buildings, parking lots and outdoor recreational areas is shown on the development plan. Additionally, the development plan shows a sidewalk connection with College Road. The sidewalks shall be installed with the completion of Phase I of the development. Sidewalk connections to future building additions may be completed with their respective construction phasing.

f. All trash enclosures for the senior living facility shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall also have a lock gate which when closed completely eliminates view of the dumpster.

g. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Municipal Code (Zoning Ordinance). All outdoor garden areas used by the senior living facility may be enclosed with a maximum eight-foot tall fence, as measured from finished grade.

h. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

a. The required number of off-street parking spaces for the senior living facility and attached single-family residential dwellings shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance).

i. Attached single-family residential dwellings: Two spaces per dwelling unit. Each dwelling unit will be constructed with at least a two-stall garage, as per the submitted architectural renderings.

ii. Senior Living Facility: 1 space/1 bedroom units and 1.5 spaces/2 bedroom units. Phase 1 consists of a three-story building with a total of 28 one-bedroom units (28 parking stalls required) and 28 two-bedroom units (42 parking stalls required). Phase 2 will be constructed with the exact same design as Phase 1. Phase 3 is comprised of a 45,000 square foot building but the total number of units are unknown at this time. The submitted development plan shows all required off-street parking will be provided on a phased basis.

b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).

c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.

d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

3. Landscaping

a. The applicant did not provide a landscaping plan for the attached, single-family residential dwellings on Lots 5 through 36 in Phase B. The Community Development Department recommends that one ornamental street tree be planted along the frontage of each lot at the time a dwelling unit is constructed.

b. The proposed landscaping plan for Lots 1 through 4 in Phase A shows a mixture of perennials, deciduous trees/shrubs, coniferous shrubs and native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:

i. An automatic underground irrigation system shall be provided to water all landscape areas.

ii. The proposed hardwood mulch and river rock shall be limited to only the areas shown on the landscaping plan.

iii. Landscaping shall be installed with the completion of each project phase.

4. Architecture

a. The submitted architectural renderings for the attached, single-family residential dwellings are generally acceptable. Each unit will be slab on-grade and limited to one-story in height. Each dwelling unit will either have a two-stall or three-stall garage for off-street parking.

b. The submitted architectural renderings for the senior living facility are generally acceptable. The building will vary in height from one-story to three-stories with a maximum height of approximately 40 feet, measured from finished grade. All roof-top mechanical units are proposed to be screened from view with a parapet wall. Exterior building walls are proposed to be constructed out of a combination of brick masonry and cement fiberboard. All building construction, materials and design shall be consistent with the proposed development plan.

5. Signage

a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160 (03), *PR/Planned Residential District, Signs* of the Municipal Code (Zoning Ordinance).

The following attachments for this request are included with this report for reference purposes:

Attachment E: Letter of intent and planned residential development plan by HGM Associates for the attached single-family residential dwellings on Lots 5 through 36.

Attachment F: Letter of intent and planned residential development plans for Immanuel Senior Housing.

Recommendation

The Community Development Department recommends the following for land legally described as Lot 2, New Horizon Subdivision, Replat 1:

1. Preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1, as shown in Attachment B, subject to compliance with all above stated comments and the following conditions:

a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).

- b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
 - c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - d. All utilities shall be installed underground.
 - e. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalks along the frontages of Outlots A and C shall be installed with the construction of the new public street. Sidewalks for the Immanuel senior living facility shall be completed with each phase.
2. Approval to rezone proposed Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District on the basis that the request is consistent and compatible with existing zoning districts and land uses in the general vicinity of the request.
3. Approval to append a Planned Residential Overlay (PR) and to adopt the associated development plan for the proposed New Horizon Subdivision, Replat 2, as per Attachments E and F, subject to compliance with all above stated comments and the following conditions:
- a. Approval to allow proposed Lots 5, 8, 9, 10, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 34 to have a lot width less than the required 50 feet in an R-2/Two Family Residential District and to allow proposed Lots 5, 17, 18, 19, 20, 21, 22, 27 and 28 exceed the maximum allowed 3:1 lot depth to width ratio, as stated in Chapter 14.14, *Subdivision Design and Required Improvements* of the Municipal Code (Subdivision Ordinance) on the basis that the lot sizes will not be harmful to the development of the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.
 - b. Approval to allow a maximum 40% lot coverage for Lots 5 through 36 on the basis the lot coverage will not be harmful to the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.

Public Hearing

Speakers in favor:

- 1. John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs, IA 51503
- 2. Rhonda Distefano, 8402 Molokai Drive, Papillion, NE 68046
- 3. Luke Weatherly, 2111 South 67th Street, Omaha, NE 68106

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

Planning Commission Recommendation

The Planning Commission recommends the following for land legally described as Lot 2, New Horizon Subdivision, Replat 1:

- 1. Preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1, as shown in Attachment B, subject to compliance with all above stated comments and the following conditions:
 - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
 - b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
 - c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - d. All utilities shall be installed underground.
 - e. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalks along the frontages of Outlots A and C shall be installed with the construction of the new public street. Sidewalks for the Immanuel senior living facility shall be completed with each phase.
- 2. Approval to rezone proposed Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District on the basis that the request is consistent and compatible with existing zoning districts and land uses in the general vicinity of the request.
- 3. Approval to append a Planned Residential Overlay (PR) and to adopt the associated development plan for the proposed New Horizon Subdivision, Replat 2, as per Attachments E and F, subject to compliance with all above stated comments and the following conditions:
 - a. Approval to allow proposed Lots 5, 8, 9, 10, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 34 to have a lot width less than the required 50 feet in an R-2/Two Family Residential District and to allow proposed Lots 5, 17, 18, 19, 20, 21, 22, 27 and 28 exceed the maximum allowed 3:1 lot depth to width ratio, as stated in Chapter 14.14, *Subdivision Design and Required Improvements* of the Municipal Code (Subdivision Ordinance) on the basis that the lot sizes will not be harmful to the development of the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.
 - b. Approval to allow a maximum 40% lot coverage for Lots 5 through 36 on the basis the lot coverage will not be harmful to the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.

ATTACHMENTS:

Description	Type	Upload Date
Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach A	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach B	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach C Drainage	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach D	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach E	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach E Map	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach F Overlay	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 Attach F Project Overview	Resolution	9/15/2017
9-25-17 Cases SUB-17-007, ZC-17-005 and PR-17-003 PH Notice 10-9-17	Resolution	9/15/2017
Ordinance 6308	Ordinance	9/19/2017



August 15, 2017

City of Council Bluffs
Attn: Rose Brown
209 Pearl Street
Council Bluffs, IA 51503
Phone: (712) 328-4629

**RE: New Horizon Subdivision, Replat 2 – Preliminary Plan
LETTER OF INTENT**

Ms. Brown,

Please accept this as the letter of intent to subdivide Lot 2 within the existing New Horizon Subdivision as into 39 total lots (including 3 outlots). The subdivision is intended to be split between a single family townhouse development to the southwest and multifamily development to the northeast. The multifamily development will consist of Immanuel Senior Living and is proposed for Lots 1 thru 4. The townhouse development is being proposed for lots 5 thru 36. Three outlots (A thru C) are being proposed for open space as well as detention and water quality features.

Both developments intend to work together to make this project a success. The overall Preliminary Plan and rezoning is being submitted by Olsson Associates. Based on a meeting with the City of Council Bluffs, each side of the development is required to submit an independent Planned Residential Overlay. The townhouse development has been prepared by HGM while the Immanuel Development has been prepared by Olsson Associates. Please reference the other portions of this submittal package for additional detail.

Please feel free to contact us with any questions comments, or concerns. We may be able to provide more information if requested. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads 'Lucas Weatherly'.

Lucas Weatherly, PE

Encls.

F:\2017\0001-0500\017-0177-L\20-Management\Approvals\Entitlements\2017-08-15_Prelim Plan_Letter of Intent_70177-L.doc

Preliminary Drainage Analysis

Project Name: IMMANUEL

PCSMP Number: TBD

Subdivision NEW HORIZON SUBDIVISION, REPLAT 2

Total Acreage: 21.67

Acreage Draining to Basins: 21.67 Acres

Drainage Treatment Summary

The project is located at the Southwest corner of College Road and Interstate 80. This drainage study is for Lots 1 thru 36 and Outlots A thru C, New Horizon Subdivision, Replat 2. The existing site is identified as Straight Row Crops in good condition. There are three (3) existing drainage basins in the proposed development which overland flow to the three discharge locations identified on the existing drainage plan. The stormwater in Drainage Basin(s) EX-A sheet flows into College road where it is picked up via curb and area inlets and conveyed by the existing public storm sewer system. Drainage Basin(s) EX-B is the largest basin in the project development. Runoff in basin EX-B sheet flows to the southwest towards discharge location B to an existing drainage swale. Drainage Basin EX-C1 consist of the remaining south portion of the development. Runoff in this basin sheet flows southwest towards discharge location C. All of the basins shown on the existing drainage plan eventually discharge into nearby Mosquito Creek. The proposed site drainage philosophy will generally match that of the existing flow patterns. However, the area draining to each basin will be slightly modified. In the post-developed condition, most of Lots 1 thru 4 will be conveyed via private storm inlets and storm sewer to different water quality treatment ponds that eventually convey the stormwater to a planned regional detention pond. The remaining lots 5-36 have public storm sewer inlets that discharge into the regional detention pond. Stormwater will be treated and detained in the regional pond and limit the discharges as described in the Statewide Urban Design and Specifications.

Private storm sewer will convey on- and off-site runoff to the proposed on-site pond(s) which will treat and detain the stormwater. The detention basins will not account for the water quality treatment volume or detention of the off-site runoff draining to the detention pond(s), but will allow for off-site run-on to pass through downstream.

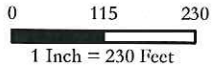
Please refer to the attached exhibits for further information.

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

LOCATION/ZONING MAP CASES # SUB-17-007, ZC-17-005 and PR-17-003

Map Legend

- Subject Property (Cases SUB-17-007, ZC-17-005 & PR-17-003)
- Parcels



Note: Subject properties are highlighted in red.

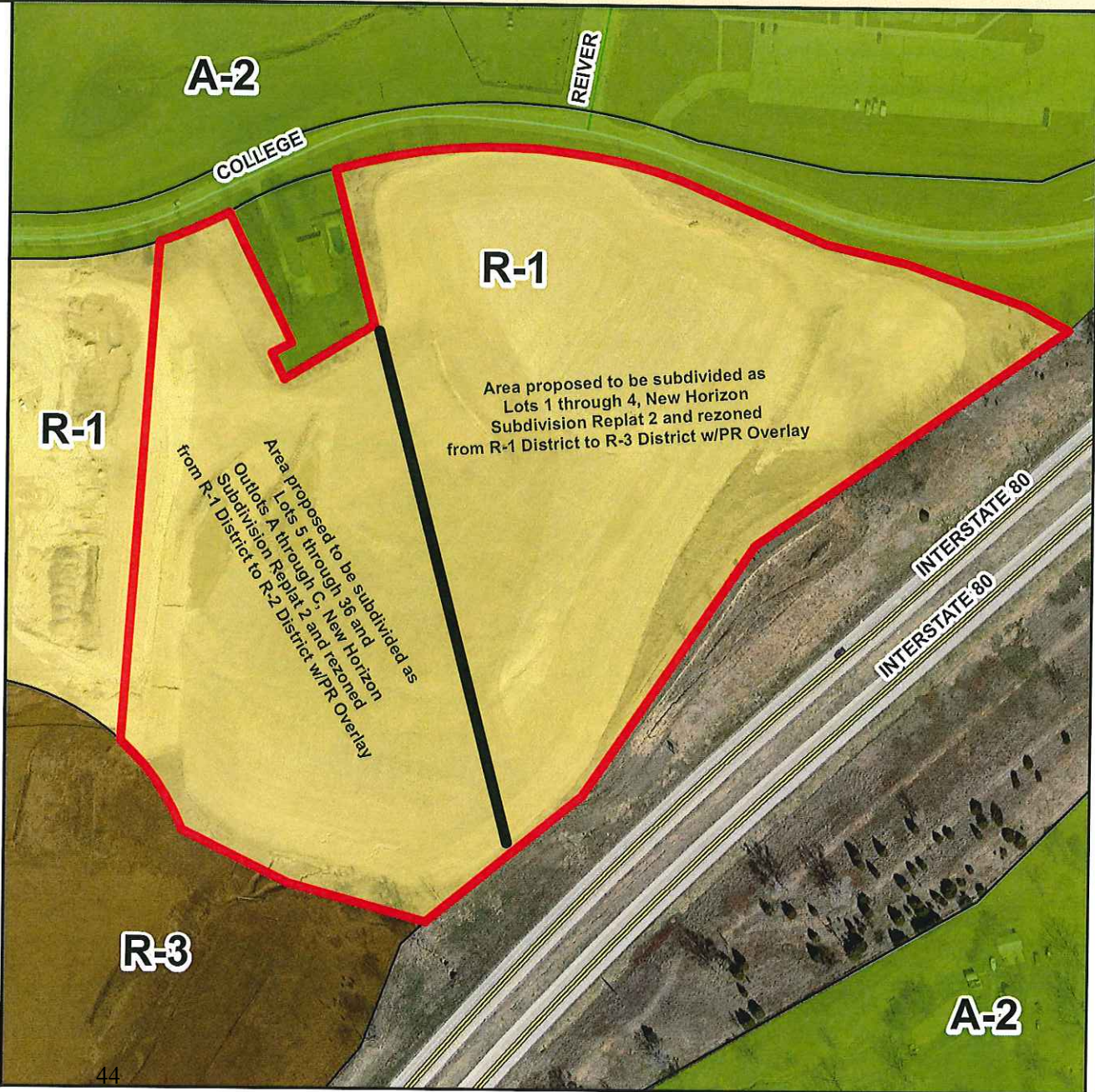


Last Amended: 8/21/17



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

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



ATTACHMENT D

NEW HORIZON SBUDIVISION, REPLAT 2

College Road Townhomes

PR Development Plan

Letter of Intent

HGM# 105017

August 2017

Within the proposed 37 lot New Horizon Subdivision, Replat 2 a townhome development is proposed. Immanuel Senior Living is proposed for Lots 1 through 4 inclusive. Townhouse duplexes are proposed for lots 5 through 36 inclusive.

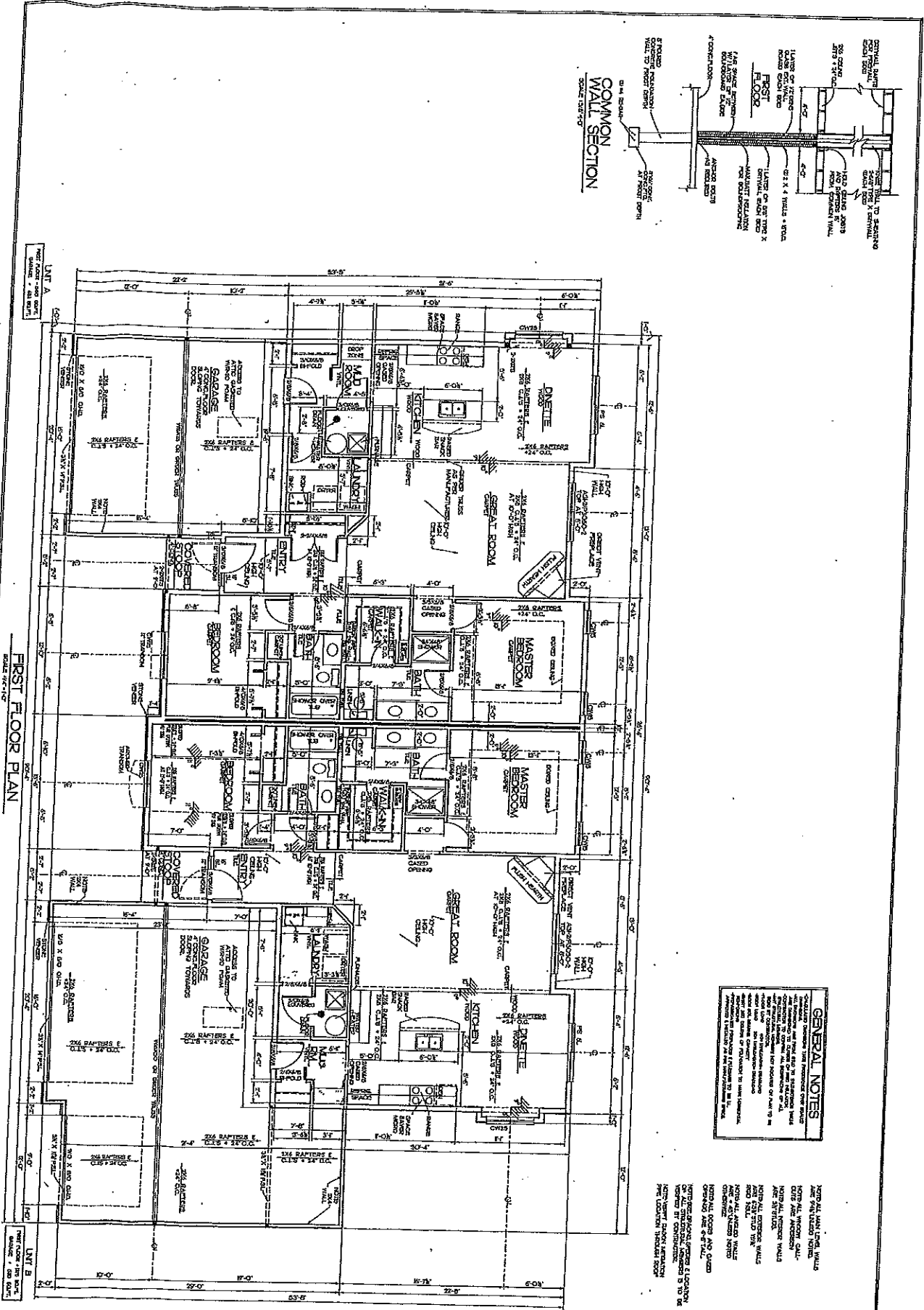
The townhouse lots within this development plan are will be served by a new 930 feet street bisecting the townhouses. The proposed street, labeled as Street A, will extend from College Road to the southeast and terminate with a 45-foot radius cul-de-sac. Pavement will be centered in a proposed 50-foot wide right-of-way which will subsequently be dedicated to the City of Council Bluffs. Pavement will be 25 feet-wide (curb-to-curb) and constructed as shown on the typical section (sheet A.01 of the Townhomes Development Plan).

The townhouse development will be served by a proposed 8" sanitary sewer main running beneath the proposed pavement. Service connections will be made as part of this project and will be extended from the proposed sewer to the proposed right-of-way line. A system of storm sewer pipes and intakes will also be constructed to convey storm water runoff to the proposed detention system within the subdivision. The townhouse development will also be served by an extension of water main from College Road as determined by the Council Bluffs Water Works.

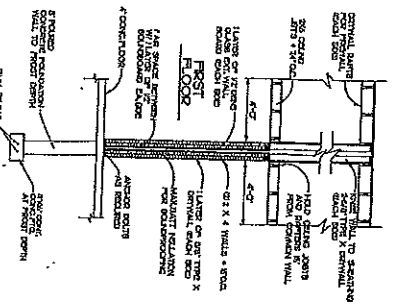
Installation of street lights, electric and gas services, and communication utilities are also planned for the subdivision. Driveways and sidewalks will be constructed as individual lots are developed.

See the stand alone Geotechnical report and Drainage study submitted as part of this package.

This letter was authored by John Jorgensen, PE, HGM Associates Inc.



COMMON WALL SECTION
SCALE 3/8" = 1'-0"



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

GENERAL NOTES

1. GENERAL NOTES
2. GENERAL NOTES
3. GENERAL NOTES
4. GENERAL NOTES
5. GENERAL NOTES
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14. GENERAL NOTES
15. GENERAL NOTES
16. GENERAL NOTES
17. GENERAL NOTES
18. GENERAL NOTES
19. GENERAL NOTES
20. GENERAL NOTES

GENERAL NOTES (continued)

21. GENERAL NOTES
22. GENERAL NOTES
23. GENERAL NOTES
24. GENERAL NOTES
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40. GENERAL NOTES

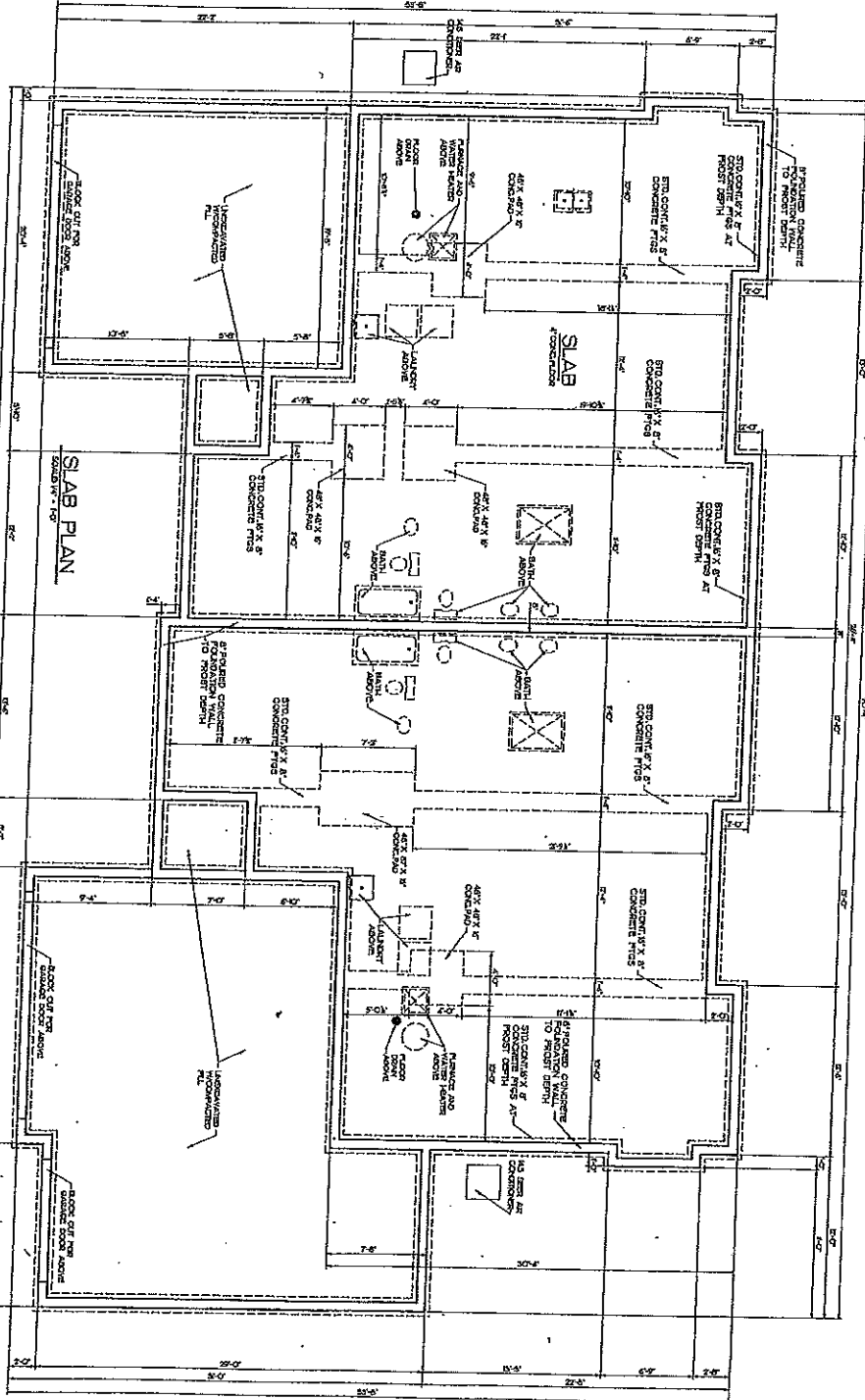
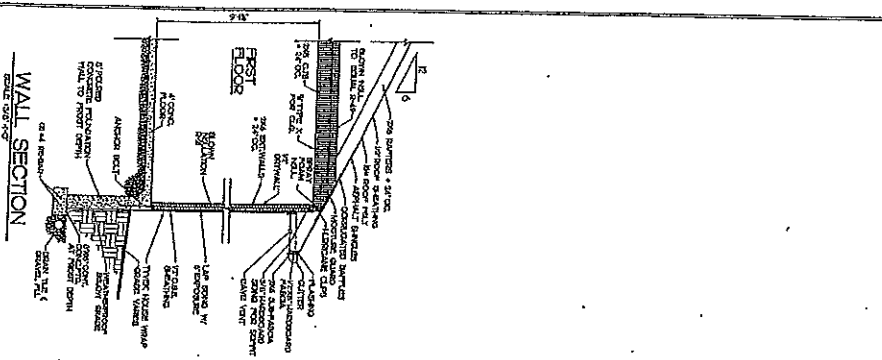
TRK
Architectural Design Services
401-577-1800

MC CARTHY DUPLEX (SLAB)

OWNER: MC CARTHY DEVELOPMENT
ARCHITECT: TRK ASSOCIATES
DATE: 10/15/00
SCALE: 1/8" = 1'-0"

TABLE
GENERAL INFORMATION

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE	100.00	CU YD	120.00	12000.00
2	REINFORCING BARS	100.00	LB	0.50	50000.00
3	FORMWORK	100.00	SQ YD	1.00	10000.00
4	PAINT	100.00	GA	0.10	10000.00
5	PLASTER	100.00	SQ YD	0.50	50000.00
6	ROOFING	100.00	SQ YD	1.50	15000.00
7	MECHANICAL	100.00	HR	10.00	10000.00
8	ELECTRICAL	100.00	HR	10.00	10000.00
9	FINISHING	100.00	HR	10.00	10000.00
10	LANDSCAPING	100.00	HR	10.00	10000.00
11	PERMITS	100.00	HR	10.00	10000.00
12	INSURANCE	100.00	HR	10.00	10000.00
13	UTILITIES	100.00	HR	10.00	10000.00
14	DEMOLITION	100.00	HR	10.00	10000.00
15	FOUNDATION	100.00	HR	10.00	10000.00
16	FOUNDATION	100.00	HR	10.00	10000.00
17	FOUNDATION	100.00	HR	10.00	10000.00
18	FOUNDATION	100.00	HR	10.00	10000.00
19	FOUNDATION	100.00	HR	10.00	10000.00
20	FOUNDATION	100.00	HR	10.00	10000.00
21	FOUNDATION	100.00	HR	10.00	10000.00
22	FOUNDATION	100.00	HR	10.00	10000.00
23	FOUNDATION	100.00	HR	10.00	10000.00
24	FOUNDATION	100.00	HR	10.00	10000.00
25	FOUNDATION	100.00	HR	10.00	10000.00
26	FOUNDATION	100.00	HR	10.00	10000.00
27	FOUNDATION	100.00	HR	10.00	10000.00
28	FOUNDATION	100.00	HR	10.00	10000.00
29	FOUNDATION	100.00	HR	10.00	10000.00
30	FOUNDATION	100.00	HR	10.00	10000.00



TRK
 Residential Design Services
 402-591-4068

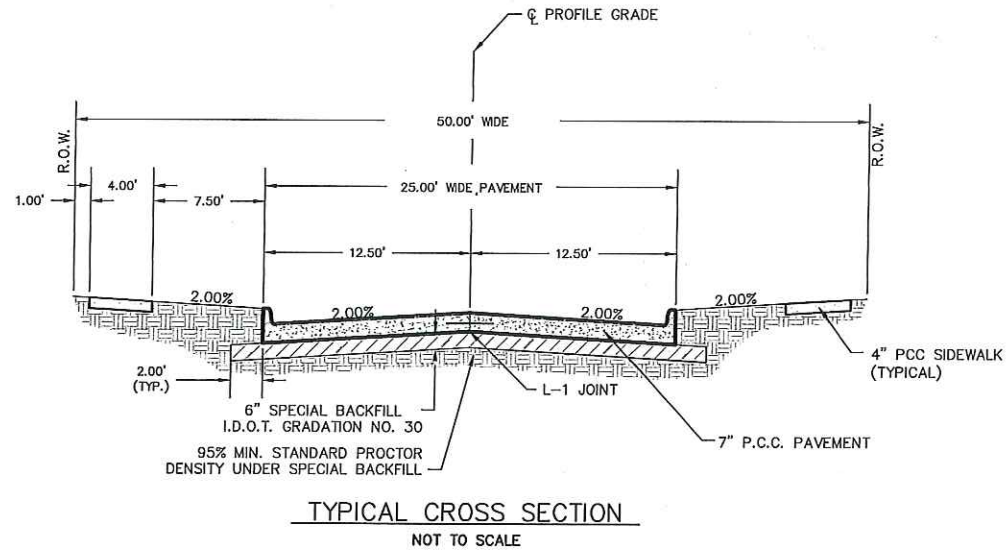
MC CARTHY DUPLEX (SLAB)

DESIGNER IS NOT AN ARCHITECT OR ENGINEER
 THESE PLANS MAY VIOLATE LOCAL, STATE OR FEDERAL
 REGULATIONS. YOU SHOULD CONSULT WITH YOUR LOCAL
 OFFICIALS TO VERIFY YOUR COMPLIANCE WITH ALL
 APPLICABLE REGULATIONS. YOU ARE SOLELY RESPONSIBLE
 FOR THESE PLANS FOR YOUR SPECIFIC SITE.

DEVELOPMENT PLAN

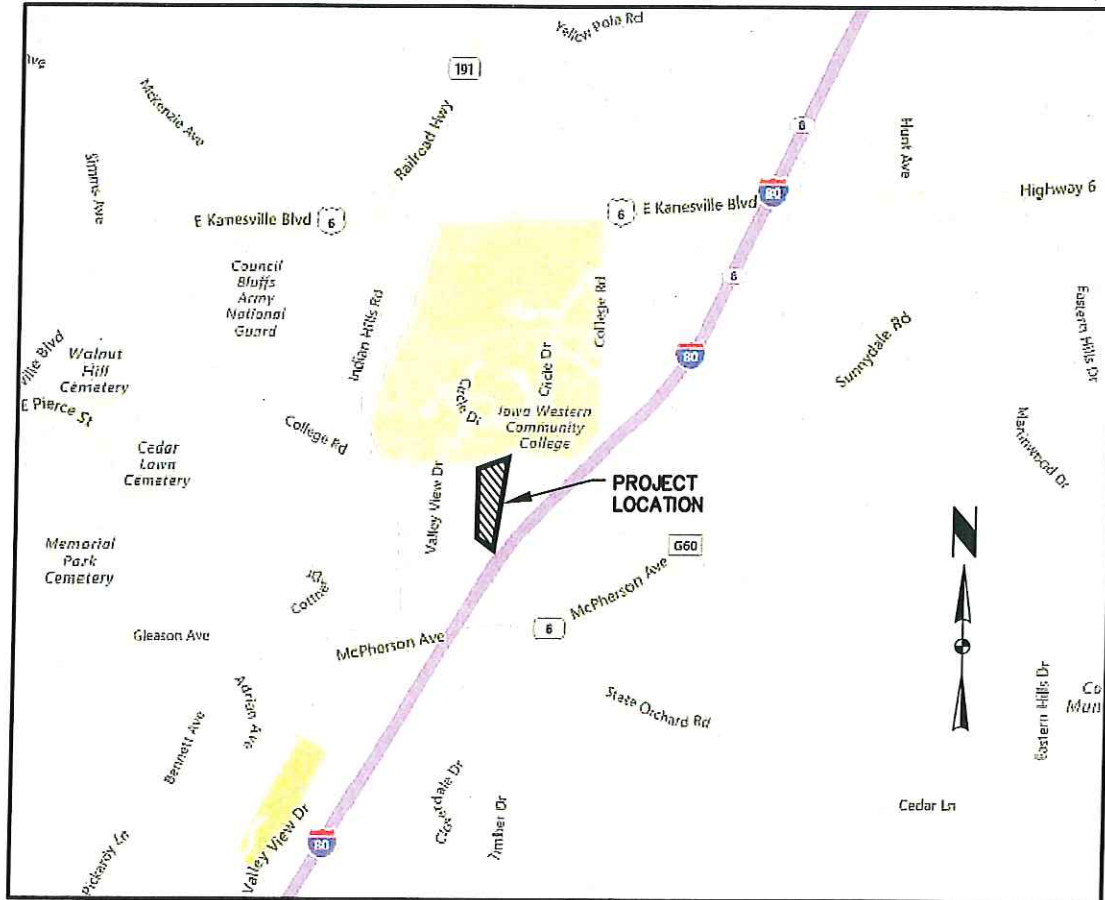
NEW HORIZON SUBDIVISION, REPLAT 2

RESIDENTIAL OVERLAY OF LOTS 5 THRU 36 INCLUSIVE AND OUTLOTS A, B AND C



VERTICAL CONTROL

BENCHMARK OF ORIGIN: NGS F134, 1989 NAVD '88 ELEV.=1010.19
IN COUNCIL BLUFFS, AT 0.30 MI EASTERLY ALONG MCPHERSON STREET FROM
ITS JUNCTION WITH BENNETT AVENUE, SET VERTICALLY IN THE SOUTHEAST FACE
OF THE MOST NORTHERLY ONE OF TWO COLUMNS OF THE 1ST PIER EAST OF
THE WEST ABUTMENT OF A ROAD BRIDGE SPANNING THE CHICAGO, ROCK ISLAND
AND PACIFIC RAILROAD, 119.1 FT WEST OF THE NEAR RAIL, 9.2 FT NORTH OF
THE CENTER OF THE ROAD, 2.0 FT BELOW THE LEVEL OF THE TRACKS, AND 0.7
FT ABOVE THE GROUND SURFACE.



CURRENT OWNER/DEVELOPER:

92 INVESTMENTS, L.L.C.
ROBERT MCCARTHY
P.O. BOX 683
AVOCA, IOWA 51521

ENGINEER:

HGM ASSOCIATED, INC.
640 FIFTH AVENUE
COUNCIL BLUFFS, IOWA 51502

ZONING:

EXISTING ZONING OF
PROPOSED TOWNHOME SUBDIVISION
IS R-1, RURAL
PROPOSED ZONING OF
PROPOSED TOWNHOME SUBDIVISION
IS CLASS R-2/PR, CITY FOR LOTS 5-36 AND
OUTLOTS A, B AND C.

EXISTING FLOOD PLAIN:

MISSOURI RIVER FLOOD PLAIN
FEMA FLOOD ZONE - OTHER AREA
NO FLOODWAY OR FRINGE ENCROACHMENT

STORM WATER DETENTION:

CONSTRUCTION OF NEW DETENTION IN
ACCORDANCE WITH SUDAS DESIGN STANDARDS.

BOUNDARY SURVEY:

BOUNDARY SURVEY WILL BE PROVIDED BY
HGM ASSOCIATES INC.

NOTES:

PROPOSED SEWER: CONSTRUCT NEW SANITARY
SEWER, WITH PRIVATE LATERAL CONNECTIONS.
CONSTRUCT NEW STORM SEWER AND INTAKES. NEW
SEWER TO BE DEDICATED TO CITY OF COUNCIL
BLUFFS.
PROPOSED WATER: CITY WATER
CONNECTIONS TO BE DESIGNED BY CBWW
DEDICATION OF R-0-W: YES
1.21 ACRES OF 50' WIDE R-0-W WILL BE DEDICATED
TO CITY OF COUNCIL BLUFFS.
SURFACE RUNOFF: STORM SEWER TO PROPOSED
SUBDIVISION DETENTION.
EASEMENTS: A 5.00 FOOT WIDE PERMANENT
EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A
10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL
FRONT LOT LINES, AND A 5.00 FOOT WIDE
PERMANENT EASEMENT ALONG ALL REAR LOT LINES,
ARE RESERVED FOR THE INSTALLATION AND
MAINTENANCE OF UTILITIES.

SPECIFICATIONS

THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC
IMPROVEMENTS, 2017, AND CITY OF COUNCIL BLUFFS
SUPPLEMENTAL SPECIFICATIONS 2017, SHALL APPLY
TO THIS PROJECT.

PAGE NO.	DESCRIPTION
A.01	TITLE SHEET
A.02	AREA MAP
G.01	PLAN SHEET

PROFESSIONAL ENGINEER

JOHN E.
JORGENSEN
12855

IOWA

I hereby certify that this engineering document was prepared by me or
under my direct personal supervision and that I am a duly licensed
Professional Engineer under the laws of the State of Iowa.

John E. Jorgensen 3/15/17

JOHN E. JORGENSEN

My license renewal date is December 31, 2017.

Pages or sheets covered by this seal:
A.01, A.02, AND G.01

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

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-323-0530

BCI	J.E.J.	J.E.J.	J.E.J.	AUG. 17	date
drawn	designed	approved	approved	date	date
					revision

NEW HORIZON SUBDIVISION, REPLAT 2

project COLLEGE ROAD TOWNHOMES

client 92 INVESTMENTS LLC
P.O. BOX 683, AVOCA, IOWA 51521

sheet **TITLE SHEET**

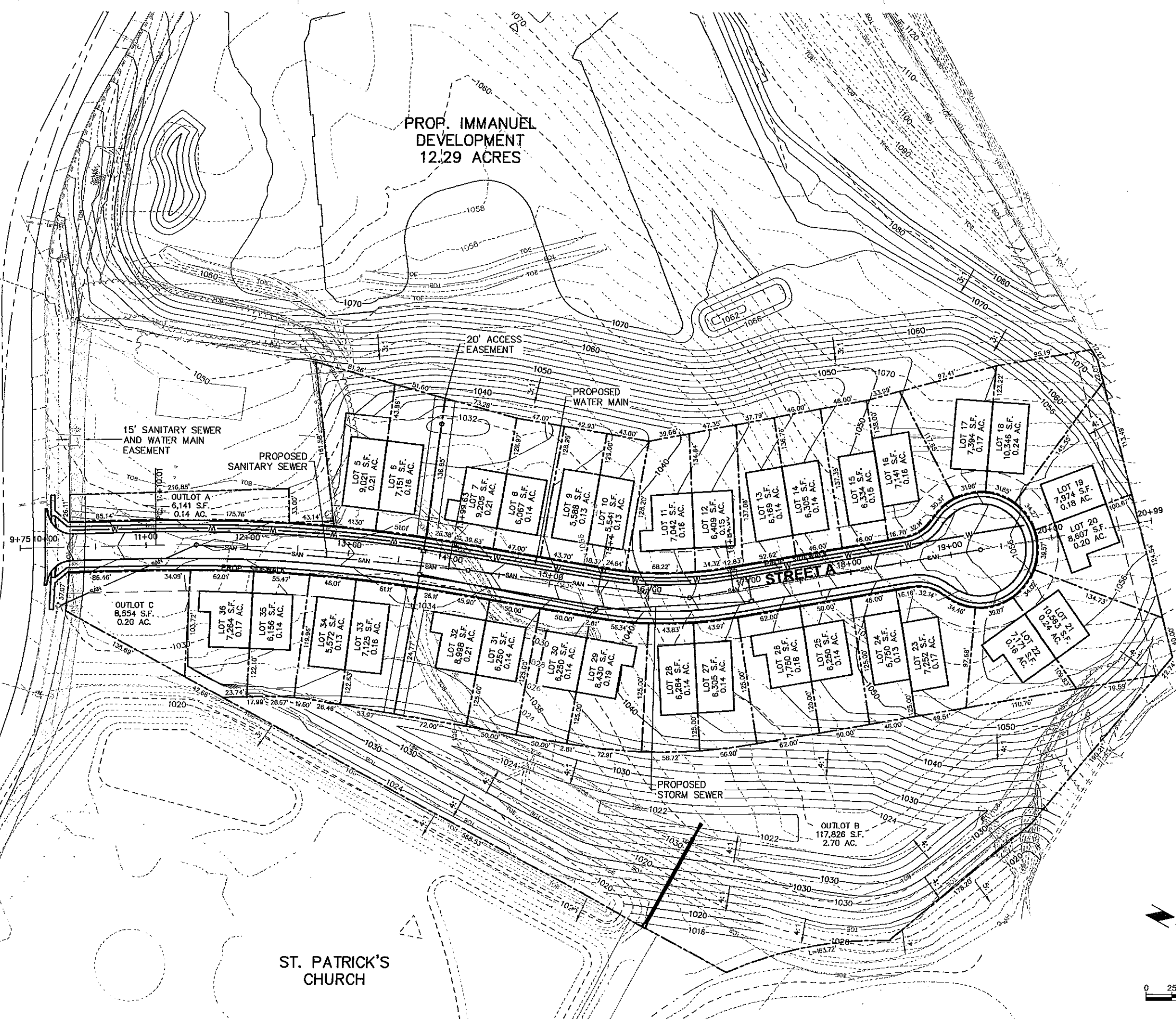
project no.
105017

sheet
A.01

COLLEGE ROAD

PROP. IMMANUEL DEVELOPMENT
12.29 ACRES

ST. PATRICK'S CHURCH



This drawing is being made available by hgm associates inc. for use on this project in accordance with the terms of the contract. hgm associates inc. assumes no liability for any use of this drawing or any part thereof except as specifically stated in the terms of the design agreement.

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IA
PHONE: 712-323-0530

BCI	drawn	date
J.E.L.	designed	date
J.E.L.	approved	date
AUG. 17	revision	date

project **NEW HORIZON SUBDIVISION, REPLAT 2**
COLLEGE ROAD TOWNHOMES
client **92 INVESTMENTS LLC**
P.O. BOX 683, AVOCA, IOWA 51521
sheet **RESIDENTIAL OVERLAY PLAN**

project no. 105017
sheet **001**



SITE DEVELOPMENT PHASING

PHASE 1:

	COMMUNITY	RESIDENTIAL	TOTAL
GROUND FLOOR:	3,165 SF	18,600 SF	21,765 SF
SECOND FLOOR:		18,600 SF	18,600 SF
THIRD FLOOR:		18,600 SF	18,600 SF
TOTALS:	3,165 SF	55,800 SF	58,965 SF

PARKING STALLS:
PROPOSED: 70
REQUIRED BY ZONING: 70

40,000 SF OF PAVEMENT

Issue Date: 07/24/17
Project Number: 17037
Design Phase: Conceptual Design

**IMMANUEL - COUNCIL BLUFFS
AFFORDABLE HOUSING**

PHASE 1 SITE PLAN





SITE DEVELOPMENT REGULATIONS

CURRENT ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
 PROPOSED ZONING: R-3 (LOW DENSITY MULTIFAMILY RESIDENTIAL)
 FLOOD HAZARD: N/A

CURRENT ZONING REGULATIONS (R-1):
 MULTIFAMILY DWELLINGS ARE NOT CONSIDERED A PERMITTED USE OR A CONDITIONAL USE & ONLY ONE PRINCIPAL STRUCTURE IS ALLOWED PER LOT

SETBACKS:
 FRONT 25 FEET
 INTERIOR SIDE YARD GREATER of 5 FT or 10% of LOT WIDTH
 STREET SIDE YARD 15 FEET
 REAR YARD 20 FEET

MAX HEIGHT: 35 FEET
 MAX LOT COVERAGE: 35%

MIN LOT SIZE: 5,000 SF

PROPOSED ZONING REGULATIONS (R-3):
 MULTIFAMILY DWELLINGS ARE A PERMITTED USE

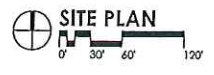
SETBACKS:
 FRONT 20 FEET
 INTERIOR SIDE YARD 5 FT + 1 FT for every story above 1st
 STREET SIDE YARD 15 FEET
 REAR YARD 20 FEET

MAX HEIGHT: 60 FEET
 MAX LOT COVERAGE: 45%

MIN LOT SIZE: 9,200 SF PLUS 2,000 SF PER UNIT
 (i.e. 60 units = minimum site area of approx. 3 acres)

CITY PARKING REQUIREMENTS:
 EFFICIENCY & ONE BEDROOM: 1 STALL PER UNIT
 TWO BEDROOM: 1.5 STALLS PER UNIT

TOTAL SITE ACREAGE: 10.5 ACRES
 TOTAL UNITS PER ACRE: 10.67 UNITS/ACRE

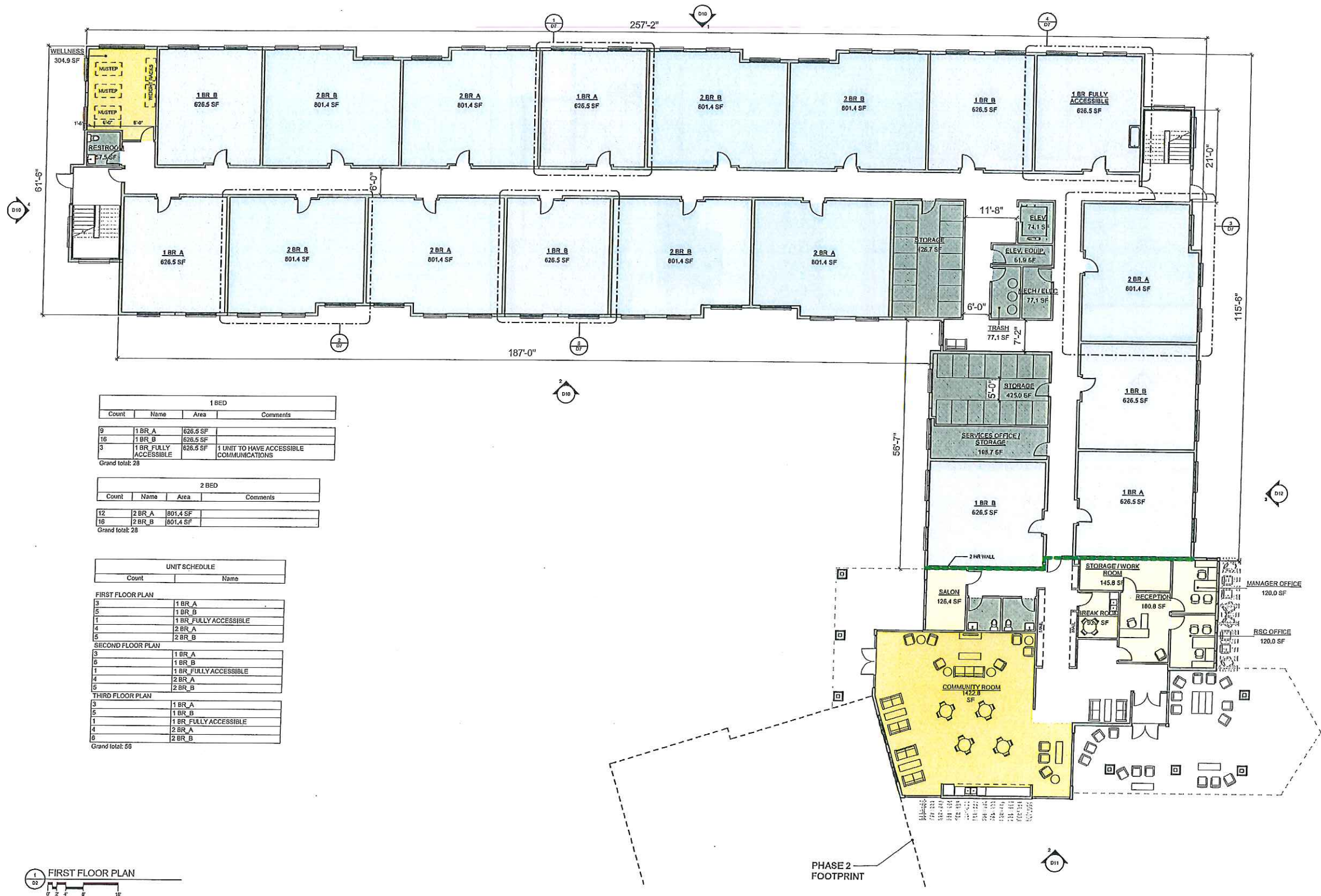


Issue Date: 07/24/17
 Project Number: 17037
 Design Phase: Conceptual Design

IMMANUEL - COUNCIL BLUFFS
 AFFORDABLE HOUSING

GRADING AND SITE UTILITY PLAN
 PHASE 1-2

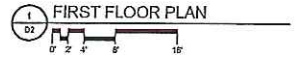




1 BED			
Count	Name	Area	Comments
9	1 BR A	626.5 SF	
16	1 BR B	626.5 SF	
3	1 BR FULLY ACCESSIBLE	626.5 SF	1 UNIT TO HAVE ACCESSIBLE COMMUNICATIONS
Grand total: 28			

2 BED			
Count	Name	Area	Comments
12	2 BR A	801.4 SF	
16	2 BR B	801.4 SF	
Grand total: 28			

UNIT SCHEDULE	
Count	Name
FIRST FLOOR PLAN	
3	1 BR A
5	1 BR B
1	1 BR FULLY ACCESSIBLE
4	2 BR A
5	2 BR B
SECOND FLOOR PLAN	
3	1 BR A
6	1 BR B
1	1 BR FULLY ACCESSIBLE
4	2 BR A
5	2 BR B
THIRD FLOOR PLAN	
3	1 BR A
5	1 BR B
1	1 BR FULLY ACCESSIBLE
4	2 BR A
6	2 BR B
Grand total: 66	

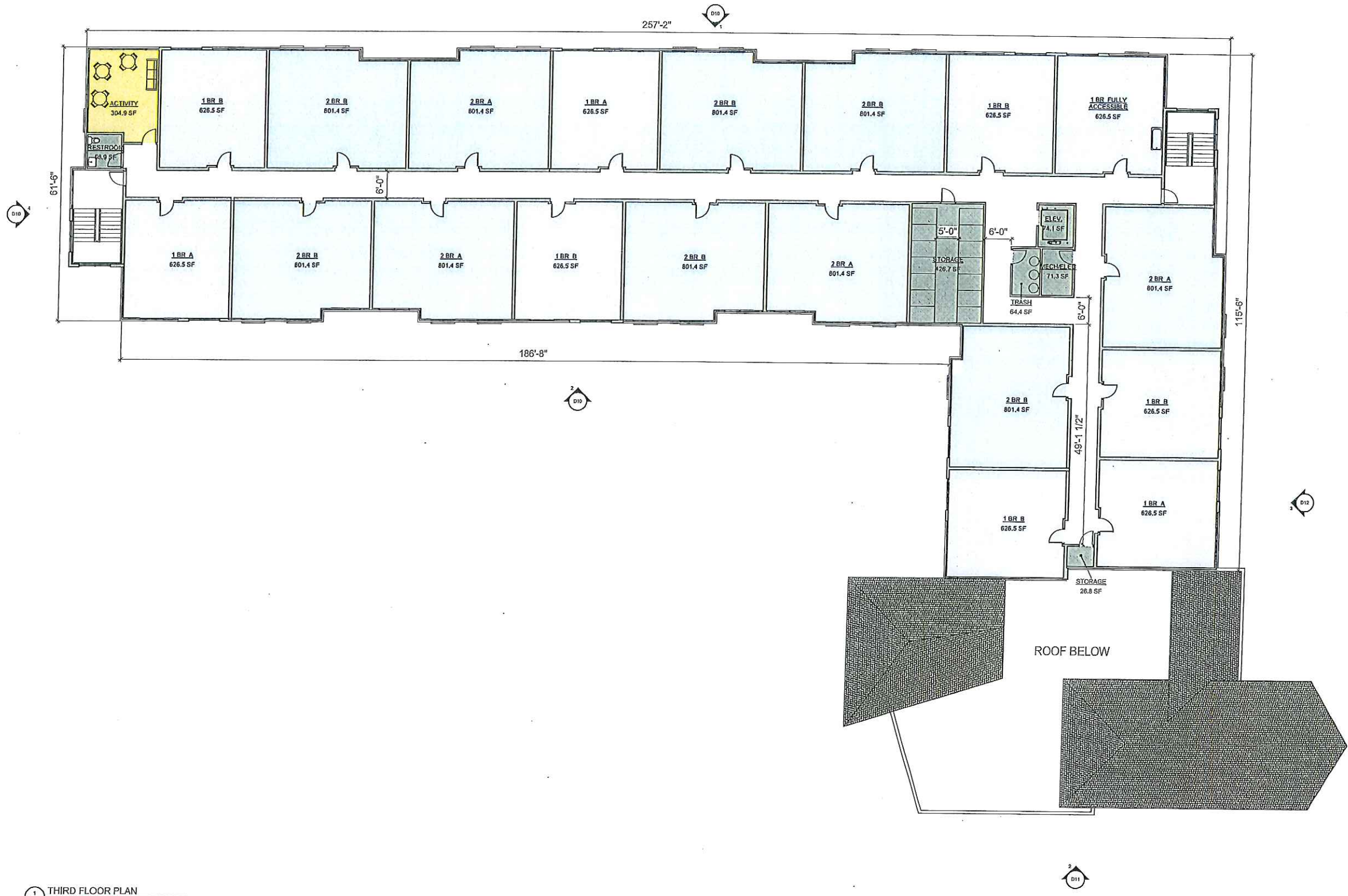


Issue Date: 07/24/2017
 Project Number: 17037
 Design Phase: SCHEMATIC DESIGN

IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

FIRST FLOOR PLAN





1
D4 THIRD FLOOR PLAN

Issue Date: 07/24/2017
 Project Number: 17037
 Design Phase: SCHEMATIC DESIGN

IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

THIRD FLOOR PLAN



FILE LOCATION: C:\Users\emcclellan\Documents\17037_Immanuel-CB Affordable Housing Phase1_Arch_Central_R17_Storage Opt 1_BM\chore.rvt

PLOTTED: 7/25/2017 7:52:11 AM

MAIN ENTRY AND EAST ELEVATION OF RESIDENTIAL BUILDING



MAIN ENTRY AT COMMUNITY CENTER



SOUTHEAST ELEVATION AT MAIN ENTRY

SOUTHEAST ELEVATION AT MAIN ENTRY

Issue Date: 07/24/2017
Project Number: 17037
Design Phase: SCHEMATIC DESIGN

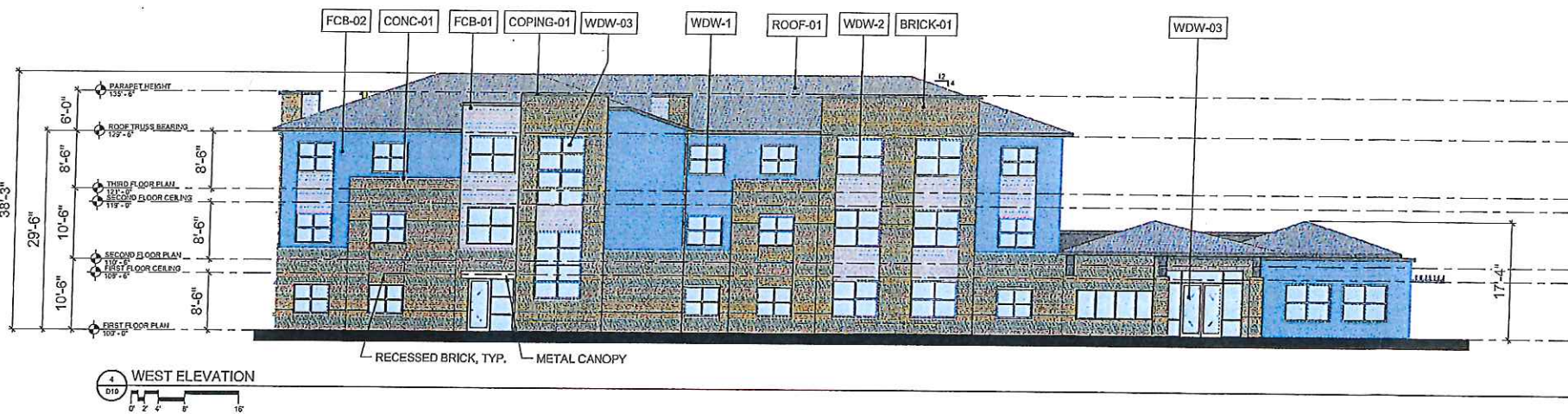
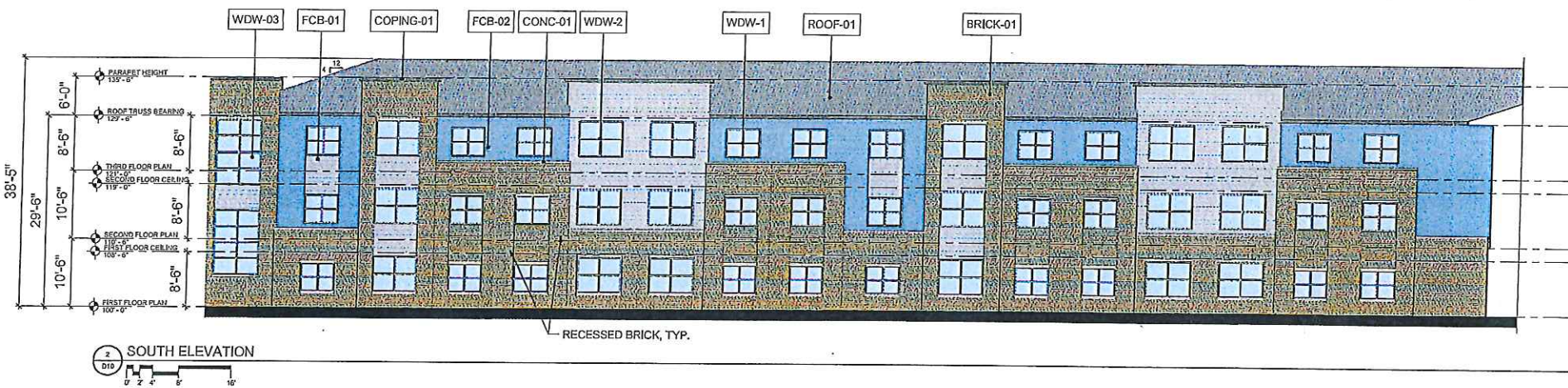
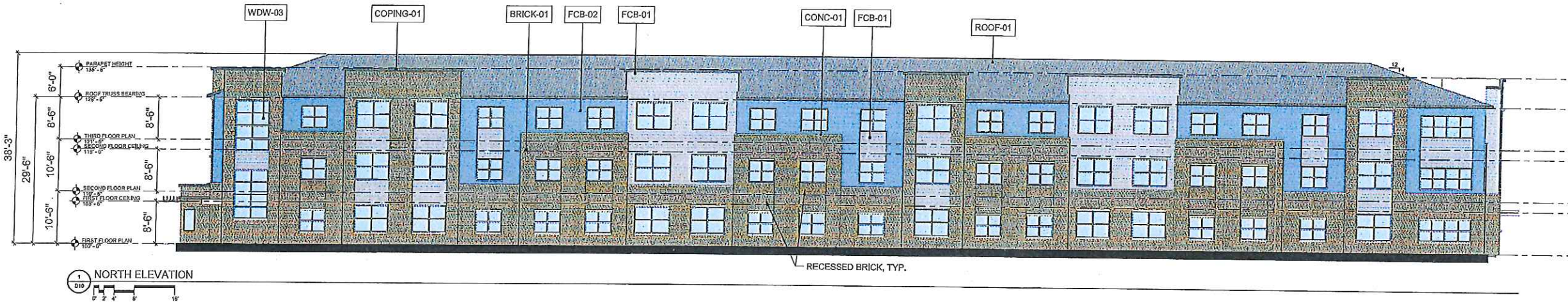
IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

RENDERINGS



FILE LOCATION: C:\Users\mcd\OneDrive\Documents\17037_Immanuel-CB Affordable Housing Phase1_Arch_Cenrol_R17_Storage Opt_L_Bldg\cure.rvt

PLOTTED: 7/24/2017 4:48:34 PM



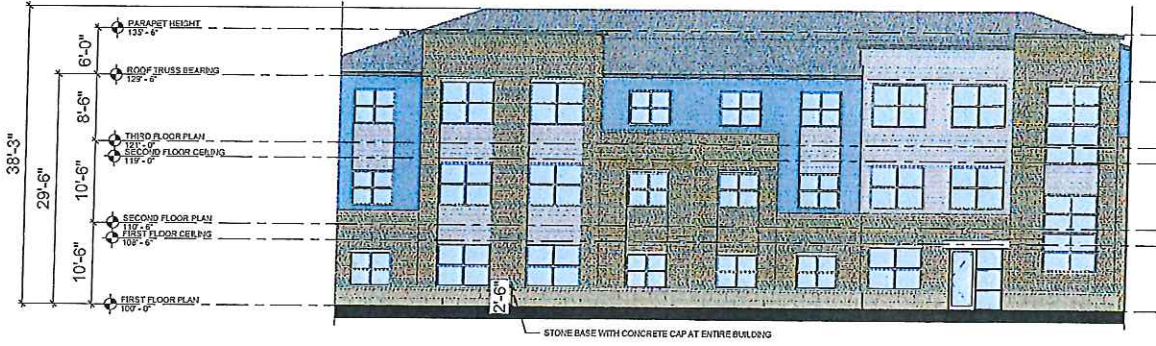
Issue Date: 07/24/2017
 Project Number: 17037
 Design Phase: SCHEMATIC DESIGN

IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

ELEVATIONS



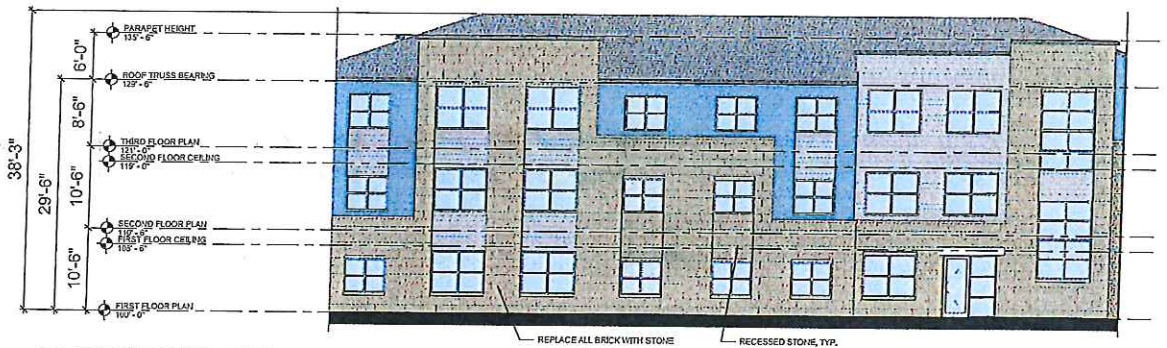
OPT 1 MATERIAL BREAKDOWN:
 FIBER CEMENT: 40%
 MASONRY: 60% TOTAL
 BRICK: 50%
 STONE: 10%



2 EAST ELEVATION - OPT 1



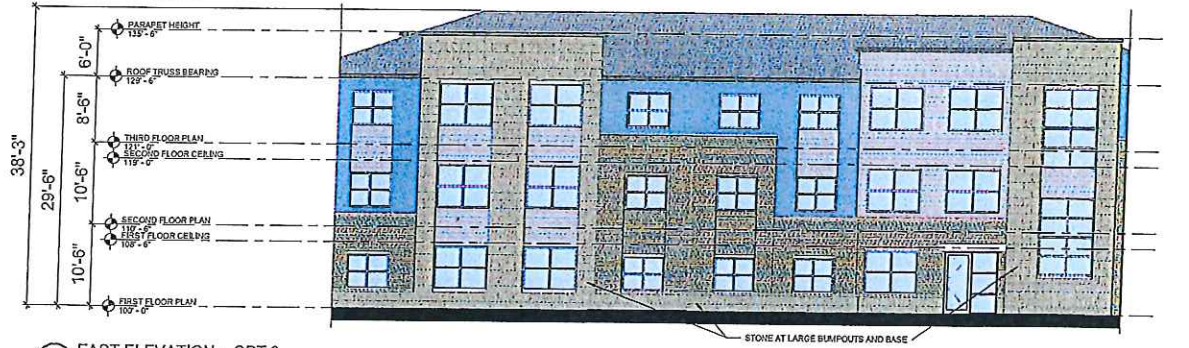
OPT 2 MATERIAL BREAKDOWN:
 FIBER CEMENT: 40%
 MASONRY: 60% TOTAL
 BRICK: 0%
 STONE: 60%



2 EAST ELEVATION - OPT 2



OPT 3 MATERIAL BREAKDOWN:
 FIBER CEMENT: 40%
 MASONRY: 60% TOTAL
 BRICK: 35%
 STONE: 25%



1 EAST ELEVATION - OPT 3

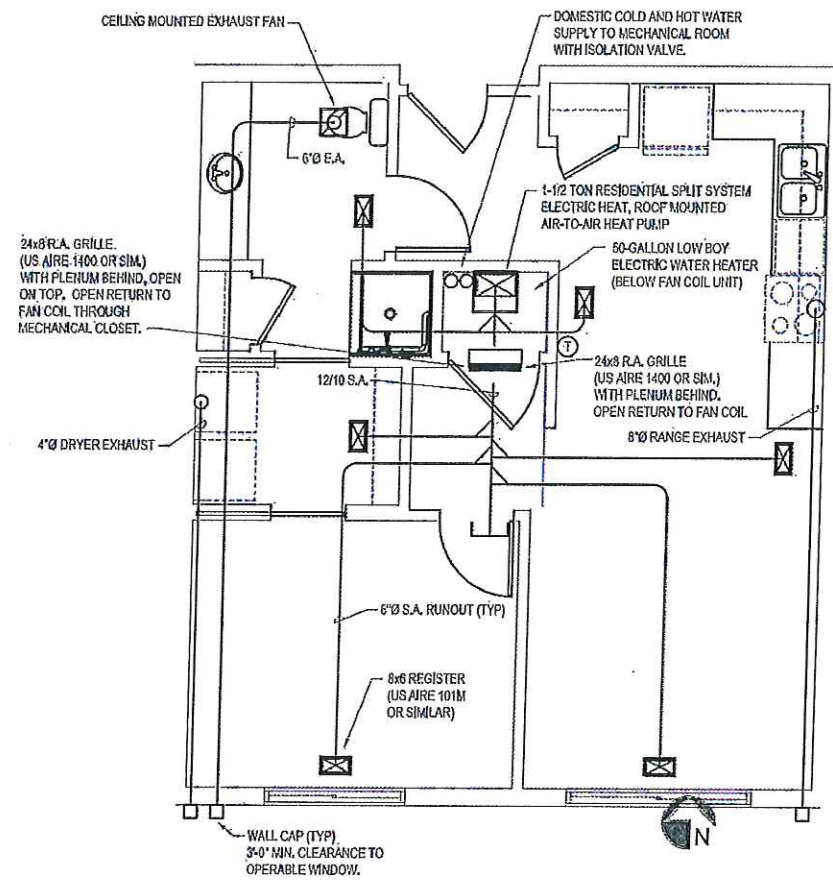


Issue Date: 07/24/2017
 Project Number: 17037
 Design Phase: SCHEMATIC DESIGN

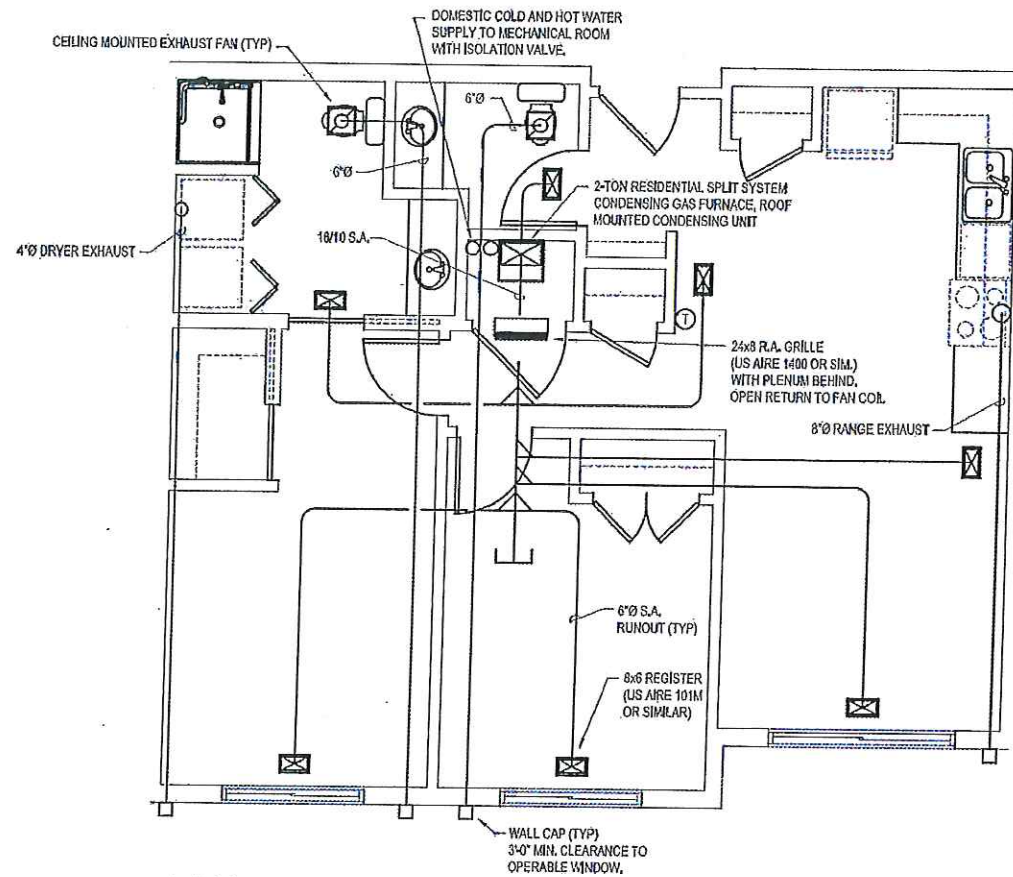
IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

ELEVATION OPTIONS





1 BEDROOM - MECHANICAL
1/4" = 1'-0"



2 BEDROOM - MECHANICAL
1/4" = 1'-0"

morrissey engineering inc
mechanical | electrical | plumbing | technology | construction
4948 North 118th Street
Omaha, NE 68144
P: 402.491.4144
www.morrisseyengineering.com

**IMMANUEL - COUNCIL BLUFFS
AFFORDABLE HOUSING**

project no.:	17145	drawing referenced:	-	M1
date:	2017-08-02	addendum no.:	- sketch	

morrissey engineering inc
mechanical | electrical | plumbing | technology | construction
4948 North 118th Street
Omaha, NE 68144
P: 402.491.4144
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**IMMANUEL - COUNCIL BLUFFS
AFFORDABLE HOUSING**

project no.:	17145	drawing referenced:	-	M2
date:	2017-08-02	addendum no.:	- sketch	

Issue Date: 08/02/2017
Project Number: 17037
Design Phase: SCHEMATIC DESIGN

IMMANUEL - COUNCIL BLUFFS AFFORDABLE HOUSING

MECHANICAL



**Immanuel Senior Housing
Council Bluffs, IA
Project Overview**

Sponsor/Developer:

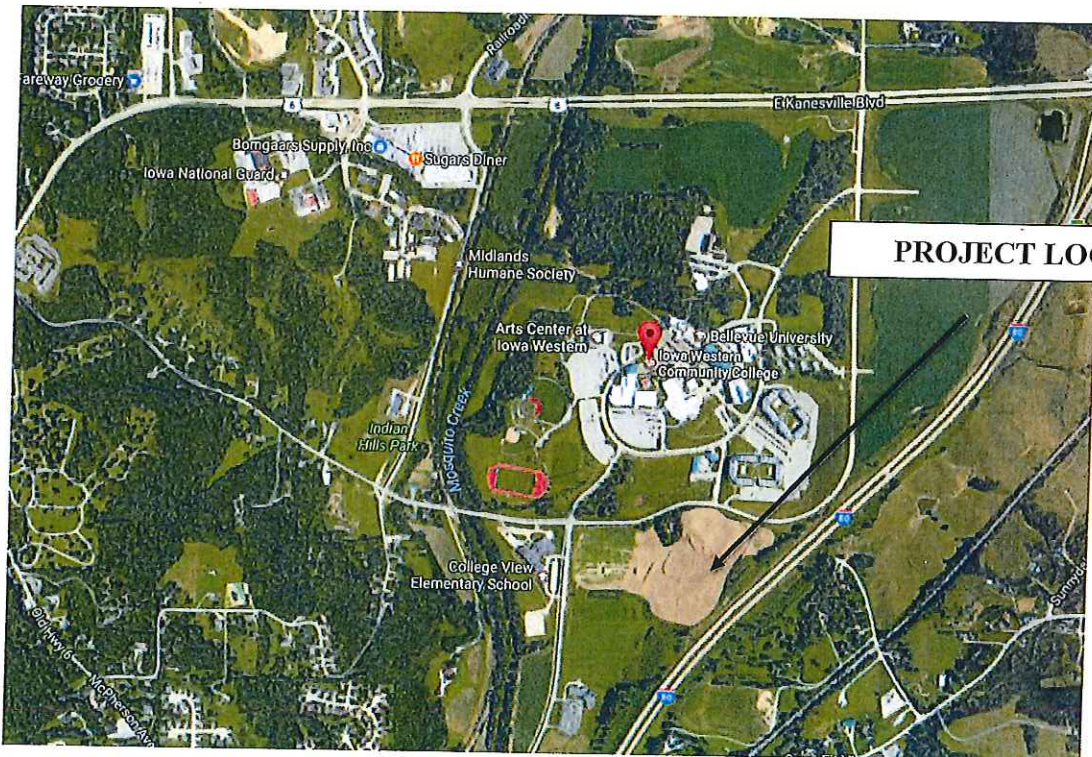
Immanuel
1044 North 115th Street, Ste. 500
Omaha, NE 68154
Scott Bear, V.P. of Finance & Accounting
402-829-2922
SBear@immanuel.com

Rhonda Distefano
V.P. of Construction, Facility Mgmt. & Environmental Services
402-829-2915
rdistefano@immanuel.com

Consultant:

Lightengale Group
140 S. Dearborn St., Suite 1500A
Chicago, IL 60603
Maggy Jares
312.999-9457
maggy@lightengalegroup.com

Map: Site is located south of the College Road and West of I-80, near the Iowa Western Community College campus



**Immanuel Senior Housing
Council Bluffs, IA
Project Overview**

Project Rendering



Property Description

Address: South of College Road, and west of I-80, Council Bluffs, IA 51503;
Pottawattamie County

Census Tract: 317.00

Site: Site is 12.3 acres total of vacant land; project will use a portion of the overall site

Building Area: 56,700 SF

Target Population: Independent Elderly, 55 and older

Building Description

Construction Type: New construction

Number of units: 56

ADA Accessible units: 20

Parking Spaces: 70

Common Area Amenities: Fitness/Wellness Room, Community Room, Salon,
Activity Room

**Immanuel Senior Housing
Council Bluffs, IA
Project Overview**

Project Description:

Immanuel Senior Housing is a proposed fifty-six (56) unit new construction senior development (aged 55 and older) to be located near College Road and I-80 in Council Bluffs, Iowa. Immanuel's goal is to address an affordable housing shortage in Council Bluffs. Based on a recent market survey, the senior population is expected to increase through 2021, and approximately 57.6% of senior renter households have an annual income of less than \$30,000. There are at least three income-restricted senior properties in Council Bluffs. All three are fully occupied with low vacancy rates and long waitlists, signaling a shortage of affordable housing options for local seniors.

The project will consist of twenty-eight (28) one-bedroom units and twenty-eight (28) two-bedroom units. Units will be affordable to individuals between 30% AMI and 60% AMI, which means units will be affordable to seniors with annual incomes between \$15,750 and \$36,000. The proposed unit mix and rent schedule is as follows:

Unit and Site Amenities

Immanuel Senior Housing's design allows for an abundance of social space. The building's design includes the main lobby, community room, salon, manager's office and storage. Resident support spaces include additional community space on each floor, a wellness room and staff offices on the first floor and an activity room on the third floor. The building will also offer storage lockers and a trash/recycling room. At least thirty-five percent (35%) of the building will be fully accessible for those with physical disabilities. There is a second phase planned and there will be a no-smoking on the entire campus.

Units will be cable ready. All bedrooms and living rooms will have wall-to-wall carpet. Bathrooms will have ceramic tile and kitchens will have vinyl flooring. Appliances will include dishwasher, refrigerator/freezer, microwave, electric range/oven, fan/hood/light, and a stainless-steel sink. All units will have an in-unit washer and dryer. Windows will have faux wood blinds and kitchens will include wood cabinets and laminate counters. Bathrooms will include vertical grab bars in the bathtub/shower and lever door hardware throughout the unit.

The building will include automatic fire sprinklers, a fire alarm and smoke detectors. With regards to the interior paints, primers, adhesives, caulks and water heaters, the building will incorporate a variety of environmentally friendly products and features. Further, the building will also abide by strict green and energy efficiency standards, including a Home Energy Rating Systems (HERs) rating of 62 or less.

Time Line

Apply for Low Income Housing Tax Credits	November 2017
Finance Closing/Begin Construction	Summer 2018

Development Team

The owner has assembled an experienced development team. Each team member has vast LIHTC experience, and brings unique knowledge to the project. The team members are as follows:

Owner/Developer/Property Manager: Immanuel is an experienced developer, owner, manager of senior living communities including independent, assisted, memory support and long-term care housing. Immanuel has been serving the greater Omaha area for more than 125 years. Immanuel is a member of

**Immanuel Senior Housing
Council Bluffs, IA
Project Overview**

Lutheran Services in America (LSA), one of the largest health and human services networks in the country. The LSA network includes more than 300 members and touches the lives of 1 in 50 people each year in thousands of communities across the U.S. and the Caribbean. Immanuel currently operates Immanuel Pathways of Southwest Iowa located at 1702 North 16th Street in Council Bluffs. This non-profit Program of All-Inclusive Care for the Elderly (PACE) offers a complete health plan for eligible individuals and serves Mills, Harrison and Pottawattamie counties.

There are thirteen people on Immanuel's executive team and the two main project contacts, Scott Bear and Rhonda Distefano each have extensive experience in finance, construction and management. Scott is the V.P. of Finance and Accounting and has a strong background in healthcare finance. He has nearly 13 years of experience in strategic, operational and financial planning and budgeting. He served on the board of (LFMA) Lutheran Financial Managers Association and is currently a member. Rhonda is the V.P. of Construction, Facilities Management and Environmental Services and has nearly 30 years of experience in commercial construction and is a past board member of Habitat for Humanity.

General Contractor: Lund-Ross Constructors Lund Ross Constructors is a local construction company established 35 years ago. They have built 54 projects, totaling over 2,400 units involving Low Income Housing Tax Credits in seven states, including Iowa. Their understanding of the process and demands of this project type are unparalleled in this market. LR has worked often in Council Bluffs, including recent housing projects, and has an excellent relationship with the city staff and local subcontractors. LR completed the Immanuel corporate offices renovation.

Architect: Holland Basham – the firm was established in 1989 and consists of 40 design professionals. This full-service design firm has experience in health care, education, hospitality, commercial, retail and multi-family housing. The residential projects have included apartment buildings, mixed use residential-retail, new construction and rehab. Holland Basham is well-known in the region for design of multi-family housing facilities, including affordable housing. A majority of its multi-family portfolio has sought funding from IFA, NIFA, Block Grant Funding and Historic Tax Credits. HBA understands the need for affordable, low-income housing in the city of Council Bluffs, Iowa.

The expertise and services to be provided for this project include master planning, building programming, architectural design and construction administration, landscaping and interior design and finishes. The HBA team includes long-time engineering consultants whose portfolios include multi-unit housing projects.

Financial Consultant: Lighten-Gale Group (LGG), a consulting firm in business since 1999, has extensive experience in coordinating financing and project management services related to the development of affordable, market rate and mixed income housing. LGG specializes in multi-family affordable housing but also coordinates other creatively financed projects. LGG is coordinating all the private and public financing for this project. LGG has extensive experience with LIHTCs in Iowa.



August 15, 2017

City of Council Bluffs
Attn: Rose Brown
209 Pearl Street
Council Bluffs, IA 51503
Phone: (712) 328-4629

**RE: New Horizon Subdivision, Replat 2, Lots 1 thru 4
Immanuel Planned Residential Development Plan
LETTER OF INTENT**

Ms. Brown,

Please accept this as the letter for the Planned Residential Overlay for the Immanuel Senior Living facility which will consist of Lots 1 thru 4. The Immanuel development will be constructed in phases starting with Building 1 and ending with Building 3. An access easement will be granted across the front entry drive for each lot.

Private storm sewer is planned to route runoff from the Immanuel development to on-site dry detention basins which will treat the stormwater prior to being discharged downstream. A regional detention pond will be constructed on Outlot B which is intended to detain the stormwater runoff for the entire development (Immanuel as well as the townhouse portion).

Sanitary and water services are currently within College Road but do not span the entire frontage of the proposed Immanuel development. The extension of each service is being proposed only to the edge of each phase as they are developed. Phase A2 and A3 may not be developed for some time and the extension of these utilities would not be recommended.

On-site drive pavement will consist of 7" thick P.C.C. pavement while the parking stalls are proposed to be 6" thick P.C.C. pavement. The sidewalks are proposed to be 5' wide and 4" thick.

Please feel free to contact us with any questions comments, or concerns. We may be able to provide more information if requested. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads 'Lucas Weatherly'.

Lucas Weatherly, PE

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 an ordinance to amend the zoning map as adopted by reference in Section 15.02.070, by rezoning the following:

Proposed Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District as defined in Chapter 15.10 of the Municipal Code and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District as defined in Chapter 15.09 of the Municipal Code and to append a PR/Planned Residential Overlay as defined in Chapter 15.28 of the Municipal Code to the same.

You are further notified that the Public Hearings on said matters 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 9th day of October, 2017, 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. 6308

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 LOTS 1 THROUGH 4, NEW HORIZON SUBDIVISION, REPLAT 2 FROM R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT AND TO REZONE PROPOSED LOTS 5 THROUGH 36 AND OUTLOTS A THROUGH C FROM R-1 DISTRICT TO R-2/TWO-FAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.09 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to rezone Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District.

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

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

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

PASSED
AND _____, 2017.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 9-25-17
Second Consideration: 10-9-17
Public Hearing: 10-9-17
Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: FD-18-02
Submitted by: Justin James, Fire Chief

Resolution 17-217

Council Action: 10/9/2017

Description
Resolution approving the Plans, Specifications and Form of Contract for the Fire Station #5 Storage Building Project. FD-18-02

Background/Discussion
The Council Bluffs Fire Department is requesting to build an apparatus storage building to be located at 3405 South 11th Street. This location also houses our Regional Training Facility. The New Building will be a partnership between the City and Pottawattamie County Emergency Management. The facility will be used to store both our standby apparatus and rescue boats along with EMA's Command Center. The location of this building will allow for quick access to much needed resources both during emergency responses and training events.

This is a much needed addition that will allow for us to safely store our assets in a climate controlled building that is securely located at one of our current locations.

Funding for this project will be paid for with General Fund CIP Project No. FD-18-02 and the Pottawattamie County's EMA general operating budget.

The estimated cost of this project is \$ 385,000.

The project schedule is as follows: Set Public Hearing September 25, 2017
Hold Public Hearing October 9, 2017
Letting November 1, 2017
Award November 13, 2017
Construction End April 1, 2018

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 17-217	Resolution	10/2/2017

RESOLUTION NO. 17-217

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM
OF CONTRACT FOR THE FIRE STATION #5 STORAGE BUILDING PROJECT
FD-18-02

WHEREAS, the City of Council Bluffs desires to construct the Council Bluffs Fire Station #5 Storage Building; and

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

WHEREAS, funding for this project will be Paid for with General Fund CIP Project FD-18-02 and the Pottawattamie County's general operating budget; and

WHEREAS, the plans, specifications and form of contract as prepared by HGM Associates Inc. are on file in the Office of City Clerk.

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

That the plans, specifications, form of contract and cost estimate for Council Bluffs Fire Station #5 Storage Building Project are hereby approved and authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED

October 9, 2017

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 17-218

Council Action: 10/9/2017

Description
Resolution approving the Plans, Specifications, Form of Contract, and Cost Estimate for the Bass Pro Shop Roof Top Unit Replacement Project.

Background/Discussion
The existing roof top units were installed when the Bass Pro Shop was built in 2005. They provide the heating and air conditioning for this building. This series of roof top units came from the factory with inherent problems that began showing up after several years of operation. The housing and mounting brackets for some of the major components would break causing the refrigerant gas to leak and in some cases caused compressors failure. The heating sections of these machines also have very weak combustion gas blower assemblies that also fail every couple of years.
The failure rate of these units has been substantial over the years. We have experienced over 175 breakdowns and have spent almost \$200,000 in repairs. To minimize our losses it has been determined that it is time to replace the roof top units with new more efficient models that are more reliable.
Funding for this project will be paid for by the Iowa West Foundation. The estimated cost of this project is \$811,650.
The project schedule is as follows:
Hold Public Hearing October 9, 2017
Bid Letting November 9, 2017
Award November 27, 2017
Construction End May 15, 2018

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 17-218	Resolution	10/2/2017

RESOLUTION NO. 17-218

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT,
AND COST ESTIMATE FOR THE
BASS PRO SHOP ROOF TOP UNIT REPLACEMENT PROJECT**

WHEREAS, the plans, specifications, form of contract, and cost estimate as prepared by Engineering Technologies, Inc. are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Bass Pro Shop Roof Top Unit Replacement Project; and

WHEREAS, a Notice of Public Hearing was published as required by law, and a public hearing was held on October 9, 2017.

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

That the plans, specifications, form of contract, and cost estimate for Bass Pro Shop Roof Top Unit Replacement Project are hereby approved and authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED

October 9, 2017

Matthew J. Walsh, Mayor

Attest:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-17-008
Submitted by: Christopher Gibbons

Resolution 17-219

Council Action: 10/9/2017

Description
Resolution granting Final Plat approval of a 123-Lot Residential Subdivision to be known as Whispering Oaks.

Background/Discussion
The Community Development Department has received a request from T S Development, LLC, represented by Charles Huddleston of Schemmer Associates Inc., for final plat approval of 123-lot residential subdivision to be known as Whispering Oaks (Attachment A). The proposed subdivision totals 40.17 +/- acres in size and is located west of Franklin Avenue and north of Greenview Road. One detached, single-family residential dwelling will be constructed on each proposed lot. The proposed plat includes the dedication of seven new streets to the City of Council Bluffs, including a westerly extension of Forest Glen Drive.
The preliminary subdivision plan for Whispering Oaks was passed and approved by the Council Bluffs City Council on October 27, 2014 by Resolution No. 14-286. The proposed final plat is generally consistent with the approved preliminary plan.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The subject property is zoned R-1/Single-Family Residential District. All building construction within the proposed subdivision shall comply with the standards stated in Chapter 15.08B.50, *Site development regulations, R-1/Single-Family Residential District* of the Council Bluffs Municipal Code (Zoning Ordinance).
3. All proposed lots comply with the R-1/Single-Family Residential District minimum square footage requirements. Proposed Lots 64, 66, 69, 70, 105 and 115 exceed the maximum allowed 3:1 lot depth to width ratio. Additionally, proposed Lot 102 has a lot depth of 70.58 feet (south property line) as opposed to the required 100 feet in an R-1/Single-Family Residential District. A subdivision variance to allow Lots 64, 66, 69, 70, 105 and 115 to exceed the maximum 3:1 lot depth to width ratio and for Lot 102 to have a lot depth less than the required 100 feet must be approved by City Council. Per Section 14.11.040, *Variance(s)* of the Council Bluffs Municipal Code (Subdivision Ordinance) a variance can be granted ‘where it can be shown that due to special conditions, literal enforcement of the ordinance will result in unnecessary hardship’, the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provided that such variance would:
 - a. Not be contrary to the public interest;
 - b. Be in the interest of the City;
 - c. Be within the spirit and intent of the ordinance; and
 - d. Not be detrimental to future residents in or near the proposed subdivision.
 Lots 64, 66, 69, 70, 102, 105 and 115 are all irregularly shaped. Each lot has sufficient dimensions and size to be developed with a single-family residential dwelling. The layout of these lots will not be detrimental to future residents and will allow for the subdivision to be developed as per the approved Whispering Oaks preliminary plan which is in the best interest of the City. The requested variances are not contrary to the public interest and are generally within the spirit and intent of the Council Bluffs Zoning and Subdivision Ordinances.
4. Lots 1 through 14, Whispering Oaks have frontage along Whispering Drive and Franklin Avenue. There are also recorded easements at the back of these lots for Northwestern Bell and Iowa Power and Light. For zoning setback purposes, the property line abutting Whispering Drive shall be considered a front yard and the property line abutting Franklin Avenue shall be considered a rear yard.
5. Lot 69 is an irregularly shaped corner lot that has 158.84 linear feet of frontage along Oak Court and 158.56 linear feet of frontage along Whispering Drive. Typically, the front of any lot is considered the side with the least amount of road frontage, which in this case would make Whispering Drive the front and Oak Court a street side. However, the developer designed the layout of this lot with the intent that Oak Court would be the front and Whispering Drive would be the street side yard. For zoning setback purposes, the property line abutting Oak Court shall be considered the front and the property line abutting Whispering Drive shall be considered a street side.
6. The applicant proposes to dedicate seven new streets to the City of Council Bluffs with the final plat, as follows: Ash Court, Bruckner Boulevard, Cypress Street, Spruce Lane, Whispering Drive, Oak Court as well as an extension of Forest Glen Drive. All lots within the proposed subdivision will have direct access to one of the new City streets. Lots 1 through 14, Whispering Oaks abut Franklin Avenue right-of-way. All rights of direct vehicular access from said lots onto Franklin Avenue shall be dedicated to the City of Council Bluffs on the final plat, as per the approved Whispering Oaks preliminary plan. Lots 1, 48, 49, 79, 80, 95, 96, 105, 109 and 123 are corner lots with a common frontage along Forest Glen Drive. All said lots have direct vehicular access to an intersecting side street. All rights of direct vehicular access from said lots onto Forest Glen Drive shall be dedicated to the City of Council Bluffs on the final plat, as per the approved Whispering Oaks preliminary plan.
7. The unplatted land located between proposed Lots 90 through 95 and Lots 106 through 108 will function as a stormwater management feature for the subdivision. This land area shall be identified as an outlot on the final plat and the ownership and maintenance of said stormwater feature shall be dedicated to the Whispering Oaks Homeowners Association.
8. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
9. The Council Bluffs Water Works has confirmed that the applicant has entered into a main extension agreement for this subdivision. Installation of the water main is underway at the time of this report. A 10 foot-wide water main easement is shown along the frontage of Lot 63. The Council Bluffs Water Works stated they would accept dedication of this easement with a separate instrument.
10. MidAmerican Energy stated they have not entered into a formal agreement with the applicant to provide electrical distribution facilities for this subdivision. The applicant has the agreement under review. The applicant shall enter into an agreement with MidAmerican Energy to provide electrical distribution facilities and street lights within the proposed subdivision prior to executing the final plat.
11. The Public Works Department provided the following comments:
 - a. A cost estimate must be established and agreed upon for all unfinished work. The applicant shall provide an escrow account, bond or letter of credit for the agreed upon cost estimate for all unfinished work in the subdivision.

- b. All sidewalks adjacent to outlots must be built or accounted for in the established cost estimate.
- c. Water quality and quantity features shall be dedicated to a homeowners associated with an approved operations and maintenance guidance document included.
- d. The overall sediment and erosion control plan must be modified to include plans to incorporate the individual lot build conditions. This plan must be approved by Public Works.
- e. The new Forest Glen Drive extension must connect to Greenview Road and the Whispering Oaks, Phase 2 preliminary plan (currently under consideration by City Council, Resolution No. 17-209) must be approved establishing the public right-of-way for said street. If not approved, a turnaround must be installed at the plat boundary.

Note: The applicant is near completion of the Forest Glen Drive extension in this subdivision. The street connects into Franklin Avenue and terminates at a 20 foot-wide strip of unincorporated land that runs parallel to Greenview Road. The applicant's engineer is working with Pottawattamie County Engineering and Planning Departments regarding the acceptance of a 20 foot-wide strip of land in the Forest Glen Drive extension as County right-of-way. The acceptance of this strip is necessary in order for Forest Glen Drive to interconnect with Greenview Road and provide a secondary access for this subdivision. The applicant anticipates that the Pottawattamie County Board of Supervisors will take action on their right-of-way acceptance request in September/October 2017. Once accepted the applicant can construct the subdivision's entrance onto Greenview Road.

- 12. The Council Bluffs Fire Department stated they have no comments for the proposed final plat.
- 13. 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.
- 14. A copy of the any private easements/covenants shall be provided to the City and recorded with the final plat.
- 15. Legal counsel representing David and Anna Jones sent a letter dated 2/22/2016 requesting certain actions by the City at the time of final plat for phases that abut their property. It should be noted that this phase does not abut their property. A copy of the letter is included as Attachment B.
- 16. The following technical corrections shall be made to the final plat prior to being executed:
 - a. Sheet 1 of 5 – Revise the County Auditor's name to state Melvyn Houser.
 - b. Sheet 3 of 5 – Label the course bearing and dimension of the common lot line between Lots 120 and 121.
 - c. Sheet 5 of 5:
 - i. Change the date in the "Owners Certificate paragraph" from 2015 to 2017.
 - ii. State "The Honorable Matthew J. Walsh, Mayor"
 - iii. Remove the period (.) after the first name of the Community Development Director (Brandon Garrett).
 - iv. Include an apostrophe in the word "Treasurer's" in the County Treasurer's Certificate label
 - v. Revise the third sentence of the Standard Utility Easement paragraph to specify maintenance of all drainage easement being the responsibility of the Whispering Oaks Homeowners Association. This would include the 20 foot-wide utility easements between 23 & 24, Lots 27 & 28 and Lots 115 & 116.
 - vi. Place a colon symbol after "Duty to Repair" in the dedication paragraph.
 - vii. Change the date in "Acknowledgment to Dedication" from 2015 to 2017.

Recommendation

The Community Development Department recommends the following:

- 1. Final plat approval of a 123-lot residential subdivision to be known as Whispering Oaks, as legally described and shown on Attachment 'A', subject to all comments stated above and following conditions:
 - a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
 - b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
 - d. All 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. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded; and
 - f. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City.
 - g. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
- 2. Approval of a subdivision variance to allow Lots 64, 66, 69, 70, 105 and 115, Whispering Oaks to exceed the maximum 3:1 lot depth to width ratio.
- 3. Approval of a subdivision variance to allow Lot 102 to have a minimum depth of 70.58 feet, as opposed to the required 100 feet in an R-1/Single-Family Residential District.

ATTACHMENTS:

Description	Type	Upload Date
SUB-17-008 Whispering Oaks Final Plat Public Hearing Notice CC (10-9-17)	Resolution	9/27/2017
Case SUB-17-008 Whispering Oaks Final Plat Attach A CC (10-9-17)	Resolution	9/27/2017
Case SUB-17-008 Whispering Oaks Final Plat Attach B CC (10-9-17)	Resolution	9/27/2017
Resolution 17-219	Resolution	10/2/2017

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of T S Development, LLC for final plat approval of a 123-lot residential subdivision to be known as Whispering Oaks, legally described as being: A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 3, OF THE AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33 TOWNSHIP 75 NORTH, RANGE 43 EAST, OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 1, AUDITORS SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 9th day of October, 2017 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.

FINAL PLAT
WHISPERING OAKS
LOTS 1 - 123 INCLUSIVE

A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH PART OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH LOT 3, OF THE AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33 TOWNSHIP 75 NORTH, RANGE 43 EAST, OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 1, AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

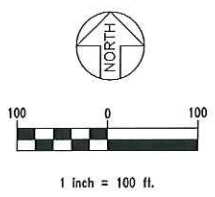


Parcel #	Area (SQ. FT.)
1	13144
2	8917
3	8309
4	8445
5	8092
6	7907
7	7907
8	7907
9	7907
10	7907
11	7907
12	7907
13	8685
14	9064
15	9064
16	8171
17	7907
18	7943
19	9064
20	9064
21	9064
22	9064
23	9611
24	15381
25	13695
26	12704
27	11366
28	11366
29	11366
30	10996
31	10996
32	10996
33	10996
34	12755
35	12854

Parcel #	Area (SQ. FT.)
36	11425
37	10656
38	10400
39	10400
40	10400
41	11248
42	12269
43	11125
44	10400
45	10400
46	10400
47	11248
48	11898
49	13413
50	12658
51	11750
52	11316
53	10883
54	11565
55	11658
56	11646
57	11117
58	10537
59	10537
60	11809
61	9068
62	8953
63	16473
64	16510
65	14820
66	18188
67	14145
68	13856
69	14931
70	13568

Parcel #	Area (SQ. FT.)
71	12208
72	10649
73	9831
74	9488
75	9760
76	9368
77	9488
78	9688
79	10611

- LEGEND
- - SECTION CORNERS FOUND (AS NOTED)
 - - CORNERS FOUND (AS NOTED)
 - - CORNERS SET (5/8" REBAR W/CAP# 22021 CAP PURPLE)
 - △ - COMPUTED CORNER
 - (P) - PLAT DIMENSION
 - (R) - RECORD DIMENSION
 - (S) - SURVEY DIMENSION



DESIGNED	DRAWN	DATE	CHECKED	DATE	BY

DATE	BY
05/04/2017	ES7

SCHEMMER
Design with Purpose. Build with Confidence.

WHISPERING OAKS
LOTS 1-123 INCLUSIVE
POTTAWATTAMIE COUNTY, IOWA

JOB NO. 06519.001
SHEET 2 of 5

FINAL PLAT

10/19/11 CAD:G:\p\050525600.FINAL PLAT.DWG (PLOT) 11.25.16 AM DWG TO PDF.dwg

FINAL PLAT
WHISPERING OAKS
LOTS 1 - 123 INCLUSIVE

A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 3, OF THE AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 33 TOWNSHIP 75 NORTH, RANGE 43 EAST, OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 1, AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

Parcel #	Area (Sq. Ft.)
80	11977
81	9170
82	8731
83	8731
84	8731
85	8731
86	9084
87	7894
88	8214
89	10042
90	13463
91	10392
92	8640
93	8640
94	8640
95	9984
96	11652
97	9484
98	8568
99	8229
100	13088
101	9064
102	11586
103	8235
104	9275
105	12591
106	10111
107	11702
108	11702
109	11943
110	11623
111	12023
112	13986
113	14414
114	11910
115	15733
116	13912
117	10000
118	10042
119	11986
120	13100
121	13026
122	11765
123	11111



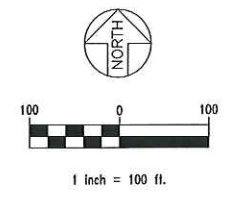
SE 1/4 NE 1/4
Sec. 5-74-43

TS DEVELOPMENT LLC
BOOK 2017, PG. 2889

TS DEVELOPMENT LLC
BOOK 2017, PG. 2889

SW 1/4 NW 1/4
Sec. 4-74-43

- LEGEND
- ⊕ - SECTION CORNERS FOUND (AS NOTED)
 - - CORNERS FOUND (AS NOTED)
 - - CORNERS SET (5/8" REBAR W/CAP #22021 PURPLE CAP)
 - △ - COMPUTED CORNER
 - (P) - PLAT DIMENSION
 - (R) - RECORD DIMENSION
 - (S) - SURVEY DIMENSION



<p>SCHEMMER Design with Purpose. Build with Confidence.</p>	<p>WHISPERING OAKS LOTS 1 - 123 INCLUSIVE POTTAWATTAMIE COUNTY, IOWA</p>
<p>JOB NO. 06519.001</p>	<p>FINAL PLAT</p>
<p>SHEET 3 of 5</p>	<p>DATE: 08/07/2017</p>

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LINCOLN OFFICE
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301 SOUTH 13TH STREET
LINCOLN, NEBRASKA 68508-2578
TELEPHONE 402-437-8500
FAX 402-437-8558

WOODS & AITKEN
L • L • P

DENVER OFFICE
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8055 EAST TUFTS AVENUE
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TELEPHONE 303-606-6700
FAX 303-606-6701

OMAHA OFFICE
SUITE 525
10250 REGENCY CIRCLE
OMAHA, NEBRASKA 68114-3754
TELEPHONE 402-898-7400
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MICHAEL D. MATEJKA
DIRECT: (402) 898-7409
EMAIL: MMATEJKA@WOODSAITKEN.COM
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WASHINGTON, D.C. OFFICE
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WASHINGTON, D.C. 20016-4124
TELEPHONE 202-944-9500
FAX 202-944-9501

PLEASE RESPOND TO OMAHA ADDRESS

February 22, 2016

Ms. Rose E. Brown
Planning Coordinator
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Mr. Donald Gross
Community Development Director
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Mr. Richard Wade
City Attorney
City of Council Bluffs
209 Pearl Street, Third Floor
Council Bluffs, IA 51503

RE: David and Anna Jones

Dear Ms. Brown, Mr. Gross and Mr. Wade:

We represent Mr. and Mrs. David Jones. As you are aware, Mr. and Mrs. Jones own the real estate located at 16090 Crystal Lane, which is adjacent to the Whispering Oaks development. Prior to the preliminary approval of the Whispering Oaks development, my clients had requested that they have access to the public streets in Whispering Oaks for access to their property. Since then, my clients have determined that the highest and best use of their property is the future development of single family lots. Therefore access to the public streets in Whispering Oaks is now even more critical for purposes of providing additional access for public safety and circulation of traffic which will be needed to develop this property for the residential use which will benefit the City and is the purpose the property was annexed and zoned residential by the City.

My clients request that access to the public streets in Whispering Oaks be required by the City as a condition for the final approval of those phases of Whispering Oaks which are adjacent to my client's property. This would include the ability to connect to the street that connects to the

Mr. Donald Gross
Ms. Rose E. Brown
Mr. Richard Wade
February 22, 2016
Page 2

Northwest corner of my clients' property as well as having the right, at my clients cost, to connect to the looped street that is near the Southeast corner of their property.

We ask that the City please confirm in writing that this will be a requirement of any future approvals of the phases of Whispering Oaks which are adjacent to my client's property.

Having access to the public streets of Whispering Oaks is critical to the future development of my clients' property since at the meeting last fall with the City department heads, the City indicated that it has concerns about the adequacy of the existing access and infrastructure serving my clients' property.

Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Matejka". The signature is written in a cursive style with a large, prominent 'M' at the beginning.

Michael D. Matejka

MDM/cab

RESOLUTION NO. 17-219

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 123-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS WHISPERING OAKS.

WHEREAS, T S Development, LLC, represented by Charles Huddleston of Schemmer Associates, Inc., has submitted a request for final plat approval for 123-lot residential subdivision to be known as Whispering Oaks; and

WHEREAS, The proposed subdivision totals 40.17 acres in size and is located west of Franklin Avenue and north of Greenview Road, being a westerly extension of Forest Glen Drive and is legally described as: A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 74 NORTH RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 3, OF THE AUDITORS SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33 TOWNSHIP 75 NORTH, RANGE 43 EAST, OF THE 5TH PRINCIPAL MERIDIAN; AND ALSO TOGETHER WITH LOT 1, AUDITORS SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 75 NORTH, RANGE 43 EAST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA; and

WHEREAS, The proposed subdivision is generally consistent with the Whispering Oaks preliminary plan passed and approved by the Council Bluffs City Council on October 27, 2014 by Resolution No. 14-286; and

WHEREAS, The Community Development Department recommends the following:

1. Final plat approval of a 123-lot residential subdivision to be known as Whispering Oaks, as legally described above and shown on Attachment 'A', subject to all comments stated in the case report and following conditions:
 - a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
 - b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
 - c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and

- d. All 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. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded; and
 - f. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City; and
 - g. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
2. Approval of a subdivision variance to allow Lots 64, 66, 69, 70, 105 and 115, Whispering Oaks to exceed the maximum 3:1 lot depth to width ratio.
 3. Approval of a subdivision variance to allow Lot 102 to have a minimum depth of 70.58 feet, as opposed to the required 100 feet in an R-1/Single-Family Residential District.

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

That the final plat approval for 123-lot residential subdivision to be known as Whispering Oaks as legally described above and shown on Attachment ‘A’, is hereby approved subject to all local, state and federal regulations; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

October 9, 2017.

MATTHEW J. WALSH

Mayor

Attest: _____

JODI QUAKENBUSH

City Clerk

Council Communication

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

Ordinance 6309

Council Action: 10/9/2017

Description
An Ordinance to amend Chapter 1.70 "Board of Library Trustees" by amended Section 1.70.110 "Annual Report"

Background/Discussion
The purpose of this change is to update section 1.70.110. The term "books" now includes: ebooks; databases; audio, video and equipment that is checked out. Changing "books" to "materials" would update this section.
The Library does collect "fines" but also collects revenue for rentals (room rental and the CVB), also grants, etc. Change "fines" to "revenue" would update this section.

Recommendation
Approval of this Resolution.

ATTACHMENTS:

Description	Type	Upload Date
Attachment showing changes	Other	9/22/2017
Ordinance	Ordinance	9/22/2017

1.70.110 – Annual report.

The board shall report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of materials, added thereto, the number circulated, the amount of revenue, collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

Deleted: books

Deleted: fines

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 1.70 “BOARD OF LIBRARY TRUSTEES” BY AMENDING SECTION 1.70.110 “ANNUAL REPORT” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That Chapter 1.70 “Board of Library Trustees” be amended by amending Section 1.70.110 “Annual Report” of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended to read as follows:

Chapter 1.70 – BOARD OF LIBRARY TRUSTEES

Section:

1.70.110 – Annual report.

The board shall report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of materials added thereto, the number circulated, the amount of revenue collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

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 _____, 2017.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

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

Council Communication

Department: City Clerk
Case/Project No.: ZT-17-004
Submitted by: Chris Meeks

Ordinance 6306

Council Action: 10/9/2017

Description
An Ordinance to amend Chapter 15.15 "C-2/Commercial District" by amending Section 15.15.030 "Conditional Uses" to include "Warehousing and Distribution (Limited)"

Background/Discussion
The Community Development Department received a request of QRS Investments LLC for a text amendment to Title 15 of the Municipal Code (Zoning Ordinance) to:

- Amend §15.15.030 by adding ‘Warehousing and Distribution (Limited)’. The requested text amendment would allow for a ‘Warehousing and Distribution (Limited)’ as defined by §15.03.682 as a conditional use in a C-2 Commercial District, Municipal Code (Zoning Ordinance).

The applicant has requested this amendment to allow for a tenant to expand a conforming warehousing operation. The tenant currently leases approximately half of an existing building, and would expand their space pending the approval of this text amendment and future Conditional Use Permit.
Warehousing and Distribution (Limited) operations occupying a maximum of fifty thousand square feet are currently allowed as principle use in the C-2 Commercial District. The approval of this text amendment would allow an applicant to obtain a conditional use permit to remove the fifty thousand square foot maximum floor area. Warehousing and Distribution (Limited) is allowed as a principle use in the P-I/Planned Industrial District, I-1/Light Industrial District, I-2/General Industrial District, and I-3/Heavy Industrial District.
The approval of this text amendment would allow the Zoning Board of Adjustment the opportunity to determine the suitability of a specific site for a warehousing and distribution operation of greater than fifty thousand square feet. During this review, the Zoning Board of Adjustment would also be able to add conditions to the approval operation to protect the public interest, adjacent property, and land values. Failure to maintain the conditions outlined shall constitute grounds for revocation of the conditional use. Conditional uses are outlined in Section 15.02.090 of the Council Bluffs Code of Ordinances.
All City departments and utility providers received a copy of the proposed text amendment. The Public Works Department stated they have no comments concerning the proposed text amendment.
No other comments have been received.

Recommendation
The Community Development Department recommends approval of the proposed text amendment as follows:

- Amend §15.15.030 by adding ‘Warehousing and Distribution (Limited)’ as a conditional use in a C-2 Commercial District, Municipal Code (Zoning Ordinance).

Public Hearing

Speakers in favor:
1. Greg Johnson, 1851 Madison Avenue, Council Bluffs, IA 51503
Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval of the proposed text amendment as follows:

- Amend §15.15.030 by adding ‘Warehousing and Distribution (Limited)’ as a conditional use in a C-2 Commercial District, Municipal Code (Zoning Ordinance).

VOTE: AYE 8 NAY 0 ABSTAIN 2 ABSENT 1 Motion: Carried

ATTACHMENTS:

Description	Type	Upload Date
ZT-17-004 C-2 Commercial District 15.15.030 PH Notice	Resolution	9/15/2017
Ordinance 6306	Ordinance	9/19/2017

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 9th day of October, 2017 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

The hearing is in regards to the City's intent to Amend §15.15.030 by adding 'Warehousing and Distribution, limited' as defined by §15.03.682 as a conditional use in a C-2 Commercial District, Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6306

AN ORDINANCE TO AMEND CHAPTER 15.15 “C-2/COMMERCIAL DISTRICT” OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.15.030 “CONDITIONAL USES” TO INCLUDE “WAREHOUSING AND DISTRIBUTION (LIMITED)”

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

SECTION 1. That Chapter 15.15 “C-2/Commercial District” of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.15.030 “Conditional Uses”, to read as follows:

15.15.030 - Conditional uses.

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in Chapter 15.27:

- (1) Adult entertainment, as further limited by Section 15.15.060;
- (2) Automobile repair, major;
- (3) Automobile sales and rental, as further limited by Section 15.15.060;
- (4) Commercial storage;
- (5) Communication tower;
- (6) Day care services;
- (7) Manufacturing, light (fifty thousand (50,000) square feet or less);
- (8) Warehousing and Distribution (Limited).

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

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

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

ADOPTED
AND _____, 2017.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 9-25-17
Second Consideration: 10-9-17
Public Hearing: 10-9-17
Third Consideration: _____

Council Communication

Department: City Clerk
Case/Project No.: Update to City Ordinance
3.44 Pawnbrokers
Submitted by: Chief Tim Carmody

Ordinance 6307

Council Action: 10/9/2017

Description
An Ordinance to amend Section 3.44 Pawnbrokers.

Background/Discussion

- On July 1, 2017, the Council Bluffs Police Department entered into an agreement with *Leadsonline, LLC* to operate and maintain an electronic reporting and criminal investigation system for receiving data for the use of law enforcement officials in their duties. Their web-based and provides the Council Bluffs Police Department with a more detailed, better quality system of collecting, maintaining and analyzing the pawn transaction information during criminal investigations, in addition to streamlining records management processes
- *Leadsonline, LLC* acts in the capacity of an agent for the Council Bluffs Police Department for the purpose of collecting, maintaining and disseminating data provided by local pawnbrokers – enhancing our ability to capture accurate and timely information.
- *Leadsonline, LLC* service is free for local businesses to use, with software that is compatible to “point of sale” systems or it can be used as a standalone service for reporting. The process is completely electronic, eliminating the need for paper tickets to be turned into the Police Department.
- *Leadsonline, LLC* is also used by other agencies in the Metro area – increasing our ability to see stolen property that has been pawned elsewhere in the Metro.
- With the implementation of *Leadsonline, LLC*, the Council Bluffs Police Department is requesting that Council Bluffs Municipal Code 3.44 (Pawnbrokers Ordinance) be amended to include language that requires local pawnbrokers use an electronic reporting system as selected by the City and mandates the type of information that is to be collected at the time of transaction.
- The updates bring the ordinance into the digital age and will have helped us to recover stolen property, identify the suspect(s) involved, and regulate the pawnbroker process. It also helps make the process easier and more efficient for the end users in the pawnshops.

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 6307	Ordinance	9/19/2017

ORDINANCE NO. 6307

AN ORDINANCE TO AMEND CHAPTER 3.44 “PAWNBROKERS” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That Chapter 3.44 “Pawnbrokers” of the 2015 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended to read as follows:

Chapter 3.44 - PAWNBROKERS

Sections:

3.44.010 - Definition.

Any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his or her place of business of the sign generally used by pawnbrokers to denote their business: three gilt or yellow balls, or who publicly exhibits any sign of money to loan on personal property, is declared to be a pawnbroker.

(Ord. 4224 § 1 (part), 1978).

3.44.020 - License required.

No person shall carry on or engage in business as a pawnbroker in the city without first having obtained a license therefor from the city, and such license shall conform to those now provided for, or that may hereafter be provided by ordinance.

(Ord. 4224 § 1 (part), 1978).

3.44.030 - Affidavit of intent and place of business.

Before such license is issued, the applicant therefor shall make an affidavit before some officer authorized by law to administer oaths, that he or she will faithfully observe and carry out all the provisions, regulations and requirements of any ordinance then in force or that may be hereafter passed, in relation to pawnbrokers or their business, and shall also set out fully the street and number where such business is to be transacted. Said affidavit shall be filed with the city clerk. In addition, prior to issuance of any license, the clerk shall cause an investigation of such applicant to be made by the police department to determine if such applicant is of good moral character, and has complied with all requirements of this chapter.

(Ord. 4224 § I (part), 1978).

3.44.040 - Bond.

Every person applying for a license to engage in carrying on the business of a pawnbroker shall, at the time such license is issued to him, enter into a bond with the city, with two or more good and sufficient securities, to be approved by the city council, in the penal sum of two thousand dollars (\$2,000.00), conditioned that such applicant will strictly and faithfully observe all ordinances, regulations and requirements of the city in relation to pawnbrokers or their business, and will pay all costs, fines and penalties incurred on account of his or her failure or neglect in that behalf, and will pay all damages resulting to any person by reason of his or her wrongful purchasing, taking or receiving, in pledge or on deposit, stolen property. The bond shall be filed with the city clerk and may be sued upon by any person damaged, as aforesaid, in the name of the city, for the use of such person, but in no event shall the city be liable for any costs in such suit.

(Ord. 4224 § 1 (part), 1978).

3.44.050 - License fee.

Every pawnbroker shall, for such license, pay the sum of one hundred dollars (\$100.00) per year, and shall pay the same in advance.

(Ord. 4224 § 1 (part), 1978).

3.44.060 - Register to be kept—Copies to chief of police and patron.

Every pawnbroker shall keep a register of all loans and purchases of all articles effected or made by him or her at his or her place of business, which register shall show the date of all loans or purchases and the names of all persons who have left any description of property on deposit as a collateral security or as delivery on sale thereof. Opposite such name and date shall be written in plain hand the person's age and motor vehicle operator's or chauffeur's license number, or social security number, or other identification of public record; the full description of all such property purchased or received on deposit as collateral security; the manufacturer's identifying insignia or serial number if applicable; the time when the loan falls due; the amount of purchase money or the amount loaned and the interest charged and picture number. The pawnbroker shall make such entries within one hour after the receipt or purchase of such property. Every entry shall be made in ink, shall not in any manner be erased, obliterated or defaced, and a copy thereof shall be sent to the chief of police before noon of the following day. In addition to this, he or she shall give to the party negotiating or selling a plain, written or printed ticket for the loan, and a plain, written or printed receipt of the articles purchased having on each a copy of the entries required by this chapter to be kept in his or her register, for which no charge shall be made.

(Ord. 4224 § 1 (part), 1978).

3.44.070 – Register open to inspection.

The register shall at all times be kept open to inspection of the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city; the city attorney, and the prosecuting attorney of Pottawattamie County, and anyone authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the pawnbroker. The pawnbroker shall also, upon request, show and exhibit to any such person or officer, for inspection, any article or articles purchased, taken or received by him.

(Ord. 4224 § 1 (part), 1978).

3.44.080 - Recording absolute purchases—Holding period for inspection.

Every pawnbroker shall, on the absolute purchases of any personal property, enter the same in the register in the same manner as property received on pledge, and shall for thirty (30) days after the purchase keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in Section 3.44.070, as fully and to the same extent as goods received on pledge.

(Ord. 5729 § 1, 2002).

3.44.090 - Minors.

It is unlawful for any pawnbroker, junk or secondhand dealer to purchase or receive within the city any property from any person under the age of eighteen years.

(Ord. 4224 § 1 (part), 1978).

3.44.100 - License for each place—Agents.

A license shall be required of every pawnbroker for each and every place where such business is transacted, and it shall be unlawful for anyone to act as agent or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in said affidavit and license.

(Ord. 4224 § 1 (part), 1978).

3.44.110 - Bond and license filing fee.

In all cases the city clerk shall charge a fee of fifty cents for each license and one dollar for each bond filed.

(Ord. 4224 § 1 (part), 1978).

3.44.120-Notice to the public.

Every pawnbroker shall display a notice to his or her customers in a prominent place to the effect that he or she is required by city ordinance to digitally photograph and fingerprint every person pawning or selling an item to him/her, as well as a digital photograph of the person's driver's license or identification card.

(Ord. 5381 § 1, 1998).

(Ord. No. 6166, § 1, 2-25-2013).

3.44.130 - Serial number required.

No pawnbroker shall accept as collateral security or purchase any camera, radio, television set, lawnmower, typewriter, adding machine, tape recorder, tape player, still or moving picture projector, or any other item which normally bears a manufacturer's serial number or other identifying insignia, unless said item has, plainly visible thereon, the manufacturer's serial number or other identifying insignia.

(Ord. 4224 § 1 (part), 1978).

3.44.140 - Penalty for violation.

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. 5729 § 2, 2002).

3.44.150 - Report format.

The chief of police may require pawnbrokers to provide required information to the police department in a specific format, including the use of an internet-based, electronic reporting system. In the event the city enters into an agreement to utilize an electronic reporting system, it shall be the exclusive means by which such transactions are reported to the chief of police. All records, photographs, identification and information required under this Chapter shall be digitally created and delivered to the chief of police no later than 12 P.M. on the following business day.

(Ord. 5381 § 2, 1998).

3.44.160 - Police holds.

Law enforcement agencies and officers may place a hold on any item owned or held by a pawnbroker if such item is related or possibly related to a crime or criminal investigation. Once the police hold is removed and the owner is advised, the pawnbroker must hold the item for up to thirty (30) days for the owner to claim. After thirty (30) days, the pawnbroker may dispose of such item in the pawnbroker's normal course of action in handling unclaimed property.

(Ord. 5381 § 3, 1998)

3.44.170 – Information to be collected.

At the time of purchase, in addition to the requirements of Section 3.44.060, the pawnbroker shall use the required electronic reporting system to collect the following:

- a. A digital photograph of the purchased item;
- b. A digital photograph of the seller, without any hat or sunglasses, and such photograph shall depict the subject in a non-distorted, readily identifiable fashion.
- c. A digital signature of the seller or digital photograph of the seller's signature;
- d. A clear and identifiable digital scan of the seller's right index finger or, if the right index finger is missing, the digital scan shall be taken of the left index finger; and
- e. A digital photograph or digitally scanned image of the Driver's License or Identification Card of the seller, sufficiently clear to allow all information to be read.

3.44.180 – Required use of electronic reporting system.

In the event the city enters into an agreement to utilize an electronic reporting system all pawnbrokers shall operate and maintain an internet-based computer system with digital photographic capability sufficient to comply with the reporting requirements described in Sections 3.44.150 and 3.44.160. In the event that the electronic reporting system is unavailable to digitally record a transaction for any reason, the pawnbroker shall make a complete written report of the transaction which shall be entered into the electronic reporting system as soon as practicable. Any malfunction or failure of any equipment required to carry out the reporting requirements of this Chapter shall not exempt pawnbroker from recording and reporting the information required under this Chapter, and

such malfunction or failure shall be corrected by the pawnbroker as soon as practicable. Any costs associated with providing required information to the police department in the format required under this Chapter shall be borne by the pawnbroker.

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 _____, 2017.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 9-25-17
Second Consideration: 10-9-17
Public Hearing: N/A
Third Consideration: _____

Council Communication

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

Resolution 17-220

Council Action: 10/9/2017

Description
Resolution officially designating the City Council meeting dates for the City of Council Bluffs during the 2018 calendar year.

Background/Discussion
Council dates as distributed on September 25th, 2017.

Recommendation
Approval

ATTACHMENTS:

Description	Type	Upload Date
Calendar	Resolution	9/28/2017
Resolution 17-220	Resolution	10/2/2017

2018 City Council Meeting Dates

January							February							March							April						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30					
May							June							July							August						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
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20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	
September							October							November							December						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
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2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
30																					30	31					

 = City Council Meeting Dates
 = City Council Meeting Deadline to submit items
 = Holidays Observed by the City

RESOLUTION NO. 17-220

A RESOLUTION OFFICIALLY DESIGNATING THE CITY COUNCIL MEETING DATES FOR THE CITY OF COUNCIL BLUFFS DURING THE 2018 CALENDAR YEAR.

WHEREAS, City Council meetings are held on the second and fourth Monday of each month; and
WHEARAS, due to the Memorial Day holiday, the meetings in May have been scheduled for the first and third Mondays of the month; due to the Veteran’s Day holiday, the meetings in November have been scheduled for the first and fourth Mondays of the month; due to the Christmas holiday, there is only one meeting held in December and has been scheduled for the third 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 2018 City Council meeting dates.

January 8 th & 22 nd	May 7 th & 21 st	September 10 th & 24 th
February 12 th & 26 th	June 11 th & 25 th	October 8 th & 22 nd
March 12 th & 26 th	July 9 th & 23 rd	November 5 th & 26 th
April 9 th & 23 rd	August 13 th & 27 th	December 17 th

ADOPTED
AND
APPROVED:

October 9, 2017

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 17-221

Council Action: 10/9/2017

Description
Resolution authorizing the Mayor to execute Iowa Department of Transportation Agreement No. 2017-TJ-003 in connection with the I-29 Interstate Improvements.

Background/Discussion
This agreement is in reference to Segment 3 of the Iowa DOT’s Council Bluffs Interstate System Improvements.
The agreement allows for the transfer of jurisdiction from the State to the City of Council Bluffs, a portion of the newly constructed alleyway from South 13th Street east to South 7th Street, a length of approximately 0.44 miles and the associated excess acquisition parcel remnants, as shown on Exhibit A. This area is north of the newly constructed noise wall.
The agreement also allows for the transfer of jurisdiction from the City to the State a portion of existing 29th Avenue right-of-way from South 13th Street east to South 11th Street, a length of approximately 0.16 miles, as shown on Exhibit B. The newly constructed noise wall resides on this portion of the existing City right-of-way.

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Agreement	Agreement	9/28/2017
Resolution 17-221	Resolution	10/2/2017

7. The STATE shall transfer to the LPA and the LPA shall transfer to the STATE by quit-claim deed prepared by the STATE all its legal or equitable title or interest in the right-of-way, except as noted in Section 8 following, of the public road segment(s) described in this Agreement. The LPA and STATE shall accept said deed, pursuant to Iowa Code Section 306.42.
8. If the STATE has acquired access rights by warranty deed for the public road segment(s) described in this Agreement, the LPA shall not, within 150 feet of the edge of any at-grade intersecting primary highway, either alter those rights or allow any new access.
9. Once the transfer of jurisdiction is complete, the LPA shall be responsible for signing the road segment. Procedures to modify the secondary route numbering system are outlined in Instructional Memorandum (IM) 4.01. The LPA shall also be responsible for any requests to modify the Farm to Market (FM) road system as outlined in IM 4.210 and 4.220.
10. If any section, provision, or part of this Agreement is found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not found to be invalid or unconstitutional.
11. This Agreement shall be executed in two counterparts, each of which shall constitute but one and the same instrument.
12. This Agreement including referenced exhibits, constitutes the entire Agreement between the LPA and the STATE concerning this transfer of jurisdiction. Representations made before the signing of this Agreement are not binding, and neither party has relied upon conflicting representations in entering into this Agreement. Any change or alteration to the terms of this Agreement must be in the form of an addendum to this Agreement. Said addendum shall become effective only upon written approval of the STATE and the LPA.

IN WITNESS THEREOF, each of the parties hereto has executed agreement No. 2017-TJ-003 as of the date shown opposite its signature hereafter.

CITY OF COUNCIL BLUFFS:

By: _____ Date _____, 20____.
Title: Mayor

I, _____, certify that I am the Clerk of the City, and that
_____, who signed said Agreement for and on behalf of the City
was duly authorized to execute the same by virtue of a formal motion passed and adopted by the CITY
on the ____ day of _____, 20____.

Signed: _____
City Clerk of Council Bluffs, Iowa

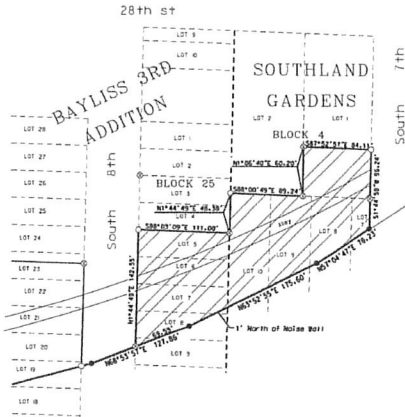
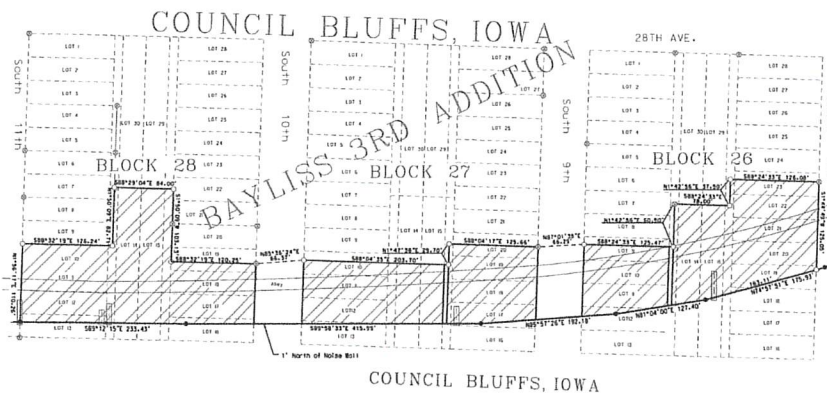
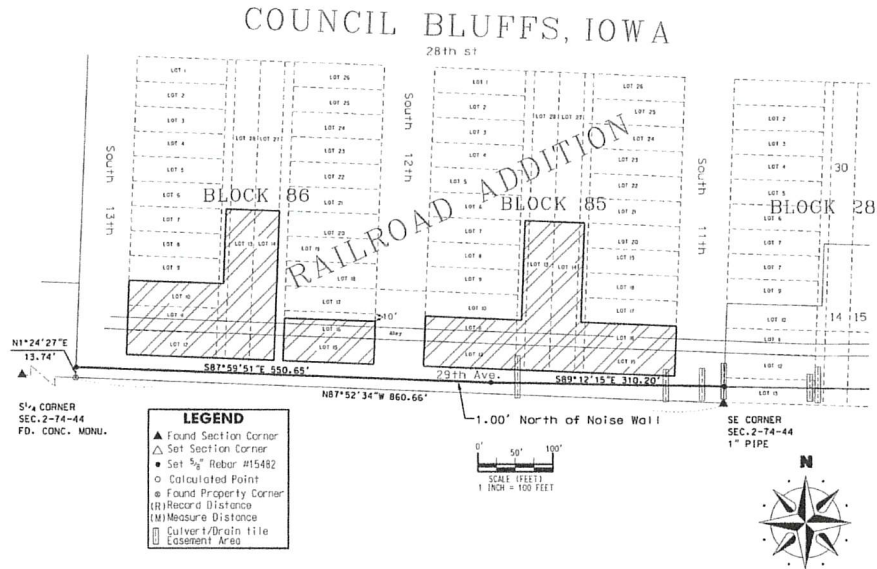
IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 20____.
Scott A. Schram
District Engineer
District 4

**Transfer of Jurisdiction
State to City
Location**

Council Bluffs, Iowa

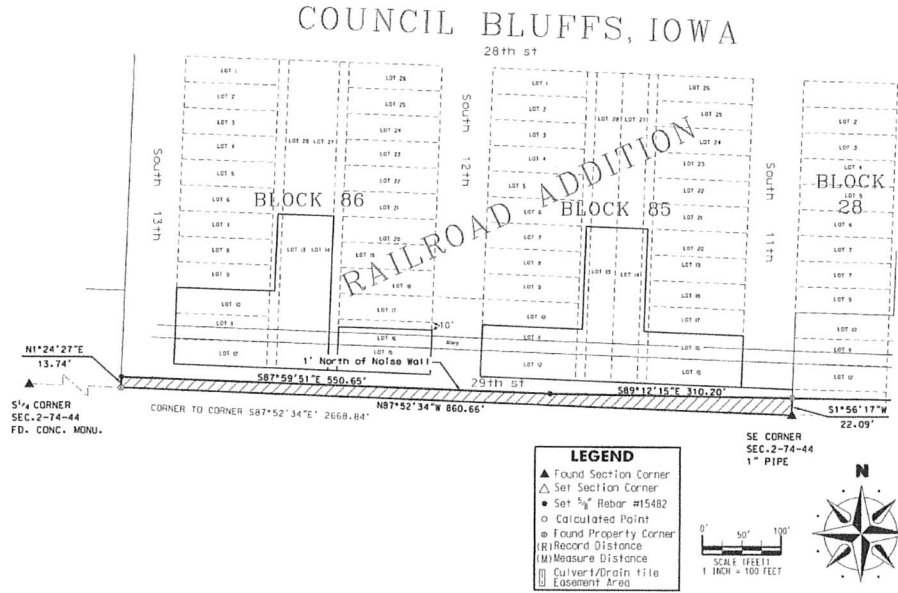
That portion of the newly constructed alleyway from South 13th Street east to South 7th Street, a length of approximately 0.44 mile and the associated excess acquisition parcel remnants.



Transfer of Jurisdiction City to State Location

Council Bluffs, Iowa

That portion of right-of-way for the alleyway from South 13th Street east to South 11th Street, a length of approximately 0.16 mile.



RESOLUTION
NO 17-221

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT NO. 2017-TJ-003
IN CONNECTION WITH
I-29 INTERSTATE IMPROVEMENTS**

WHEREAS, the Iowa Department of Transportation wishes to make improvements known as the I-29 Interstate Improvements, within the city, as therein described; and

WHEREAS, Iowa Department of Transportation has submitted an agreement for said improvements that includes the transfer of jurisdiction from the State to the City a portion of the newly constructed alleyway from South 13th Street to South 7th Street; and a transfer of jurisdiction from the City to the State of a portion of existing 29th Avenue from South 13th Street to South 11th Street to accommodate the newly Constructed noise wall; and

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

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

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with Iowa Department of Transportation in connection with I-29 Interstate Improvements.

ADOPTED
AND
APPROVED

October 9, 2017

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 17-222

Council Action: 10/9/2017

Description
Resolution rejecting the bid for the Bass Pro Shop Parking Lot Repair Project.

Background/Discussion
On September 28, 2017, one bid was received in the office of the City Clerk as follows:

	<u>Total</u>
Midwest Coatings Company, Inc.	\$ 259,166.20
Cost Estimate (HGM Associates Inc.)	\$ 145,142.00

Bass Pro Shop was constructed in 2005. There have been minimal repairs to the parking lot since that time. There are many areas during the summer that have become tripping hazards. Ice freezing in the same areas pose safety risks during the winter.

The entire parking lot also requires sealing of the entire surface and restriping which is normal maintenance of a lot that age.

Repairing the hazards and resealing and restriping the parking lot will ensure the parking lot will remain a safe environment.

Funding for this project will be paid for by the Iowa West Foundation.

Since only one bid was received and it well exceeded the cost estimate, the plan is to rebid the project in the spring of next year. The new timing with a more flexible construction period is expected to attract more bidders and result in more favorable pricing.

Recommendation
Approval of this resolution.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 17-222	Resolution	10/2/2017

RESOLUTION NO. 17-222

**RESOLUTION REJECTING THE BID
FOR THE
BASS PRO SHOP PARKING LOT REPAIR PROJECT**

WHEREAS, the plans, specifications, form of contract, and cost estimate for the Bass Pro Shop Parking Lot Repair Project are on file in the office of the City Clerk; and

WHEREAS, one bid was received in the office of the City Clerk on September 28, 2017; and

WHEREAS, it is appropriate to reject the bid.

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

That the bid received for the Bass Pro Shop Parking Lot Repair Project is hereby rejected.

ADOPTED
AND
APPROVED

October 9, 2017

Matthew J. Walsh, Mayor

Attest:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: MIS-17-004
Submitted by: Rose Brown

Resolution 17-223

Council Action: 10/9/2017

Description
Resolution of intent to dispose of certain property interest located on parts of Lots 1 and 4, Hotel Plaza at the M.A.C., Replat One and also part of Outlot A (Arena Way), Hotel Plaza at the M.A.C., Replat One, by granting an easement for the benefit of the board of water works trustees of the City of Council Bluffs. Location: Near Iowa West Fieldhouse.

Background/Discussion
The Council Bluffs Water Works installed water mains and water lines across and/or through the lots described above in conjunction with the Iowa West Field House. At this time the Council Bluffs Water Works has requested dedication of an easement as shown in Attachment 'A', over said improvements

Recommendation
The Community Development Department recommends setting a public hearing for October 23, 2017 to consider disposal of said property rights by granting an easement.

ATTACHMENTS:

Description	Type	Upload Date
MIS-17-004 Easement Agreement Attachment A	Resolution	9/27/2017
MIS-17-004 Notice of Public Hearing CC (10-9-17)	Resolution	9/27/2017
Resolution 17-223	Resolution	10/2/2017

EASEMENT AGREEMENT

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

Taxpayer Information: (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

Return Document To: (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

Grantors:

City of Council Bluffs, Iowa

Grantees:

City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa

Legal Description: See next page.

Document or instrument number of previously recorded documents if applicable:

EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Council Bluffs, Iowa, a municipal corporation (city), for good and sufficient valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto the City Of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa, (the "City Water Works") a permanent non-exclusive easement at least thirty (30) feet in width, over, across and through the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, to-wit:

See Exhibit A

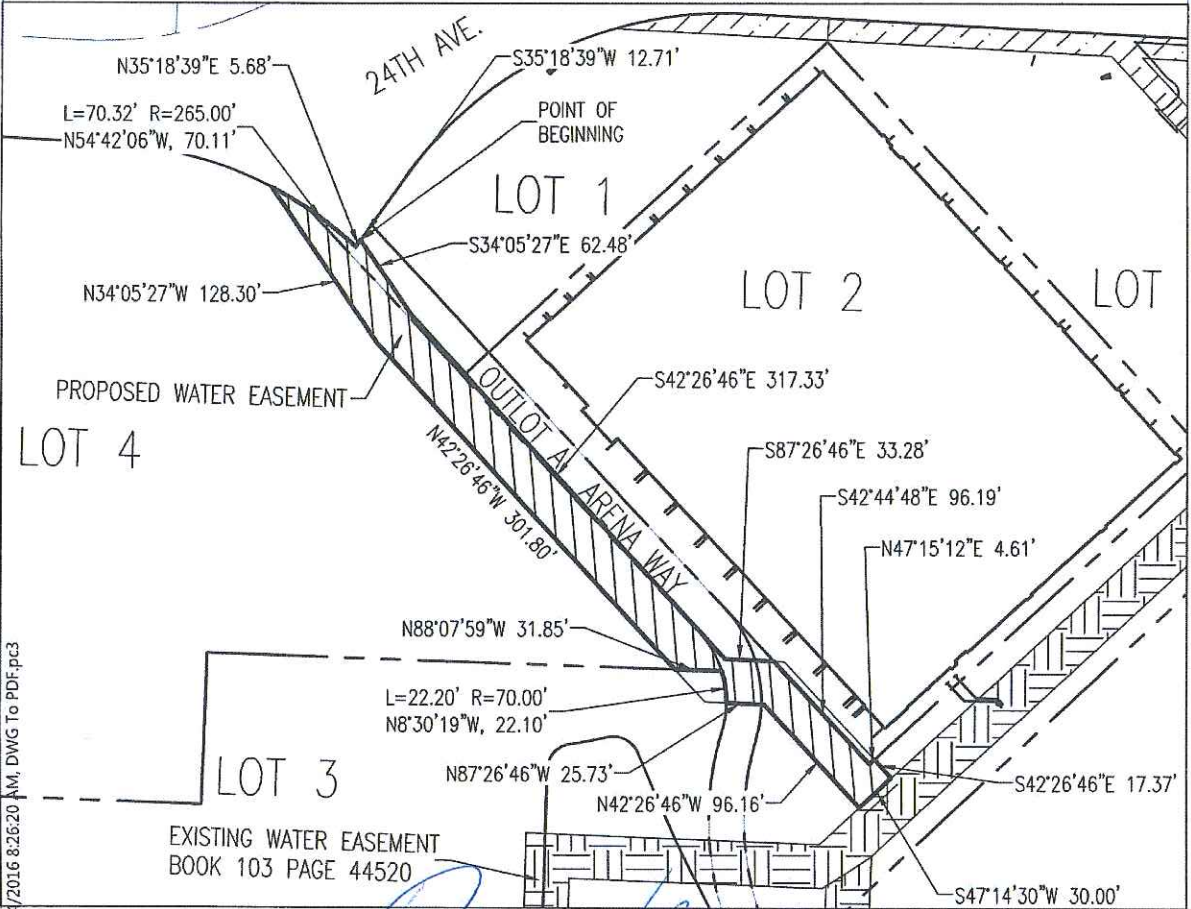
including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate or remove underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe lines and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said pipe lines and/or mains.

The Easement herein granted shall be a servient estate which shall run with the land and be binding on the successors-in-interest to said tracts of land.

The said City Water Works shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition as it was in before the said City Water Works went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said main, such fences and structures shall be promptly replaced by said City Water Works upon completion of the work requiring such removal.

In further consideration for the good and sufficient valuable consideration received by the undersigned, the undersigned agrees that it will not place any permanent structures upon or over said easement without first obtaining the written consent of said City Water Works; further, the undersigned covenants with Grantee that it is lawfully seized and possessed of the real estate above described; that it has good and lawful right to convey it, or any part thereof, that it is free from

EXHIBIT A



P:\06840001\CAD\Survey\06840001 WATER AND POWER EASEMENT_000.dwg, 12/14/2016 8:26:20 AM, DWG To PDF.pc3

SEE SHEET 2 FOR LEGAL DESCRIPTION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

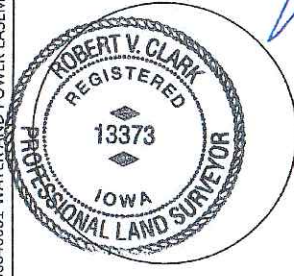
Robert V. Clark
 (SIGNATURE) 12-14-16
 (DATE)

PRINTED OR TYPED NAME: _____ ROBERT V. CLARK

LICENSE NUMBER: _____ 13373

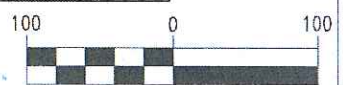
MY LICENSE RENEWAL DATE IS DECEMBER 31, _____ 2016

PAGES OR SHEETS COVERED BY THIS SEAL:
 _____ PAGE 1 OF 2 AND 2 OF 2



SCHEMMER

ARCHITECTS | ENGINEERS | PLANNERS



1 inch = 100 ft.

EXHIBIT A

LEGAL DESCRIPTION:

PERMANENT WATER EASEMENT LOCATED IN PART OF LOT 1, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, A SUBDIVISION LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 3; ALSO LOCATED IN PART OF LOT 4, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; ALSO PART OF OUTLOT A ARENA WAY, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

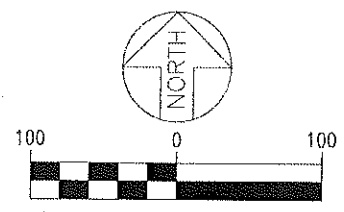
COMMENCING AT THE NORTHWEST CORNER OF LOT 1, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 24TH AVE; THENCE S35°18'39"W (ASSUMED BEARING) ALONG SAID EAST RIGHT OF WAY LINE OF 24TH AVE, A DISTANCE OF 12.71 FEET, TO A POINT ON THE NORTH LINE OF OUTLOT A ARENA WAY, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S34°05'27"E, A DISTANCE OF 62.48 FEET; THENCE S42°26'46"E, A DISTANCE OF 317.33 FEET; THENCE S87°28'46"E, A DISTANCE OF 33.28 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF LOT 2, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; THENCE S42°44'48"E, ALONG SAID SOUTHWESTERLY LINE OF LOT 2, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, A DISTANCE OF 96.19 FEET, TO THE SOUTHERLY CORNER OF SAID LOT 2, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; THENCE N47°15'12"E, ALONG THE SOUTHEASTERLY LINE OF LOT 2, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, A DISTANCE OF 4.61 FEET; THENCE S42°26'46"E, A DISTANCE OF 17.37 FEET TO A POINT ON AN EXISTING WATER EASEMENT, RECORDED IN BOOK 103 PAGE 44520; THENCE S47°14'30"W, ALONG THE NORTHWESTERLY LINE OF SAID EXISTING WATER EASEMENT, A DISTANCE OF 30.00 FEET; THENCE N42°26'46"W, A DISTANCE OF 96.16 FEET; THENCE N87°26'46"W, A DISTANCE OF 25.73 FEET TO A POINT ON THE EASTERLY LINE OF LOT 3, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; THENCE ALONG SAID EASTERLY LINE OF LOT 3, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 70.00 FEET AND A LENGTH OF 22.20 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N08°30'19"W, A DISTANCE OF 22.10 FEET, TO THE NORTHEAST CORNER OF SAID LOT 3, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; THENCE N86°07'59"W, ALONG THE NORTHERLY LINE OF LOT 3, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, A DISTANCE OF 31.85 FEET; THENCE N42°26'46"W, A DISTANCE OF 301.80 FEET; THENCE N34°05'27"W, A DISTANCE OF 128.30 FEET, TO A POINT ON THE NORTH LINE OF LOT 4, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SAID 24TH AVE; THENCE ALONG SAID NORTH LINE OF LOT 4, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, AND SAID SOUTH RIGHT-OF-WAY LINE OF 24TH AVE, ON A CURVE TO THE RIGHT, WITH A RADIUS OF 265.00 FEET, AND A DISTANCE OF 70.32 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S54°42'06"E, A DISTANCE OF 70.11 FEET, TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE OF 24TH AVE, AND SAID EAST RIGHT OF WAY LINE OF 24TH AVE, SAID POINT ALSO BEING ON THE NORTH LINE OF OUTLOT A ARENA WAY, HOTEL PLAZA AT THE M.A.C. REPLAT ONE; THENCE N35°18'39"E, ALONG SAID NORTH LINE OF OUTLOT A ARENA WAY, HOTEL PLAZA AT THE M.A.C. REPLAT ONE, A DISTANCE OF 5.68 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 16000 SQ. FT., OR 0.37 ACRES, MORE OR LESS.

SEE PAGE 1 FOR DRAWING

P:\06840001\CAD\Survey\06840001 WATER AND POWER EASEMENT_000.dwg, 12/14/2016 8:26:34 AM, DWG To PDF.p3

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS



1 inch = 100 ft.

**NOTICE OF PUBLIC HEARING
ON INTENT TO DISPOSE OF PROPERTY INTEREST BY GRANTING AN
EASEMENT**

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of certain property interest located on parts of Lots 1 and 4, Hotel Plaza at the M.A.C., Replat One and also part of Outlot A (Arena Way), Hotel Plaza at the M.A.C., Replat One, City of Council Bluffs, Pottawattamie County, Iowa by granting an easement for the benefit of the Board of Water Works Trustees of the City of Council Bluffs.

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 23rd day of October, 2017 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

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO.17-223

A RESOLUTION OF INTENT TO DISPOSE OF CERTAIN PROPERTY INTEREST LOCATED ON PARTS OF LOTS 1 AND 4, HOTEL PLAZA AT THE M.A.C., REPLAT ONE AND ALSO PART OF OUTLOT A (ARENA WAY), HOTEL PLAZA AT THE M.A.C., REPLAT ONE, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA BY GRANTING AN EASEMENT FOR THE BENEFIT OF THE BOARD OF WATER WORKS TRUSTEES OF THE CITY OF COUNCIL BLUFFS.

WHEREAS, Water lines and appurtenances have been installed in and across parts of Lots 1 and 4, Hotel Plaza at the M.A.C., Replat One and also part of Outlot A (Arena Way), Hotel Plaza at the M.A.C., Replat One, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, this City Council hereby declares its intent to consider the dispose of certain property interest by granting an easement for the benefit of the Board of Water Works Trustees of the City of Council Bluffs; and

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

That this City Council hereby declares its intent to consider granting the easement described above; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for October 23, 2017.

Council Communication

Department: Parks and Recreation
Case/Project No.:
Submitted by: Larry Foster

Resolution 17-224

Council Action: 10/9/2017

Description
Resolution authorizing the Mayor to enter into cooperative agreement, with IDOT for Phase II-Realignment of Dodge Riverside Golf Club as required to accommodate IDOT Project (2018-16-108)

Background/Discussion
The Iowa Department of Transportation is advancing significant improvements to the I-480 and I-29 interchange and expanding portions of I-29. This project, 2018-16-108, impacts the City of Council Bluffs Dodge Riverside Golf Club. Specifically, the IDOT project will impact the existing #13 green and adjacent elements, #14 tee and portions of the #14 fairway. As a result, these sections of the course must be realigned to accommodate the final IDOT project grades and the relocated frontage road.
On July 24, 2017, Council approved an IDOT Agreement for Phase I of the Realignment of Dodge Riverside Golf Club. This agreement, and subsequent Council approved construction bid, will realigned a portion of the existing #13 tee and constructed a new temporary #13 green. This work is to be accomplished during the 2017 season.
Passage of this proposed Resolution, authorizes the Mayor to enter into an Agreement with IDOT for Phase II of this realignment effort. Phase II includes the relocation and construction of several elements of #14 tees and fairway including construction of new tees, bunkers, grading, seeding and other associated improvements. Phase II also includes relocation of the #13 green which includes a new green, relocation of the pond, subsurface drainage, cart paths, retaining walls, grading/earthwork and erosion control. When work begins on Phase II, play will be diverted to the Phase I new #13 alignment, allowing the existing #13 green and its adjacent features to be removed from play and reconstructed, along with the #14 tee area.
The necessary design, engineering, testing, survey and project management is included in Phase II.
Through the joint efforts of the City and IDOT, this course realignment concept was developed to accommodate the IDOT required adjustments. This concept also minimizes course disruption and the resultant revenue losses. The redesign was authored by Wyss and Associates, golf course architects, with input from the course staff.
The concept accomplishes two primary objectives. First, the new alignment maintains the course’s current Par 72 rating. Additionally, the course construction activities are phased to allow the course to be played as a full 18 hole facility throughout both the golf course and Interstate renovations.
The attached Agreement, 2018-16-108, illustrates the relationship between the City and IDOT for Phase II. Under this Agreement, IDOT will reimburse the City for the costs associated with Phase II, estimated not to exceed \$675,000.00. The City will design, secure a contractor, manage construction and provide other services.
This project is programmed to be funded in the Capital Improvement Plan, FY 17-18, PR-18-12, Golf Course Renovation-Phase I. The funding will come from state funds provided by the Iowa Department of Transportation and has been increased from the original CIP to reflect the final IDOT realignment requirements.
Estimate of Probable Cost for Phase II – \$675,000.00

Recommendation
I recommend-the Mayor be authorized to enter into cooperative agreement 2018-16-108 with IDOT for Phase II-Realignment of Dodge Riverside Golf Club as required to accommodate IDOT Project 2018-16-108

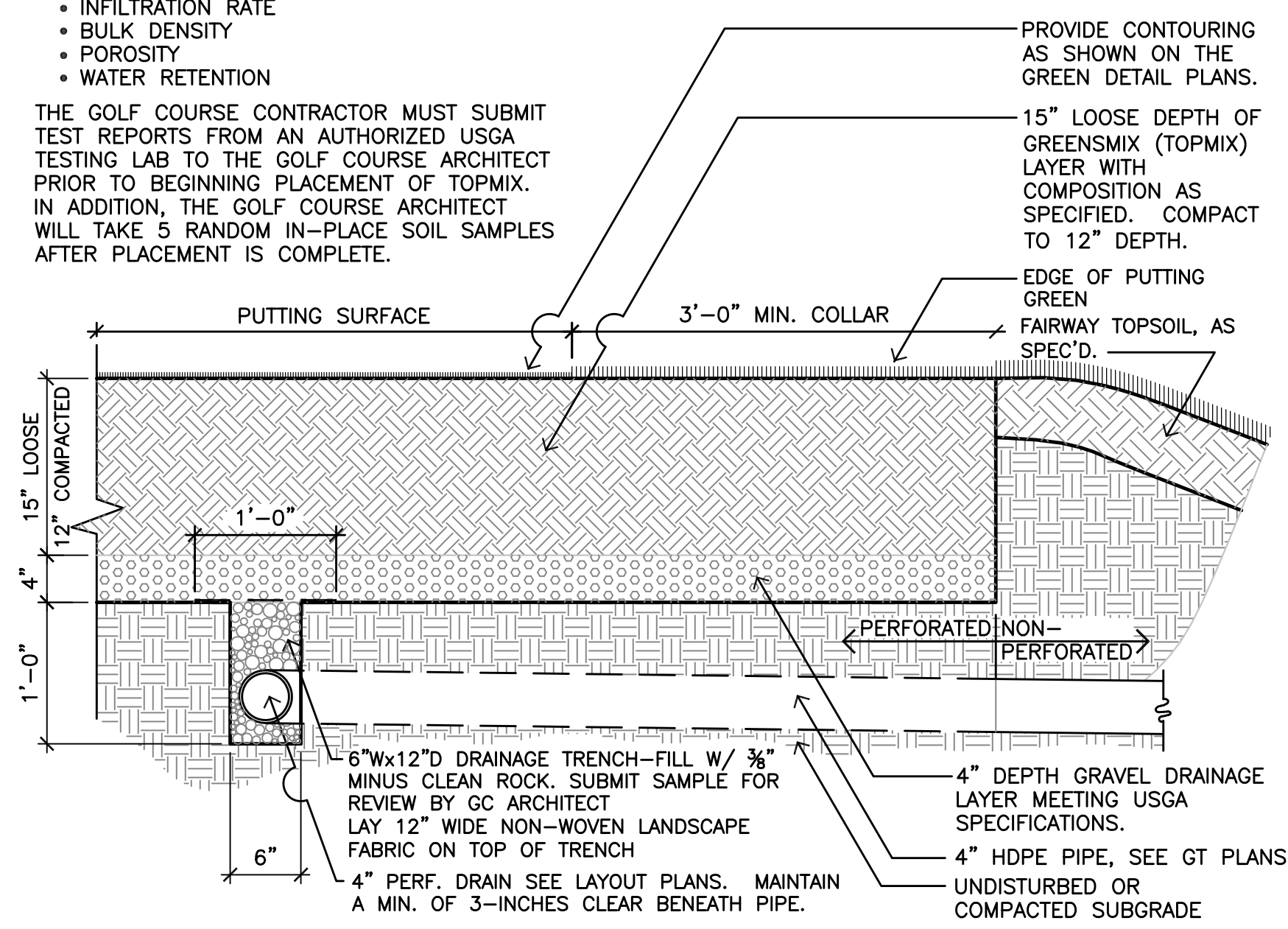
ATTACHMENTS:

Description	Type	Upload Date
Hole 13-14 Permanent Work	Resolution	9/29/2017
Map	Map	10/4/2017
Agreement	Agreement	10/4/2017
Resolution 17-224	Resolution	10/4/2017

GENERAL NOTES:
THE TOPMIX MUST MEET THE CURRENT USGA STANDARDS FOR:

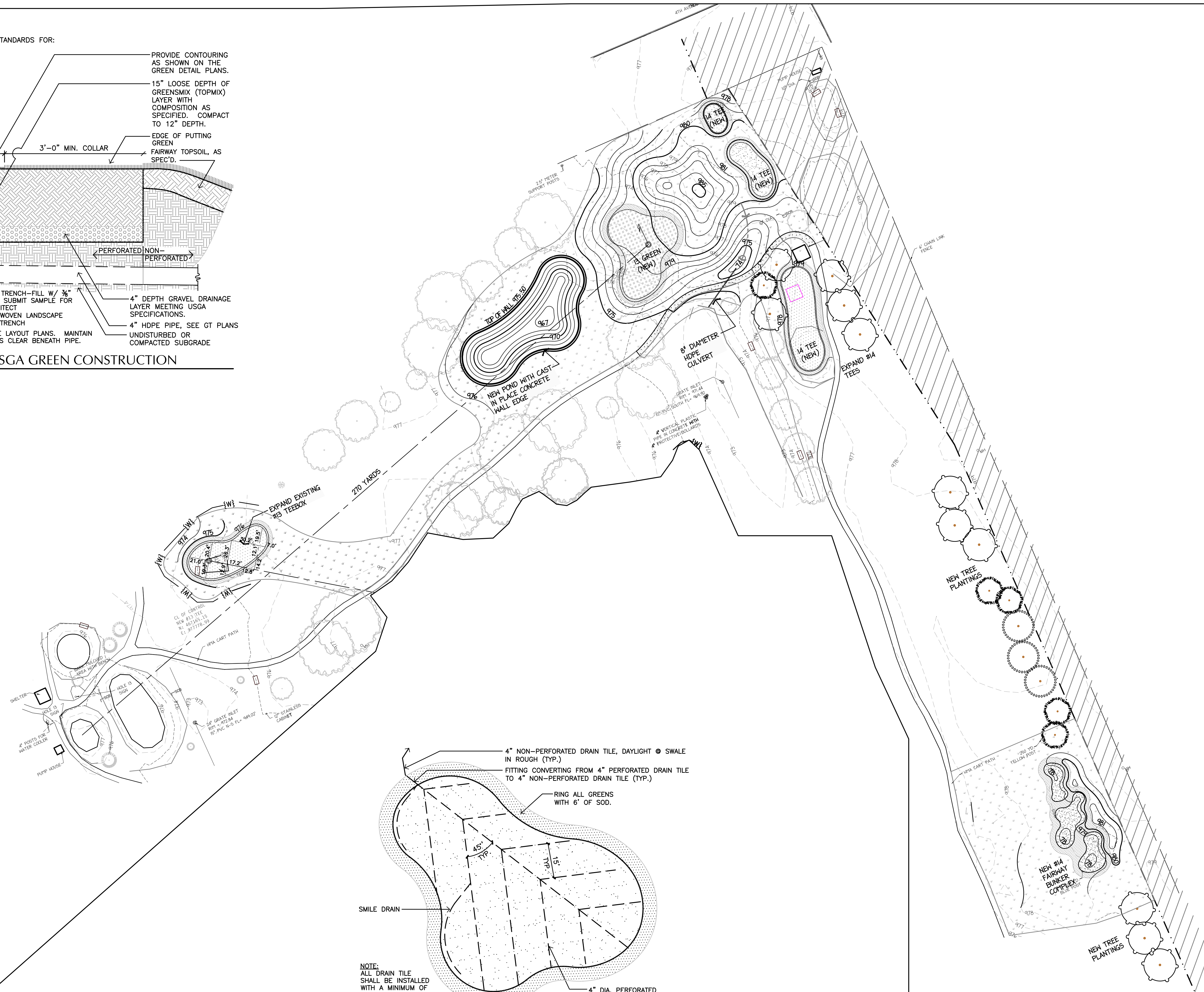
- INFILTRATION RATE
- BULK DENSITY
- POROSITY
- WATER RETENTION

THE GOLF COURSE CONTRACTOR MUST SUBMIT TEST REPORTS FROM AN AUTHORIZED USGA TESTING LAB TO THE GOLF COURSE ARCHITECT PRIOR TO BEGINNING PLACEMENT OF TOPMIX. IN ADDITION, THE GOLF COURSE ARCHITECT WILL TAKE 5 RANDOM IN-PLACE SOIL SAMPLES AFTER PLACEMENT IS COMPLETE.



SECTION: TYPICAL USGA GREEN CONSTRUCTION

SCALE: 1" = 1'-0"

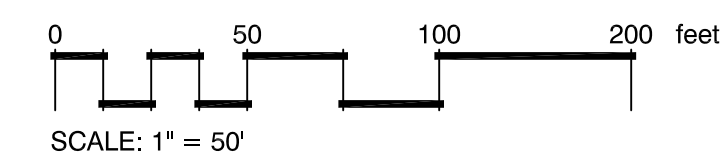


PLAN: GREEN & BUNKER MODIFIED DRAIN LAYOUT

SCALE: 1" = 20'-0"

DESIGNED BY:	PHW
DRAWN BY:	CMW
APPROVED BY:	PHW
PROJECT NO.	17201
DATE:	July 2017

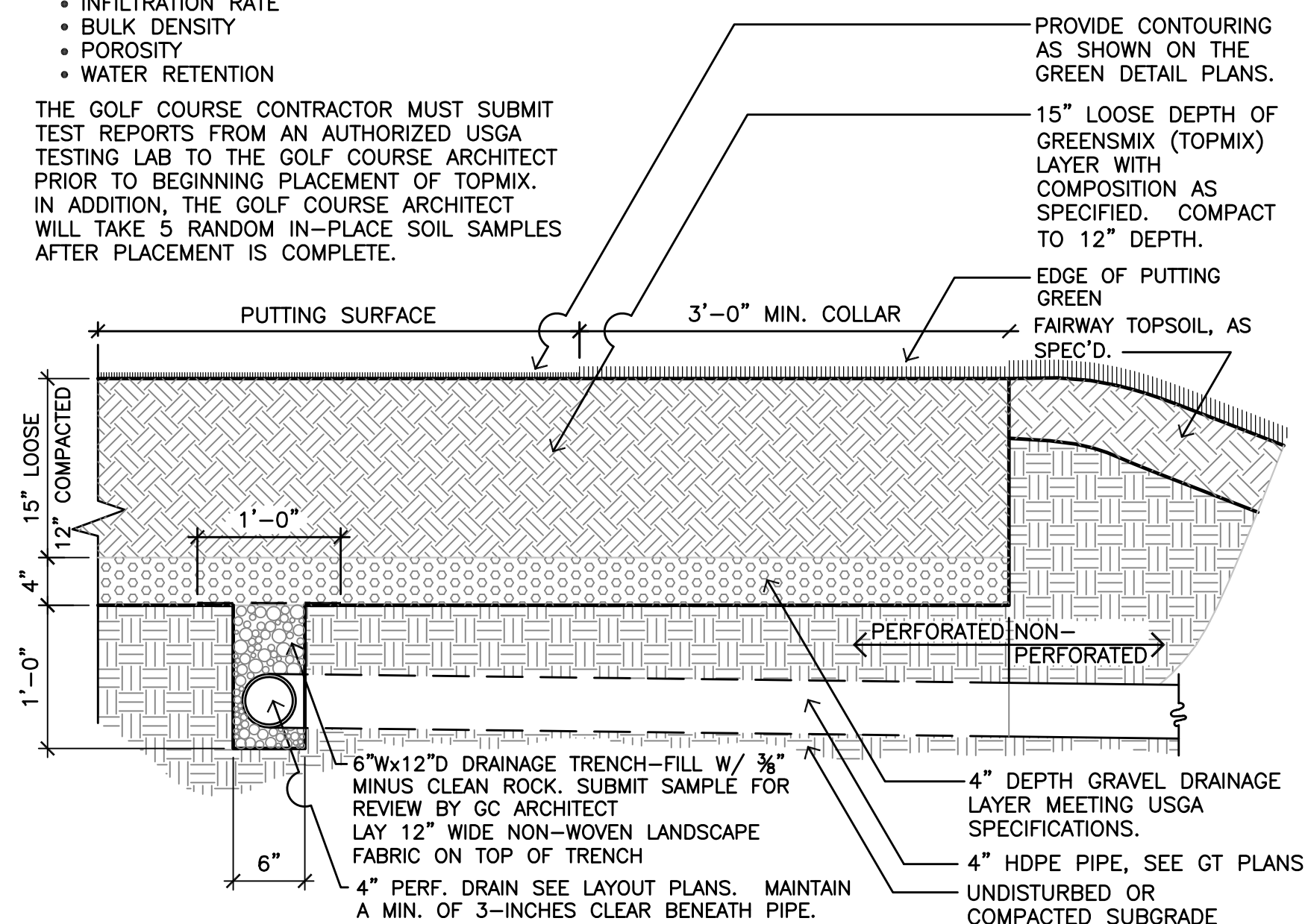
NO.	REVISION	DATE



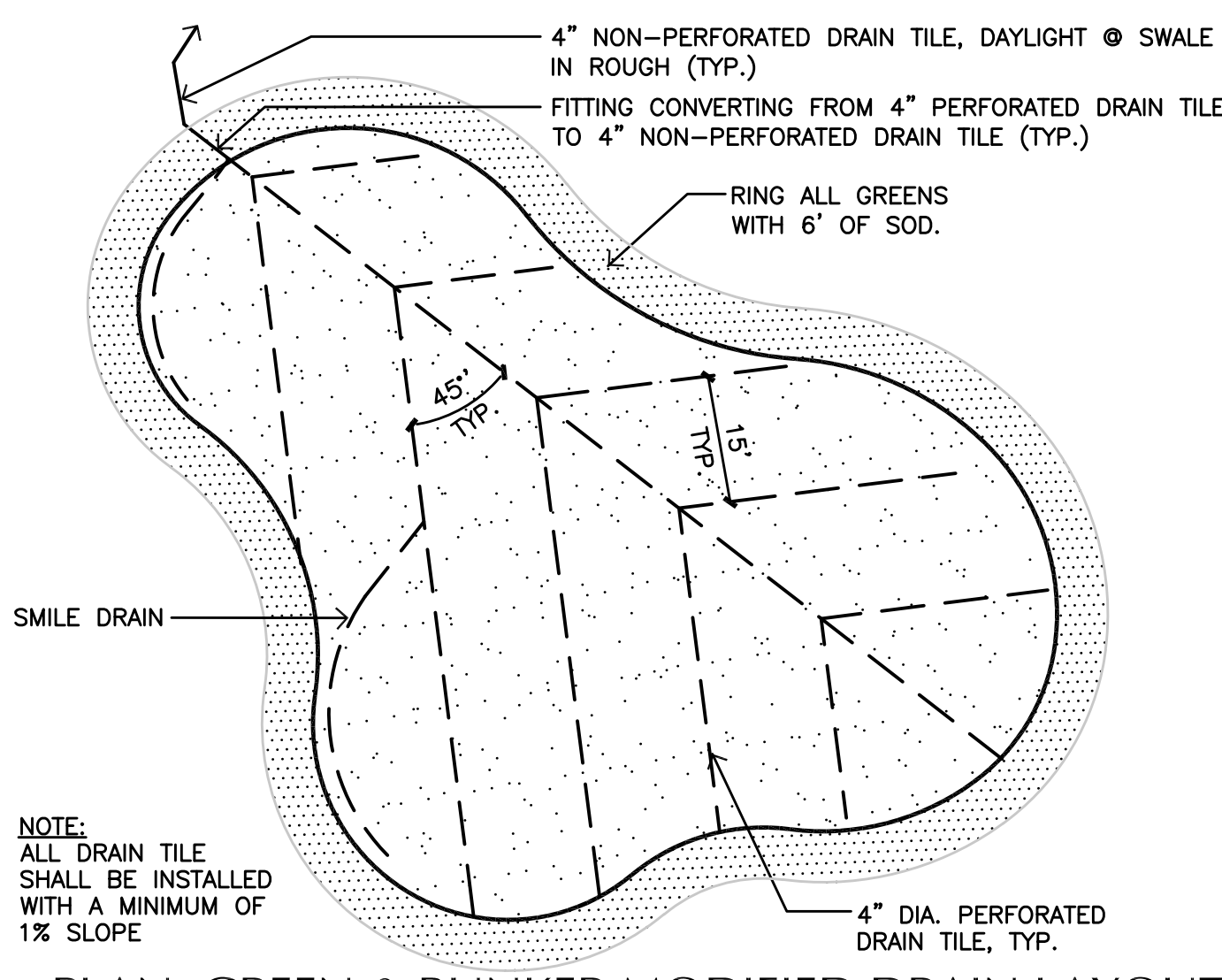
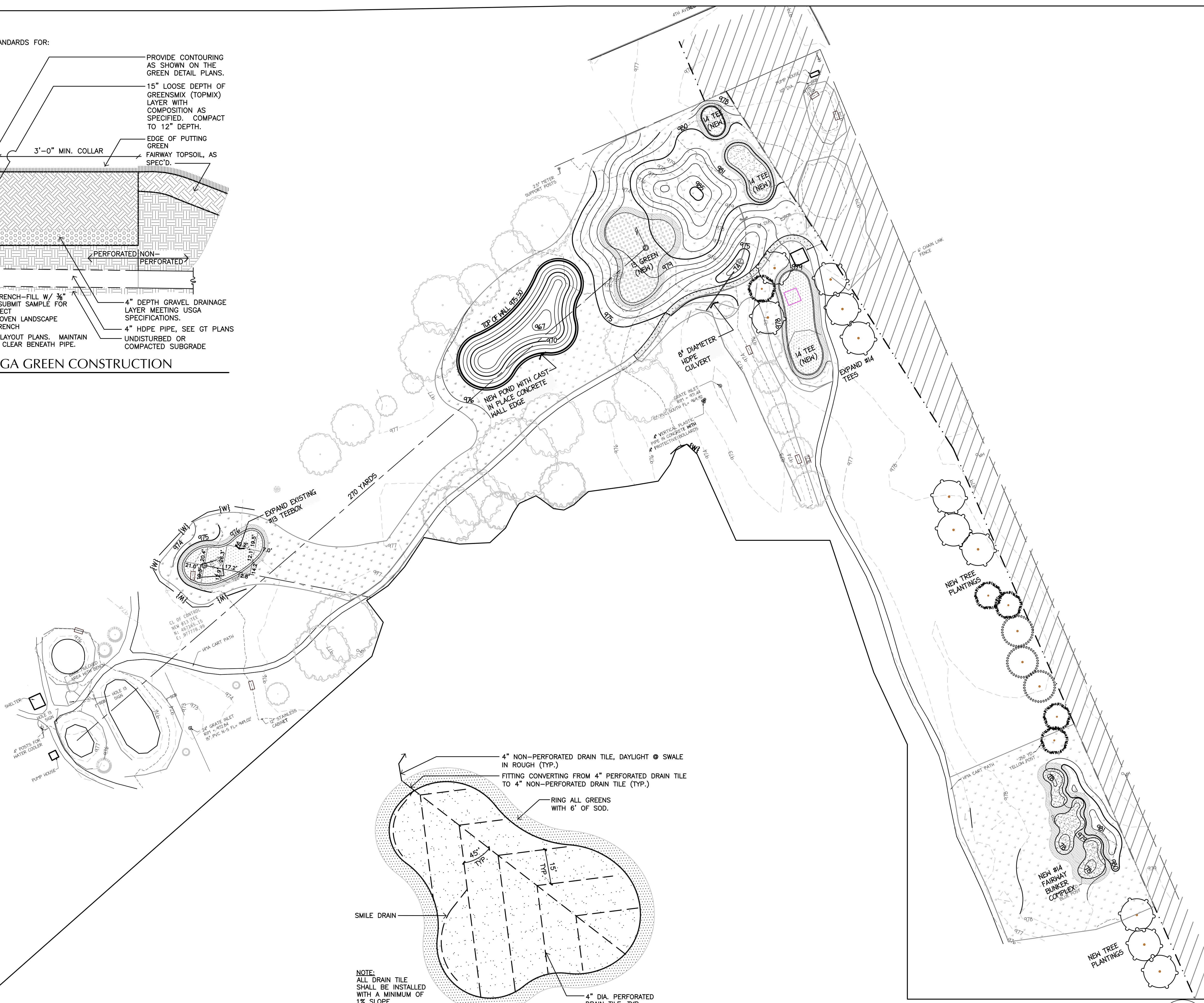
GENERAL NOTES:
THE TOPMIX MUST MEET THE CURRENT USGA STANDARDS FOR:

- INFILTRATION RATE
- BULK DENSITY
- POROSITY
- WATER RETENTION

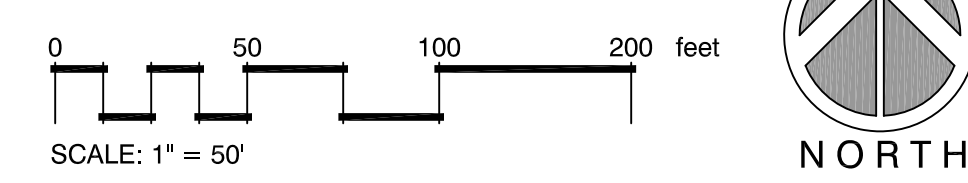
THE GOLF COURSE CONTRACTOR MUST SUBMIT TEST REPORTS FROM AN AUTHORIZED USGA TESTING LAB TO THE GOLF COURSE ARCHITECT PRIOR TO BEGINNING PLACEMENT OF TOPMIX. IN ADDITION, THE GOLF COURSE ARCHITECT WILL TAKE 5 RANDOM IN-PLACE SOIL SAMPLES AFTER PLACEMENT IS COMPLETE.



SECTION: TYPICAL USGA GREEN CONSTRUCTION
SCALE: 1" = 1'-0"



PLAN: GREEN & BUNKER MODIFIED DRAIN LAYOUT
SCALE: 1" = 20'-0"



Wyss Associates, Inc.
Golf Course Architecture
Landscape Architecture
Parks & Recreation Design
728 Sixth Street - Rapid City, South Dakota 57701-3670
Ph: 605.348.2268 Fax: 605.348.6506
email: admin@wyssassociates.com

Dodge Riverside Golf Course Renovations
Council Bluffs, IA

Project Name
Hole #13 and #14 Permanent Work

Sheet Title

DESIGNED BY:	PHW	
DRAWN BY:	CMW	
APPROVED BY:	PHW	
PROJECT NO.	17201	
DATE:	July 2017	
NO.	REVISION	DATE

Sub Sheet
LA2
Sheet OF

Ownership of Instruments of Service: All reports, plans, specifications, computer files, field data, notes and instruments prepared by the design professional as instruments of service shall remain the property of the design professional. All common law, statutory and other reserved rights including the copyright therein.

3. Environmental, Right-of-Way, Permits and Other Requirements

- a. The DOT shall obtain all project permits and / or approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Fish and Wildlife Services, or other State or Federal agencies as may be required.
- b. The DOT shall prepare the permit application materials for the Section 404 of the Clean Water Act and submit it to the LPA. The LPA shall serve as permittee for the Section 404.
- c. If the LPA has completed a Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the FIS is modified, amended or revised in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the modification, amendment or revision to the DOT. If the LPA does not have a detailed Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the LPA does adopt an FIS in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the FIS to the DOT.

4. Project Design

- a. The LPA or its consultant shall be responsible for the design of all proposed improvements.

5. Bid Letting

- a. The LPA shall conduct the contractor selection process in compliance with applicable laws, ordinances and administrative rules. The LPA shall make a good faith effort to secure at least three contractor quotes and award contracts for the project work. DOT concurrence in the award must be obtained prior to the award. The LPA shall provide the DOT file copies of project letting documents within five (5) days of letting.
- b. The LPA shall include in their Notice to Bidders that Sales Tax Exemption Certificates will be issued, as provided for by Iowa Code section 423.3, subsection 80. The LPA shall be responsible for obtaining the sales tax exemption certificates through the Iowa Department of Revenue and Finance. The LPA shall issue these certificates to the successful bidder and any subcontractors to enable them to purchase qualifying materials for the project free of sales tax.
- c. The LPA shall be the contracting authority.

6. Construction & Maintenance

- a. The LPA shall be responsible for the inspection of the project.

7. Traffic Control

- a. Construction activities will not disrupt traffic on the Interstate or local streets.

8. Payments and Reimbursements

- a. The LPA shall be responsible for making initial payments to the consultant(s) and contractor(s) for all project costs incurred in the development and construction of the project. After payments have been made, the LPA may submit to the DOT periodic itemized claims for reimbursement for eligible project activities. Reimbursement claims shall include certification by a Professional Engineer licensed to

practice in the State of Iowa that all eligible project activities for which reimbursement is requested have been paid in full and completed in substantial compliance with the terms of this agreement.

- b. The DOT shall reimburse the LPA for properly documented and certified claims for eligible project activity costs. The DOT may withhold up to 5% of the Federal and / or State share of construction costs, either by state warrant or by crediting other accounts from which payment may have been initially made. If upon final audit, the DOT determines the LPA has been overpaid, the LPA shall reimburse the overpaid amount to the DOT. After the final audit or review is complete and after the LPA has provided all required paperwork, the DOT will release the Federal or State funds withheld.
- c. Upon completion of the project, a Professional Engineer licensed to practice in the State of Iowa shall certify in writing to the DOT that the project activities were completed in substantial compliance with the plans and specifications set out in this agreement. Final reimbursement of State and / or Federal funds shall be made only after the DOT accepts the project as complete.

9. General Provisions

- a. The LPA shall maintain records, documents, and other evidence in support of the work performed under the terms of this agreement. All accounting practices applied and all records maintained will be in accordance with generally accepted accounting principles and procedures. Documentation shall be made available for inspection and audit by authorized representatives of the DOT and / or the Federal Highway Administration (FHWA), or their designees at all reasonable times. The LPA shall provide copies of said records and documents to the DOT upon request. The LPA shall also require its contractors to permit authorized representatives of the DOT and / or the FHWA to inspect all work materials, records, and any other data with regard to agreement related costs, revenues and operating sources. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final amendment / modification to the project in the FHWA's Fiscal Management Information System (FMIS). Upon receipt of such approval by FHWA, the DOT will notify the LPA of the record retention date.
- b. In accordance with Title VI of the Civil Rights Acts of 1964 and Iowa Code Chapter 216 and associated subsequent nondiscrimination laws, regulations and executive orders, the LPA shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The LPA agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews, and funding participation.
- d. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
- e. This agreement is not assignable without the prior written consent of the DOT.
- f. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.
- g. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A. Either party has the right to submit the matter to arbitration after ten (10) days notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. The DOT and the LPA agree to be bound by the decision of the appointed arbitrator. Neither party may seek any remedy with the State

February 2017

or Federal courts absent exhaustion of the provisions of this paragraph for arbitration.

- h. This Agreement may be executed in (two) counterparts, each of which so executed will be deemed to be an original.
- i. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the LPA and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2018-16-108 as of the date shown opposite its signature below.

CITY OF COUNCIL BLUFFS:

By: _____ Date _____, 20__.

Title: Mayor

I, _____, certify that I am the Clerk of the City, and that _____, who signed said Agreement for and on behalf of the City was duly authorized to execute the same on the day of _____, 20__.

Signed: _____

City Clerk of Council Bluffs, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 20__.

Scott Schram
District Engineer
District 4

RESOLUTION NO. 17-224

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO COOPERATIVE AGREEMENT NUMBER 2018-16-108 WITH THE IOWA DEPARTMENT OF TRANSPORTATION, FOR THE PHASE II - REALIGNMENT OF DODGE RIVERSIDE GOLF CLUB AS REQUIRED TO ACCOMMODATE IOWA DOT PROJECT 2018-16-108

- WHEREAS, the Iowa DOT is progressing with project 2018-16-108 to reconstruct portions of I-480 and I-29; and
- WHEREAS, the reconstruction of I-480 and I-29 is of benefit to the City; and
- WHEREAS, the project relocates the Interstate frontage road currently adjacent to the Dodge Riverside Golf Club; and
- WHEREAS, the relocation and construction of several elements of #14 tees and fairway including construction of new tees, bunkers, grading, seeding and other association improvements; and
- WHEREAS, the relocation of the #13 green which includes a new green, relocation of the pond, subsurface drainage, cart paths, retaining walls, grading/earthwork and erosion control; and
- WHEREAS, the City and the Iowa Department of Transportation have coordinated on a redesign of the course elements impacted by the Iowa DOT project; and
- WHEREAS, Phase II of this redesign is finalized and ready to proceed with contractor selection and construction; and
- WHEREAS, The City of Council Bluffs and the Iowa DOT have drafted an Agreement identifying each parties rights and responsibilities for Phase II – Realignment of the Dodge Riverside Golf Club

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

That the Mayor is hereby authorized, empowered and directed to enter into cooperative agreement number 2018-16-108 with the Iowa Department of Transportation, for Phase II – Realignment of Dodge Riverside Golf Club as required to accommodate Iowa DOT Project 2018-16-108.

ADOPTED
AND
APPROVED Oct. 9, 2017

Matthew J. Walsh Mayor

Attest:

Jodi Quakenbush City Clerk

Council Communication

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

Cigarette Permits

Council Action: 10/9/2017

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Cigarette Permits	Other	10/2/2017

Instructions on the reverse side

For period (MM/DD/YYYY) 09/01/17 through June 30, 2018

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade Name/DBA White Oak Station # 52
Physical Location Address 154 Bennett Avenue City Council Bluffs ZIP 51503
Mailing Address PO Box 1697 City Harrison State AR ZIP 72602
Business Phone Number 870-741-3226

Legal Ownership Information:

Type of Ownership: Sole Proprietor [] Partnership [] Corporation [] LLC [x] LLP []
Name of sole proprietor, partnership, corporation, LLC, or LLP White Oak Station II, LLC
Mailing Address PO Box 1697 City Harrison State AR ZIP 72602
Phone Number 870 741 3226 Fax Number 870 741 5680 Email khobbs.c.whiteoak@station.net

Retail Information:

Types of Sales: Over-the-counter [x] Vending machine []
Types of Products Sold: (Check all that apply)
Cigarettes [x] Tobacco [x] Alternative Nicotine Products [x] Vapor Products [x]

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store [] Bar [] Convenience store/gas station [x] Drug store []
Grocery store [] Hotel/motel [] Liquor store [] Restaurant [] Tobacco store []
Has vending machine that assembles cigarettes [] Other []

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)

Name (please print) Rodney Thomas Name (please print) M. Azib Chosteni
Signature Rodney Thomas Signature Mohamed Chosteni
Date 9/8/17 Date 9/8/17

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY - MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
• Fill in the date the permit was approved by the council or board: 10.9.17
• Fill in the permit number issued by the city/county: 537046
• Fill in the name of the city or county issuing the permit: Council Bluffs
• New [x] Renewal []

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
• Fax: 515-281-7375

\$ 75.00

REVENUE

Iowa Retail Permit Application For Cigarette/Tobacco/Nicotine/Vapor

https://tax.iowa.gov

Instructions on the reverse side

For period (MM/DD/YYYY) 09 / 01 / 17 through June 30, 2018

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade Name/DBA White Oak Station #53
 Physical Location Address 2024 5th Avenue City (Council Bluffs) ZIP 51501
 Mailing Address PO Box 11697 City Harrison State AR ZIP 72602
 Business Phone Number 870-741-3226

Legal Ownership Information:

Type of Ownership: Sole Proprietor Partnership Corporation LLC LLP
 Name of sole proprietor, partnership, corporation, LLC, or LLP White Oak Station II, LLC
 Mailing Address PO Box 11697 City Harrison State AR ZIP 72602
 Phone Number 8707413226 Fax Number 8707415680 Email blhobbs@whiteoakstation.net

Retail Information:

Types of Sales: Over-the-counter Vending machine
 Types of Products Sold: (Check all that apply)
 Cigarettes Tobacco Alternative Nicotine Products Vapor Products

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store Bar Convenience store/gas station Drug store
 Grocery store Hotel/motel Liquor store Restaurant Tobacco store
 Has vending machine that assembles cigarettes Other

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

Signature of Owner(s), Partner(s), or Corporate Official(s)

Name (please print) Rodney Thomas
 Signature Rodney Thomas
 Date 9/8/17

Name (please print) M. Arto Chotari
 Signature Mohand Chotari
 Date 9/8/17

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY - MUST BE COMPLETE

- Fill in the amount paid for the permit: \$75.00
- Fill in the date the permit was approved by the council or board: 10.9.17
- Fill in the permit number issued by the city/county: 537045
- Fill in the name of the city or county issuing the permit: Council Bluffs
- New Renewal

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: iapledge@iowaabd.com
- Fax: 515-281-7375

70-014a (04/13/17)

Council Communication

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

Liquor Licenses

Council Action: 10/9/2017

Description	
1) 3rd Base Bar & Grill, Special Event for Grand Opening of River's	Edge Pavilion
2) Aldi, 3135 Manawa Centre Drive	
3) Casey's General Store \$3050, 510 23rd Avenue	
4) Goldmine Bar & Grill, 1601 Harry Langdon Blvd.	
5) Hard Luck Saloon, 626 16th Avenue	
6) Texas Roadhouse, 3231 South 24th Street	
7) White Oak Station #53, 2024 5th Avenue (New Application)	
8) White Oak Station #52, 154 Bennett Avenue (New Application)	

Background/Discussion

Recommendation
